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HISTORY OF THE POPES

VOL. XXXVI.

PASTOR'S HISTORY OF THE POPES

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THE
HISTORY OF THE POPES

FROM THE CLOSE OF THE MIDDLE AGES

DRAWN FROM THE SECRET ARCHIVES OF THE VATICAN AND OTHER
ORIGINAL SOURCES

FROM THE GERMAN OF THE LATE

LUDWIG, FREIHERR VON PASTOR

TRANSLATED BY

E. F. PEELER

VOLUME XXXVI

BENEDICT XIV. (1740-1758)

CLEMENT XIII. (1758-1769)

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CHAPTER I.

BENEDICT XIV. AND PORTUGAL. POMBAL'S REFORMS AND HIS FIGHT AGAINST THE JESUITS.

AT the time of Benedict XIV.'s election to the Papal throne Portugal was still feeling the effects of the conflict of 1728.¹ The new Pope found that only the bishoprics of Lisbon and Leiria were occupied. Ossonoba-Faro-Silves had been left vacant since 1738, Braga and Elvas since 1728, Coimbra since 1718, Oporto since 1716, Evora since 1715. Benedict immediately hastened to put an end to this disgraceful state of affairs, no matter at what cost. New Bishops were presented to Ossonoba-Faro-Silves, Miranda-Braganza, and Portalegre on December 19th, 1740, to Evora on December 10th, to Lamego and Viseu on January 2nd, 1741, to Coimbra on February 12th, to Oporto on March 12th, to Braga and Guarda on November 26th, 1742.² Whereas formerly in Papal edicts it was announced that the Pope was filling the vacant sees "at the request" of the king, Benedict XIV. allowed it to be announced henceforward as being done "on the presentation" of the king.³

In other ways too Benedict XIV. did all he could to win the good will of the Portuguese monarch. In Lisbon great value was laid on outward show and titles. To please the king the Patriarch of the metropolis had had his Canons clothed almost like Cardinals,⁴ and the Patriarch himself showed in his arms the Papal tiara with the two keys; to be protected against these false keys, suggested the French envoy, the locks in the gates of Paradise would have to be altered.⁵

¹ Cf. our account, Vol. XXXIV, 189.

² GAMS, *Series*, 94-112.

³ *Cod. Barberini, 38, G 20, p. 49 *seq.*, Vatican Library.

⁴ Benedict XIV. to Tencin, June 10, 1744, HEECKEREN, I., 141.

⁵ " *Disse pure S. M^{ta} nella privata conversazione all'ambasciatore di Francia, che la corte di Portogallo non pensava ora nè

Childishness such as this had no effect on Benedict XIV. For fear of breaking with the king, however, he found himself unable, in spite of his reluctance, to avoid the necessity of presenting to ecclesiastical benefices John V.'s four bastards, who had been acknowledged as royal children.¹ The king's delight in titles he indulged by bestowing one on him and his successors: in the same way as France had long had a "most Christian" and Spain a "Catholic" king, Portugal's ruler was to be known henceforward for all time as the "most faithful" king (*rex fidelissimus*). In granting this title, wrote Benedict XIV., he was only carrying out Pius V.'s intention.² When we read of the high praise accorded to John V.'s services we should remember that the best way of reminding exalted persons of their duties is to represent as already done what one would like to be done. In view especially of the decade that was to follow, the new title of honour seems almost a mockery.

Serious difficulties in its relations with the Holy See began

a negozii, nè a giustizia, ma solo a publicar leggi a favore della Patriarcale. Quindi soggiunse che quel Patriarca usava nelle sue armi la tiara pontificale con le due chiavi come usano i Papi. Onde l'ambasciatore disse in aria di barzelletta che si doveva mutare la serratura delle porte del paradiso, di che il Re ha riso per più giorni." *Cifra* from the nuncio at Madrid, of April 6, 1745, Nunziat. di Spagna, 250 A, f. 165^v, Papal Secret Archives.

¹ To Tencin, March 5, 1755, II., 398.

² Brief of December 23, 1748, *Bull. Lux.*, XVIII., 1; allocution thereon, of April 21, 1749, *ibid.*, 2; to Tencin, April 30, 1749, I., 480. "Tamquam catholicae fidei propagatores" was how the kings were to be known (Brief of December 23, 1748); "à titre de récompense pour tout ce qu'il a fait sans interruption au profit de la religion et du Saint-Siège" (to Tencin, *loc. cit.*). In a *letter of December 28, accompanying the Brief, occurs the following: "Abbiamo poi scelto per la M. V. quello [titolo] di Fedelissimo, non meno in risguardo delle gloriose gesta fatte da' suoi maggiori in vantaggio della nostra S. Sede, che in risguardo di quel sommo che V. M. ha fatto e va facendo per la dilatazione di essa nei paesi più barbari o per l'esatta sua conservazione nei suoi felicissimi stati." Lett. di princ. 173, f. 344, Papal Secret Archives.

to arise in Portugal after John V.'s death, when Joseph I. ascended the throne and a new Secretary of State assumed the reins of government.

Sebastião José de Carvalho e Mello, born in Lisbon on May 15th, 1699, Count of Oeyras from June 16th, 1759, and Marquis of Pombal¹ from September 17th, 1770, had begun his political career as a *chargé d'affaires* in London. In 1745 he moved to Vienna as Portuguese envoy,² here marrying his second wife, the niece of Marshal Daun. On his return to Lisbon at the beginning of December 1749 he was popularly looked on as the future Secretary of State,³ and on August 3rd, 1750, a few days after Joseph I.'s accession to the throne, he was appointed by that monarch Minister for War and for Foreign Affairs.⁴ On the death of the Prime Minister, Pombal resigned these two offices to become Minister for the Interior.

¹ In describing the period both before as well as after 1770 we refer to him by the name by which he is known in history.

² Cf. our account, Vol. XXXV, 123.

³ “* Si aspetta di ritorno in breve il sig. de Carvalho, che era inviato a Vienna, dicendosi che occuperà uno de' posti di segretario di stato ” (the nuncio Tempi to Valenti, Lisbon, August 19, 1749, Nunziat. di Portog., 104, Papal Secret Archives). “ *Nella scorsa settimana è ritornato da Vienna il sig. de Carvalho, il quale si dice sarà dichiarato uno de' segretari di stato ” (from the same to the same, December 9, 1749, *ibid.*). Cf. also *Auditor Ratta to Valenti, Lisbon, December 9, 1749, *ibid.*, 104A. The higher ranks of the nobility would rather have had one of their own men occupy the post (*Tempi to Valenti, June 9, 1750, *ibid.*). For a time Pombal was under consideration also as ambassador in Paris (Tempi to Valenti, December 30, 1749, *ibid.*, 104) or even in Rome (*Ratta, March 13 and April 14, 1750, *ibid.*, 110A).

⁴ *Ratta to Valenti, August 4, 1750, *ibid.* — “ *Digo ultimamente : à Carvalho quien le puso en el ministerio fuè la Reyna Madre ” (Sotomayor to Carvajal, undated, Archives of Simancas, Estado 7234). *Pombal became Minister “ adnitente maxime P. Iosepho Moreira, qui novo regi iam pridem a confessionibus erat ” (according to the Jesuit Provincial John Henriquez,

His fellow Ministers soon became merely his tools, as everything had to pass through his hands.¹

Pombal's appointment met with universal satisfaction,² as he was expected to introduce a reform, and reform was sorely needed in Portugal. During the many years of King John V.'s sickness everything had fallen into decay. Shipping was stagnant, trade was mostly in the hands of foreigners, and in the army no promotion had been made for fifteen years.³ The two most active Secretaries of State, Azevedo and Guedes da Miranda, had died while the king was still living, and the third and last, Pedro da Motta, was so afflicted with old age and ill health that for years he was confined to his home.⁴ The burden of managing the affairs of State was borne mainly by two members of religious Orders: the royal confessor Gaspero da Incarnação, a Recollect, and the Jesuit Carbone, who had been detained in Lisbon by the king when on his way to the Chinese missions. These two men did their best to prevent the machinery of State from coming to a complete standstill.⁵

Pombal's stay in England had left a deep impression on him. The great material prosperity of the island kingdom, its brisk trade, the boldness with which it struck out on new ventures, and the progress of its national culture were duly noted by him and contrasted sharply with the decay of his own country. Accordingly he evolved on the English model

Informatio de origine persecutionis Soc. Iesu in Lusitania, Lusit., 87, f. 136, in Jesuit possession). Cf. DUHR, *Pombal*, I; MURR, 7.

¹ *Nuncio Acciaioli to the Secretary of State Archinto, August 16, 1757, Nunziat. di Portog., 112, *loc. cit.* Cf. DUHR, 14.

² The promotion of Pombal and Mendoza were " *elczione degna ed applaudita universalmente ", said Tempi on August 4, 1750 (Nunziat. di Portog., 105, *loc. cit.*). " *Uno y otro nombramiento han sido muy bien recibidos " (Sotomayor to Carvajal, August 6, 1750, Archives of Simancas, Estado, 7220).

³ WELD, I. Cf. *Ratta to Valenti, May 12 and October 20, 1750, Nunziat. di Portog., 110A, *loc. cit.*

⁴ WELD, I.

⁵ Benedict XIV. to Tencin, May 5, 1750, II., 28.

far-reaching schemes for the resuscitation of his native land.

According to the reports of foreign envoys Pombal was an industrious and skilful worker.¹ Moreover, his royal master, who had no love of work or self-confidence, passed his time with the aid of music, the theatre, and the chase,² and left him an entirely free hand, so that Pombal, with his enterprising and ambitious character and his determination, which bordered on obstinacy, became the actual ruler of the country. But no blessing was brought to it by his reforms.

As an adherent of the French physiocratic school Pombal thought to increase the natural resources of Portugal by the advancement of trade, industry, and agriculture. But he failed to adapt his measures to the character of the country and to the abilities and needs of its inhabitants, to instil his ideas into the nation, and to train it to work on his lines. On the contrary, he made himself and his procedure detested through his disregard of justice and liberty. Consequently nothing of what he did endured. "Of all his mighty schemes, carried out with as much precipitation as severity—yes, it is useless to deny it, often with unexampled cruelty—and practically never with any regard for the peculiarities of the country, little or nothing has remained."³ Wherefore recent archival research has considerably diminished the admiration for the "great marquis" which formerly existed.⁴ His regime

¹ The Spanish ambassador De Almodovar to Floridablanca, in DUHR, *Zeitschrift für kath. Theol.*, XXIII. (1899), 450, n. 4, 457, n. 1.

² Starhemberg in DUHR, *Pombal*, 9. It was not easy to get his signature even when it was indispensable (*ibid.*, 13). For his inordinate expenditure on the theatre, see SCHÄFER, V., 233 seq.

³ OLFERS, *Mordversuch*, 311 seq.

⁴ F. L. GOMES, *Le Marquis de Pombal. Esquisse de sa vie publique*, Lisbonne, 1869 (based on the documents in the Ministries in Paris and Lisbon); DUHR in the *Zeitschrift für kath. Theol.*, XXIII. (1899), 444 seqq. (based on the papers at Simancas); DU HAMEL DE BREUIL in the *Rev. hist.*, LIX. (1895), 1 seqq., LX. (1896), 1 seqq., 272 seqq.; MIGUEL SOTOMAYOR,

is now viewed as one of unrestricted and unscrupulous absolutism. Of his personal character the foreign envoys draw a gloomy picture. Already by the 29th April the Spanish ambassador to Lisbon, the Duke of Sotomayor, reported that all the Ministers looked on Pombal as a visionary, as an intriguer, as treacherous, greedy for power and honour, and not over-nice in the choice of his tools.¹ This appraisal of him had undergone no change by the time Pombal was nearing the end of his career.² At the time of the expulsion of the Jesuits the Papal nuncio wrote³ that everywhere there was discontent and that Pombal was the most despotic Minister there had ever been, not only in Portugal but in the whole of Europe. In truth he was ready to adopt the cruellest of compulsory measures when in his opinion the welfare of the State demanded them, and for him the welfare of the State coincided with the interests of his administration. Thus, in slavish adherence to his principles, he threatened with the death penalty anyone who exported coins.⁴ By a royal decree of August 17th, 1756, a permanent commission⁵ was instituted to discover persons who spoke against Cabinet Ministers or plotted against their lives.⁶ When Pombal had vested with

O Marquez de Pombal, Porto, 1905; J. LUCIO D'AZEVEDO, *O Marquez de Pombal e sua epoca*, Lisboa, 1909 (cf. *Rev. d'hist. ecclés.*, XII., 1911, 337 seq.); S. ALMEIDA, *O grande Marquez de Pombal*, Lisboa, 1906 (cf. *Hist. Jahrbuch*, XXIX., 1908, 945); BICE ROMANO, *L'espulsione dei Gesuiti dal Portogallo*, con documenti dall'Archivio Vaticano, Città di Castello, 1914. For the earlier literature, see DUHR, *Pombal*.

¹ To State Secretary Carvajal; see *Zeitschrift für kath. Theol.*, loc. cit., 445.

² The Spanish ambassador Almodovar on *March 28, 1769, State Archives, Vienna (Portugal, 1769); DUHR, *Pombal*, 15.

³ To Torrigiani, November 28, 1758, reproduced in the *Zeitschrift für kath. Theol.*, XXII (1898), 760. Further evidence in DUHR, *Pombal*, 17, n. 1.

⁴ VOGEL in the Sunday supplement of the *Vossische Zeitung*, No. 223, May 14, 1899, p. 155.

⁵ "devassa sempre aberta."

⁶ OLFERS, *Mordversuch*, 279 seq.

unwarranted privileges one of his creations, the trading company of Grão Pará and Maranhão, the Lisbon trading syndicate was bold enough to make a respectful protest. The composer of the memorial was straightway condemned to deportation to Africa, the eight members of the syndicate were condemned to expulsion, and the committee itself was broken up, and all without any legal trial.¹

Naturally the despot would suffer no power to exist beside his own, lest it might offer some hindrance to his arbitrary government. Accordingly he turned against the nobility, whose sole function, to his mind, was to heighten the brilliance of the Crown, without itself possessing any power. The Church also was opposed. His contact with "enlightenment" in England and with Caesaro-papalism in Vienna during his years as envoy there had made a lasting impression on him,² and State absolutism has never allowed a free Church to co-exist with itself, least of all in the eighteenth century, when even Catholic princes, following the example of their Protestant compeers, wanted to be territorial Bishops. Appealing to the natural law and to the "original" conditions of Christianity, they extended the so-called rights of the Crown in ecclesiastical affairs to such a degree that even the gentle Benedict XIV., yielding as he was to the utmost limits permissible, complained of the opposition which all his measures met at the hands of the secular power.³ Pombal tried by every means to weaken the influence of the clergy, including the Head of the Church, to restrict ecclesiastical rights and liberties more and more, and to subject the Church

¹ VOGEL, *loc. cit.* ; MURR, 15.

² Cardinal Pacca, in WELD, 14 *seq.*

³ " Nous ignorons si nos prédécesseurs ont porté les choses au delà des justes bornes et que cet abus de leur puissance ait engagé les laïques à leur résister ; mais nous sommes sûr de n'avoir jamais commis de tels attentats et, malgré cela, nous n'éprouvons dans toutes les parties du monde que des oppositions à tout ce que nous faisons uniquement pour le service de Dieu et non certainement pour d'autres fins." Benedict XIV. to Tencin, August 19, 1750, II., 52 ; *cf.* 414 *seq.*

completely to the tutelage of the State. So as not to arouse the indignation of the people, who were faithful to the Church, he made use of the ecclesiastical administration to execute his plans, filling the highest and most influential offices with his relatives and venal creatures.

Under Pombal the use of force against representatives of the Church was frequent. The Archbishop of Bahia had to go to Lisbon in 1760 and was unable to return to his diocese. The Bishop of Belem was confined in 1764 in the Benedictine monastery in Oporto. The same fate befell the Bishop of Coimbra with thirty-three of his priests; his crime was the banning of various irreligious or dangerous books, such as the French Encyclopædia, Dupin's Church History, Marmontel's *Bélisaire*, Rousseau's *Contrat Social*, and Febronius. On the charge of an attempt on the royal power he was arrested, his pastoral letter was burned, and he himself was deposed. All who had gained their doctorate under him at Coimbra lost it. The Bishops were forced to issue in their own names the marriage dispensations reserved for the Pope. The religious Orders were treated by Pombal in the same tyrannical manner: Oratorians, Augustinians, and Carmelites were recalled from America and kept in confinement. It fared no better with the Benedictines, Servites, Dominicans, and Franciscans, who found their way to prison in droves. The roads overflowed from time to time with religious being led along by a military escort. The theological works of Diana, Suarez, Vasquez, and Lessius were banned, while books which had been condemned by the Church were translated and distributed; for example, a pastoral letter by the Jansenist Bishop Fitzjames and Colbert's Jansenist Catechism.¹

To an all-powerful Minister with such aims as these an institution such as the Society of Jesus was an intolerable obstruction. Through its five confessors at Court, through its schools and pastoral works, the Society extended a far-reaching influence among both nobles and commons, not to mention its missions oversea. On the death of the Portuguese envoy Sampajo in Rome, his post was filled for a time by the

¹ *Rev. hist.*, LX., 279 seq.

Jesuit Cabral, to the satisfaction of Benedict XIV., who would have liked to keep him as envoy; his failure to retain the post was due solely to his firm refusal of the honour.¹ As long as Pombal's influence with the king was not sufficiently strong for the purpose, namely during the lifetime of the Queen Mother (d. 1754), who was friendly to the Jesuits, he had to hold his plans in abeyance; indeed, according to many reports, at first he made himself out to be a devoted friend and admirer of the Society.² But as soon as the material hindrances had been removed, especially after he had won the complete confidence of the king through his prudent conduct after the great earthquake in Lisbon of November 1st, 1755, he showed his true colours. An excuse for breaking with the Society was provided by the events in Paraguay and Maranhão.

The ruthless campaign of calumny against the so-called "Jesuit State" in Paraguay and against the alleged rebellion of the Society during the demarcation there of the Hispano-Portuguese frontier, had created in Europe an anti-Jesuit feeling³ which Pombal made good use of in his schemes against the Society. The accusations disseminated against it on account of its behaviour in Maranhão facilitated the execution of measures in the mother country which prepared the ground for the final extinction of the Society.

Pombal began with the expulsion of individuals. On July 30th, 1755, the Jesuit Ballester received the express order to leave Lisbon for Braganza within one hour, for having preached against the king's new law. The capitulars, however, who had attended the sermon, had heard nothing that might have offended the king, and the text of the sermon, which the banished priest produced, with the sworn statement that it

¹ To Tencin, June 17, 1750, II., 36 *seq.*

² WELD, 8. From Rome Valenti was still sounding Pombal's praise on July 24, 1755 ("*del quale N.S. ha sempre più motivo d'esser sodisfatto per tante prove d'amor filiale e la particolare divozione che si fa gloria di manifestar"). To Acciaioli, Nunziat. di Portog., 178, *loc. cit.*

³ Cf. our account, Vol. XXXV., 414 *seq.*

corresponded with what he had said, also failed to contain anything of the kind.¹ Three months later Benedict da Fonseca was banished from Lisbon without any charge being preferred against him.² On September 28th, 1756, the nuncio reported from Portugal in what bad odour the Jesuits were as the result of the events in Maranhão³; Pombal, it was related, was complaining that the Jesuits were abusing their position there to injure the royal authority and that they were treating the natives like slaves⁴; their principles must lead to the destruction of justice and Christian liberty; they engaged in a slave trade, disseminated doctrines against the Church and Crown, and instigated riots and conspiracies against the colonial government.⁵ When in 1757 the vintagers of Oporto stirred up an insurrection, Pombal pointed to the Jesuits as the instigators, although the forced monster-trial, in which 482 persons were involved and in which seventeen death sentences were passed, failed to bring to light a trace of evidence against the suspected Society. The insurrection arose solely because Pombal had forced the wine-growers to deliver their wine exclusively to his "Company of the Upper Douro" and at a price fixed arbitrarily by the company.⁶

The General of the Society, Centurioni, did all he could to allay the storm which threatened his people. Two missionaries of whose disrespect towards Count Michaelis grave complaints had been made, were brought to Europe and there dismissed.⁷ To the king, Centurioni addressed a letter of

¹ *The Provincial Anton de Torres to Centurioni, August 5, 1755, Lusit., 99, f. 152, in Jesuit possession.

² *Torres to Centurioni, October 26, 1755, *ibid.*, f. 153.

³ *Acciaioli to Valenti, Nunziat. di Portog., 197, *loc. cit.*

⁴ *Acciaioli to Archinto, November 30, 1756, *ibid.*

⁵ *The same to the same, March 8 and 22, 1757, *ibid.* Two Jesuits who had been sent back to Europe for having preached sermons likely to cause riots, were declared by their Provincial to be innocent. *The same to the same, May 10, 1757, *ibid.*

⁶ Cf. SCHÄFER (based on Pombal's own reports), V., 362; DUHR, *Pombal*, 34, 36.

⁷ *Centurioni to the royal confessor Moreira, July 5, 1757;

apology, which reached the hands of Joseph I. through the Jesuit Cabral and the royal confessor. In this he besought the king not to visit the imprudence of individuals on the whole Society ; he had always, and on this occasion more than ever, inculcated obedience on his subjects, and any special wishes of the king he would readily perform.¹ For some time his letter was left unanswered. A second letter from the General, signed, after his death, by the Vicar General Timoni,² informed the royal confessor that strict rules for behaviour had been imposed on the new Portuguese Provincial Henriquez in order to avoid a clash. At the same time Timoni renewed the order of dismissal for the two Jesuits who had drawn on themselves the king's anger.³

But before these letters could reach Lisbon, Pombal had dealt his first violent blow against the hated Society. On the night of September 19th, 1757, he had the confessor to the royal family removed from the palace, and the next day all Jesuits were strictly forbidden to show themselves at Court.⁴ Besides this, the Jesuits were struck off the list of preachers in the cathedral.⁵ To the nuncio, Pombal cited as his chief defence of these measures the rebellion of the Jesuits in Maranhão and in Grão Pará ; against such obstinate resistance, he said, he must defend the rights of the king at all costs. He also repeated the accusation that the Jesuits were suppressing the freedom of the Indians and were annexing their property, all this being in contravention of the Papal Briefs, especially

*Moreira to Centurioni, August 1 and 23, 1757, Lusit., 90, f. 143 *seq.*, in Jesuit possession. Further details in CAEYRO, *De exsilio provinciarum transmarinarum Soc. Iesu in Lusitaniam libri 3, Lusit., 95, f. 145, *ibid.*

¹ *Letter of July 19, 1757, Lusit., 90, f. 146, *loc. cit.* Cf. MURR, 28 *seq.*

² *Letter of October 4, 1757, Lusit., 90, f. 143, *loc. cit.*

³ **Ibid.*, f. 146 ; *Henriquez' reply, November 7, 1757, *ibid.*

⁴ *Acciaioli to Archinto, September 27, 1757, Nunziat. di Portog., 198, Papal Secret Archives ; MURR, 21 *seqq.* ; WELD, 93 *seqq.*

⁵ *Acciaioli to Archinto, October 12, 1757, *loc. cit.*

Benedict XIV.'s latest edict against the enslavement of the Indians,¹ for the carrying out of which the Government had been pressing for the last year and a half. On protests against this conduct being made to the Portuguese Provincial, Pombal continued, the answer given was that the Jesuits in Maranhão were not subject to him, as though he could not have apprised his General of the situation. This reply had made the king irritated with the Portuguese Jesuits, who in any case had been in touch with the missionaries in Maranhão. The king had therefore decided no longer to suffer these religious to live among the Indians.²

At a subsequent interview with the nuncio, Pombal raised still graver charges against the Jesuits: revolution, tyrannical procedure, and shady commercial transactions. He had proofs of all these crimes in his hands and would show them to the nuncio when he could find the time to spend a whole morning with him. If strong counter-measures were not taken then and there, he said, in ten years the Jesuits would be so powerful that the armies of all the rulers in Europe would be unable to drive them out, for in the missions they possessed a vast territory with hundreds of thousands of men who had become their slaves. With the help of European engineers disguised as Jesuits they had cast very good cannon, laid out regular defensive positions, and had trained the Indians in military service.³

On hearing of the events in Lisbon, Timoni expressed in a letter to Joseph I. his deep grief that certain Jesuits had incurred the royal displeasure. The Jesuit authorities had always impressed on their subordinates the duty of respecting and obeying the royal commands, and the most severe measures had now been taken against all delinquents. He therefore begged the king to show the Society his former favour

¹ Cf. our account, Vol. XXXV., 411.

² *Acciaioli to Archinto, October 4 and 12, 1757, Nunziat. di Portog., 198, *loc. cit.* Cf. ROMANO, 27.

³ *Acciaioli to Archinto, October 14, 1757, Nunziat. di Portog., 117, *loc. cit.*

and to express his wishes, which would certainly be put into effect.¹ At the same time the Vicar General asked Pombal for his powerful support.² The Minister gave Timoni's letter an apparently friendly reception and even assured the Jesuit Provincial that the king's benevolent attitude towards the Society had in no way diminished.³

Replies to the letters addressed to the king and to Pombal were promised⁴ but were never sent. On the other hand, at the beginning of March 1758 a special messenger brought to Rome a royal missive dated October 8th, 1757, and addressed to Centurioni, whose death had been known in Lisbon long before. It contained the most bitter complaints and accusations: the heads of the Society had often been informed of the bad behaviour of their subordinates but they had failed in their duty. The indictment, however, confined itself to general terms, giving no particulars on which an inquiry could be based.⁵

Pombal's action naturally caused a great commotion and was variously judged. The Papal nuncio, who was indebted to the Minister for many favours,⁶ at first was on his side. In November 1757 he wrote to Archinto that if everything that had been said of the Jesuits in Maranhão, Grão Pará, and Paraguay was true he would not dare to call them religious, no, not even Christians.⁷ When Timoni commended the Society to the nuncio's protection, Acciaioli's reply⁸ was cool in the extreme and amounted to a refusal. He would do his duty, he wrote, but he regretted that for the present he could

¹ *Lusit., 90, f. 147, *loc. cit.*

² **Ibid.*, f. 149.

³ *Provincial Henriquez to Timoni, December 26, 1757, *ibid.*, f. 151.

⁴ *Henriquez to Timoni, January 9, 1758, *ibid.*

⁵ *CAEYRO, *loc. cit.*, f. 146; MURR, 29.

⁶ MURR, 51. Cf. *Memoria di fatto, of July 11, 1760 (towards the end), Nunziat. di Portog., 117, *loc. cit.*

⁷ **Ibid.*; MURR, 34.

⁸ *Of December 6, 1757, Nunziat. di Portog., 201, *loc. cit.*

do nothing for the Brazilian Jesuits since they were independent of the Portuguese Province ; moreover, he could not but be doubtful of their readiness to obey, since for years they had refused to obey the Pope, the Bishops, and the king, who would now force them to do so. The Jesuits in Lisbon professed to be ignorant of all this, but so shocking and grievous facts had been made public that these accusations, in view of the circumstances in which they were made, left no room for doubt. Subsequently Acciaïoli again reported to Archinto¹ that unfortunately it was true that the fleet from Rio had brought back fresh proofs of the Jesuits' guilt, and to the report on the fifteen missionaries banished from Maranhão he added the remark that all were guilty of the offences set out in the pamphlets.

In Rome the nuncio's reports caused a certain impression, which was strengthened by verbal and printed news emanating from the Portuguese envoy Almada, a relative of Pombal's. Archinto wrote to Acciaïoli on December 21st, 1757,² that if the reports on the Jesuits were true his revulsion would disappear, and for himself he would not dare to condemn the forcible measures taken by the Court to counter so great an evil. A few weeks later³ he thought fit to quote the saying, "There is no corruption so bad as that of the best."

Nevertheless the nuncio does not seem fully to have believed the Portuguese reports on the Jesuits. Frequently he gives unequivocal expression to this distrust in his confidential letters, which are usually in cipher as less likely to be understood by anyone violating the secrecy of the post. For example, after reporting, in a communication of March 8th, 1757, Pombal's complaints against the Jesuits in Maranhão, he adds that there are reasons for his not believing that the accusations had any grounds, Pombal being personally connected with the new trading company⁴ and his brother

¹ *On February 7, 1758, *ibid.*, 198.

² **Ibid.*, 180 ; ROMANO, 30.

³ On January 18, 1758, Nunziat. di Portog., *loc. cit.*

⁴ On every pipe (8 barrels) of wine Pombal received three

being governor of Maranhão. The Cardinal Secretary of State was to take this purely confidential information as the key to the correct interpretation of what in his official report he would represent as certain.¹ His reports, therefore, were written with the knowledge that they might be intercepted.

In Rome, too, there was much dissatisfaction that summary accusations should be made with no tangible evidence. On January 20th, 1757, Archinto wrote that he regretted that the nuncio still had no news about the events in Maranhão although Pombal affirmed that he was in possession of the evidence. "It is really time," he continued, "that he made a statement at last, after raising your hopes day after day for months on end; and he must surely know that the said religious are subject to the ecclesiastical authority by reason of their holy institution and, as prescribed by every law, the accusations against them must be examined by this same authority."² On January 18th, 1758, Archinto, although no great admirer of the Society, requested the nuncio to support and protect the Jesuits in Portugal; in so doing he could reckon on the Pope's assent.³

florins, which amounted to a yearly income of 60-75,000 florins. DUHR, *Pombal*, 63 *seq.*

¹ " *E tutto ciò dico ex officio, ma in particolare ho materia di non creder questo, ma puittosto, che nella specie di sollevazione colà incominciata contro una compagnia nuova di commercio, nella quale è interessato e tra gli interessati supplicanti sottoscritto uno, che poi è sottoscritto sotto il Re nel decreto d'approvazione, e il fratello di questo è governatore colà, siano dipendenti e consigliati da' Padri i capi del rumore. Questo è lume particolare per V. E., et è argomento, ma giusto: altro si vuol far credere: di nulla mi impegno, quello che è verità arcisicura V. E. lo leggerà nelle relazioni d'uffizio, ma non disprezzi questo piccolo confidenzialissimo lume per chiave di quello che con certezza dirò nella relazione d'uffizio: mi sono troppo diffuso, ma lo ha esatto la gelosa materia." To Archinto, March 8, 1757, Nunziat. di Portog., 117, f. 4 *seq.*, *loc. cit.* Cf. *Acciaioli to Archinto, November 1 (?), 1757, *ibid.*

² *Nunziat. di Portog., 180, *loc. cit.*

³ **Ibid.*

As far back as October 8th, 1757, there had been drawn up in Lisbon for the Portuguese envoy in Rome an instruction which was to justify to the Pope and the Curia the expulsion of the confessors from the Court. The charges were framed in the usual general terms: disobedience to the Church and State, slanders against the Government, lust for money, land, and power. Even the Order of Templars, it ran, which had been stamped out on account of its crimes, had given less scandal, for it had not set up republics, as the Jesuits had done, it had not incited subjects to rebellion, it had not proposed to gain control of whole realms, as the Jesuits had intended and would have succeeded in doing in a few years had not their plans been discovered in time. Again the assertion was made that through their colonies, extending from Maranhão to Uruguay, through their colleges and professed houses, and through their flourishing commerce they would have become so strong in ten years that no power in Europe would have been able to dislodge them. In spite of this the missionaries had been protected by the Court confessors, wherefore the king had been forced to dismiss them and to forbid the Court to all Jesuits. The Pope, it was suggested, should take effective steps to ensure that "a Society which had rendered so many services to the Church should not be utterly ruined by the moral corruption of its members and by the general scandal which its excesses had given." Let the Jesuits, rendered incapable of meddling in politics and commerce, and free from the corrupting desire to control Courts, perform useful services for God and their fellow-men, following the glorious examples of SS. Ignatius, Francis Xavier, and Francis Borgia.¹

In a second instruction for Almada, of February 10th, 1758,² more or less the same accusations were repeated.

¹ Copy of the instruction in [BIKER], I., 41 *seqq.*; German translation in [KLAUSING], II., 345 *seqq.* The instruction was not despatched till February 10, 1758, accompanied by a second instruction and the "Relação abreviada". [KLAUSING], II., 275; WELD, 125.

² Copy in [BIKER], I., 44 *seqq.*; German translation in

Disorders in Maranhão, brought about with the object of frustrating the frontier treaty, insurrections in Paraguay and Uruguay, yes even in the Royal Court of Portugal, were laid to the charge of the Jesuits. Finding themselves unable to shake the king's determination to carry out the frontier treaty, they were broadcasting calumnies and insults against his Government and were trying to upset the good relations between the Portuguese and Spanish Governments. Their own trade being threatened by the trading company of Pará, the Jesuits Ballester and Fonseca had stirred up ill-feeling against the company. At the time of the earthquake they spread panic by invented prophecies and declared that the disaster was a punishment for public offences. By calumnious writings calculated to provoke rebellion and by abominable falsehoods uttered in the Palace and in the pulpit they had at that juncture brought almost the whole realm to the verge of destruction.¹ On the establishment of the port wine company they had incited the inhabitants of Oporto against this company.² When the king dismissed them from the office of Court Confessor, they retorted with calumnies: their conduct in South America had been irreproachable and they were being persecuted solely because of their defence of the Faith, for there had been movements afoot to abolish the Inquisition, to introduce freedom of conscience, and to marry the Princess Royal to a heretic; the revolt of Oporto was justified, in any case was of no importance, and the punishments had been unjust. To counter these calumnies, the king had had two papers printed, one with excerpts from letters written by Gomes Freire de Andrada, Francis Xavier de Mendonca, and the Bishop of Pará, the other with the judgment given at the trial in Oporto.

In 1758 Pombal considered that the ground had been sufficiently prepared for him to strike the Society a decisive [KLAUSING], II., 351 *seqq.* Cf. WELD, 118 *seqq.* Both instructions, signed by the Foreign Minister, Luis da Cunha, originated with Pombal.

¹ Probably an allusion to Malagrida's publication on the cause of the earthquake; see below, p. 360. ² See above, p. 10.

blow. On pressure from him, the weak King Joseph I. demanded a Brief that would put a stop to the alleged abuses among the Jesuits in Portugal and its oversea possessions. In two dispatches from the Court of Lisbon the abuses were described in lurid colours and their removal was imperiously demanded.¹ In addition, Pombal had had the much-quoted "Shortened Report"² sent to the Pope and the Cardinals.³ As Almada wrote to the Foreign Minister Da Cunha on March 9th, 1758,⁴ he had used forceful language in an audience he had had with Benedict XIV. : if the Pope would not take drastic measures to put an end to the evil, the king would make use of that supreme power which both canon and civil law conferred on him in such cases. This language, he said, had impressed Benedict, whereupon the envoy had somewhat moderated his tone but had left the Pope with only two alternatives : the total abolition of the Society or its stringent reform.⁵

In view of the general attitude which Benedict XIV. was in the habit of adopting towards secular princes it almost went without saying that he would not send to the king a definite refusal to listen to him. On April 1st, 1758, he appointed the Portuguese Cardinal Francesco Saldanha as reformer and visitor of the Portuguese Jesuits.

It fell to Cardinal Passionei, as Secretary of the Briefs, to draft the decree for Saldanha. The Pope's remarks on Passionei's draft⁶ reflect the embarrassment caused him by

¹ Instrução to Almada, October 8, 1757, and February 10, 1758, in [BIKER], I., 41 *seqq.*, 44 *seqq.* Another urgent *letter in the Papal Secret Archives, Regolari, Soc. Iesu, 58. *Acciaioli to Archinto, February 14, 1758, *ibid.*, Nunziat. di Portog., 113.

² "Relação abreviada."

³ [BIKER], I., 22-41.

⁴ *MS. in Jesuit possession, Lusit., 110.

⁵ " *ou total extinção ou huma riguroza reforma."

⁶ " *Rimandiamo al Nostro degno card. Passionei l'annesso Breve di Portogallo che merita ogni lode come meritano tutte le opere del predetto Nostro cardinale ; ma perchè esso non è in tutto e per tutto inteso di quanto succede, è d' uopo che abbia l'avvertenza a quanto Noi siamo in procinto di suggerirgli."

the king's insistence. He was displeased by the domineering tone of the royal dispatches, which simply demanded belief for every accusation made against the Jesuits and ruled out any idea of making closer investigations, but on the other hand he was of the opinion that he ought not to offend the king "in any way", although the accusations which Portugal was now making against the Jesuits had already been voiced in Spain some years before but had been declared to be unjustified by Philip V.'s edict of December 28th, 1743. He therefore struck out of the draft expressions which were too strong or offensive and softened others. The best way of meeting the king's demands, he stated, was to appoint a Cardinal to investigate

Il Re di Portogallo ha la pretensione, che quanto dice ed espone nei ricorsi che fa alla Santa Sede, si abbia per una verità talmente sicura, che non sia lecito il prendere da qualsivoglia veruna informazione, il che certamente è una cosa assai dura e contraria anche alla practica di tutte le altre corti, che lasciano la libertà di cercare le informazioni per sapere se l'esposto è vero. Ma perchè non complo in veruna maniera il disgustare il Re di Portogallo, ancorchè i PP. Gesuiti mostrino un decreto fatto dal Re Filippo V di Spagna, che nell' Indie aveva lo stesso interesse che il Re di Portogallo, ed in cui assolve i Gesuiti da tutte le imputazioni, che sono appunto quelle medesime che a loro dai Portoghesi presentemente si oppongono, è d' uopo garbeggiane.

E però venendo alla pag. 1 del Breve, parrebbe che si dovessero levare le parole rigate, come troppo forti ed irritanti.

Rispetto alla pag. 2 e 3 parrebbe che potesse bastare il dire avere il Re di Portogallo esposti vari inconvenienti, che sono nelle provincie de' PP. Gesuiti del Portogallo e delle Indie, allo stesso Re sottoposte, ed essere ancora stato informato il pubblico di quanto è successo, e va succedendo, mediante un volume dato alle stampe, consegnato a Noi e distribuito a tutto il Sacro Collegio, facendo istanza a Noi, che provvedessimo al male; abbiamo creduto non esservi mezzo più adatto e più decoroso per la Compagnia di Gesù, che Noi per altro amiamo con viscere di Padre, che il deputare un cardinale che a Noi somministri i lumi necessari per poter prendere le opportune providenze: in quella guisa che, quando in Roma v'è stato bisogno di provvedere ai disordini, sono stati soliti i Romani Pontefici di deputare uno

the charges, and for the Pope, assisted by some of his Cardinals, to consider his report and to take whatever measures were necessary ; by this procedure, also, the honour of the Society of Jesus, which the Pope loved with a father's heart, would best be respected.

The actual Brief was composed in accordance with these instructions.¹ The king of Portugal conveyed his thanks and expressed his satisfaction to Cardinals Archinto and Passionei, especially because the affair had been transacted so secretly that the Jesuits knew nothing of what was happening.² And

o più cardinali, col consiglio de' quali si è poi dai Romani Pontefici posto il dovuto rimedio.

Alla pag. 5 al fine parerebbe che si dovesse levare la negoziazione della mercatura.

Alla stessa pag. 5 parlandosi delle Costituzioni Apostoliche, sembrerebbe a proposito nominarle, e particolarmente il Nostro Breve, non potendo ora avere luogo la relazione al detto di sopra, mentre mutandosi quanto era scritto nella pag. 2, non può più aver luogo la relazione.

Alla pag. 6 e 7 quella commutazione di volontà de' testatori parerebbe doversi levare, come una troppo severa nimietà.

Alla stessa pag. 7 dopo le parole ' *consilium capiemus* ', si può aggiungere che istabiliremo il tempo in cui dovrà durare la commissione."

Papal Secret Archives, Regolari, Soc. Iesu, 58. The remarks are undated. — The suspicion that the Brief was never even seen by the Pope, who was seriously ill (CORDARA, *De Suppressione*, 29 seq.), is therefore unfounded. He must have examined the draft at least. With regard to the paragraph beginning " Alla stessa pag. 5 " it is to be noted that in the final draft the charge of illicit commerce is not raised ; there is mention, however, of the Brief of Urban VIII., of February 22, 1633, which includes the forbidding of missionaries to trade. To judge from the final version, " Il Nostro Breve " is the Brief of December 20, 1741, against trading in slaves. Passionei, therefore, had raised the charge of slave-trading on page 2 of the draft of the Brief.

¹ *Bull. Lux.*, XIX., 244 ; *Benedicti XIV. Acta*, II., 336 ; *Bened. XIV. Bullarium*, XII., Mechlin., 1829, 403 seqq.

² " *Le sudette grazie pontificie ed in particolare il Breve della

it was for this reason, according to a report made by the Torinese envoy in Rome, Rivera,¹ that the Brief was received in Rome with no little astonishment, for it was the custom in such cases first to allow the interested parties to have their say. Moreover, the choice of Saldanha as Visitor was not a happy one. If the investigation was to take place on the spot, namely in Lisbon, the Cardinal could hardly be passed over, but Saldanha could not be regarded as a judge who stood above the parties. An impartial verdict could hardly be expected from a relative of Pombal's and one who was completely dependent on the Minister. Further, the instructions in the Brief seemed to be contradictory. Whereas at the beginning and end of the document it was impressed on the Visitor that he was to report to the Holy See on serious abuses in the Society and to await its final verdict, in the main portion of the Brief he was invested with far-reaching powers and allowed to act on his own initiative, without the Jesuits being allowed to appeal to a higher authority.

This discrepancy gave rise to the suspicion that the deputy Florius, who signed the Brief in place of Passionei, may have forged parts of it; this surmise was supported by the fact

riforma è stato di sommo piacere a S. Maestà ed in particolare per la segretezza con cui fu espedito in cotesta Curia senza si penetrasse dalla perspicace acutezza di tanti religiosi Gesuiti. . . . Nel real nome del medesimo Signore procurerà V. S. Ill. tanto l'Em. card. Archinto, che l'Em. Passionei facendogliene per parte di S. Maestà tutti quelli complimenti ed atti di ringraziamenti che meritano per aver concorso per un opera cotanto santa e pia" ("Capitolo di lettera" of May 9, 1758, Nunziat. di Portog., 117, Papal Secret Archives). "N'oubliez pas de me faire pour Pacionei et Archinto deux bagues en diamants et quelque autre chose que vous trouviez digne de leur être offerte" (the Portuguese ambassador Almada to Pombal, April 7, 1758, in GOMES, *Le marquis de Pombal*, Lisbonne, 1869, 154).

¹ To the Ministry, May 1758, in TORTONESE, 100. Cf. CORDARA, *De Suppressione*, 29 seq.; *idem*, *Denkwürdigkeiten*, III., 19; MURR, *Geschichte*, I., 141 seqq.

that under Clement XIII. Florius was confined in the Castel S. Angelo without any charge being made against him.¹

Simultaneously with the Brief, which was transmitted to the Visitor through the king,² Benedict XIV. sent a letter with an instruction to Cardinal Saldanha himself. In this letter³ he admonished the Cardinal not to shut his eyes to faults but at the same time steadfastly to exercise moderation and leniency, in the spirit of the Church, especially as an Order was concerned which had hitherto enjoyed the highest reputation. In administering any punishment he was to keep to what was prescribed by canon law and to the promptings of prudence combined with Christian charity. Especially was he not to listen to persons who might offer mischievous counsel actuated by animosity. To avoid still greater scandal the Pope advised that the utmost secrecy be used, and finally he desired the Visitor not to diverge from the regulations laid down in the accompanying Instruction, the careful compliance with which would serve to remove any irregularities and abuses.

The Instruction to which Saldanha was referred imposed on him the duty, first of all, to investigate the supposed irregularities, in particular the non-observance of the Society's laws and the transaction of commercial business to the detriment of the State finances. The Pope desired enlightenment on this point especially, the reports of the Portuguese Court affording no satisfactory evidence. By interrogating the lay brothers and examining the account books the Visitor was to try to ascertain whether it was a question of commerce as forbidden by canon law or whether it was only that the Jesuits sold the superfluous produce of their estates, as was done by other

¹ CORDARA, *Denkwürdigkeiten*, III., 19; *idem*, *De Suppressione*, 30.

² *Acciaioli to Archinto, May 9, 1758, *Nunziat. di Portog.*, *loc. cit.*

³ *Copia della lettera scritta da Papa Benedetto XIV. al card. di Saldanha . . . estratta da' registri di Palazzo, in *Jesuit possession*, German translation in MURR, 44 *seqq.*

religious. Once more Benedict emphasized the need for moderation, leniency, and the utmost secrecy, so as not to offer the Ministers an occasion for intervention and consequent injury to the Papal authority. The result of his inquiry was to be reported by the Cardinal, through the nuncio, to the Holy See, which would decide, in conjunction with the General of the Society, what measures were necessary. In this way it was hoped to render groundless the complaints made by the Lisbon Court and to avoid the harmful consequences which might arise from shutting one's ears to the continual accusations that were being made and refraining from any counter-measures.¹

Whether Saldanha ever set eyes on the Papal document is doubtful. The Brief, however, brought about the most grievous consequences for the Society; it enabled the all-powerful Minister to set in motion his work of destruction under cover of the ecclesiastical authority.

¹ *Copia dell' istruzione data da Benedetto XIV. al card. di Saldanha costituendolo visitatore della Compagnia di Gesù in Portogallo, estratta da' registri di Palazzo, in Jesuit possession: "repertum inter scripta A. R. P. Ricci et ab eo conservatum teste Boero." Cf. *Compendio storico dell'espulsione dei Gesuiti dai regni di Portogallo e da tutti i suoi domini, Nizza [Venezia], 1791, 68-71 (cf. SOMMERVOGEL, *Bibliothèque*, III., 1070); MURR *Geschichte*, I., 148-152; CORDARA, *De Suppressione*, 30; RODRIGUES, *Iesuitophobia*, Porto, 1917, 232-4.

CHAPTER II.

BENEDICT XIV.'S CARE FOR THE SILESIAN CATHOLICS. HIS RELATIONS WITH FREDERICK THE GREAT.

(1)

THE territorial changes made by the Peace of Westphalia increased the number of Catholics in Prussia, who formerly were completely isolated. Nevertheless they were still merely tolerated, and the State took the viewpoint that only individuals, or at the most separate parishes, were to be allowed, but not the hierarchic erection of the Church.¹

This situation was altered by the acquisition of Silesia, when the vast bishopric of Breslau, the principal diocese in Prussian territory, demanded special consideration. King Frederick II., who shortly after the death of the Emperor Charles VI. succeeded in substantiating his claims to Silesia by force of arms,² was personally all for toleration, though, to be sure, it was a toleration whose ultimate foundations were based on purely political theories and interests³; nevertheless outrages against Catholics were committed by the Protestant Prussian soldiery.⁴

The apprehensions of the Catholics were increased by the rapid success enjoyed by Frederick, whose troops were already marching into Breslau on January 3rd, 1741. When Pope Benedict XIV. called on the Catholic Imperial Princes to

¹ Cf. K. A. MENZEL, XI., 129. — For this chapter preliminary studies by Dr. v. Castelmur (of Chur) were available.

² THEINER, I., 3.

³ Cf. *Hist.-pol. Blätter*, LXXXIX. (1882), 764; LEHMANN, II., Nos. 1, 2. His motive was not Protestant fanaticism but tolerance, exercised, however, for political reasons; cf. *ibid.*, X., 442 seq., 667 seq. For his tolerance in theory and practice, see HEINRICH FIGGE, *Die religiöse Toleranz Friedrichs d. Gr.*, Mainz, 1899, especially pp. 141 seqq. for Silesia.

⁴ THEINER, I., 4.

uphold the Church's interests in Silesia,¹ and the nuncio in Vienna seemed to be encouraging the Imperial Government to wage war against Prussia in common with Poland,² Frederick issued an emphatic assurance through his diplomatic representatives in Dresden and Warsaw and at the Diet of Ratisbon that no danger was threatening the Church in Silesia.³

And yet it is undeniable that the Catholics of that country, especially the nobility and the clergy, had grievously to suffer⁴; it was preferably on them that contributions were levied and troops were quartered.⁵ Worst of all, at the end of March 1741, the most distinguished Silesian Catholics, headed by the Bishop of Breslau, Cardinal von Sinzendorf, were made prisoner. The latter, trusting in the king's word, had betaken himself to his country seat of Freiwaldau,⁶ whence he was led away with little consideration for his dignity by a strong military escort. The Minister Podewils had to explain this action by accusing Sinzendorf of having corresponded with the enemy, and he excused its severity by citing similar measures which had been taken in the past against other good Catholic princes; on his representations⁷ the king mitigated the

¹ *Ibid.*, 5.

² Cf. LEHMANN, II., No. 24.

³ *Ibid.*, Nos. 19, 20, 21 seq., 28; MÖHRS, 2 seq.; L. KAAS, *Geistliche Gerichtsbarkeit*, 71.

⁴ RANKE (*Preuss. Gesch.*, III., 430) tried to make it credible that Frederick would gladly have raised Catholics to higher positions, had not the Silesian Catholics offered opposition. — No doubt the king aided individuals, but only when he expected to reap immediate political profit from their compliance.

⁵ Cf. the account in THEINER, I., 6 seqq.; *Hist.-pol. Blätter*, XI., 445; *Katholik*, 1856, 304. Nevertheless, it was just at this time that there took place the romantic deliverance of the Prussian king from his Austrian pursuers in the Cistercian convent of Kamenz. In 1745 Frederick was rescued here a second time; see SKOBEL, *Kamenz in Vergangenheit und Gegenwart*, 5. Lief., Kamenz, 1925, 11 seqq.; *Hist.-pol. Blätter*, CXIV., 109 seqq.

⁶ THEINER, I., 9; MÖHRS, *loc. cit.*

⁷ LEHMANN, II., No. 31; *Hist.-pol. Blätter*, XI., 445; PIGGE, 149

conditions of the Bishop's arrest and he was allowed to move about freely in Breslau.¹ Soon afterwards, on April 18th, the Minister was able to inform him of his release, on condition that he left Breslau and Silesia, refrained from all suspicious correspondence, and applied himself in Vienna to the release of prisoners of war.² For this the Papal Secretary of State, Valenti, tendered his thanks on May 13th to the Prussian resident Minister in Venice.³

The fortunes of war were more and more favourable to Frederick. Maria Theresa gave up hope of saving Silesia and released her subjects there from the obligation to offer any kind of resistance to Prussia. Like the princes and Estates of Lower Silesia, the Bishop and clergy decided on submission. On December 1st this news was sent from Olmütz by Cardinal Sinzendorf to the Cardinal Secretary of State, Valenti, with the hope that he would be able to celebrate Christmas in his diocese.⁴ Relations with the Prussian king quickly improved, he thinking to have removed the antipathy of the Silesian Catholics and having assured the Bishop that each Church would retain in full its rights and privileges.⁵ And indeed, in due course, toleration was exercised outwardly,⁶ but as time passed it became more and more evident that it was intended not only to raise the Protestant Church to a position

¹ LEHMANN, II., No. 31 (April 14, 1741).

² Cf. Sinzendorf's report to the Pope, of April 23, 1741, in THEINER, I., 9; LEHMANN, II, No. 34; MÖHRS, 4. Benedict XIV. had appealed to the Catholic Powers on April 14, 1741, to intervene on the Cardinal's behalf. Cf. Louis XV.'s written reply of May 1, 1741 (in THEINER, I., 10, n. 3), in which he rejoiced that the Prince of the Church had been released by his captors of their own accord.

³ LEHMANN, II., No. 39. Benedict XIV. had complained in a consistorial address of Frederick's procedure. See *Hist.-pol. Blätter*, XI., 446 seq.

⁴ THEINER, I., 11.

⁵ LEHMANN, II., No. 51 (October 29, 1741); MÖHRS, 5.

⁶ Thus, *inter alia*, Corpus Christi processions were allowed cf. LEHMANN, II., No. 40 (May 23, 1741).

of equality but to make it the dominant State Church. Thus the important seats in the senates and the government departments were to be filled by Protestants, as was demanded by the secret ordinance made by Frederick on October 11th, 1741, in the camp at Friedland, in the case of the burgomasters, syndics, and treasurers of the Lower Silesian towns.¹ Also the secular rights of the cathedral chapter of Breslau were to endure only in so far as they did not conflict with "the common good and the safety of the country" as determined by the law then in force.²

Similarly in the ecclesiastical sphere the promise to preserve the *status quo* was not kept. The fatal part of the whole matter, however, was that the man who was then at the head of the Silesian Church was incapable of dealing with the difficult situation. Cardinal Sinzendorf was completely captivated by the ideas of enlightenment that then held sway and in his intermediate position, often invidious, between Pope and king, he proved to be only too faithful a servant of the latter. He had received the purple through the intercession of his father, the Imperial High Chancellor, Philipp August von Sinzendorf. Though endowed with remarkable intellectual gifts and with elegant manners, he was not free from human weaknesses. Through his connections with the Court at Berlin he hoped to gain more for his charges from the favour of the monarch than by a purposeful, resolute conduct. His vision was so much obscured by the personal manifestations of the royal favour that it was not till too late that he perceived the dangers lurking behind the courteous, charming mask, and even then consideration for his own feelings prevented his adopting a bold change of front.³

The Prussian plans, which were already beginning to be put in operation during the absence of the Bishop, were comprised

¹ *Ibid.*, No. 48.

² *Ibid.*, No. 53, resolution of November 5, 1741.

³ Cf. his career as given in THEINER, I., 12 *seq.*; MÖHRIS, 8, 49; *Katholik*, 1856, 305 *seq.*; *Allg. Deutsche Biographie*, XXXIV., 412-16.

in the conference protocol of December 8th, 1741. Its basic principle was the separation of ecclesiastical doctrine from ecclesiastical jurisdiction, the latter to form a branch of civil law and administration. This meant the application to Catholic territory of the powers appertaining to the royal headship of the Protestant Church. For both confessions justice would be administered by two consistories to be established at Breslau and Glogau ; appeals could be made to the Upper Court of Appeal in Berlin. As a matter of principle, the granting of dispensations was reserved for the king, as a sovereign right.¹

It was principally the Ministers Arnim and Cocceji who urged their sovereign to come to a decision in these questions, whereby Papal influence was to be completely eliminated.² Frederick, however, considered it expedient to move with the greatest caution, neither providing the Catholics with any ground for complaint nor neglecting his own rights. Accordingly, on January 5th, 1742, he ordered that matters in dispute between Catholics should be settled, as before, by the episcopal consistory and the ecclesiastical courts of appeal.³ In the same way the reorganization of Church affairs in Silesia was regulated by the notification patent of January 15th, 1742, on the principle that only the spiritual affairs of Protestant subjects should come before the new consistories at Breslau and Glogau ; further, all authorities were reminded of the necessity of preserving religious freedom.

All the same, many innovations were introduced that were in accordance with the protocol to the conference : thus the assignment to the secular courts of civil cases in which the principals were clerics ; the settlement by the State of marriage dispensations ; and, above all, the promotion of the Berlin tribunal to the court of appeal above the two royal consistories

¹ LEHMANN, II., No. 60. Cf. FIGGE, 153 *seq.*

² LEHMANN, II., Nos. 63, 70 (December 30, 1741).

³ *Ibid.*, No. 72. This is the royal reply to the question put by the Ministers Arnim and Cocceji (Nos. 63 and 70). Cf. KAAS, 75 *seq.*

and the episcopal consistory, though it is true that Catholic cases were to be judged according to Catholic law.¹ Thus any influence emanating from the Papacy and any appeal to the nuncios were both ruled out.

In his negotiations with Cocceji, Cardinal Sinzendorf wanted to prevent the Berlin tribunal, which was composed entirely of Protestants, being the final court of appeal, since the judgment of such an authority could never bind the conscience of a Catholic. It was in this way that there arose the plan of a Vicariate Apostolic for the territory governed by the Prussian monarchy. The Vicar Apostolic, though outwardly the highest ecclesiastical dignitary in Silesia, might well be in secret agreement with the Papal See.

In a letter of January 29th Sinzendorf described this project to the Pope.² Cocceji's report on it was received favourably in Berlin, where Sinzendorf was considered to be the right person to fill the new post.³ The Cardinal, who was soon induced to favour the execution of the plan, contemplated the erection in Berlin of a special tribunal of appeal for Catholic cases and of a chancellery whose decrees would be carried out by royal officials. To Cocceji's mind Frederick's prestige would be much enhanced should he succeed by this method in enrolling a Cardinal in his service, and he already foresaw Berlin as a new Rome for the Prussian Catholics. There was also a financial advantage in the project, for henceforward the dispensation fees would remain in the country.⁴ Cocceji saw clearly that ultimately, in practice, the Prussian Catholics would be detached from Rome, and in a letter of February 20th, 1742, to the Minister Podewils in Berlin he remarked that the king would probably agree to the plan as submitted,

¹ LEHMANN, II., No. 83; MÖHRS, 8 *seq.*; KAAS, 77 *seq.*

² THEINER, I., 15 *seq.* (Sinzendorf to the Pope). Cf. *Hist.-pol. Blätter*, XCV., 527 *seqq.*; PIGGE, 159 *seqq.*; *Katholik*, 1856, 306 *seqq.* Contrary to the general opinion, KAAS (84) tries to show that the plan was initiated by Cocceji; similarly MÖHRS, 9 *seq.*

³ LEHMANN, II., No. 92.

⁴ *Ibid.*, No. 94.

especially as a matter of principle was involved.¹ As the court of appeal for all cases which had hitherto been dealt with, in the name of the *Pope*, by nuncios, Provincials, and Visitors, the Vicariate General would deal with all questions, on Catholic principles, in the name of the *king*.² Frederick announced his satisfaction with the new arrangement as early as March 17th, 1742. His only comment was that the tribunal was not to be made competent to deal with too many matters and that it was to be kept under careful and continual observation, lest, as the result of intrigues, it might meddle in matters which could not be considered to fall within its province. Cardinal Sinzendorf was to be written to on behalf of the king with regard to his acceptance of the Vicariate General.³ The formal approval of Cocceji's proposals followed on March 26th, 1742. In this missive he was asked to prepare an instruction for the Vicar General and a patent notifying the Silesian officials of the change in Catholic conditions. Frederick trusted completely in Cocceji's ability, since he possessed "the necessary insight both into spiritual rights and into the tricks of the Papal clerics" and would thus be able to take whatever precautions were necessary.⁴

Cocceji lost no time in preparing his instruction; the draft was ready by April 16th, 1742. In it he provided for an oath of fealty to be taken by the Vicar General, who was to perform his official duties in the *king's* name.⁵ Sinzendorf, however, declared that he could not take the prescribed oath without Papal approbation since it contained demands for the Papal approbation of which he could not sue. Moreover, the Cardinal did not want to reside permanently in Berlin, as the financial side of the business also seemed to him too insecure.⁶

¹ *Ibid.*, No. 95. "J'ai envoyé le plan pour établir le Vicariat général au roi. Comme c'est une affaire de conséquence, je suis sûr, que S.M. le goûtera."

² *Ibid.*, No. 100.

³ *Ibid.*, No. 107.

⁴ *Ibid.*, No. 111.

⁵ *Ibid.*, No. 116.

⁶ *Ibid.*, No. 118; MÖHRS, II.

The Cardinal put his views before the Prussian king in a letter of April 23rd, 1742. He recognized the necessity of a Vicariate General for the Prussian Catholics, but pointed out that this was not to be attained without Papal co-operation ; at the same time, for this occasion at least, he offered to mediate on the king's behalf.¹ Frederick gladly accepted the Cardinal's offer, since he too saw that nothing could be done without an understanding with the Roman Curia. He hoped, however, that the Cardinal would be able to obtain the Pope's agreement with the Prussian plan and that thus any obstacle to the Cardinal's acceptance of the proffered dignity would be removed.² Sinzendorf was also invited to work out a plan for the Vicariate General that would accord with his conscience.³

Direct authorization to commence negotiations with Rome was given to the Cardinal in a royal letter written on May 1st, 1742.⁴ Armed with this support, Sinzendorf accepted his nomination as Vicar General, subject to Papal confirmation, but he declined, as before, to undertake the duty of residing in Berlin.⁵ On May 19th, 1742, the Cardinal began to write to the Pope on the subject. After describing the favourable attitude of the Prussian Government towards the Catholics he said that Frederick's wish was that spiritual matters should no longer be taken before tribunals outside the country, just as they were not so taken in Catholic States. The establishment of a nunciature in Berlin being impracticable, the king's wish was that the difficulty should be overcome, as in Holland, by a Vicariate General, whereby the jurisdiction of the Bishop

¹ LEHMANN, II., No. 119.

² Verbal decision made by Frederick on April 27, 1742, *ibid.*, No. 119.

³ *Ibid.*, No. 120.

⁴ *Ibid.*, No. 122 ; MÖHRS, 12.

⁵ LEHMANN, II., No. 128. The letter pleased Frederick so much that he wrote in the margin "very good". Podewils had already asked Cocceji on May 5 to accommodate the Cardinal on the questions of the oath and the residential obligation, lest the whole plan might be endangered. Cf. *ibid.*, No. 127.

of Breslau would continue to exist as fully as before. The Vicar General would exercise ecclesiastical jurisdiction in the name of the Pope and would be supported therein by the new tribunal in Berlin. The latter would be composed of some assessors and a secretary, and only suitable persons would be appointed. The Cardinal then remarked that Frederick wanted the Vicar General to be one of his own subjects who would be loyal to him and would not stir up trouble in the State under the cover of religion. Sinzendorf explained that he had been chosen for this new dignity but that he had declined to take up his permanent residence in Berlin; a Pro-Vicar therefore would have to be appointed, on whom Rome might confer the rank of Bishop *in partibus*. The Holy See, according to the Cardinal's letter, should grant wide powers of dispensation to the Vicar General, to obviate his having to apply to Rome too often, which, in view of the distance, would be inconvenient. The Vicar General should also be given the right to give the final sanction to all benefices in the country, so that the various dignitaries would not have to obtain the Papal sanction. Sinzendorf stressed the king's express desire that this should be done and said that Frederick would not relinquish this demand; on the other hand, the king was willing to guarantee the Vicar General completely unrestricted intercourse with Rome. Of the proposed oath to be taken by the Vicar General, Sinzendorf made not the slightest mention.¹

The contents of this letter the Cardinal made known to Frederick, who heartily approved of it and promised his support. Further dealings with the Cardinal he relegated to his Minister Cocceji.² Benedict XIV., however, was accurately informed about the real intentions of the Prussian Government; he knew that Frederick's aim was to found in Prussia an exclusive, Catholic, national Church, on which the Pope would cease to have any influence. This threatened evil he hoped to avert through the intervention of France.³

¹ *Ibid.*, No. 135.

² *Ibid.*, Nos. 145, 146.

³ *Nunziat. di Francia, 442, Cifra al Nunzio, of February 23,

When Sinzendorf's letter of May 19th, 1742, arrived in Rome, the Pope referred the matter for consideration to a Congregation of Cardinals, the question of the Vicariate General especially causing him anxiety.¹ The Congregation besought the Pope to summon Sinzendorf to Rome for a conference. Particular annoyance was caused by the proposal to present the Vicariate General to the public as a royal institution, and further difficulties were raised by the territorial area allotted to it.

1742 (Papal Secret Archives): "Una cosa angustia fortemente S. S^{ta} et è il capriccio violente del marchese di Brandenburgh, che dà a dividedere di voler fare stravaganze nelle materie ecclesiastiche e di religione della Slesia." *Ibid.* *Cifra al Nunzio of March 16, 1742: "Il sigr. cardinale [Fleury] ha ben ragione di non fidarsi del marchese di Brandenburgh e di starne con timore. . . . S. Em^{za} dovrebbe seriamente riflettersi e non aspettare che quel principe ambiziosissimo e di niuna fede arrivi a maturare i suoi pessimi disegni e contro i cattolici in Germania e contro la Francia medesima." Cf. Benedict XIV.'s letter to Cardinal Fleury, of March 10, 1742 (LEHMANN, II., No. 105); also Fleury's letter to the Prussian ambassador Chambrier in Paris, of March 29, 1742, in which he advises the Prussian king against any innovation in the ecclesiastical affairs of Silesia (*ibid.*, No. 112). Fleury renewed his remonstrances on June 1, 1742 (*ibid.*, No. 148). In a draft of the reply to Cardinal Fleury (May 30 to June 4, 1742), Frederick represented himself as greatly astonished that "the Bishop of Rome" (*l'évêque de Rome*) should have turned to France with complaints of religious conditions in Prussia and Silesia, since the whole world knew his way of thinking, which was entirely hostile to religious oppression. Were the "Roman Bishop" to maintain a negative attitude towards his request for a royal Vicar General, the blame for any trouble that might occur would fall on Rome, for he would forbid his subjects all communication with Rome on pain of sequestration of their property (*ibid.*, No. 150).

¹ In his letter to Tencin of March 29, 1743, the Pope described Sinzendorf as "une des épines de notre pénible pontificat" and the plan of the Vicariate General as "monstrueux". See HEECKEREN, I., 44. Cf. *Thun to Maria Theresa on July 14, 1742, State Archives, Vienna.

Meanwhile, on July 3rd, 1742, Frederick had arrived in Breslau to take possession of his new territories. With the higher ranks of the Catholic clergy he took especial pains to establish good relations. Cardinal Sinzendorf was veritably dazzled by the king's friendliness. He described his impressions in a letter to Benedict XIV. He felt himself fortunate, he said, to have the monarch stay in one of his villas and to be visited by him more than once. Frederick had even expressed the wish to attend High Mass and a sermon. The king having refused to have a throne set up in the church, the Cardinal had had a sofa placed near the altar for him. With obvious satisfaction Sinzendorf informed the Pope that the king and the princes with the whole Court had attended the ceremony with more silence and respect than could be observed in the Papal chapel. After the church ceremony there were balls and other festivities in the Bishop's palace. On this occasion Frederick had conversed with Sinzendorf on Church matters, among others, had tried to dissipate all his misgivings, and had said that Cocceji was a pedant who went too far, but that the Cardinal had nothing to fear. The conversation had also turned on freemasonry, of which the king was a Grand Master. Sinzendorf ventured the opinion that there was no evil in freemasonry but that the invocation of God in the mason's oath seemed to him rather out of place. Frederick appeared to be greatly astonished at this and asked why God should not be called to witness when one promised to be a better man in the future.¹

The Pope replied to the Cardinal's communications in a Brief of July 14th, 1742. He first expressed his pleasure that Frederick was so favourably disposed towards the Catholics of Silesia and particularly so towards their spiritual head. For this the Cardinal was to transmit the Papal thanks, which Benedict could not convey in person. For the establishment of a Vicariate General, Benedict laid down two main principles. First and foremost, on the establishment of this institution, the Pope was to be acknowledged, as before, as the

¹ THEINER, I., 27 *seqq.* ; letter of July 16, 1742.

universal head of the Church ; the Prussian Catholics were not to be detached from their union with Rome. Secondly the Pope stipulated that in the new condition of affairs the Catholics should not lack anything that was necessary for their spiritual guidance. He then entered into some of the misgivings felt by the Congregation and asked especially for information about the principles on which the assessors of the ecclesiastical tribunal in Berlin were to be appointed. Sinzendorf was invited to come to Rome for a verbal discussion ; if, however, he was unable to come in person he might send a suitable delegate.¹ On August 5th, 1742, the Cardinal informed the king of Prussia of the Papal letter but only in so far as it expressed the Pope's thanks for the royal protection of the Catholic religion. Sinzendorf regretted that he was not able to transmit this message in person and expressed his desire to continue the negotiations with Cocceji.² Thus Frederick was led to presume, with satisfaction, that the project of the Vicariate General was making good progress.³

The peace negotiations between Austria and Prussia ended provisionally on July 11th, 1742, with the Preliminaries of Breslau. Church affairs were regulated by Article 6, by which Frederick undertook to maintain the *status quo* of the Catholic Church in Silesia. All the Catholics in Silesia were to be protected in the property, liberties, and privileges which they lawfully enjoyed. To the Protestants the king reserved the right to practise their religion in freedom and to himself sovereign rights.⁴ To Article 6 in its final phrasing in the definitive peace terms of July 28th, 1742, was added the proviso that the king of Prussia would not exercise his sovereign rights to the detriment of the *status quo* of the Catholic Church.⁵

This indefinite and broad phrasing of Article 6 caused even Cardinal Sinzendorf grave misgivings, as the possibility of

¹ *Ibid.*, 24 *seqq.*, and Docum. No. 36 (II., 219).

² LEHMANN, II., No. 175.

³ *Ibid.*, No. 179.

⁴ *Ibid.*, 130 (No. 152).

⁵ *Ibid.*, 145 (No. 168).

the so-called rights of sovereignty being abused was not remote, especially as the Prussian conception of these rights included that of the royal headship of the Protestant Church, which extended over all the king's subjects. However, Sinzendorf consoled himself with the thought that his personal relations with Frederick would avert all harm from the Catholic Church in Silesia. He begged the Pope to be as accommodating as possible to Frederick, as he might have to lay the Papal missive before the king. Also, the king might be thinking of admitting him to the Order of the Black Eagle. To decline this honour might offend the monarch, wherefore he asked the Pope to allow him to accept it. He thought that he would be doing his duty to his religion if he kept away from the services of the Order in the Calvinist church and refrained from wearing the insignia of the Order at ecclesiastical functions.¹

The Cardinal's letters of the 16th and 23rd of July were answered by the Pope on August 11th, 1742. Benedict had received precise information from various quarters as to conditions in Prussia and Silesia, also as to those matters about which the Cardinal was silent. As was only natural, he viewed with anxiety the further development of the situation. He made it clear to Sinzendorf that Prussia's claim to exercise the episcopal right over Catholics as well as Protestants would be a violation of the *status quo* which had been settled by the treaty. In a fatherly and considerate manner he exhorted the Cardinal to be on his guard, so that the Catholic religion might be preserved in all its purity. Permission to accept membership of the Order of the Black Eagle he withheld on the ground that the Order was not recognized by the Holy See.² In a second letter, on August 11th, Benedict gave his views on Sinzendorf's explanations in his letter of July 16th, in which the Bishop had represented his attitude towards Frederick as being the only prudent and efficacious one possible. This view was opposed by the Pope on

¹ THEINER, I., 30 *seq.*

² *Ibid.*, 32, and Docum. No. 37.

the score that dissimulation and ingenious manœuvres were out of place in matters of religion. Much as he rejoiced at the Prussian ruler's benevolent disposition towards the Cardinal's *person*, he did not forbear to point out most seriously that this was no guarantee of the Church's freedom. It was more important to set a shining example in religious feeling. The achievement of this end was not furthered by balls in the bishop's palace nor by sofas near the altar and superficial talk about freemasonry. Such conduct was not likely to edify Catholics or to produce among heretics a correct knowledge or respect for the Catholic Church and her services. The Pope earnestly warned Sinzendorf not to buy the sovereign's good will at the expense of the Holy See. He reminded him of the history of the Church, which showed that the desire to please was often the chief cause of disaster and that truly great Bishops had used other means of obtaining advantages for the sake of religion.¹

Meanwhile the matter of the Vicariate General was not at a standstill. The desire of the Prussian Government to settle it before the conclusion of peace, so that the new situation might form part of the *status quo*, was not realized.² On August 7th, 1742, Sinzendorf returned to the subject in a letter to the Pope. He had gathered from the Papal reply of July 14th that Benedict did not object to the proposal on principle. The Curia's fears that the Prussian Catholics would be detached from Rome he tried to dissipate by the ingenuous remark that there was no national bishop in Prussia and that Frederick saw quite well that a Church without a centre would no longer be the Catholic Church, so that Rome would be the centre as before. The long distance from Rome, however, called for a Vicariate General; but Frederick would never

¹ *Ibid.* Docum. No. 38. In a *letter to Tencin of August 7, 1742, the Pope complained that Frederick had never kept his word and never would. Miscell., XV., 154, Papal Secret Archives. *Ibid.*, a *letter of August 10 in which Benedict wrote of the parlous state of the Church in Silesia.

² Cf. LEHMANN, No. 134 (May 19, 1742).

agree to its being called a *Papal* one, as he had chosen the title "Royal Vicariate General". Another piece of news which the Cardinal was pleased to be able to give to the Pope was that the king was willing to provide for the maintenance of the new officials in a manner worthy of their station. For this purpose the religious houses in the Vicariate would be subject to a new tax. Sinzendorf feared that this would provoke displeasure both among those affected and in Rome, but he found nothing extraordinary or unjust in it. For the rest, Sinzendorf undertook not to make any definite agreements without previously acquainting the Pope with them and advised him that the detailed plan of the Vicariate General would be sent to him in the near future.¹

On August 26th, 1742, Sinzendorf, on Cocceji's suggestion, had submitted a draft, prepared by himself, of the instruction for the Vicar General, cloaked in the form of a criticism of the royal proposal. The oath he shaped in such a form as to admit, as he thought, of his taking it without scruple, it being no longer stipulated that the king should appoint the Vicar General, but only that he should select a person for the office.² On the basis of this new draft the negotiations made rapid progress, so that on September 12th, 1742, Cocceji was able to report to the king that every question, except that of mixed marriages, had been settled. In his capacity of Vicar General, Sinzendorf was to receive the title of Minister.³ The Prussian Government, however, had not abandoned its viewpoint that the Pope could never be recognized as the highest judge. On the other hand, it left the holder of the new office free to come to an understanding with Rome regarding its canonical confirmation.⁴

Sinzendorf considered that he could build up his project on this foundation and hoped also to find a solution to the question of mixed marriages. Should a plea of nullity be

¹ THEINER, I., 37 *seqq.*

² LEHMANN, II., No. 187.

³ *Ibid.*, Nos. 195, 201.

⁴ *Ibid.*, Nos. 204, 208.

advanced against such a marriage on any score, it was, according to Cocceji's plan, to be decided by a mixed tribunal of Catholics and Protestants.¹ To this Sinzendorf objected that a non-Catholic could not obtain the necessary authority to judge such a case. His counter-proposition sought to preserve for the Catholic partner of the marriage the right to apply to the Catholic tribunal and to abide by its decision. To this the Government agreed in substance but stipulated that when the invalidity of the marriage could be removed by dispensation, this was to be granted by the Vicar General. In this reply to Sinzendorf it was emphasized also that the retention of the *status quo* in confessional matters applied only to the Catholics and that, on the other hand, the religious freedom of the Protestants and the sovereign rights of Prussia were safeguarded.²

Considering Sinzendorf's previous conduct, it is not surprising that Frederick hoped to obtain all his ecclesiastico-political demands through him. He now desired to acquire for himself the right enjoyed by Catholic princes of nominating a Cardinal. Most obediently Sinzendorf transmitted the royal desire to the Pope. Had not the situation been so grave and disquieting the attitude of this Prince of the Church at Breslau would certainly have provided the talented and witty Pope with material for some sarcastic observations. As it was, Benedict showed the Cardinal his diminished respect for him by replying to his letters with hand-written notes bearing no title or signature.³

This demeanour gave Sinzendorf to think, and he made an attempt to regain the Papal confidence and to justify his conduct. He admitted that Frederick made fun of religious matters now and then but added that his wit was directed only towards the superstition of ignorant priests and monks, in which attitude indeed he supported the king. On the other hand, Sinzendorf considered that he had acted meritoriously

¹ *Ibid.*, No. 219.

² *Ibid.*, No. 233 (November 6, 1742).

³ THEINER, I., 44.

in having declined the royal invitation to become a freemason. He described to the Pope how on this occasion he had explained to Frederick that he was perfectly acquainted with the laws of the Church in this respect and he attached to his letter his pastoral letter of September 1st, 1742, in which he instructed the clergy about the sect and warned them against it. Finally he defended himself against the charge of using frivolous expressions with the remark that Frederick and he always conversed in French, the delicate nuances of which language were often misconstrued by the general company.¹

The Cardinal, however, did not succeed in deceiving the Pope as to the true state of affairs. Benedict saw quite clearly that Sinzendorf's methods were hurrying the Catholic religion along the road to ruin. What distressed him most was his complete helplessness in face of the danger. The Court of Vienna considering it inopportune to intervene in favour of Catholic Silesia, lest it might antagonize Frederick, Benedict set his hopes on France. He therefore kept his friend Cardinal Tencin regularly informed about events in Silesia and asked him and Cardinal Fleury² to mediate at the Court in Paris. On Cardinal Sinzendorf he no longer set any hope at all. His policy now was to postpone the Vicariate General as long as possible and to confine himself to granting only for each separate case the necessary powers for which Sinzendorf was continually suing.³ For this reason he answered the Cardinal's long epistle with only a short note on November 24th, 1742. Further incidents, such as Sinzendorf's allowing the Prussian monarch to appropriate to himself the episcopal palace at Neisse without opposition, and his breach of confidence in publishing a statement made by Benedict about Frederick on July 14th, 1742, must have displeased the Pope still more.⁴

Meanwhile the position of the Catholic Church in Silesia was

¹ Letter of October 15, 1742, *ibid.*, 46.

² BROSCHE, II., 107, n. 1.

³ HEECKEREN, I., 3.

⁴ THEINER, I., 49 *seq.* Sinzendorf apologized on January 21, 1743, *ibid.*, 59 *seq.*

growing worse. Protestantism was making much progress, though it was not reported to the Pope by Sinzendorf. His omission, however, was made good by various German prelates, who observed with extreme regret what was happening in Silesia. This information impelled the Pope to take action, but even now to spare the Cardinal he decided on November 24th, 1742, to send him a secret letter written in his own hand, which Sinzendorf was to destroy directly he had read it. This action of the Pope's has become known only through the Cardinal's written reply, of December 24th, which has been preserved. Sinzendorf could not deny the steady growth of Protestantism in Silesia but tried to exonerate himself from any blame for it. He regretted that Providence had helped the Prussian arms to victory and complained of the insufficient education of his clergy, of the bad state of the schools, of the moods of the king and the crookedness of his Ministers. He earnestly besought the Pope not to hold him responsible for everything, as he could not prevent it.¹ The good will shown by the Cardinal clearly gladdened the Pope. He wished him all success in the visit to Berlin which he was shortly to make and exhorted him to admit all Catholics to his chapel there, as according to canon law the chapels of Cardinals ranked as public churches.²

The chief object of the consultations in Berlin, whither Sinzendorf repaired for a few weeks at the beginning of 1743, were the affairs of the Church in Silesia, particularly the question of the Vicariate General. The result of the negotiations was a new draft of the instruction for the Vicar General, bearing the date February 9th, 1743. Sinzendorf so much approved of this draft that he remarked that it now needed nothing but the Papal approbation. The Cardinal felt himself to be completely master of the situation. On February 19th, 1743, he described to the Pope in eloquent language the sagacious step he had taken.³ As from a lofty watch-tower,

¹ *Ibid.*, 50 *seqq.*

² *Ibid.* Docum. No. 40 and p. 56 (January 12, 1743).

³ *Ibid.*, 63.

he wrote, he noticed every incident and was content if he could realize only five of every ten wishes, since the others could be attained with sagacity and patience; things were not so easy in Prussia as in the Papal States.

It was not till March 4th, 1743, that Sinzendorf sent the Pope the final draft of the instruction for the Vicar General,¹ on which he had prepared a commentary.

The proposed vicariate comprised, within the frontiers of the German Reich, Brandenburg, Magdeburg, Pomerania, and Krossen, together with the principalities of Halberstadt, Minden, and Kammin. To these was added the Prussian portion of Silesia with the county of Glatz and the principalities of Troppau and Jägerndorf. In the first-named Prussian territories the Vicariate General was to deal with ecclesiastical matters in the first and second instance, whereas for Silesia it was to serve only as a court of appeal, since the jurisdiction of the episcopal consistory at Breslau was to continue.

The person selected for the new post was Cardinal Sinzendorf, who had to pledge himself to further the king's temporal and spiritual welfare and was not allowed to have himself released from this oath by any authority. All matters appertaining to the interior economy of the Church, such as ordinations, sacraments, preaching, and fasting, were to be decided by him, except in so far as they were affected by the other ordinances made in connection with the Peace of Westphalia. A special duty of the Vicar General was to see that no foreigners, such as nuncios, provincials, visitors, or commissaries, interfered in future in ecclesiastical matters within Prussian territory. Only Prussian nationals were to be appointed to ecclesiastical posts. The Vicar General's right to visit all the religious houses in his province was recognized, and the duty was imposed on him of seeing that discipline and order were strictly maintained. The assets of the religious houses were to be compiled by him in inventories, whereby the

¹ Text in LEHMANN, II., No. 278 (pp. 245-254), in THEINER, I., 70-8.

State expressly reserved to itself the right to exercise control. The election of the Superiors of Orders was to be conducted by the Vicar General, in the presence of royal commissioners. To enable the Vicar General to enforce his rights the Prussian Government allowed him to inflict ecclesiastical penalties on recalcitrants. That of excommunication, however, was not to be pronounced without the previous knowledge of the king. The supreme jurisdiction over ecclesiastics and the exercise of justice in all criminal cases in which ecclesiastics were concerned were claimed by the State. Hitherto in Silesia the ecclesiastical courts had exercised the supreme jurisdiction over ecclesiastics, except in cases of high treason, which were judged by the civil courts.

The innovations proposed in this draft were serious divergences from the *status quo*, which had been guaranteed by treaty. The same may be said of the matrimonial legislation. Here only Silesia was concerned, as in the other territories the question was already settled according to Prussian law. In purely Catholic matrimonial suits brought forward in Silesia the episcopal consistory in Breslau was retained as before as the court of first instance. Appeals, however, were to go before the Vicariate General in Berlin. The new office in Berlin might also, in purely Catholic suits, grant the necessary dispensations, which, however, had to be brought to the notice of the State courts. In matrimonial suits in which the contending parties were of different religions that of the plaintiff was to determine whether the case was to go before the ecclesiastical, Catholic, judge or before the royal consistory. It was laid down, however, that both consistories should come to an agreement on the matter before judgment was pronounced, so that neither side should be burdened in its conscience. If the two authorities were unable to agree, the case was to be referred to the civil judge.

Sinzendorf remarked in his covering letter to the Pope of March 4th, 1743, that doubtless there was much to be objected to in the instruction but that it was the best that could be obtained in the circumstances. He then asked Benedict XIV. to approve the instruction as it stood. The appointment of the

Vicar General by the king, the encroachments made on the ecclesiastical jurisdiction, together with the fact that the Vicar General was not to be styled the Papal Vicar, aroused no misgivings in Sinzendorf's mind.¹

Benedict XIV. in his reply of March 23rd, 1743,² acknowledged the Cardinal's good intentions and the peculiar difficulties of the situation. Immediately after Easter he set himself to the study of the instruction and already by April 23rd he was writing to the Cardinal on the subject. He drew a clear distinction between the two portions of the Vicariate. For the establishment of the first portion, and of the court of appeal in the first and second instance, certain areas would have to be withdrawn from the Vicar Apostolic of Hanover. Benedict saw no difficulty in this; he remarked, indeed, that it might even be an improvement, as the new Vicar would be nearer to these areas.

The only demand made by Benedict XIV. was that the new Vicar General should be installed *legally*. This could only be done, he pointed out, by the installation of a worthy, acceptable person by the Pope, unaffected by external influences. The Catholic Church and her law knew only of "Apostolic" Vicars, not "Papal" or "Catholic", still less "royal" ones. The Pope appreciated the ruler's wishes, seeing that the occupation of the office was not a matter of indifference to him, but he firmly refused to cede to Prussia the right to nominate the Vicar General and declared his readiness for co-operation only to the extent of recognizing the right of the State to name three persons, one of whom would be finally chosen by the Pope. In the draft which had been sent to him Benedict also noticed the absence of any safeguard against abuse of the office.

Regarding the second part of the draft, which dealt with the second instance for Silesia, Benedict remarked that with a stroke of the pen parts of dioceses would be taken away from other Bishops without their even having been informed

¹ THEINER, I., 78-86.

² *Ibid.*, 87 seq.

of the project, which might be a dangerous precedent for Germany.

The Pope announced his readiness to make it possible that most ecclesiastical cases should be decided inside the country. Instead of to Rome, appeals could be made to the appropriate nuncio, who could delegate capable persons in the country concerned to settle the questions, as was already done in several countries. "Why should not this procedure be applied to Silesia also, instead of upsetting the whole of the existing organization?" The Pope objected strongly to the view that Rome opposed the reorganization projected by the Prussian Government only because the Curia would obtain less money thereby.

Benedict laid it down as an inalterable principle that he would never agree to a solution which made a breach in the Catholicity of the Church and erected a wall between the head and the members. Similarly he firmly refused to consent to the abolition of the *status quo* in Silesia, which had been decided by the peace treaty, since he could not abandon the security measures taken by Maria Theresa. Nor would he agree to the separation of the Silesian areas which were under Austrian Bishops, as this would be tantamount to a violation of the Concordat with Maria Theresa. The Pope ended by assuring the Cardinal that he might presume from the Brief that he would gladly co-operate but that he could not take it upon himself to burden his conscience.¹

With this Brief the question of the Vicariate General was settled. Sinzendorf soon had to admit that the plan on the preparation of which he and the Prussian Government had consulted so long was impracticable, and the realization of this grievously dispirited him. On June 4th, 1743, he reported to the king that the draft had met with unexpected difficulties in Rome and that it would take some time to clear them away.² The king considered that the Pope was adopting an imprudent attitude towards a ruler who had done so much for the

¹ *Ibid.*, 88-97, and Docum. No. 44; MÖHRS, 15 *seq.*

² LEHMANN, II., No. 335.

Catholics in his dominions. To this opinion he joined the threat to make use of his authority as head of the Protestant Church, as had been given him by the Peace of Westphalia, if within two months the Pope had not confirmed the Vicar General's appointment. He requested Sinzendorf to represent his view clearly to the See of Rome.¹ However, as the most pressing matter now became the appointment of a coadjutor for Sinzendorf, for which the good will of Rome was needed, the Cardinal asked the king to suspend the project of the Vicariate General.² Frederick gave his consent to this on June 23rd, 1743, but noted that he would not abandon his intention despite the Papal opposition. He hoped to find ways and means of making the Pope compliant, since the whole affair was more to the advantage than the disadvantage of the Catholics of Silesia.³

With this the question of the Vicariate General came to an end for all practical purposes, though Sinzendorf continued for the rest of his life to negotiate with Rome, but, as was only to be expected, without success.⁴

(2)

In the same way as he had claimed for himself ecclesiastical jurisdiction in virtue of the authority over the Catholics wielded by the head of the Protestant Church, Frederick thought that he would be able to dispose of Catholic benefices according to his own judgment. He therefore set on foot inquiries to discover to what extent the former sovereigns of Silesia had taken part in the conferment of canonries and in the appointment of the suffragan Bishop of Breslau.⁵ In so doing, the Prussian monarch quite ignored the fact that his

¹ *Ibid.*, No. 342 (June 11, 1743); MÖHRS, 16.

² LEHMANN, II., No. 350 (June 16, 1743).

³ *Ibid.*, No. 354.

⁴ THEINER, I., 98. The plan of a Vicariate General cropped up again under Sinzendorf's successor, Bishop Schaffgotsch, in 1747, but again fruitlessly. Cf. KAAS, 96 *seqq.*

⁵ LEHMANN, II., No. 258.

predecessors had been of the Catholic faith and that their ecclesiastical powers had been fixed by arrangement with the Pope. He thought that he could take their place without further ado.

Above all he intended to see that Cardinal Sinzendorf, who was often in poor health, was succeeded as Bishop of Breslau by someone devoted to his interests. At this juncture there presented itself an excellent opportunity of interfering, with the help of the Cardinal, in the question of benefices in Silesia. Sinzendorf had nominated as Canon of Breslau the twenty-six-year-old Count Philipp Gotthard von Schaffgotsch. The cathedral chapter refused to accept him and threatened to suspend the church ceremonies, on the ground that Schaffgotsch, being a freemason, was excommunicated in their eyes; moreover, he led a frivolous life. Sinzendorf and Schaffgotsch turned for support to the king.¹ When Podewils, the Minister in Breslau, also wrote to the king that the chapter's opposition rested principally on Schaffgotsch's adherence to freemasonry,² Frederick decided that, as Grand Master, he would have to interfere; by means of a letter from the Cabinet, dated May 26th, 1742, he reassured Schaffgotsch and promised to represent his interests.³

Both the Cardinal and the chapter appealed to the Pope. Since the chapter had failed to proceed in accordance with canonical regulations, Benedict XIV. gave permission for Count Schaffgotsch to be freed from censure as soon as he had left the sect of freemasonry.⁴ The Pope was consequently all the more pained to hear that Schaffgotsch, after obtaining absolution in Olmütz, where he occupied a canonry, had again been seen wearing the badges of freemasonry. Finally, however, Schaffgotsch decided to resign from the organization and to destroy the insignia (leather apron and trowel); his

¹ *Ibid.*, Nos. 129, 130.

² *Ibid.*, No. 132.

³ *Ibid.*, No. 142.

⁴ THEINER, I., 23 (June 23, 1742). But this is not to be taken as a sign of friendliness towards freemasons; see *ibid.* Docum. No. 38 (August 11, 1742).

mode of life, on the other hand, he failed to alter,¹ though this did not prevent his winning the friendship of Frederick II.

The young Canon showed himself to be a cultured, keen-witted person with very frivolous views on morals and religion but with the ability to acquit himself with distinction at balls and other festivities held in the bishop's palace ; all of which qualities were eminently suited to win him Frederick's favour.

A decisive factor in the question of a coadjutor for the Bishop of Breslau was Schaffgotsch's stay in Berlin as Sinzendorf's companion during the negotiations concerning the Vicariate General. The king began a secret intrigue with Schaffgotsch which did not at first come to the knowledge of the Cardinal. Through confidential channels he then informed Sinzendorf of his plan as one that might possibly be realized in the distant future.² Sinzendorf was willing to act as Schaffgotsch's patron but not to have him as a rival. Not daring to resist openly, he informed the Pope of Frederick's intention, painting Schaffgotsch in the gloomiest colours ; were the Pope, he wrote, to dispense the Canon, who was only twenty-seven years old, from conforming to the conditions as to age, it would provoke discontent throughout Silesia.³

When in March 1743 the king was again staying in Breslau, the Minister Münchow had to approach the Bishop for the purpose of bringing about the election of a coadjutor as speedily as possible. Sinzendorf, however, denied its necessity and persisted in withholding his assent.⁴ Nevertheless Frederick desired to bring the matter to a conclusion without violating the external canonical forms and aimed at a regular election of a coadjutor by the cathedral chapter with the agreement of the Bishop. Forbidding the Government in

¹ *Ibid.*, Docum. No. 37 (August 11, 1742), and p. 41.

² *Ibid.*, p. 100. For the whole question of a coadjutor *cf.* ED. CAUER in the *Schles. Zeitschrift*, IV. (1862), 225 *seqq.*, and U. STUTZ, *Deutsches Bischofswahlrecht*, Anh. No. 30, pp. 142-8, and the literature there cited.

³ THEINER, I., 100 *seqq.* ; MÖHRS, 21.

⁴ THEINER, I., 104 *seq.*

Breslau to interfere in the business of the election, he announced his desire to observe the *status quo*.¹ The shrewd Münchow, however, was given the task of changing the minds of the Bishop and the chapter. Sinzendorf yielded only on terms. He asked for the royal protection against undisciplined conduct on Schaffgotsch's part and the means wherewith to pay the coadjutor without lessening his own income as Bishop.² Frederick was delighted with this change of mind, especially as Sinzendorf had now offered even to recommend Schaffgotsch to Rome. In a letter to Benedict XIV. of April 14th, 1743, the Cardinal wrote that he had been convinced by Frederick that a coadjutor would be a great blessing for the Church in Silesia. Sinzendorf supposed, therefore, that the Papal confirmation would not be difficult to grant. Schaffgotsch's entry into freemasonry he now represented as an act of youthful inconsequence which was of little account compared with his good qualities, which promised so much for the Church. The Cardinal asked the Pope, therefore, to dispense Schaffgotsch from the age bar and to issue him with a Brief of eligibility. This was Sinzendorf's official letter, which he made known to the Minister Münchow and then handed over to the royal post for dispatch.³

Under the royal pressure the Cardinal had actually changed his attitude towards Schaffgotsch. In a private letter sent at the same time to the Pope he tried to remove the bad impression created by his first letter about Schaffgotsch by saying that he had written it when under the stress of emotion and when excessively dominated by outside and calumnious influences. He asked the Pope therefore not to attach any value to this letter.⁴

Frederick readily fulfilled the episcopal desires⁵ and thanked the Cardinal for his good will. He was highly pleased that by

¹ LEHMANN, II., No. 298.

² *Ibid.*, No. 303, Münchow's report of April 14, 1743.

³ THEINER, I., 106 *seqq.*; LEHMANN, II., No. 306.

⁴ THEINER, I., 109 *seqq.*

⁵ LEHMANN, III., Nos. 307, 308.

this means the difficulties of a future episcopal election would be avoided. He promised to see that the newly elected coadjutor behaved at all times with the respect due to his Bishop and superior. On Schaffgotsch's failings he did not look too sternly. Of the Pope the Prussian king expected sufficient tact not to oppose the royal desire. At the same time Cardinal Sinzendorf received the Order of the Black Eagle, for which he had been seeking.¹

Benedict XIV.'s reply to Sinzendorf was so friendly in its tone that it could be laid before the king without misgiving.² At bottom, however, the Pope had no wish for any coadjutor to be elected, being convinced that Sinzendorf was acting only under compulsion. Schaffgotsch's scandalous behaviour had been known in Rome since the time of the last conclave.³ On May 11th, 1743, the Pope had it brought to Sinzendorf's knowledge that the Cardinals of the Congregation were of the unanimous opinion that Schaffgotsch's election could not be justified before God; and he added that he himself shared this view.⁴ As for Sinzendorf's acceptance of the Order of the Black Eagle, he expressed his regret that he could view it only as another fetter binding him to Frederick.⁵

Sinzendorf was much depressed by the unwilling attitude taken up by Rome. He feared the king's displeasure, which might bring about his downfall and grave injury to the Catholic Church in Silesia. Most of all was he pained by the thought that the king would doubt his sincerity and suspect double-dealing. Frederick, too, had not expected the Pope's

¹ *Ibid.*, Nos. 315, 318; MÖHRS, 22 *seq.*

² THEINER, I., 113.

³ HEECKEREN, I., 53 *seqq.* (March 10, 1743). The Pope was astonished that the French ambassador M. de Canillac had intervened in Rome on Schaffgotsch's behalf. However, he regarded it more as a personal and private action on the ambassador's part.

⁴ THEINER, I., 113 *seqq.*; MÖHRS, 25; HEECKEREN, I., 53.

⁵ THEINER, I., 115. Benedict had forbidden the Cardinal to accept the Order, but Sinzendorf had taken no notice of this. Cf. HEECKEREN, I., 71 (July 19, 1743).

opposition. Both still hoped that Rome would yield. Sinzendorf asked the king for a threatening letter¹ and used it in his report of June 17th, 1743, to influence the Pope. He earnestly begged him to fall in with the king's wishes. On June 23rd, 1743, Frederick threatened more forcibly; the grenadiers, he suggested, who had made the "Margrave of Brandenburg"² the lord of Silesia would find no difficulty in being about the election of a coadjutor who would be an acceptable person.³

The Pope had thought that he had already expressed his mind clearly enough to Sinzendorf, so that he was all the more displeased to receive the Cardinal's fresh representations together with the threatening letter. But what was to be done in the matter? The Pope did not want to subject the Catholics of Silesia to persecution through his refusing the dispensation; on the other hand it went against his conscience to help to the highest dignity of the Silesian Church a godless man who often scoffed at religious matters in order to curry favour with his king. Consequently it was decided in Rome to refer the matter to the consideration of another Congregation of Cardinals. Benedict had been hoping that Austria would intervene, but Vienna did not dare to do anything that might offend Prussia.⁴

On July 27th, 1743, the Pope sent Cardinal Sinzendorf two Briefs.⁵ The first was a detailed reply to his letter and to the threatening letter from the king. In this Benedict assured the Cardinal that the rejection of Count Schaffgotsch was due only to the candidate's unworthy character. His high opinion of Frederick, he added, forbade him to think that the king would not understand and approve of these reasons. In

¹ LEHMANN, II., Nos. 346, 352, 353. The draft originated with the Bishop himself. Cf. THEINER, I., 118 *seqq.*

² The Pope did not recognize the Prussian royal title. Cf. below, pp. 76 *seq.*

³ LEHMANN, II., No. 354.

⁴ HEECKEREN, I., 71 *seqq.* (July 19 and 26, 1743).

⁵ THEINER, I., 123-131.

his second, confidential, Brief the Pope stated that he would abide by Sinzendorf's first letter, which he had written in complete freedom and under no outside influence, and in which he had begged the Pope to preserve the Church of Breslau from the scourge of Schaffgotsch, who was unbridled in speech and writing. Benedict complained bitterly that Sinzendorf no longer reported to him the truth about Schaffgotsch's notoriously immoral life. "My Lord Cardinal," wrote the Pope, "too much is too much." The Brief ended with the fatherly and solemn warning, "Remember, too, that you are a Bishop and a Cardinal and be mindful of the oath which you took at your consecration and on receiving the Cardinal's hat."

While Sinzendorf, in obedience to the royal will, continued his endeavours to depict Schaffgotsch as a reformed Augustine, further events took place which showed with what brutal force Frederick II. intervened in Church affairs.

Meanwhile Schaffgotsch enjoyed the royal favour to an increasing degree; and what better means had Sinzendorf of pleasing Frederick than by promoting Schaffgotsch? Sinzendorf accordingly proposed Schaffgotsch to the king as prelate for the orphaned college of regular canons at the Sand in Breslau. He thought, moreover, that by this means he would ensure the maintenance of the new coadjutor without lessening the episcopal income. Although Sinzendorf was for postponement, Frederick and his Minister thought that they could venture on Schaffgotsch's "election" and fixed the date for July 26th.¹

But the business was not to succeed so easily. To Schaffgotsch's utmost consternation, both the Canons and the Bishop—the latter's ardour for the king's cause having been damped once again, this time by the severity of the new tax regulations—declared that they would first have to submit the question to the Pope.

Schaffgotsch, surmising correctly the real reason of the Cardinal's refusal to co-operate, asked the Government to

¹ LEHMANN, II., Nos. 330, 347, 358, 359; MÖHR'S, 23.

relax the taxes in order to facilitate the business of the election.¹

This was enough to pacify Sinzendorf, and he now decided to attain his object by another method: the Canons were to be induced to agree to Schaffgotsch's postulation, whereby the right of approval would fall to the Cardinal in his capacity of Bishop. In this way Rome would be circumvented.² With Schaffgotsch's co-operation Sinzendorf drafted another royal letter of warning to the electors which, he hoped, would bring about the desired result.³

The Canons viewed the situation with apprehension. On July 4th, 1743, they appealed to the nuncio in Vienna.⁴ They appealed also to the Prussian king, asking him to allow them to choose their abbot of their own accord.⁵ In his reply of July 13th Frederick stated that he had not the slightest intention of encroaching upon their freedom of choice on *future* occasions but on this one he held to his demand.⁶

It was in these circumstances, then, that the convent assembled on July 24th to make its decision. Johann von Ehrenwald, whose good qualities had earned him universal esteem and regard, was elected abbot by twenty-two votes to seven. The efforts made by Sinzendorf, who conducted the procedure of election in the presence of royal commissioners, proved to be useless. Extremely agitated, he left the convent in the company of the commissioners. Returning later, he announced that the king regarded the election as invalid. Both the college of electors and the newly elected abbot were overwhelmed with flattery and threats. After heated arguments Sinzendorf extorted another scrutiny, in which Schaffgotsch, with twenty-five votes, was postulated as candidate

¹ LEHMANN, II., No. 366 (Schaffgotsch to Münchow, July 7, 1743); MÖHRS, 21, 24.

² LEHMANN, II., No. 367 (Schaffgotsch to Münchow, July 8, 1743).

³ *Ibid.*, Nos. 368, 369.

⁴ THEINER, I., 134 *seq.*

⁵ LEHMANN, II., No. 372; THEINER, I., 135 *seqq.*

⁶ LEHMANN, II., No. 373; THEINER, I., 137 *seq.*

for the abbacy. To his signature on the protocol Schaffgotsch appended the phrase: "at the command of his royal majesty." Well did he know to whom he owed his promotion. In the electoral capitulation he had to make various concessions to the electors.¹

The Pope, who had been informed by the nuncio in Vienna of all that was going forward in Breslau, looked on the whole business as an omen for the coadjutor's election and followed the course of events with the greatest attention. The nuncio forwarded to him all the documents relating to the election. On September 28th, 1743, the Pope addressed to Cardinal Sinzendorf a Brief² in which he announced his extreme astonishment that he had to be informed of the events in Breslau by others and expressed himself in severe terms on the subject of the abbatial election, on the course of which the Cardinal had had sent to him a report that was nothing less than a misrepresentation of the facts. The postulation was already invalid since Schaffgotsch, being a secular priest, could not be elected a superior of an Order without a dispensation. On the other hand, Benedict shrank from exposing the Catholics of Silesia to the sovereign's vengeance and persecution. He therefore referred this case also to the consideration of a Congregation of Cardinals. Finally, on January 4th, 1744, he nominated Canon Schaffgotsch as the holder of the conventual benefice *in commendam*, whereby the nominee had to promise on oath not to interfere in the internal affairs of the abbey.³

The question of the coadjutor, however, which it was desired to settle without delay, was still unsolved. Sinzendorf's position between the Pope and the king became increasingly difficult. For this reason he wanted to be quit of the whole matter and he wrote in this sense to the Minister Münchow on August 21st, 1743.⁴

Since the reports which Benedict had called for from several quarters, in particular from the Prince Bishop of Olmütz, had

¹ THEINER, I., 138-144.

² *Ibid.*, Docum. No. 51.

³ *Ibid.*, I., 152.

⁴ LEHMANN, II., No. 394.

described Frederick's demand for a coadjutor as inevitable, Benedict was forced to seek a solution. He proposed to send a man of skill and proved worth to investigate the matter on the spot.¹

Sinzendorf eagerly fell in with the proposal and promised to make it known immediately to the Minister Münchow and the king²; he asked only that the legate's dispatch and investigation should not cause much stir and should take every consideration into account.³ By a Cabinet order of October 22nd, 1743, Münchow was instructed to conduct the affair in accordance with these proposals.⁴ The Pope received notice of the royal decision on October 27th through Sinzendorf.⁵ Benedict was highly pleased by this quick and unexpected solution. With the exception of one condition made by Frederick, that the legate was to bring with him without fail the Brief of eligibility, the Pope accepted the counter-proposals. He had chosen as legate Monsignor Archinto, who was to stop at Breslau on his way to Warsaw and make his investigations there as quietly as possible.⁶

In spite of these negotiations being under way, Frederick II. acted arbitrarily. By a Cabinet order of December 5th, 1743, he instructed Münchow to fix the election of a coadjutor for March 15th, 1744, and to make the necessary arrangements. Frederick intended to be in Breslau himself about this time,⁷ but on December 17th, 1743, he declared himself in agreement with Archinto's mission. He hoped to meet him in Breslau but nevertheless persisted in his demand that the election should take place on March 15th, 1744. To his letter he added the following observation⁸: "The Holy Ghost and

¹ THEINER, I., 152-161, and Docum. No. 51. Cf. MÖHRS, 28.

² Sinzendorf's letter of October 21, 1743, THEINER, I., 168-171.

³ LEHMANN, II., Nos. 416, 417; MÖHRS, 29.

⁴ LEHMANN, II., No. 420.

⁵ *Ibid.*, No. 424; THEINER, I., 173.

⁶ THEINER, I., 174, and Docum. No. 52 (November 23, 1743); MÖHRS, 31.

⁷ LEHMANN, II., No. 447. Cf. MÖHRS, 30; PIGGE, 181 *seqq.*

⁸ LEHMANN, II., No. 458; MÖHRS, 32.

I have jointly decided to make the prelate Schaffgotsch coadjutor of Breslau. Those Canons who object to him will be regarded as adherents of the Imperial Court of Vienna and of the Devil and as those who resist the Holy Ghost and who consequently deserve utter damnation."

The cathedral chapter, which hitherto had been left unconsulted throughout the whole affair, was now officially notified, but to the surprise of the Cardinal and the Minister, it showed its unwillingness to hold the election. It took its stand on the decrees of the Council of Trent and retorted pointedly that if the royal will was the only motive for the election of the coadjutor there was really no reason for an election at all. The Cardinal now appealed to the Pope again. He asked him to sanction the holding of an election of a coadjutor in Breslau, stressed the awkward situation in which he had been placed by the royal command, and besought the Pope to dispatch Archinto with the least possible delay.¹

The cathedral chapter also appealed to the Pope. On January 4th, 1744, it represented to him the impropriety of the election and protested that no free vote was possible seeing that they had been expressly ordered to elect Schaffgotsch and no other.²

To extricate himself from his embarrassment the Cardinal made the king another fateful proposition: following the example of France, he was to claim for himself the right of nomination to the bishopric of Breslau and the Silesian abbeys, so that in this way he would be able to nominate Schaffgotsch *de iure* as coadjutor.³ By this means the Cardinal

¹ THEINER, I., 177 *seqq.*

² *Ibid.*, 180.

³ This actually happened. *Frederick II. "ha con atto pubblico dichiarato di non voler più nella Silesia elezione veruna, voler esso nominare al vescovado di Breslavia ed a tutte le altre abbadi regolari con motivo esser ciò un appendice della sua sovranità in quelle parti." Benedict XIV. to Emperor Charles VII. on April 18, 1744, State Archives, Vienna, Hofkorresp. Cf. LEHMANN, II., No. 485 (Sinzendorf's draft as addition to the letter of January 19, 1744); MÖHRS, 34.

hoped at least to gain time, but in this too he was disappointed, for the king insisted that the question of a coadjutor should first be settled in his way¹ and that his right to nominate to all Silesian benefices should be made good afterwards.

By now Schaffgotsch was advising the king to act summarily and to "show his teeth" to Rome in a really threatening manner. In this way he hoped to intimidate the Pope and to induce him to yield. He wanted to confront the Holy See with a *fait accompli* in which the Pope would probably acquiesce. He reminded Frederick of what had happened at his abbatial election, when in the end he had been recognized by the Pope in spite of all the protests of Rome.²

Sinzendorf's influence with Frederick had come to an end; Schaffgotsch had displaced him. Frederick held fast to his edict and decreed through a Cabinet order of February 7th, 1744, that no deviation was to be made from the prescribed election.³

Sinzendorf's efforts to induce the Pope to issue the required Brief were unavailing. Benedict again referred the question to the Congregation of Cardinals appointed to examine the affair, and they did not hide from him their surprise at his reopening a question which had already been decided. Benedict consequently gave as his decision that neither the licence for a coadjutor nor a dispensation for Schaffgotsch on account of his age could be granted. To further persuasive manœuvres he replied with unmistakable irony.⁴

Minister Münchow had realized at an early stage of the proceedings that the election of Schaffgotsch as coadjutor was not within the bounds of possibility. He pointed out to Frederick that the only way of reaching the goal was by a royal nomination, after which the Papal confirmation might be

¹ LEHMANN, II., Nos. 486, 490-3; MÖHRS, 35.

² LEHMANN, II., No. 498.

³ *Ibid.*, No. 501.

⁴ THEINER, I., 184 *seqq.* Schaffgotsch even wanted to go through the novitiate and take vows, so as to be a real abbot.

expected. The Minister also made known to the king Schaffgotsch's wish to be created a prince at the same time. Sinzendorf also informed the king on February 15th, 1744, that there was no other way of effecting Schaffgotsch's promotion, and he added that he was making the necessary arrangements for the royal deed of nomination.¹

In these circumstances the cathedral chapter of Breslau was now to be convened on March 16th, 1744, merely for the purpose of receiving a royal message.² It was left with the choice between submission and open rebellion against the royal will forcibly expressed. Consequently it declared its readiness to take cognizance of the royal will.³

The royal message was drawn up in Berlin on March 4th, 1744 ; it was nothing more or less than the formal appointment of Schaffgotsch to be the coadjutor of the Bishop of Breslau. Frederick's justification of this was his right as a sovereign to dispose of both superior and inferior benefices in Silesia. Schaffgotsch was described as a worthy candidate and on Sinzendorf's death was to be Bishop of Breslau without more ado. Under the threat of the royal displeasure Frederick demanded from everyone due obedience to Schaffgotsch. By missives bearing the same date the royal decision was made known to Sinzendorf and the cathedral chapter.⁴ Schaffgotsch's actual induction took place in Breslau on March 16th and 18th, 1744.⁵

To Sinzendorf fell the painful duty of informing the Pope of what had happened. He did this briefly on March 17th, 1744, explaining that the power which had conquered Silesia had appointed Schaffgotsch as coadjutor. Of the resistance offered by the Canons and of the royal threats he made no mention. More in accordance with the truth was his report of March 24th, in which he depicted his powerlessness in regard

¹ LEHMANN, II., Nos. 506, 509.

² *Ibid.*, No. 510.

³ *Ibid.*, No. 515.

⁴ *Ibid.*, Nos. 527, 528, 529 ; THEINER, I., 195 *seqq.*

⁵ *Cf.* the detailed report in THEINER, I., 202-6 ; MÖHRS, 35 *seq.*

to the king, who now claimed as sovereign the right of appointment to all Silesian benefices. The Cardinal omitted to acknowledge himself as the originator of this disastrous idea ; he even went so far as to remark that his compliance with regard to Schaffgotsch's nomination now made it possible for him to show the king his opposition to the idea.¹

Sinzendorf, however, could not prevent the Pope receiving precise information of all that had actually happened, for the cathedral chapter of Breslau again sent him all the documents through the nunciature in Vienna and asked for his intervention with the Catholic Governments of Europe.² Benedict was indignant at the steps which had been taken and at Frederick's claims to patronage,³ and his feelings were shared by the Congregation, to whom he imparted all the information in his possession. He acceded to the requests of the chapter, if only to forestall an Imperial intervention on behalf of Schaffgotsch, and asked Cardinal Tencin to use his influence in France in support of the Papal attitude. He announced that a special Brief would be written to the French king, in which he would be invited to demand from Prussia, on the strength of the Peace of Westphalia, the preservation of the *status quo* in religious matters.⁴

To the Emperor the Pope appealed on March 8th, 1744, in a solemn letter, in which he accused Sinzendorf of treachery to the Church and asked Francis I. to try every means of upholding Catholic interests.⁵ On the same day a Brief was sent to Sinzendorf with the most earnest exhortations not to

¹ THEINER, I., 206 *seqq.* ; MÖHRS, 36.

² THEINER, Docum. No. 13 (March 16, 1744) and pp. 211 *seq.*

³ HEECKEREN, I., 131 *seq.* ; LEHMANN, II., No. 540 (March 17, 1744), 542 (same date).

⁴ Benedict XIV. had already, on March 10, 1744, sent a request, through the nuncio in Frankfurt, to the Prussian envoy Klinggräffen, not to proceed with Schaffgotsch's nomination, but the reply was put off until it was possible to plead that it was an accomplished fact. LEHMANN, II., Nos. 535, 544.

⁵ THEINER, I., 214, and Docum. No. 58 (April 18, 1744) ; MOHRS, 36.

lose courage in the face of every danger that threatened, for the Church had undergone greater persecutions in the past and had emerged victorious.¹

The dignified attitude taken by the Canons of Breslau was a pleasing contrast to Sinzendorf's behaviour. They stood by their refusal to acknowledge Schaffgotsch and declared that they would rather suffer imprisonment and death than swerve from the path of duty and justice.²

On June 16th, 1744, Benedict XIV. forbade Schaffgotsch's consecration and threatened Sinzendorf in the event of disobedience with the Papal displeasure, which would have as a consequence the withdrawal of his cardinalship.³ To Tencin the Pope complained that Cardinal Sinzendorf had not conducted himself as a Cardinal and Bishop towards the heretic prince. The Emperor's reply had also disappointed him.⁴ Cardinal Tencin, in his capacity of French Minister, was alone in urging Prussia to comply with the desires of the Holy See.⁵

On June 30th, 1744, Sinzendorf tried for the last time to uphold Schaffgotsch's cause. He hoped also that the Pope would understand his own conduct and declared that at all times he had faithfully fulfilled the duties of his office. To lose his favour with the king seemed to the Cardinal the greatest misfortune that Silesia could suffer, since he would no longer be able to use his influence for the Catholic cause. The Pope, however, had every reason not to allow himself to be persuaded.⁶

Frederick II. vented his anger on the Breslau cathedral chapter; two Canons were banished to Magdeburg. Sinzendorf's intervention on their behalf, as also that of the

¹ THEINER, Docum. No. 57.

² *Ibid.*, No. 14.

³ *Ibid.*, I., 224, and Docum. No. 59. The Pope had also forbidden the Suffragan Bishop of Breslau to consecrate Schaffgotsch.

⁴ HEECKEREN, I., 140 (June 10, 1744):

⁵ LEHMANN, II., Nos. 570, 571; *cf.* Nos. 583, 595, also HEECKEREN, I., 150 *seq.*

⁶ THEINER, I., 227 *seq.*; HEECKEREN, I., 155 (September 5, 1744).

Metropolitan of Gnesen, Archbishop Szembek, proved fruitless, as Frederick gave as the ground of his action "reasons of State".¹

Although neither the idea of a Vicar General nor that of a Coadjutor was abandoned by Frederick II., both projects receded into the background on the outbreak of the second Silesian War. After the Peace of Dresden Frederick hoped to arrange the matter of the coadjutor through the mediation of Saxony and Poland, but the plan was again frustrated by the opposition of the Pope, on whom neither the Imperial nor French mediation had any effect.²

Sinzendorf's behaviour had lost him both Frederick's favour and the Pope's confidence. When, in addition, he was continually confronted with difficulties in his internal administration, the desire arose within him to quit not only Breslau but the whole of Prussian territory, and to end his days in peace elsewhere. He had a faint hope of realizing this desire by occupying the vacant episcopal see of Salzburg, where he held a canonry. But as he was loath to vacate the see of Breslau before it was necessary, he was forced to apply to the Pope for a Brief of eligibility for Salzburg. This he did on June 14th, 1747. But this wish, too, the Pope had to deny him, as his translation to Salzburg would make it difficult to avoid Schaffgotsch's succession to the see of Breslau.³ Nevertheless Sinzendorf travelled to Salzburg to attend the election of a Bishop and to present himself as a candidate, thinking that at the last moment the Pope would take pity on him. His final disappointment, therefore, was very bitter. Plunged in grief and writing with a trembling hand, he described his condition to the Pope: "I am weary of life, consumed with grief, and with no courage or life in me."

With a heavy heart Sinzendorf returned to Breslau, and it was not long before the misfortune which had attended all his actions—largely through his own fault—brought about his

¹ LEHMANN, II., Nos. 596, 606, 618, 620, 629, 634.

² *Ibid.*, Nos. 676, 689 (January 5 and February 28, 1746), also No. 703 (April 16, 1746); MÖHRS, 38.

³ THEINER, Docum. No. 65 (July 15, 1747), also I., 229 *seqq.*

utter collapse. The edifying manner of his death, on September 28th, 1747, reconciled him with his cathedral chapter and made a fleeting impression even on Schaffgotsch. A final letter of condolence sent to Sinzendorf by Benedict XIV., in which he assured him of his friendly feelings in spite of all their differences, failed to reach the Cardinal while he was yet alive.¹

(3)

The innovations in the marriage laws of Silesia introduced by Frederick after his conquest of the country were one of the chief causes of friction with the ecclesiastical authorities. In October 1740 he decreed that all children of mixed marriages, irrespective of their sex, were to be brought up as Protestants.² The State consistory was to be the court of last instance for matters of dispute arising from purely Catholic marriages and was to be the only court at every stage for cases concerned with mixed marriages. The right to grant marriage dispensations the king reserved to himself.³

Naturally these decrees were opposed by the Catholics. Sinzendorf had tried to find a way out of the difficulty by proposing that for purely Catholic marriages the Vicariate General be substituted for the Berlin court of appeal, and, in order to make the Vicariate General possible, Frederick had admitted his readiness to make some concessions in the case of mixed marriages. Accordingly, on September 29th, 1742, he decreed that the Catholics would have to obtain marriage dispensations in accordance with the principles of their Church. He also declared that he would not be able to protect Catholics who infringed this decree from the consequences resulting from their action, so long as they belonged to the Catholic Church. All marriage dispensations granted were to be reported to the State authorities.⁴

¹ *Ibid.*, 238, 242 *seq.*

² LEHMANN, II., No. II.

³ LEHMANN, II., No. 86. Cf. FRANZ, *Gemischte Ehen in Schlesien*, 22.

⁴ See above, p. 38 ; LEHMANN, II., No. 214.

Frederick, however, did not always keep his promises. Although purely Catholic matrimonial suits were reserved for the judgment of the ecclesiastical authorities by both the guaranteeing of the *status quo* and the notification patent of January 15th, 1742, Frederick intervened in a purely Catholic suit in the same year. It concerned the purely Catholic marriage of a young convert, Count Beess, whose father had applied for the declaration of its nullity by the State.¹ Even in Cocceji's opinion it was a matter for the episcopal court,² but Frederick decided otherwise, quoting the Prussian law by which children could not contract a legal marriage without the permission of their parents, and referred the case to the upper court at Breslau, which after lengthy discussions rejected the father's application, declared the marriage to be fully valid, and denied the old Count the right to disinherit his son.³ But this judgment failed to prevent Frederick interfering in purely Catholic matrimonial suits.⁴

When the question of mixed marriages threatened to wreck the negotiations concerning the Vicariate General, a legal reorganization took place in the year 1743. In part a return was made to the Austrian decrees formerly in force.⁵ By an edict of July 16th, 1743, it was ordained that on attaining their 14th year children of mixed marriages should be given the right to decide in favour of this or that religion of their own free will.⁶ To save the Vicariate General, Frederick made a further concession, declaring simultaneously his readiness to adhere to the *status quo* exactly until the establishment of the Vicariate General.⁷

But Sinzendorf also had to make concessions. Instead of

¹ *Ibid.*, No. 225.

² FRANZ, 23; STÖLZEL in the *Zeitschrift für kath. Kirchenrecht*, XIX. (1884), 397 *seqq.*

³ LEHMANN, II., Nos. 244, 409.

⁴ E.g. in the Schimonski case; see LEHMANN, II., Nos. 392, 560; STÖLZEL, *loc. cit.*, 403 *seqq.*

⁵ FRANZ, 23.

⁶ LEHMANN, II., No. 395.

⁷ *Ibid.*, No. 578.

a written agreement, taking the place of an oath, to have the children of a mixed marriage brought up as Catholics, he had to be content with the negative demand, that no agreement expressly aimed against the Catholic religion should be entered into by the Catholic party. In a circular letter to the clergy he urged them to press for written marriage pacts, so that the question of the children's upbringing should rest on a solid basis and not merely on an ordinary promise made by the non-Catholic party.¹

A royal decree of December 17th, 1743, ordered that mixed marriages should be blessed. The place of betrothal was, as a general rule, to be the parish church of the bride, while the betrothal itself was to be performed according to the confession of the bridegroom. A further royal decree, of May 9th, 1744, stated that when this arrangement could not be made on a basis of friendly agreement, the party that had less scruples of conscience was to give way, that he might show his willingness to please the party which was weaker and burdened with prejudices. If this method also failed to produce an agreement, the procedure was to be determined by a judge.²

These new marriage regulations introduced in 1743 were not in consonance either with the practice hitherto observed in the diocese of Breslau or with the requirements of the Holy See. For this reason Sinzendorf forbore to bring them to the notice of the Pope ; he reported to him only isolated cases in which dispensations were needed on account of forbidden degrees of kindred or in which he had been able to obtain some small success.³

In isolated instances Sinzendorf gave way still more ; for example, when it was a question of granting a dispensation

¹ FRANZ, 24. This situation was confirmed by the edict of February 25, 1746.

² LEHMANN, II., Nos. 459, 563.

³ E.g. in the case of Count Arco ; see LEHMANN, II., Nos. 438, 461, 479 ; THEINER, II., 246 ; STÖLZEL, *loc. cit.*, 392 *seqq.* Cf. the authority for marriage dispensations, of May 4, 1748, LEHMANN, III., No. 149.

on account of kinship in the case of a mixed marriage. Although the Bishop knew that he had no powers in the matter, under royal pressure he granted the dispensation. Also, instead of representing the express Papal demand for the strictly Catholic upbringing of the children, he even recognized the marriage pacts by which the children were to receive separate religious training according to their sex.¹

When in 1746 Frederick, on more or less worldly grounds, declared dissolved a valid Catholic marriage between the daughter of a Breslau merchant and a Pole,² the Catholics were indignant at the sacrament of marriage being treated in this manner. On August 4th, 1746, Sinzendorf drew the king's attention to the fundamental issues raised by the affair. He asked Frederick to fulfil his promise to maintain the *status quo* and consequently to observe the decisions of the Council of Trent; but he met with no success.³ More than once Frederick forbade the clergy to use any form of pressure in the matter of bringing up children. On the other hand he allowed that no Catholic priest was to be obliged to administer the sacraments to persons whose manner of living did not correspond with the dogma of the Catholic Church.⁴

By State legislation the anti-clerical marriage practice of Prussia was to be made the marriage law of Silesia. This was done by the royal edict of April 22nd, 1747, which ordained that no wedding ceremony was to be performed by a priest without the legally prescribed agreement, which included that between the parties to be married, and especially the consent

¹ *Ibid.*, II., Nos. 671, 683. Cf. THEINER, I., 275; STÖLZEL, *loc. cit.*, 394 *seqq.*

² For this Contessa case, see LEHMANN, II., Nos. 726, 732, 733; STÖLZEL, *loc. cit.*, 399 *seqq.*

³ LEHMANN, II., Nos. 735, 736, III., No. 421.

⁴ LEHMANN, II., No. 805, III., Nos. 269, 270, 271, 276. In cases where the Catholic parish priest declared his inability to bless a desired marriage, Frederick made the following order: "The couple have only to go to the town hall, make their contract as in Holland, and I declare their children to be legitimate" (February 2, 1749). LEHMANN, III., No. 266.

of the parents and of other authorized persons (lords of the manor). All marriages that infringed these regulations were declared to be capable of dissolution. After such a dissolution Protestants regained their complete freedom, whereas for Catholics the indissoluble marriage bond still held, with no civil consequences of any kind. The whole system of marriage was thus controlled by the State. Clerics who acted in opposition to the edict were to be removed.¹

By this new edict the Protestant principles of Prussian marriage legislation were transplanted in Silesia, although they were not in accord with the *status quo*, which had been guaranteed by treaty.

Benedict XIV.'s fear was that Catholic marriages might be prevented by the parents and lords of the manor withholding the required assent. To dispel the Pope's misgivings the king declared his readiness to recognize Cardinal Sinzendorf as arbitrator in such cases, but in his letter to the Cardinal he added that he wished him not to abuse the concession and always to act in the royal interest.²

In December 1749 the king renewed the law whereby in mixed marriages the sons should follow the father's, the daughters the mother's, religion, and stressed the necessity of observing the age of discretion, on reaching which children were to be allowed, uninfluenced by others, to choose their own religion.³

The Catholics of Silesia bitterly resented the disrespect thus shown towards the Church's precepts regarding marriage. When finally, after several years, Frederick expressed his willingness to investigate these and other grievances of the Catholics, in order to obtain recognition of Schaffgotsch as

¹ *Ibid.*, II., No. 815.

² *Ibid.*, III., No. 180.

³ *Ibid.*, No. 300. On November 2, 1751, Frederick again insisted on the enforcement of this decree, and declared that what counted in matters concerned with the religious upbringing of children was the law, not the will of the parents. LEHMANN, III., No. 384; cf. Nos. 398, 430.

Bishop,¹ the negotiations led to the settlement of August 8th, 1750, whereby the following points were established: all marriage articles referring to the confession of the children had no force in law; in this respect, moreover, the ordinance of the previous year was renewed. On the death of the father the Protestant mother had to send her son to a Catholic school until his fourteenth year. Orphan children were to have guardians of their own confession. Death-bed changes of creed were to have no effect on the confession of the children.

Mixed marriages were referred for judgment to the royal courts, which were to deal with each party to the marriage in accordance with the principles of his or her religious views.² Great was Schaffgotsch's astonishment when he discovered that in the official text of the settlement changes had been made by the Prussian Government without reference to any other body. He brought this to the notice of the Pope on December 24th, 1750, remarking that in Berlin one did what one liked and even the best-sounding promises made in the course of negotiations were no protection against actions in the contrary sense, since the goal in view was the destruction of the Catholics.³

Benedict XIV.'s attitude towards matrimonial questions in Silesia continued to be consistent, without his being overstrict in details.⁴ Throughout his life Sinzendorf tried in vain to obtain from the Pope the authority to dispense from forbidden degrees of kindred in the case of mixed marriages.⁵ Schaffgotsch was similarly unsuccessful; in February 1750 he

¹ *Ibid.*, Nos. 119, 120. Sinzendorf had already asked him to take the *gravamina* into consideration, whereupon Frederick set up a commission for the purpose on May 16, 1744, but it did not meet till the summer of 1750. FRANZ, 41, THEINER, II., 68.

² LEHMANN, III., No. 322; FRANZ, 41 *seqq.*; MÜTING, 39 *seqq.*

³ FRANZ, 42 *seq.*

⁴ According to MEYDENBAUER (196).

⁵ FRANZ, 29. Cf. the case of the Neumeister marriage, where Sinzendorf declared that he had no permission to grant dispensations for mixed marriages without a special authorization from the Pope.

promised the Pope not to trouble him further with requests of this kind.¹ In individual cases the Pope granted dispensations but held to his demand that the non-Catholic party must first forswear heresy.²

(4)

The death of Cardinal Sinzendorf was reported to Berlin by Münchow, who had had the deceased's estate sealed and had suspended the cathedral chapter's official activity pending the arrival of royal instructions.³ On the day that Sinzendorf died (September 28th, 1747) Schaffgotsch also wrote to Frederick II. and asked him for the bishopric of Breslau, the most important position he could wish for. The ambitious prelate hoped that on this occasion also Rome would submit to an accomplished fact.⁴ Frederick made his decision as early as September 30th, 1747. Schaffgotsch was to be put in possession of the *temporalia* of the bishopric; its purely ecclesiastical business he handed over to the suffragan Bishop, Count von Almesloe.⁵ The cathedral chapter, on the other

¹ MEYDENBAUER, 197 *seq.*, 201.

² Cf. FRANZ, 29. — Because of the mention of mixed marriages in the Brief of September 26, 1750, MEYDENBAUER (201) applies the whole substance of the Brief to dispensation for mixed marriages and says "with almost complete certainty" that Benedict "wanted to dissimulate" also in the matter of dispensations for mixed marriages. The passage "concedendosi da Lei qualche duna delle *dette* dispense lo faccia colla dovuta causa e quando non può fare diversamente" applies only to the Brief of September 12, 1750, since the Pope is speaking here only of this and no longer of Schaffgotsch's request of September 8, as is shown by the text of the Brief of September 26 with all the clearness that could be desired. Cf. MEYDENBAUER, 244, No. 22.

³ LEHMANN, III., No. 1; THEINER, I., 301 *seq.*

⁴ LEHMANN, III., No. 2; MÜTING, 9.

⁵ LEHMANN, III., No. 5. On Münchow expressing his fear that Austria would sequester the episcopal properties situated in its territory, Frederick declared that in that case he would confiscate the possessions of Austrian bishoprics situated in Prussia. *Ibid.*

hand, asked the king to guarantee its right to vote freely and to protect its rights *in sede vacante*.¹

Meanwhile Münchow had entered into negotiations with the cathedral chapter, as a result of which he was able to apprise the king on October 1st, 1747, of the conditions on which the Canons were ready to comply with the royal desires: at future elections the freedom of the voters was to be preserved; the co-operation of the State was to be restricted to ensuring that the cathedral chapter should produce from among its ranks a person suited to the king; all religious *gravamina* were to be satisfied, the chapter was to benefit from all revenues during the vacancy of the See, and Schaffgotsch was to refrain from any interference in matters concerning the bishopric until he was in possession of the Bulls of confirmation. Münchow advised the king to accede to the first of these wishes, seeing that Schaffgotsch had declared his acceptance of them. The last proposition, however, he wished to be applied to the *spiritualia* of the bishopric. The Minister also reported that two Canons had been won over completely to Schaffgotsch, and that one of them was being sent to Rome with 15-20,000 thalers to bring about "the corruption of the Papal Court".²

Meanwhile the royal command of September 30th, 1747, had reached Breslau. Munchow, without waiting for a reply to the conditions made by the cathedral chapter, proceeded to take action. The measures he took are described in his report of October 2nd, 1747. Aware of "the advantage of celerity in such cases and the stunning effect of getting in the first blow", he convened the Canons, at the royal command appointed Schaffgotsch successor to Sinzendorf, and made over to him the administration of the *temporalia* of the diocese, while the administration of spiritual matters was entrusted to the suffragan Bishop, Count von Almesloe, and to Canon Franckenberg. "Prince Schaffgotsch," reported

¹ LEHMANN, III., Nos. 7, 8. Cf. STETTINER, 5, and, for the whole question of the nomination of the Bishop, U. STUTZ, *Deutsches Bischofswahlrecht*, Anh. No. 30, pp. 148-152.

² LEHMANN, III., No. 10; THEINER, I., 307 *seq.*

Münchow, "has played the part I assigned to him quite admirably." His limbs trembling, and with tears in his eyes, Schaffgotsch had refused the honour offered to him and because of his "unworthiness" had entered a protest in the documents previously handed to him by the Minister. This play-acting, as was admitted in Munchow's report, had as its object the deception of Rome and the general public regarding the true facts of the case.¹ For this reason Schaffgotsch was apparently summoned by a sharply-worded Ministerial decree of October 3rd, 1747, to comply with the royal command without consideration for his conscientious scruples, since, if he refused, a layman would be entrusted with the administration of the chapter's property.² Frederick having assented to the conditions made by the cathedral chapter, with the restriction proposed by Münchow, Schaffgotsch was nominated Bishop of Breslau on October 5th, 1747, on the authority of his elevation to the position of coadjutor in 1744.³ The Canons protested against this authority, for which they received a sharp rebuke from the king.⁴

To obtain the Papal confirmation Schaffgotsch decided to send a plenipotentiary to Rome. The person selected for this mission was the Abbé Bastiani.⁵ Frederick's wish was that he should act in Rome in conjunction with the Prussian agent Coltrolini, whom the king had commissioned on October 7th

¹ LEHMANN, III., No. 12; THEINER, I., 302 *seqq.*; STETTINER, 5; *Katholik*, 1856, 422 *seqq.* Münchow, not quite trusting the Suffragan Bishop, associated with him for the purpose of administering the *spiritualia* Canon Franckenberg, who "is entirely of a different mind" from Almesloe. By exploiting this enmity the Minister hoped to discover from one of them what the other was keeping from him (LEHMANN, *loc. cit.*; MÜTING, 9 *seq.*). Cf. also Schaffgotsch's own report to the Pope in THEINER, I., 309 *seqq.*

² LEHMANN, III., No. 15.

³ *Ibid.*, Nos. 16, 19.

⁴ *Ibid.*, Nos. 21, 22.

⁵ *Ibid.*, No. 26; also No. 167, where Frederick refers to Bastiani having been sent to Rome with his consent and on his advice. Cf. STETTINER, 7 *seqq.*

to bring about the recognition and ratification of Schaffgotsch's nomination.¹

Bastiani had had a remarkable past. The son of a poor Venetian tailor, he had formerly belonged to the Order of St. Francis of Paula. Brought to Breslau by Cardinal Sinzendorf's brother, he soon won the confidence of the Cardinal,² and with his ambition and his superficial cleverness succeeded also in obtaining the king's favour.³

Benedict viewed the situation with a penetrating eye. As soon as the news of Sinzendorf's death was brought to him he avowed to Cardinal Tencin that he would never recognize Schaffgotsch's enforced promotion as coadjutor. He saw it as his duty, despite all difficulties, to see that only a worthy person occupied the bishopric of Breslau.⁴ At this juncture, as previously, Schaffgotsch did not shrink from making false assertions to the Pope, namely that he had been a victim of the royal will and that this had occurred "on no account as the result of a request, a petition, or a secret demand on my part." His hypocrisy, however, reached its zenith in the postscript of this letter, with its "Confession of his many sins", for which he begged for absolution. By three such letters written on the same day Schaffgotsch tried to make the Pope believe in his conversion.⁵

Benedict, seeing through every stratagem, persisted in his attitude of negation. Schaffgotsch and Frederick II. he called "the two pillars" on which was built "the devilish structure"

¹ LEHMANN, III., Nos. 14, 23. For Coltrolini's position, see below, p. 74.

² THEINER, I., 313 *seq.*; FECHNER in the *Zeitschrift für preuss. Gesch.*, XVII. (1880), 467; FR. ANDREĀ, *Giov. Batt. Bastiani*, in *Schles. Lebensbilder*, II. (1926), 78-86.

³ LEHMANN, II., Nos. 624, 626, 627, 628, 637, 640, 654.

⁴ HEECKEREN, I., 360. Cf. LEHMANN, III., No. 87, where Frederick declares that the German Concordat is inapplicable to Silesia. See also Albani's *reports to Colloredo, of October 28, and to Uhlfeld, of November 4 and 25, 1747, State Archives, Vienna.

⁵ THEINER, I., 309 *seqq.* (October 20, 1747).

of these Silesian affairs. He feared the worst.¹ However, he willingly agreed to listen to Bastiani, whom he had known personally in the past, and, lest he might harm religion in a country ruled by a non-Catholic prince, he was ready to make every concession compatible with the honour of the Holy See.² Although Bastiani carried out his task in a masterly fashion,³ Benedict still thought it necessary to have a confirmatory investigation made into Schaffgotsch's mode of living.⁴ Schaffgotsch himself announcing his readiness to give an account of himself to any Papal commissary, Benedict reverted to his former project of entrusting the investigation to the Polish nuncio Archinto. This was not to be of a judicial nature and was to be concerned only with Schaffgotsch's present mode of life, since he had acknowledged his past faults.⁵ Meanwhile Frederick had given his written assent to the chapter's demands and had also expressed his agreement with Archinto's mission.⁶ On February 5th, 1748, after a fortnight's stay in Breslau, Archinto drew up a detailed and favourable

¹ HEECKEREN, I., 362 (November 1 and 8, 1747). Cf. THEINER, I., 313.

² HEECKEREN, I., 365 (November 22, 1747). In the same letter the Pope informed Cardinal Tencin that Coltrolini had been appointed as Prussian agent in Rome and that he had legitimized himself as such.

³ Cf. THEINER, I., 291 *seqq.* Benedict praised his manner and procedure when writing to Tencin; see HEECKEREN, I., 377.

⁴ HEECKEREN, I., 368 (November 29, 1747).

⁵ *Ibid.*, 369 (December 6, 1747); *Albani to Uhlfeld on December 16, 1747, State Archives, Vienna; THEINER, I., 315-322; MÜTING, 12. How little, in spite of everything, Schaffgotsch afterwards, when Bishop, altered his mode of living for the better, is shown by FECHNER in the *Zeitschrift für preuss. Gesch.*, XX. (1883), 120 *seqq.* Schaffgotsch wrote to the Pope that he was living like a hermit (THEINER, II., 61), but actually, through his manner of living and his debts he was giving cause for serious dissension; see STETTINER, 25 *seq.* Benedict XIV. was among those who distrusted the rumours of Schaffgotsch's improvement, see HEECKEREN, I., 275.

⁶ LEHMANN, III., Nos. 119, 120, 134.

report on the result of his inquiries. Benedict imparted the contents of this document to all the Cardinals present in Rome and reported on the negotiations with Bastiani and Coltrolini. The sixteen Cardinals met in assembly were of the unanimous opinion that a genuine improvement in Schaffgotsch's conduct was to be presumed and that his recognition could no longer be refused. On March 5th, 1748, the Pope nominated Prince Schaffgotsch as Bishop of Breslau without making any mention of the royal nomination.¹

Frederick had thus attained at last the object he had eagerly desired. To him his success appeared to be due solely to his intervention. His conception of his relations with the new Bishop is seen from his letter of March 28th, 1748, in which he congratulated Schaffgotsch on his new dignity: "I most certainly count on my never having to remind you that you have me to thank for your success." Never, he added, were any persons to be admitted into the cathedral chapter who had little zeal for the royal service.²

The prelacy "on the Sand" at Breslau Bishop Schaffgotsch was allowed to retain.³ The provostry of the Holy Cross, together with a canonry of Breslau, he endeavoured to obtain for his brother, but Frederick wanted to keep Bastiani under an obligation to himself and subsequently presented him with both these benefices.⁴ Schaffgotsch's aim was to rid himself of Bastiani, whose demands were boundless,⁵ as speedily as possible; he therefore recalled him, but this was not to the liking of Frederick, who censured the Bishop's

¹ Detailed description of the events in THEINER, I., 328-351. Cf. STETTNER, 14; *Albani to Colloredo on February 24 and March 9, 1748, State Archives, Vienna.

² LEHMANN, III., No. 162; THEINER, I., 354 *seqq.*, Docum. No. 26.

³ LEHMANN, III., No. 151.

⁴ *Ibid.*, Nos. 161, 163, 168, MUTING, 15 *seqq.* For a long time the Pope withheld the benefices from Bastiani. Cf. LEHMANN, III., Nos. 193, 195.

⁵ LEHMANN, III., No. 165. Even without emoluments Bastiani's expenditure in Rome had already amounted to over 7,000 thalers.

action in a Cabinet letter of April 2nd, 1748. He told Münchow that it was not for Schaffgotsch to know whether he had charged Bastiani "with one or several subsidiary commissions".¹

Schaffgotsch's relations with the king had changed remarkably quickly. Just as he in his day had ousted Sinzendorf from Frederick's favour through his intrigues, he now found himself outflanked by the wily Venetian. Bastiani having solved the question of the Breslau bishopric with great skill, the Prussian king entrusted him with secret commissions which escaped Schaffgotsch's knowledge. Through Bastiani and Coltroli negotiations between Prussia and the Holy See were conducted directly for the first time since the religious schism.

Coltroli, who was primarily the agent of the Palatinate in Rome, had observed that Silesian clerics and laymen were turning to Rome with complaints about religious conditions in their country. He offered to bring all such steps to the knowledge of the Prussian Government and received the additional appointment of Prussian agent in Rome. In spite of a legitimation of August 27th, 1747,² Frederick did not regard Coltroli's position as a public one. On the other hand, Frederick had proposed to the Pope the establishment of a nunciature in Berlin; but Benedict would not agree to this as he was already regarded as pro-Prussian at the Court of Vienna and such a step would have caused too great a stir.³

Frederick's chief confidant, however, was Bastiani. He was to obtain from the Pope the separation of the county of Glatz from the bishopric of Prague, also the granting to the king of the right to nominate persons to all Silesian benefices, and this in acknowledgment of his services to the Catholic

¹ LEHMANN, III., No. 167. The points of difference between Schaffgotsch and Bastiani increased until they culminated in 1754 in a lawsuit, which was followed by a series of disputes; see below, pp. 85 *seq.*

² LEHMANN, II., Nos. 810, 816, 822, 829, 849.

³ HILTEBRANDT, *Verkehr zwischen dem päpstlichen und preussischen Hofe*, in the *Quellen und Forschungen des preuss. Hist. Instituts zu Rom*, XV. (1912), 377.

Church. Bastiani was advised by the king to proceed with prudence and moderation.¹

However, the Secretary of State, Valenti, declared that the royal desire conflicted with the standards of canon law, especially as Frederick was a Protestant prince. Benedict on this occasion not being prepared to give way, Bastiani advised the king to adopt the method of threats and to inform the nuncio at the Polish Court that any other monarch would long since have secularized the property of the Church if his royal demands had not been met. To lay stress upon his wishes he delivered to the Pope a copious memorandum on the royal right of nomination to all Silesian benefices on patronage and feudal grounds in so far as they corresponded with the conditions in France. Nevertheless, Benedict could not acknowledge the proofs as valid.²

At the same time rumours arose in Rome that Frederick II. was thinking of entering the Catholic Church. Bastiani reported to the king on May 11th, 1748, that the Polish nuncio Archinto had passed the news on to Rome. The Pope touched on the matter in an audience with Bastiani, asking him if there was any fresh news of the king's conversion, but Bastiani could give him no information on the subject.³

¹ LEHMANN, III., No. 132; *Albani to Colloredo, August 24, 1748, State Archives, Vienna.

² LEHMANN, III., Nos. 171, 176, 193, 196.

³ *Ibid.*, 196, 217. " *Cresce l'opinione e la voce comune che il Re di Prussia abbia determinato di farsi cattolico e che per tanto vada trattando di poter esser eletto Re di Polonia in caso di mancanza del presente regnante " (Ant. Pennachi to Uhlfeld, June 1, 1748, State Archives, Vienna). " *In fatti però è vero ch'il Re di Prussia ha mostrato di voler trattare l'affare della sua conversione per convenzioni, che si maravigliano qui tutti, come un uomo stimato, dotto e di spirito l'avesse pensate, come sarebbe quella di non voler confessare i suoi peccati e simili pretensioni, che se non avessero dell'empietà, sarebbero ridicole. . . . Ma le lettere del confessore del Re di Francia portavano ch'egli era seriamente risoluto " (the same on June 15, 1748, *ibid.*). — Five years later Cardinal Quirini wanted to go to

Frederick, seeing that Bastiani would achieve nothing, recalled him on July 30th, 1748¹; through his tempestuous manner he had lost all support in Rome.

One success, however, Bastiani was able to achieve as Frederick's delegate. Benedict now seemed more inclined to recognize Frederick's title of King of Prussia. The Pope, indeed, was alone in calling him merely the Margrave of Brandenburg. Frederick had already taken offence at this on several occasions. On the appearance of the printed version of the Papal allocution on the last Imperial election, in which there was mention of the "Marchio Brandenburgensis", Frederick instructed his ambassador at the Imperial Court to make his displeasure known to the nuncio. The ambassador, Klinggraffen, replied on July 28th, 1742, that on receiving the information the nuncio had prevaricated and would give no direct answer.² Frederick then instructed his representative at the imperial diet at Frankfurt to protest to the nuncio there against the Pope's refusal to use the royal title; the instruction was accompanied by a threat: "Such unseemliness," he wrote, "was merely annoying, it did not alter facts, and might very likely have to be paid for dearly by the Roman Court." On further representations being made by the Prussian ambassador at the Imperial Court, the nuncio managed to escape adroitly from an embarrassing situation by explaining that the Pope had merely conformed to the usual etiquette; since the religious schism the rulers of Prussia had taken no notice of the Papal See and had never apprised it of the assumption of the royal title, so that the Pope, in accordance with ceremonial, could use no other title than that in use before the schism. Since, however, Frederick II. valued so

Berlin, to convert Frederick II., as he said; but the Pope would not allow him to undertake the journey, the Cardinals having found it inconsistent with their honour to expose the dignity of one of their number to Frederick's derision (*cf.* our account, Vol. XXXV., 217). HILTEBRANDT, *loc. cit.*, 378.

¹ LEHMANN, III., No. 229.

² *Ibid.*, II., Nos. 157, 169.

highly the honour of being addressed with the royal title by the Pope, Benedict XIV. eagerly desired to have the matter settled in a satisfactory manner.¹ A formal recognition, however, the Pope was not quite prepared to make. But to avoid the offensive title "Margrave of Brandenburg" he made use of the expression "Ruler" or "Sovereign" of Prussia and Silesia in his correspondence with Sinzendorf.² It was not till the year 1748 that the situation altered somewhat. In the Brief of March 5th, by which Schaffgotsch was nominated Bishop of Breslau, Benedict spoke of the "royal person" of Frederick II. and admonished the new Bishop to recite those prayers for the sovereign which the Church provided for kings. Bastiani did not omit to bring this fact to the attention of Frederick, who found the Papal letter "admirable".³ Benedict went a step further; he informed Bastiani that in his letters to Schaffgotsch and the Polish nuncio he had quite spontaneously referred to Frederick as a "great monarch" and even "king"⁴; he regretted that the attitude adopted towards the question by previous Popes laid on him restrictions which were all the more irksome to him since he had the greatest respect for the reigning monarch of Prussia.⁵

The Pope's accommodating attitude in the matter of Frederick's title was probably due mainly to the encouragement given by Frederick to the building of St. Hedwig's church in Berlin. Liking to appear as the most tolerant man in the world, as early as March 12th, 1743, he had intimated to Sinzendorf that the existing Catholic chapel in Berlin was far too humble and could no longer satisfy requirements. He declared that he would gladly give permission for a new building but regretted that the bad state of his finances would not

¹ *Ibid.*, Nos. 170, 176, 194.

² Many documents in THEINER.

³ THEINER, II., Docum. No. 73; LEHMANN, III., Nos. 154, 162.

⁴ *Ibid.*, No. 196.

⁵ THEINER, II., 24; Benedict XIV.'s letter of May 11, 1748, *ibid.*, 309. Cf. STETTNER, 16.

allow him to make a personal contribution. He therefore invited Sinzendorf to look for ways and means of carrying out the plan with monetary help from the Catholics.¹ But as not much help from foreign Catholics was to be expected before the conclusion of a general peace, the question of building a new church was left in abeyance until the year 1746, when the Catholics of Berlin asked Frederick to allow them to begin a new building out of their own resources. He granted this request in letters patent of November 22nd, 1746. The church might be of any size and might have one or more towers. As a mark of especial favour Frederick assigned the Catholics an appropriate site. He also authorized the Carmelite Eugenio Mecenati of Mantua to collect subscriptions for the church building from the Catholics in all Prussian territories. It was expressly stated by the king that the church was never to be used for any other purpose.²

The announcement of November 22nd was hailed by the Catholics of all Germany as a noble deed of the king's. Sinzendorf described his generosity to the Pope in fulsome language; Frederick, he said, was even disposed to supply some of the building materials at his own expense. The Cardinal also submitted to Benedict the king's desire that the Pope should invite all the Archbishops and Bishops throughout the world to contribute voluntarily towards the cost of the building.³ Pleased as he was with Frederick's accommodating attitude, the entrusting of the financial side of the undertaking to Mecenati caused Benedict grave misgivings, since in most countries Mecenati's reputation was of the worst, owing to his frauds. After several changes of opinion, Frederick seemed finally to decide to renounce him when Mecenati was surprised by death in October 1747.⁴ Benedict now delayed no longer

¹ LEHMANN, II., No. 288; OTTM. HEGEMANN, *Friedrich d. Gr. und die kath. Kirche*, 34; *Hist.-pol. Blätter*, XI., 449.

² LEHMANN, II., Nos. 293, 772; NOVAES, XIV., 120 *seq.* Cf. *Albani to Uhlfeld, December 16, 1747, State Archives, Vienna.

³ THEINER, I., 278 *seqq.*

⁴ *Ibid.*, 280 *seqq.*; HEECKEREN, I., 299; LEHMANN, II., No. 795.

in giving the project of the new church wholehearted patronage. On November 20th he held a consistory at which he highly commended Frederick for his co-operation and encouraged the Cardinals to subscribe towards this most necessary undertaking. He himself set the example by contributing 1,000 pistoles. On the same day he issued a circular letter to the whole episcopacy, asking that the Catholics of all countries be invited to make contributions.¹

The Catholics of Berlin set great hopes on the king of Portugal, who contributed generously towards religious undertakings, and invited him through the mediation of the king of England to take the new church under his protection. Frederick agreed to this, and it was endorsed by the Pope. The king of Portugal, in his letter of reply, of January 11th, 1748, declined the honour, as he was too far from Berlin to render help when necessary, but he sent the Pope a large subscription to the building fund. The king's example was followed by the two Portuguese Cardinals Saldanha and Da Cunha.² Cardinal Quirini was also outstanding as a promoter and benefactor of the new church³; it was at his cost that the pedimented portal with six Ionic columns was erected.

In Rome the Pope had collected by the middle of January 1748 the considerable sum of 10,500 Roman thalers, although the fund had not yet been closed. The Emperor, too, promised

¹ LEHMANN, III., No. 77; HEECKEREN, I., 365; THEINER, Docum. No. 66. Cf. *Albani to Uhlfeld, November 18 and December 2, 1747, *loc. cit.*

² THEINER, I., 285. Rather different sums in LEHMANN, III., No. 143.

³ HEGEMANN, 36; LEHMANN, III., Nos. 423, 427. In his letter of September 4, 1748, Benedict XIV. thanked the Cardinal for his support of the Berlin church, "che fra le sovvenzioni mandate di qui e per le Nostre incessanti premure dalla Spagna a quest' hora avrà avuto 50,000 scudi. Noi battiamo in Francia ed in Polonia, e se otterremo, erit oleum de saxo durissimo; ci dispiace che l'idea presa dai presidenti alla fabrica è stata troppo sublime" (FRESCO, *Lettere*, XIX., 183). Quirini published his fulsome correspondence with Frederick II.; see HEGEMANN, 36.

a subscription. Benedict was clearly disappointed by the reply made by Cardinal Tencin, which deprived him of all hope of support from France.¹ The final result of the Papal collection in Rome was that more than 27,000 scudi were sent by a Roman banker to Berlin.² Benedict was displeased at the church being begun in too magnificent a style,³ for he feared that sufficient money would not be obtained. Subsequently recourse had to be had to a lottery in aid of the church building.⁴

The favourable impression made on the Pope by Frederick's good will towards the Berlin Catholics was obliterated by his procedure in Silesia. The Catholics there were so grievously oppressed by taxes and duties that many were thinking of emigrating. The religious houses seemed to be doomed to gradual ruin. Benedict besought Schaffgotsch to obtain alleviation from the king, but Schaffgotsch did not dare risk arousing in Frederick's mind the slightest suspicion that he was ungrateful.⁵ And yet it was through a despatch of

¹ HEECKEREN, I., 379.

² THEINER, I., 286.

³ Cf. above, p. 79, n. 3.

⁴ LEHMANN, III., No. 244; HEGEMANN, 36. MERENDA, *Memorie*, f. 78: "Per altro il Re di Prussia si portava con molta moderazione a riguardo dei cattolici suoi sudditi, ai quali in questo tempo aveva permesso di fabricare una magnifica chiesa a Berlino. Il Re aveva donato il sito e molti materiali. Per il resto fu fatta una colletta generale per tutti li paesi cattolici. Il Papa diede parte al s. Collegio di questa buona opera con una bella allocuzione, in cui parlava con lode molto del Re di Prussia, animando ogn' uno a contribuirvi e depositare il denaro nel banco Belloni. Il Papa diede grossa somma e li cardinali ancora chi più chi meno, e così la prelatura et altri" (Bibl. Angelica, Rome). Frederick sanctioned the lottery on condition that most of the tickets be sold to foreigners and that the plan of the lottery be submitted to his approval. Cf. LEHMANN, III., Nos. 491, 492. — The building of the church was suspended from 1755 to 1766, and the church was finally consecrated on November 1, 1773. Cf. HEGEMANN, 37 *seqq.*; *Hist.-pol. Blätter*, XI., 449.

⁵ HEECKEREN, I., 400 *seq.*; MÜTING, 23 *seqq.*; PIGGE, 244 *seqq.*

Schaffgotsch's, forwarded by the Polish nuncio Archinto, that Benedict had been exactly informed of the conditions in Silesia.¹

As reported in this despatch, Catholicism was being threatened by other unfair measures besides fiscal ones. Thus by a decree of the Prussian Government no one was allowed to enter upon the priestly office without permission from the civil authorities, which permission was no longer granted to any candidate who was less than twenty-four years old, was fit for military service, and could dispose of property of his own.² Moreover, the municipal bank of Breslau refused to pay to clerics interest on sums deposited. By these measures the situation of the clerics and religious houses was made so difficult that a scarcity of priests was expected to develop within a short time, especially as the Prussian Government was striving to keep foreigners out of religious appointments.

Since the plan of the Vicariate General remained unfulfilled, and all legal cases had to be decided within the country, the Catholics had no court of appeal unless they were willing to have recourse to the secular courts.³ As this was not infrequently done, Benedict made mediatory proposals which Schaffgotsch passed on to the king. The latter declared that an abatement of taxes was impossible but that he was prepared to make concessions on the other points. Thus he agreed that for the hearing of appeals clerics should be appointed who were empowered for the purpose by the competent nuncio. He also expressed his agreement with the lower age limit of twenty-two years for the taking of vows, as laid down by the Council of Trent.⁴

Frederick's unexpected agreement on these points was probably due in part to his desire to see other matters settled for which he required the Pope's assent. He wanted, for

¹ For this memorandum of Schaffgotsch's see THEINER, II., 4 *seqq.*; *Zeitschrift für preuss. Gesch.*, XX. (1883), 126 *seqq.*

² MÜTING, 28 *seqq.*; PIGGE, 266 *seqq.*

³ MÜTING, 26 *seq.*

⁴ LEHMANN, III., Nos. 176, 197, 180; THEINER, II., 9 *seqq.*

instance, all the religious Orders in Silesia to be placed under the jurisdiction of the Bishop of Breslau.¹ Benedict, however, knowing that the object of the Prussian Government was to set up a national Church, replied that it would be impossible to fulfil Frederick's wish without stirring up against himself the members of religious Orders throughout the world. He was willing, however, to concede the Bishop of Breslau the right of superintending the religious houses of Silesia.² With this solution Frederick expressed himself as satisfied.

On August 1st, 1748, the Pope sent the nuncio Archinto the necessary authorization for the establishment of the Silesian courts of appeal. This arrangement between himself and the Holy See was announced by Frederick to the Silesian authorities by an edict of October 6th, 1748³; in return for this, Benedict had authorized the submission of candidates for ordination to an examination according with the principles of the State legislation, and finally he also had given way on matters concerned with the royal presentation to benefices.

The principal subjects of dissension between the Church and State in Silesia which had come to the surface now seemed to have been settled to the satisfaction of both sides. Frederick sent the Pope a costly casket of amber with several rare books. Benedict was highly appreciative of this token of good feeling and instructed Schaffgotsch to convey to the monarch his deepest thanks.⁴ Thus the Bishop of Breslau's relations with Frederick also improved; during a visit to Berlin he was overloaded with compliments by the king. But the friendly understanding between the Church and State in Silesia did not last long, for Frederick was soon approaching the Pope

¹ LEHMANN, III., 180. Cf. PIGGE, 240 *seqq.*; HEECKEREN, I., 487.

² THEINER, II., 18 *seqq.*; LEHMANN, III., No. 205; HEECKEREN, I., 488.

³ THEINER, II., 34 *seq.*; LEHMANN, III., Nos. 230, 251. On December 22, 1755, this edict was extended to embrace the nobility, who were formerly exempt. LEHMANN, III., Nos. 717, 718.

⁴ THEINER, II., 47; LEHMANN, III., No. 825.

again with his old ecclesiastico-political demands, which showed clearly that he was far from abandoning his views on the royal dignity of being the head of the Protestant Church and on the hierarchic unification of Silesia.

Firstly the influence of foreign Bishops on the Catholics of Silesia was to be removed. The attempt to regulate on the model of Breslau the process of appeal in the districts belonging to Cracow, Olmütz, and Prague failed.¹ On the other hand, the king now desired the union of the county of Glatz with the bishopric of Breslau.² The Pope was again ready to come to an arrangement, but stated that he was willing to undertake the separation only with the agreement of the Bishop of Prague. The Minister Massow at Breslau advised against the union on financial grounds, fearing that the Viennese Government would then demand the separation of the Austrian districts from Breslau, which would mean a diminution in the Bishop's income of 20-30,000 florins, whereas the Bishop of Prague drew only 1,000 florins from Silesia. Frederick gave up the plan immediately and observed that for all that he would dispose of the benefices of the county of Glatz according to his own pleasure and even take the place of a Bishop there when the occasion called for it.³

Out of consideration for the Pope, the death sentence passed on a monk of Oberglogau for having helped a maltreated Catholic soldier to desert, was subsequently reduced to a fine,⁴ and Frederick attempted to use the opportunity to free the Silesian monasteries from their bond of allegiance to their various Orders. Benedict XIV. tried to compose the matter by proposing that the Prussian Government should bring this desire for separation to the knowledge of the Generals of the Orders through Coltrolini.⁵ Frederick agreed

¹ LEHMANN, III., Nos. 337, 342, 352, 369, 373.

² *Ibid.*, No. 512 (March 2, 1754), 515; MÜTING, 61 *seqq.*

³ LEHMANN, III., Nos. 577, 579.

⁴ THEINER, II., 83, and Docum. No. 32.

⁵ *Ibid.*, 85 *seq.*, and Docum. No. 92. This proposal, too, regarding the separation of the monasteries, had been made to the king by Sinzendorf (1743, no date in LEHMANN, II., No. 271).

to this but preferred Schaffgotsch rather than Coltrolini to be entrusted with the mission. The heads of the Orders were ready to negotiate on the matter with the Pope, only the Jesuit General offering objections.¹ Finally Frederick published an edict whereby all Provincials of Orders in Silesia were to be confirmed in their appointments by the king of Prussia.²

These efforts on Frederick's part clearly indicate his object of shutting up the Catholic Church of Silesia within its territorial frontiers. The great plan to establish a Vicariate General had been brought to nought by the opposition of the Pope, but the subsidiary successes were a certain consolation.

To the oppressive fiscal ordinances was added a series of new laws which rendered legacies for spiritual purposes almost impossible. A royal edict of June 21st, 1753, ordained that no member of a religious Order was to be allowed to dispose of property by will, and the testamentary freedom of secular clerics also was restricted. The laity was not allowed to set aside more than 500 thalers for Church purposes, and the dowry brought on entry into a religious house was greatly reduced. All wills containing bequests for religious purposes were subjected to Government control, including dispositions made before the edict. The edict was published on July 21st and it was Frederick's wish that it should be strictly enforced.³ Protests made by the Bishops and other prelates, even by the Pope himself, made little or no difference; only for Mass bequests was some relaxation obtained.⁴

Schaffgotsch's continual complaints had exasperated the

¹ LEHMANN, III., Nos. 483, 484, 485, 488, 529; see also Nos. 530, 567. For the Carmelites *cf.* *Albani to Colloredo on February 16, 1754, State Archives, Vienna.

² LEHMANN, III., Nos. 596, 599. At the same time he forbade Silesian Catholics to make pilgrimages abroad. The main justification put forward for this was that too much money would be taken out of the country.

³ LEHMANN, III., Nos. 454, 457; MÜTING, 48 *seqq.*

⁴ LEHMANN, III., Nos. 467, 468, 471, 478, 479, 503; THEINER, I., 94 *seqq.*

king, who had not thought it possible that the new Bishop would do aught but blindly comply with his desires. Cocceji fanned the flame by accusing Schaffgotsch of making false reports, which brought the latter a sharp rebuke.¹ Bastiani, who would gladly have become Bishop of Breslau, joined in the intrigues against Schaffgotsch.² The storm-cloud that had been gathering over the defenceless Bishop's head was now on the point of bursting.

It did so on the publication of Benedict XIV.'s Brief reducing the number of feast days in Silesia. Frederick had indeed signified his agreement with the text of the Papal letter on February 28th, 1754 ; but during a dispute between the Bishop and the Minister Massow about the legacy of a Mother Superior in Breslau³ the Minister drew the king's attention to passages in the Brief which greatly impaired the prestige of the Prussian State, seeing that they spoke of " the calamities and hardships of the wretched inhabitants of the city and bishopric of Breslau and the present unhappy times ". Massow considered Schaffgotsch to be the culprit, complained again of his arrogant behaviour, and proposed that all episcopal edicts should be censored.⁴ Frederick turned a willing ear to his Minister's suggestions, held Schaffgotsch responsible for the compromising description of Silesian conditions in the Brief, and required that in future all episcopal and Papal edicts should bear the civil " Placet ".⁵ Schaffgotsch asserted that before publication he had submitted all documents to Massow for his approval, and that he had then made no complaint. The Minister could not deny this and had further to admit that the passages complained of were not in the episcopal draft of the Brief. To make up for this, he then suggested to Frederick that Schaffgotsch had not laid before him the true draft of the Brief.⁶

¹ LEHMANN, III., Nos. 496, 502.

² THEINER, II., III.

³ LEHMANN, III., Nos. 510, 525, 527, 529, 534 ; MÜTING, 57 *seqq.*

⁴ LEHMANN, III., No. 536. *Cf.* MÜTING, 65 *seqq.*

⁵ LEHMANN, III., Nos. 538, 539 ; THEINER, I., III *seq.*

⁶ LEHMANN, III., Nos. 541, 548, 549.

In this state of affairs Schaffgotsch had to be prepared for anything. A movement was afoot to treat the matter as one of high treason. Fearing internment in a fortress, the Bishop left Prussian Silesia and withdrew to his seat of Johannesberg in Austrian territory.¹

Meanwhile, however, Frederick had accorded him his pardon and had requested him to write to the Pope about the improper expressions in the Brief. Lest he might seem to have an understanding with Austria against Prussia, Schaffgotsch now returned to Breslau.²

Benedict regretted the unintended effect of his Brief and instantly showed his readiness to issue another without the offending passages. Frederick was satisfied with this announcement, but now no longer desired the abolition of the feast days but only their transference to Sundays. As the Pope did not agree to this, the king let the matter rest.³

Hardly had these squalls subsided when Bastiani was the cause of further trouble. Through Frederick he had been presented with many rich livings, whereby not the slightest regard had been paid to canon law. As Canon of Breslau he was guilty of the most serious embezzlements, also of a monstrous deed of violence against the chapter house, which he despoiled of its archives.⁴ When the Pope took a serious view of these matters, Frederick, apart from a slight rebuke administered to Massow,⁵ who was implicated, shielded his minion.⁶

Surrounded by hostile and envious persons, Schaffgotsch was eager to seize any opportunity to set before the king fresh

¹ THEINER, II., 113 *seqq.*; HEECKEREN, II., 346; MÜTING, 68 *seq.*; LEHMANN, III., No. 551.

² THEINER, II., 117.

³ *Ibid.*, 124; LEHMANN, III., Nos. 574, 637, 658, 659.

⁴ THEINER, II., 126 *seqq.*; FECHNER, *Die Streitigkeiten des Abbé Bastiani mit dem Breslauer Domkapitel und dem Fürstbischof Schaffgotsch 1753-6*, in the *Zeitschrift für preuss. Gesch.*, XVII. (1880), especially pp. 477 *seqq.*

⁵ LEHMANN, III., Nos. 670, 672, 673.

⁶ *Ibid.*, Nos. 664, 667, 676, 686.

proofs of his good will. This was provided by the French Abbé Jean Martin de Prades, who had been debarred from the Sorbonne on account of his doctoral thesis and his contribution to the *Encyclopédie* and whose works had been put on the Index on March 2nd, 1752. To this highly cultured man Frederick cordially extended his hospitality. On Prades expressing his desire to be reconciled with the Pope, the king recommended the matter to the attention of the Bishop of Breslau, who brought it to the Pope's notice.¹ At first Benedict paid as little attention to this petition as to the written defence submitted to him by Prades through Cardinal Passionei, since Prades defended himself only against the censures of the Sorbonne, making no mention of the Papal condemnation of his works. Afterwards, however, Benedict did his best in the matter and asked Cardinal Tencin to mediate in Paris.² Hearing to his pleasure that the Sorbonne had come to a favourable decision, he was able to submit to the Bishop of Breslau a formula of recantation of the errors, which Prades was to sign and return to Rome.³

Prades complied with every stipulation ; he submitted to the ecclesiastical courts of judicature and wrote to the Sorbonne. On April 6th, 1754, he thanked the Pope for his fatherly leniency ; and Frederick expressed to Schaffgotsch his satisfaction with the success of his efforts.⁴

The position of the Catholics in Silesia was again seriously worsened by the outbreak of the Seven Years' War. Schaffgotsch did all he could to make Frederick favourably inclined towards them. He composed a pastoral letter in which he urged both the clergy and the laity to pray publicly for the

¹ THEINER, II., 135. Cf. HEECKEREN, II., 172, 177, 250, 275 ; NOVAES, XIV., 218 *seqq.*

² HEECKEREN, II., 241, 250, 308, 316, 318 *seq.*, 321 ; THEINER, II., 139 *seqq.* Tencin intervened for Prades with the Sorbonne, where the obstacles to be overcome were chiefly formal ; see HEECKEREN, II., 340, 350.

³ *Ibid.*, 323, 325 *seq.*

⁴ THEINER, II., 141 *seqq.* ; LEHMANN, III., No. 775. Cf. our account, Vol. XXXV., 383.

success of the Prussian arms. The Berlin Government was so pleased with this episcopal edict that it had to be published also in the churches of Berlin, Potsdam, Spandau, and Stettin.¹ Nevertheless the Government refused to believe that 'the Catholics were friendly to Prussia. To save himself, Schaffgotsch now spoke of the Catholics' bad faith and of their unprincipled attitude towards Prussia, and regretted his inability to remedy this state of affairs.² But in spite of his protesting that he was supporting the Prussian cause with every possible means and that he did not want the return of slavery under Austria, for which he professed an undying hatred, he could not remove Frederick's suspicion that both he and the whole of the Catholic clergy of Silesia had an understanding with the enemy.³

In December 1757 the Austrian armies advanced victoriously into Silesia and took possession of almost all the country, but they were soon thrown back, and Schaffgotsch did not dare to remain in Silesia any longer. Before leaving, he nominated as his vicar general the worthy Canon Franckenberg, to whom he handed over the direction of the diocese in his absence. Frederick refused to recognize Franckenberg and nominated Bastiani in his stead. The cathedral chapter, on March 10th, 1758, protested against this to the Pope, who annulled Bastiani's appointment on April 15th. He ordered the Canons to choose a worthy dignitary from among their own numbers.⁴

Meanwhile Schaffgotsch had travelled by way of Vienna to Rome, where the Pope granted him an audience.⁵ In Rome he

¹ LEHMANN, III., Nos. 780, 781, 782; MÜTING, 72; *Zeitschrift für preuss. Gesch.*, XX. (1883), 129 *seqq.*

² LEHMANN, III., No. 786.

³ *Ibid.*, Nos. 795, 815, 816, 817, 818. Schaffgotsch was unscrupulous enough, for private reasons, to accuse even his Suffragan Bishop Almesloe of high treason; see JUNGITZ, *Die Breslauer Weihbischöfe*, Breslau, 1914, 239.

⁴ THEINER, II., 146 *seqq.*; LEHMANN, IV., Nos. 11, 12, 13, 15, 18, 19, 25. Cf. U. STUTZ, *Deutsches Bischofswahlrecht*, 152.

⁵ THEINER, II., 148; *Zeitschrift für preuss. Gesch.*, *loc. cit.*, 157 *seqq.*

had nothing to fear, as the relations between Benedict XIV. and Frederick II. had cooled; nevertheless the Bishop was admonished to be loyal to his sovereign.¹ However, his efforts to regain Frederick's favour² failed, he had to keep out of Prussia for ever, and he now lived for the most part in his castle of Johannesberg, where in 1795 he died.³

The effect of the anti-Catholic current in Silesia may best be judged from the Faulhaber case. To avoid punishment a deserter had declared that the chaplain Andreas Faulhaber had, in reply to a question, said in the confessional that desertion was a grave sin but that God forgave it. Faulhaber, on arrest, declared that the soldier's statement was false, but declined to give further information, being prevented by the seal of confession. Although the soldier retracted his statement in a second examination, the investigation was continued, and the deserter was induced to repeat his accusation. In consequence, on December 29th, 1757, Faulhaber was hanged on a gallows on which a deserter was already hanging. His accuser was condemned to run the gauntlet; he declared afterwards that he was guilty of the chaplain's martyrdom. The latter was generally regarded as a victim of the seal of confession.⁴

¹ STETTINER, 29.

² In letters of January 1748 and February 1763 he begged the Prussian king for forgiveness; see *Katholik*, 1856, 512 seqq.; *Zeitschrift für preuss. Gesch.*, loc. cit., 167 seqq.; STETTINER, 31 seq.

³ *Katholik*, 1856, 519; STETTINER, 33; PIGGE, 83. For Schaffgotsch's restless wandering, see MÜTING, 75 seqq.

⁴ LEHMANN, III., No. 701, IV., No. 1; *Stimmen aus Maria-Laach*, XXVI. (1884), 217-222, XXXIX. (1890), 222-4. Faulhaber's innocence is shown in A. J. NÜRNBERGER'S *Neue Dokumente zur Gesch. des P. Andreas Faulhaber*, Mainz, 1900. Cf. E. LOCHMANN, 12; BACH-VOLKMER, *Die Grafschaft Glatz unter dem Gouvernement des Generals De la Motte Fouqué*, Habelschwerdt, 1885; *Hist.-pol. Blätter*, XCV. (1885), 533 seqq.; PIGGE, 224 seq. For another death sentence, not carried out, for aiding a desertion, cf. above, p. 83, and LEHMANN, III., Nos. 396, 402.

CHAPTER III

THE DISPUTES ABOUT CARPEGNA AND THE PATRIARCHATE OF
AQUILEIA. FOUNDATIONS OF BISHOPRICS AND CONVER-
SIONS IN GERMANY. BEGINNING OF THE SEVEN YEARS'
WAR. ILLNESS AND DEATH OF THE POPE.

(1)

THE Peace of Aix-la-Chapelle, of 1748, left unsettled the question of the legal overlordship of the county of Carpegna¹—a question that had been in suspense for centuries—since the ruling that the state of possessions in Italy then prevailing were to be maintained merely preserved the provisional settlement of 1731 made in the reign of Clement XII. and was no permanent solution. The lords of the territory, the Conti di Carpegna, were paying—as had been done for the previous two centuries—a yearly tribute to Florence on the score of a supposed treaty of protection, while for their enfeoffment they had to apply to the Curia.²

In 1749 the controversy was revived by the death of Count Francesco Carpegna and led to serious dissensions between Rome and Vienna for several years³; the German Emperor Francis I. was, as the Grand Duke of Tuscany, lord of the city of Florence and an active defender of its legal claims.

Francesco Carpegna had designated as the heir to his sovereignty his grandson Antonio Gabrielli, the son of his daughter Laura Gabrielli.⁴ The Pope expressed his agreement

¹ See our account, Vol. XXXV., 130 *seqq.*). Carpegna and Scavolino together numbered less than 400 souls. REUMONT, *Toscana*, II., 39.

² HEECKEREN, I., 1.

³ *Migazzi to the Lord Chancellor Uhlfeld, July 12, 1749, State Archives, Vienna.

⁴ Benedict XIV. to Tencin, May 7, 1749, I., 482 (the nomenclature "Marius Ganelli" used here is erroneous).

with this, but Florence was expected to raise difficulties. Accordingly Benedict XIV. sent the Imperial Court a note, according to which the change of government in Carpegna could cause no complications since the state of affairs was clear if previous agreements were honoured.¹ The Emperor's reply, however, was far from satisfactory: Francis I. did not feel himself in any way bound by arrangements made by his predecessor with Pope Clement XII.; as Grand Duke of Tuscany he relied rather on an old arrangement between Florence and the house of Carpegna, by which, years ago, the dominion of Scavolino had been temporarily occupied by Tuscan military guards on the occasion of a similar change of ruler²; the same situation had now arisen in the case of Carpegna.³

Shortly after this communication from the Viennese nuncio news reached the Pope of the entry of Florentine troops into Scavolino and Carpegna.⁴ Their commandant extorted from the inhabitants an oath of allegiance to the Emperor's person and issued a proclamation in accordance with which Florence was taking possession of the inheritance of the Counts of Carpegna for the protection of the Imperial rights. There was no question either of a temporary occupation to ensure the succession nor of the slightest regard for the long recognized Prince Cavalieri of Scavolino.⁵ It seemed that the peace of Italy and the state of possessions in that country were

¹ *Benedict XIV. to Francis I., July 5, 1749 (State Archives, Vienna, Hofkorresp.), with reference to the friendly settlement of 1731 and with the memorandum as an appendix.

² Benedict XIV. to Tencin, May 7, 1749, *loc. cit.*

³ *Idem*, on June 18, 1749, I., 493 *seq.*

⁴ *Ibid.* — “*essendo venute certe notizie che nel feudo di Carpegna sian passati altri soldati dalla Toscana, onde vi si ritrova un presidio di circa 1000 Tedeschi per la pretensione sia quel feudo devoluto da questa S. Sede per ottenere dalla corte di Vienna vi possa succedere il sig. March. Antonio Gabrielli erede del defonto conte di Carpegna. . . .” Avviso di Roma, of June 28, 1749, Cod. ital., 199, State Library, Munich.

⁵ Benedict XIV. to Tencin, June 25, 1749, I., 497.

endangered and that on this point the peace of Aix-la-Chapelle had been violated.

For the Pope speedy action was necessary, lest Antonio Gabrielli, to save his inheritance, should resolve to take it in fee from the Emperor. Benedict XIV. threatened him therefore, in that event, with the confiscation of his extensive and valuable private possessions in the States of the Church,¹ and at the beginning of June 1749, in accordance with a resolution made by a Congregation of Cardinals, he sent the Emperor, through the nuncio Serbelloni, an urgent Brief of warning, with a detailed memorandum.²

The nuncio in Vienna, however, in spite of repeated requests, was not permitted to deliver the Brief. The Imperial representative in Rome, Cardinal Alessandro Albani, did, it is true, ask for an interview with the Pope, that he might explain the matter, and this was granted him, but as he did not proceed beyond trivialities, the Pope, at the end of the interview, alluding to Carpegna, threatened to recall the nuncio in Vienna if the latter did not eventually obtain an audience with the Emperor. In a note which the Pope sent to Albani the same day he demanded satisfaction, to be made public, for the patent disrespect shown to his representative at the Imperial Court, and a speedy answer to his Brief; if these demands were not met, he must regard the behaviour of the Viennese Cabinet as a downright refusal to consider his point of view.³

At long last Serbelloni was admitted to the Emperor's presence. In the most friendly language the latter justified the action he had taken in Scavolino and Carpegna by the obligation which had been laid upon him by the German princes at his election and which he had accepted under oath, to win back in the most active way possible all the Imperial fees in Italy.⁴ Similar in effect was the long awaited reply in writing which arrived in Rome at the beginning of September and in

¹ *Ibid.*, li.

² Benedict XIV. to Tencin, June 25 and July 9, 1749, I., 497, 504.

³ *Idem*, on August 13, 1749, I., 508 *seq.*

⁴ *Idem*, on August 20, I., 509 *seq.*

which the Emperor proposed negotiations with the Pope on the subject of Carpegna.¹

The Pope and a newly convened Congregation announced their agreement with this proposal and gave Serbelloni the necessary powers ; but an indispensable preliminary condition was that the Tuscan troops were to be withdrawn.² But the Emperor was unwilling to abandon so quickly the project of extending his Grand Duchy, however insignificant the extension might be, and he profited by the Pope's demand, by non-compliance with it, to protract the proffered negotiations and thereby a satisfactory settlement of the dispute.

The Pope was now left with no other course but to invoke the intervention of France as the guarantor of the treaty of 1748. Cardinal Tencin was his spokesman at the Court of Versailles but could obtain only a conditional assent ; it was desired that the Courts of Madrid and Turin be induced to mediate at the same time, seeing that they were more directly interested in the peace of Italy and that their co-operation would increase the desired effect in Vienna.³ Accordingly the French ambassador at the Imperial Court, Blondel, was instructed to take no steps except in collaboration with these two Governments⁴ ; but there were difficulties in the way of this too, as at the time neither of the two ambassadors was in Vienna.⁵

¹ *Idem*, on September 3, 1749, I., 514.

² *Benedict XIV. to Francis I. on September 6, 1749 (Serbelloni as negotiator ; *cf. ibid.*, under November 29, 1749), on February 7 (thanking him for his readiness to negotiate and asking for the withdrawal of the troops), and on May 9, 1750 (proposing an honourable retreat), State Archives, Vienna, Hofkorresp.

³ Cardinal Tencin wrote to the Pope on this subject on September 8, 1749 ; see HEECKEREN, I., 520 *seq.* ; Durini to Valenti, August 4, 1749, in CALVI, 186 ; *cf. ibid.*, 188 *seq.*, 190, 199. Serbelloni had already spoken to the French ambassador Blondel on the matter, but the latter could undertake nothing at the time owing to lack of instructions ; see *ibid.*, 185.

⁴ Durini to Valenti, February 2, 1750, *ibid.*, 197 *seq.*

⁵ Benedict XIV. to Tencin, October 1, 1749, I., 521.

The slowness with which affairs were conducted in Vienna was proverbial,¹ and this occasion was no exception. The Pope had to wait months for a reply. To the nuncio the Emperor showed an attitude of utter indecision²; meanwhile, however, the troops in Carpegna were unexpectedly reduced.³ At the same time the diplomats in Vienna succeeded in transforming the question of the sovereignty of the disputed territories into a quarrel between Gabrielli and Cavalieri solely about the legal succession. On the Imperial side it was already being proposed that a third party take over the whole inheritance.⁴ Benedict XIV., however, refused to allow the point at issue to be confused, insisting time after time that the title of both heirs was indisputable⁵ and that in any case the fundamental question of the sovereignty must first be settled before the personal succession was discussed.⁶

It was now the summer of 1750. Carpegna had been illegally occupied for over a year, and the Emperor was still seeking excuses for the occupation. When at last a reply did come from Vienna the Pope's dismay was greater than before. As a condition of the negotiations on the disputed fief it was

¹ "Avec sa lenteur habituelle Vienne ne manquera pas de trainer l'affaire en longueur." *Ibid.*

² Benedict XIV. to Tencin, October 15, 1749, I., 523 *seq.*

³ The same on November 5, 1749, I., 526.

⁴ The same on November 26, 1749, and January 21, 1750, I., 530; II., 4.

⁵ Benedict XIV. pointed out that even if the Counts of Carpegna had always acknowledged themselves to be the vassals of Florence, they were not entitled to do so, since they were not sovereigns. To Tencin, December 3, 1749, I., 532.

⁶ In the spring of 1750 the Pope again made his position known to the Emperor (*Letter of April 29, 1750, State Archives, Vienna, Hofkorresp.): "Due sono i punti della controversia, la sovranità sopra lo stato della Carpegna e l'accomandigia, chi si pretende dover regolare la presente successione allo stato della Carpegna." Cf. Benedict XIV. to Tencin, May 13, 1750, II., 29 *seq.*, and Maria Theresa's *dispatch to Cardinal Albani of April 25, 1750, Archives of the Austrian Embassy to the Vatican.

demanded that the county of Carpegna be handed over to the aged mother and on her death to the sisters of Antonio Gabrielli—in other words the rightful heir was to be debarred from his inheritance. Needless to say, this proposal also had to be rejected by the Pope.¹

On the other hand, the efforts of the Papacy to secure the intervention of the Bourbon Courts had in the meantime met with greater success. Spain² and Sardinia,³ as well as France,⁴ announced their deepest interest in the maintenance of peace and order in Italy. Spain's representative still being absent from Vienna, Blondel, yielding to Serbelloni's insistence, undertook, in conjunction with the Sardinian envoy, in December 1750, to remonstrate personally with the Emperor, whose subsequent reply took the form only of a lengthy justification in writing of his action.⁵

In the next two years also no appreciable progress was made. In 1751 Francis I. sent a circular letter to the European Courts, asking them to abstain from intervention on behalf of the Pope, since on the strength of the aforesaid treaty of protection between Florence and Carpegna he was wholly justified in securing the succession for the healthy daughters of Laura Gabrielli rather than for her sickly son.⁶ French support, which had never been too active,⁷ now became even weaker and, compared with pro-Papal activity, especially

¹ Benedict XIV. to Tencin, August 5 and December 23, 1750, II., 46 *seq.*, 81 *seq.*

² Durini to Valenti, April 6, 1750, *ibid.*, 202.

³ *Idem*, May 18 and October 5, 1750, *ibid.*, 204 *seq.*, 210.

⁴ Benedict XIV. to Tencin, January 14 and February 25, 1750, II., 2, 13; Durini to Valenti, April 13, 1750, in CALVI, 203. The French Minister Puisieux was preparing an instruction for Blondel on the subject of Carpegna. *Ibid.*, 209.

⁵ Durini to Valenti, December 14, 1750, *ibid.*, 213.

⁶ Benedict XIV. to Tencin, February 17 and April 14, 1751, II., 97, 108. The Pope received a copy of the circular letter by devious channels (*ibid.*, 100). The Imperial proposal of autumn 1752 was to the same effect; see *ibid.*, 220.

⁷ Blondel "camminava co' piedi di piombo per noi in riguardo al'a Carpegna, questi [Blondel's successor, A. Contest] li avrà

that of the Sardinian envoy, it developed almost into crippling antagonism.¹ At the end of the year Vienna made a fresh attempt at adjustment, which was no more likely than the preceding ones to secure for the Pope the maintenance of neutrality and feudal overlordship: Laura Gabrielli was only provisionally to take over the total inheritance; should she die before the settlement of the dispute, Antonio would succeed her.²

The affair dragged on, month after month, and its progress was delayed still further by its becoming connected with another dispute about the succession to the estate of the Conti Ubaldini.³ At the beginning of the year 1753 a final proposal was made to the Vatican by the Emperor: the successors desired by the Pope—Cavalieri in Scavolino and Antonio Gabrielli in Carpegna—were to be recognized, but only on the authority of the Imperial enfeoffment.⁴ The real aims of Viennese policy were thus exposed⁵; the Pope could now

di marmo ben pesante per non muoversi un passo a nostro favore" (Durini to Valenti, October 4, 1751, in CALVI, 231). The French did not want to intervene too much, lest their good relations with Vienna be impaired. Durini on October 18, 1751, *ibid.*, 233 *seq.*

¹ Benedict XIV. to Tencin, May 26, June 23, and, especially, July 14, 1751, II., 118, 124 *seq.*, 129; Durini to Valenti, December 20, 1751, in CALVI, 237.

² Benedict XIV. to Tencin, December 15, 1751, II., 157. A similar proposal was made to the Pope by Nivernais (Benedict to Tencin, September 1, 1751, II., 137 *seq.*). Cf. Durini to Valenti, October 23, 1752, in CALVI, 254 *seq.*

³ Benedict XIV. to Tencin, January 10, 1753, II., 237 *seq.* — Under date August 19, 1752, the Pope *complained to Maria Theresa not only of the decline in ecclesiastical activity in Tuscany but also because "appartiene al temporale l'occupazione e ritenzione fatte con mano armata e da tanto tempo in qua vigenti, della Carpegna e di Scavolino senza essersi mai veduto un minimo effetto delle Nostre preghiere per vedercene liberati" State Archives, Vienna, Hofkorresp.

⁴ Benedict XIV. to Tencin, January 10, 1753, II., 237 *seq.*

⁵ Durini to Valenti, January 22, 1753, in CALVI, 257.

not be unyielding enough and he again sought the intervention of the Bourbon Courts. This time he was successful¹; in July their three representatives presented themselves to the Emperor and conveyed to him the definite wish of their Governments that the territories in dispute be speedily evacuated.² France looked for little success from this representation, unless the Emperor was threatened in clearer terms, for which the full co-operation of Madrid and Turin would be necessary.³ In autumn there were further conferences between the envoys and the Austrian Cabinet.⁴

At last, in June 1754, Francis I. yielded to the pressure that was continually brought to bear upon him and at the same time ceased negotiations on the matter. In silence, without any diplomatic explanations, he acknowledged the justice of the Papal claims by withdrawing his troops from both territories,⁵ by allowing the sequestered revenues to be surrendered to the two rightful heirs, and by allowing them to take possession of their dominions.⁶ Thus a long and bitter dispute about a tiny tract of land was settled in complete tranquillity. Only a brief correspondence between the Cardinal

¹ Benedict XIV. to Tencin, July 12 and August 23, 1752, II., 200, 208. Cf. also " *Relation sur l'origine et les progrès de l'affaire de Carpegna " (Ristretto dell'affare di Carpegna, fragments of an intercepted correspondence between Nivernais, French ambassador in Rome, and Hautfort, French ambassador in Vienna), Varia, t. 49, State Archives, Vienna, also *letter to Durini, dated Rome, 1752, November 8 (" appunto per questa ragione [i.e. on account of the ' mire della corte di Vienna '] deve la Francia assisterci in braccio forti e mettere un freno alle ideali e chimeriche pretensioni di quella corte, la quale non attende che l'esito di quest'affare per portarle all'eccesso in tutta l'Italia "). Nunziat. di Francia, 442, f. 439, Papal Secret Archives; further, *Nunziat. di Spagna, 430, *ibid.*

² Durini to Valenti, July 30, 1753, in CALVI, 276 *seqq.*

³ *Ibid.*, also on August 6, 1753, *ibid.*, 279.

⁴ Benedict XIV. to Tencin, November 7, 1753, II., 301; Durini to Valenti, October 29, 1753, in CALVI, 287 *seqq.*

⁵ Benedict XIV. to Tencin, June 12, 1754, II., 344; cf. I., li.

⁶ *Idem*, June 26, 1754, *ibid.*, 346.

Secretary of State Valenti and the Chancellor, Count Kaunitz, confirmed the settlement which had taken place.

(2)

Almost contemporaneous with the dispute about Carpegna was that about the patriarchate of Aquileia, in which the Imperial Government had every reason to obtain the support of Rome, in order to make good its claims against the Republic of Venice.

For centuries the territory of this patriarchate¹ had been partly under Austrian, partly under Venetian dominion; Aquileia itself belonged to the Austrian portion, whereas the patriarch had long resided only in Udine, that is on Venetian soil. In consequence, since the end of the fifteenth century, all the holders of the patriarchal office had been Venetians, and most of them had come from a few privileged families, although Austria had never yielded her claim to the right of nomination.² The spiritual activity of the Patriarch had confined itself more and more to the territory of the Republic; after Ferdinand II., in 1628, had had to forbid the clergy of the county of Gorizia, which had come into his possession, to have any connexion with Udine, an archdeacon ministered to the needs of the Austrian domains, while the episcopal functions were exercised by the Viennese nuncio.³

This situation became more and more insupportable the less the nuncio was able to exercise his pastoral duties, and the more Church discipline and Church life deteriorated in consequence. A Vicariate Apostolic for the Austrian territory had

¹ A general survey of the constantly changing boundaries of the patriarchate in BUCHBERGER, *Lexikon f. Theologie u. Kirche*, I.², 583.

² P. ANTONINI, *Il Friuli*, 396; CZOERNIG, *Görz und Gradisca*, 353 *seqq.* The 16 Patriarchs since 1476 had sprung from only six Venetian families.

³ Benedict XIV. to Tencin, December 3, 1749, I., 532; CZOERNIG, *Stadt Görz*, 41 *seq.*; *idem*, *Görz und Gradisca*, 355.

been projected by Urban VIII.¹ and had been frustrated only by the opposition of Venice ; with the Patriarch's counter-proposal that a new, separate bishopric, subject to him as Metropolitan, be founded, Vienna could not agree.² Similar projects were formed under Emperor Charles VI. It was not, however, until the general requiescence of political life in 1748 that Benedict XIV. showed a greater readiness to clear the ground for a solution.³

It was from Maria Theresa that there now emanated the suggestion that a separate bishopric be founded for the areas subject to her. But the Pope, wanting to avoid a clash with the Republic, could only agree, after long negotiations,⁴ with the appointment of a Vicar Apostolic with the character of a Bishop *in partibus*, whereby he would be immediately subject to Rome.⁵ A Brief⁶ authorizing in principle the establishment of a vicariate followed on November 29th, 1749, whereby the foundation was described as a temporary solution. A permanent settlement was envisaged by the Pope only in the distant future, since in his, justifiable, opinion Venice would do all in its power to postpone such a settlement as long as possible, if not to prevent it altogether. The Brief awarded the Vicar the title and dignity of Bishop, obliged him to take up his permanent residence in Gorizia, gave him powers deriving directly from Papal authority, and reserved the right of nomination also for the Pope alone.

¹ See Benedict XIV.'s allocution of December 1, 1749, in *Bull. Lux.*, XVIII., 227 seq. ; CZOERNIG, *Görz und Gradisca*, 921 ; ANTONINI, *loc. cit.*, 397 seqq.

² Benedict XIV. to Tencin, December 3, 1749, I., 532.

³ ANTONINI, 400.

⁴ *Avvisi di Roma of May 10 and August 2, 1749, Cod. ital. 199, of the State Library, Munich.

⁵ *The Pope advised the Empress " si contenti del Vicario Apostolico perpetuo con quelle maggiori facultà, le quali si possono desiderare, e col ricorso a dirittura alla S. Sede, levandola dal Patriarca ". Mellini to Uhlfeld, June 15, 1748, State Archives, Vienna.

⁶ *Bull. Lux.*, XVIII., 225 seqq.

When the contents of this Brief were announced by Benedict XIV. to the Consistory held on December 1st, 1749,¹ no objection to it was actually expressed, even on the part of the Venetians²; the person and the various powers of the Vicar were to be announced in another Brief. The Pope, however, had to add that the plan had been approved by Vienna but not by Venice³; on the other hand he reckoned on the Patriarch Delfino taking a more favourable view and prudently giving way.

By this decision of the Pope's most of the Venetian senators were highly incensed. A firm protest was decided on,⁴ Cardinal Rezzonico was empowered to reopen negotiations with the Pope,⁵ and at the beginning of 1750 Cardinal Quirini was also delegated for this purpose,⁶ so that with the two ambassadors Foscarini and Capello four representatives of the Republic were now active in Rome. As time went on, Quirini's behaviour became more and more strange, as he took a hand in everything and always wanted to be the one to take the final decision, without using the necessary discretion.⁷

Benedict XIV., determined in spite of everything not to leave the faithful in the eastern part of the patriarchate without a shepherd, worked out a draft of the special Brief of

¹ Text of the allocution, *ibid.*, 227 *seq.*

² Benedict XIV. to Tencin, December 3, 1749, I., 532.

³ Cf. *Mellini to Uhlfeld, August 30, 1749, State Archives, Vienna.

⁴ The Patriarch Delfino also made a protest, though a very moderate one; see *Albani to Colloredo, March 24, 1750, *ibid.*

⁵ Benedict XIV. to Tencin, December 17, 1749, I., 536. Of Rezzonico's activity Mellini *wrote to Uhlfeld on January 3, 1750: "Il sig. card. Rezzonico si trova pieno di confusione: non avendo quell' abilità, che il negozio ricerca, nè quella stima nella Repubblica, la quale gli dia il coraggio d'illuminarla dell' imbroglio." State Archives, Vienna.

⁶ Benedict XIV. to Tencin, February 4, 1750, II., 9.

⁷ *Idem*, February 4 and 11, March 4, 18, and 25 (the last letter particularly satiric), and June 24, 1750, *ibid.*, II., 9, 11, 16, 19 *seq.*, 20 *seq.*, 38; cf. I., lii. *seqq.*

appointment¹ and brought it to the knowledge of both Governments. Venice replied with threats and tried to obtain the intervention of France, in which it was completely unsuccessful.² The Pope, intent on a speedy settlement of the matter, finally refused to grant an audience to Quirini,³ who with his gossip was directly provoking hostility towards him.⁴

The arrival of the Imperial Government's assent was followed, on June 27th, 1750, by the special Brief of establishment,⁵ by which Karl von Attems⁶ was appointed Vicar of Gorizia, his possessions and revenues were defined, and his pastoral duties were pressed on his attention. An accompanying Brief to the Empress contained an earnest request that the new Vicar be urged to take up his residence immediately and to begin his visitations as soon as possible.⁷

At the same time the Pope tried by means of a special letter to render this solution agreeable to the Venetian Senate⁸; the ensuing reply was in more courteous terms than before, but the old refusal was adhered to and fresh negotiations were requested. In the Republic the people were goaded on to ever greater indignation.⁹ Cardinal Quirini played the part of a patriotic hero, and finally the radical majority in the Senate decided on measures of violence: Venetian troops

¹ *Idem*, March 18, May 13, and June 17, 1750, II., 16, 30, 37.

² The French envoy Nivernais assured the Pope of his king's appreciation of Rome's standpoint. *Idem*, March 25, 1750, *ibid.*, 20.

³ *Idem*, June 24, 1750, *ibid.*, 38.

⁴ *Idem*, May 6, 1750, *ibid.*, 29.

⁵ *Bull. Lux.*, XVIII., 228 *seqq.*

⁶ For this family, see *Allg. D. Biogr.*, I., 632.

⁷ Benedict XIV. to Tencin, July 1, 1750, II., 40. Attems followed these instructions (*idem*, September 9 and 16, 1750, *ibid.*, 58) and in the succeeding months worked with great diligence and success (*idem*, December 9, 1750, *ibid.*, 77 *seq.*).

⁸ *Idem*, July 1 and 15, 1750, *ibid.*, 40 *seq.*, 44. Benedict XIV. showed his great desire to reach an agreement, but without success.

⁹ *Idem*, July 22, 1750, *ibid.*, 45.

assaulted the Imperial ambassador,¹ the Papal nuncio was formally expelled, and the Bishops were ordered not to recognize the tribunal any longer; also the Venetian envoy in Rome was recalled.² Thus diplomatic intercourse with the Holy See was suspended. What else could the Pope do but ask Maria Theresa to recall her envoy from Venice and to dismiss the Venetian representative in Vienna? ³

Yet there was one person in Venice who was far from approving of this sudden rupture of relations: Cardinal Rezzonico. Of his own accord, as it was shown afterwards, he opened the prospect of fresh negotiations in a letter to the Cardinal Secretary of State, Valenti.⁴ Benedict XIV. immediately showed his readiness on principle to negotiate and asked the Empress to refrain once more from the breaking off of diplomatic relations, which had already been decided on in Vienna.⁵ Nevertheless Venice again replied only in general terms,⁶ so that even Rezzonico was unable to pave the way for the resumption of relations.⁷

Meanwhile Venice had again approached the French Government for the purpose of seeking its support. The Minister Puisieux replied, however, that only on the request of both parties would it be possible to intervene.⁸ When the

¹ *Idem*, August 26, 1750, *ibid.*, 53.

² *Idem*, September 16, 1750, *ibid.*, 59; *Albani to Colloredo, July 11, 1750, State Archives, Vienna.

³ *Idem* to Tencin, September 16, 1750, II., 59. For the Pope's dissatisfaction: *idem*, June 17 and 24, 1750, *ibid.*, 37, and *Mellini to Uhlfeld, September 26, 1750, State Archives, Vienna.

⁴ **Idem*, August 8, 1750, *ibid.*; Benedict XIV. to Tencin, September 16 and 23, 1750, II., 59, 61.

⁵ *Idem*, September 23 and 30, 1750, *ibid.*, 61, 63. Maria Theresa declared her intention of really breaking off relations if Venice did not resume relations with the Vatican within two months. *Idem*, October 7, 1750, *ibid.*, 64.

⁶ *Idem*, October 21, 1750, *ibid.*, 67 *seq.*

⁷ *Idem*, December 9 and 16, 1750, *ibid.*, 77 *seq.*, 79 *seq.*

⁸ Durini to Valenti, March 16, 1750, in CALVI, 200. On the other hand, Mellini suspected France of working in secret in

importunity of Venice became more and more impetuous the following resolution was passed by the Cabinet towards the end of 1750 : the French king had best propose to the Republic the abolition of the patriarchate and the erection of two separate bishoprics, otherwise Austria, sooner or later, on the strength of its possession of the city of Aquileia, would lay claim to the patriarchate also.¹

Venice's last hopes of stronger help from France were therewith finally dispelled. The Pope too grew more and more inclined to view the French solution as a guarantee of a lasting peace. Rezzonico tried again to find another way of settling the question, this time by proposing the erection of a patriarchate of Udine,² but this Venice violently rejected, so that by the beginning of the year 1751 the Republic was left with no other choice but to acquiesce in the French proposal.³

In an audience with the Pope in February 1751 the Venetian Cardinal could now announce some gratifying news⁴ : the Senate was about to appoint a new envoy to the Vatican, the Papal nuncio was free to return to Venice and open his tribunal, Cardinal Quirini would be recalled from Rome, and the project to replace the patriarchate by two bishoprics with

support of Venice ; see his *letters to Uhlfeld of August 29 and October 3, 1750, State Archives, Vienna.

¹ Benedict XIV. to Tencin, November 25, 1750, II., 76 ; Durini to Valenti, December 28, 1750, in CALVI, 214. Puisieux had previously questioned the nuncio Durini as to his approval ; see his letter of December 7, 1750, *ibid.*, 211. The same proposal was made by Nivernais to the Pope ; see Benedict XIV. to Tencin, December 16, 1750, II., 80.

² *Idem*, December 16 and 23, 1750, *ibid.*, 80, 82.

³ Durini to Valenti, February 8, 1751, in CALVI, 217. Mellini had already *reported to Uhlfeld, under date January 12, 1751, on a lengthy conversation with Rezzonico about the project. State Archives, Vienna. Cf. also **ibid.*, under date January 30, 1751.

⁴ Benedict XIV. to Tencin, February 3, 1751, II., 91 ; *Avviso di Roma of March 25, 1751, Cod. ital. 199, of the State Library. Munich.

equal rights met with no disapproval. Thus the way was opened by which speedy progress could be made.

Within a few weeks a mutual understanding was attained. Quirini, the persistent trouble-maker, now discredited even with Venice,¹ departed from Rome without a final audience.² At the beginning of April, Cardinals Mellini and Rezzonico were received together by the Pope and handed to him the letters of their Governments requesting that he put an end to the dispute.³ Thereupon Benedict ordered a Bull to be drafted and to be submitted to the two Powers.⁴

During his stay at Castel Gandolfo in the summer the Pope got ready for publication both this Bull and an allocution for the coming consistory.⁵ The latter was held on July 2nd. The Vicariate of Gorizia, he said in his speech,⁶ was called into being only as a provisional solution ; it was a Papal right to erect, divide, or abolish dioceses. He then thanked, after God, the Empress Maria Theresa and the Doge and Senate of Venice for their readiness to come to an understanding, and

¹ He was informed that his gossiping would do nothing but harm and that he was forbidden to make any further announcement without the permission of the State ; see Benedict XIV. to Tencin, April 21, 1751, II., 111.

² *Idem*, March 10 and 24, 1751, *ibid.*, 101 *seq.*, 104. He was here called by the Pope a " Narcisse fort amoureux de lui-même "

³ *Idem*, on April 7, 1751, *ibid.*, 107.

⁴ " *Si è ordinato da N. S. di formare la nuova Bolla per l'erezione delli due nuovi vescovadi per l'aggiustamento dell' affari d'Aquileja, uno nella parte austriaca e l'altro in Udine, per poterne considerare prima la minuta acciò venghi poscia concordemente anche dalle potenze interessate stabilita la sudetta Bolla e li vescovadi." (Avviso di Roma of April 13, 1751, Cod. ital. 199, of the State Library, Munich). On April 24, 1751, *Mellini informed Uhlfeld that the Pope was granting the Empress the right of nomination to Gorizia (State Archives, Vienna). Cf. Benedict XIV. to Tencin, April 28, 1751, II., 111 *seq.*

⁵ *Idem*, June 16, 1751, *ibid.*, 123.

⁶ *Bull. Lux.*, XVIII., 224 *seq.* Cf. *Mellini to Uhlfeld, July 7, 1751, *loc. cit.*

Cardinals Rezzonico¹ and Mellini for their mediation. As the Papal edict on the abolition of the patriarchate and the setting up of two archbishoprics in Gorizia and Udine was to be a consistorial Bull, Benedict sent it for their signature to all the Cardinals present in Rome.² On July 6th the Bull was published.³ It announced the dissolution of the Vicariate of Gorizia and contained, word for word, the text of the agreement between Vienna and Venice: the Patriarchate of Aquileia with all the institutions, titles, and dignities connected with it was declared to be extinct; its place was taken by the two new archbishoprics; only the reigning Patriarch Delfino was personally to retain his title during his lifetime; the Pope recognized these arrangements and was giving orders for the necessary alterations; the right of nomination to these new metropolitan sees would belong to the Governments of Venice and Vienna; the venerable patriarchal church at Aquileia was exempt and was subject only to a Papal delegate.

The assent of the Imperial Government was obtained without difficulty, but owing to the slowness with which affairs were conducted in Vienna it was not until April 18th, 1752, that the archbishopric of Gorizia was finally erected, with Karl von Attems, then Vicar Apostolic, as the first

¹ For the approval of Rezzonico's activity, see the *report of April 24, 1751: "Le Sénat vient de marquer d'une manière éclatante au cardinal Rezzonico, combien il est satisfait de ses services, en criant son frère Sénateur, ce qui est le plus grand honneur que la République pût faire à sa famille, qui n'étoit pas sénatoriale. La cour de Rome n'est pas moins contente de la sage conduite de cette Éminence, qui de son côté désire et demande son rappel pour pouvoir retourner dans son diocèse et se donner tout entier au soin de son troupeau." State Archives, Vienna, Varia, t. 49.

² Benedict XIV. to Tencin, July 14, 1751, II., 129.

³ Text in *Bull. Lux.*, XVIII., 235 *seqq.*, and in MERCATI, *Concordati*, 413-422 (here without the signatures). The contemporary, official printed text (Romae, 1751) is noted by KRAUS, *Briefe*, 285, No. 186. Cf. ARNETH, *Maria Theresia*, IV., 56.

Metropolitan and the other Illyrian bishoprics as suffragans.¹ Austria paid honour to the new dignity by minting a commemorative coin and by promoting the Archbishop of Gorizia to the rank of a prince of the Empire in the year 1766.² Venice was more tardy in giving its assent; it was not till January 29th, 1753, that Benedict XIV. could announce in consistory the definite installation of the Patriarch Delfino as Archbishop of Udine, together with more particular dispositions.³

There was reason to hope that all parties would be satisfied with this arrangement, but it was clear that Venice could not overcome its regret at losing the patriarchate. The opposition party gained strength rapidly and as early as 1754 it had passed a senatorial decree by which, on account of numerous abuses, all subjects were forbidden to apply to Rome for pardons or dispensations without a State *placet*.⁴ The Pope rightly regarded this as a purely spiteful act and threatened to pass over the Venetians when the next occasion occurred of creating

¹ " *Sono state spedite le Bolle per il nuovo vescovado eretto di Gorizia dichiarata metropolitana nello Sig. Attems che fu preconizzato nel passato concistoro per l'aggiustamento seguito del patriarcato di Aquileja a tra poco verrà dichiarato l'altro nuovo arcivescovo d'Udine per l'Em. Delfini patriarca a tenore del suddetto accomodamento " (*Avviso di Roma of May 6, 1752, Cod. ital. 199, of the State Library, Munich). Text of the Bull in *Bull. Lux.*, XIX., 1-8. Cf. Benedict XIV. to Tencin, April 26, 1752, II., 183.

² P. ANTONINI, *Il Friuli*, 401. Gorizia cathedral received half the cathedral treasure of Aquileia and rich gifts from Maria Theresa; see CZOERNIG, *Stadt Görz*, 46. Other ways in which the Empress showed her solicitude for Gorizia were the reclamation of the marshes and the political reorganization of the country; see *idem*, *Görz und Gradisca*, 750. An Austro-Venetian commission examined the records in 1754 and carried out a thorough delineation of the boundaries; see ANTONINI, 401.

³ Text of the Bull, of January 19, 1753, in *Bull. Lux.*, XIX., 23 *seqq.* Cf. Benedict XIV. to Tencin, January 31, 1753, II., 242.

⁴ *Albani to Colloredo on September 28, 1754, State Archives, Vienna. Cf. HEECKEREN, I., LIV.

Cardinals or filling vacancies in the Rota.¹ The Republic fell back on its old tactics of expressing its readiness to discuss the alleged abuses but of not going beyond general statements.² Again the mediation of France seemed to offer the best way out of the difficulty.³ The negotiations dragged on, and it was not until 1758, when the Venetian Rezzonico had ascended the Papal throne, that the decree was finally repealed.⁴

The second foundation of a bishopric which took place under Benedict XIV, in Germany, was also fraught with great difficulties. This was the promotion of the old Benedictine abbey of Fulda to a diocese in itself.

The second foundation of a bishopric which took place under Benedict XIV., in Germany, was also fraught with great differences with the neighbouring diocese of Würzburg. In 1722 the chief questions were settled by the Concord of Karlstadt⁵ and in return for some slight concessions on the part of the convent the quasi-episcopal powers of the abbot of Fulda were guaranteed. Also a precise delimitation of the boundaries was undertaken and the wording of the letter by which the newly elected abbot was to inform the Bishop of his promotion, and the latter's reply, were agreed upon.

In the course of time this solution proved unsatisfactory and Fulda's desire grew ever stronger to see all the subjects of dispute between itself and Würzburg settled by its

¹ Benedict XIV. to Tencin, March 12, 1755, II., 399 *seq.*

² *Idem* on March 19, April 23, September 17, 1755, and January 7, 1756, *ibid.*, 402, 408, 442, 469. Venice wanted also to curtail the flow of money to the Curia; the Pope was considering pointing out to the Republic that his contributions to the funds made necessary by the war against the Turks were far greater.

³ *Idem*, August 18, 1756, *ibid.*, 521.

⁴ *Ibid.*, I., LIV. As early as January 4, 1755, *Albani informed Colloredo that Venice did not intend to put this decree into execution; on the other hand, on April 13, 1757, *Albani was still reporting to Count Kaunitz that Venice had no intention of suspending it. State Archives, Vienna. Cf. below, p. 158.

⁵ SIMON, *Verfassung Fuldas*, 53.

acquiring the dignity of a bishopric. To this proposal the Imperial Government willingly gave its assent.¹ Accordingly, in 1751 at Hammelburg, the Prince Abbot Amand von Buseck renewed the treaty of concord with the Bishop of Würzburg, Karl Philipp von Greiffenklau.² Under date October 1st, 1752, the arrangements made³ were confirmed by Benedict XIV., with the exception of a paragraph of the Karlstadt text, according to which eleven abbatial parishes enjoyed the right to appeal to the Bishop of Würzburg. This was done to round off and unify the extensive portions of territory belonging to the abbey, which were now coalesced into a compact administrative district.

A few days later, on October 5th, the Pope announced in a Bull⁴ the erection of the bishopric of Fulda. In the introduction Benedict recalled the ancient services and privileges of the convent of St. Boniface, and praised the teaching⁵ and pastoral activity of the monks, their exemplary life in the cloister, and their punctual payment of taxes to Rome. Wherefore he gladly, *motu proprio*, set up the separate bishopric of Fulda, with the complete retention of its monastic constitution, so that the elected abbot would also be the elected Bishop, the convent his residence, the convent church his cathedral.⁶ The right to vote would be held by the Dean, who was at the same time Provost of St. Andreas, eight provosts in various dependencies, and five other capitulars of St. Andreas. When assisting the Abbot-Bishop at divine service, the Dean and provosts, who had been allowed to wear

¹ *Ibid.*, 54. As the Empress's arch-chancellor, the Prince Abbot of Fulda was in close relations with the Court of Vienna.

² SIMON, 53.

³ Text in *Bull. Lux.*, XIX., 9-15.

⁴ *Ibid.*, 15-17, original in the State Archives at Marburg (see G. RICHTER, *Statuta mai. eccl. Fuld.*, LXV.). Cf. *Albani to Colloredo on November 10, 1753, State Archives, Vienna; NOVAES, XIV., 185.

⁵ In 1733 a university was founded; see SIMON, 20.

⁶ The prelate of Fulda was thereby abbot, bishop, and prince; see *ibid.*, 24.

a golden cross since the time of Clement XII., were now allowed to wear the mitre and ring. The importance attributed by the Pope himself to this raising of status is clear from his including this Bull in his work *De synodo diœcesana*¹; the matter, he said, was one of importance for the whole Church and a deliberate reminder of the Anglo-Saxon monastic and itinerant Bishops of the days before the Anglican schism, to whom Fulda, among other institutions, owed its creation.

Fulda was thus placed on an equal footing with Würzburg, and it was not surprising that the latter, which had knowledge of the negotiations, demanded certain indemnities. The demand was met by the Pope in a Bull, issued on the same day,² in which he acknowledged with thanks the meritorious co-operation of the Bishop of Würzburg in solving the problem of Fulda. As a special mark of distinction he bestowed on him the pallium, which was usually given only to Archbishops, and the right to have a cross borne before him.³

The old dispute about Fulda thus seemed to have been happily settled, but subsequently further difficulties were raised, this time by the Archbishop of Mainz, Johann Friedrich Karl von Ostein. In the Bull of erection it was not clearly

¹ "Celebris fuit, non in Germania modo, sed in universo etiam orbe catholico abbatia Fuldensis. . . ." (*De syn. dioec.*, III., 7, n. 13). Cf. RICHTER, *loc. cit.*, XLV.

² *Bull. Lux.*, XIX., 17 seq.

³ " *Essendo stato ultimato il grand' affare dell' erezione in vescovato dell' abbazia di Fulda per il istesso abbate m. Armando de Busech, e dichiarati canonici l'istessi monaci, ne è stata formata la particolar Bolla, e questo nuovo vescovato fu proposto dall' istessa S^{tà} Sua nel passato concistoro, onde per compensare le opposizioni del vescovo e principe di Erbipoli alla sudetta erezione in vescovato per varie giurisdizioni pretese in quell' abbazia con particolar indulto di S. S^{tà} si è concesso al medesimo principe e vescovo l'onorifico del pallio arcivescovile per se e suoi successori; lo stesso pallio però è stato portato in Erbipoli dal suo agente sig. abbate Delli, che partì la notte di sabato a quelle volte." Avviso di Roma of December 9, 1752, Cod. ital. 199, of the State Library, Munich.

stated whether the new bishopric enjoyed exemption as the abbey had ; an obscure passage was capable of being interpreted in this sense.¹ This gave rise to an energetic protest on the part of the Archbishop and to a copious polemic in writing.² Nor was the bestowal of the pallium on Würzburg to the Archbishop's liking, although it was expressly stated in the Papal Bull that it would create no prejudice with regard to rights which remained reserved to the Metropolitan.³ It was thus only a few weeks after the foundation of the bishopric that the Pope heard through the French auditor Argenvilliers of fresh troubles with regard to Fulda.⁴

The dispute went on for some time. After the death of the Bishop of Würzburg in 1754 Mainz, through the agency of the Imperial Government, tried to induce his successor, Adam Friedrich von Seinsheim, not to apply to Rome for the conferment of the pallium. But as this distinction was associated with the office and not the person of the Bishop, the Pope threatened to withhold from the new Bishop not only the pallium but also other sanctions of importance.⁵ The Mainz intrigue was thus frustrated.

When in August 1755 Benedict XIV. put the questions concerning Fulda before a meeting of the Auditors of the Rota, it was shown that the conferment of the pallium on Würzburg was unassailable ; in regard to the exemption of Fulda, however, the Metropolitan rights of Mainz over the new bishopric, within the limits set by the Council of Trent,

¹ " ita ut imposterum ut prius regularis numquam esse desinat, in cathedralem et episcopalem, quae ut antea Sedi Apost. immediate subiecta ac regularis existat, ecclesiam . . . erigimus et instituimus." Cf. SIMON, 57.

² *Ibid.*

³ Benedict XIV to Tencin, January 31st, 1753, and March 19th, 1755, II, 240 *seq.*, 401. Thus the Bishop was not allowed to wear the pallium when the Archbishop was staying in the diocese.

⁴ *Idem*, January 31, 1753, *loc. cit.*

⁵ *Idem*, March 19, 1755, *ibid.*

ought to be recognized.¹ It was more than a year later, on September 15th, 1756, that a just distinction was drawn, and the conflict composed, by a Papal Bull² which ruled that all the usual powers belonged to the Archbishop of Mainz, but that the former exemption should continue to be enjoyed by the convent and the convent church and the persons of the abbot and the monks, but not by the secular clergy and the laity.

By this clear distinction between monastic rights and episcopal duties the foundation was laid for an understanding. In a concord of February 1757 Mainz and Fulda, taking as their base a former concord of 1662, came to an agreement in accordance with the Papal ordinance, the text of which was included in the treaty.³ The ending of the five years' dispute about the new bishopric of Fulda was confirmed by a Papal Bull⁴ issued on May 21st, 1757.

(2)

Benedict XIV. considered that he was consoled for the disappointments he experienced during his pontificate whenever he could note the increasing sympathy with Rome and the Catholic Church shown by the Protestant princely houses of Germany. The rumours of the imminent conversion of the Prussian king proved to be unfounded,⁵ but Rome's Church and art won many a new friend in these circles.

Thus in the year 1746 Prince Friedrich of Zweibrücken, through the influence of a Jesuit, the confessor at the court of the Palatine electorate, had returned to the Catholic Church. The Pope, who was informed of the conversion both by Friedrich himself and by the Elector Karl Theodor,⁶ rejoiced exceedingly, especially when the prince made a long stay in Rome in 1751.

¹ *Idem*, August 13, 1755, *ibid.*, 433.

² *Bull. Lux.*, XIX., 250 *seq.* Cf. SIMON, 57 *seq.*

³ SIMON, 58.

⁴ Text with an exact copy of the concordat of May 21, 1757, and the ratifications of the two chapters in *Bull. Lux.*, XIX., 278-284.

⁵ See above, p. 75.

⁶ Benedict XIV. to Tencin, January 4, 1747, I., 295.

The visit began with a Papal audience and reached its climax on Ash Wednesday, when the prince received the sacrament of confirmation at the hands of the successor of St. Peter, Cardinal Passionei standing as godparent.¹ An especially cherished hope which Benedict XIV. associated with the prince's journey to Rome² was to be fulfilled a few years later: in 1755 his younger brother Karl August, who had accompanied him, also changed his confession, so that, as the Elector wrote with delight to the Pope, in this branch also of the house of Wittelsbach there was no longer a single Lutheran living.³

Other famous journeys to Rome made by German princes fall within this period of revived enthusiasm for art. One was made by Duke Karl Eugen of Württemberg, who, although a Catholic, did not seek an audience because he was unwilling to pay the usual homage of kissing the Pope's foot.⁴ In 1748 he had married a Protestant princess of Bayreuth in the presence of a Protestant clergyman.⁵ The journey to Italy made by the Archbishop of Cologne, Klemens August of Bavaria, was conducted with great pomp. He travelled to Rome by way of Venice,⁶ inspected the art monuments in the Eternal City with much interest and left behind costly gifts.⁷

¹ *Idem*, February 17 and March 3, 1751, II., 95, 99. The Pope presented him with costly gifts.

² *Idem*, December 16, 1750, and March 31, 1751, *ibid.*, 79, 105.

³ *Idem*, April 30, 1755, *ibid.*, 408.

⁴ " *Questa sua renitenza ha sorpresa tanto più questa corte, quantochè crede il primo esempio d'un principe cattolico, che abbia avuto ripugnanza di baciar il piede al sommo sacerdote " (Albani to Colloredo, March 31, 1753, State Archives, Vienna). Cf. HEECKEREN, II., 256.

⁵ HEECKEREN, I., 466, 473, 481. The two youngest, Catholic, sons had already been staying some time in Italy, with a Protestant tutor. *Ibid.*, 394, 404.

⁶ " Passaggio dell' Elettore di Colonia per Venezia nel 1755," Venezia, 1893. Cf. *Giorn. stor. d. lett. ital.*, XXI., 481.

⁷ *Avvisi di Roma of August 23, September 23, October 4, 21, and 28, 1755, Cod. ital. 199, of the State Library, Munich.

Much attention also was aroused by the stay in Rome, with her husband Friedrich Wilhelm, of the Margravine Sophie Wilhelmine of Bayreuth, sister of the Prussian king.¹ Her seventeen-year-old son was already in Rome in 1753, when illness prevented him, much to his regret, from attending the Holy Week ceremonies. When received in audience by the Pope he performed the kissing of the foot.² In the summer of 1755 the Margravine arrived in Rome with her husband and made a long stay there; she attended divine service in St. Peter's on the feast of SS. Peter and Paul³ and opened negotiations for a meeting with the Pope⁴; this, however, did not take place. Rumours of her imminent conversion were exaggerated,⁵ but there was no doubt that on leaving Rome her husband promised to see that a church should be built for his Catholic subjects in his own country. For this building Benedict XIV. instructed Propaganda to donate 1,000 *scudi*⁶ and in special Briefs invited the Electors of Mainz, Cologne, and Trier, and the Bishops of Passau and Augsburg to contribute towards it and to allow collections of money to be made in their dioceses.⁷

The event that provoked the most discussion, owing to the

¹ NOACK, *Deutsches Leben in Rom*, 105. Cf. the Margravine's memoirs, Brunswick, 1810, new ed., *ibid.*, 1845.

² *Albani to Colloredo on March 31, 1753, State Archives, Vienna; Benedict XIV. to Tencin, March 14, April 18 and 25, 1753, II., 252, 260, 262.

³ Benedict XIV. to Tencin, July 2, 1755, II., 423.

⁴ *Idem*, May 31, 1755, *ibid.*, 414.

⁵ She read Catholic books. *Idem*, January 21, 1756, *ibid.*, 474.

⁶ " *Di somma consolazione è stata la partecipazione, che il margravio Barait, poco fu partito da Roma, abbia concessa tutta la facoltà alli cattolici permanenti nelli suoi stati di potervi fabbricare una commoda chiesa. Per una tal fabbrica si è ordinata una questua generale per la Germania, e da S. S^{ta} si è ordinato, che da questa Propaganda Fide li siano mandati mille scudi di elemosina." Avviso di Roma of August 2, 1755, Cod. ital. 199, of the State Library, Munich.

⁷ *Avviso di Roma, August 23, 1755, *ibid.*

highly important consequences that followed in its train, was the conversion of Friedrich, heir to the reigning Prince of Hessen-Kassel. Friedrich,¹ son of Landgrave Wilhelm VIII. and son-in-law of the English king George II., had secretly made a confession of the Catholic faith before the Archbishop of Cologne, Klemens August, in 1749.² Subsequently, his increasing preference for the company of Catholics was probably not unobserved by his father, but it was not till 1754 that the latter received certain knowledge of his son's change of faith through an imprudent letter written by the Duchess Elisabeth of Brunswick.³ The Landgrave Wilhelm was not only enraged, as a father, by his heir's break with the traditions of the house ; far greater was his fear for the future of his subjects, whose Protestant faith was in danger, at his death, of suffering a severe set-back, if not actual suppression.

Only a few days after the intelligence he had received had been verified, Landgrave Wilhelm induced his son to sign a sworn deposition whereby the latter promised to provide sufficient guarantees for the preservation of the Lutheran faith in his family and his country. On October 1st, 1754, Friedrich gave the desired assent and three weeks later he was presented with the detailed draft of this guarantee, which, after a few unimportant alterations had been made, he signed. This "act of assurance", of October 28th, 1754,⁴ embraced in 19 articles every means which, in the opinion of the Landgrave and his advisers, secured the religious *status*

¹ For Friedrich, see Räss, *Konvertiten*, X., 113 *seqq.*; *Allg. Deutsche Biographie*, VII., 324 *seqq.*

² HARTWIG, *Übertritt Friedrichs von Hessen*, 25 *seqq.*

³ *Ibid.*, 30.

⁴ Printed at Frankfurt and Leipzig, 1755. Contemporaneous *copy in the Cgm 4012 of the State Library, Munich. There also the aforesaid *declaration of October 1, 1754. An analysis of the deed in HARTWIG, 36-42. Cf. FITTE, 8; BRUNNER, "Die Umtriebe Frankreichs und anderer Mächte zum Umsturz der Religionsverschreibung des Erbprinzen Friedrich von Hessen-Kassel," in the *Zeitschrift des Vereins für hess. Gesch.*, N.F., XII. (1886), 5; HERM. MEYER, *Evang. Fürstenbund*, 14.

quo, and to which the heir to the title assented "irrevocably, with a willing heart and mind". As for his own family, he had to promise that all his children, including those of a possible second marriage, would be given a Protestant education and that they would be provided for adequately and in a manner befitting their rank. In the country whose reigning prince Friedrich would one day be, he was to introduce no changes regarding religion; he was not to check the Protestants nor advance the Catholics; and, as hitherto, all public offices were to be reserved for the Protestants, who were to be neither expelled nor exchanged.

But to the anxious father even this declaration did not seem to offer complete security, so he sought for other means to reinforce it. Without much difficulty he succeeded in inducing England and Prussia to act as guarantors of the "act of assurance"¹; they were subsequently joined by the *Corpus evangelicorum* of the German Diet and then by the Governments of Sweden, Denmark, and the Netherlands. The States-General of Hesse were summoned to meet at Cassel as early as December 1754; at their final meeting on January 11th, 1755,² they adopted the text of the act and also another sworn assurance given by the hereditary prince. In his will too the Landgrave made the necessary alterations. In February, at the insistence of the English king, Friedrich even had to break off marital relations with his wife; leaving his country, he betook himself to Hamburg.³

As was only to be expected, these affairs provoked reaction among the Catholic Powers; on the strength of the Peace of Westphalia they were entitled to oppose the Hessian "act", which removed their hopes of strengthening the Catholic portion of the people. Thus, under date February 20th, 1755, Benedict XIV. addressed various Briefs to the Emperor and Empress, the Catholic Princes of the Empire, Archbishops

¹ HARTWIG, 46-56.

² Text of the decision with all appendices in the edition of the deed (see p. 114, n. 4). Cf. BRUNNER, 5.

³ HARTWIG, 58, 61-73.

and prelates,¹ asking them to work against the participation in the guarantee by the *Corpus evangelicorum*. An attempt was indeed made by Mainz and the Palatine Electorate to bring about a union of the Catholics, but it was frustrated by the attitude of the Imperial Court, which for the time being was still neutral.² In a Brief³ sent to Prince Friedrich in April the Pope encouraged him to cling to the true faith, whatever difficulties were in his way.

Friedrich's stay in Hamburg offered an opportunity of influencing him without attracting attention. The French especially wanted to induce him to sign a solemn protest which was to be kept secret until the death of his father.⁴ It was also hoped to draw him away to some Catholic Court of importance, but as early as June the prince returned to Hesse. Nevertheless the plan was not abandoned, and in December Friedrich had resolved with the aid of Catholic friends to flee secretly to Vienna. But everything was betrayed to the father in time for him to frustrate the plan, which he did with the severest measures. Imperial officials being involved in the plot, the Landgrave protested both to the guarantors and to the Court of Vienna, which replied in a tone bordering on the ironic.⁵

At the same time the Paris Government had appealed to Berlin and Vienna to intervene on the prince's behalf. The reply of the Prussian king amounted to a refusal. The Imperial Court, on the other hand, agreed to intervene actively.⁶ In February 1756 the envoy extraordinary Pretlack was sent to Cassel, ostensibly to compose the quarrel in the name of the Emperor, actually to bring Friedrich to Vienna by means of

¹ *Ibid.*, 77; BRUNNER, 9.

² FITTE, 9; BRUNNER, 9-13.

³ Text in HARTWIG, 239 *seqq.*; *cf.* 76.

⁴ That this protest was actually signed is denied by HARTWIG (107 *seq.*) and affirmed by BRUNNER (28 *seqq.*). In the latter, details about the part played by France (*esp.* 20 *seqq.*).

⁵ Text of this reply in HARTWIG, 260; *cf. ibid.*, 118 *seqq.*, 137-157; BRUNNER, 43 *seqq.*

⁶ BRUNNER, 46 *seqq.*

a patent which appointed him master general of the ordnance.¹ Benedict XIV. also, to whom the most sensational rumours concerning the prince's fate had been reported, appealed to the Imperial couple on March 6th, 1756,² to lend their support to Friedrich.

However, when Pretlack reached Hesse the prince was no longer there, having departed on April 8th for Berlin, where Frederick II. received him most cordially and made him a lieutenant-general in the Prussian army.³ By this may be seen how the prince's resolutions and sentiments had been influenced by the stern treatment he had undergone at his father's hands. To the Catholics this step was a bitter disappointment, for Landgrave Wilhelm it was a happy solution. When the latter died in 1760 a change of policy for his successor was impossible: the Seven Years' War was at its height and Landgrave Friedrich, although a Catholic, was a field marshal in the Prussian army.⁴ The act of assurance came into force.⁵

(3)

Two weeks after the hereditary prince of Hesse entered the Prussian army there broke out the third Silesian war, which in many respects was to prove of particular importance. For one matter the division of the Powers was different from what it

¹ HARTWIG, 160 *seqq.*; FITTE, 9.

² *Benedict XIV. to Francis I. on March 6, 1756, State Archives, Vienna, Hofkorresp. Cf. W. BENNECKE, "Ein Brief Benedikts XIV. an Franz I. zugunsten des Erbprinzen Friedrich von Hessen," in *Hessenland, Zeitschrift für hess. Gesch.*, XIX. (1905), 2 *seqq.*

³ HARTWIG, 180-4; BRUNNER, 55; FITTE, 11.

⁴ HARTWIG, 207 *seqq.*

⁵ Pope Clement XIII., by means of letters sent to the Empress on February 19, and to the Emperor on February 29, 1760, made a further attempt to prevent the assurances, which had been unjustly forced upon the prince, being carried into effect; the Emperor, he alleged, as protector of the Church, ought not to allow it. *Bull. Cont.*, III., 317 *seq.*, 318 *seq.*

had been before and shows most clearly the diplomatic displacements that had occurred during the preceding years of peace. What had been considered impossible ten years previously had come to pass: the two great Catholic Powers of Austria and France, after centuries of conflict, had come to an agreement. To the Pope, who as head of the Church and the ruler of the Papal States had always had to suffer most as a result of the conflict, this development was especially welcome.

In August 1747, even before the conclusion of the Peace of Aix-la-Chapelle, Benedict XIV. had expressed to the Imperial envoy Migazzi his earnest desire for an alliance between these two Catholic Powers. Prussia, he said at the time,¹ gave him more cause for fear than the Turks, and he could never approve of France's concurrence with Frederick II.; had not the prestige of the Holy See sunk so low and had not France's actions been so suspicious, he would immediately have worked for a reconciliation between France and Austria. When, two years later, this same project of an alliance was warmly recommended to the Viennese Cabinet by Count Kaunitz he still could not obtain the approval of those with whom the decision rested.²

In the years that followed, however, the situation imperceptibly changed. During the discussions about Carpegna and Aquileia and during the affair of the hereditary prince of Hesse there developed more and more strongly between the Governments of Vienna and Paris a tacit regard for each other's interests, in some respects indeed a common course of action.³

¹ *Migazzi to Colloredo and Uhlfeld, August 5, 1747, State Archives, Vienna.

² ARNETH, IV., 271 *seqq.*; STRIEDER, *Krit. Forschungen zur österr. Politik*, 10 *seqq.*; KOSER, I., 585.

³ A more serious conflict between Vienna and the Franco-Prussian understanding was caused by the question of the election of the Archduke Joseph as king of the Romans (*cf.* ARNETH, IV., 290 *seqq.*, 314 *seqq.*, 327; HERM. GEHLSDORF, *Die Frage der Wahl des Erzherzogs Joseph zum römischen König, hauptsächlich von 1750-2*, Diss., Bonn, 1887, esp. 60 *seq.*). For

At the same time, Austria and England, whose king had helped most to banish the hopes which the Catholics had set on Hesse, were gradually estranged,¹ and this estrangement was increased the more the colonial war between the English and French which had broken out in 1754 threatened to cast its shadows across the Continent, including also the Empire. It still seemed impossible to detach France from her union with Prussia, when the Anglo-Prussian treaty of alliance signed at Westminster on January 16th, 1756, brought about a fundamental change.² The pro-Austrian element in the Court of Versailles, represented by Madame Pompadour and her devoted assistant the Abbé Bernis, gained the ascendancy, and the latter was empowered to make it known to Austria that Paris was no longer willing to delay coming to an understanding with the Imperial Court.³ The Pope again expressed his keenest interest in such a union of the orthodox and requested the Paris nuncio to keep him exactly informed of the course of the negotiations.⁴ On May 1st, 1756, the Treaty of Versailles was concluded; the Pope hoped that it would last long and have beneficial results, although he himself had to decline to enter into it directly, owing to the military insignificance of the Papal States.⁵

the steps taken by Prussia at the Vatican in this affair, see *Migazzi to Uhlfeld on August 10, 1748, State Archives, Vienna.

¹ CLUDIUS, *Von Aachen bis Westminster*, 6.

² *Ibid.*, 18; SCHÄFER, I., 128-153; RANKE, *Werke*, XXX., 123 *seqq.*

³ KOSER, I., 591; FITTE, 14; RANKE, *loc. cit.*, 150 *seqq.*

⁴ “*E veramente desiderabile, che le due potenze, le quali senza dichiarazione si fanno la guerra, si accordino in qualche maniera . . . ; se le potenze cattoliche per altro aprissero gli occhi, sarebbe questa la più propria occasione per porre un buon freno agli eretici; corre qualche voce, che possa seguire l’unione fra cotesta e la corte di Vienna.” Cipher to the nuncio Gualtieri of February 25, 1756. Nunziat. di Francia, 442, f. 518, Papal Secret Archives.

⁵ Benedict XIV. to Tencin, June 16 and July 21, 1756, II., 506, 515; CARACCILOLO, 150 *seq.* Cf. the *letters of June 1756 to the nuncio Gualtieri, Nunziat. di Francia, 442, *loc. cit.*

War broke out that same year as the result of the Prussian army's invasion of neutral Saxony,¹ occasioned by Austria's military preparations, and its further advance towards Bohemia. France declared that a *casus fœderis* had arisen,² and attempts were made to include Spain in the alliance.³ Benedict XIV., whose help as an intermediary had been sought, instructed the Spanish nuncio Spinola in December 1756 to offer in the Papal name the most zealous support to any inclination or proposals to join the alliance that might come to light at the Court of Madrid but otherwise to use the greatest caution.⁴ When the king of Saxony, hard pressed, besought the Pope to obtain for him at least financial help from Spain.⁵ Benedict agreed to do so but only on the condition that similar representations were made at the same time by the Governments of Vienna and Paris.⁶ The Allies' wish that

¹ " *Deplorabili pur troppo et inaudite sono le ostilità e violenze del Prussiano che pur troppo si ritrova in Dresda o sia ne' suburbii " (autograph note of the Pope to Cardinal Albani, included in the latter's *report to Kaunitz of September 25, 1756, State Archives, Vienna). *The Pope " compiangere le veramente troppo gravi disgrazie di quella regia famiglia [Saxony] e de' suoi stati " (to the nuncio Spinola on December 19, 1756, Nunziat. di Spagna, 438, f. 119, Papal Secret Archives). On September 22, 1756, Benedict XIV. wrote to Tencin that when he heard this news his hair stood on end (II., 530).

² KOSER, II., 41. The Pope had also sent a Brief of exhortation on the matter to France ; see the autograph *note of the Pope in Albani's *report to Kaunitz of September 24, 1756. State Archives, Vienna.

³ For a treaty of friendship between Austria and Spain, concluded in 1752, for securing their Italian possessions, see ARNETH, IV., 536 *seqq.*

⁴ *Letter to the nuncio Spinola, December 19, 1756, Nunziat. di Spagna, 430, f. 124, Papal Secret Archives.

⁵ *Letter to Spinola, December 23, 1756, Nunziat. di Spagna, *loc. cit.* For the financial embarrassment of the Allies, *cf.* SCHÄFER, I., 396.

⁶ *The Pope " mi ha in oltre ordinato di parteciparle, che Ella, quando l'istanza de' due ministri imperiale e francese sia ancora

a special Brief on the subject be sent to the king of Spain he considered himself unable to fulfil.¹

In the political writings of the time and in certain negotiations between the Cabinets the struggle of the Powers was regarded in the light of a religious war. On the Prussian side especially this watch-word was quickly adopted, and Frederick II. was hailed as another Gustavus Adolphus, as the defender of Protestant freedom, for he willingly played the part of such even in Saxony.² But on this subject it is no longer necessary to go into detailed arguments: the Prussian king was, of course, aware that his defeat would be of great advantage to the Imperial, and therewith to the Catholic, party,³ but what weighed most with him was always political, never religious, considerations.⁴ At the same time it would be foolish to deny that confessional animosity was aroused at the beginning of the Seven Years' War⁵; firstly, the ground was prepared for

pendente, s'intenda con i medesimi, ed in nome della St^a Sua faccia le più vive ed efficaci premure e preghiere o a dirittura a S. M^{tà} o per mezzo di quei ministri, che saranno giudicati i più atti a farsi che in una causa sì giusta e di tali e tante conseguenze ognuna delle quali dovrebbe muoversi la nota religione del monarca cattolico ad assistere sotto mano la casa d'Austria sua stretta parente, alleata ed amica; impieghi Ella in somma nel nome pontificio tutti quei termini e riflessioni che crederà più proprii per ottenere l'intento, assicurandola io che Lei non può far cosa di maggior gradimento e di maggior di Lei merito presso S. B^{nè}". To Spinola on June 9, 1757, Nunziat. di Spagna, *loc. cit.*, f. 125 *seq.*

¹ *To Spinola, July 14 and August 18, 1757, *ibid.*, f. 126 *seq.* Subsequently England made ineffectual attempts to win Spain over to her side; see SCHÄFER, I., 536 *seqq.*

² Such were his own words (*Œuvres*, XXVIII., 50); see FITTE, 32. Cf. *Hist.-pol. Blätter*, XVI., 476.

³ RANKE, *Werke*, XXX., 220.

⁴ *Ibid.*, 294; FITTE, 33; ED. LOCHMANN, 73.

⁵ See, e.g., the "Handschriftlich-satirische Zeitung, datiert Rom den 11. August 1756", mentioned in the list of journals and reviews, catalogue No. 81 of the bookseller Max Harrwitz, Berlin, 1900, p. 8.

it by the political effects of the Prince of Hesse's conversion, and secondly it arose spontaneously as a result of the regrouping of the Great Powers, which, though resulting from purely political motives, seemed at first sight to coincide with confessional differences.¹ Moreover, the Prussian king knew very well from previous experiences the effect on the people of arguments of this nature and for this reason he even tried to form the other Protestant princes of the Empire into a "League of Protestant Princes".² However, in spite of the king's untiring assiduity, the plan had to be acknowledged as impracticable in the period in question. Benedict XIV. was not deceived as to the true significance of the battle-cry "war of religion" and urged his representatives never to use a word with which Frederick II. might obtain merely political helpers and confederates.³

On the Imperial side, therefore, confessional animosity was discouraged. It was soon possible to show that such points of view were indefensible by pointing to the military alliance between Austria and Sweden, which had certainly not yet forgotten the traditions of Gustavus Adolphus.⁴ Moreover, the Emperor persuaded several Protestant princes of the Empire to form an Imperial army against Prussia.⁵

Frederick II.'s plan of waging a concentrated war against Bohemia in the year 1757 was given a serious set-back by the

¹ FITTE, 29.

² *Ibid.*, 24; HERM. MEYER, *Der Plan eines evangelischen Fürstenbundes im Siebenjährigen Krieg*, Celle, 1893. Cf. H. GÜNTHER, *Das evangelische Kaisertum*, in the *Hist. Jahrbuch*, XXXVII., 387 *seqq.*

³ " *Perchè l'autore d'un tanto male, per accrescere il proprio partito, continua a spargere e non senza frutto, che questa è guerra di religione, ciò mi muove ad avvertirla di nuovo, che si astenga anche in questo caso dal nominare la religione " (to the nuncio Spinola on December 23, 1756, Nunziat. di Spagna, 430, f. 125, Papal Secret Archives). Also already *on December 19, 1756 (*ibid.*, f. 124).

⁴ KOSER, II., 46 *seq.*; FITTE, 33.

⁵ KOSER, II., 49; SCHÄFER, I., 255, 424 *seqq.*

defeat of Kolin.¹ This victory of Daun's caused much joy in Rome²; in early July the Pope, in spite of his grievous illness, had himself borne in a closed litter to S. Maria Maggiore to offer thanks.³ His condition had now become so parlous that for fear of shattering his health the later news from the theatre of war, which was not so favourable to Austria, had to be conveyed to him as gently as possible.⁴ When in the autumn of 1758 the Imperial victory at Hochkirch struck the Prussian king a bitter blow and at the turn of the year the Franco-Austrian military alliance was further strengthened by a third treaty of Versailles—the second having been concluded in May 1757⁵—Benedict XIV.'s successor had already been seated on the throne of Peter for several months.

(4)

Thanks to his strong constitution and his very great temperance, Benedict XIV., in spite of all the strain and excitement inseparable from the conscientious exercise of his high office, enjoyed excellent health until his seventy-fifth year. It was not till the autumn of 1749 that anything unfavourable was reported of his condition,⁶ and even then he was able to perform the ceremonies of Christmastide, which were made doubly tiring by the opening of the Porta Santa. At the same time he had to admit that they made him realize for the first time the burden of his years.⁷ Although from now onwards he

¹ ARNETH, V., 183 *seqq.*; SCHÄFER, I., 324 *seqq.*

² *Albani to Count Kaunitz, June 29, 1757, State Archives, Vienna.

³ **Idem*, July 6, 1757, *ibid.*

⁴ BROSCH, II., 107.

⁵ ARNETH, V., 438 *seqq.*; SCHÄFER, I., 280 *seqq.*; KOSER, II., 43 *seq.*

⁶ KRAUS, *Briefe*, 64. In his *report of October 18, 1749, to the Imperial chancellor, Cardinal Albani wrote that it was time to be thinking of the conclave and that he therefore asked for instructions. Archives of the Austrian Embassy to the Vatican.

⁷ HECKEREN, I., 537 *seq.*

was forced by attacks of podagra to have recourse to the aid of a stick, he was able to deal with all demands made on him by the ceremonies of the jubilee year of 1750. Apart from the gout, his health remained satisfactory for many more years.¹ Sleeplessness, which also troubled him, he had suffered at Bologna twenty years before.² When one has reached a certain age, he wrote in August 1752, having spent his whole life in working, certain troubles are unavoidable and one must be grateful to Providence if in spite of them one can fulfil one's duty.³ This the Pope continued to do as before to the fullest possible extent.⁴ To keep himself refreshed he continued to take his daily walks.⁵

At the end of March 1754 he had a bad attack of gout in his feet but he had soon recovered enough to be able to move about his rooms, leaning on a stick. At Easter he attended High Mass and imparted the solemn blessing from the loggia of St. Peter's. He looked for a further improvement from the onset of the warm season and his stay in Castel Gandolfo, whither he repaired at the end of May.⁶ While there he was diligent in taking walks.⁷ In the heat of the summer his gout did indeed leave him,⁸ but only to return in February 1755. The Pope was content not to have to lie up and to be able to

¹ Cf. *ibid.*, I., 538, II., 2; Portocarrero's *reports of May 4 and August 24, 1752, Archives of Simancas; MERENDA, **Memorie*, Bibl. Angelica, Rome. Another attack of gout took place in 1751; see KRAUS, *Briefe*, 83.

² HEECKEREN, II., 89.

³ *Ibid.*, 203.

⁴ *Ibid.*, 141.

⁵ MERENDA, **Memorie*, *loc. cit.*

⁶ HEECKEREN, II., 329, 330, 332, 334, 336.

⁷ Portocarrero's *report to the Duque de Huescar, June 6, 1754. On May 30 he had *reported that he would comply with the request made by the king on April 7 for a notification of the "papabili", which would take some time; in any case, the Pope's health was good. The detailed *description of all the Cardinals was not sent off till September 12, 1754. Archives of Simancas.

⁸ HEECKEREN, II., 372.

transact all his business and to give audiences while seated at his desk ; he also held a consistory. The only thing he could not do was to celebrate Mass, as he was unable to stand.¹ How strong he still was is shown by the fact that during the serious illnesses of the Secretary of State Valenti, the Auditor Cardinal Argenvilliers, the Consistorial Secretary Antonelli, and the *Promotor Fidei* Veterani, he was able to take the whole burden of business on his own shoulders.² It seemed that these extraordinary exertions actually increased his strength. He was also present at important ceremonies such as the High Mass celebrated on the feast of St. Peter in 1755 in the basilica of that prince of the Church, when there was also present,³ in a tribune specially erected for her, the Margravine of Bayreuth, the sister of Frederick II., she being then on a visit to Rome.⁴

In the February of the following year the Pope had another bad attack of gout,⁵ but, since Cardinal Valenti was still unwell, he carried out all the business of the Secretariat of State. He was still as good-humoured as ever. His pontificate, he said jestingly, had left him with only two things : his library and his gout. In July he presided over the General Chapter of the Dominicans in S. Maria sopra Minerva. In the autumn, when everyone else had gone away to rest in the country, he put in order, after Cardinal Valenti's death on August 28th, 1756, all those matters which, owing to the Secretary of State's long illness, had fallen into great confusion.⁶ The nomination of Archinto as Valenti's successor at the end of August was fortunate in view not only of the persistent ill-health of the Secretary of the Cipher, Rota, but

¹ *Ibid.*, 394, 396.

² *Ibid.*, 400. Cf. our account, Vol. XXXV, 46.

³ HEECKEREN, II., 423.

⁴ Cf. above, p. 113.

⁵ HEECKEREN, II., 477. Cf. Millini's *letter to Kaunitz of February 18, 1756, State Archives, Vienna.

⁶ HEECKEREN, II., 508, 512, 533. The entirely satisfactory state of the Pope's health was *reported by Portocarrero to Wall on August 26, September 9, October 7 and 20, and November 4, 1756, Archives of Simancas.

also of the severe chill caught by the Pope in the middle of November, though it did not prevent his attending to business with his usual zeal.¹ What was far more serious than the chill was that at the age of eighty-one he should be seized with kidney trouble.² When this was accompanied by a high fever, the physician Pietro Ponzio announced that his patient was in danger of death. On December 10th Benedict received the Last Sacraments devoutly and with resignation to God's will. He was expected to die that night, but while this news was being taken by courier to the principal Courts an improvement took place and was maintained, so that it was possible to hold a thanksgiving service on the first day of the year 1757 in S. Maria Maggiore.³ On January 3rd, though still in bed, the Pope held a consistory on the French affairs and made a fine

¹ HEECKEREN, II., 541. Cf. Albani's *reports of November 13, 17, and 20, 1756. Archives of the Austrian Embassy to the Vatican, and Portocarrero's *reports of November 11 and 18, 1756, Archives of Simancas.

² HEECKEREN, I., xcv.

³ Cf. Portocarrero's *reports to Wall, of December 2, 9, and 30, 1756, Archives of Simancas, and Albani's *letters to Kaunitz, of December 15 and 18, 1756, *loc. cit.* MERENDA reports in his **Memorie (loc. cit.)*: " Il medico del Papa osservava da qualche tempo e non senza apprensione che il gonfiore delle gambe di Sua S^{tà} andasse scemando. All' improvviso, verso la metà di Novembre, si sparse per Roma la voce che il Papa fosse gravemente infermo con pericolo, sorpreso dall' affanno al petto che li toglieva il respiro, onde fu stimata formata certamente l'idrope di petto. Ciò non ostante, contro le regole mediche, per dar rimedio al pericolo presente, li fu cavato sangue e li fu replicata l'emissione nel giorno seguente, talmente che si sentì molto alleggerito e sollevato, riacquistando il respiro libero, a segno che fu creduto guarito. Ma di là a pochi giorni fu attaccato da soppressione di orina con dolori atroci e convulsioni, onde, dopo vari rimedii inutili, dopo il bagno d'olio et altre esperienze, fu chiamato un Pietro Ponzio, sperimentato operatore di siringa e cognito al Papa per sgravarnelo, come seguì; ma, siccome rimanevano le convulsioni con febre gagliarda e le materie venivano marciose, il medico credè che fosse fatta l'inflammazione e la cancrena dei

speech on the situation. He insisted on dictating the text of his allocution, but the exertion brought on a relapse.¹ Subsequently his condition was most irregular, one day bad, the next better again.² The invalid, though well aware that there were many in Rome who thought that after a pontificate

reni e lo dichiarò spedito. In questo stato, la mattina delli 10 Dicembre furono avvistate tutte le Creature che S. S^à si sarebbe comunicata per viatico e avrebbe avuta l'estrema unzione, onde tutti li s^{ri} cardinali accorsero a Palazzo. Fu dunque Sua S^à comunicata per viatico e nel giorno ebbe ancora l'estrema unzione, e si dispose a morire con pietà e rassegnazione degna del Sommo Sacerdote, e furono chiamati li Generali di diverse Religioni per darli l'assoluzione e applicarli diverse indulgenze. . . .

“ La mattina seguente, continuando il male, il Papa chiamò il card. D'Elce Decano, al quale raccomandò la Chiesa et una concorde elezione del successore e volse ancora parlare al card. Vicario, sicchè si credeva che in quella notte certamente sarebbe morto ; e furono spediti li corrieri a diverse corti.

“ Pietro Ponzio anche in quelli creduti estremi momenti volle quasi a forza fare la sua operazione della siringa, e li cavò quasi un orinale di materie grasse e marciose, e dopo tale operazione il Papa incominciò a sentirsi meglio et andò sempre migliorando, sicchè dopo quattro giorni il s. Collegio, ringraziato dell' incomodo presosi cessò di andare a Palazzo ogni mattina et il card. Millo prese questa opportunità per farsi dichiarare prefetto della Congregazione del Concilio con lasciarne però il titolo al card. Spinelli fino a tanto che sarà Datario.

“ Continuò questo miglioramento in modo che la colletta ' pro infirmo morti proximo ' fu mutata in quella ' pro infirmo ' semplicemente, e poi alla fine di Dicembre fu ordinata l'altra ' pro gratiarum actione ' nel primo giorno dell' anno nuovo, in cui fu cantato in S. Maria Maggiore il ' Te Deum '.”

¹ *MERENDA, *ibid.* Cf. our account, Vol. XXXV, 279.

² See F. M. Bonamici's reports of February 1 and March 5, 1757, in the *Arch. stor. ital.*, 4th series, XX., 370 *seqq.* ; *Avviso of March 5, 1757, Cod. ital. 199, of the State Library, Munich. Albani *wrote on April 13, 1757, that on account of his kidney trouble the Pope was hovering constantly between life and death, and that he often lost consciousness ; and, *on April 16, 1757.

of seventeen years he had lived too long already,¹ hoped to find relief in a stay at Castel Gandolfo. The Lenten sermon, he said to the Palace Preacher at the beginning of May, was to be brought to him there ; if he could not hear it he could at least read it.²

But a stay at the beloved Castel Gandolfo was not to come to pass, for the aged Pope's powers of resistance were gradually but irresistibly worn away by kidney disease. On Good Friday, April 8th, 1757, Rome was disturbed by the news that he was again at death's door. On April 10th he received the Holy Viaticum, but by the evening his condition had improved. By the middle of April the fever had subsided. The Pope could take his meals out of bed, dictate letters, and receive his ministers.³ At the end of April he had another bout of fever, which soon subsided. On Whitsunday (May 29th) he imparted the solemn blessing from the loggia of the Quirinal. Although this was followed by a fresh relapse, he still spoke of going to Castel

that Benedict XIV. owed his improvement largely to the Tokay sent him by Maria Theresa. State Archives, Vienna.

¹ Cf. the letter in JUSTI, II., 146.

² See Bonamici's report of March 5, 1757, *loc. cit.*

³ See Bonamici's report of April 16, 1757, *loc. cit.*; Portocarrero's *letters to Wall, of April 13 and 14, 1757, Archives of Simancas, and MERENDA, **Memorie (loc. cit.)*: "Nel venerdì santo, che in quest' anno cadde alli 8 d'Aprile, incominciò a sapersi e publicarsi che il Papa nuovamente era attaccato da febre risentita con affanno, catarro e difficoltà maggiore di orina et aggiunta l'enfiagione notabile dello scroto, si rendeva molto difficile e penosa l'operazione della siringa, onde li fu cavato sangue per due volte, ma, crescendo il male, l'affanno et il catarro, nella domenica di Pasqua 10 Aprile fu publicato il caso per disperato affatto et irremediabile, sicchè fu munito del viatico et avrebbe avuta ancora l'estrema unzione, se non si fosse considerato dal card. Galli Penitenziere e dal sagrista essere questa una continuazione del male patito fino dal Novembre. Il Datario però tenne Dataria straordinaria nella 2^a e 3^a festa di Pasqua ; ma nel martedì sera, dopo un lavativo et altro sgravio avuto naturalmente, cominciò a sentirsi meglio, onde nel mercoledì era restato senza febre e tornato allo stato di prima."

Gandolfo.¹ At the beginning of July he had himself carried in a closed litter to S. Maria Maggiore to give thanks for the victory of the Empress Maria Theresa over Frederick II.² This exertion again brought him within danger of death, but against his physicians' advice he still insisted on making these excursions.³ Thus the summer and autumn passed away.

Benedict was much distressed by his having been rendered unable to celebrate Mass since October 28th, 1756. He considered the question whether he might not do so seated and dictated a learned treatise which decided the question in an affirmative sense.⁴ On and after the feast of All Souls he resumed the celebration of Mass seated at an altar especially made to his requirements.⁵ Just before Christmas he held a consistory.⁶

Apart from the French affairs the Pope was much occupied at this time with the dispute with Venice, which the Signoria, despite the mediation of the Courts of Paris and Vienna, showed no sign of wishing to bring to an end.⁷ With all the more pleasure, therefore, did he receive in the middle of February the news that the Spanish Grand Inquisitor had at last raised the ban on the works of Cardinal Noris.⁸ In March

¹ Bonamici's reports of April 30 and June 18, 1757, *loc. cit.*, 372 *seqq.*; *Portocarrero's *letters of April 28, May 5 and 26 and June 2, 1757, Archives of Simancas; *MERENDA, *loc. cit.*

² Albani's *letter to Kaunitz of July 6, 1757, *loc. cit.*; Portocarrero's *report of July 7, 1757, *loc. cit.*

³ Bonamici's reports of July 9 and 16, and August 13, 1757, *loc. cit.*, 373 *seqq.*; Portocarrero's *letter of September 22, 1757, *loc. cit.*; MERENDA, **Memorie*, *loc. cit.*

⁴ Albani's *letter to Kaunitz of October 29, 1757, to which the printed work was attached: "Lettera della S^{ta} Benedetto XIV. a monsignor Ignazio Reali (Master of Ceremonies) sopra il celebrare la messa' sedendo," dated in Rome in October 1757, State Archives, Vienna. Cf. our account, Vol. XXXV., 300.

⁵ Albani's *letter to Kaunitz, of November 2, 1757, *ibid.*

⁶ Portocarrero's *report of December 22, 1757, *loc. cit.*

⁷ MERENDA, **Memorie*, *loc. cit.* Cf. above, p. 107.

⁸ Portocarrero's *reports to Wall, of February 16 and 23 and March 2, 1758, *loc. cit.* *Ibid.*, the *original letter of Benedict XIV.

the Pope lost his old friend Cardinal Tencin.¹ He himself, although he was now entering his eighty-fourth year, still hoped to live for some time, and to find relief from his ill-health, if not at Castel Gandolfo, then in some villa lying nearer to Rome.² On April 22nd Filippo Maria Bonamici reported that the Pope was passably well and that he intended with the advent of better weather to have himself carried daily into the casino of the Quirinal, where he would give audiences.³

Shortly afterwards it was being said that in the dispute with Venice a solution had been found which was very advantageous for the Republic⁴; but it was not possible to dispatch in due course the relative document on account of the Pope being attacked with fever and convulsions on the night of April 26th. The physicians found that their patient was suffering from inflammation of the lungs.

Benedict saw that the end was near. On the night of May 1st he received the Body of the Lord with complete resignation to the will of God. The next morning he signed the profession of faith and the decree for the beatification of the Jesuit Francesco de Hieronymo; then he summoned to his side the Dean of the Sacred College and the Secretary of State and

to the king of Spain, dated February 22, 1758, "apud S. Mariam Mai.," in which the Pope thanks His Majesty "avendo Ella posto l'animo Nostro in calma che era fuor di modo agitato per aver veduto posto nell'espurgatorio il nome e le opere del fu card. Noris doppo che già esse erano state esaminate tre volte e sempre lasciate correre come esenti da ogni errore dal tribunale di quest' Inquisizione generale di Roma. Mediante l'autorità ed inalterabile giustizia della M^a V. prima di morire vediamo terminato un affare di tanta importanza e conseguenza per Noi e per la Santa Sede". See our account, Vol. XXXV., 369.

¹ The last note sent to Tencin, dated February 15, 1758 (HEECKEREN, II., 560), probably never reached the Cardinal's hands, seeing that he died on March 2, 1758.

² Bonamici's report of April 8, 1758, *loc. cit.*, 377.

³ Bonamici's report of April 22, 1758, *ibid.*

⁴ MERENDA, **Memorie*, *loc. cit.*

asked them and all the Cardinals to forgive him his failings, especially his impatience, which was due to his natural temperament, not to ill-will. At the same time he exhorted them to be of one mind in choosing the new head of the Church. Finally he sent for the Spanish ambassador, Cardinal Portocarrero, whom he told, according to the testimony given by one who was present, that he was disappointed with the conclusion of the Spanish concordat. Its originators had since died ; as they, so he, would have to render account to God ; he hoped, however, to find a merciful judge, for his intention had always been good. This avowal the Cardinal was to convey to the Spanish king.¹

¹ MERENDA'S report in the **Memorie*, which should be compared with Bonamici's reports (*loc. cit.*, 377 *seq.*), runs as follows : " Benedetto XIV., dopo aver languito per un anno e mezzo sempre con timore di mancare ad ogni momento, la notte del 26 aprile fu attaccato da febre risentita con convulsioni per cui li fu subito cavato sangue : replicò nel giorno dei 27 l'accesso anche più gagliardo e seguì similmente nel dì 28, e nel sabato dei 29 si manifestò la infiammazione di petto già fatta con sputi sanguigni e marciosi e con dolore acuto nel fianco sinistro ; onde fu giudicato il male irrimediabile, e si voleva in quell' istessa notte munirlo de' santi sacramenti ; ma avendo poi preso qualche sollievo leggiero, fu differito fino alla notte del lunedì primo Maggio ; di che fatto avvisato il s. Collegio andò tutto in anticamera la mattina dei 2. Il Papa in questa mattina sottoscrisse la professione di fede, et il decreto per la beatificazione del R^o Pe Francesco de Girolamo Gesuita, e poi, chiamato in camera il card. Decano e Segretario di stato domandò scusa delle sue mancanze, assicurò il s. Collegio della stima sempre avuta per lui in generale e per li cardinali in particolare, benchè in qualche congiuntura per il suo naturale avesse data materia di credere diversamente, e l'esortò ad una sollecita e concorde elezione del successore. Chiamò poi il card. Portocarrero ministro di Spagna e confessò con lui che nel Concordato con la Spagna era stato ingannato : che quelli che l'anno ingannato sono andati prima di lui a rendere conto a Dio e che lui fra pochi momenti similmente andará a renderne conto, e sperava che Dio li faccia misericordia per la sua retta intenzione, e lo incaricò di scrivere al Re questa

Benedict would now have nothing more to do with business. This, he said, he handed over to the Secretary of State, his mind being now set entirely on religious matters. He told his attendants, who were in tears, not to bewail the departure of an old man who had burdened them so long with his impatience and other defects; he left them in the hands of God, the best of all masters, who never died. "For myself," he concluded, "I am going to silence and oblivion, the only place that befits me." Recognizing a prelate from Bologna, he told him that poor Prospero was now on the point of losing his very name: *sic transit gloria mundi*. When his voice failed it was noticed that his eyes turned to heaven. It was clear, says his biographer, that his soul already rested in God.¹ He died at midday, on May 3rd, in the presence of the Grand Penitentiary Gotti and the Promaggiordomo Colonna.²

The corpse was taken from the Quirinal to St. Peter's, where it was buried.³ The Cardinals whom Benedict had created had made for him there a magnificent tomb which was designed by Pietro Bracci, was not finished till June 1769, and cost 11,000 *scudi*.⁴ Carrying out a new and anti-traditional

sua dichiarazione. L'autore di questa Memoria ha saputo questo fatto da chi fu presente servendo il Papa moribondo. Verso le 22 dell' istesso giorno, perdè la parola, ma non la cognizione, fino a che la mattina delli 3 Maggio, circa le ore dodici e mezza, spirò santamente l'animo."

¹ CARACCILO, 162 *seq.*

² Letter of May 3, 1758, in LONGHI, *Il Palazzo Vizani*, Bologna, 1902, 223; autograph *report by Albani to the Emperor (draft in the Archives of the Austrian Embassy to the Vatican) and Portocarrero's *letter to Wall (Archives of Simancas), both of May 3, 1758. Cf. "*Ragguaglio della infirmità e morte di Benedetto XIV.", Cod. E 23 of the National Library, Naples, and "Distinta relazione della malattia e morte di Benedetto XIV.", Bologna, 1758.

³ "Ragguaglio dell' infirmità, morte e trasporto a S. Pietro d.s.m. di Benedetto XIV." [1758].

⁴ DOMARUS, *Bracci*, 61; GRADARA, *Bracci*, 163; PIATTI, XII., 427. The removal of Benedict XIV.'s corpse to the tomb above

conception, the artist represents the Pope in an upright position, his left hand resting on a child's head, his right raised high in blessing, whereby the slender body leans slightly to the same side.¹ It is indeed difficult to recognize in the theatrical attitude of this marble figure the consistently simple, natural, lively, and good-humoured Pope who in spite of his great learning retained a deep humility and an attractive sense of proportion.

Bracci was far more successful with his finely conceived figure of Wisdom, who sits on the left with an open book and is looking up at the Pope, A beautiful female figure executed by Gaspare Sibilla on the other side symbolizes Disinterestedness.²

It is strange that Bracci should so have misrepresented Benedict XIV. with this work of his, for his true character was well known to all his contemporaries. Even immediately after his death there was only one opinion of his simple, quietly intelligent, and practical nature. Even the Romans, with their natural aptitude for ridicule and their habit of indulging in malicious talk, especially after a long reign, were cast down.³ In foreign countries universal honour was paid to the Pope who during his pontificate of seventeen years, eight months, and sixteen days had kept the peace of the Church by prudent moderation and had inspired respect even in the anti-Christian philosophers.

This was the first time since the schism that the Protestant

the sacristy door had already taken place on August 28, 1768; see Cod. Vat. 9415, p. 136 *seq.*, Vatican Library.

¹ FR. KNAPP, *Ital. Plastik*, plate 158, text p. 129; GRADARA, xxv. (*ibid.*, xxiv., sketches for the tomb). DOMARUS (61) considers Cicognara's criticism (*Storia d. scultura*, VII., 75) to be too strong. Another unfavourable opinion is that of HAUTECEUR (184). GRADARA (73 *seq.*), on the other hand, probably goes too far in his praise.

² A coin which falls from the cornucopia held by a cherub bears the inscription: "Sibilla Rom. | invenit | et | sculp."

³ See Bonamici's report of May 6, 1758 (*loc. cit.*, 378), and that of the Sardinian envoy, in PETRUCELLI, IV., 137.

world had not refused to acknowledge the merits of the occupant of the See of Peter. Even during his lifetime the greatest goodwill had been felt towards Benedict XIV. One expression of it was the poem on the Pope composed by the son of the English Prime Minister, Horace Walpole, and translated into Italian by Niccolini. It proclaimed that Prospero Lambertini, Bishop of Rome, with the name of Benedict XIV., was ruling faultlessly despite his omnipotence and that by his virtues he had renewed the splendour of the tiara ; beloved by Catholics and esteemed by Protestants, he was a priest without pride or self-interest, a prince without favourites, a Pope without nepotism, a writer without vanity, the best of all Popes.¹

Historians of the most varied tendencies,² even those with strong objections to the Papacy itself, have expressed themselves in a similar vein.³ On the other hand, during Benedict XIV.'s lifetime and later, up to the present time, less favourable judgments have been passed, based especially on the Pope's

¹ KRAUS, *Briefe*, 128 *seqq.* CERROTTI (*Bibliografia di Roma*, 192), on the authority of Cod. 1552 f. 117, of the Biblioteca Corsini, Rome, mentions another form of the eulogy, "tradotta dall' Inglese in Italiano, posta nel piedistallo di una statua di Benedetto XIV., collocata in Londra nella galleria del figlio di Lord Walpole e della Contessa di Oxford" (? Orford). Cf. MORONI, V., 49, who mentions the monument erected to the Pope by Pitt.

² Along with Macaulay, in whose opinion Benedict XIV. was the best and the wisest of the 250 successors of St. Peter, the following authors should be consulted. Of Protestants: SCHRÖCKH, VI., 428 *seqq.*; SISMONDI, XVI., 376; RANKE, *Päpste*, III., 125 *seq.*; HASE, II., 1, 128; ZÖPFFEL-HAUCK in Herzog's *Realenzyklopädie*, II.³, 573 *seq.* Of Catholics: REUMONT, III., 2, 655; KRAUS, *Briefe*, xii.; MERKLE in *Hochland*, 1914, I., 341 *seqq.*; FOCILLON, 30.

³ Cf. PETRUCCELLI, IV., 138; BROSCHE, II., 110. The latter calls Benedict XIV. "one of the best rulers of all times" but discusses the case of Maria da Riva in his usual malicious manner. For this affair, the statements of the Venetian ambassador, which here as elsewhere form Brosch's sole source of information, should be confronted with the Pope's statements in his confidential letters (FRESCO, *Lettere*, XVIII., 64, 72, 76, 79, 83, 86, 87 *seq.*).

habit of making concessions to temporal rulers.¹ The extraordinary esteem in which the Pope was held, even by the enemies of Christianity, gave rise to the suspicion among many Catholic writers that he had adapted himself too much to the spirit of the age. A distinguished ecclesiastical historian of the nineteenth century, who had been raised to the purple, insisted to the last that brilliant as Benedict's pontificate had been it had its shady side in its excessive willingness to give way to secular Governments.²

A correct judgment and a full understanding of Benedict XIV. may now be gained with the aid of sources recently made available. The most important of these are the numerous private letters written by him to the Ancona archdeacon Innocenzo Storani, the Bolognese Canon Pier Francesco Peggì, and the Cardinals Quirini and Tencin.³ These effusions,⁴

¹ MERENDA was already writing in his **Memorie (loc. cit.)*: "La sua facilità in accordare ai principi tutto ciò che chiedevano, ha molto pregiudicato ai diritti dei Papi successori e particolarmente nella immunità locale, reale e personale."

² HERGENRÖTHER, *Kirchengesch.*, IV.⁶, 168. Cf. MÖHLER-GAMS, III., 316, 329; BRÜCK, *Kirchengesch.*, 712; PORTILLO in *Razón y Fe*, XVII. (1907), 20 seq. The Pope's yielding disposition is criticized by BALAN in his *Storia d'Italia* (VIII.², Modena, 1897, 128 seq., 132, 184, 185, 188 seq.) even more severely than by Hergenröther.

³ For the titles of the above-mentioned sets of correspondence, see the Bibliography. Formerly, of private correspondence, twenty-nine letters to Cardinal Delle Lanze had been published by CIBRARIO (*Lettere di Santi, Papi, Principi, etc.*, Torino, 1861). Apart from a few isolated writings printed by B. Manzone at Brà in 1890 as a Nozze publication (*Frammenti di lettere inedite di Benedetto XIV.*), the following are still unpublished: (1) "**Lettere autogr. di P. Lambertini (poi Benedetto XIV.) a Msgr. Giov. Bottari 1726-1746,*" in the Bibl. Corsini, Rome, Cod. 32, G 49; (2) the **Letters to the Marchesa Caprara Bentivogli*, in the University Library in Bologna; (3) the **Letters to Cardinal Alberoni*, in the Collegio S. Lazzaro near Piacenza.

⁴ In a **letter to Scip. Maffei of December 1, 1753*, Benedict

which were not intended for the public eye and in which he allowed his pen the greatest freedom, afford us a deep insight into his private opinions and enable us to have a clear knowledge, not only of his disposition but also of his intentions. We may here appreciate in the most intimate fashion his character, his consistently witty and extraordinarily attractive nature and his striving to compose differences, whether external or internal. In every letter there speaks a sovereign ruler with a single passion to which he devoted the whole of his life: the conscientious fulfilment of his duties.

Of no other Pope do we possess so many confidential expressions of opinion in the written word. The letters written to his close friend Tencin between the years 1742 and 1756, which fill two printed volumes,¹ are something unique, an

XIV. calls attention to the fact that his letters to friends were not meant to be printed. Princ. 240, p. 204, Papal Secret Archives.

¹ Thankful as we are to E. de Heeckeren for giving us access to Benedict XIV.'s letters to Tencin, it is regrettable that he did not copy them from the *originals in the Papal Secret Archives (Miscell., XV., t. 154-7) instead of the French translation which Tencin had made for the French Foreign Office (preserved in the *Archives des affaires étrang.* in Paris). Especially in the case of a man of Benedict XIV.'s type one needs to peruse the original text. Only a few letters are in his own hand; nearly all were dictated by him to his secretary Nic. Antonelli. T. I (Miscell., XV., 154) is of the period July 1742-6, 1002 pp.; t. II. (XV., 155), 1747-1750, 970 pp.; t. III. (XV., 156), 1751-4, 1019 pp.; t. IV. (XV., 157), 1755-8, 365 pp. Heeckeren omits also a number of letters, e.g. right at the beginning, the *letters of July 13, 19, and 28, August 3, 10, 17, and 25, September 1, 7, and 14, 1742; also the *letters of August 18, 1745, November 9 and 30, 1757, and January 18 and March 1, 1758; and, finally, the important letter of June 10, 1749, which DUDON brings to our knowledge in *Études* (CXXXII.; 342 *seqq.*). Neither the Rome nor Paris collection has the *letter to Tencin of July 7, 1744, I found a copy of which in the State Archives in Vienna (Varia). Besides other failings of Heeckeren's to which DUDON (*loc. cit.*, 332 *seqq.*) draws our attention, such as the omission

historical source such as no other pontificate has produced. Every one or two weeks the Pope wrote the French Cardinal a lengthy letter in which he enlarged more or less fully on the events of the day, important and unimportant, and on political, ecclesiastical, academic, and artistic matters. The breadth of his views, the nobility of his sentiments, his consistently delicate and profound judgment, and his genuine piety—all find expression here. No chronicler could have described better or more accurately how Benedict XIV. lived and worked. Always he speaks with the greatest frankness of current affairs and the persons implicated in them. Not only prelates but even members of the supreme senate of the Church are subjected to the keenest criticism, especially when they show signs of vanity or greed. Nor was Benedict sparing with his censure of his predecessors, especially in the matter of nepotism ; but a man who was clearly disinterested himself in all things had a right to be strict with others. On the other hand, however much he deplored in these pages the shortcomings of his assistants and the difficulties of the times, they are all lightened with the gay humour which he managed to retain even in his darkest hours. Great as is the number of satirical remarks to be found here, they are mostly clothed in that good-humoured form which is so characteristic of Benedict XIV. Gaiety and gravity are often curiously intermingled.¹ It is remarkable how in this rich nature the love of raillery is joined to a great nobility of soul. Untoward experiences might sadden his great heart but not embitter it. When Benedict discovered that Tencin was in secret correspondence with the Secretary of State he complained about it

of enclosures and the occasional erroneousness of the commentary, there are several misspellings of names: I., 118, "Folsa" should read "Tolfa"; II., 235, "Stalder" "Stadler"; 248, "Frisalte," "Trisalti," and so on.

¹ Cf., for example, the combination of the Apostolic Blessing with humorous remarks in the letters to Peggi (KRAUS, 51, 55, 68). It is also strange to hear that in the arduous career of a priest "la vincita del giuoco non vale la spesa della candela". *Ibid.*, 33.

in a gentle fashion but his affection for Tencin remained as heretofore.

The greatest consideration was shown by Benedict when his Secretary of State Valenti fell ill. To spare the feelings of the man who had worked with him so long and was unwilling to resign his post, he refrained from nominating his successor and in spite of his own advanced age bravely undertook the management of all important matters for two years. Accustomed to the most exacting work from his earliest youth, he did not disdain to occupy himself with the solution of difficult questions and to deal with great masses of documents when on holiday at Castel Gandolfo.¹

Benedict was always ready to accept both good advice and justifiable blame ; unfounded accusations had as little effect on him as fulsome praise. When speaking about Walpole's poem he remarked jestingly that he was like the statues on the façade of St. Peter's, which made a good impression only when viewed from a distance.² This modesty was based on a genuine humility which made him considerate and charitable in putting up with persons and conditions. In theological disputes he made a clear distinction between dogmas and the opinions of schools.³

However much freedom he wanted to prevail in the domain of learning he was a zealous guardian of the purity of doctrine. For nothing in the world would he sacrifice anything essential of the truths of faith or the rights of the Holy See. He never forgot that one day he would have to render an exact account of the duties imposed on him by his lofty office.⁴ How much he felt his exalted dignity to be a burden and how deeply he was imbued with the sense of responsibility may be seen in a letter which he wrote to the Bishop of Spoleto shortly after his accession to the throne. " I don't know myself," he said, " I am so overwhelmed with duties and ceremonies ; I am

¹ DUDON, *loc. cit.*, 340 *seqq.* Cf. our account, Vol. XXXV., 46, 275.

² KRAUS, *Briefe*, 128.

³ Cf. our account, Vol. XXXV., 352, 362 *seq.*

⁴ Cf. DUDON, *loc. cit.*, 339.

as though fettered with continual visits, I am suffocated with praise, and I have to row incessantly against the current of lies which I am supposed to accept as truth and to defend myself against the intoxication of pride which they try to excite in me and against the annoyances of every kind which are the accompaniments of the Papacy. Pray God that He will take account of the violence which I suffer. I often have to rewrite a letter entirely two or three times, and this is what the world thinks to be an honour, this is what it calls the very summit of good fortune. So far as I am concerned I am ready to bear testimony that there is nothing to be found in my free and exalted position but grounds for fear both in this world and in eternity." ¹ In a letter to Cardinal Quirini, Benedict wrote: "Some time or other we shall have to give an account, not of our learning, but of what we have done for the good of souls, and for that we shall have to account very strictly." ²

It goes without saying that such a man as this would be the last deliberately to abandon ecclesiastical rights. As an expert canonist and theologian he was very well able to distinguish between essential and inessential rights, between what had to be upheld at all costs and what might be abandoned without harm, in fact what could not be retained if greater harm was to be avoided.

A man of extraordinary benevolence, he was inclined by nature towards ductility and mediation. It could only be of profit to the Church that in matters unconcerned with dogma he was as accommodating as could possibly be desired. In the most difficult circumstances he did his best to maintain friendly relations with the rising power of Protestant Prussia in the interest of the Catholics in that country. He did not, for example, withhold from Frederick II. the royal title which former Popes had refused to use. He showed his ability to

¹ CARACCILO, 47.

² "Iddio non cercherà nè da Noi nè da Lei conto delle questioni erudite, cercherà bensì conto strettissimo della salute delle anime." Letter of June 1745, in FRESCO, *Lettere*, XVIII., 282.

adapt himself to the times, not only in this matter but also in the difficult question of mixed marriages, the diminution of holydays, and in his moderate and careful ordinances relating to the Index.¹

Though in these matters he took into account the demands of the age he adhered to apparently mediæval views and principles much more closely than the praises bestowed on his tolerance by contemporary freethinkers might lead us to suppose. Noteworthy evidence of this is provided by the correspondence with Tencin. In this Benedict XIV. disapproved of the overhasty and forced conversion of the Huguenots but called the revocation of the Edict of Nantes by Louis XIV. the most glorious deed of that monarch and invoked the aid of the secular arm against those who reverted to heresy.²

One of the chief accusations brought against Benedict XIV. by Catholics is that in the Concordats with Savoy, Naples, and Spain he conceded too many of the Church's rights to the State; these transactions, they allege, were carried out wholly under the influence of the circumstances of the time and provided no lasting solution of the matters in dispute.³ More than one opinion may be held on this point; to form a correct judgment one must consider the general state of public affairs. Even Catholic Governments were in the grip of the spirit of absolutism and an anticlerical "enlightenment". Conditions were such that, in view of the prevailing spirit of the age, the greatest prudence and foresight were necessary if incalculable harm was not to be done to the Church by strictness and abruptness. For this reason the Pope persisted in his policy of appeasement, although he realized as early as 1743

¹ Cf. our account, Vol. XXXV., pp. 298, 323, 347.

² Benedict XIV. to Louis XV. on February 24, 1756, in HECKEREN, II., 554 (cf. 155, 493); DE LANZAC DE LABORIE in the *Correspondant*, CCLXIX. (1912), 684 seqq. Lanzac pertinently remarks (671) that Benedict XIV. was not exempt from the fate of popular personages of having their life and character distorted by legends.

³ This is the judgment formed by HERGENRÖTHER (*loc. cit.*).

that his accommodating attitude would meet with no response.¹

There is no doubt that the Pope's hand was forced. In its inordinate desire for wholesale reformation, despotism was ready to join forces with its deadly enemy, the awaking spirit of revolution, against the sole remaining independent power, the Church. "In whatever direction the Pope looked, he could see no prospect of support for his aims; all he could see was a ring of enemies bent on thwarting his plans. At such a critical stage was the Pope to adopt an "all or nothing" attitude and give a categorical *non possumus* answer to questions in which he, a skilled and experienced canonist, had to admit that for the sake of a greater good he was ready to make far-reaching concessions which would not involve the dereliction of his duty? Or was he with an unrelenting determination to risk everything and with a rigid adherence to the letter of the law to provoke the coming catastrophe half a century before its time?"²

There can be no doubt about the right answer to this question. Benedict cannot seriously be charged with having been able to postpone but not to avert the gathering storm. No one deplored his powerlessness more than himself, as is especially evident in his letters to Canon Peggi. He knew the monstrous disease of his time, in which, as he wrote to Peggi at the beginning of 1756, the Ministers of every ruler thought that they had to make their fortune by the suppression of the Church and the Holy See; and it has been well said that it was the greatest sorrow of his life that he was unable to intervene here with any good effect.³ It was certainly not,

¹ HEECKEREN, I., 49.

² P. A. KIRSCH in *Archiv für kath. Kirchenrecht*, LXXX. (1900), 314. Cf. also MERKLE, *loc. cit.* E. MASI (*La vita di Fr. Albergati*, Bologna, 1878, 19 *seqq.*) takes no account whatever of the contemporary situation and consequently arrives at a most unjust verdict; see FRESCO, *Lettere*, XVIII., 35, n. 2.

³ KRAUS, *Briefe*, xiv., 119. Cf. also the letter to Bologna, in which Benedict XIV. points out that the time and circumstances in which he reigned could not have been more difficult and

therefore, through failure to apprehend the appallingly grave situation that he hoped, by waiting patiently and by giving way as far as he could, to avert the dangers that threatened the Church. To-day it is easy enough to see that in this he was to be disappointed; but Benedict, in spite of his extraordinary knowledge of affairs and his erudition, was only human and could not be expected to foresee the future. With his particular talents, peculiarly Italian, and his aptitude for compromise, he was a master of circumventing difficulties that would have demanded a solution.

Even if his calculations proved to be inaccurate and the concessions he made were too great, his confidential letters show quite clearly that his intentions were always of the best. If he failed, it was certainly against his will.¹ That his confidence was abused at the conclusion of the Spanish Concordat is shown by the statement he made to Cardinal Portocarrero when on the threshold of eternity.²

Though Benedict XIV. lacked the energy of a Gregory VII. or Innocent III., he was not only one of the most learned but also one of the noblest Popes, who through his distinguished writings and his excellent decrees still makes his beneficent influence felt both in theological science and ecclesiastical practice.³

thorny. *Atti e mem. per la storia dell' Univ. di Bologna*, II. (1921), 99.

¹ DUDON, *loc. cit.*, 339.

² Cf. above, p. 131.

³ In Italy the fourteenth Benedict is still not forgotten and is so popular that whenever his noble and most lovable figure makes its appearance in a famous play, "*Il cardinale Lambertini*," it is always received with enthusiastic applause by both believers and free-thinkers. All the stranger is it, therefore, that up to now he has found no biographer. A. Theiner has not proceeded beyond the collection of material, which has been kept among his *papers in the Papal Secret Archives. In view of the lack of historical judgment shown by Theiner in all his works it is hardly to be regretted that the *Vita* of the great Pope has not fallen into such unsuitable hands.

CHAPTER IV.

THE CONCLAVE OF 1758. CLEMENT XIII.'S CARE FOR THE STATES OF THE CHURCH. HIS ENCOURAGEMENT OF ART AND LEARNING.

(1)

WHEN Benedict XIV.'s health, originally good, gradually failed, the political Powers began to make their preparations for the coming conclave. As early as the end of the year 1749, when the Imperial influence at the Roman Court was still of little weight, the Cardinal Protector Alessandro Albani sent the Viennese Chancellor Colloredo a detailed memorandum, the tone of which was still quite hostile to France.¹ A few months later there issued from the hand of Migazzi a fresh report to Vienna on the Papal election which might be necessary in the near future; in this the writer, as though foreseeing what would come to pass, already alludes to the long-standing custom of exempting the Venetians from the usual exclusion of the national Cardinals; already, too, there was mentioned by name the Venetian who eight years later was actually to ascend the throne of St. Peter.²

It was not till 1754 that a definite interest in the future conclave was again shown by the European Courts. In the May of this year the Spanish king asked the Cardinal Protector of his country, Portocarrero, for a detailed report; Portocarrero complied with this request in the enclosure to his

¹ *Memorandum of December 13, 1749 (State Archives, Vienna): "che abbiamo pochissimi amici e che pochissimi ci stimano."

² *Reports to Uhlfeld, April 4 to May 2, 1750, *ibid.* Especially interesting is the retrospective portion dealing with the principles of exclusion. For further memoranda of Austrian origin, see ARNETH, IX., 6.

letter of September 12th, 1754.¹ Almost at the same time another report for the Imperial Chancellor, Prince Kaunitz, came from the pen of Christiani; in three stately volumes he proffered full descriptions of the characters of all the Cardinals and of many other ecclesiastical dignitaries.² A further report for Vienna was compiled by Migazzi.³ But on this occasion too the expectation of a conclave in the near future proved to be premature.

After a short interval, however, preparatory steps were again taken. In November 1756 a memorandum on the College of Cardinals was sent from Rome by Choiseul to his Government in Paris⁴; in April 1757 it was followed by a second memorandum on the pressing tasks that faced French policy in Rome, and by a third on the "Papabili", the possibilities of diplomatic collaboration, and the attitudes adopted by the leading ecclesiastical and political personalities in Rome.⁵ In the same year Cardinal Albani⁶ and Brunati⁷

¹ *To R. Wall, September 12, 1754, supplement: Nota de los cardenales que componen el sacro Colegio. Archives, Simancas.

² *Report of September 13, 1754, State Archives, Vienna. The three next vols. are merely duplicates.

³ *Of August 19 to October 9, 1754, *ibid.* For the Spanish classification of the candidates, see Migazzi's *Report of December 30, 1754, *ibid.*

⁴ In BOUTRY, 221 *seqq.*

⁵ *Ibid.*, 256 *seqq.*, 266 *seqq.*

⁶ *On March 23, 1757, State Archives, Vienna. There also a *Memorandum from the Tuscan agent Sainte-Odile to Emperor Francis I., of January 1, 1757.

⁷ *Li soggetti che nel prossimo futuro conclave potrebbero aver più credito per il pontificato (on the reverse: Considerazioni intorno al prossimo futuro conclave stesse del agente imp. e regio Franc. de Brunati 23 Marzo 1757, di lui una copia a s. ecc. Colloredo ed a s.e. Kaunitz spedite a Vienna il 26 Marzo 1757, e 15 Marzo 1758 a s. ecc. il c. Christiani a Milano), Archives of the Austrian Embassy to the Vatican. The notes about the Cardinals agree word for word with the *Varie considerazioni . . . *ibid.* (see the following note). Of a similar nature is Brunati's

each sent to Kaunitz fresh opinions on the Cardinals likely to be elected. The direction of Imperial policy, however, was shown most clearly by two other memoranda, one of which appeared after Benedict XIV.'s death,¹ the other about a year earlier.²

On the Pope's death after severe sufferings, at the beginning of May 1758, there were fifteen vacancies in the Sacred College³; as, further, a number of Cardinals were unable to attend the conclave, by reason either of the distance to be travelled or of ill-health, it was reckoned that there would be about forty-five participants,⁴ which calculation proved to be accurate. Cardinal Bardi was forced by illness to leave the conclave prematurely,⁵ so that on the actual day of the election only forty-four Cardinals were present.

Most of the Cardinals owed their rank to the Pope who had just died; of the time of Clement XII. there still survived Corsini, Colonna di Sciarra, D'Elce, Guadagni, Mosca, Passionei, Rezzonico, Sagripanti, and Spinelli; Borghese had been given his rank by Benedict XIII., Alessandro Albani by Innocent XIII.

*report of 6 May, 1758, State Archives, Vienna. On May 24, 1758, the French envoy Laon sent a *Memorandum on the papabili to Colloredo. *Ibid.*

¹ *Varie considerazioni intorno al presente conclave, clearly from Brunati to an imperial minister, with marginal notes by a strange hand, between 1758 and 1765. Archives of the Austrian Embassy to the Vatican.

² *Memorandum for the conclave, *ibid.* The ages of the Cardinals as given here show the document to date from about a year earlier.

³ *Report of May 6, 1758, to the two chancellors, probably from Brunati, *ibid.*

⁴ *Varie considerazioni, *ibid.*

⁵ *Report of Mgr. Clemente to R. Wall, June 29, 1758 (Archives of Simancas), of the Venetian envoy *Correr, of June 25 (Conclave sotto l' amb. C. Correr, Cod. 261, of the Archives of the Austrian Embassy to the Vatican), and of the Lucchese envoy Bonamici, of July 1, 1758 (SFORZA, 14).

The many Cardinals created by the late Pope had neither a capable leader nor common interests to bind them closer together¹; Portocarrero attempted the task unsuccessfully.² The highest object to be attained was to unite the Cardinals of the late Pope in collectively excluding all other creatures; in other respects they were divided in different directions. The party of the "Elders", on the other hand, were, under Corsini's experienced leadership, of one mind, though they could dispose of only seven or eight votes. The "Zelanti" group, led by one of their most determined representatives, Cardinal Spinelli,³ were more numerous. Though his zeal had cost Spinelli the loss of the good-will of most of the Crowns, his friends remained all the more true to him on this account. On essential points the two parties were closely united and stood in opposition to the "Union of the Crowns", which came into existence as a result of the Austro-French alliance. Whereas, therefore, the present conclave resembled that of 1740 in the formation of two large main groups, on this occasion the nationals and curials were separated; then the dividing line had run through both camps.

The decisive preponderance lay with the political Powers, who were very active in exercising their influence. France, which was represented by only two inexperienced Cardinals—Luynes and Gesvres—tried to strengthen herself by an alliance with the Spaniard Portocarrero⁴ and the Venetians

¹ Bonamici's report of May 13, 1758, in SFORZA, II; *Varie considerazioni, *loc. cit.*

² *Cardinal Albani's report to Kaunitz, June 21, 1758, State Archives, Vienna.

³ " *Passa per una della più dotte menti del s. Collegio, ma per altrettanto presuntuoso, zelante, severo, sostenitore dell' immunità ecclesiastica, austero ne' costumi e tenuto come un riformatore de' grand' abusi " (Varie considerazioni, *loc. cit.*). Very similarly, *Brunati to Colloredo and Kaunitz, May 6, 1758, State Archives, Vienna.

⁴ " *un buonissimo cristiano ed onoratissimo cavaliere, ma d'un carattere indolente e diametralmente opposto al sopra accennato " [Acquaviva]. Wherefore there was no party of the Crown. The

Delfino and Rezzonico¹ and also with the Polish Protector Gian Francesco Albani.² Furthermore, much depended for France on the election of a new Protector; Cardinal Tencin had died on March 2nd, 1758, so that presumably the appointment of a successor would take place within the period of the conclave. In the same way Austria had most closely allied herself with Piedmont, through her Protector Alessandro Albani, and with the Austrian dependencies, especially Milan and Tuscany.³ On this occasion Piedmont was able to send four electors. Thus, as far as could be seen, the Imperial party was the strongest. On account of the close alliance between the two principal political Powers,⁴ no candidature seemed to have any hope of success without their consent. But those who thought that this implied a short conclave, in which the voting would be unanimous,⁵ were to be disappointed.

How keen was the interest of the principal Cabinets in the outcome of the Papal election is shown by the closely-reasoned arguments of many of the aforesaid memoranda,⁶ especially the proposals, worked out to the last detail, for the appointment to the Secretaryship of State and other high offices,⁷ the

Neapolitans too forewent a faction of their own and combined with the Italians. *Varie considerazioni, loc. cit.*

¹ **Ibid.*

² **Ibid.* See also Correr's second *report of June 17, 1758, Cod. 261, of the Archives of the Austrian Embassy to the Vatican.

³ **Varie considerazioni* and **memorandum* for the conclave, *ibid.*

⁴ For the negotiations for an agreement between the French envoy and Cardinal Albani, see the *report of May 6, 1758, to the two chancellors, probably by Brunati, *ibid.*

⁵ See **ibid.*

⁶ From the imperial viewpoint the **Memorandum* for the conclave (*loc. cit.*) deals at greatest length with the necessity of the best possible understanding between Vienna and Rome.

⁷ That the French had long succeeded in shaping the election of the Secretary of State to their own ends is brought out in the **Memorandum* for the Conclave and the **Varie considerazioni, loc. cit.*

occupation of which the experiences of the last pontificate had shown to be on many occasions as important as that of the Holy See itself. Further, the controversy about the Society of Jesus, with its many defenders and attackers, was already becoming a prominent feature of the times.¹ Everyone was trying to secure for himself as many advantages for the future as lay in his power; in this connexion a remarkable passage in an Austrian report should disillusion anyone who would like to think of the Emperor as the Defender of the Church even at this period: even if an earthly-minded Pope were elected, the passage runs, he would have to be flattered, so as the more easily to be won over; it was better to give way in small matters and to satisfy Rome with fine phrases.² Similarly France, with her internal ecclesiastical disputes, was intent on setting on the Papal throne one who was not too vigorous a champion of the Bull *Unigenitus*.³

The obsequies, which were carried out in the utmost calm,⁴

¹ Cf. the separate *Character studies; also the undated *Supplement to Brunati's *report of June 24, 1758, Archives of the Austrian Embassy to the Vatican; CORDARA, edited by Döllinger, III., 20 seq.; PETRUCELLI, IV., 141 seq.

² Such a Pope one would have to " *coltivare ed accarezzare — e non alienarlo come talvolta è succeduto, non già per cause gravi, nel qual caso non s' intende parlare, ma per leggierissime cagioni, a segno che talvolta si sono guardate più misure con un prelato, benchè avverso alla corte di Vienna, che col Papa istesso del quale avendosene bisogno . . . conviene in questi casi cedere qualche cosa delle controversie, che si hanno con Roma, di buona maniera, per farsene merito ed ottenere poi cose che molto più importano, senza di che è impossibile di potere esigere tutto con non voler dare mai nulla. . . ." Memorandum for the Conclave, *loc. cit.*

³ *Giornale del conclave del 1758, *ibid.*; Bonamici's report of May 13, 1758, in SFORZA, II.

⁴ *Report of May 6, 1758, to the two Chancellors, probably from Brunati; also Correr's *report of the 6th and a second *report by Correr of May 13, 1758, Cod. 216, of the Archives of the Austrian Embassy to the Vatican. Cf. *Satire della sede vacante di Benedetto XIV. ed elezione di Clemente XIII. 1758, which

lasted only eight instead of the usual nine days, owing to the intervention of Whitsuntide. On the other hand, some of the Congregations of Cardinals held in the sacristy of St. Peter's were animated; against all custom, after frequent discussions, a secular priest was appointed confessor to the conclave.¹ On Whit Monday, May 15th, after the Mass of the Holy Ghost and the address on the Papal election given by Archbishop Batoli, twenty-seven Cardinals entered the conclave,² which was closed about the third hour of the evening.³

Of the political Powers no official representative had yet arrived with his instructions.⁴ For this reason alone no serious electioneering was to be expected for the first few days. Nevertheless on the taking of the votes on the morning of May 16th, eight were cast for D'Elce, who secured three more in the *accessus*.⁵ During the next few days there was hardly any appreciable change in the situation, and negotiations were

also treats of the contemporary election of the Jesuit General Ricci and of the Cardinals in the conclave, purchased in 1902 for the library of L. v. Pastor; *Satire on the conclave of 1758, in the Altieri Library, Rome. Another collection of *satires is described and used by MOSCHETTI in his *Venezia e la esaltazione di Clemente XIII.*, Venice, 1890, 7 *seqq.* But *cf.* *La rivoluzione del popolo di Città di Castello sotto pretesto di sedia vacante, seguita l'anno 1758, [poemetto] composto da Silvestro Ghirelli sotto nome di poeta straniero, examined by L. v. Pastor in a Roman bookshop (Piazza Araceli 16) in 1902.

¹ *Giornale del conclave del 1758, and Correr's second *report of May 13, 1758, Archives of the Austrian Embassy to the Vatican.

² *Report of May 17, 1758, probably by Brunati, *ibid.* The copperplate *plan of the conclave was enclosed by Clerici in his *report to Emperor Francis I. on July 22, 1758. State Archives, Vienna.

³ Bonamici's report of July 20, 1758, in SFORZA, II.

⁴ *Report of May 17, 1758, probably by Brunati, *loc. cit.*

⁵ For the result of this and further scrutinies, see the *Giornale della sede vacante di Benedetto XIV., Cod. 14.I.16, of the Seminary Library at Frascati. *Cf.* *notes and writings on the conclave in the Cod. Barb. LI. 30 of the Vatican Library. Boisgelin, afterwards Archbishop of Aix, is said to have written

initiated very slowly. Portocarrero and the French ambassador asked indeed for the voting to be postponed until the arrival of the national Cardinals and envoys.¹ Alessandro Albani also worked for the same purpose in the name of the Emperor.²

In spite of this, Corsini, the leader of the "Anziani" or Seniors, made a serious effort to canvass for Spinelli, the leader of the "Zelanti", showing how quick was the reaction of the general opposition against the national groups. Orsini, however, showed each Cardinal in turn a circular letter in which the King of Naples asked the electors to refrain from supporting this candidate.³ This gave rise to the first commotion in the College, for Corsini refused to abandon his project at once but tried to work against the objection of Naples and to arouse sympathy for his proposal among the other Courts.⁴

At this point the Nationals and the "Juniors" set to work more vigorously, and Orsini and Portocarrero succeeded in joining together many of the Cardinals of Benedict XIV. They failed, however, to agree on a practical policy; various proposals were made but met with no approval. The first candidature to arouse much attention was that of Archinto, which showed signs of finding support both among the "Zelanti" and some of the Courts,⁵ but he encountered an insurmountable opposition in the closed ranks of Corsini's adherents. Corsini's counter-proposal in favour of Crescenzi was similarly unsuccessful.

Meanwhile May was drawing to a close and the gradual arrival of the Crown Cardinals and of instructions was expected. During the last days of the month the Venetian

a description of the conclave during his stay in Rome but it was lost; see CORRESPONDANT, XCIII. (1921), 1015. Further sources in EISLER, 145.

¹ *Giornale del conclave del 1758, *loc. cit.*

² PETRUCELLI, IV., 149 *seq.*

³ See *Gionale, *loc. cit.*, also the relevant *draft, *ibid.* Cf. Correr's *report of June 3, 1758, *ibid.* Cod. 241, and *Clemente to R. Wall on June 15, 1758, Archives of Simancas.

⁴ PETRUCELLI, IV., 149.

⁵ JUSTI II., 214 *seq.*

envoy Correr was admitted to an audience, in which he made an address and delivered a message from the Doge written in Latin.¹ On June 4th the French Cardinal Luynes arrived with secret instructions from his king.² Great excitement was caused when on June 9th he handed to Cardinal Colonna di Sciarra the royal document appointing him Protector of France³ and on the following day officially communicated this news to the *Capi d'ordini*.⁴ Colonna was much liked on all sides⁵ and had for long enjoyed the confidence of many notabilities, so that he was in a position to initiate in the best possible way the less experienced Frenchmen into the state of the electoral negotiations; on the other hand, many another Cardinal had hoped that he would be appointed, if only for the sake of the considerable honorarium attached to the post, and was now disappointed and out of humour.⁶ Colonna being a man of much experience, with friends among the Italians, the position of the French was considerably strengthened by his appointment. The conclave had still longer to wait before

¹ Fully described by *Correr on May 27, 1758, *loc. cit.* Cf. *Bonamici on the same day, in SFORZA, II.

² Correr's *report of June 10, 1758, *loc. cit.*, and Brunati's *report to Colloredo and Kaunitz on June 7, 1758, State Archives, Vienna.

³ *Albani to Kaunitz on June 24, 1758, *ibid.*; undated *supplement to Brunati's *report of the same day, Archives of the Austrian Embassy to the Vatican; *Giornale del conclave del 1758, *ibid.*; reports of the Lucchese envoy Bonamici on June 10 and 17, 1758, in SFORZA, 13. Cf. (also for the whole conclave) *Biglietti scritti dall' ambasciatore di Francia al card. Colonna di Sciarra protett. di quel regno dal 29 Maggio al 6 Luglio durante il conclave per la morte di Benedetto XIV. sul quale fu eletto Clementè XIII., in Cod. Barb., XLIII., 73, of the Vatican Library. They are followed by *Avvisi scritti di Francia da altri Ministri al med. cardinale 1758/59, *ibid.*

⁴ Correr's *report of June 10, 1758, Archives of the Austrian Embassy to the Vatican.

⁵ *Varie considerazioni, *ibid.*

⁶ Correr's second *report of June 17, 1757, *ibid.*

the arrival of the Imperial Cardinal-Minister Rodt of Constance, who had first been summoned to Vienna to receive his instructions.¹ Crescenzi was accompanied on his way to the conclave by large crowds who impetuously demanded his elevation to the Chair of Peter.²

During the next period the negotiations in the Electoral College centred steadily more and more on Cavalchini, though the canvassing for Archinto still persisted.³ Cavalchini's candidature was promoted by Corsini and Portocarrero working together. On their sounding the French they received a reply which, though evasive, was certainly not a rejection. On June 19th twenty-one votes were recorded for Cavalchini, on June 21st twenty-six, and on the evening of June 22nd as many as twenty-eight.⁴ But at this juncture the French envoy Laon, acting on fresh instructions, informed Cardinal Luynes that Louis XV. would never be reconciled to such an election.⁵ The attitude of the French was consequently quite equivocal, and on making known their decision to Corsini and Portocarrero they had to submit to an accusation of bad faith. In spite of the French objection, the Spanish Cardinal mustered all Cavalchini's supporters and was able to dispose of at least thirty-three of the forty-three votes. Luynes, more at a loss than ever and unfamiliar with the methods of procedure in the electoral negotiations,⁶ now thought that he would have to have recourse to extreme measures: he informed the Cardinal Dean D'Elce of the official veto of his

¹ Bonamici's report of May 27, 1758, in SFORZA, 12.

² " *Fu accompagnato da numeroso seguito di popolo dalla di lui casa sino al portico di S. Pietro con continuata acclamazione di volerlo per Papa ; cosa che non fu bene intesa dall' universale e che può fargli gran pregiudizio nei scrutinii." (Correr's report of June 10, 1758, *loc. cit.*). Similarly *Brunati to Colloredo and Kaunitz on June 7, 1758, *loc. cit.*; Bonamici's report of June 10, 1758, in SFORZA, 12.

³ Correr's *report of June 25, 1758, *loc. cit.*

⁴ **Ibid.* (also for what follows).

⁵ Cf. WAHRMUND, 229.

⁶ **Varie considerazioni, loc. cit.*

Government and asked him to make it public.¹ With this Cavalchini's fate was sealed. "You French must always contradict the Holy Ghost,"² was Guadagni's comment on this occasion; and in any case the instructions from Paris had been all against a public exclusion.³

Cavalchini received the news of his exclusion from his friend Lante. Falling on his knees, he thanked God for the turn of events and on the following morning he paid visits to all his colleagues, the French in particular, to thank them.⁴ Nevertheless the French thought it necessary to send a messenger with a justification for the step they had taken. It was the last public exclusion of the eighteenth century and the only one that was ever exercised by the French.⁵ The reason for the disapproval of Cavalchini was his attitude in the beatification of Bellarmine and in matters connected with the Constitution *Unigenitus*.⁶ The public use of the exclusion was looked on as a *gaucherie* by the conclave and damaged

¹ *Draft for the *Giornale del conclave del 1758*, *loc. cit.*; *Brunati to Colloredo and Kaunitz on June 24, 1758, *loc. cit.*, used by WAHRMUND, 325.

² PETRUCCELLI, IV., 154 *seqq.*; NOVAES, XV., 6. Cf. Apg, 7, 51.

³ Instruction for Cardinal Rodt, May 30, 1758, in WAHRMUND, 326. " *In somma l'esclusiva è una pistola che scarigata non può ammazzare che uno al più, ma tenendola sempre carica colla semplice minaccia e col farla sol vedere produce tutti quei buoni effetti che si vi vogliono, tanto più che vi sono tant' altri mezzi men'estremi prima di venire a questo e che li voti dell' esclusiva sono facili a ritrovarsi in ogni cardinale che ha la pretenzione al papato, pochi de' quali ne vanno esenti da questa brama." Varie considerazioni, *loc. cit.*

⁴ Detailed description in Brunati's *report of June 24, 1758, *loc. cit.* Cf. Bonamici's report of the same day, in SFORZA, 13.

⁵ WAHRMUND, 228; EISLER, 186; LECTOR, 567 *seqq.*; MOSCHETTI, 12.

⁶ *Rodt to Maria Theresa, July 27, 1758, State Archives, Vienna; Brunati's *report, June 24, 1758, *loc. cit.*; Correr's *report, July 1, 1758, *ibid.* " *Excluyeron [los cardenales franceses] á Cavalchini como uno de los más afectos á las maximas de la Compañía [de Jesús], que es objecto de suma importancia en la

the reputation of the French ¹; in any case it was unnecessary, as the Imperial desire was also opposed to Cavalchini's candidature, though with the definite stipulation that a public exclusion was to be avoided, even in an emergency.²

On Thursday, June 29th, the feast of SS. Peter and Paul, Cardinal Rodt, awaited by the whole college in a fever of impatience ³ and acclaimed by huge crowds of people, finally entered the conclave.⁴ As a Minister serving two sovereigns he laid claim to having a double right of exclusion. It was firmly believed by many that in a few days he would bring the electoral contest to an end,⁵ and indeed the end was soon to come.

Meanwhile canvassing for fresh candidates had been taking place: the French and Corsini were working for Crescenzi, Portocarrero for Paolucci.⁶ The former was given up because

actual situación de las cosas internas de estere yno." Masones to R. Wall, Paris, July 15, 1758, Archives of Simancas, Estado 4535.

¹ Cf. Clerici's *report to the Emperor, July 6, 1758: "I cardinali Luynes e Gesvres hanno persa tutta la confidenza e questi due col cardinale Prospero Colonnà fanno poca figura ed il modo loro di trattare non sembra convenevole" (State Archives, Vienna). Cf. *report of June 22, 1758, probably by Brunati, *loc. cit.*

² See Rodt's instruction in WAHRMUND, 326.

³ *Brunati to Colloredo and Kaunitz, June 24, 1758, *loc. cit.*

⁴ *Brunati to the same, June 28 and July 1, 1758, *ibid.*; Clemente's *report to R. Wall, June 29, 1758, Archives of Simancas; Bonamici's report of July 1, 1758, in SFORZA, 14. Cf. MOSCHETTI, 13.

⁵ Correr's *report of July 1, 1758: "Egli intende di valersi di due esclusive stante che è ministro di due sovrani, de' quali è riconosciuta particolarmente in questa corte la loro distinta sovranità." Cod. 261 of the Archives of the Austrian Embassy to the Vatican.

⁶ Brunati's *report to Colloredo and Kaunitz, July 1, 1758, *loc. cit.* Paolucci was a nephew of the deceased Cardinal Paolucci, who was the victim of the Imperial exclusion in 1721. See PASTOR,

the instruction from Vienna, though assenting to him, preferred Sagripanti or Paolucci. But these recommendations also failed on account of the various misgivings of the French,¹ who put forward four other names : Bardi, Tempi, Lante, and Imperiali. None of these met with the approval of Corsini and Rodt. The latter now entered into direct negotiations with Spinelli, and Rezzonico was agreed on, though as a Venetian he was not likely to be received with universal enthusiasm.²

It was found possible, however, to win over several Cardinals to his cause, though difficulties were raised by Albani, Portocarrero, and the French. His election was already held to be assured when on July 4th, contrary to expectation, only four votes were cast for him³; and proportionately more were given to Crescenzi. The representatives of France and Spain announced with regret that they would have to withdraw their assent. Canvassing for Rezzonico was resumed with vigour and soon produced visible success. The French again became almost desperate and turned to Laon for directions. His answer was that if no exclusion by means of votes could be obtained they would have to give way.⁴ With this the chief obstacle was overcome and the election as good as settled.

When Rodt conveyed the information to Cardinal Rezzonico he held out long against it and with tears in his eyes protested his unworthiness.⁵ At the following scrutiny on the evening of July 6th his supporters had already had the Papal vestments brought to the altar of the Sistina and as

History of the Popes, XXXIV., 15. See also **Varie considerazioni*, *loc. cit.*

¹ *Rodt to Maria Theresa, July 27, 1758, *loc. cit.*

² **Ibid.* Cf. PETRUCELLI, IV., 159; MOSCHETTI, 17.

³ Similarly on July 2, 3, and 5; it was not till the morning of the 6th that eight votes were cast for him, with four more "in accessu". Cf. PETRUCELLI, IV., 160.

⁴ **Giornale della sede vacante di Benedetto XIV.*, Cod. 14, I., 16, of the Seminary Library, Frascati.

⁵ *Rodt to Maria Theresa, July 27, 1758, *loc. cit.*

they entered the chapel they whispered words of encouragement to all the electors.¹ Of the forty-four votes thirty-one were for Rezzonico²; his election was therefore decided. At the "adoratio" he thanked Cardinal Rodt with the words: "For all that I am I have you to thank."³ His friend Lante urged him to appoint Cavalchini Datarius, saying to him: "Remember, Your Holiness, that Cavalchini had thirty-three votes!"⁴ The feelings of the Cardinal who had been so unexpectedly elected were shown in the letter he wrote to his brother Aurelio on the same July 6th: "Who would have thought it? My entreaties and protests failed to turn away this immeasurable burden from myself. I am completely bewildered before God and man and feel so oppressed that I am quite beside myself. Commend me to our Lord God; if ever it was necessary it is now. You know my failings; if the others had known they would never have done what has come to pass. I must hope that it is the work of God, for in no way have I taken a hand in a matter which must be all His concern. This is my only consolation. Wherefore prayer and again prayer!"⁵

In memory of the Pope who had raised him to the purple, Rezzonico chose the title of Clement XIII. His native city of Venice⁶ and his episcopal city of Padua⁷ celebrated his

¹ *Giornale della sede vacante, *loc. cit.* Cf. PETRUCELLI, IV., 163.

² *Rodt to Maria Theresa and Kaunitz, *loc. cit.*; Portocarrero to R. Wall, July 6, 1758, Archives of Simancas; also Bonamici's report of July 8, 1758, in SFORZA, 14. Cf. NOVAES, XV., 6; MOSCHETTI, 19.

³ *Rodt to Maria Theresa, July 27, 1758, *loc. cit.*

⁴ *Giornale della sede vacante, *loc. cit.*

⁵ *Vita di Clemente XIII.*, 17.

⁶ MOSCHETTI, 20 *seqq.* For Venetian satires on the election, see *ibid.*, 26 *seq.* Cf. *Brevi e distinte notizie dell' esaltazione al pontificato di S. S^{ta} Clemente XIII. Rezzonico Veneziano regnante creato il 6 Luglio 1758 e di tutto ciò che in segno di pubblica e comune allegrezza è di giorno seguito*, Venezia, 1758.

⁷ Racconto delle funzioni sacre e feste fatte dalla città di Padova per l'esaltazione al Sommo Pontificato dell' em. sig.

election as the successor of St. Peter in the most festive manner possible. When it was made known to his mother, who was still alive, the shock of unexpected joy was so great that she died soon afterwards, on July 28th.¹ On the three nights following the election the Venetian embassy in Rome arranged for magnificent illuminations and popular amusements, with music and free wine²; similarly on the day of the coronation, July 16th.³ In a letter of July 10th the Pope thanked the Emperor for Austria's valuable co-operation in his election.⁴ On August 6th the new Imperial envoy Clerici was admitted in the most solemn audience.⁵

Rezzonico's election had also an immediate effect on Venetian relations with the Vatican.⁶ Already before the

cardinale Carlo Rezzonico suo vescovo che prese il nome di Clemente XIII., Padova (Gonzatti), 1758; GRIMANI, 18; MOSCHETTI, 22. Cf. Per la gloriosa esaltazione al Pontificato di N. S. Papa Clemente XIII. festive ed umili dimostrazioni della città di Fano (September 24, 1758), Fano, 1760. For Orsara, see MOSCHETTI, 22.

¹ NOVAES, XV., 3.

² MOSCHETTI, 24. For the detailed costs of these celebrations see Correr's *reports in Cod. 261, of the Archives of the Austrian Embassy to the Vatican.

³ *Clerici to Francis I. on June 22, 1758, in the "Atti dell'ambasciata straordinaria al conclave dell'a. 1758 di s. e. il sig. Generale Marchese Clerici". Cod. 423, *ibid.* For the taking of possession on November 12, see Esattissima relazione della solenne cavalcata fatta dal Palazzo Vaticano alla Basilica Lateranense e di tutte le ceremonie occorse nel Possesso della St^a di N. S. PP. Clemente XIII., Roma (Cracas), 1758; Storica descrizione formata sul fatto istesso del fausto giorno in cui prese il solenne possesso il S. Pont. Clemente XIII., by GIOV. REFFINI, Roma (Komarek), 1758.

⁴ *Copy of the letter in Cod. 423, of the Archives of the Austrian Embassy to the Vatican.

⁵ See his *report to the Emperor, August 9, 1758, *ibid.* This contains also notes on his journey (*report of July 6, 1758) and copies of his credentials.

⁶ Cf. p. 156. This was expected to be an immediate result of

death of Benedict XIV. negotiations had been initiated with the object of repealing the Venetian decree of September 7th, 1754, regarding communication with Rome,¹ but no agreement could be reached. Clement XIII. immediately informed his native city of his elevation² and received delighted letters of congratulation from the Doge and the Senate,³ whereupon he asked⁴ that the strained relations with the Curia be put an end to by the repeal of the decree. Under date August 12th it was announced both to Clement XIII. and to the Rectors and Capi of the Republic that on that day, in consideration of the high honour paid to a Venetian Cardinal, the decree was declared to be repealed.⁵

(2)

Carlo Rezzonico, a scion of a family which had moved from Genoa to Venice in 1640 and which had been admitted to the Golden Book of the nobility in 1687,⁶ first saw the light of day in the city of the lagoons on March 7th, 1693. His parents, Giambattista Rezzonico and Vittoria Barbarigo, of whom the latter died shortly after her son had been elected Pope,⁷ entrusted their ten-year-old Carlo to the Jesuit school in

his election ; see *Giornale della sede vacante, *loc. cit.* ; Clemente's *report to R. Wall, July 6, 1758, Archives of Simancas.

¹ Correr's *report, May 13, 1758, Cod. 261, *loc. cit.*

² Text in GRIMANI, 10 *seqq.*

³ *Ibid.*, 12 *seqq.*, 15 *seqq.*

⁴ Under date August 5, 1758 ; see *Vita di Clemente XIII.*, 25 ; MOSCHETTI, 31 *seq.*

⁵ *Clerici to Maria Theresa and Kaunitz, August 13, and to the Emperor, 16 August, 1758, *loc. cit.* ; in both are copies of these decrees (f. 44 *seqq.*). Cf. MOSCHETTI, 32 *seq.* The Pope wrote a letter of thanks under date August 19, 1758.

⁶ *Clerici's report to Maria Theresa, dated Rome 1758, July 8, State Archives, Vienna ; G. BALLERINI, *Lettera a Msgr. Giov. Batt. Rezzonico sopra l'antica origine della ecc. famiglia Rezzonico della Torre*, Roma, 1768. For the coat of arms, see PASINI FRASSONI, 48.

⁷ Cf. p. 157.

Bologna. On his return thence to his native country, Carlo studied theology and canon law in the university of Padua. After obtaining his doctorate he entered the academy for noble clerics in Rome in 1714, became a prelate two years later, and after being consecrated priest was sent by Clement XI. as Governatore to Rieti, whence he moved in the same capacity to Fano in 1721.¹

Called to Rome as a member of the Consulta in 1725, he was made in 1729 Auditor of the Rota for Venice, an office which he filled with great diligence.² Already he was acquiring a reputation both for his refined manner and his great piety,³ so that it was with universal approval that on December 20th, 1737, Carlo Rezzonico was admitted by Clement XII. to the Sacred College.⁴ In 1743 he was appointed by Benedict XIV. to the see of Padua, which had been left vacant by the death of Cardinal Ottoboni. His consecration as bishop was performed by the Pope himself in the church of SS. Apostoli.

At Padua Rezzonico devoted himself to his official duties with the greatest conscientiousness, modelling himself on Carlo Borromeo and his predecessor and blood-relation Gregorio Barbarigo. In 1746 he held a diocesan synod. His chief aims were the restoration of church discipline and the training of capable clerics, for which reason he took a keen interest in the enlargement of the seminary. Despite the considerable sum deriving from his own means which was also at his disposal, he was always in want of money, for his liberality was so great that he would give away everything to

¹ GUARNACCI, II., 723; *Vita di Clemente XIII.*, 7 seqq. (evidence of Nicc. Ant. Giustiniani, episc. Torcell., of October 15, 1716, regarding the conferment of the *prima tonsura*); CARDELLA, VIII., 285; NOVAES, XV., 3 seqq.; *Lebensgeschichte aller Kardinäle*, III., Regensburg, 1772, 298 seqq.

² *Decisiones S. Rotae Romanae coram R. P. D. Carolo Rezzonico*, 3 vols., Romae, 1759. Cf. E. CERCHIARI, *Cappellani Papae et Ap. Sedis auditores seu S. Rom. Rota*, II., Romae, 1920, 226 seq.

³ B. MOROSINI, *Relazione di Roma 1737*, Venezia, 1864, 24.

⁴ *Report of Mgr. Harrach, December 21, 1737, Archives of the Austrian Embassy to the Vatican; GUARNACCI, II., 726.

the poor, down to the clothes off his back. All the Paduans spoke of him as the Saint.¹ In Rome too he commanded the greatest respect. Though the diplomats estimated his talent as only moderate, they freely recognized his straightforward conduct, his affability, his devotion to duty, and his lofty ideals.² Cardinal Rezzonico, opined the Spanish ambassador in 1754, is strictly ecclesiastically minded; his skilfulness greatly contributed to the settlement of the Aquileia controversy.³

His contemporaries describe the sixty-five-year-old Pope as of medium height, with a marked tendency to corpulence, of fresh complexion, but already almost entirely bald and somewhat bowed.⁴ His demeanour betokened a mild and gentle temperament.⁵ The foundation of his character was

¹ " *Vive nel suo vescovato di Padova con santa esemplarità," wrote Brunati to Colloredo and Kaunitz on May 6, 1758 (State Archives, Vienna). Cf. *Vita di Clemente XIII.*, 10 seqq., and the special works on Padua listed in GAMS, 799. *Records of Rezzonico's episcopal activity, his visitations and benefactions, his work for the cathedral and the diocesan seminary are in the Archives of the Curia and in the Chapter Archives in Padua.

² " *Il card. Rezzonico, creatura di Clemente XII. di 64 anni, sano e di buona complessione. Questi ha per se il cuore di tutta Roma, è di talento mediocre, ma di costumi ottimi, affabile, applicato a' suoi doveri, pieno di sentimenti di onestà e di santità " (Brunati to Colloredo and Kaunitz, May 6, 1758, *loc. cit.*). In a *memorandum for a conclave, probably composed in 1757, Rezzonico is described as a " uomo dabbene e zelante, di mente e capacità molto ristretta ". Archives of the Austrian Embassy to the Vatican.

³ " *Zelante eclesiastico y con la comision de su republica contribuyó mucho por su prudencia al acuerdo de Aquileja." Portocarrero to R. Wall, September 12, 1754, Archives of Simancas.

⁴ See the Lucchese report in SFORZA, 14.

⁵ A portrait of Clement XIII. as Cardinal (engraving by Hier. Rossi) in GUARNACCI, II., 723. Goethe (*Italienische Reise*, ed. Schuchardt, I., 556) praises the portrait of Clement XIII. by R. Mengs as the most splendid picture painted by the master; it was then in the ownership of the senator Prince Rezzonico

a deep-seated piety and extreme benevolence. He could justly call himself Clement, for his mildness knew no bounds—except where the rights of the Church were involved. He accorded favours easily and gladly but it was only in the most urgent cases that he dispensed from the precepts of the Church.¹ Nothing was so dear to him as the maintenance of

and is now in the Biblioteca Ambrosiana in Milan. Another portrait by Mengs, painted shortly after 1758, is in the Pinacoteca in Bologna. A third, probably unfinished and completed by a later hand, is in the Stockholm Museum (*cf.* Voss, *Malerei*, 658, 660). A portrait of the Pope by Batoni, with another by another artist, is in the Bishop's Palace in Chur or Coire (the Bishop of Coire at that time, Johann Anton von Federspiel, was a friend of Clement XIII.). Another portrait is in S. Niccolò at Bari. The portrait by I. d. Porta is reproduced in SEIDLITZ, *Allg. hist. Porträtwerk*, I., Munich, 1884, and in VOGEL, *Goethes röm. Tage*, 80, copied from an engraving by Camillo Tinti. A good portrait by an unknown painter is in the Galleria in Venice (Sala XIII.). There is a portrait of Clement XIII., almost full figure, seated, with his hand raised in blessing, engraved, according to the signature, by J. B. Piranesi and D. Cunego (according to Focillon [74] probably by Cunego alone). Other engravings are listed in the catalogue of the *Ritratti ital. d. Raccolta Cicognara-Morbio*, 54, published by C. Lang in Rome. A bronze bust of Clement XIII. is in the sacristy of the Lateran. The busts of Clement XIII. made in 1762 by Bracci, one for the Pope, the other for Cardinal Rezzonico, have disappeared; see DOMARUS, *Bracci*, 57. Medallions with his portrait in relief are in the refectory of SS. Trinità de' Pellegrini. The statue on Clement XIII.'s tomb in St. Peter's, by Canova, is a fine work. His episcopal city of Padua possesses a statue on the Prato della Valle, two busts in the cathedral and in the large parterre room of the episcopal residence, and a portrait in the Sagrestia Maggiore dei Canonici. Other busts of Clement XIII. are in the Biblioteca Angelica in Rome and in the Palazzo Comunale in Ancona (by Varlè). The treasury of St. Peter's possesses a mosaic palliotto of Clement XIII. (see *Annuaire pontif.*, 1913, 564). His rich vestments in Padua Cathedral were exhibited at the Eucharistic Congress in Venice in 1897.

¹ CANCELLIERI, *Possessi*, 514.

clerical discipline.¹ Cordara, who knew him intimately, wrote of him: "He had all the virtues which could grace a prince and a Pope. He was naturally kind-hearted, generous, candid, and truthful, abhorring any kind of dissembling or exaggeration. He had a lively mind, great powers of endurance, and an indefatigable capacity for work. It was easy to gain admittance to him; his conversation was kind but not unmeasured; pride and contempt for others was utterly foreign to his nature. Although destiny allotted him the highest dignity, he succeeded in preserving a marked condescension and meekness."²

But besides these laudable qualities Cordara does not omit to mention Clement XIII.'s chief failings: his indulgence—which, as he says, is of harm to a ruler when excessive—and his great lack of self-confidence. Of extreme timidity and conscientiousness, he was most indecisive and never dared to take anything on himself; consequently he listened far too much to the advice of others.³ He was thus abnormally dependent on his entourage. At the very beginning of his reign Cardinals Spinelli and Archinto exerted an immoderate influence over him. Spinelli had been very closely connected with him before, and Archinto was confirmed by him in the important position of Secretary of State. Neither Cardinal was favourably inclined towards the Jesuits, and their influence prevented him, friendly to the Society though he was, from taking the firm stand in Portugal that Pombal's unscrupulous procedure necessitated.⁴

As for the distribution of offices, the Maggiordomo Marcantonio Colonna, like Benedict XIV.'s Secretary of State, was left at his post, which he relinquished on September 24th, 1759, the day of his admission into the Sacred College. Antonio Maria Erba Odescalchi became Maestro di Camera, Cardinal

¹ See the Lucchese report in SFORZA, 15.

² Cordara in DÖLLINGER, *Beiträge*, III., 33.

³ CORDARA, *loc. cit.*, 22. Great indecisiveness and dilatoriness were also characteristic of the cardinal-nephew; see SFORZA, 40.

⁴ See below, chapter VII.

Cavalchini Prodatarius,¹ the Pope's nephew Carlo Rezzonico Secretary of the Memorials, Andrea Negrone Uditore Santissimo, and Winckelmann's learned friend Michelangelo Giacomelli Secretary of the Latin Briefs.²

As early as September 30th, 1758, Cardinal Archinto succumbed to an apoplectic stroke,³ and in the middle of October the Secretaryship of State was entrusted to Cardinal Luigi Torrigiani,⁴ who agreed to accept this responsible position only after the Pope's repeated and earnest requests.⁵ With his appointment there took place a complete change of policy, Torrigiani being an exceedingly great friend of the Jesuits.⁶

¹ See above, p. 156.

² Albani's *report to Kaunitz, July 8, 1758, State Archives, Vienna. Colonna was succeeded by Giov. Ottavio Bufalini, who, on becoming Cardinal, was followed in 1766 as Maggiordomo by the Pope's nephew, Giov. Batt. Rezzonico; see MORONI, XLI., 271 *seq.* Erba Odescalchi also became Cardinal in 1759, and, in 1766, his successor, Giov. Carlo Boschi, whose post was filled by Scipione Borghese; see MORONI, XLI., 136 *seq.* For Negrone, *cf. ibid.*, LXXII., 203. For Giacomelli, see, besides JUSTI, II., 86 *seqq.*, MORONI, XXX., 200 *seq.*, and FORCELLA, III., 460, VI., 460. The Secretary of the Briefs was first Gaetano Amato (*Epist. I., II., Papal Secret Archives), then Toma Emaldi (*ibid.*, II., III., IV.), and, from the fifth year of the pontificate till its end, Giacomelli.

³ *Rott to Colloredo and Kaunitz, October 13, 1758, State Archives, Vienna; SFORZA, 16. Tombstone in S. Lorenzo in Damaso; see FORCELLA, V., 212.

⁴ L. Torrigiani had been raised to the purple by Benedict XIV. in 1753 (see Vol. XXXV., 343). He died at the beginning of 1777. His family came from Lamporecchio, on the west slope of the Pistoian Hills. Portrait of Torrigiani in TOMASSETTI, *Campagna*, II., 227. For the archives of the Torrigiani family, see D. MARZI in the *Atti d. Congresso Storico di Roma*, 1903, III., 383 *seqq.*

⁵ See the Lucchese report in SFORZA, 17. For the satisfaction of the Imperial court with his appointment, see Colloredo's *report to Albani, November 6, 1758, Archives of the Austrian Embassy to the Vatican.

⁶ CORDARA, *loc. cit.*, 25.

Capable and talented, as even his bitterest opponents acknowledged,¹ serious, diligent, and energetic, he acquired an influence over the Pope that was increased by the fact that,

¹ "Torrighiani, forse il peggiore, ancorchè di molto talento," says the anti-Jesuit **Vita di Clemente XIII.* in Cod. 41, A 5 of the Bibl. Corsini, Rome. In the above-mentioned **Memorandum* for the Conclave he is described as "Uomo di talento e di molta capacità. Di naturale però forte ed amico della sua opinione. Un tal soggetto è stato con ogni sforzo promosso al cardinalato dalli pressanti uffici del card. Valenti" (Archives of the Austrian Embassy to the Vatican). Cf. also the judgments of him in the **report* of Cardinal Portocarrero to R. Wall, September 12, 1754 (Archives of Simancas) and of the Lucchese envoy in SFORZA, 17. — In a **fragmentary* document of 1769, which contains information about thirty Italian Cardinals, Torrighiani is described as a "Uomo giusto, di proposito costante, de' molti talenti, faticatore instancabile, incorrotto, e pulito di cuore e di mano. Due sono l'eccezioni, che se li danno: una il fidarsi troppo di se stesso, e disprezzare gli altrui sentimenti, e il voler far tutto da sè, perchè crede niuno poter far meglio di lui, l'altra di essere soverchiamente attaccato all' interesse. Si attribuiscono a lui tutte le disgrazie del pontificato, le male soddisfazioni dei Sovrani, l'ostinata difesa dei gesuiti. Ma si vuol dir delle persone il bene ancora, quando se ne scuoprono i difetti. Molte cose sono state addossate al Ministro, che [sono] state parte del Padrone. Di molti fatti è stato esecutore, non promotore. Il suo disinteresse apparisce nel rifiuto delle cariche più ambite, come della Cancelleria e del Camerlingato; erano ambedue le sue se le avesse volute; gran temperanza è stata lo averle rifiutate ed aver anche rinunciato la Segretaria di Stato costretto quasi a forza a riassumerla. Ha sempre rifiutato donativi. Sanno i parrochi di Roma le somme considerabili da lui somministrate per doti di fanciulle e per soccorso de' miserabili. Sanno le badie le profuse somministrazioni di frumento da lui ordinate negli anni di penuria. Se poi avesse doti sufficienti per la carica, che ha sostenuta, non glielo accordan coloro che desiderano una più profonda cognizione del diritto pubblico, delle massime delle Corti, delle relazioni che ha ciascuna con Roma, dell' origine, e progressi del dominio, e giurisdizione della Sede Apostolica, dei mezzi di conservarla in quello stato in cui si è trovata. Egli governerà nel conclave i Rezzonici, e

contrary to all expectation,¹ the Pope's nephew, Carlo Rezzonico, created Cardinal on September 11th, 1758, held himself completely aloof from public affairs and lived only for his duties as Secretary of the Memorials and for pious exercises.²

Cardinal Torrigiani, as is admitted even by diplomats who were inimically inclined towards him, was well able to control himself, so that he maintained complete composure even in the most difficult situations.³ With all his friendship for the

continuerà nel partito gesuitico, in cui è entrato non per corruttela di volontà, ma per errore di mente" (State Archives, Naples, Carte Farnes. 1504). Cf. *Erizzo (II.) to the Doge of Venice, January 3, 1767, State Archives, Venice, Ambasciatore, Roma, 286. MERENDA (**Memorie*, f. 135 seq.) calls Torrigiani a "huomo di spirito e di talento, capacità e sufficiente dottrina, risoluto et autoritativo". Bibl. Angelica, Rome.

¹ Card. Rodt, in a *letter to Maria Theresa, August 2, 1758, gave it as his opinion that the nephew would be given charge of most of the business affairs. State Archives, Vienna.

² SFORZA, 17; RENAZZI, IV., 240. Cf. Adunanza degli Arcadi per l'esaltazione alla dignità di senatore di Roma di S. E. il s. d. Abondio Rezzonico nipote di Clemente XIII., Roma, 1766. Cardinal Rezzonico's tomb with an excellent portrait of him is in the Santa Croce chapel in the Lateran.

³ Cf. the *report of Manuel de Roda y Arrieta to R. Wall, May 26, 1763 (Archives of Simancas), on his conversation with Torrigiani; the report shows that JUSTI (III., 13) trusts too hastily a partisan of the type of Tanucci, who calls the Cardinal as "feroce" as Boniface VIII., rough, and insolent. In the course of the conflict about the Jesuits there were violent altercations between Torrigiani and the diplomats; the latter speak of the Cardinal's "outbursts of rage" but he is not to be blamed therefor without further examination. Of Torrigiani's self-control during the dispute about the non-acceptance of the Brief dealing with the Spanish pragmatic (PASTOR, XXXVI., Ch. I.), Manuel de Roda y Arrieta sets down the following carefully-considered description in the above-mentioned *letter of May 26, 1763: "Ni entonces ni en todo mi anterior discurso, que durò cerca de una hora, me interrumpió, replicò ni habló una palabra, me oyò con suma atención y solo pude notar en las mutaciones

Jesuits, he wanted to keep himself independent in his position and for this reason did not choose a Jesuit as confessor.¹ For a long time yet he had to share his influence over the Pope with Spinelli, who persisted in his anti-Jesuit attitude until he died on April 11th, 1763, and who on this account had far less weight with the Pope towards the end of his life than at first.² As previously in temporal,³ so now also in spiritual affairs Torrigiani became the determining personality. Convinced that a grave injustice was being done to the Jesuits and that the ultimate intention of their enemies in striking at them was to strike at the Holy See, Torrigiani intervened in their behalf with the greatest resolution. Naturally this drew on him the hatred of every enemy of the Society. The lengths to which this hatred went may be seen from the scurrilous pamphlets which under the screen of anonymity painted the blackest picture of his character.⁴ His letters to the nuncios,

del semblante y color de su rostro la agitación que padecía en su ánimo. . . . En tan larga sesión de tan poco gusto para el cardenal y tan contraria a su genio sobre no haverme quedado escrúpulo de haver omitido reflexión ni especie alguna que pudiera conducir al honor del Rey y a la prueba del error, que havian cometido en remitirle semejante Breve, tengo la satisfacción de que haviendolo hecho conocer y retratar, no me dió el menor motivo de queja ni resentimiento, antes bien se excedió con la urbanidad, atención y cortesía."

¹ Report of the Lucchese envoy, December 9, 1758, in SFORZA, 17.

² See Brunati's *letters to Colloredo, April 23 and 24, 1763, *loc. cit.*, and the reports of the Lucchese envoy in SFORZA, 29, 32.

³ See our account, Vol. XXXV, 343.

⁴ One of the most violently abusive writings bears the title *Carattere di Clemente XIII. e di vari altri personaggi di Roma, 1766, Cod. 41, A 5, red pagination 47 *seqq.*, Bibl. Corsini, Rome. Widely disseminated (other copies: Cod. Z 6, p. 15 *seqq.*, of the Bibl. Vallicelliana, Rome, also Cod. 8430, in the British Museum, London, in the Fondo Gesuit. 196, p. 348 *seqq.*, of the Bibl. Vittorio Emanuele, Rome, and in the Archives of the Austrian Embassy to the Vatican, here dated June 1766), this bungled work, a hotchpotch of truth and error, has long determined the

however, provide a splendid justification of the Cardinal, who, acting entirely on his convictions, considered it his duty to defend as actively as possible the rights of the Church and the Holy See and their most loyal supporters, the Jesuits.

To the Pope Torrigiani was faithfully devoted ; when the Head of the Church held views which did not coincide with his own, he willingly deferred to his.¹ In spite of all the hostility shown towards him he maintained his dominant position throughout the Pontificate.² This was made easier for him by the fact that the Pope's health was not of the best.

opinion of historians. Even RANKE (III., 134, note 2) founded his delineations of character on this partisan publication. DENGEL, on the other hand (*Garampi*, 84, note 4), had already justly observed that the work of so fierce an enemy of Torrigiani as this anonymous writer was, should be used with caution. Filled with an anti-clerical spirit, the author scoffs in the most indecent manner at the piety of the cardinal-nephew Rezzonico and covers Torrigiani with reproaches, abuse, and slanders. That Torrigiani, in spite of his great influence, always deferred to the Pope in the last instance is testified by *Garampi* (DENGEL, *Garampi*, 84, n. 5) ; for the fact that he did not offend the diplomats with his violence and abruptness, see above, p. 165, n. 3 ; that the Cardinal was not so selfish as the author would have us believe is shown by the fact that he persistently refused to take over the post of Camerlengo, though this was compatible with the Secretaryship of State (see Brunati's *report to Colloredo, June 22, 1763, *loc. cit.* ; *cf.* above, p. 164, n. 1). The cause of the anonymous pamphleteer's hatred, who repeats the slanders circulated by Almada (see our description, Vol. XXXVII., Chap. I), was Torrigiani's championship of the Jesuits, which was also the reason why the rest of Clement XIII.'s entourage was abused. Thus : " Il confessore Msgr. Adeodato Barcali [the parish priest of S. Biagio della Pagnotta] regola la coscienza del Papa da vero terziario professo della venerabile società." Torrigiani's part in improving the Campagna is praised by the expert Tomassetti (II., 227).

¹ *Cf.* above.

² Torrigiani's intention to resign, reported by *Albani to Colloredo on January 2, 1762 (State Archives, Vienna), was not realized.

Already in 1759 he was subject to repeated attacks of fever, and on June 3rd, on the advice of his physicians, he went to stay for a while at Castel Gandolfo.¹ The change of air had such salutary results² that in the following years the beautiful residence above the Lake of Albano was regularly occupied by the Pope in May and October. During these vacations the slackening in the conduct of affairs was so slight that it might be said that the Holy Father had only changed his location; Cardinals, envoys, and secretaries of Congregations were received at Castel Gandolfo as in Rome. Daily in his leisure hours the Pope visited the Blessed Sacrament in one of the outlying churches, at the same time distributing generous alms to the poor.³ In the spring of 1762 he changed his country residence to Civitavecchia. Here too he was generous in his almsgiving and visited the hospital. A trip to Corneto he utilized for a visit to the prisoners there. At Civitavecchia he made presents also to the convicts in the galleys and gave orders for the erection of a hospital for sick women and orphans.⁴

At the beginning of the year 1763 the Pope was afflicted with eye-trouble. His increasing corpulence was even then giving rise to the fear that he would not be long-lived,⁵ and in 1765 it seemed that this would be verified. On the evening of August 19th he was visiting, as was his daily custom,⁶ the Blessed Sacrament in the church of S. Rocco. Here the plethoric and corpulent Pope was seized with so severe an attack of faintness that he was in immediate danger of death and was given the Sacraments for the dying. He quickly recovered,

¹ NOVAES, XV., 19 *seqq.*

² Cf. the *report of Cardinal Portocarrero to R. Wall, June 28, 1759, Archives of Simancas.

³ NOVAES, XV., 20, 68 *seq.*

⁴ *Ibid.*, 64 *seqq.*; GUGLIEMOTTI, *Ultimi fatti*, 187.

⁵ Brunati's *report to Kaunitz, January 3, 1763, State Archives, Vienna.

⁶ *Reports of Manuel de Roda y Arrieta, January 14 and March 18, 1762, Archives of Simancas.

however, and after only two days the supplicatory prayers that had been ordered in the churches could be changed into thanksgivings.¹ In spite of the assurances of the physicians it was thought by many at this time that the Pope would not recover. The Government in Madrid instructed its representative to report on the members of the Sacred College, so that it might be prepared in the event of a conclave.² On the night of December 14th the Pope had a similar attack of faintness, but not so serious ; though an improvement followed rapidly after a blood-letting, the doctors were again uneasy. It being a question of apoplectic attacks, they feared that the Pope would die suddenly.³ The diplomats busied themselves more than ever with a possible conclave.⁴ Not the

¹ Gentile's *report to Colloredo, August 21, 1765, State Archives, Vienna ; *Letter from Tomas Azpuru to Grimaldi, August 22, 1765 : " El lunes salió el Papa las cinco y media de la tarde, como acostumbra, a visitar las 40 horas, que estaban en la iglesia de S. Roque, donde estuvo cerca de tres quartos de horas en oración. Bolvió a su palacio y al salir la escalera sintió un afan al pecho que despreció por entonces, pero se fue aumentando tan aceleradamente que lo puso a las puertas de la muerte de cuyo riesgo está no solo libre gracias a Dios si que se halla tan mejorado que los medicos aseguran haver recobrado la salud " (Archives of Simancas). Cf. also SFORZA, 39.

² Azpuru's *letter, September 26, 1765, *loc. cit.*

³ Albani's *report, December 18, 1765, Archives of the Austrian Embassy to the Vatican ; Azpuru's *report, December 19, 1765, *loc. cit.* Torrigiani *wrote in cipher on December 14 to the nuncio Pamfili in Paris : " La notte di sabato 14 del corrente alle ore 6 1/2 fu sorpreso N. S. da un insulto di sangue simile a quello che soffri nell' agosto passato. Fu per altro assai più breve e leggiero, poichè nè perdè mai l'uso di tutti i sentimenti." Nunziat. di Francia, 453. Papal Secret Archives.

⁴ Albani sent a *report on the conclave on January 25, 1766, the condition of the Pope being " minacevole " (Archives of the Austrian Embassy to the Vatican). Azpuru had already sent his *report on October 24, 1765 ; with his *letter of December 5, 1765, he promised to send further news of the Cardinals in accordance with the king's wish (*loc. cit.*). The preparations and negotiations

least of the reasons why Clement XIII. lived on for many years in spite of these ominous symptoms and the mental disturbances occasioned by the times is that he finally decided to take plenty of outdoor exercise. He would not abandon his evening visits to churches but in the mornings he was to be seen diligently taking a walk in one or other of the splendid villas of Rome.¹

(3)

Nothing was dearer to the heart of Clement XIII., writes Cordara in his character-sketch of the Pope, than the welfare of his people.² How justified this opinion is, is shown by the steps taken by the Pope in the distressing years of 1763 and 1764.³ A great drought had caused a failure of the crops, so that the whole of Italy, especially its southern parts, was suffering from a rise in prices and from famine. Clement XIII. did everything possible to alleviate the distress. For the support of the parishes a new "Monte", "dell'Abbondanza," was instituted in September 1763.⁴ The Pope's solicitude for the provision of oil, one of Rome's staple commodities, is still commemorated by an inscription on the oil stores in the Piazza delle Terme.⁵ The unfavourable weather that set in at the beginning of the year 1764 made it impossible for work in the fields to begin at the proper time. From all parts of the Papal States, also from Tuscany and Naples,⁶ there streamed into

anent the conclave went on in 1766; see Azpuru's *reports of February 6 and 13, March 13, and April 3, 1766, *ibid.* The Pope felt unwell again at the veneration of the newly beatified Simon de Roxas, whereupon he was bled (Azpuru's *report, May 22, 1766, *ibid.*).

¹ Azpuru's *reports of October 13, 20, and 27, 1768, *loc. cit.*

² CANCELLIERI, *Possessi*, 514.

³ Cf. [Campelli], *Penuria de' grani 1763/64*, Roma, 1783.

⁴ NOVAES, XV., 77.

⁵ DE CUPIS, 319. Cf. NOVAES, XV., 107.

⁶ **Vita di Clemente XIII.*, in Cod. 41, A 5, of the Bibl. Corsini, Rome; GUGLIELMOTTI, *Ultimi fatti*, 189.

Rome needy folk, the accommodation and feeding of whom was no easy task. The Pope displayed unflagging energy in rescuing thousands of starving people. A special Congregation of Cardinals deliberated with the Secretary of State on the measures to be taken.¹ In March the situation in Rome was so critical that it was feared there would be an outbreak of famine such as was already ravaging Naples.² To avert it an intercessory procession was held at the beginning of April.³ The Pope tried to obtain corn from outside the country, to save those who were starving, but France refused to allow its export.⁴ When it was finally possible to obtain grain from various sources,⁵ a price double that of the previous year had to be paid.⁶ There was no other course but to break into the treasure of Sixtus V. in the Castel S. Angelo, so that grain might be bought at any price, even the highest. Half a million *scudi* were taken from the treasure,⁷ but as this did not suffice, in August the same taxes had to be imposed for one year on Rome and its environs as had been prescribed by Benedict

¹ *Report of Manuel de Roda y Arrieta, March 8, 1764, *loc. cit.* On April 5, 1764, he *reported (*ibid.*) that the Pope had been deeply affected by the calamities; he was praying assiduously, he had celebrated personally in the Sancta Sanctorum chapel, and he was taking every possible step against want and the rising cost of bread. Cf. NOVAES, XV., 79.

² *Brunati to Colloredo, March 17, 1764 (*loc. cit.*): "La penuria e carestia di pane in questo stato e dentro Roma è arrivata a un segno, che, non ostante le più provide diligenze, si teme che si possa restare senza grano prima della nuova raccolta." In Naples the people were already dying of hunger. Cf. *Riv. stor.*, 1915, 12.

³ *Cifra al Nunzio di Francia, April 4, 1764, Nunziat. di Francia, 453, Papal Secret Archives. Cf. SFORZA, 33.

⁴ Lucchese report, April 21, 1764, in SFORZA, 34.

⁵ It came especially from Sardinia and Piedmont; see the *Brief of thanks to King Carlo Emanuele of Sardinia, April 21, 1764, Epist. VI., Papal Secret Archives.

⁶ **Vita di Clemente XIII.*, *loc. cit.*

⁷ Brunati's *report to Colloredo, April 11, 1764, *loc. cit.*

XIV. in 1743 in a like situation.¹ Even adversaries of the Papacy admit that the Papal Government did all that was possible in those days to relieve the terrible distress. It is not surprising that the effort was not completely successful, for credit had been shaken and the means at the disposal of the Papacy were limited ; moreover, the necessary economic knowledge was lacking at that time, so that in taking action against high prices errors were inevitable. In addition, some of the Governors were so wanting in conscience as themselves to speculate in grain—a practice forbidden to landlords and merchants—and thus to increase their own personal fortunes.²

At first the poor had been housed at S. Teodoro's and in the Borgo S. Angelo ; afterwards the Pope had shelters built for the men in the Baths of Diocletian, for the women and children at S. Anastasia's. The spiritual care of the former was entrusted to the Jesuits, that of the latter to secular priests. In this manner 8,000 needy Romans were provided for until the end of May, when work in the fields could at last be begun ; on leaving the shelters all were given alms in the form of food and money. Those living outside Rome, who were said to have numbered 6,000,³ received similar treatment on their departure. On Whitsunday, June 11th, 1764, the Pope held a procession to give thanks to Heaven for the ending of the tribulations.⁴

In order not to be entirely dependent on other countries in the future, Clement XIII. sought, from 1765 onwards, to compel the large landed proprietors in the Roman Campagna to undertake a more intensive cultivation of grain, but the tinge of *latifundia* owners was too strong for this plan to be carried out.⁵ The lack of grain in the summer of 1766⁶ had to

¹ NOVAES, XV., 83.

² BROSCHE, II., 123.

³ NOVAES, XV., 79-82.

⁴ *Ibid.*, 79 *seqq.*

⁵ DE CUPIS, 321 ; BENIGNI, 87.

⁶ Azpuru's *reports to Grimaldi, July 31, August 7, 21, and 28, 1766, Archives of Simancas.

be remedied by imports from outside, the cost, half a million *scudi*, again being met from the treasure of Sixtus V.¹ In 1767 the ordinance of Benedict XIV. by which gleaning was declared to be permissible to the utterly necessitous, was extended to all the provinces of the Papal States.²

The Pope had already given proof of his great charity both before his election, when he was a member of the Congregation of Trinità de' Pellegrini,³ and in the first year of his reign, when he distributed food⁴ and handed over to the poor a present from his brother of 10,000 *scudi*.⁵ He also showed his kindheartedness on his first visit to the hospital of S. Giacomo, where he personally attended the sick and took so loving an interest in the most repugnant cases that all were moved to tears.⁶ It must be admitted, however, that the Pope's benignity had one drawback: justice was administered far too leniently. Not only in Rome, where the numerous places of refuge made it particularly difficult to arrest wrongdoers, but elsewhere also there was great insecurity,⁷ and crimes abounded. The criminal registers show that during the eleven years of the reign of Clement XIII., 10,000 murders were committed, of which 4,000 took place in the Eternal City.⁸

The population of the Papal States in 1768 was 2,036,747, Rome claiming 158,906. Since 1736 the population of the provinces had increased by 190,519, that of the capital by only 8,257.⁹

¹ Azpuru's *report, August 7, 1764, *ibid.*; Lucchese report, in SFORZA, 47.

² DE CUPIS, 322 *seqq.* Cf. our account, Vol. XXXV., 152.

³ FORCELLA, VII., 223.

⁴ NOVAES, XV., 16.

⁵ SFORZA, 15.

⁶ *Ibid.* For the patronage of the Hospital of S. Spirito, see FORCELLA, VI., 455.

⁷ For the decree against the bandits in the Campagna, see NOVAES, XV., 57.

⁸ *Ibid.*, XVI., I, 27.

⁹ CORRIDORE, *Popolazione*, 24. Two works of importance for the knowledge of the Eternal City and its art treasures were

Very serious thought was given by Clement XIII. to the difficult problem of regulating the areas under water in the legations of Bologna, Ferrara, and Ravenna.¹ He also contemplated draining the Pontine Marshes. This latter project he had been considering since 1759, and in October 1760 it was decided to put it into execution.² It was at this time that the famous astronomer Lalande, a witness beyond suspicion, expressed his admiration for the Pope who was so deeply devoted to the welfare of his people. In the course of an audience Lalande was asked by Clement for information on some technical questions. "I took the liberty of remarking," relates Lalande, "that the draining of the Pontine Marshes would be the glory of his reign, whereupon Clement XIII., raising his hands to heaven and almost weeping, said to me, 'It is not glory that We seek but the good of Our people'."³

The report of the president of the Province of Marittima and Campagna, Emmerich Bolognini, who had made the necessary study of the marshland with the assistance of the surveyor Angelo Sani, was ready in 1759, but the old difficulties

published in 1763: R. VENUTI, *Descrizione topografica delle antichità di Roma*, 4 vols., and F. TITI, *Descrizione delle pitture, sculture e architetture esposte al pubblico in Roma*. Most widely circulated was the guide by G. Vasi, who with his fine views was a forerunner of Piranesi (see JUSTI, II., 110, and SULGER-GEIBING in the *Goethejahrbuch*, XVIII., Frankfurt, 1897, 220 seq.). For the condition of the Catacombs at this period, see *Röm. Quartalschrift*, 1911, 105 seqq.

¹ ANT. LECCHI d. C. d. G., *Piano per l'invalveazione delle acque danneggianti il Bolognese, il Ferrarese e il Ravennate, formato per ordine di P. Clemente XIII. dal P. Lecchi e dagli architetti T. Temanza e G. Verace*, Roma, 1767. Cf. *Avviso di Roma, of October 5, 1760, Cod. ital. 554, of the State Library, Munich. See also LOMBARDI, II., 282. A *letter of Brunati's, March, 5, 1763, emphasizes the difficulty of the undertaking: "opera di così difficile riuscita come sarà ancor quella che si sta per intraprendere sul Reno di Bologna e di Ferrara." State Archives, Vienna.

² *Avviso, October 24, 1760, *loc. cit.*

³ BENIGNI, 87.

hindered its execution. Clement, however, was not to be deterred; by a *Motu Proprio* of 1762 he announced that the project was to be carried out at the cost of the Camera. Its superintendence was entrusted to Cardinal Cenci, but his sudden death on March 2nd, 1763, brought about a stoppage lasting till November 28th, when his place was taken by Cardinal Bonaccorsi. Like those that preceded it, this plan too was wrecked by the opposition of the Gaetani and the commune of Sezze,¹ and in any case the means available would have been inadequate.

At the very beginning of Clement XIII.'s reign the financial situation caused such grave anxiety that the Cardinals were requested to formulate proposals for its relief.² But all deliberations proved useless. A harsh light was thrown on the situation by a report made in April 1764. According to this, the State debt amounted then to over 70 million *scudi*. It was impossible to raise the interest on this sum, the income amounting to only two to three million *scudi*, and, unlike other States, no help was to be had from agriculture or trade.³ In these circumstances there was nothing for it but to make further inroads on the treasure of Sixtus V., though its reimbursement was assured. On the occasion of the first withdrawal of half a million *scudi* repayment was promised by the Pope in a consistory held on April 9th, 1764.⁴ On his continuing on this course in 1766 many Cardinals in Rome expressed their dissatisfaction,⁵ which was manifested par-

¹ Cf. the Lucchese reports in SFORZA, 24, 29, 30, 31, 37; BENIGNI, 87.

² Cod. Vat. 9724 contains numerous *memoranda dating from 1758/59 from Cardinals and prelates, including one from Ganganelli about the liquidation of the debts (Vatican Library). For the financial situation, see MORONI, LXXIV., 313 *seq.*

³ Brunati's *report to Colloredo, April 11, 1764, *loc. cit.* For the encouragement given to a new branch of industry (high-class paper), see NOVAES, XV., 63 *seq.*

⁴ *Bull. Cont.*, III., 875.

⁵ *Report of an Austrian agent, August 6, 1766, Archives of the Austrian Embassy to the Vatican.

ticularly in the consistory of December 22nd, 1766, when for the third time half a million *scudi* had to be taken from the treasure.¹ The opposition was unjustified, seeing that the treasure had been left untouched "until all other means of procuring money had been tried in vain, the floating of a new loan (of 300,000 *scudi*) had proved unsuccessful, and the banks of S. Spirito and Monte di Pietà had been compelled, to the alarm of their depositors, to take up the Government's unwanted loan." ²

Clearly nothing but a thorough fiscal reform could bring order into the financial situation. Consequently the introduction into the Papal States of a uniform system of customs dues was seriously considered, but the project could not be carried out owing to the impossibility of raising the money to establish customs stations on the frontiers. As a result it was decided at the end of the year 1768 to raise the tax on meal in the Papal States, only Rome and the Campagna being excluded, in the hope of procuring an annual income of 200,000 *scudi* by this means, but this plan too was shattered by the resistance of the people, who, in their complete distrust of the officials, refused to submit to it.³

The acuteness of the financial situation may be gauged by the inability to execute such useful schemes as the enlargement of the port of Terracina ⁴ and the regulation of the mouth of the Tiber at Fiumicino,⁵ while for art and learning still less was undertaken.

The most prominent artists in Rome at this period were Raphael Mengs, whom his contemporaries compared with the great Raphael of Urbino, and Giovan Battista Piranesi, the unrivalled engraver.

¹ *Report of December 22, 1766, *ibid.* For the refund of the sums withdrawn, see *Bull. Cont.*, III., 1440 *seq.* (July 17, 1768).

² BROSCHE, II., 125, according to Venetian reports.

³ *Ibid.*, 125 *seqq.*

⁴ BENIGNI, 87.

⁵ Cf. *Avviso di Roma, March 29, 1760, Cod. ital. 556, of the State Library, Munich.

Menges painted two masterly portraits of Clement XIII. and was decorated with the high Order of the Golden Spur, but in August 1761 he accepted an invitation to the court of Charles III. in Madrid, whence he did not return to Rome till 1770.¹ Thus it was that the Pope's favour was concentrated on Piranesi, with whom he was already intimate through their both having come from the same part of the country.² Piranesi dedicated several of his famous works to his exalted patron, notably, in 1761, his "*Della magnificenza ed architettura de' Romani*", in 1762 his edition of the *Fasti consolari*, and in 1764 the "*Antichità d'Albano e di Castel Gandolfo*", which resulted from a chance invitation to the Pope's summer residence.³ In 1767 this master too, who excelled in imparting to the ruins of Rome the charm of a poetic transformation,⁴ was honoured by the Pope with enrolment among the Knights of the Golden Spur.⁵ Piranesi was also held in high regard

¹ Cf. NOACK, 361; *Allg. Deutsche Biographie*, XXI., 348 seqq. For Menges' invitation and journey to Madrid, cf. the *reports of Manuel de Roda y Arrieta to R. Wall, July 16 and 23, August 6, 13, and 20, 1761, Archives of Simancas. For Maron, Menges' fellow-lodger, who was afterwards his brother-in-law, see NOACK in the *Österr. Rundschau*, XIV. (1908), 1389 seqq.

² Cf. FOCILLON, *Piranesi*, 73 seq.

³ A. SAMUEL, *Piranesi*, London, 1910, 202 seq.; FOCILLON, 74 seq., 107, 112 seqq.; A. HIND, *G. B. Piranesi*, London, 1922, 84 seqq. In Castel Gandolfo there are the following memorials of the Pope: inscriptions on a gate (Clemens XIII. Pont. Max. laxata porta mollito clivo amplita via ac strata commodiori accessui consuluit Pont. sui anno III.), in the courtyard (cf. GUIDI, *Colli Albani*, 62), and in the church of St. Thomas (inscription of 1763, praising the Pope for having steps made in front of the façade, for having improved the open space in front of them, for having surrounded the altars with marble screens, and for having presented numerous utensils for the celebration of divine service), also frescoes and his coat-of-arms in the diplomats' reception room.

⁴ Muñoz calls him "Il poeta delle rovine" (*G. B. Piranesi*, Roma, 1920, 5).

⁵ FOCILLON, 118.

by the Pope's nephews: the senator Abbondio, Cardinal Carlo, and the Prior of Malta, Giovan Battista Rezzonico.¹ From his designs chimneypieces and furniture were made for the Palazzo Senatorio and for the residence of the Grand Prior.² Giovan Battista Rezzonico also commissioned him with the restoration of the old church of the Order on the Aventine; Piranesi transformed the church and its surroundings into a masterpiece of "romantic classicism".³ It was here also that the poet of the Roman ruins found his last resting-place.⁴

In St. Peter's Clement XIII. had made the beautiful screen of the Choir Chapel,⁵ and he also presented to the basilica the splendid "Paliotto", which had been used for the canonization of Frances de Chantal.⁶ For S. Paolo the Pope planned the erection of a new façade, whose design, by Pietro Bracci, is still preserved.⁷ The Cappella Paolina in the Quirinal received a tasteful new altar.⁸ In the palace a picture gallery was installed, the garden was embellished, and the adjoining

¹ *Ibid.*, 74, 114.

² MUÑOZ, *loc. cit.*, 34.

³ TIETZE in *Kunstgeschichtl. Anzeigen*, 1912, 117, who observes: "Rostra and putti, weapons and sun's rays, ecclesiastical insignia and classical intaglios are here built up into extravagant trophies which more than anything else are forms of decoration of a naturalistic effect." Cf. also NOHL, *Skizzenbuch*, 208; MUÑOZ, 34 *seqq.* BRINCKMANN (*Baukunst*, 130, 139) notes that it is here that early-Christian and Egyptian motifs are used for the first time. Cf. the inscriptions in FORCELLA, VII., 263.

⁴ Piranesi died on November 9, 1778. FORCELLA, VII., 264.

⁵ MIGNANTI, II., 121. There, too, the Pope's coat-of-arms.

⁶ This magnificent work of art is still in the treasury of St. Peter's.

⁷ DOMARUS, *Bracci*, 42.

⁸ MORONI, VIII., 140; IX., 169. The altar was to be finished in November 1760; see *Avviso di Roma, October 8, 1760, Cod. ital. 554, of the State Library, Munich. For the bronze-gilt cornucopias holding the great crystal candlesticks with ever-burning lights, affixed in 1768 to the mosaic picture of the Blessed Virgin beneath the palace clock, see NOVAES, XV., 145.

building accommodating the Papal officials was enlarged.¹ Many restorations were undertaken in the Vatican.² The new oil-store next to S. Maria degli Angeli, of which mention has already been made, was given in 1764 a simple, tasteful gate designed by Bracci.³ For the "Padri pii operarii" the Pope had a new house built on the Lungara,⁴ and the Greek College at S. Anastasio owes its enlargement to him.⁵

Niccolò Salvi having died in 1751, the completion of the Fontana Trevi was handed over by Clement XIII. to the architect Giuseppe Pannini, a son of the famous painter of architectural pictures. The alterations made by Giuseppe were not successful: the statues of Agrippa and the Virgin designed by Salvi he replaced by the allegorical figures of fertility and health; beneath the chariot in the form of a sea-shell he placed three large basins over which the water flows down into a central one, whereas Salvi intended it to gush forth in one fall. The two allegorical figures were made in marble by Filippo della Valle, the central figures were entrusted to Pietro Bracci. The relief over the right side-niche (Agrippa ordering the construction of the aqueduct) was made by Andrea Bergondi, that over the left one (the Virgin showing

¹ *Avviso di Roma, February 3, 1760 (*loc. cit.*): "S. B^{ne} ha fatto chiudere la porta dello scalone d'estate ed ha formato in essa una nuova galleria adornata di antichi celebri disegni fatti trasportare dal Vaticano." Cf. FORCELLA, XIII., 164.

² FORCELLA, VI., 180, 182, 183. The Papal coat-of-arms was at the entrance of the Sala Clementina; cf. A. DE WAAL, *Ein Besuch im Vatikan (Die Kunst dem Volke*, No. 13), Munich, 1913, p. 11.

³ DOMARUS, 58.

⁴ Via della Lungara 45: D.O.M. | Domum hanc piorum operariorum | Clementis XIII. pietas | a fundamentis erexit. | A. 1764.

⁵ P. DE MEESTER, *Collège pontifical grec de Rome*, in *La Semaine de Rome*, II. (1909), 107. There the inscription runs: Clemens XIII. P.O.M. has aedes a fundamentis Graecor. collegio restituit auxit exornavit A^o 1769. Cf. *Architettura min. in Italia, Roma II.*, Torino [1927], 86.

the spring to the soldiers) by Giovan Battista Grossi.¹ On the evening of May 20th, 1762, the Pope was able to view the finished work, the finest of all the Roman fountains. In the speech he made on this occasion Pannini and Bracci were duly complimented.²

In the pontificate of Clement XIII. there took place the completion of one of the wonders of Rome: the Villa Albani outside the Porta Salaria. " Begun in the true Roman spirit " ³ while Benedict XIV. was still living, this " grove sacred to the cult of the antique " ⁴ was not finished till 1763. Its architecture was due to Carlo Marchionne, its garden to Antonio Nolli, the whole work being under the superintendence of Cardinal Albani, the art-enthusiast who in Winckelmann and Ridolfino Venuti had the best possible advisers.⁵

Albani's collection of antiquities was next in importance to

¹ DOMARUS, 53 *seqq.*; GRADARA, *Bracci*, 79. The inscription in FORCELLA, XIII., 115.

² Cracas, May 29, 1762. His frequent residence in Castel Gandolfo determined the Pope to build a new private chapel in the palace; see MORONI, IX., 159. Clement XIII.'s name is inscribed also on the well at Genzano. He had a new chapel built in S. Cristina at Bolsena.

³ " Alexander Albanus cardinalis Romano animo instruxit a^o 1757 " is the inscription above the door of the atrium in the Casino. Cf. also D. STROCCHI, *De vita Alexandri Albani cardinalis*, Romae, 1790.

⁴ TIETZE in *Kunstgeschichtl. Anzeigen*, 1912, 118.

⁵ JUSTI, II., 289 *seqq.*, whose classic description I have borrowed almost word for word, no better one being possible. Cf. also GOTHEIN, I., 367 *seqq.*, II., 289. For R. Venuti, see T. Venuti's article in *Arte e Storia*, X. (1907), 97 *seqq.* Like the Vatican and the Capitol, the Villa Albani was plundered by the French. Of the 294 statues carted off to Paris only one returned: the Antinous relief, one of the best sculptures from Hadrian's Villa near Tivoli. The rest of the sculptures were sold, the owner shying at the cost of transport; a large number of them were acquired by the Glyptothek in Munich. The villa was afflicted by a second disaster in 1866, when it was bought by Prince Torlonia from the Castelbarco family of Milan, the heirs of the

that of the Vatican. It consisted of 150 statues, 176 heads, busts, and masks, 161 reliefs, 49 animal figures, 29 dishes, basins, and vases, 29 fountains, candelabra, urns, cippi, and altars, 171 columns, and 81 inscriptions. Some of these objects were exhibited in the buildings, others in the garden, amid the trimmed green hedges.

The villa has two entrances ; the one reached from the Via Nomentana has a predominantly rural character, that reached from the Via Salaria is architectonic. The palazzo, also known as the Casino, was built by Marchionne in the Roman baroque style then in vogue, in two stories, with an ornate portico borne by eighteen granite columns, on the garden side. Opposite, beyond a parterre of flower-beds laid out in an arabesque design delineated by box-hedges, with an eagle fountain in the centre, rises a broad, semicircular portico with forty Doric columns (the *Portico circolare*), reminiscent of the lay-out of the theatre at Frascati.¹

A special feature of the Villa Albani is the avoidance of anything suggestive of a museum. The founder's intention was that the antiquities should "have the effect of a plastic decoration made for this very building", as they would have done at the time when they had not yet become "antiques" "Every portico, every entrance-hall, every room, and every closet had its own character, its chief figure or series of figures which set the tone of the apartment."² The portico received the statues of Roman emperors ; it is continued by two open

family which became extinct in 1854. The disfigurements made at the order of the "tobacco king" have actually been perpetuated by him by means of inscriptions. The ugly buildings of the Third Rome which surround the villa have completely destroyed its general effect, which was incomparable. The strict instructions regarding the visiting of private collections preclude any but selected persons entering the villa. Cf. MASSARETTE, *Rom seit 1870* (1919), 118 ; VOSS, *Malerei*, 655 seq. ; HEECKEREN, II., 534 seq. ; MORCELLI-FEA-VISCONTI, *La villa Albani ora Torlonia descritta*, Roma, 1869. For the chapel, see ANGELI, 551.

¹ Cf. GURLITT, *Barockstil*, 535 seqq. ; GOTHEIN, I., 369.

² JUSTI, II., 292.

galleries devoted to poets and generals. The semicircular portico contained the statues of the greater gods; of its eleven arches the middle one leads to the Egyptian cabinet, the "Canopus", which is adjoined by a portico known as the "Café". Later, as there were still many antiquities to be accommodated, several small rooms were added to the portico and the casino. The multitude of antiquities was so happily distributed that "nowhere was there any congestion or dissonance; in fact, as far as was possible, the ancient works seemed to be restored to their original destination." The gems of the collection were placed in a magnificent room on the first floor of the casino, the Galleria Grande, which it would be difficult to equal. "The walls are lined with the rarest of coloured marble, most of which the Cardinal had found in the ruins of Porto d'Anzio. The pilasters are embellished with fine mosaic arabesques, alternating with modern Florentine work. They are inset with gems; above is a terracotta frieze; over the cornices of the doors are grouped trophies with sphinxes and alabaster vases; reliefs are let into the walls and framed in yellow marble like paintings, and as the excavations failed to provide the Cardinal with a ceiling-painting, Mengs had to supply one."¹ His fresco, once so famous, known as the "Parnassus", depicts Apollo, the Muses, and their mother Mnemosyne.² In the large mirror-niches opposite the windows stood the statues of Leucothea (Eirene) and Pallas, both of which were carried off by Napoleon and were afterwards taken to Munich. From the balcony, before the modern blocks of apartment dwellings restricted the view, one could enjoy an incomparable prospect of the desolate Campagna as far as the majestic chain of the Sabine Mountains and the rounded slopes of the Alban Hills. This view, together with the gardens, where time and again the eye could find refreshment, was an

¹ *Ibid.*, 294. Mengs' Roman frescoes are well described in DOHME, *Kunst und Künstler*, Abt. I., Bd. II., Leipzig, 1878, No. 17, pp. 32 *seqq.*

² Cf. *Zeitschrift für bild. Kunst*, N.F., XIV. (1894), 72 *seq.*, 174 *seq.*, 286 *seqq.*

essential feature of the ensemble. The amalgamation of plastic art with Nature was nowhere effected so completely as here, where one feels oneself to be entirely enveloped in the spirit of antiquity.

In July 1763 the Villa Albani, which had cost 400,000 *scudi* to create, was visited by Clement XIII., who, it is reported, had first caused all the indecent statues to be clothed.¹ The antiquities in the Vatican had already undergone the same treatment in 1760,² while in the Sistine Chapel Daniele da Volterra's successor, Stefano Pozzi, was painting over the nudities of the Last Judgment.³ All this was due to Clement XIII.'s over-anxious conscientiousness, certainly not to any hostility to art or antiquity. A proof of this is his splendid acquisitions for the Capitoline Museum. In 1765 he bought for this collection out of Cardinal Furietti's estate the dove mosaic discovered in the Emperor Hadrian's Tiburtine villa, and the pair of Centaurs by Aristeas and Papias found in the same place.⁴ Also a statue of Apollo and the Ilian tablet, found at the Osteria delle Frattocchie near Albano—a relief in palombino showing the cycle of Trojan legends—were brought by him to the Capitoline Museum.⁵

¹ Report of the Lucchese envoy, July 16, 1763, in SFORZA, 32.

² "This week," said Winckelmann contemptuously in February 1760, "the Apollo, the Laocoon, and the other statues in the Belvedere are going to have lattens tied on to them by means of wires fastened round their hips; I suppose the same thing will happen to the statues in the Capitol. Rome could hardly have had a more asinine government than the present one." JUSTI, II., 15.

³ CHATTARD, *Vaticano*, II., 41; STEINMANN, *Sixtin. Kapelle*, II., 516.

⁴ *Corresp. d. Direct.*, IX., 391; HELBIG, I.³, 438, 482; RODOCANACHI, *Capitole*, 161.

⁵ HELBIG, I.³, 443, 480. Clement XIII. is still commemorated by an inscription on the church tower by the entrance to the Corso, a memorial stone by the convent of S. Maria dei Sette Dolori, and by fountains in Ariccia and Genzano; see TOMASSETTI, II., 256.

On the death of Ridolfino Venuti in the spring of 1763 the Pope gave the much sought-after post of commissioner of antiquities to Winckelmann and thus enabled the founder of the archæology of art to remain in his beloved Rome, where in the following year he brought to a finish the fruit of his researches, the *History of Ancient Art*. It was this work "to which he devoted all his energy and for which he spread every sail", that made him famous.¹ "It is the best situation I could have desired," wrote Winckelmann, after his appointment; "I have got more than I deserved and more than I could have imagined in a dream."² In May 1763, to supplement his protegé's income, Cardinal Albani secured for him a scriptor's post in the Vatican Library, to which was to be joined the superintendence of a Vatican museum of profane antiquities.³ An inscription in gold letters announces the opening of this collection in the year 1767.⁴ To Clement XIII.'s generosity it owes a number of Italic-Greek and Etruscan vases, also a collection of coins from Assemani's estate.⁵

A second inscription records the enlargement of the Vatican

¹ JUSTI, III.², 69 *seq.*

² JUSTI, III.², 24. *Ibid.*, 390, Winckelmann's patent as commissioner of antiquities, dated April 11, 1763.

³ JUSTI, III.², 26 *seqq.* On Winckelmann's work being brought to a sudden end in 1768 by the hand of an assassin, Clement XIII. handed over the post of commissioner of antiquities to Giambattista Visconti, who had been proposed by Winckelmann at the Pope's request that he nominate his deputy before his departure. This action shows that Clement XIII. was not the "narrow-minded" person such as O. Harnack, among others, would have him be (*Deutsches Kunstleben*, 4). For Winckelmann's death and burial, and the legal action taken against the murderer, *cf.* also the *letters to Kaunitz of June 20 and 23, July 28, and August 29, 1768, Archives of the Austrian Embassy to the Vatican.

⁴ FORCELLA, VI., 182.

⁵ CARINI, 121. *Cf.* I. B. PASSERIUS, *De tribus vasculis Etruscis encaustice pictis a Clemente XIII in Museum Vaticanum inlatis*, Florentiæ, 1772.

collection of manuscripts in the pontificate of Clement XIII.¹ The increase was due principally to the acquisition of Oriental manuscripts formerly belonging to the Assemani, Adrian Reland, and the Transylvanian bishop Innocenz Klein.² Other manuscripts had already been acquired for the Vatican in 1759, when the collection of the famous antiquary Philipp von Stosch was auctioned; this included the earliest register of Philippe Auguste of France.³

There were not sufficient funds to buy the valuable library of Cardinal Passionei. After his death, on July 5th, 1761, it became clear that, as Winckelmann says, this extraordinary man had, as librarian of the Vatican, arrogated to himself too much freedom.⁴ During the period of his direction (1755-1761) grave irregularities had crept in. One of the worst malpractices was that of greedy scribes who, neglecting their own duties, handed over to the first comer, in return for a handsome fee, copies of manuscripts, even when they were of the earliest centuries.⁵ This induced Clement XIII. to issue in great haste, as early as August 4th, 1761, a new library regulation which,

¹ FORCELLA, VI., 182.

² CARINI, 119 *seqq.*

³ *Ibid.* The Papal Secret Archives were enriched by the transference to them from the Spada Library of MSS. relating to the Holy See; see Garampi's *list of December 6, 1759, Papal Secret Archives. *Ibid.* also a *list of records of the time of Benedict XIV, collected by Garampi in Bologna and transferred to Rome. Cf. SFORZA, 23.

⁴ JUSTI, III., 27; BLUME, III., 74, 85 *seqq.* For a fire which broke out in the Vaticana, see BLUME, III., 112.

⁵ BLUME, III., 85, and DENGEL in the *Mitteil. des österr. Hist. Instituts*, XXV, 301. Passionei, in his inordinate love for books and MSS., abused in other ways also the trust reposed in him. Thus one reads in Cod. 2666 of the Bibl. Angelica in Rome: *Sulla guardia, leggesi: Nos nunc nostrum codicem comparavimus Callii e comite Beroaldo indocto homine, possessore autem bibliothecae quam collegerat abbas Guastallensis doctissimus Baldus. Proh dolor! Ex bibliotheca nobis innotuit postquam expilata iam fuerat ab insigni illo circulatore maniobiblico et fure cardinali Passionaeo! See *Fanfulla della Domenica*, XXVI. (1904), No. 19.

caused by the Pope's eagerness for reform, went too far.¹ According to this regulation the use of the manuscripts and the catalogues was to be confined to the Prefect of the Library, the custodians, and the directors of the Papal Secret Archives, and it was denied to any assistants these officials might wish to employ. Foreign visitors were allowed to look at certain rare pieces for a short time but they were strictly forbidden to make a personal examination of manuscripts and catalogues or even to make copies of them. Library officials were allowed to make copies for outsiders, only with the express permission of the Pope written by the Secretary of State. The same special permission was necessary when particularly favoured persons were allowed, as exceptional cases, to make personal use of manuscripts and catalogues; and the permission thus granted could only be made use of after precise information had been given of the purpose for which the manuscripts and catalogues were to be examined.²

These unfortunate regulations,³ which were not completely

¹ Cf. the highly justified complaints of J. F. Böhmer in JANSSEN, *Böhmer*, I., 331. The difficulties in the use of the Vaticana had begun still earlier; cf. the interesting letter from Lorian Stengel, dated Munich, December 10, 1758, in MONE, *Quellensammlung*, I., 31. Albani's appointment as Passionei's successor was made on August 12, 1761 (see DENGEL, *loc. cit.*, 307); the instruction therefore was issued when the post was vacant. Under Albani, however, the library funds were no better managed than under Passionei. (DENGEL, *loc. cit.*)

² Text of the instruction in Bull., II., 259 *seqq.*

³ Clement XIII.'s instruction had been tacitly withdrawn in Blume's time (see Iter, III., 87); the theft of MSS., however, in the time of Pius IX. (cf. *Allg. Zeitung*, August 8, 1851) resulted in Clement XIII.'s restrictions being renewed by a *Motu Proprio* of November, 1851. Subsequently the procedure was repeatedly changed, but the difficulties were still very great at the beginning of the pontificate of Leo XIII., as the author discovered to his great distress in 1879 when he was preparing material for his *History of the Popes*. The transformation of the Vaticana into a model institution satisfying all demands is the lasting work of Cardinal F. Ehrle.

withdrawn till the time of Leo XIII., caused a stoppage in the use of the famous collection of manuscripts, although it was precisely at this period that the Church's defenders would have been greatly assisted in their fight against its opponents by a supply of weapons.

The attacks, which were directed not only against the Holy See and the Catholic religion, but even against Christianity itself, came chiefly from France, where there had been formed a closely united party which, filled with the fiercest hatred of the divine founder of the Church, had decided on the destruction of religion as the object of their activity. Their chief work was the great Encyclopedia which, under the direction of D'Alembert and Diderot, endeavoured very skilfully to spread the new philosophy among the widest possible circles.

Clement XIII. was not content with condemning the anti-Christian literary productions¹; in an Encyclical to all bishops, issued on November 25th, 1766,² he pointed out the danger and exhorted them to combat it.

The defenders of religion and the rights of the Holy See were frequently encouraged by the Pope by means of Briefs and were asked to continue their activity. Many of these Briefs are available in print, one of them being the letter of thanks sent to the Sorbonne for its declared opposition to the confession of a deistic, dogmaless, natural religion in Rousseau's *Émile*.³ The number of Briefs of this kind which have not been printed is much larger. In them the Pope makes special mention of the comfort afforded him by those scholars who in the midst of a flood of books inculcating godless opinions into the inexperienced, had offered successful opposition to the atheists and libertines.⁴ Many written works in German

¹ The condemnation of the "Encyclopedia", September 3, 1759, in *Bull. Cont.*, III., 243.

² *Ibid.*, 1119.

³ *Ibid.*, 827. Cf. our description, Vol. XXXVII, Chap. III.

⁴ Thus in the *Briefs to the opponents of Febronius (see below, p. 192) and in the *Brief to Ant. Valsecchius, O.P., March 21, 1767. Cf. *Brief to Lod. Poxiensis et Seraphin. Paris. fratr.

in defence of the Holy See were also sent to the Pope, notably by Joseph Anton von Bandel, of Constance. Clement had these works carefully examined before sending a letter of thanks.¹ In his letter to the Jesuit Roth in regard to the edition of a work by Leo the Great, Clement XIII says, "Hardly ever before has the authority of the Holy See been attacked so much as now; it is therefore of great service

Capuc., July 13, 1763 (thanks for their elucidation of the psalms), *Brief to the same persons and to Claudius Franc. Paris., December 12, 1764 (thanks for four more volumes of their exegetic work), *Brief to Mich. Ang. Maria ord. Minim., October 23, 1765 (thanks for the third volume *De Vitis veter. patr. eremit.*), *Brief to Hubert. Recollecto, October 23, 1765 (thanks for a written work), *Brief to Carondus canonic. Suession., August 27, 1766 (the book *De eccl. immunit.*; the content similar to the Brief to Ant. Valsecchius), *Brief to Hier. Brunellus cathed. Patav. canonic., September 20, 1766 (thanks for the Italian translation of St. Augustine's *Confessions*), *Brief to Petr. Carminatus iur. utr. doctor, September 26, 1766 (thanks for the refutation of a book directed against the authority of the Pope, recently published by the enemy), *Brief to Lud. Patovillet S.J., July 22, 1767 (thanks for a two-volumed history of Pelagianism), *Brief to Carol. Veronesius, November 7, 1767 (thanks for the book written by his deceased uncle Card. Veronesius, *De necessitate communicandi cum Sede Apost. ad sartam tectam tenendam cath. Ecclesiae unitatem*), *Brief to Chaudon Benedict. congr. Cluniac., January 20, 1768 (thanks for his *Dictionnaire* directed against modern philosophers, which is composed in a pleasing style and is directed against those "qui homini rationem detrahunt, omnem iuris et aequi regulam tollunt, inter pravum et rectum nullum esse volunt discrimen, voluntati liberam adimunt potestatem nullumque adeo relinquunt legibus locum"), *Brief to Bergierus s. theol. doctor, January 31, 1769 (thanks for his two-volumed defence of the Christian religion against the "nefarii libertini"). Epist., Papal Secret Archives.

¹ See the *Brief to J. A. Bandel, May 7, 1768, Epist. X., *ibid.* For Bandel, see J. FRANCK in the *Allg. Deutsche Biographie*, II., 39 *seqq.*, who indeed dismisses this little-discussed writer as a "notorious theological prize-fighter of the Catholic Church". See our account, Vol. XXXV, 210.

to propagate works showing the reverence and obedience once paid to the supreme head of the Church."¹ The Jesuit Daniele Farlati also received a Brief of acknowledgment for sending the third volume of his *Illyria Sacra*.²

The extent to which everyone's attention was engaged in the contest is shown by the rarity of letters of acknowledgment for profane works. On one occasion one comes across an acknowledgment for some poems,³ on another, one for the history of Capua dedicated to the Pope by the Bishop of Sessa.⁴ Much interest and pleasure was taken by Clement XIII. in the edition of inscriptions of mediæval and modern Rome by the industrious Benedictine, Pier Luigi Galletti, the publication of which he made possible and protected against reproduction.⁵ On the author he bestowed a scriptorate in the Vatican library.⁶ Old associations were revived by the Pope's receipt of a medical work in two volumes written by the Paduan anatomist Giambattista Morgagni. "We rejoice," he wrote in his letter of thanks, "that through your work,

¹ *Brief to Karl Roth, S.J. (*cf.* SOMMERVOGEL, *Bibliothèque*, VII., 209 *seq.*), April 27, 1768, in which occurs the following: "Vix unquam Apost. Sedis oppugnata est ut nunc oppugnatur auctoritas." *Epist.*, *loc. cit.*

² *Brief of September 11, 1765, *Epist.*, VIII., *ibid.*

³ *Brief to Io. Iac. de Pompignan, May 29, 1765, *Epist.*, VII., *ibid.* A poem on the election of Clement XIII. was composed by the Jesuit Raimondo Cunich; see RENAZZI, IV., 555.

⁴ *Brief to Fr. Granata, Bishop of Sessa, April 18, 1766 (*loc. cit.*) for his *Storia sacra della chiesa di Capua*, 2 vols., Napoli, 1766, dedicated to Clement XIII. Granata had already published a *Ragguaglio storico della città di Sessa sin'all' a. 1760* (Napoli, 1763). J. A. Assemani dedicated to the Pope the third volume of his *Codex Liturgicus Ecclesiae universae* (1758), in four volumes, which he had begun in the time of Benedict XIV.; see its preface. Volume IV. appeared in 1763.

⁵ *Inscriptiones Romanae infimi aevi*, 3 vols., Romae, 1760. *Cf.* Bull., *loc. cit.*, 378 *seq.*; NOVAES, XV., 54; FORCELLA, I., xv *seqq.*

⁶ *Cf.* RENAZZI, IV., 371.

composed with humanistic elegance, you have brought so much light into medical science—to the benefit of humanity—but We rejoice still more over your religious zeal, with which We became acquainted when Bishop of Padua.”¹

The university of his former episcopal city was presented by the Pope with a huge coriaceous turtle, which had been caught by fishermen near Ostia and had been brought to Rome, where it had excited universal wonder. With this gift, so ran the accompanying letter, he wanted to show that his love for the university of Padua was no less than Benedict XIV.'s for Bologna, which had received a similar gift. The rare object, it continued, should be viewed with awe, not only by naturalists but by all who studied the works of God.²

To the Roman University Clement XIII. showed many signs of his good will, notably when, after the death of Cardinal Girolamo Colonna (January 10th, 1763), he nominated as chancellor his nephew, Cardinal Carlo Rezzonico.³ Special advancements were given by the Pope to the professor of medicine, Giovan Maria Volpi, to the professor of rhetoric, Benedetto Stay, and to his successor, Rodesindo Andosilla.⁴ The mathematician, Francesco Maria Gandio, had the Pope to thank for his appointment to the Sapienza.⁵

The learned Michelangelo Giacomelli was appointed by Clement XIII. to be Secretary of Briefs to Princes and Canon of St. Peter's.⁶ Tommaso Agostino Ricchini was given in

¹ *Brief of March 23, 1765, Epist., VII., Papal Secret Archives. Cf. LOMBARDI, III., 222. Morgagni died on December 6, 1771; his tombstone is in S. Massimo, Padua.

² *Brief to the Sindici Academiae Patavinae, October 20, 1780, Epist., II.-III., *loc. cit.* When a Cardinal, Clement XIII. commissioned G. Brunazzi with the compilation of a history of the Church in Padua, which, incidentally, involved the archives of Padua in the loss of several records. Cf. BLUME, I., 167.

³ RENAZZI, IV., 228 *seqq.*, 239 *seqq.*

⁴ *Ibid.*, 266, 270 *seq.*

⁵ LOMBARDI, II., 281.

⁶ RENAZZI, IV., 332. In 1760 the Pope appointed the adventurer Casanova, whose true character had not yet been

1759 the important post of a Maestro del Sacro Palazzo and the task of writing the life of Cardinal Barbarigo.¹

The distinguished Prefect of the Archives, Giuseppe Garampi, had been entrusted in 1759 with the direction also of the archives of the Castel S. Angelo,² but in 1761 a diplomatic mission to Germany took him away from his academic work.³ The thorough knowledge of German conditions acquired by Garampi led him to make very remarkable proposals about the best way of combating anti-religious literature. He was surprised by the interest with which well-written historical works were read on the other side of the Alps, and by the way Protestants and bad Catholics used history to oppose the Papacy. On the other hand, as he pointed out to the Cardinal Secretary of State, Torrigiani, there was a lack of Catholic literature which met the demand of the times, the great controversial compendia in Latin being largely neglected by professors on account of their unwieldiness and their lack of criticism in the historical sense. Garampi therefore strongly recommended the Church not to rest content with prohibitions and condemnations but to oppose inimical works with positive ones. He also proposed the formation in Rome of a republic of scholars from every nation, whose task it should be to refute the modern errors with the instruments of the enemy, in an objective, scientific way, and thus to mitigate the acute differences and gradually to win back the lost ground.⁴

Although this plan was not acted on, it was at Garampi's instigation that Febronius and his attack on the constitution of the Church was opposed by a literary action which broke with the opportunist practice of silence which had prevailed hitherto.⁵

discovered, to be a Knight of the Lateran and Protonotary Apostolic.

¹ MORONI, XLI., 217; LOMBARDI, I., 132.

² DENGEL, *Garampi*, 8.

³ Cf. below, chap. V.

⁴ DENGEL, 79 *seqq.*

⁵ *Ibid.* This action (see below, chap. V.) Clement XIII. tried to support with every means. Evidence of this is the

Clement XIII. showed his appreciation of Garampi by sending him on another mission to Germany in 1764¹ and by making him Secretary of the Ciphers two years later. Garampi accepted this office only on condition that he should retain his position as Prefect of the Archives, which enabled him to engage in literary work; for six years he had endeavoured, along with his activity in the State secretariat, to proceed with his great historical work, *Orbis Christianus*, a feat deserving of every recognition.²

Two noted scholars were made Cardinals by Clement XIII. : Giuseppe Agostino Orsi and Giuseppe Alessandro Furietti. The Dominican Orsi, author of many valuable theological and controversial works, had already been rewarded for his defence of the Holy See by Benedict XIV., who had made him a Maestro di Palazzo. While occupying this position he continued his literary activity and under Clement XIII. he made good progress with his history of the Church, a work in twenty volumes remarkable for its fine style and judgment, directed chiefly against Fleury. Orsi was admitted to the Sacred College in 1759 but died on June 13th, 1761.³

Furietti of Bergamo is known to all archæologists for his lucky discovery, when on holiday in Tivoli, of the pair of centaurs and the dove mosaic. He was thereby inspired to write his work on mosaics,⁴ which won the admiration of scholars throughout Europe. Furietti was also keenly active in other forms of literature, such as the edition of the works

encouraging Briefs which he addressed to various literary opponents of Febronius : the *Briefs to J. A. Bandel, December 8, 1764, to Iul. Ant. Sangallus Min. Convent., November 5, 1766, to Ladisl. Sappel ord. S. Francisc. Recoll., November 7, 1767, to Ioh. Godef. Kaufmann facult. theolog. Lovan. Decanus, August 20, 1768, Epist., Papal Secret Archives.

¹ Cf. below, chap. V.

² DENGEL, 82.

³ Cf. RENAZZI, IV., 98 *seqq.* ; LOMBARDI, I., 201 *seqq.* ; HURTER, II.², 1436 *seqq.*

⁴ *De musivæ artis origine, progressu., etc.*, Romæ, 1752. Cf. RENAZZI, IV., 323 *seq.* ; HURTER, V.³, 200.

of Gasperino Barziza and the writing of his life. He was made a Cardinal in 1759, but lived to enjoy the purple only till January 14th, 1764.¹ In the national church of the Bergamasques, S. Maria della Pietà, is the Cardinal's tomb, with his portrait; the inscription praises his learning and blameless life.²

Clement XIII. intended to raise to the purple the Jesuit Pietro Lazzeri,³ who had already been highly esteemed for his knowledge of Oriental languages by Benedict XIV., and the historian Francesco Maria Nerini,⁴ but he was not able to put his wishes into effect.

¹ Not 1767, as given by Renazzi (IV., 324).

² FORCELLA, VI., 520.

³ SOMMERVOGEL, *Bibliothèque*, IV., 1609-1615. Regarding the appointment of a Jesuit as Cardinal, Cordara relates (in DÖLLINGER, *Beiträge*, III., 22): "Cavit [Clement XIII.] diligenter, ne quid praeberet indicium praecipuae in Iesuitas propensionis et benevolentiae. Vel illud documento sit, quod etsi deliberatum fixumque habebat, si quos religiosorum creasset cardinales, in eum numerum eligere unum aliquem ex Iesuitis, quod erat sane mitigando eorum dolori et famae sarciendae consilium opportunissimum; continuit tamen se metu, ne rex Lusitaniae offenderetur. Hunc nempe illi metum iniecit [cardinalis] Spinellus," who advised him to create Cardinal a man who was a Jesuit by disposition, not one who was merely dressed as such, and he recommended Ganganelli.

⁴ RENAZZI, IV., 343, 347.

CHAPTER V.

THE END OF THE SEVEN YEARS' WAR AND THE ELECTION OF KING JOSEPH II.—THE CHANGE OF DYNASTY IN POLAND AND THE CONFLICT OVER THE RIGHTS OF THE DISSIDENTS.

(1)

ALTHOUGH legitimized Catholic interests were jeopardized in the conflict between the European powers, both Benedict XIV. and Clement XIII. were equally careful on every occasion to divest the hostilities which had broken out of the appearance of a religious war. This, however, did not preclude Clement from recognizing the justice of the Austrian cause far more than did his predecessor and from bestowing his favour on Maria Theresa.¹ He gave evidence of this at the very outset of his pontificate, by granting her the honorary title of "Apostolic Queen"²; he could not make a better beginning to his reign, he wrote to the Empress,³ than by granting her this distinction, which would devolve on every successor to the royal throne of Hungary. Since the time of St. Stephen Hungary had rendered many great services as the bulwark of Christianity, in return for which its ruler had enjoyed the rare privilege of having the cross borne before him by a bishop at public functions and of bearing the title "Apostolic King". Since no certain evidence of the origin of the title

¹ SCHÄFER, II., I, 204 *seq.*

² Maria Theresa had conferred this title on herself for the first time in Clerici's credentials for the conclave of 1758, with the instruction that the privilege was to be obtained for her officially; the Cardinals, however, postponed the matter until after the Papal election. ARNETH, IX., 8 *seq.*

³ On August 19, 1758, *Bull. Cont.*, III., 22. Cf. ARNETH, IX., 10.

could be found, he now renewed it by virtue of his plenary powers.

Investigations in the Papal archives had indeed led to no definite result, whereupon Clerici had strongly recommended that the Pope grant the privilege "*Motu Proprio*".¹ At a solemn consistory on October 1st, 1758, Clement informed the Sacred College of this honour paid to the Hungarian nation, the House of Austria, and the Empress.²

Clement XIII. had no scruples in encouraging Maria Theresa with material aid as well. He granted her subsidies³ and issued an indult for the taxation of German convents for war purposes.⁴ On the other hand, he wanted to avoid giving the impression that he regarded the struggle of Catholic Austria against the Protestant King of Prussia as a war of religion. All the more, however, was Frederick II. determined to excite the masses with the war-cry of religion.⁵ At the time when the defeat of Hochkirch was causing him a passing fit of despair, just when the news of it was brightening the Empress's birthday in an unexpected way, there arose the rumour that the Pope had honoured the victorious general Daun by sending him a consecrated cap and sword. It is now established that this legend took its origin principally from an alleged Papal Brief, which was composed and published in May 1759 by no other than Frederick II. himself.⁶

¹ *Clerici to Maria Theresa and Kaunitz, August 5, 1758, State Archives, Vienna.

² *Bull. Cont.*, III., 51 *seq.*

³ But only on the condition of the strictest secrecy, "**che dal Re di Prussia non si possa interpretare sussidio per continuare una guerra di religione.*" Clerici to Maria Theresa and Kaunitz, August 9, 1758, *loc. cit.* Cf. *ibid.* *Letter of August 12, 1758.

⁴ KOSER, II., 209; DENGEL, *Garampi*, 15; *Hist.-pol. Blätter*, XCII. (1883), 856. Later the possibilities of assistance were exhausted; see *Clement XIII. to Maria Theresa, October 2, 1762, Epist. V., f. 37, Papal Secret Archives.

⁵ Cf. above, pp. 121 *seq.*

⁶ P. MAJUNKE (*Der geweihte Degen Dauns*², Paderborn, 1885) tried to suppress this rumour, which had been long believed, but

In other pamphlets also he tried to stir up his people by playing on their religious susceptibilities.¹ In 1758 there was again revived for a short time the idea of a union of Protestant princes.²

The Pope, on the other hand, was continually thinking of how to bring about a speedy peace. In 1758 he sent to his nuncios in Paris and Vienna detailed instructions in regard to this.³ Both parties were by now so exhausted and war-weary that in 1760 serious peace proposals were made. It was proposed by Austria that a general peace congress be held, to which invitations were issued by the five Allied powers on March 26th, 1761, and which was to meet in Augsburg in the middle of July. After some weeks' delay Prussia and England announced their readiness to take part.⁴

Since the Westphalian bishoprics of Münster, Paderborn, and Hildesheim had long been unoccupied and both Prussia and Hanover had been thinking of taking possession of these religious foundations,⁵ it was feared in Rome that when peace was made some ecclesiastical property would be secularized. Already in 1758 the courts of Vienna and Paris had to dispel the misgivings of the Curia on this score by means of assurances couched in general terms.⁶ The Pope now considered it necessary to warn the various governments anew, which he did through a number of Briefs to the Emperor and Empress,

his material was insufficient (see the discussion by Fechner in the *Hist. Zeitschrift*, LIV., 513 *seqq.*). Convincing proof is supplied by Heigel in the supplements to the *Allg. Zeitung* of July 29, 1895, and October 15, 1902, and in *Geschichtl. Bilder und Skizzen*, Munich, 1897, 27 *seqq.* Cf. *Hist.-pol. Blätter*, XV. (1845), 616, LIII. (1864), 170 *seqq.*, XCII. (1883), 827 *seqq.*, XCVI. (1885), 294; DENGEL, *Garampi*, 16 *seq.*

¹ Cf. *Hist.-pol. Blätter*, XCII., 852 *seqq.*

² HERM. MEYER, *Der Plan eines evangel. Fürstenbundes*, 80 *seqq.*

³ DENGEL, 17 *seqq.*

⁴ ARNETH, VI., 204 *seq.*, 217-225; SCHÄFER, II., 2, 197 *seqq.*

⁵ DENGEL, 27.

⁶ *Ibid.*, 24 *seqq.*

to the Kings of France, Spain, and Poland, and to many Catholic princes of the Empire.¹ In addition, counsel was already being taken in Rome in 1760 whether a representative of the Holy See ought not to be sent to the coming congress. The French and Austrian courts showing scant approval,² recourse was had to the Spanish king.³ Further, the nuncios in Paris, Madrid, and Vienna were instructed to oppose to the utmost any threat of appropriation of church property.⁴ If no Papal representative was admitted to the congress (ran the message to the nuncio Pamfili⁵), the direction taken by French policy would be the decisive one, since the position to be adopted by the German princes depended largely on France.

France, in fact, allowed herself to be won over to the idea that in accordance with the practice of the last few decades a private emissary of the Pope might be allowed to appear in Augsburg.⁶ For this delicate mission the Prefect of the Archives, Giuseppe Garampi, was selected.⁷ To conceal the real purpose of his mission⁸ he was at the same time to visit the imperial convent of Salem, in Swabia. In August 1761

¹ *Bull. Cont.*, III., 61 *seqq.* Cf. DENGEL, 28, n. 1.

² DENGEL, 29.

³ *Cifre al Nunzio, April 3 and May 22, 1760, March 12 and April 30, 1761, Nunziat. di Spagna, 431, Papal Secret Archives.

⁴ *Cifre al Nunzio Pamfili, March 11, May 6, June 3 and 10, 1761, Nunziat. di Francia, 450, *ibid.*; *Cifra al Nunzio Pallavicini, March 12, 1761, Nunziat. di Spagna, 431, *ibid.*

⁵ *Cifre al Nunzio Pamfili, July 1 and 8, August 12, and November 18, 1761, Nunziat. di Francia, 450, *ibid.*

⁶ DENGEL, 31.

⁷ For his personality, cf. A. FR. CANCELLIERI, *Notizie sul card. Gius. Garampi; in Memorie di religione, di morale e di letteratura*, XI., Modena, 1827, 385-442.

⁸ The Spanish ambassador in Rome, Roda y Arrieta, knew of it and *wrote on September 3, 1761, to R. Wall, that Garampi's secret instruction was "invigilar sobre la secularizacion de obispados de Germania" (Archives of the Spanish Embassy in Rome). Cf. DENGEL, 41.

Garampi went to Germany as a private agent, "*Ministro senza carattere*," but he experienced one disappointment after another. On the one hand the chances of the congress ever meeting seemed always to be lessening, until finally they disappeared altogether as the result of the separate negotiations between France and England.¹ On the other hand, the danger of secularization was not so great as Rome supposed.² After months of silent waiting, after visiting Salem and travelling through Switzerland, western Germany, and Austria for the purpose of study, and after settling some minor affairs,³ Garampi returned to Rome at the end of May 1763.

Meanwhile, other means had been taken to bring the war to a speedy conclusion. After various separate peace treaties had been made by the belligerents, finally Austria and Prussia came to terms in the Peace of Hubertusburg. Although Clement XIII. had again issued warnings against secularization by means of several Briefs at the end of 1762,⁴ this last treaty showed that all such fears were unfounded. In a letter to the Emperor⁵ the Pope was able to express his satisfaction with the settlement which had been made, since the situation of the Catholics had at any rate not been worsened, though he was pained by the renewal of the Peace of Westphalia, which Rome still condemned as much as before. On the other hand, he was consoled by the restoration and re-

¹ SCHÄFER, II., 2, 330, 394 *seqq.*; ARNETH, VI., 262.

² DENGEL, 43.

³ *Ibid.*, 44-74, 142-184. For the pleasure given to the Convent of Salem, see *Letter of Clement XIII. to the Convent of Salem of April 24, 1762, Epist., III., f. 254, Papal Secret Archives. *Ibid.*, III., f. 72, a Papal *letter of recommendation for Garampi to the Bavarian Elector, of November 14, 1761, regarding his admission to the Elector's library. Garampi's travel-diary was published by Gr. Palmieri: *Viaggio in Germania, Baviera, Svizzera, Olanda e Francia compiuto negli anni 1761-3. Diario del card. Giuseppe Garampi*, Roma, 1889. Cf. WEECH, *Röm. Prälaten am deutschen Rhein*, 8-38.

⁴ *Bull. Cont.*, III., 618 *seqq.*

⁵ *Of April 20, 1763, Epist., V, f. 168b, *loc. cit.*

occupation of the Westphalian bishoprics which had taken place in the meantime.¹

In a secret clause of the treaty of Hubertusburg, Frederick II. promised, in the event of a royal election taking place in the near future, to vote for the son of the imperial couple, Archduke Joseph. Shortly after the end of the war Prince Kaunitz took this feature of the election in hand and succeeded, after laborious negotiations, in overcoming the objections and misgivings of the German electors.² Accordingly, a meeting of electors was called for January 1764, to be followed by an election in Frankfurt.

The incidents which had occurred at the election of Emperor Francis I.³ led Rome to presume that on this occasion also there would be difficulties about the position of a Papal emissary at an election. It was therefore expedient to send representatives conversant with German affairs and in close touch with the electoral courts. The choice fell on the nuncio Niccolò Oddi, who had held the nunciature of Cologne in 1754-1760 and since then that of Switzerland. As assistant he was given Garampi, who in his travels through Germany in recent years had formed many connexions with princely houses. In a letter of January 14th, 1764, Clement XIII. informed the German electors of Oddi's mission and warmly espoused the candidature of the Austrian archduke, whose outstanding natural gifts were highly praised, also the religious zeal characteristic of his house.⁴ Oddi's instruction was

¹ DENGEL, 74. Cf. I. M. KRATZ, *Das Hochstift Hildesheim im Siebenjährigen Kriege und die Wahl des Fürstbischofs Friedr. Wilhelm Frh. von Westphalen*, Hildesheim, 1874.

² ARNETH, VII., 69 *seqq.*

³ See our account, Vol. XXXV, 115 *seq.*

⁴ "Regios tibi ingeneratos mores eorumque sanctissima doctrina suo inditum esse animo summum in religionem studium egregiamque illam pietatem quae propria semper fuit Lotharingii et Austriaci sanguinis" (*Bull. Cont.*, III., 845 *seq.*). A similar *Brief to the Prince Archbishop of Salzburg, Sigismund Christoph von Schrattenbach, of the same day, in the Viennese records C 89 of the Archives of the Provincial Government in Salzburg.

couched in the same sense.¹ At the same time the Elector of Mainz, as superintendent of the election, was assured that the validity of an election of a king of the Romans would not be contested, even if non-Catholic electors took part in it and Francis I. had not yet been crowned emperor.²

When Oddi and Garampi met in Frankfurt in the middle of February they encountered numerous difficulties.³ Thus, a tedious dispute arose about the honour of the first visit, which the newly arrived emissaries owed to those who were already present, whereas the Papal representative claimed for himself an old right of exception.⁴ On Oddi being refused this right, the Pope also expressed displeasure at the slight offered to his legate, who had in any case announced his

¹ DENGEL, 32 *seqq.*

² *Bull. Cont.*, III., 846.

³ Briefly compiled in the *Notizie della vita di Clemente XIII. : " In quest' istesso anno, essendosi adunata in Francoforte la Dieta dell'Imperatore per l'elezione del Re de' Romani, vi fu spedito dalli Svizzeri un Nunzio Apostolico, che fu Msgr. Oddi, il quale incontrò l'istesse difficoltà che aveva incontrate Msgr. Stoppani nella Dieta d'elezione del regnante Imperatore, non volendosi ammettere Ministri pontificii in simili adunanze ; con i quali ciò non ostante vengono praticati tutti i riguardi di stima e di rispetto, ma non riconosciuto il loro carattere, nè la loro missione come necessaria. Ciò non ostante, valse molto la sua presenza a frastornare una idea appoggiata dall' Elettore di Magonza e dal Palatino, di togliere intieramente gli appelli alla S^{ta} Sede, e contradetta non solo con modo speciale da' plenipotenziarii di Baviera, ma eziandio, il che reca maggior meraviglia, da quelli degli Elettori protestanti di Brandemburgo e d'Annover." Cod. 1474 (41 A 5), f. 55 of the Biblioteca Corsini, Rome.

⁴ *Diario e viaggio del card. Garampi per la Germania nel 1764, in *Miscell. di Garampi*, 77, and *Nunziat. di Germania*, 653, Papal Secret Archives ; copy in Cod. 1117 of the General Provincial Archives, Karlsruhe ; also Garampi's *Relazione dei negoziati di Msgr. N. Oddi nella straordinaria Nunziatura alla Dieta elettorale per l'elezione di S. M. Giuseppe II Re di Roma . . . nell' a. 1764, *Nunziat. di Germania*, 653 and 721, *loc. cit.*

arrival to the other ambassadors.¹ The situation became still more unpleasant when the electoral college, in virtue of a decree of 1745, forbade the presence of foreign emissaries at the election and the nuncio Oddi was included in this ban. Garampi's attempt to secure the support of the Archbishop of Mainz for the privileges of Rome was unsuccessful² and he obtained only evasive replies from the electoral courts of Trier and Cologne.³ The situation was made still more difficult by a dissension among the members of the cathedral chapter of Speyer. In a dispute with its dean, August, Count of Limburg-Styrum, the chapter had lodged an appeal with Rome, which had accepted it without waiting for the decision of the court of the first instance. The Palatine elector, Charles Theodore, who supported Styrum, proposed an addition to

¹ " *La nuova che ha recato [the express courier] è stata, che avendo egli [Msgr. Nunzio Oddi] fatto partecipare a tutti i Ministri elettorali il suo arrivo, neppur uno di essi erasi mosso a usargli o fargli usare la consueta attenzione del benvenuto, nè altra menoma dimostrazione. Questa nuova ha tanto sorpreso e il Papa e la corte quanto verun'altra delle più spiacevoli, che siano mai venute " (Brunati to Colloredo, March 7, 1764, State Archives, Vienna). Cf. Colloredo's *letters on this subject, of February-July, 1764, in the Archives of the Austrian Embassy to the Vatican.

² " *Risposi che riconoscendo egli l'ingiustizia fattasi al Nunzio, dovea appunto e come capo del collegio elettorale e come ecclesiastico assumere questo impegno; che il Nunzio appella appunto a lui come a custode delle leggi dell' impero, affinché il concluso del 1745 in questa parte non si eseguisca. Replicò esser vero tutto ciò, ma che nelle circostanze critiche presenti, non gli conveniva di fare scopertamente alcun passo..., che egli come arcivescovo avrebbe fatto al rappresentante pontificio tutti i possibili onori, che non poteva accordargli come Elettore. [The Archbishop of Cologne also wrote] che il Nunzio non sarebbe stato nè ricevuto nè riconosciuto, essendo che erasi stabilito di non voler più Ministri esteri alla Dieta. Che anche da Magonza eransi avuti non dissimili riscontri " (Diario e viaggio del card. Garampi nel 1764, *loc. cit.*). Cf. also Garampi's *Relazione, *loc. cit.*

³ Garampi's *Diario e viaggio, *loc. cit.*

the usual *gravamina* of the electoral capitulation, whereby civil cases in which clerics were involved were not to be brought before a higher ecclesiastical court and appeals were to be allowed only in important cases.¹ Finally, this addendum was foregone, but for the future king the directions for the settlement of the other *gravamina* were emphasized in advance.

Of little avail was the letter written by the Pope to the Empress on March 8th, 1764, expressing in forcible terms his displeasure with the unworthy treatment accorded at the electoral diet to his representatives and to Church matters.²

¹ **Ibid.* For this suit, which caused a stir, cf. JAKOB WILLE, *August Graf von Limburg-Styrum, Fürstbischof von Speier* (1913), 18 *seqq.*, and the literature mentioned therein; also DENGEL, 60 *seqq.* Garampi also did not approve of the acceptance of the appeal in Rome (DENGEL, 63, n. 2). The Bishop of Speyer, Cardinal von Hutten, saw a connection between this affair and the work of Febronius. Oddi succeeded in persuading the Pope to deal with the matter himself, to quash the decision of the Signatura Justitiae, and to refer the case back to the court of the first instance, the Metropolitan Court of Mainz.

² " *This slighting of Our Nuncio is an insult which We cannot pass over in silence; We must bring to Your notice Our pain and Our complaints. Consider what a disgrace it is for the Catholic religion that the Apostolic See should be thus despised and trampled on in full view of the heretics. This was not the way of Your imperial forebears, who despite their power and glory honoured the Roman Church, who in their loyalty received the nuncios with special honours, who showed their zeal particularly at the election of the emperor, the protector of the Church. How can you stand by and allow the nuncio of the Mother and Teacher, the Catholic Church, to be despoiled of all honour and almost ridiculed? This insult, which makes the heretics laugh and is an offence to Catholics, cannot be tolerated. Wherefore We ask You to see that through Your services to the nuncio the dignity of the Holy See be restored. May what You do for the dignity of the Catholic Church and her servants redound to your praise " (Epist., VI, f. 225, Papal Secret Archives). For the rejection of this Brief at the Viennese Court, see ARNETH, IX.,

Like the foreign emissaries, the nuncio Oddi left the city on the day before the royal election and returned to it on the following evening, March 27th.¹ The descriptions of the royal election by so sharp-witted an observer as the young Goethe² are completed by the detailed notes in Garampi's diary³ and the daily letters of the newly elected king to his empress-mother,⁴ through which there passes like a gloomy shadow his grief at the recent loss of his wife, Isabella of Parma. Once more in pomp and splendour the German empire, "overladen with so much parchment, papers, and books," seemed to come to life again, in tangible glory, and the young poet of Frankfurt too felt the "unending attraction" of this "politico-religious ceremony". "Here before our eyes," he writes in his memoirs,⁵ "we have the majesty of earth, surrounded by all the symbols of its power; but when it bows before that of heaven we are conscious of the union of the two."

On April 2nd, the day before the solemn coronation, the nuncio Oddi was received with every mark of honour by the emperor, the king, and the Archduke Leopold,⁶ and thus the painful impression which the strange behaviour of the electors towards him must have made was to some extent publicly effaced. The Pope seemed to want to forget entirely the violation of his privileges when in August of this year the Elector of Mainz tried to justify his conduct with the excuse that any slight that had been offered to the nuncio had been

13. Cf. *Protesto originale fatto da Msgr. Oddi doppo la Dieta on March 6, 1764, Nunziat. di Germania, 652, f. 93, *ibid.*

¹ Garampi's *Diario e viaggio, *loc. cit.*

² GOETHE, *Aus meinem Leben. Dichtung und Wahrheit*, 5th Book, ed. Otto Heuer, Frankfurt a.M., 1921 *seq.*, I., 252 *seqq.*

³ *Diario e viaggio, *loc. cit.*

⁴ These and all the other letters of Joseph's referring to his journey to Frankfurt, in ARNETH, *Korrespondenz*, I., 19-127, here especially 50-74.

⁵ GOETHE, *loc. cit.*, 282.

⁶ Garampi's *Diario e viaggio, *loc. cit.*

against his wish and that no precedent had been created thereby. A Papal answer of September 26th closed the matter and commended the respectful attitude of the Metropolitan of Mainz.¹

At the consistory of May 4th, 1764, the Pope announced to the Cardinals the election and coronation of the king of the Romans and read the letters on the subject sent to him by the emperor and the king.² Nevertheless, he felt himself compelled to dispatch on the same day the declaration that the Pope could confirm the election only when the newly elected king expressly applied for this confirmation,³ and this had not been done in the aforesaid letters. Thus it was not until June 11th, 1765, that Clement XIII. was able to confirm the election of Joseph II. as Roman king and to grant him the privilege of the *primae preces*.⁴

A few weeks later the Emperor Francis I. died suddenly at Innsbruck from apoplexy. The Pope sent letters of condolence to his widow and son⁵ and delivered a memorial speech in the consistory of December 9th.⁶ Maria Theresa then appointed Joseph II. co-regent, with the proviso which had been attached to her husband's appointment, namely, that she ceded none of her personal supremacy over the kingdoms and hereditary lands.⁷ At the same time Joseph succeeded his father in his capacity of emperor without meeting with any objection from any quarter.

¹ *Letter to the Archbishop of Mainz, September 26, 1764, Epist., VII., f. 120, *loc. cit.*

² *Bull. Cont.*, III., 868 *seqq.* The wording of the Papal *letter of congratulation "Iosepho Romanorum Regi electo" of May 5, 1764 (Epist., VII., f. 271, Papal Secret Archives) is very similar to the letters written on the election of Leopold and Francis I.

³ *Bull.*, *loc. cit.*, 870 *seq.*

⁴ *Ibid.*, 187-190; on pp. 193 *seq.* news of this to various German chapters and convents.

⁵ *To Maria Theresa on September 17, to Emperor Joseph on October 19, 1765, Epist., VIII., f. 103 *seqq.*, *loc. cit.*

⁶ **Ibid.*, f. 189.

⁷ ARNETH, VII., 169.

(2)

After a reign of thirty years, the Elector of Saxony, Frederick Augustus, who, like his father, Augustus II., also occupied the royal throne of Poland, died on October 5th, 1763. Though of blameless intention and conduct, the king had not been able to stem the increasing decay of the Polish power. Rarely residing in his kingdom, he convened his diets at one place or another on the frontier, so as to be able to return to Saxony as quickly as possible.¹ Thus he never came into close contact with either the nobility or the people of Poland. For the protection of Church interests he could always be relied on, so that with justice Clement XIII., both in his consistorial speech of May 9th, 1764,² and in his letter of sympathy to the Polish primate, Archbishop Lubieński of Gnesen, of May 12th,³ could use words of grateful acknowledgment for the deceased prince's official activities.

King Frederick Augustus was the second and the last Wettin on the throne of the Polish elective monarchy. His failure to secure this inheritance for his sons was due primarily to the opposition of foreign powers, secondarily to the activities of political parties within the Piast realm and to its system of government.

On this occasion there were little grounds to fear the outbreak of a European war about the heritage of the Jagellons, as when Augustus II. had ascended the throne. France and Austria, which at first indeed favoured the Wettin crown prince, Frederick Christian, had no desire to encumber themselves unduly with Polish intrigues.⁴ Moreover, Frederick

¹ HANISCH, *Gesch. Polens*, 246, 248.

² Text in THEINER, *Mon. Pol.*, IV., 2, 40.

³ *Ibid.*, 40 *seq.* Cf. BENEDETTI, 28. Benedetti finds fault with the one-sidedness of Theiner's publication with much verbiage, but himself offers few citations from original sources.

⁴ From the correspondence between Maria Theresa and the Saxon Electress Maria Antonia, in AD. BEER, II., 324 *seq.* For other efforts made by the latter for her husband Frederick Christian, *ibid.*, I., 107 *seqq.*; cf. 117 *seq.* For the activity of the Austrian State Chancellor Kaunitz in the question of the Polish

Christian died during the interregnum.¹ Also, the Papal nuncio Visconti, at Warsaw, received the instruction, in reply to a question put by the primate, who favoured the Saxon cause, to keep himself as aloof as possible from the electoral contest and only to intervene when foreign powers took a hand in the affair to the detriment of the Church.² This last misgiving proved to be only too well founded; Russia and her close ally Prussia now saw that the time had come to penetrate still more deeply into Polish affairs and to realize their long-cherished desires to enrich themselves with Polish territory.³

In the July of the previous year Catherine II. had made herself the ruler of Russia by the forcible removal of her incapable husband, the Czar Peter III. Her government was characterized by a curious contradiction. In her manifestoes and her political decrees this "Semiramis of the North" spoke in the language of the progressive enlightenment of the age, and with an incomparable gift of imitation and not without success she courted the homage of the literary giants of western Europe.⁴ In her governmental practice, however, this princess of a German house, turned Russian, was a despot of the worst type of absolutism, for whom any personal or diplomatic means, no matter what their moral worth, were

succession, see *ibid.*, 118-125, 150 *seqq.* Cf. ARNETH, VIII., 33 *seqq.*, 45 *seqq.*

¹ BEER, I., 112; FORST-BATTAGLIA, 113. For the candidature of the Saxon Elector Prince Xaver, which followed closely on this, see BEER, I., 135 *seqq.*, and MASSÉ, *Un candidat au trône de Pologne*, in the *Revue de Paris* of October 1, 1905.

² Instruction for Visconti, October 29, 1763, in BENEDETTI, 105 *seqq.*; *cf.* 29.

³ This was also foreseen in Rome: " *Teme [N.S.] e con fondamento che qualche nazionale compri dalla Prussia e dalla Moscovia il regno di Polonia con patti assai pregiudiziali alla religione e colla cessione di qualche paese alle due sopradette potenze." To Nuncio Pamfili in Paris, December 14, 1763, Nunziat. di Francia, 453, f. 104, Papal Secret Archives.

⁴ JANSSEN, 33.

good enough to serve her ruthless system of government and not least her own person.

Naturally, therefore, Catherine eagerly embraced the opportunity which was now offered of conquering Poland. Since the time of Peter I. plans of this kind had formed part of the foreign policy of the Czars, though they were first unfolded in the agreements made between Prussia and Sweden in 1656.¹ On this occasion, too, the Prussian king, Frederick II. indicated that ideas of this kind were not distasteful to him, and so, still formally initiated by Peter III., an offensive and defensive treaty² was entered into by Catherine and Frederick, with secret clauses on the Polish question.

The principles herein enunciated, which were confirmed in 1764,³ formed the guiding policy for every subsequent action against their helpless neighbour. Both powers undertook to see that the royal crown of Poland did not become hereditary and that in future it did not fall to a foreign prince, and that completely equal religious and political rights be obtained for the non-Catholic Poles. Thus, with admirable acumen were discovered in Poland's rusty machine of State the two levers which needed only to be pressed with a firm and ruthless hand to bring about the inevitable self-disintegration of the unhappy country.⁴ Already, too, Catherine had found a suitable successor to Frederick Augustus⁵ in Stanislaus Poniatowski, an enervated, indecisive weakling, who even in Peter III.'s lifetime indulged in illicit relations with the

¹ For the prehistory of the plan of partition, *ibid.*, II *seqq.*

² Of November 2, 1762, in THEINER, IV., 2, 1.

³ JANSSEN, 44; KOSER, II., 437 *seq.*

⁴ For the negotiations about the Polish succession and Russia's share, see BEER, I., 56-105.

⁵ In a letter of October 11, 1763, she pointed out to the Elector in polite but unmistakable terms the poor prospects he had in the election; he ought not to stake his fortune on it, for she could only support a free and unbiassed election (BEER, II., 326). Whereupon the Elector assured her, under date November 28, 1763, he had no intention of using means that might endanger peace (*ibid.*, 326 *seq.*).

Czarina and on whom his sensual and brutal mistress considered she could rely on every possible occasion.¹

Poniatowski's candidature for the Polish throne, however, was enthusiastically supported in his own country also by a prominent party, with whose leaders, the Czartoryski,² he was most closely related. To reacquire their old influence on the Polish government the Czartoryski had taken the lead in a powerful confederation of the nobility, which aimed at a reform of the constitution involving a stronger central authority and the curtailment of parliamentary rights.³ Above all, the *Liberum veto*, viz. the privilege of every deputy to veto any decision, was to be abolished, since for many years past this right had rendered nugatory every national diet. The prospect of these plans succeeding considerably increased when the Czartoryski found that one of their relatives had been chosen by the Czarina as the pretender to the throne. After some preliminary misgivings they wholeheartedly supported Poniatowski, little dreaming what disappointments their so rapidly formed friendship with Russia had in store for them.⁴

Only one who trusted blindly in the slavish dependence of the lovesick adorer on the coolly calculating mistress of the political game could have believed in the success of the Russian plan. Catherine's confidence in the attainment of her object is seen most clearly in the instruction she drew up on the death of Frederick Augustus for her Warsaw representative, Count Keyserlingk,⁵ and the subsequently notorious Reprin.⁶ In this she repeated the fundamental

¹ See especially the study by FORST-BATTAGLIA, particularly in this connection, pp. 97 *seqq.*

² For this "family" party, see BEER, I., 114 *seq.*; HERRMANN, V., 365 *seqq.*

³ JANSSEN, 47 *seqq.*

⁴ Visconti's report of February 1, 1764, in THEINER, IV., 2, 25.

⁵ For the character of this former professor of Königsberg, see BEER, I., 127 *seqq.*

⁶ For this instruction, of November 6, 1763, cf. JANSSEN, 38 *seqq.*, and BEER, I., 130-134.

demand for the maintenance of the Polish electoral system in favour of a native of the country, and she nominated Poniatowski as the most suitable and worthy candidate, on condition that he promised, out of gratitude, to comply with all the Czarina's wishes in the future. The chief of these were the granting of equal rights to the dissidents and the most comprehensive right of intervention to Russia as the general guarantor of the Polish constitution. In this Catherine was already showing herself to be in the clearest opposition to the party of the Czartoryski, who were merely to serve her plan of ensuring the election of her favourite in Poland. At the same time she, as also the Prussian king, who faithfully followed her lead,¹ had the impudence to declare solemnly to the Poles that she wished to guard and defend their freedom and inviolability.² These words were to be repeated so often in the next few years that finally even the most gullible had to acknowledge the dishonesty such phrases cloaked.

On May 7th, 1764, when the national diet of convocation³ met to prepare for the election in conformity with the constitution, the capital of Warsaw and its environs, particularly the royal palace and the place of assembly, were occupied by Russian troops and those of the Czartoryski.⁴ The republican party, which was violently opposed to the confederation's programme of reform, first asked that the troops be withdrawn,⁵ and then, on receiving an evasive reply from the Russian envoy,⁶ they handed in a written protest and left the diet and the city⁷; their counter-confederations

¹ Visconti's report, February 22, 1764, in THEINER, *loc. cit.*

² JANSSEN, 40.

³ For this diet, *cf.* HERRMANN, V., 369 *seqq.* Even during the elections for this diet there was a bloody encounter with Russian troops at Graudenz (BEER, I., 157 *seqq.*).

⁴ Visconti reports fully thereon under date May 9, 1764, in THEINER, IV., 2, 28 *seq.* *Cf.* BEER, I., 161 *seqq.*

⁵ Thus the primate under date April 16, 1764, in THEINER, IV., 2, 37 *seq.*

⁶ Of April 17, 1764, *ibid.*, 38.

⁷ Visconti's report of May 16, 1764, *ibid.*, 29.

were dispersed by soldiers of the Czarina.¹ The rump diet of the Czartoryski, despite its very limited duration, was thus enabled all the more quickly to conclude many reforming laws, aimed principally at increasing the power of the king and the royal commissions. The abolition of the *Liberum veto* was prevented by the objection of the foreign powers.² A discussion on the question of the dissidents, on the other hand, urged by the foreign representatives, was rejected by the meeting. Thus, this momentous question was left open from the beginning; Poniatowski's election was too much in the forefront.

Pope Clement XIII. had written personally to the Polish primate, the president of the senate, to thank him for his resistance to the demands of the dissidents.³ A memorandum made by Stanislaus Konarski, one of the most highly reputed Polish theologians, is of importance in the matter.⁴ There could be no question, he said, of the dissidents in Poland being in a state of oppression, since from early times the non-Catholics had enjoyed the free practice of their religion and the protection and legal assistance of the State—concessions which in the Protestant States of Europe had been made to religious minorities only through the most recent ordinances or not at all. The only rights they now needed for complete equality were political, namely, eligibility for the offices of national deputy and senator, of *Starost* (district governor) with judicial powers, and of the dignitaries of the crown of Poland and the Grand Duchy of Lithuania. These restrictions had with good reason been maintained, to preserve the peace of the people as a whole. If these concessions were made, in the name of Christian love of one's neighbour, as

¹ Visconti's report of August 8, 1764, *ibid.*, 29 *seq.*

² JANSSEN, 48; BEER, I., 165.

³ Letter of August 18, 1764, in THEINER, IV., 2, 42 *seq.* In a *Brief of June 2, 1764, the primate was given directions regarding the election. Epist., VI., f. 290, Papal Secret Archives. *Ibid.* also *Briefs to other Polish bishops and dignitaries.

⁴ Reproduced in THEINER, IV., 2, 69 *seqq.*

was demanded, the way to the most responsible positions in the State would be open to every imaginable body of thought, including even deists and atheists, and in view of the notorious activity of all these groups it was to be feared that in measurable time the Catholic majority of the nation would have to beg to be tolerated in these positions. Where in England, Holland, Russia, Sweden, and Denmark had this Christian love of one's neighbour been practised towards the Catholics? When one thought of the religious wars in other countries, the Polish dissidents ought to consider themselves fortunate in the assured possession of their goods. Complete freedom of opinion and religion was guaranteed to them, as well as unrestricted opportunity for promotion in the army, and in the eyes of the State and the law they were equal to any other citizens.

In the last days of August 1764 the electoral diet was opened¹ and again functioned merely as the confederation of the Czartoryski. On September 3rd the Papal nuncio Visconti was granted a solemn audience by the assembly, in the open air.² In his address Visconti spoke of the necessity of preserving the Catholic Church and its guaranteed privileges.³ On September 7th the result of the election was announced by the primate: Poniatowski, now called Stanislaus Augustus, had been elected unanimously.⁴ Among the forty-seven articles of his electoral capitulation, the "*Pacta conventa*",⁵ were some that considerably enlarged the royal power,⁶ and others that promised peace and security

¹ BEER, I., 173 *seq.*

² The ceremony in all its details in THEINER, IV., 2, 43 *seq.* Visconti himself reports fully on it on September 6, 1764, *ibid.*, 31 *seq.*

³ Text of the speech and the replies to it, *ibid.*, 44 *seqq.*

⁴ Visconti's report of September 7, 1764, *ibid.*, 32. The Pope's recognition was conveyed to Visconti by a cipher message on May 4, 1765, BENEDETTI, 107 *seq.*

⁵ In THEINER, IV., 2, 47 *seqq.* Cf. Visconti's report of September 19, 1764, *ibid.*, 32.

⁶ JANSSEN, 51. The Papal *letter of congratulation on the

to the dissidents, but without prejudice to the privileges of the Catholic nobility. Also the other measures of reform decided on by the convocational diet were confirmed and thereby put into force, and the confederation of the Czartoryski was again upheld. The new king announced his election to the Pope and to most of the European princes¹; the letter of thanks to Catherine II. was particularly cordial: by a unanimous vote the Polish nation had declared the most worthy man to be the one who had been proposed by the Czarina. The predominance of Russian influence in every direction was shown in the externals of the coronation ceremonies, at which the nuncio was ostentatiously placed second to Repnin in order of rank. The only excuse the king could proffer was that it created no precedent for the future.²

At this diet, too, the question of the dissidents was reopened by memoranda from the Russian and Prussian envoys.³ The Czarina recalled her responsibility for the welfare of all the Orthodox, who ought not to be suppressed any longer. Clement XIII., however, had recently sent a letter to the primate and all bishops and senators, urging them to offer the greatest possible resistance in the matter, and as a result of this the government party again prevented the discussion of the question. In a conversation with Prince Czartoryski, the influential uncle of the king and the Lord Chancellor of Lithuania, Visconti obtained the assurance that despite the memoranda

election was dispatched to the king under date October 6, 1764; see *Epist.*, VII., f. 125, Papal Secret Archives. On the same day (*ibid.*, f. 127) a *Brief was sent to the primate about the peaceful outcome of the election.

¹ THEINER, IV., 2, 55 *seqq.* For the difficulties in connection with the recognition, especially in Vienna and Paris, see BEER, I., 175-183; ARNETH, VIII., 73 *seqq.*

² See the royal declaration on November 23, 1764, in THEINER, IV., 2, 64, and Visconti's report of December 5, 1764, *ibid.*, 35 *seq.*

³ Of September 14, 1764, *ibid.*, 63 *seq.* Cf. JANSSEN, 55 *seqq.*; BEER, I., 188.

there need be no fear of any innovations.¹ A similar assurance was given to the nuncio by the king. To Repnin's representations Visconti replied by referring to the hard lot of the Catholics in Russia,² and he made a similar retort to the Prussian envoy, Benoît, who paid him a visit to discuss the matter.³

When King Stanislaus Augustus sent the Pope notice of his coronation he promised renewed and unconditional protection of ecclesiastical rights and recommended to him his relative, Prince Joseph Czartoryski, as Polish chargé d'affaires.⁴ On March 30th, 1765, the Pope communicated with the Emperor and Empress and on April 3rd with the kings of France and Spain, drawing their attention to the threatened situation of the Catholics in Poland and to the new king's manly championing of their rights ; on the latter's behalf he sought an alliance of friendship from the emperor and empress, and a demonstration of good will from the kings.⁵ However, for the time being, the participation of the Catholic powers in the fate of Poland went no further than mere letters of congratulation.⁶

¹ Visconti's report, December 5, 1764, *loc. cit.*

² *Ibid.*

³ Visconti's report, December 19, 1764, *ibid.* 36.

⁴ February 1, 1765, *ibid.*, 72 *seq.* Cf. Visconti's report of January 2, 1765, *ibid.* 91.

⁵ *Ibid.* 76 *seq.* Visconti reported on this to the king, who thanked him and made the most solemn promises (see his report of May 1, 1765, *ibid.* 92). Cf. the allocution of the Pope in the consistory of April 22, 1765, *ibid.*, 77 *seq.* In the *Cifra of April 4, 1765, to the Spanish nuncio Pallavicini the Pope draws attention to the importance of Poland, which was being seriously threatened by the heretic and the Turk. Nunziat. di Spagna, 462, Papal Secret Archives.

⁶ The conditions made by France are mentioned in the cipher to Visconti of May 18, 1765, BENEDETTI, 109. For the Pope's subsequent disappointment at the reception given to his requests for intervention, cf. the ciphers to Visconti of December 5, 1767, and May 2, 1768, *ibid.*, 110, 112. The evasive reply written by

At first sight it seemed that the Russo-Prussian plans for Poland had failed, but actually their first condition of success had been fulfilled: Poniatowski was the acknowledged king, and the last traces of opposition to him in the country itself had disappeared. And so with perseverance and finally with the aid of force still more could be accomplished. Subsequently, however, the discord between Repnin and the Czartoryski grew steadily greater¹; the king, instead of following the dictates of prudence and endeavouring to effect a compromise between the two, had recourse more and more to temporization, and before long found himself tossed hither and thither like a ball, the prey to the most varying moods.

Under date September 24th, 1766, Visconti supplied Rome with a detailed report on the situation.² He praised the outward activity of the king, who every morning called together an inner council of state and, in addition, frequently arranged for sessions of the senate. Moreover, according to the judgment of the nuncio, he was quite devoid of the inaccessibility of other sovereigns, being always ready to listen to the envoys, quite apart from official audiences. Repnin, however, was held in higher regard than the Papal representative, for which reason both avoided official functions so as not to be involved in further ceremonial embarrassments. Above all, it was difficult, owing to the numerous influences at work, especially those of the king's uncles, to obtain a decision from the government, too many individuals being involved. The ecclesiastical situation would be better were the bishops to show as much wisdom as zeal; even the primate, with whom, incidentally, the nuncio was not on the best of terms,³ frequently forgot that he was a prince of the

the Spanish king, June 23, 1767, *ibid.*, 125 *seq.* The Imperial Government answered later in a similarly indefinite manner; see VON CHOTKOWSKI in *Hist.-pol. Blätter*, CXLV., 43. Cf. JANSSEN, 42 *seqq.*

¹ BEER, I., 187; SSOLOWJOFF, 37.

² Second report on this day, in THEINER, IV., 2, 93-100.

³ Cf. Visconti's report of October 1, 1766, *ibid.*, 100.

Church rather than a politician. The Polish clergy was unbelievably ignorant, while the laity, especially the governing circles, worshipped the prevailing ideas of "enlightenment". The rich possessions of the Church and the inactivity of many of the Orders met with Visconti's disapproval, and the burdensome taxation of the clergy was discussed. The most important features of the situation were that the State wanted to restrict ecclesiastical rights as far as possible to the sacraments and dogma, while the clergy displayed too little tenacity and powers of resistance. Not much reliance should be placed on it by Rome.

Most bitterly, however, the nuncio complained on this occasion, too, that Russia and Prussia, relying on the catchword "toleration", pressed unremittingly for equal political rights for the non-Catholic aristocracy. Other reports from Visconti¹ are also full of fears about forcible measures that might be taken by the Russians.

One could be quite certain, therefore, that at the coming national diet, which in the ordinary course would begin in the first days of October 1766,² these matters would inevitably have to be settled, the foreign representatives no longer having any grounds for postponing the decision in favour of more pressing tasks, as they had done at the last diet. In view of the Russian threats³ the worst was to be feared.

Accordingly, the Catholic party had to prepare and arm itself with every means at its disposal. On this occasion, too, its spokesman was certainly not the primate Lubienski but the resolute Bishop Soltyk of Cracow. Already on July 8th of this year he had issued an urgent pastoral letter on the imminent danger that threatened the true faith.⁴ He appealed

¹ Thus the report of September 17, the first of September 24, and that of October 1, 1766, *ibid.*, 93, 100.

² Fully reported in JANSSEN, 63 *seqq.*; HERRMANN, V., 397 *seqq.*

³ Visconti's report of September 24, 1766, in THEINER, IV., 2, 93. For the Russian preparations for this diet, see SSOLOWJOFF, 40 *seqq.*

⁴ THEINER, IV., 2, 106 *seq.*

therein expressly to all deputies and senators and reminded them of their double responsibility, to God and to the fatherland. As bishop he ordered special prayers to be said daily before the Blessed Sacrament and at every Mass during the preparatory provincial diets and from September 28th until the end of the national diet ; on the opening day, October 6th, a votive Mass of the Holy Ghost was to be celebrated in every church. Preachers were to read this pastoral letter on four holidays and at every opportunity they were to speak about the troubles of the time. Both the secular clergy and members of the religious orders were asked to say special prayers and to offer up many good works.

Soltyk also took political action. As the bishop of the largest diocese in Poland he turned for help to a number of Catholic princes abroad.¹ He spoke of the persistent pressure maintained by the representatives of non-Catholic powers at the court of Warsaw and asked that the king be not left in the lurch by the Catholic States. In September came a Papal letter² urging the primate, in conjunction with the other bishops of Poland, firmly to oppose the demands of the heretics, to support the king in this matter and to protect him from foreign influence. Lubieński's personal position, however, offered little hope of activity on his part in this direction.

At this national diet the king's personal attitude was more obscure than ever. For him there were other matters that were much more urgent than the question of the dissidents, one being the continuation of the constitutional reforms, on whose account he was again moving away from Russia and siding with the Czartoryski.

At the very beginning of the diet,³ after the preliminary formalities, Bishop Soltyk obtained leave to make a speech, which was charged with lively ardour and Polish energy.⁴

¹ On August 10, 1766, *ibid.*, 107 *seq.*

² Of September 6, 1766, *ibid.*, 108 ; *Bull. Cont.*, III., 1107.

³ Cf. BEER, I., 195 *seqq.*

⁴ Text of the speech, of October 11, 1766, in THEINER, IV., 2, 116 *seqq.*

As a bishop it was his duty to keep the wolves away from the sheepfold. As the representative of eternity he recalled the glorious centuries of the Polish people when it was one in faith. From pre-Reformation times he cited the laws against heretics inscribed in the written constitution of the State. However, the object of his speech was not only the preservation of the legal situation which had hitherto prevailed ; he formulated a bill by which it would be forbidden in future, under pain of heavy punishments and the confiscation of goods, to work for equal rights for dissidents in the Polish State. The effect of these inflammatory words was great : the bishops assented, the deputies signified their agreement, the senators were silent.¹

At this decisive moment the king intervened,² and what could be expected of him but that he would frustrate the whole proposal with his timorous circumspection ? He praised the religious ardour of his people but considered it highly dangerous to undertake obligations in perpetuity, which was the prerogative of God. He then succeeded with a few turns of speech in diverting the attention of the assembly in another direction. The question of the dissidents was relegated to the end of the diet and was handed over to a commission for consideration. Opinions were divided on the prudence of Soltyk's action ; many thought that his intervention was useless in view of the probability that the deputies would be easily influenced in another direction by the opposing party in the course of the national diet ; others, that the dissidents would now undoubtedly work with every possible means to obtain a definitive success.³

Meanwhile, the question of constitutional reform was discussed. The latest innovations had met with success in the State finances ⁴ and consequently it was possible to decide on further reforms. In army and financial matters the

¹ Visconti's report, October 15, 1766, *ibid.*, 100 *seq.*

² Text of his speech, *ibid.*, 119 *seqq.* Cf. JANSSEN, 67.

³ Visconti's report, October 15, 1766, *loc. cit.*

⁴ JANSSEN, 67.

Liberum veto was to give way before the vote of the majority. But once again Replin and Benoît came forward with the threat that their governments would regard such a decision as a formal declaration of war by Poland.¹ Under the pressure of Russian troops the Czartoryski had to forgo their programme for the second time.

Finally, the question of the dissidents came up for discussion. As recently as the end of October the king had disclosed to the nuncio that he had explained to the Czarina that her demands were impossible to fulfil, even if it meant the jeopardizing of his royal title and his life.² On November 4th Replin was admitted to an audience with the national diet.³ After some flattering words of introduction he made clear Catherine's unalterable wishes and handed in a memorandum⁴ in which the Russian government referred to the Peace of Oliva in 1660, which designated the "northern Powers" as guarantors of the freedom of the Polish dissidents, and proclaimed its desire, for the sake of prosperity and internal peace, of removing the final obstacle of any outstanding disagreements; for freedom, it was here stated, rested on equality. A number of clerical rights and complete political equality were demanded, in which demands the governments of Prussia, Denmark, and England joined in further declarations.

Naturally Visconti, in his audience with the diet, had also to make a public declaration,⁵ which he did in one of the most comprehensive and certainly one of the most moving speeches ever delivered before this assembly.⁶ He gave vent to his indignation that such reprehensible tendencies had

¹ Visconti's report of October 22, 1766, *loc. cit.*, 101. The pronouncements of November 11, 1766, *ibid.*, 121. Cf. BEER, I., 198 *seqq.*; JANSSEN, 67; HERRMANN, V., 401.

² Visconti's report, October 29, 1766, *loc. cit.*, 101; JANSSEN, 67.

³ Visconti's report of November 5, 1766, *loc. cit.*, 101 *seqq.*

⁴ In THEINER, IV., 2, 109 *seqq.*

⁵ The ceremonial of the audience, *ibid.*, 122 *seqq.*

⁶ Text of the speech, *ibid.*, 124 *seqq.*

arisen in the Polish nation, which was otherwise so religious, and he spoke of the acute distress felt by the Holy Father on learning of these events. He painted in the most glaring light the consequences of the proposed laws of toleration. His words, which seemed to press upon each other in the overflowing of his emotion, amounted to a continual "*Cavete, vigilate*". He was in no way in favour of suppressing or persecuting those in error, but he demanded that the orthodox should not forget or underrate the one thing necessary. To this end he conjured the king personally in a lengthy address, also the bishops and the deputies. "I have spoken, the spirit of the Lord has spoken through me; His word has been uttered through my tongue. Carry out what you have received and heard, and the God of peace will be with you!" The effect of his speech was indescribable; by means of printed copies and translations its text was circulated throughout the country.¹

How unjustified was the reference made by the foreign powers to their special character as guarantors of the peace of Oliva, was shown in a written reply from the Polish deputies to Benoit.² It was true that by this peace the free practice of their religion was conceded to the dissidents, but with the express proviso that it was to be "in accordance with the laws of the State", and the legislature of the time had not granted in any way the rights now demanded. Moreover, these clauses affected only the dissidents in the Prussian towns, certainly not those of the whole country. Any designation of Prussia as guarantor of the treaty was nowhere to be found; on the contrary, Prussia had strongly advised the Poles not to accept a foreign guarantor, which rôle Sweden was trying to adopt. No foreign voice had been raised in protest when the last laws affecting dissidents had been passed, from 1717 onwards, and it was precisely the Protestant and the Orthodox Powers which had set the best

¹ Reports of Visconti, November 19, 1766, and January 21, 1767, *ibid.*, 102, 208.

² *Ibid.*, 130 *seqq.*; cf. the Memoria in BENEDETTI, 98.

possible example of how to succeed in depriving of their rights the members of other faiths.

Further protracted negotiations were carried on in the diet among the bishops and between the king and the ambassadors.¹ Finally, the political demands of the dissidents were again rejected ; on the other hand, the former protective laws were renewed and several reliefs were granted them in the practice of their religious life, so far as the building of churches, divine service, burials, and stole fees were concerned. The privileges of the Catholic nobility remained intact.²

Thus, in a double attack through the regular constitutional channels the Russo-Prussian aims had proved to be unattainable. There were, however, irregular channels in the political life of Poland which, used in conjunction with methods of sheer force purporting to be most peaceful, promised to lead to ultimate success.

In a letter to the Polish king, Catherine II. was not sparing with her censure for the unsuccessful issue of the national diet which had just been held.³ In the most harmless manner she pledged herself to act all the more energetically to ensure the welfare of her neighbour-nation ; the demands of the dissidents being of a civic, not a religious nature, no one could harbour the suspicion that the Czarina was in any way desirous of injuring the independence and the interests of Poland. Accordingly she proposed to Stanislaus Augustus an extraordinary diet of pacification for 1767. This was duly convoked.

At the same time, under the pressure of Russian soldiers and agitators, and not least of Russian money,⁴ armed confederations of the dissident nobility were being formed.

¹ Visconti reports fully thereon on November 26, 1766, in THEINER, IV., 2, 102 *seqq.*

² Cf. the extracts from the diet records for November 29, 1766, which Visconti sent to Rome, *ibid.*, 129 ; JANSSEN, 69 *seq.*

³ Her letter, of February, 3, 1767, and a similar one from Panin to Repnin, in THEINER, IV., 2, 151 *seqq.*, 155 *seqq.*

⁴ JANSSEN, 71 ; SSOLOWJOFF, 49 *seqq.*

As early as March Repnin informed the king of leagues existing at Thorn in Poland and at Sluzk in Lithuania.¹ Both were under the explicit protection of the Russian sovereign, which apparently they had sought of their own accord. Repnin actually went so far as to fix a time for the king to decide either, as was expected by the Czarina, to recognize the confederations and to admit them to an audience, or to allow the Russian threats to be put into execution. Meetings of the cabinet alternated with counter-representations up to the last moment. Finally, all serious resistance gave way before the inexorable attitude of the ambassador.²

How much more decisive and unequivocal were these representations of Russia, compared with those of the Catholic Powers! What was the use of Clement XIII. praising with cordial thanks the friendly attitude towards the Church shown by the king and the deputies during the past year and of his urging them to continue in their loyalty?³ What was the use, when the Pope's pleas for intervention⁴ made to the Catholic cabinets of Europe met with only a feeble response? On the death of the primate of Poland, Lubieński, in June 1767,⁵ the king, under pressure from Repnin, named as his

¹ Visconti's reports of March 25 and April 1, 1767, *loc. cit.*, 209 *seq.*; BEER, I., 203 *seqq.*; HERRMANN, V., 410 *seqq.*

² Fully reported on by Visconti, April 18, 1767, *loc. cit.*, 210 *seqq.*; SSOLOWJOFF, 53 *seq.*

³ Letters to the king, April 18, and to the primate, April 21, 1767, in THEINER, IV., 2, 147 *seq.*; *Bull. Cont.*, III., 1147 *seq.* Further letters of admonition, of July 15 and 28, 1767, *ibid.*, 1289 *seq.*, 1292 *seq.*

⁴ See the Papal letters of April 29 and 30, 1767, in THEINER, IV., 2, 160 *seq.* Cf. *Bull. Cont.*, III., 1154 *seq.* In the same way as he had urged Vienna and Madrid, says the *cipher of April 29, 1767, to the nuncio Pamfili, the Pope was urging also the king of France to protect the Polish Church against the attacks of the Czarina, and at the same time he explained the legal situation of the dissidents in Poland. Nunziat. di Francia, 455, especially f. 82 *seq.*, Papal Secret Archives. Cf. *ibid.*, *cipher of June 5, 1767.

⁵ Visconti's report of June 24, 1767, *loc. cit.*, 213 *seq.*

successor, Podowski, whose reprehensible character and unqualified compliance with the wishes of Russia were well known.¹ At first, in spite of all Podowski's fine promises, the Pope, too, refused to recognize him and demanded deeds instead of words.² At the end of August, however, Podowski was confirmed by the Papal authority as Archbishop of Gnesen and Polish primate.³

Meanwhile, Russian attempts to foment a revolution in Poland against the king and the national diet continued,⁴ and even affected many circles of the Catholic nobility opposed to reform. Here, too, under Russian protection, confederations were formed throughout the country.⁵

It was a masterpiece of Russian diplomacy, quite in keeping with Repnin's brutality, to join all these greatly varying movements into one solid attack on Warsaw for the benefit of Moscow. This was the object of the congress held at Radom on June 23rd, 1767.⁶ Each single confederation here united into a general one; by the wish of the Czarina, Prince Radziwill, who had been living in exile in Dresden, became its leader. The representatives of the Catholic groups of nobles were in the majority, so that they especially were surprised by the wording of the instrument which, under Russian

¹ Visconti's reports of June 24 and July 1, 1767, *ibid.*, 213 *seq.*, 215 *seq.* Cf. BENEDETTI, 41 *seqq.* *Ibid.*, p. 90, No. 18, Podowski's letter to the Pope, July 19, 1767, asking for recognition, is cited.

² Papal letter of August 12, 1767, in THEINER, IV., 2, 171 *seq.*

³ Letter of August 31, 1767, *ibid.*, 175 *seq.* Even Soltyk and the Cracow chapter finally supported him (*ibid.*, 162 *seqq.*); similarly under date July 18, 1767, Visconti, in spite of his former reluctance (*ibid.*, 216 *seq.*). For his consecration by Soltyk and the subsequent celebrations, see Durini's third report of September 30, 1767, *ibid.*, 226.

⁴ By the beginning of June, 24 confederations had been formed in Lithuania alone; see SSOLOWJOFF, 57; HERRMANN, V., 419.

⁵ BEER, I., 206 *seq.*; SSOLOWJOFF, *loc. cit.*; FORST-BATTAGLIA, 131.

⁶ BEER, I., 207 *seqq.*; HERRMANN, V., 420 *seqq.*

pressure, was laid before them for their signature.¹ Their republican desires were here relegated completely to the background to make way for the most definite demands on behalf of the dissident nobility which were to be made in the name of the confederation. Naturally, they demurred; but anyone leaving the building without having signed was faced by Russian firearms and cannon. The Catholic confederates had to yield to force and sign, but nearly all with the express reservation that the Catholic privileges be preserved.² However, the Russian rule of force went further still and extracted a resolution from the general confederation denying every senator or deputy who would not adopt their programme the right to vote.³ In this way even the bishops, headed by the primate and followed even by Bishop Soltyk of Cracow, were induced to join the confederation on terms, reluctant to bar every avenue to themselves at a single stroke and to abandon their dioceses to an enraged soldiery.⁴

At the end of August there began the provincial diets for the elections to the diet of pacification. The conditions in which they were held present much the same picture of Russian brutality; wherever any resistance to the general confederation showed itself it was crushed by Repnin with the harshest measures.⁵ In other parts of the country, however, the realization of the gravity of the situation overcame the

¹ This programme of June 23, 1767, in THEINER, IV., 2, 163 *seqq.*

² *Ibid.*; Visconti's report of July 29, 1767, *ibid.*, 217. More detailed are Durini's report of August 19, 1767, *ibid.*, 218 *seq.*, and the supplement to his report of October 28, 1767, *ibid.*, 236 *seqq.*

³ Durini's third report of October 3, 1767, *ibid.*, 226 *seq.*

⁴ Durini's report of August 24, 1767, *ibid.*, 219 *seq.* For the difficult negotiations about the text of their declarations of adherence, *cf.* Durini's reports of September 23 and October 3, 1767, *ibid.*, 223 *seq.*, 226 *seq.*, and the texts, *ibid.*, 166 *seq.*, 172 *seq.*

⁵ Durini's reports of September 2, 9, 23, and 30, 1767, *ibid.*, 221 *seqq.*

fear of Russian terrorism, and the national deputies were given instructions which were less in accordance with Repnin's desires.

In the midst of these troubles the voice of the Church had not been silent. On hearing that Catholic confederations had joined with those of the dissidents, the Pope wrote urgent letters to the king and the primate and to all the bishops, asking them, in view of the prevailing confusion of ideas, to provide the Catholic people with clear principles and to set them a personal example.¹ Once more the first to answer the summons was Soltyk, who sent a circular letter to all the provincial diets.² He justified this step by recalling his membership, as a bishop and senator, of the electoral body of the nation and the well-known attitude he had adopted towards the question of the dissidents at the last national diet. God, the Church, and the whole world, he said, now awaited from the Poles a proof of their loyalty to the old faith. Finally, he admonished all to frame suitable instructions for those they had elected. As in the previous year, Soltyk also issued a pastoral letter to his diocese³ and encouraged it to persevere in the long and serious trial with which it had pleased God to visit it but which with His help could be overcome. On this occasion, too, he ordered that prayers be said in all the churches, especially at every Mass, that a reference to the national diet be made from the pulpit, and that many good works be offered up. In the whole of the kingdom there was only one other bishop who could approach Soltyk in zeal, Zaluski of Kiev. He composed a similar pastoral letter⁴ and had later to share Soltyk's fate.

Most unworthy, on the other hand, was the attitude of the new Polish primate, who devoted himself unreservedly to the furtherance of the Russian aims. He was even bold enough

¹ Papal letters of July 15 and 28, 1767, *ibid.*, 168 *seqq.*

² Under date August 15, 1767, *ibid.*, 172 *seq.* Cf. SSOLOWJOFF, 61.

³ On August 28, 1767, in THEINER, IV., 2, 173 *seq.*

⁴ Dated August 30, 1767, *ibid.*, 174 *seq.*

to approach Soltyk as a tempter, assuring him of Repnin's genuine good will if he would refrain from causing the same inconveniences at the forthcoming national diet as he had done at the previous one. On the bishop failing to be affected by these vain prospects, Podowski tried to frighten him with the horrible measures of violence which would be taken by the Russian potentate.¹ He was made, however, to feel the moral superiority of his suffragan, who reminded him of his duties as a bishop and, in view of the far-reaching concessions already made to the dissidents, rejected all his demands.

The date fixed for the extraordinary national diet was drawing near. Once more Clement XIII. had written clear admonitions to king and bishops, senators and provincial deputies.² To Stanislaus Augustus he repeated the words of Pope Celestine I. to the Emperor Theodosius: "The cause of the faith must have greater weight with you than that of the State; you must be more solicitous for the peace of the Church than for that of the world. Let God's will be done first, and all good fortune will follow in its wake." How bad the situation was in respect of the Church's influence at the Polish national diet is shown by what happened on the occasion of these Papal communications; it was only with difficulty that those friendly to the Church succeeded in having the Papal Briefs read at the ensuing discussions.³

Repnin had agreed with the leaders of the general confederation on a plan of action⁴: the discussions were not to be allowed to take their own course as hitherto; the power of the national diet was to be reduced. The most extreme measures were ready to be taken. To quell Soltyk's resistance Russian troops had invaded his bishopric and had taken up

¹ Cf. the record of the conversation of September 8, 1767, *ibid.*, 176 *seq.*

² On September 12, 1767, *ibid.*, 177 *seqq.*; *Bull. Cont.*, III., 1360 *seq.*

³ Durini's report of October 6, 1767, in THEINER, V., 2, 229 *seqq.*

⁴ Durini's report of October 4, 1767, *ibid.*, 227.

their quarters there in a ruthless fashion, especially in the episcopal property.¹

At the opening of the national diet on October 4th,² the king sanctioned the general confederation³; Prince Radziwill was made marshal of the assembly. The opening speech, setting out the programme of the general confederation and proposing a treaty of protection and guarantee with Russia, showed straightway to what a pass the famous Polish freedom had been reduced. Instead of debating the problems of the day in full session—said the speaker—it would be better to submit them to a committee—this was Repnin's desire—for consideration and decision, subject to the subsequent approval of the whole diet. Within this committee of sixty members the decisive authority would lie with an inner commission. These duties were to be completed before February 1st of the coming year; until then the plenary session might adjourn.⁴

Bishop Soltyk, perceiving the injustice of this procedure, argued in a calmly-delivered speech⁵ that it was not in accordance with the intention of the authorities and instructions given to the provincial deputies; above all, it was entirely contrary to the spirit of the Polish constitution, which, indeed, protected a *Liberum Veto*, to concede to a few persons such a power of authority in momentous questions. The bishops agreed with him, only the primate remaining silent⁶; Rzewuski, however, the palatine of Cracow, spoke in support of his bishop's viewpoint. Nevertheless, on the second day the proposal to set up the committee was laid before the house.⁷ A number of bishops and provincial deputies

¹ A record of all the plundering and excesses, *ibid.*, 188.

² Comprehensive report thereof by Durini, October 5, 1767, *ibid.*, 227 *seqq.*

³ Cf. BEER, I., 213 *seqq.*

⁴ HERRMANN, V., 424.

⁵ Of October 5, 1767, in THEINER, IV., 2, 187 *seq.* Cf. Durini's report of the same day, *loc. cit.*

⁶ On this very day Soltyk, in an admonitory letter, had reminded him of his duties to the Church. THEINER, IV., 2, 186.

⁷ Text, *ibid.*, 185 *seq.*

announced their disapproval of the project to entrust the decision to the committee and wanted it to be granted only preparatory powers. Subsequently, after a brief adjournment of the diet, more intimate discussions took place in the king's presence.¹

When the diet met again in full session on October 12th, Soltyk considered it opportune to announce his emphatic opposition to the aims of the general confederation and the Russian agitators.² Firstly, he protested against the presence in Polish territory of " Russian auxiliary troops ", which had lately been reinforced. They were unnecessary, he said, since Poland was neither waging war, nor intending to wage war, on anyone ; if they were necessary for the preservation of peace within Poland, that implied a serious breakdown of the State. At the last national diet the proposal to increase the army had been rejected on account of the cost ; how then was it now proposed to maintain a foreign army in the country ? Moreover, the behaviour of the Muscovite troops was scarcely peaceful and friendly.

Turning to the proposal to grant full powers to the committee, Soltyk contested the necessity for a fresh treaty with St. Petersburg. If the Polish dissidents considered themselves maltreated they could protest to the competent Polish authorities. And it was perfectly absurd to appoint one party to the treaty, namely Russia, as guarantor ; even anyone unversed in politics could see how ridiculous that was. And why appoint a guarantor before they knew the substance of the treaty ? If this resolution was passed it might well be the last to be passed by free Poland. With an earnest appeal and quoting from the books of Maccabees, the courageous bishop brought his inspiring speech to an end.

It was to be his last. On the following day the doughty champion of freedom, along with his most loyal helpers, Bishop Zaluski of Kiev, the Palatine Rzewuski of Cracow,

¹ First report by Durini on October 14, 1767, *ibid.*, 231 *seq.*

² Text of his speech, *ibid.*, 190 *seqq.*

and his son, was arrested.¹ They were taken across the frontier into the interior of Russia, where they remained in banishment. Soltyk's diocese received from him a stirring letter of farewell, expressing unbroken strength and fortitude.² He set out with care the administration of his orphaned flock and assured his readers that his spirit would live on in the diocese in his faithful helpers. The righteous anger of the Pope³ and the many efforts of his friends⁴ to obtain his release were unavailing. Because of these violations of international law the Lord High Chancellor of the realm, Zamoyski, surrendered his office to the king.⁵ Owing to the spirit of depression which afflicted the whole country, the proposal to invest the committee with full powers was now easily converted into a resolution.

Repnin's attitude towards this committee of negotiation was just as arrogant as ever.⁶ Towards recalcitrants he used the most insulting language and personally subjected them to methods of violence. In the question of the dissidents he presented his demands in six points, later formulated in twenty articles, and he pressed for their acceptance without a debate.⁷ Though the committee had been selected

¹ Second report by Durini on October 14, 1767, *ibid.*, 233. Cf. also NOVAES, XV., 112; JANSSEN, 83 *seq.*; BEER, I., 216; FORST-BATTAGLIA, 133; SSOLOWJOFF, 71 *seq.*; ARNETH, VIII, 131.

² Dated October 13, 1767, in THEINER, IV., 2, 188 *seqq.*

³ Cf. his letter to the primate, November 28, 1767, *ibid.*, 201. In three letters of November 21, 1767, Clement XIII. comforted the prisoners and confirmed Soltyk's instructions. *Ibid.*, 198 *seqq.*

⁴ The bishops addressed a petition to the king, dated December 19, 1767 (*ibid.*, 202 *seqq.*). In the diet, too, the petition was subscribed to; cf. Durini's two reports of October 17, 1767, *ibid.*, 233 *seq.*

⁵ Durini's first report of October 17, 1767, *ibid.* His post was occupied by a friend of the Russians. Durini's report of October 21, 1767, *ibid.*, 235 *seq.*

⁶ Durini's report of December 23, 1767, *ibid.* 246.

⁷ Durini's report of November 11, 1767, *ibid.*, 239 *seq.*

unanimously, considerable liveliness was displayed at some of its thrice-weekly sessions. The Church party put forward as their minimum demands a number of privileges and safeguards known as the " six articles ".¹ According to these the Catholic religion was to continue to enjoy its predominance, the king and queen would have to belong to it, apostasy would be punished as a crime, and the Greek Uniates would be protected by the State. Conditions in Prussia, Courland, and Semgallen called for special treatment. In a few weeks this part of the treaty was drawn up,² and Repnin demanded its signature without reservations. The first to sign was the primate, who was followed by the other members of the committee.³

The second part of the treaty dealt with the Polish constitution.⁴ All previous reforms were set aside and twenty-four basic and unchangeable laws were proposed for the Polish nation. To these was joined, under fourteen heads, a combination of the State laws which would be passed by the Polish national diet, provided that complete unanimity was attained.⁵ The utmost consideration had been paid to the desires regarding the constitution held by certain aristocratic circles which were most hostile to reform; the reform programme of the Czartoryski was thereby ruined.⁶ The guaranty of both parts of the treaty was to be undertaken by Russia.

This did not by any means exhaust the Czarist plans for breaking up the ecclesiastical constitution of Poland.⁷ In

¹ Durini's report of November 21, 1767, *ibid.*, 241 *seq.*

² As the " Actus separatus primus " of the " Everlasting Treaty ", *ibid.*, 250 *seqq.*

³ Durini's report of December 2, 1767, *ibid.*, 243 *seq.*

⁴ Durini's report of December 9, 1767, *ibid.*, 244 *seq.* Cf. BEER, I., 220 *seqq.*; FORST-BATTAGLIA, 135 *seq.*

⁵ As the " Actus separatus secundus ", in THEINER, IV., 2, 260 *seqq.*

⁶ The previous reforms were annulled. JANSSEN, 87 *seq.*

⁷ Cf. *Cipher of November 18, 1767, to the nunzio Giraud in Paris: " sicchè da questi soli commissari, o per meglio dire, dal

several separate interviews with the primate and with other members of the committee Replin still discussed the project of completely severing the Church of Poland from Rome¹; the nunciature in Warsaw was to be closed and the supreme ecclesiastical and civil powers were to be transferred to a Polish national synod on the Russian model. A number of learned theologians drew up counter-proposals,² and the bishops presented to the king a vigorously-worded protest³; Durini, too, who had succeeded Visconti in the Warsaw nunciature in August, 1767, spoke in the plainest terms.⁴ The bishops were particularly indignant because Catherine had expressly promised in her letter that the Catholic Church would be secured in its former existence; it might well be that differences of opinion would arise with Rome, as in other States, which could be discussed; but the example of France and other States showed that they ought not to think of a complete break on that account. Replin also made violent attempts at the sessions of the committee to force upon it the establishment of the "Everlasting Synod" but repeatedly had to postpone the question for further consideration.⁵ The objection of the Lithuanians and several bishops he countered, as was his wont, with a veritable torrent of abuse.⁶ However,

capriccio della Czarina può dipendere il sovvenimento [sovertimento ?] di tutto lo stato sì civile che religioso dell' intera nazione, resa già schiava di una potenza, che, sotto titolo di amica, di vicina e di protettrice, la opprime nei modi più inauditi e violenti: e quindi Ella ben vede se con gran ragione il Nunzio Apost., i vescovi e le persone zelanti doveano agire con ogni vigore e senza umani riguardi per riparare una sì gran rovina." Nunziat. di Francia, 455, f. 118, Papal Secret Archives.

¹ See especially Durini's reports of December 23, 1767, and January 17, 1768, *loc. cit.*, 246, 267 *seq.*

² Thus Konarski again; see Durini's report of January 16, 1768, *ibid.*, 267.

³ Under date December 19, 1767, *ibid.*, 202 *seqq.*

⁴ Durini's report of January 31, 1768, *ibid.*, 268.

⁵ Durini's report of January 16, 1768, *ibid.*, 267.

⁶ Durini's report of January 31, 1768, *ibid.*, 268.

at the end of January 1768 the proposal, outwardly modified and partly treated as a secret document, was adopted.¹

The turn taken by ecclesiastical affairs in Poland after this pacification diet was most distressful to the Pope, especially as he was already strongly at variance with most of the other governments over the Jesuit question. Consequently he appealed once more to the Viennese government for support for Poland,² whose king and episcopacy in a few weeks' time also received fresh admonitory letters from Rome.³ On Christmas Eve 1767 the Pope called an extraordinary consistory after vespers and informed the Cardinals of the disastrous events which had taken place in Poland.⁴ He told

¹ *Ibid.*

² Under date November 7, 1767, to Maria Theresa and Joseph II., *Bull. Cont.*, III., 471 *seq.*

³ Under date January 6, 1768, to the king, the primate, and the bishops, *ibid.*, 479 *seqq.*

⁴ This allocution in the consistory of December 24, 1767, in THEINER, IV., 2, 205 *seq.* The cipher of December 5, 1767 (probably to Durini, not Visconti), in BENEDETTI, 110 *seq.*, speaks of the complaints about Replin's tyrannous behaviour, of the dissatisfaction with the primate and the government, and of the disappointment caused by the failure of the requests for intervention by the Powers. Similarly the *cipher of December 31, 1767, to the nuncio Lucini in Madrid: "Nostro Signore ha graditi i passi da Lei fatti con S. M^{tà} Catt^{ca} riguardo all' afflittissimo stato della religione in Polonia. La S^à Sua è ricorso egualmente alle corti di Parigi e di Vienna, ma senza ottenerne frutto alcuno. Questa però, prescindendo anche dai motivi di pietà, s'accorgerà prima degli altri, ma troppo tardi, del gran male che sovrastà alla Germania dal predominio che i Moscoviti han preso nella Polonia. Questa dovrà in avvenire servilmente soggiacere a ogni loro capriccio, e introdotto che sia, come succederà in breve, nel Senato un buon numero di protestanti e di scismatici, s'impedirà nelle Diete ogni risoluzione che non sia per essere di piacere alla Czara, e quel corpo d'esercito, che seguirà a dimorare nel regno per l'esecuzione del nuovo empio trattato, sarà anche a portata di entrare a ogni primo suono di tromba nei stati

them of the unlawful arrest of the two bishops, of the reign of terror imposed by the Russian troops, and of the grave fears he had regarding the national diet which was to re-assemble in February to ratify the measures that had been taken since the last session. He then besought the Sacred College to dwell on these matters in their private prayers during the feast of Christmas. Furthermore, he caused public prayers to be said before the Blessed Sacrament in the principal churches of Rome during the next few days,¹ and the culminating point of the triduum of prayer was to be a solemn procession of intercession in St. Peter's on the feast of the Holy Innocents, December 28th, in which the whole College, the prelatore, and the clergy of the city were to participate² and on which occasion a plenary indulgence would be granted on the usual conditions. Special prayers for the welfare of Poland were composed in the Vatican, printed, and generally distributed.³

When, amid intense excitement, the national diet of pacification met for its second series of sittings, in February 1768, the number of those present was considerably less than before.⁴ The "everlasting treaty between the Republic of

austriaci e nello impero germanico." Nunziat. di Spagna, 433, f. 133 *seq.*, Papal Secret Archives.

¹ The instructions of December 24, 1767, in THEINER, IV., 2, 206 *seq.*

² Extracts from the instruction in BENEDETTI, 92, No. 25. Cf. NOVAES, XV., 112 *seq.*

³ See the Papal instruction to the clergy to take part in the procession, in THEINER, IV., 2, 207. To BENEDETTI's repeated complaints (36 *seq.*, 40, 43-7) that the Pope pursued merely an ecclesiastical, opportunist policy, to Poland's detriment, whereas he alone might have saved Poland, as by a miracle, should be opposed Clement XIII.'s use of every political means at his disposal in the generally difficult situation and that in his conscientious inflexibility in ecclesiastical matters he was serving only the independence of Poland.

⁴ For the failures and difficulties of the Church party in the diet, cf. *cipher of January 20, 1768, to the nuncio Giraud in

Poland and the Empire of Russia",¹ as it had been signed by the committee, was ratified without difficulty, thereby subjecting the constitution and the independence of Poland to Russia as the superintending guarantor.² There was now no other course open to the Papal nuncio Durini but to make a public protest.³

Paris: "Le cose della religione in Polonia sono pur troppo rovinate affatto. N. S. ha scritto nuovi Brevi al Re, al Primato, ai vescovi, benchè poco o niun frutto ne spero, essendo già iniquamente prese tutte le risoluzioni. Msgr. Durini ha praticate tutte le diligenze possibili, ma il consiglio dei malignanti, sostenuto colla forza, ha prevaluto. Anzi, per mettere il Nunzio in stato di poter meno agire e renderlo più odioso al partito innovatore, si è cercato di screditarlo, come se avesse voluto propugnare la libertà della nazione in pregiudizio dell'autorità regia. Su di questo punto ha avute da Noi le più precise istruzioni per prescindere; ma è anche vero, che, dovendo egli eccitare i più zelanti della nazione al sostegno della religione, ed essendo questi mescolati anche nelle cose politiche, sarà parso ai male intenzionati, o almeno è tornato loro conto di credere e spargere che il Nunzio vi mettesse fuoco. Per altro alcune cose politiche erano di tal natura ed hanno sì stretta unione colla religione, che non poteva a meno il Nunzio di non interloquirvi. In tanto se gli è segretamente ordinato di fare nella riassunzione della Dieta una solenne protesta contro tutti i pregiudizii inferitisi alla religione." Nunziat. di Francia, 455, f. 135 *seq.*, *loc. cit.*

¹ Text in THEINER, IV., 2, 247-264.

² The king and marshals signed the treaty on March 5, 1768, and the confederation was thereby dissolved. Cf. BEER, I., 222; KOSER, II., 450.

³ Durini's report of February 10, 1768, *loc. cit.*, 268: "Stiamo con gran sospensione d'animo attendendo l'esito della Dieta di Polonia. La protesta fatta da Msgr. Durini ha fortemente irritato il Ministro Russo. Ma Dio buono! come mai può N. S., senza tradire il proprio pastorale ufficio, ammutolirsi nel vedere che un regno cattolico è costretto a sottomettersi a leggi le più inique ed ingiuste e contrarie alle massime e alla integrità della nostra religione." (Cipher of March 9, 1768, to the nuncio Giraud in Paris, Nunziat. di Francia, 455, f. 143, *loc. cit.*) The Papal

Repnin now thought himself to be master of the situation, but he was wrong. The method he had himself adopted, that of revolution within the bounds of the constitution, was to be used without pity against him. The landed nobility of Poland, glorying in the liberties that had been bestowed upon them, refused to submit to his rule of force. With the watchword, "Follow me, all who love their country and their Church!" there was formed at Bar within a few months, under Krasinski's leadership, a confederation of the "Malcontents".¹ In a short time there arose a number of similar unions which on many occasions successfully offered armed resistance to the advancing Russian troops.² Bar itself fell to the Russians.³ The situation was then complicated by the rising of Ukrainian Orthodox peasants, the so-called Haidamaks, who, obviously by agreement with the Russians, fought against the confederations.⁴ The general insecurity became so great that soon the whole of Poland was as if in a state of war. On top of all this, in October 1768 came the Turkish declaration of war on Russia.⁵ Those who favoured the Bar movement rejoiced in this unexpected friendship of alliance and followed with rising spirits the news of the overwhelmingly

minute on the protest in BENEDETTI, 93, No. 28; *ibid.*, No. 29, Poniatowski's letter of justification, February 13, 1768.

¹ Durini's report of June 8, 1768, *loc. cit.* Cf. BEER, I., 226 *seqq.*; SSOLOWJOFF, 77; FORST-BATTAGLIA, 137 *seq.* The Pope advised caution at first towards the new confederation (cipher to Durini—instead of Visconti—of May 14, 1768, in BENEDETTI, 113). In the instruction for Durini, of June 26, 1768 (*ibid.*, 114 *seqq.*), Rome's demands in the Polish Church question were fully set out under nine heads.

² Durini's reports of June 15 and 29 and September 7, 1768, *loc. cit.*, 270-2.

³ Cf. BEER, I., 232; FORST-BATTAGLIA, 140 *seq.*

⁴ Durini's report of July 6, 1768, *loc. cit.*, 271 *seq.*; SSOLOWJOFF, 79 *seqq.*

⁵ Durini's report of October 26, 1768, *loc. cit.*, 273. Cf. his reports of May 18 and 25, 1768, *ibid.*, 268 *seq.*; BEER, I., 233 *seqq.*, 237 *seqq.*

victorious advance of the Ottoman army.¹ When the fighting shifted to Polish territory and Prussian troops took up positions on the frontier, the king could not but fear that before long everyone would take up arms and that his country would become a theatre of war in which foreign powers would struggle for supremacy.² During the preceding months he had been lamentably wanting in self-reliance and he now realized with terror how near his country was to ruin, not without the fault of its chosen and crowned leader. He felt himself lonely and abandoned and too weak to stem the flood of civil war which had been released.³ When, in November 1768, the national diet was due to reassemble, only fifteen deputies presented themselves, owing to the general insecurity, and the king refused to open the diet.⁴

The year 1769 brought at first no recovery or lessening of hostilities. New confederations sprang up in every corner of the realm. Even the Protestant aristocracy of Lithuania closed its ranks in revolt against the Russian rule of force and against the excessive concessions to the dissident party which had been forced upon it.⁵ Bloody encounters between the Czarina's troops and the confederates followed one upon the other.⁶ Finally, the latter stood outside the capital. The Russian envoy prepared himself for flight, while the king had his palace shut off with chains every night and protected by cannon.⁷ Poland's fate seemed to be sealed. Amid a ferocious civil war there came to an end the first part of the tragedy which during succeeding pontificates was to lead to the complete disintegration of the kingdom.

¹ Durini's reports of February 15 and 18, 1769, *loc. cit.*, 281.

² Durini's reports of November 8, 1768, and February 18, 1769, *ibid.*, 274 *seq.*, 281.

³ Durini's report of November 8, 1768, *ibid.*, 274 *seq.*

⁴ Durini's two reports of November 9, 1768, *ibid.*, 275.

⁵ A pronouncement of the confederation to this effect, in April, 1769, *ibid.*, 278 *seq.*

⁶ Durini's report of February 18, 1769, *ibid.*, 281.

⁷ Durini's reports of April 1 and May 31, 1769, *ibid.*, 282 285 *seq.*

CHAPTER VI

JANSENISM IN FRANCE AND THE NETHERLANDS—FEBRONIANISM IN GERMANY—POLITICAL "ENLIGHTENMENT" UNDER MARIA THERESA.

(1)

BENEDICT XIV.'s Encyclical on the administration and the withholding of the Sacraments had no more put an end to the French parliament's encroachment on the internal affairs of the Church than had Louis XV.'s pronouncement of December 10th, 1756.¹ In the opinion of the Roman Secretary of State the Government displayed inconstancy and weakness in matters which affected religion no less than the royal prestige, whereas the parliament was bold and decisive in putting its principles into practice and in favouring a party which openly opposed the authority of the Church and the king. If the Government thought that by such indulgence they were showing their contempt for the Jansenists, one could only hope for their enlightenment from above. Nothing of such contempt would be apparent to the Jansenists themselves, who at last had met with toleration after a forty years' struggle, and still less would they interpret in this sense the severity with which bishops and priests were punished when they dared to open their mouths, not to mention what happened when they took action in accordance with the laws of the Church. The people, witnessing the banishment and condemnation of defenders of the true faith, would regard these steps not as contempt for the Jansenists but rather as disrespect for the ecclesiastical and civil power. The Government had declared itself to be against the Jansenists often enough, but the people were by now accustomed to

¹ Cf. our description, Vol. XXXV, 280 *seq.*

seeing them come off best.¹ In the absence of the banished archbishop, moreover, it was no wonder that the convulsionaries and *illuminati* were once more the talk of the town.²

In these circumstances the assembly of the clergy which met in the year 1765 deemed it necessary not only to fight against the incursion of free thought but also to emphasize once more the rights of the spiritual power and to declare their submission to the Bull *Unigenitus* and Benedict XIV.'s Encyclical. The parliament's reply to this was to suppress the announcements made by the assembly of the clergy and

¹ " * L'incostanza e fiacchezza con cui la Corte si regola negli affari che interessano non meno la religione che l'autorità del Sovrano, è ben dissimile dalla fermezza e dal coraggio con cui i parlamentari avanzano sempre nel loro cammino, seguendo le proprie massime ed aumentando il loro potere e credito, con proteggere un partito, che apertamente resiste all'autorità della Chiesa e quella del Re. Dio voglia che S. M^{ta} e i suoi ministri s'illuminino un giorno su questo articolo e arrivino a comprendere che i giansenisti non potranno mai attribuire a disprezzo che si abbia di loro quella tolleranza che si vedranno accordata dopo quaranta in cinquanta anni d'un contratto, in cui sono stati con tanto vigore sostenuti dai parlamenti, e molto meno il rigore con cui si puniscono i vescovi e gli ecclesiastici che ardiscono solamente parlare, non che procedere contro di loro secondo i canoni. Il popolo spettatore degli esigli e condanne dei difensori della sana dottrina, non concepisce certamente disprezzo pel giansenismo, ma bensì per l'autorità della Chiesa ed anche per quella del Re, che tante volte ha dichiarato il suo impegno per questa causa, avvezzandosi a veder con applauso i vantaggi che si riportano dal partito contrario alle professate intenzioni della corte." The Secretary of State to the nuncio Gualtieri, April 11, 1749, Nunziat. di Francia, 450, fo. 40, Papal Secret Archives.

² " * Sentiremo gli espedienti che prenderà la Corte sopra i fanatici convulsionari e le non meno fanatiche illuminate. Ma se il superiore ecclesiastico risiedesse nella sua chiesa e si lasciasse operare secondo la sua autorità e il suo zelo, o non nascerebbero tali inconvenienti, o resterebbero presto corretti e soppressi." The Secretary of State to Gualtieri, December 6, 1758, *ibid.*, fo. 19.

to condemn to burning a circular letter in which the assembly had recommended their resolutions to the French bishops for publication.¹ "It would seem," wrote the Bishop of Amiens, "that the parliament intends utterly to dominate religion and to shake off obedience to the Pope and the bishops."²

The king, it is true, now declared both of the parliament's decrees to be invalid, but this made no difference to actual conditions. None of the prelates could help the Church, wrote again the Bishop of Amiens.³ The Archbishop of Paris was doing what he could, but without any success. Recourse was had to the Procurator General when anyone who would not forgive his enemies was refused the Sacraments on his death-bed. In a word, the Church was ruled by the secular officials. The parish priests dared not do anything, and if they obeyed the episcopal commands they were banished. It was disheartening for the bishop to see how good priests were expelled and were replaced by bad ones. The king could issue announcements favourable to the Church as often as he liked, but if anyone acted against the wishes of the parliament he was banished and forced to resign his position and to take to flight. Even during the assembly of the clergy the gates of an Ursuline convent were broken open, at the parliament's orders, so that a conscienceless priest might impart the Sacraments of the Dying to a Jansenist nun.⁴

Nor did Papal edicts find any favour in France. When Mésenguy's much-read *Exposition de la doctrine chrétienne*, in which Jansenist doctrines were undisguisedly propounded, was condemned in a special Brief, after it had already been condemned in Rome and had been re-examined by a theological commission, the Brief was banned by the governments of France, Spain, Naples, Vienna, and Venice.⁵ Choiseul

¹ RÉGNAULT, II., 120 *seq.*; CROUSAZ-CRÉTET, 217.

² CROUSAZ-CRÉTET, *loc. cit.*

³ On January 2, 1767, *ibid.*, 129.

⁴ RÉGNAULT, II., 122 *seq.*

⁵ [PATOUILLET], III., 136-141. For the banning of the book, see Cordara in DÖLLINGER, *Beiträge*, III., 32 *seq.*; REUSCH, *Index*, II., 765 *seq.*; GAZIER, II., 115-122.

wrote to the Pope that he would not allow him to set France ablaze.¹ One might wonder what power was still left to the Pope if he was not to be allowed even to pronounce judgment on the truth of a doctrine !

This being the state of affairs in France, it is not surprising that at first Clement XIII. made no attempt to intervene. Not that this meant that the oppression of the Church afflicted him any the less. The defenders of the Faith, he wrote,² had their mouths stopped, but the innovators did not adhere to the commands of silence ; written and spoken attacks on the dogmatic decisions of his predecessors went unpunished. Priests who administered their office according to the precepts of the Church were insulted, thrown into prison, driven into exile, and branded with disgrace, while, without the assent of the bishops, teachers of youth were appointed whom the true Faith had reason to fear. Nevertheless, said the Pope,³ he had preferred, trusting in God, the bishops, and the king, to await the course of events in silence. With regard to the Jansenists he had restricted himself, on entering office, to excluding the opponents of the Bull *Unigenitus* from the favours of the customary jubilee year,⁴ to confirming in a letter to the assembly of the clergy⁵ Benedict XIV.'s decision on the administration of the Sacraments, and to expressing his joy⁶ at the assembly's pledging their obedience to him in a letter of May 16th, 1758.

On the strength of a royal promise to protect the rights of the Church with all possible means, the assembly had, in fact, derived some hope and had written to the king that, trusting in this announcement, they would protect the Church, its ordinances, servants, temples, and altars against the usurpation of the secular power and that they consequently protested against any interference in the matter of ecclesiastical doctrine

¹ GAZIER, II., 120 *seq.*

² On June 9, 1762, *Bull. Rom. Cont.*, III., 643 *seq.*

³ *Ibid.*

⁴ To the king on January 10, 1759, *ibid.*, 89.

⁵ Of March 17, 1760, *ibid.*, 326.

⁶ On June 28, 1760, *ibid.*, 362.

and the administration of the Sacraments. The parliament was silent but called a meeting of the peers of France for January 9th, 1761, in order to deliberate how the ecclesiastical cleavage might be prevented and how to end the banishment of the parliament of Besançon, which was held to have been the victim of excessive discipline. The peers, however, did not assemble, being forbidden to do so by the king, though the prohibition provoked an objection by the Duke of Conti.¹

However much the assembly of the clergy may have entertained genuine hopes for an improvement in conditions, the Pope was under no such illusions. In reply to a letter of complaint from the Bishop of Lodève² he wrote that no success was to be expected from the steps that had been taken hitherto on the ecclesiastical side. Failing divine intervention, religion in France would be completely extinguished. He gathered from numerous episcopal writings that religious doctrines in that country had been vitiated by the errors of Baius, Jansen, and Quesnel; defenders of the true cause had been condemned to silence; what was sacred had been delivered into unconsecrated hands and thrown to the dogs; bishops had been banished or robbed; priests who dared to open their mouths had been imprisoned or expelled; in brief, the whole of the Church in France was lying in chains or was groaning under the yoke. The cause of all this evil was a new philosophy which dragged men down almost to the level of beasts, and undermined morality, religious order, and even political order, since according to this philosophy authoritative power rested only on a bargain between the king and the people. The way for this philosophy, as the bishop not unjustly observed, had been paved by Jansenism, which, disregarding divine and human rights, placed no value whatever on the authority of the Church or of the king. The bishop had asked the Pope to advise him what to do in such a situation. Clement XIII.'s answer amounted to saying that he could think of no advice to give. What he

¹ FLEURY, LXXXIV., 445-450.

² Of September 17, 1763, *Bull. Rom. Cont.*, 819 seq.

was able to do had already been done; he had confirmed Benedict XIV.'s Encyclical on the reception of the Sacraments, but no good effect had ensued; the Sacraments were being given sacrilegiously as often as before to open despisers of ecclesiastical authority and the Bull *Unigenitus*. Moreover, he had banned Mésenguy's catechism and had raised his voice against the condemnation of the institution of the Society of Jesus. There was no lack of good will, therefore, on his part, and the bishop similarly should do what he could.

Similar thoughts were expressed by Clement XIII. in a whole series of letters to France.¹ As could be seen from these decrees, the Pope's silence was misunderstood in France. On the ecclesiastical side the result was that his views on the errors of the time were not clearly appreciated; on the opposite side the news was spread that at last it had been seen in Rome how useless were the Papal edicts against Baius, Jansen, and Quesnel.² The Pope was accused of softness³ towards the Jansenists. For his part Clement XIII. again asserted that he had confirmed Benedict XIV.'s Encyclical and had condemned Mésenguy⁴; as a punishment for the sacrilegious use of the Sacraments God was allowing the mischief that was afflicting France⁵; the deepest root of all,

¹ On November 9, 1763, to Bishop De Catelan of Rieux, *ibid.*, 828; to D'Arche of Bayonne, *ibid.*, 830; to Bausset Roquefort of Béziers, *ibid.*, 831; to De Champflour of Mirepoix, *ibid.*, 835; on November 19, 1763, to Bauyn of Uzès, *ibid.*, 836; on December 7, 1763, to the Bishop of Montpellier, *ibid.*, 837, and to De Morel de Mons of Viviers, *ibid.* 839; on December 14, 1763, to De Marcel of Couserans, *ibid.*, 841; on August 15, 1764, to De Montillet of Auch, *ibid.*, 887; on October 1, 1764, to Montmorin of Langres, *ibid.*, 900; on November 4, 1764, to Montesquiou of Sarlat, *ibid.*, 901; on November 14, 1764, to De Fleury of Tours, *ibid.*, 903.

² To the Bishop of Langres, *ibid.*, 900, n. 3; to the Bishop of Bayonne, *ibid.*, 830, n. 2.

³ "mollities"; to the Bishop of Sarlat, *ibid.*, 901, n. 2.

⁴ *Ibid.*, 888, n. 3.

⁵ To the Bishop of Rieux, *ibid.*, 829, n. 3; to the Bishop of

however, was Jansenism, which had stirred up the secular power against the bishops; just when the heresy had apparently died out it had been awakened to new life and it now thought that it could realize its plans.¹ Also the complaint had to be made that some bishops, certainly only a few, had applauded the encroachments of the secular power, and had thereby assisted them, or at least had acted as though they did not see them.² On the other hand, Archbishop Beaumont received the praise due to him.³ In all these letters occurs the exhortation to the bishops to agree with one another and to maintain their connexion with the Apostolic See.

(2)

In the time of Benedict XIV. the Jansenist church in Utrecht had presented itself with a second and third bishop and had thus ensured its continued existence. Now, under Clement XIII., it hastened to show itself to the world as refortified, by convening as a provincial council its three bishops, together with six canons and nine parish priests. The assembly laid emphasis on its self-given title of the "second" synod of the kind,⁴ thus drawing as near as possible

Mirepoix: "quam quidem horrendam in augustissimam Christi corpus iniuriam iure suspicamur tantam malorum super Gallicanum regnum traxisse molem (*ibid.*, 835, n. 1). Dei Filium . . . indignissime stipatum satellitibus duci ad ludibrium et contumeliam" (*ibid.*, 841, n. 1).

¹ *Ibid.*, 832, n. 3; 835, n. 1.

² To the Archbishop of Auch, *ibid.*, 888 *seq.*, n. 2. Cf. *ibid.*, 900, n. 2, against members of the middle party.

³ "Est inter vos episcopali dignitate vir et summa senectute venerabilis, qui districtum in Apost. Sedem gladium strenue retudit. Mirum in extrema aetate versantem tantas edidisse vires, sed unum fuisse, qui in hanc gravissimam causam descenderit mirum magis" (*ibid.*, 838, n. 5). On the occasion of his instruction about the Jesuits, Beaumont received highly commendatory Briefs on February 8 and 15, 1764. RÉGNAULT, II., 90 *seq.*

⁴ Acta et decreta secundae synodi provinciae Ultraiectensis, in

to the old Catholic Church, the "first" provincial council of Utrecht having been held in 1565 before the destruction of the old state of affairs.

The first part of the synod's record of proceedings contains a series of documents intended to express the faith of the assembly.¹ But what would have been most to the point, namely, a definite adherence to the decrees of Innocent X. and Alexander VII., was missing.

In the second part of the record² the synod purports to defend the Catholic faith against actual and supposed attacks. A certain Pierre Leclerc had composed a screed³ in which many Papal decrees and the Popes themselves were denounced to the Church: the decrees because they subverted religion and both divine and human rights; the Popes and their court because they were the origin of evils and scandals which ravaged everything in the flock of the Lord, in His temple and sanctuary. In this composition Pius IV.'s confession of faith made at Trent was rejected, of the general councils only the first seven were recognized, the Greek Church seemed to be placed above the Roman, etc. Now Leclerc was not merely an appellant and not only a follower of the fantastically-minded Jansenist Vaillant, who was living in Holland as a fugitive from French justice, but he was also a protégé of the Jansenist bishop Van Stiphout of Haarlem,

sacello ecclesiae parochialis sanctae Gertrudis Ultraiecti celebratae. Die XIII. Septembris MDCCLXIII. Ultraiecti, sumptibus Societatis, MDCCLXIV.

¹ Viz. the Nicæan Creed (p. 40), the creed of the Council of Trent (p. 43), adherence to Bossuet's exposition of faith (p. 45), to the exposition of the chapter in the presence of Benedict XIV. in 1744, a declaration on the articles of the French clergy of 1663 for Bishop Choiseul of Coutances (pp. 63 *seqq.*), on the five articles of the Louvain theologians of 1677 (pp. 76 *seq.*), and on the twelve articles of Noailles (pp. 90 *seqq.*).

² *Ibid.*, 97-588.

³ Précis d'un acte de dénonciation solennelle faite à l'Église : 1. d'une multitude des Bulles . . . ; 2. des évêques de Rome eux-mêmes, Amsterdam, 1758.

whom he served as subdeacon when the bishop celebrated solemn Mass.¹ On account of his eccentricity the Dutch Jansenists were anxious to shake off Leclerc, and this they proceeded to do most thoroughly and completely²; the prerogatives of the Holy See were thereby fully defended but only in the sense of the Council of Bâle.³ After disposing of Leclerc the assembly dealt with the chief enemy, the Jesuits. In the opening speech the most violent accusations were hurled against them by the president, Archbishop Meindaerts. Deceived by their apparent piety, humility, and care for souls, Sasbout Vosmeer had admitted them to the Dutch mission but they had soon discarded the mask, their piety revealing itself as hypocrisy, their humility as pride, their care for souls as covetousness; quite shamelessly they fell on the Dutch Church like ravenous lions and threw everything into confusion. And they acted in this way because of the unshaken loyalty of the Dutch mission to those tenets of faith and morals which had long been vigorously attacked by the Jesuits; also because of the firmness and resolution with which that Church was standing up for its own rights and the rights of the hierarchy, which were hateful to the Jesuits, and because it upheld the form of government which was instituted by Christ and which was faithfully observed by all Catholic Churches.⁴ The resolutions passed were consonant with this introduction. Hardouin's and Berruyer's errors, which were certainly inexcusable, were exposed and condemned in a thorough and malicious manner, and then actually or allegedly false statements taken from Pichon's book and a small instructional book on frequent Communion, and finally from the writings of the casuists, were made the object

¹ For Van Stiphout, see BADICHE in the *Bibliographie univers.*, Suppl. LXXI., 92-4.

² Acta, 125-357.

³ " R. Pontificem, tamquam Petri successorem, esse iure divino caput visibile et ministeriale Ecclesiae . . . ac proinde eiusdem Christi primum esse in terris vicarium " (*ibid.*, 236).

⁴ *Ibid.*, 10 seq.

of horror and detestation.¹ The third part of the synodal proceedings dealt with the administration of the Sacraments.² This was followed by the signatures, among which, contrary to canon law, appeared those of simple priests acting as judges in matters of faith.³ Finally, there was a written request to Clement XIII. to confirm this provincial council.⁴

The receipt of the proceedings was acknowledged by the Pope in a written reply. The Brief⁵ began by saying that the three bishops, who had long been excluded from the Church, had no right to act as judges in matters of faith. Since they were sending the printed proceedings of the council to other bishops, perhaps to elicit from them an agreement or a written reply which might be interpreted as an indication of ecclesiastical unity, it was the Pope's duty to raise his voice, lest his silence be interpreted as consent. Accordingly, he declared the synod and its resolutions to be null and illegal, he condemned the printed proceedings as containing passages which condoned schism and which were false, calumnious, and scandalous, depreciatory to the ecclesiastical hierarchy and insulting to the Apostolic See. He forbade them to be read, together with all other writings favourable to the synod. The Papal declaration was followed by condemnatory judgments pronounced by the Archbishop of Cologne,⁶ the University of Cologne,⁷ the Bishop of Liège,⁸ and the bishops, about thirty in number, composing the French assembly of the clergy.⁹ The synod, of course, received support from Jansenistic quarters, including the Paris faculty of law, whose decree, however, was declared to be null by the Council of

¹ *Ibid.*, 357-589.

² *Ibid.*, 589-626.

³ *Ibid.*, 627-631.

⁴ *Ibid.*, 632-7; FLEURY, LXXXV., 197-200.

⁵ Of April 30, 1765, in MOZZI, III., 194 *seqq.*; FLEURY, 202-8.

⁶ On July 2, 1765, in MOZZI, II., 441.

⁷ On September 13, 1765, *ibid.*, 441-6; FLEURY, 209-221.

⁸ On September 16, 1765, in MOZZI, II., 442.

⁹ On June 26, 1766, *ibid.*, 447. The report by the Archbishop of Toulouse to the assembly, *ibid.*, 421.

State,¹ and some Portuguese and Spanish prelates.² Particular joy was evinced by the three Jansenist bishops at the concurrence of some Benedictines from the famous Congregation of St-Maur.³

A result of Leclerc's condemnation by the synod was that the Bishop of Haarlem sent him a summons ; Leclerc, however, appealed from his decision to the General Council, and attacked

¹ *Ibid.*, 429.

² *Ibid.*, 449.

³ " * Reverendis admodum Patribus D. Durand, D. Tassin, D. Baussonet, D. Clemencet et D. Clement Ordinis Sancti Benedicti Lutetiae Parisiorum.—Omnium quas hinc et inde accepimus litterarum a multis qui nostrae synodi decretis adhaesere, nulla certe fuit quae maiori nos gaudio affecerit et consolatione ea quam nobis, Reverendi admodum Patres, scripsistis epistola. Testimonium Congregationis vestrae membrorum, per se quidem grave, aliud quoddam et non leve ex sparsa undique iam diu cum exactissimae sacrarum legum doctrinae amoris fama saltem apud viros sanissimae antiquitatis veterumque scriptorum peritos et amatores, robur capit et incrementum. Verum attento, quanta opera et studio doctissimis ingenii vestri monumentis utilitatibus Ecclesiae salubriter per vos consultum est, et nunc etiam quotidie consulitur, Reverendi admodum Patres, fateri necesse est novum suffragio vestro robur et quasi laudis cumulum accessisse. Illustres dignoscendorum diplomatum autores, historiae litterariae Galliarum, itemque celeberrimae Portus-Regii domus scriptores, et secundi Ultraiectensis concilii Actis adhaerentium catalogo adscriptos laeta grataque videbit posteritas. In eo quod tulistis de iisdem Actis iudicio argumentis et rationibus firmato agnoscet splendorem ingenii, solertiam ac sapientiam, quae in omnibus vestris elucet operibus ; tantumque exemplum quod imitetur, vestros pacis et caritatis affectus mirabitur, votaue vestra, ut iis tandem, apud quos adversarii nostri (iisdem quos habet Ecclesia) calumniantur nos, innotescat innocentia nostra, fidei nostrae integritas, accensumque nostrum Ecclesiae Sanctaeque Sedis studium. Si quid est, per quod tantam gratiam a Deo impetrare possimus, eam certe per virorum bonorum perque vestras preces nos assecuturos speramus. Obsecramus vos, ne eas Patri misericordiarum offerendo

with derisory writings the synod and the Dutch Quesnellists, who amounted to only three per cent of the Catholic population.¹

Archbishop Meindaerts of Utrecht died in 1768. He was succeeded by Michael Walter of Niewenhuylen, concerning whom Clement XIII. made the same pronouncements on June 1st, 1768, as his predecessors had made on a similar occasion.²

(3)

Until well into the second half of the eighteenth century it was the universal teaching of Catholic theologians in Germany that the Pope was preserved from error when declaring a doctrine to be an article of faith and commanding the faithful to accept it. It is true that Peter Canisius had not made use of the expression "Papal infallibility" in his Catechism, but he had represented as free from doubt the matter which is customarily denoted by this expression.³ And it was not only in doctrinal decisions that the supreme authority of the Pope was uncontested in Germany. Of the theologians, apart from the Dominicans and the Jesuits, the Benedictine Gallus Cartier had declared in 1757 that the Gallicans had never been able to establish their views on the Church and the Pope outside France or before the fifteenth century—to

defatigemini, donec exaudiat. Hac spe cum sincero animo singularique veneratione sumus, Reverendi admodum Patres, Reverentiarumstrarum addictissimi in Christo famuli † Pierre Jean Archevêque d'Utrecht, † Joannes Episc. Harlem., † Bartholomeus Joannes episc. Deventer." Bibliothèque Nationale, Paris, Ms. franç. 25538, pp. 49, 50.

¹ BADICHE, *loc. cit.*, 93 seq.

² MOZZI, II., 450, III., 200 seqq.

³ [SS. Pontifices], penes quos de sacris definiendis suprema semper potestas fuit. *De praeceptis Ecclesiae*, n. II (Summa), Dilingae, 1731, 83. Cf. KNELLER in the *Zeitschrift für kath. Theol.*, LI. (1927), 211.—In this and the following section use has been made of the preliminary studies by Prof. Vierneisel of Heidelberg.

be more precise, before the Fraticelli.¹ When the lectures of the Parisian theologian Tournely were reprinted in Germany his Gallican statements about the infallibility of the Pope were left out.² The Benedictines of St. Emmeram in Regensburg did send one of their young clerics to the French Maurists to acquire further knowledge but they took the precaution of forbidding the German monk to accept the French views.³ And the Abbot Martin Gerbert of St. Blasien, though championing the modernization of theology, held fast to the doctrine of Papal infallibility and rejected the idea of appealing from the Pope to a council.⁴ The Salzburg Benedictine Gregor Zallwein,⁵ though not uninfluenced by Gallican views, testified in 1743 that Germans and Italians, in contrast to the French, adhered to their belief in the supremacy, the infallibility, and the supreme authority of the Pope; even Febronius (Hontheim) bears witness to the same effect.⁶ "In the flood of writings which have appeared in Bavaria since the Reformation in defence of the Papal primacy," "beginning in the

¹ KNELLER, *loc. cit.*

² *Ibid.*, 210.

³ J. A. ENDRES, *Korrespondenz der Mauriner mit den Emmeramern*, Stuttgart, 1899, 22.

⁴ WERNER, 204 *seqq.*

⁵ *Principia iuris ecclesiastici*, I., Augsburg, 1743, 338: "Itali cum Germanis pro superioritate, infallibilitate et suprema autoritate Pontificis, Galli econtra pro suis libertatibus gallicanis . . . zelarunt." The liberties of the French Church, he considered, would be better called the liberties of the parliaments. *Ibid.*, IV., 428.

⁶ "Et quis canonistarum ac theologorum praesertim regularium adhuc hodie, saltem in Italia et Germania (in Gallia enim quodammodo aliter sapitur), a teneris annis imbutus systemate monarchiae ecclesiasticae et cum hoc proxime coniunctae Pontificiae infallibilitatis eadem principia suis discipulis non instillat?" *De statu Ecclesiae*, Bullioni, 1763, preface, fo. e. Thus it came about "ut Itolorum et Germanorum vix unus aperta fronte ac cum subscriptione nominis ausit vestro systemati contradicere."

year 1519 and continuing until about the year 1750, the infallibility of the Pope has consistently been taught whenever there is any mention of his authority to teach." ¹

The teaching of the theologians, however, did not always correspond with the views of the spiritual princes, who were not over-anxious to burden themselves with knowledge. For some little time many of these exalted persons had been aiming at the greatest possible freedom from Rome, on the Gallican model ²; the interference of the Papal nuncios was especially irksome to them, and the right of dispensation which Rome exercised through the nuncios they claimed for themselves.³ In Rome open conflicts had been avoided hitherto by investing the bishops with the plenary powers to which claims had been laid; these powers, the so-called quinquennial faculties, were to be valid for five years in each case, and were granted in virtue of the Pope's absolute power.⁴ The bishops even complained to the secular authorities of the Empire about the nuncios. To the *Gravamina* against the Roman Curia, originating in the electoral capitulation of Charles V., had been added, on the occasion of the imperial election of 1653, the complaint that the nuncios and the Curia had withdrawn even civil cases from the jurisdiction of the spiritual princes. This article had been repeated at the elections of Charles VII. and Francis I., in 1741 and 1745.⁵

The sort of views that enjoyed complete supremacy in the

¹ *Hist.-pol. Blätter*, LXXI. (1873), 581. Cf. especially *ibid.*, 581 seq., 688 seq., 825 seq.

² Cf. our account, Vol. XXXI., 138 seqq.

³ Concerning this, see L. MERGENTHEIM, *Die Quinquennial-fakultäten*, Stuttgart, 1908; *idem* in *Hist.-pol. Blätter*, CXXIV. (1907), 181 seqq. "At first, up to the time of Febronius, the Rhenish Archbishops never dared to deny openly and as a matter of principle the Papal power of dispensation. . . . They always gladly accepted these plenary powers, in fact they themselves asked for them" (*ibid.*, 187).

⁴ MERGENTHEIM, *Quinquennial-fakultäten*, 291 seqq.

⁵ JOH. JAK. MOSER, *Karls VII. Wahlkapitulation*,² Frankfurt a.M., 1771, especially II., 423 seqq., III., 162 seq.

courts of the secular princes is more than sufficiently shown in the history of the first half of the eighteenth century. Almost everything possible was done to humiliate the Pope and to make him realize that he was unable to back his claims with military force. Only the State was looked to to provide any benefit, and the princes seemed to think that the most precious part of their authority was missing when they were not ruling inside as well as outside the Church. Whereas formerly confessors and theologians were invited to conferences, so that their opinions on what was lawful and what was unlawful might be heard, especially in ecclesiastical matters, they were now excluded on principle, as people who were under suspicion from the first and were aiming at the extension of ecclesiastical rights. This new spirit was greatly encouraged by the irreligion and the immorality which was being spread throughout Germany, especially by agnostic French literature.¹

In this state of affairs the appearance of a book which with a specious air of knowledge justified what had long been the behaviour towards the Pope and the ecclesiastical authority must have been welcomed by large circles of the population. There would seem to be something fateful about the fact that after Richelieu, Mazarin, and Alberoni it was again to be a cleric who was to inflict the most grievous injury on his Church: Johann Nikolaus von Hontheim, suffragan bishop of Treves.

Hontheim (1701–90) sprang from a family of Treves which

¹ “ * Lo spirito di irreligione e di libertinaggio che si è introdotto negli ultimi tempi in tutta la Germania . . . Sembra loro che il principe manchi d’ogni solido fondamento di sovranità, se non ha un pieno gius circa sacra e in tutte quelle cose che chiaramente lege divina non prohibentur . . . Sono per massima ora comune in tutti i gabinetti allontanati i confessori e teologi dalle consulte delle cose ecclesiastiche, come persone sospette e che vogliono dilatare la giurisdizione della Chiesa.” Relazione della negoziazione di Msgr. Oddi (1764), Nunziat. di Germania, 721, fo. 18^v *seqq.*, Papal Secret Archives. Cf. also *ibid.*, 653.

had been ennobled by Ferdinand II. He received his most lasting impressions when a university student at Louvain, which Bernhard van Espen had caused to become one of the main strongholds of Gallican and Jansenist teaching, and at Leyden, where the new political science of absolutism held sway.¹ A three-years' education tour, especially visits to Vienna and Rome, strengthened these views. In 1728 he entered the service of the archbishopric of Treves, to the government of which he was made privy councillor in 1742. Seven years later he was appointed suffragan bishop, vicar general, and diocesan official. In this last capacity he represented the archbishop for thirty years, being especially independent in the time of Elector Johann Philipp von Walderdorf (1756-1768). Hontheim possessed extraordinary energy; besides dealing with his copious official work he devoted himself with enthusiasm to historical research and with two exemplary documented works² he founded the systematic compilation of the history of his native city. It was not so much in this sphere as in his co-operation in the 1748 edition of the Breviary that his new principles came to light; besides some minor alterations in the historical lessons he suppressed the Feast of St. Peter's Chair and the Feast of Gregory VII.³ For the rest, Von Hontheim is reputed to have conscientiously observed the canonical hours and to have been widely known for his beneficence. That he sought after a bishopric by unlawful means has been proved to be false,⁴

¹ FRANZ STÜMPER, *Die kirchenrechtl. Ideen des Febronius* (Würzburger Dissert.), Aschaffenburg, 1908, 10 seq.; ZILICH, *Febronius*, in the *Halle Abh. zur neueren Gesch.*, 1906, 15 seq.; VIGENER, 30; *Katholik*, LI. (1871), 2, 19.

² *Historia Trevirensis diplomatica*, III., Augsburg, 1750; *Prodromus historiae Trevirensis*, II., Augsburg, 1752. Cf. also Krufft in MEJER, 222, 236, 238 seqq.

³ BÄUMER, *Gesch. des Breviers*, 554.

⁴ LEO JUST, *Hontheims Bemühungen um einen Bischofsitz in den österr. Niederlanden, 1756-1762*, in *Quellen und Forschungen*, XXI. (1930), 256 seqq.

although in such matters as these his contemporaries had not too strict a conscience.¹

Treves was represented at the electoral diet of Frankfurt in 1742² by Jacob Georg von Spangenberg, the converted son of a clergyman from the Harz, and Hontheim accompanied him as assistant. Among the subjects discussed on this occasion were the old *Gravamina* and their influence on the religious cleavage in Germany.³ In this connection Spangenberg suggested the writing of a learned treatise such as Hontheim was afterwards to undertake.⁴ The latter subsequently interested himself in Gallican literature and found in the canonist Georg Christoph Neller, who had been called in 1748 from Wurzburg to the seminary of Treves, an expert in and a fellow-champion of these ideas.⁵ Hontheim worked for two decades at the compilation of a book which saw the light of day at the most opportune moment. The lively dispute about the dean of Speyer Cathedral, Count August von Limburg-Styrum, which induced also the Elector of Treves to prohibit all appeals to Rome and to adopt a markedly uncompromising attitude at the royal election of 1764,⁶ may have been a final spur. The book was set up in print by the firm of

¹ Cf. for example BRÜCK, *Rationalistische Bestrebungen*, 38, n. 20.

² Leo Just undertakes (*loc. cit.*, 275) to publish and discuss the material on this subject.

³ Cf. MEJER, 57 *seq.*, 238, 256.

⁴ HEINRICH SCHMID, *Gesch. der kath. Kirche Deutschlands*, Munich, 1874, 2 *seq.* For the part played by Hontheim at the Diet, cf. also *Relazione della negoziazione di Msgr. Oddi (1764), Nunziat. di Germania, 721, fo. 18 *seq.*, Papal Secret Archives.

⁵ *Katholik*, LI. (1871), 539-557; REUSCH, *Index*, II., 944. A short autobiography of Neller in WYTTENBACH-MÜLLER, *Gesta Trevirorum*, III., appx., 60 *seq.*

⁶ MEJER, 54, 62; WEECH, *Röm. Prälaten*, 5. Simultaneously Hontheim brought about a university reform in Treves by restricting Jesuit participation and by emphasizing Gallican (though also probabilistic) principles; see KRUFFT, *loc. cit.*, 254 *seq.* Cf. SCHMID, 71; STÜMPER, 12.

Esslinger in Frankfurt,¹ through the good offices of Hontheim's relative and future biographer, Andreas Adolf von Krufft, and in September 1763 the sensational work appeared under the title "The Book of Justinus Febronius about the Condition of the Church and the legitimate Authority of the Roman Pope, for the Purpose of uniting in Religion contrary-minded Christians." For personal reasons the author assumed the pseudonym of "Justinus Febronius".²

The historical importance of "*Febronius*" is to be measured by the fact that he caused the outbreak of an ecclesiastical crisis which, so far as the inner life of the Church was concerned, was settled only by the Vatican Council. It was not that his ideas were new: he himself asserts, by way of justification, that he has made no statement which did not follow automatically from the accepted tenets of Gerson, Bossuet, Alexander Natalis, and Claude Fleury.³ He propounded, however, a new and fundamentally important principle, that of the national-cum-natural law, which he had imbibed in the school of Leyden without appreciating its opposition to

¹ Neller's *Principia iuris publici ecclesiastici* had already appeared here in 1764; though placed on the Index in 1750, they were made much use of by Febronius. See *Katholik*, LI. (1871), I, 555, and 2, 21.

² Iustini Febronii [iuris] c[onsul]ti de statu Ecclesiae et legitima potestate Romani Pontificis liber singularis, ad reuniendos dissidentes in religione christianos compositus, Bullioni apud Guillelmum Evrardi MDCCLXIII. It was printed by Esslinger at Frankfurt.

³ SCHWAB (*Franz Berg* [1869], 204) was the first to draw attention to the *Traité de l'autorité du Pape* (2 vols., The Hague, 1722; cf. for the composition of this work and the placing of it on the Index, REUSCH, *Index*, II., 574) as a text not cited by Febronius. MEJER (42, n. 2) sees in this an unfounded suspicion. It is curious, however, that this work too contains a foreword addressed to the Pope and expressly holds him responsible for the continuation of the schism. On the other hand, it is not directed exclusively against the Pope, but seeks also to produce exhaustive evidence against Protestantism.

Catholic dogma ; for there was no question of his intending to attack this himself.¹

One cannot indeed but ask oneself how dogma could have been kept pure when the constitution of the Church had become so adulterated as Febronius depicts it as the result of the last thousand years of its history.² For him this result was due to the monarchical position of the Pope in the Church, to the use of force, of usurpations, and of adulterations, the foundation of which was now recognized to be the decretals of pseudo-Isidore. What he holds to be the correct constitution of the Church as desired by Christ is not the Papal monarchy but something that hovers between the aristocracy of the bishops and the democratic idea of a Church to which, in the person of St. Peter, the power of the keys, the basic power, has been transferred.³ He objects to the application of political ideas to the constitution of the Church but he is unconsciously dominated by the constitutional idea of the eighteenth

¹ Febronius quotes Grotius, Pufendorf, Locke, and others, but he objects to deductions of a general nature drawn from such quotations when used against himself. Cf. ZILICH, *Febronius*, 79.

² Detailed analyses of the work by A. RÖSCH, in *Archiv für kath. Kirchenrecht*, LXXXIII. (1907), 449 seqq., 620 seqq., and FRANZ STÜMPER, *Die kirchenrechtl. Ideen des Febronius* (1908). Also valuable are J. MARX, *Gesch. des Erzstiftes Trier*, V., 93 seqq. ; WERNER, 206 seqq.

³ This basic thesis derives from Richer, who makes the following declaration : " Sacerdotium Christi ecclesiae in commune creditum est, velut causa efficiens potestatis clavium et iurisdictionis ecclesiasticae." Fundamentally, it is the doctrine preached by the Reformers of the sixteenth century. Both by them and Febronius the holders of the spiritual office are called " ministri ". " Neither Richer nor Febronius noticed that this principle not only undermines the prerogative of St. Peter and his successors but that it also destroys the rights and the authority of the whole hierarchy " (MARX, *loc. cit.*, 104). This basic thesis, in fact, must logically lead to democracy. In his work published in 1741 Martin Gerbert had drawn particular attention to this consequence. Gerbert had himself sent Hontheim a copy of his book, but had Hontheim been willing to pay heed to Gerbert's work,

century, with its fundamental principle that public authority derives from the people and that the legislative and the executive power must be separate. Accordingly Febronius also would have a primacy, a primacy of divine right, which, however, would be connected only actually, not inseparably, with the Roman episcopacy, a Pope as the successor of St. Peter, a primacy not merely in point of honour but also of right. Febronius was at pains to fill this lawful primacy with substance but at the same time he divests it of everything which makes the Pope a monarch in the Church: universal episcopacy, infallibility, legislative power for the whole Church. For these are rights belonging to the bishops collectively as successors to the college of Apostles. Whence follows the unqualified superiority of the General Council to the Pope; the Council alone possesses the right to issue binding doctrinal decisions and to legislate for the whole Church.¹ The Pope, it is true, may take the initiative in either sphere when the council is not assembled—it would be advisable for it to fix its next meeting of its own accord, and on each occasion!—but the Pope's definitions and disciplinary laws become binding only through the express or tacit assent of the whole Church, through their acceptance by the national Churches and by the various dioceses. For although the word of the Pope, or an expression of his desire, is to be received with respect, basically it is of no more value than the word of any other bishop. And it is precisely to reinstate the bishops in their original powers (which, because they are divine, cannot be lost)—powers which have been wrongfully taken from them—and to restore their old functions to the old

“ he would have had to condemn his own entirely (by that time presumably quite completed), seeing that it is based on a principle proved by Gerbert to be false ” (*ibid.*, 102, n. 1). Mamachi showed him afterwards that he was really adopting Rousseau's standpoint (*ibid.*, 102).

¹ In support of this Hontheim cites, among others, his gifted compatriot of the fifteenth century, Nicholas of Cues, without, however, adding that the latter very quickly corrected himself (*ibid.*, 104).

intermediary courts, such as the metropolitan, provincial, and national synods, which is the positive, fundamental object of the book, the obverse of its negative object: to restrict the Pope to those rights which Christ wished him to have.

It was not for nothing that the author had studied the oppositional literature for twenty long years. All its bitterness and hostility towards Rome and the Roman Curia, misrepresented (as he says) as the heiress of the ancient, venerable Roman Church, entered into his soul and speaks from the pages of his book.¹ Even its alleged object—the reunion of the separated Churches with the Catholic Church²—says clearly enough where the obstacle to the union is to be sought, and in other ways too it fills the reader with hatred and contempt of Rome as the greatest despoiler of the Church. All the old complaints and charges against the Curia are renewed, culminating in the monstrous accusation that it is responsible for the irreconcilability of the Eastern Church, for the schism in the West and its prolongation, and for all the abuses in the Church itself which still survived the Council of Trent.³ Protestantism is adjudged to be a dogmatic error and Luther

¹ Its language is much more that of the Jansenists than of the Gallicans. "His complete agreement with them in this doctrine [the doctrine of the primacy] and in the distorted and offensive treatment of the Roman See is evident from the great number of passages marked by Febronius's own hand in a large work on the schismatic Church in Utrecht" (*ibid.*, 145). Thus he marked the sentence: "Do not believe that a good Catholic can ever be at peace with Rome unless he has been abashed by the prestige of a General Council."

² Marx (111) conjectures "that Hontheim, bearing in mind that highly desirable object, tried to soften and sweeten the excessive harshness and bitterness which was so much in evidence in his work and of which he was doubtlessly aware". That he himself believed that this object would be gained is to attribute to him a degree of short-sightedness for which there is no justification.

³ How different a picture of the part played by Rome in the life of the Church may be obtained from other sources! To mention

is denied the right to appeal from the Pope to the General Council because at the time of his appeal he no longer recognized the Church as Mother and Teacher, but Protestant dogma is represented by Hontheim as an obstacle easy to overcome once the Roman, monarchical, political system in the Church has been removed.

But Hontheim is not only anxious to discharge his wrath: he wants to set the Church in a commotion in order to restore its old, genuine constitution. He explains in detail how this is to be brought about and in four prefatory discourses addresses himself to those agents to whom he looks for this restoration: to the Pope himself, to the bishops, to the princes, to the theologians and canonists. It is here that his thoughts are most directly expressed. His assurances of respect for the Papacy compel him to include the Pope among those he addresses, but what escapes his lips consists entirely of accusations and sarcastic reproaches; he does not appeal to the Pope as such but turns from Clement XIII. as representative of the Curia to Clement XIII. as Venetian, former bishop of Padua, and fellow-citizen of Sarpi.¹ At bottom he does not

only one, the publication by IGNAZ PHILIPP DENGEL, *Die politische und kirchliche Tätigkeit des Monsignore Joseph Garampi in Deutschland 1761-1763* (1905), the convent of Salem cherished for decades a feeling of gratitude to the Papal commissary for the work he performed in the years 1761-2 for the peace of the convent. In the Salem register of deaths, Garampi is described as "Aeterna Salemitanorum memoria dignissimus" (*ibid.*, 184). Cf. also Garampi's effort to free the diocese of Liège from an unworthy bishop (68 *seqq.*), and his endeavour to proceed against a canon of Augsburg who had come into disrepute (72 *seq.*).

¹ The words used by Archbishop Migazzi of Vienna in a letter to Maria Theresa after the appearance of *Febronius* are much to the point: "He entreats the Pope to make a reply to his accusation; but at the same time he asks His Holiness not to reply to him as head of the Church but with the sincerity he possessed when Bishop of Padua and a Noble of Venice. How degraded a condition is that of a Pope! His private capacity or some other

expect much from the Bishops either ; he sees them, especially in Germany, as too closely bound by capitulations and personal interests to be capable of the energy necessary for resistance to Rome. For the theologians and canonists he evolves the conception of a new Church science—the old, scholastic learning he rejects, both on its own account and as the real prop of the Roman system—a science which will build the true system of the Church on rational foundations, with the spirit of the old, universal Church and the correct interpretation of the early Fathers of the first rank, together with their true followers, from Gerson to Claude Fleury. In his view, the representatives of this science are first and foremost the instruments by which the people are to be enlightened about the true nature of the Church and, by reason of the intimate connection between learning and welfare in the State and in the Church, they are the natural protectors of spiritual and secular prerogatives.

But all these are subordinate, preparatory, or subsidiary arguments. The most important rôle in the battle for the liberation of justice was allotted by Febronius to the State,¹ and this was the starting-point of his most fatal influence : for its own sake, apparently, he delivered the Church into the hands of the State,² and for a hundred years the State, whether

dignity would procure him more credit than his sublime position as the head of the Church and the vicar of Jesus Christ ! ” (WOLFSGRUBER, *Migazzi*, 389).

¹ In this matter also, however, only modest expectations are expressed in a letter written at the time when the *Febronius* was being printed : “ Si Dieu voulût le [the work] bénir pour quelque royaume, peut-être avec le tems ce bien se pourroit-il étendre en d'autres parties de l'Europe ! ” (*Journal von und für Deutschland*, 1791, I., 355).

² That Hontheim's real enthusiasm was for the State is to be seen from spontaneous assertions made by him at other times rather than from the book itself. Cf. for example his talk with the nuncio Caprara in 1768 in MEJER, 75, or his description of the success of *Febronius* in WALCH, *Neueste Kirchengesch.*, I. (1771), 159 *seq.*, and another inconspicuous turn of phrase in his letter to

despotic or liberal, has made use of his arguments and suggestions. He regards the powers belonging to the Prince—for with him the State always appears as “the Prince”—within and in relation to the Church as having two characters: he is sovereign and he is the protector of the Church. As sovereign he possesses in relation to the Church those powers necessary for the maintenance of tranquillity in the State, economic prosperity, and the rights of the subject. Thus the attention of the Prince is directed towards the Pope as the disturber of the peace, the despoiler of the Church’s estate, and the usurper of episcopal rights. The Bishops, he says, have to examine every ecclesiastical measure, lest it offend against the safety and the welfare of the State. The strongest weapon in the hands of the State is the *Placet*, which, as approved by the latest ordinances of Charles III. of Spain, is to be applied, as a natural right of the Prince, to everything which might claim to have a legal character. Febronius goes so far as to measure the monarchy of the Pope within the Church by the conception of the sovereign State and to reject the former in favour of the latter. He points the way whereby the State may interfere still more fatally with the existence and conduct of the Church: the Prince, as the Church’s protector, is made nothing less than the guardian of the true Church and thus in actual practice he is raised above the Pope and bishops. Actually, therefore, it is only to the Princes that Febronius attributes a wholehearted interest in the restoration of the true constitution of the Church and it is exclusively their function to bring this about.¹ He urges them, it is true, in

Cardinal Migazzi after his recantation (in WOLFSGRUBER, *loc. cit.*, 393).

¹ In the eyes of “enlightenment” in Catholic Germany, Hontheim has become the founder of the new canon law; but he belongs to this movement in a wider sense also, though he deems the other matters which offend the “enlightened” as “*leviores lapides offensionis*”. By this he means the “*superfluum et odiosum*” in the matters of the worship of the saints, the honouring of relics and images, of purgatory, and indulgences. “We are,” he says, “in a manner of speaking less Christian than

spiritual matters, to avail themselves of the counsel of enlightened clerics, but he expects them to take the decisive steps ; they are to make it the duty of the Bishops to observe the old laws of the Church ; they are to call the national synods, which will announce, at first to the various " particular " Churches, the new, viz. the restored old, church-law ; they are to effect among themselves the union of the various national Churches, firstly the German with the Gallican, as the great example of such a union, then also the Spanish and the Venetian ¹ ; in extreme cases they are to lend the secular arm to the Churches, when they in their struggle against an obstinate Pope throw off their obedience to him ; even the sword may be used with moderation by the ruler against such a Pope. Febronius seeks with particular eagerness to render the Orders and the monks, and above all the Jesuits, suspected and hated by the State as being bodies organized in all States for the upholding of the Roman pretensions.

Hontheim firmly and passionately believed that his system of Church government was right.³ What at first he saw only

our forbears and have infinitely more ' officia et preces ' than they " (Foreword to the Princes). Cf. in this connection the following assertion made by Hontheim in a letter of August 7, 1763, to his spiritual agent in Frankfurt : " Les réflexions que vous faites dans votre lettre du 20 Juillet sur les misères des églises d'Allemagne sont très justes, et feroient la matière d'un volume plus gros que celui-ci qui se publie aujourd'hui, aussi faudroit-il pour exécuter ce plan un écrivain encore plus hardi que moi. Le mien est général " (*Journal von und für Deutschland*, 1791, I., 355).—Also in conformity with the " enlightened " view is the following passage from a letter dated July 23, 1763 (*ibid.*, 354 ; the critical words have been italicized by me) : " Il [Febronius] espère d'avoir dit le vrai solidement ; *c'est au public à en juger. Des matières éclaircies à son tribunal, seront toujours bien jugées.*"

¹ After the conscience of the universal Church has died away and given place to a particular, i.e. national, Church conscience, the particular Churches will be brought together again for purely practical purposes.

² He is continually protesting his truly religious intentions ; a saint could not write better than he did in a letter to his spiritual

as an alluring picture, namely that presented by the Gallican Church, he now thinks he recognizes, with the aid of the new, positive, theological method, as the picture of the Church of the first four or five centuries. Actually he was lacking the true historical sense, which thinks itself into the spirit of the age and adjudges laws and constitutions according to the needs of peoples and periods.¹ He was "governed by the mechanical view that a limited sphere of rights within which the Pope and Bishops were allowed to move was suitable for all stages of civilization" and it did not occur to him that even the pseudo-Isidorian decretals are capable of an historical explanation.²

It was with a real anxiety that the sixty-two-year-old Hontheim waited to see what effect his work would produce.³ The publisher had been bound to the strictest silence regarding the author's identity. A copy of the manuscript was made at Frankfurt under the supervision of a cleric and only this copy was handed to the printer. The author had carefully disguised his accurate Latin style, lest it might betray him.⁴

The extraordinary sensation caused by the book⁵ was largely due to its mysterious origin. The first, and noticeably early, literary report of it, which appeared on September 26th,

agent at Frankfurt shortly before the appearance of the work: "Le Seigneur pourvoira au succès suivant sa divine volonté et les dessins impénétrables qu'il peut avoir sur son Église" (*Journal von und für Deutschland*, 1791, I., 355).

¹ This censure and the quotations that follow are taken from MÖHLER, *Kirchengesch.*, III., 295-7.

² Cf., for example, MÖHLER's "Fragmente aus und über Pseudo-Isidor", in his *Gesammelte Schriften und Aufsätze*, I. (1839), 348 seqq.

³ This is shown in Hontheim's letters written at the time of the printing, published in the *Journal von und für Deutschland*, 1791, I., 354 seqq.

⁴ KRUFFT, *loc. cit.*, 257. How this trick deceived even the nuncio is related on p. 264.

⁵ "Nullus Febroniano liber exstitit a multo tempore fortunator," admits the *Antifebronius vindicatus*, I. (1771), 3.

1763,¹ referred to the author merely as a "very eminent member of the Roman Catholic Church in Germany". But the widely enthusiastic reception of the book revealed at a stroke all the silent antipathy for the Roman Curia which had established itself in courts and governments, universities and literary circles. To the political cabinets Febronius was of service by his doctrine of the superiority of the State to the Church and by his attacks on the Orders and monasticism. The work was circulated through many European countries.² In Spain the Council of Castile provided for a reprint by granting subsidies. In Portugal, where a translation appeared, the book was cited in a royal edict against the Jesuits; a bishop who composed a circular letter against Febronius in his own hand found himself in prison.³ In France translations were prepared in 1766 and 1767. In Venice an edition appeared which had the approval of the Senate; the Italian translation of 1767 received a thirty-years' privilege, and in every sacristy there were facilities for subscribing to it. For publishing his *Antifebronius* in 1767, the Duke of Modena banished his librarian, the Jesuit Zaccaria, from his domains. The Austrian government also gave its approval to the work,⁴ and in the Habsburg Netherlands it enjoyed the protection of the highest authorities.

Among German Catholics Febronius let loose a flood of anti-Papal writing which, in conjunction with the general spirit of the age, caused an anti-clerical feeling in educated circles. Certain theologians formed a canonistic school with Febronian convictions.⁵ At the same time, however, there

¹ In no. 116 of the Göttingen *Anzeigen von gelehrten Sachen*, II., 937 *seqq.* For the first reviews, *cf.* ZILlich, *Febronius*, 34 *seq.*, 37 *seqq.*

² What follows is in accordance with KRUFFT, 264 *seq.*

³ MARX, V., III, n. 1, according to the message of a correspondent of the French newspaper at Leyden, 1769.

⁴ *Cf.* below, p. 287. Zaccaria's *Antifebronius* was placed on the Austrian index of forbidden books; see SOMMERVOGEL, *Bibliothèque*, VIII., 1408.

⁵ *Cf.* for example *Hist. Jahrbuch*, XXXIV., 233 *seqq.*

arose in Germany, with support from Italy, a formidable body of opinion with opposite views,¹ whose publications attained a considerable volume even in the time of Clement XIII.² The first of these was a writing against Febronius by the aged Augustinian canon Eusebius Amort, who was followed in the same year by the Jesuit Joseph Kleiner of Heidelberg. The next year, 1765, brought forth three anti-Febronian writings by various members of Orders and the condemnatory finding of Cologne University. From 1766 onwards non-German Catholics also entered the lists, particularly the Italians, most prominent of whom were the learned opponent of Gallicanism, Pietro Ballerini, and Zaccaria, with his *Antifebronius*.³ Even in Gallican France, if the evidence of the Assembly of the Clergy of 1775 is to be believed, Hontheim's work was not held in too high repute.⁴

Contrary to expectation, although the professed object of the book was to promote the union of the Churches, no pronouncement on it was made in Protestant circles.⁵ As a means of paving the way for a reunion it was almost universally rejected, but it was welcomed, on the other hand, as a confirmation of Protestant views on the Papacy.⁶ In fact,

¹ WERNER, 220 *seqq.*; SCHEEBEN in *Katholik*, XLVII. (1867), I, 166.

² Details in MEJER, 83 *seqq.*; GLA, *Repert. der kath. theol. Literatur*, I., 2., 551 *seqq.*

³ Pesaro, 1767. Zaccaria's foreword addressed to the Pope matches that of Febronius; his intention is brought out most effectively in his conclusion (440 *seqq.*).

⁴ MARX, V., 112 *seq.*; MEJER, 104.

⁵ ZILLICH, 43 *seqq.*

⁶ *Nova Acta eruditorum* (Leipzig, 1764, I): "Ab ipsis sane Lutheri temporibus nemo extitit, qui in medio quasi coetus Romani gremio contra abominandos illius abusus et vanam pontificis potestatem tam intelligenter, cum tanto lectionis et doctrinae apparatu, tam denique fortiter disputavit." It is thus correctly quoted in ZACCARIA, *Antifebronius vindicatus*, I., 5, whereas Krufft (in MEJER, 266) offers an altered version of the opening words: "A plus uno saeculo"!

the first opponent of Febronius was a Protestant, the Leipzig Magister Karl Friedrich Bahrck. Its rejection by the rationalists was still more caustic.¹ Deep-thinking Protestants saw through the contradictory character of the book. Lessing's opinion, as recorded by Jacobi, is significant: the book was nothing more than a flattery of the Princes, for every argument against Papal privileges could be used with far more weight against the secular power.²

Rome's efforts to counter the evil effects of the book extend through the last three pontificates of the century. On August 28th, 1763, even before the work appeared, the Cologne nuncio Lucini received information about the printing of a book in Frankfurt which was thought to have been written by a bishop and which contained fierce attacks on the Holy See. The nuncio passed on the news immediately to Rome, observing that he had no doubt that the suffragan bishop of Treves was the author, probably with Neller's assistance.³ At the Michaelmas Fair the *Febronius* was openly distributed.⁴ On September 18th Lucini sent a copy to the Papal Secretary of State but now doubted very much that Hontheim was the author: the book almost gave the impression of having been written by a Protestant and was nowise in keeping with the learned style of the suffragan bishop of Treves. Hontheim, however, was still commonly thought to be the author, only Lucini suspecting first a pupil of the Würzburg canonist Barthel,⁵ then the Benedictine Oberhauser. In a letter of November 5th the

¹ *Allg. Deutsche Bibliothek*, II. (1766), 176 *seqq.*, beginning with Hontheim's portrait and "one of the most daring sentences from his work". The editor, F. Nicolai, sent him some copies accompanied by a flattering letter (MARX, V., 116).

² F. H. JACOBI, *Werke*, II., 334 *seqq.* Cf. Jacobi's opinion, *ibid.*, 401 *seq.*

³ Lucini to Torrigiani, August 28, 1763, in CARDAUNS, *Entdeckung des Verfassers des "Febronius"*, 729.

⁴ *Relazione della negoziaz. di Msgr. Oddi (1764), c. 16, Nunziat. di Germania, 721, fo. 123, Papal Secret Archives.

⁵ For Barthel, see *Katholik*, LI. (1871), 1, 543 *seqq.*; *Allg. Deutsche Biographie*, II., 103.

nuncio told Hontheim of the suspicion resting on him and asked for explanations. This is probably what induced Hontheim to publish in the newspapers a denial of his authorship. Lucini and Torrigiani let it be understood that they were satisfied; further conjectures were made about the author's identity, while Lucini went on with his tentative investigations for a long time.¹

In Rome the book was put on the Index by a decree of February 27th, 1764.² Clement XIII., however, not content with this, sent in the middle of March Briefs to all the German bishops, instructing them to attack the book with vigour.³ In all these letters the opinion is expressed that by this onslaught of Hontheim's the Church itself, if it were possible, was endangered to its foundations. The Pope alluded to the evil fate suffered by those Churches whose bishops thought that they could increase their own power and importance by diminishing papal authority. The author of the book, according to these Briefs, had accumulated all the abuses hurled at the Church by former enemies and had mixed with them a quantum of nonsense, so as not to be outdone by any of his predecessors. The work would not convert heretics but was likely to throw Catholics into confusion, especially at a time when every unbeliever was filled with downright rage against the Bishop of Rome.

These Papal Briefs were delivered partly directly, and partly through Oddi, nuncio extraordinary to the Frankfurt

¹ CARDAUNS, 730 *seqq.*

² The decree was printed with others of the kind on February 28, 1764, and publicly exhibited on March 1. *Nunziat. di Germania, 652, *loc. cit.*; REUSCH, *Index*, II., 941.

³ *On March 14 to Treves, Würzburg, Speyer, Constance, Freising; on the 15th to Mainz, Salzburg, Vienna, Cologne; on the 17th to Hildesheim, Paderborn, Prague, Augsburg, Gorizia, Trent; on the 19th to Eichstätt; on the 24th to Olmütz. *Epist.*, VI., fo. 228 *seqq.*, Papal Secret Archives. Several Briefs are mentioned also in Nunziat. di Germania, 652, fo. 126 *seqq.*, *ibid.*; *Bull. Cont.*, III., 860 *seq.*, 879 *seq.*, 887, 895, 933, 1028; ZACCARIA, *Antifebronius vindicatus*, I., 27 *seqq.*

Diet of 1764,¹ but none of them was received in the manner desired by Rome. In many cases, it was only after hesitation and delay that the bishops decided to publish the prohibition in their dioceses and to put it into execution. At first most of them wanted to wait until the ecclesiastical Electors had given them a lead, while the Electors looked to Mainz, the diocese in which the book had been printed, to set them an example.² Here, however, at first, the question was evaded on various pretexts: in Germany Papal prohibitions were blindly obeyed without further ceremony, furthermore it was not customary for the diocese to repeat prohibitions in this way.³ Thereupon the nuncio Oddi personally importuned the Archbishop Emmerich Joseph von Breidenbach, pointing out to him that the Febronian principles closely concerned not only the Holy See but also the rights and interests of the German Churches. As a result he brought about the publication on May 21st, 1764, of a decree of the vicariate general, applying to the whole diocese, whereby, at the order of the Elector, the book was to be destroyed and any attempt to print supplements or translations was to be prevented. This prohibition was to be enforced with especial strictness against both spiritual and temporal subjects in Frankfurt.⁴

In the archdiocese of Cologne many clerics had rendered approbatory reports on Febronius, so that the Elector first

¹ For example, to the Archbishop of Treves on May 21, 1764; see WEECH, 49.

² *Relazione della negoziataz. di Msgr. Oddi (1764), Nunziat. di Germania, 721, fo. 123, *loc. cit.*

³ " *I Ministri andavano in varie guise eludendo le premure di Monsignore, ora allegando non costumarsi di fare nelle curie ecclesiastiche di quelle contrade simili proibizioni di libri, ora adducendo che le proibizioni di Roma vengono in Germania ciecamente ammesse, nè esservi bisogno di ulteriori pubblicazioni da farsi dagli ordinari." *Ibid.*, fo. 124.

⁴ *Ibid.*; ZACCARIA, I., 34 *seq.* Cf. *Extractus protoc. archiepiscopalis vicariatus Mogunt., of May 21, 1764, Nunziat. di Germania 652, *loc. cit.*, also the Vicariate's *letter to the Spiritual Counsellor and Dean Amos, of August 2, 1764, *ibid.*

wanted to examine the work himself. At the instance of the nuncio Lucini a prohibition was issued on July 14th, 1764.¹ A similar decree by the Archbishop of Treves, Johann Philipp von Walderdorf, dates from the same day. In the episcopal city of Treves the difficulties were particularly great, no one wanting to take steps against Hontheim, even though he was seriously suspected of being the author of the book. In a letter of May 9th, 1764, Clement XIII. had again demanded from the Elector a proof of his fidelity,² and in his reply³ the latter acknowledged that it was his duty to take action against the prohibited book. In the course of a discussion on the matter a number of votes were given for Febronius⁴; nevertheless, on July 14th, a decree banning the book was sent to the vicar general in Treves and to the Official in Coblenz.⁵ As Oddi stated that he was still not satisfied with the decree, it was reworded and reissued on August 5th. Already fears were being expressed that too much undeserved attention was being given to the book and that the result would be other than the one intended.⁶

¹ *Relazione della negoziaz. di Msgr. Oddi (1764), *loc. cit.*, fo. 128; text of the prohibition in Nunziat. di Germania, 652, *ibid.*, and in ZACCARIA, I., 38 *seqq.*

² **Epist.*, VI., fo. 277^b, Papal Secret Archives.

³ *Dated at Ehrenbreitstein, May 27, 1764, Nunziat. di Germania, 652, *ibid.*; ZACCARIA, II., 35 *seqq.*

⁴ " *La proibizione nostra merita d'esser ben apprezzata, e se non fosse stato il riflesso di render più meritevole V. Ecc^a appresso la S. Sede, non senza difficoltà saressimo pervenuti a questo passo, essendo stati più consiglieri, tanto ecclesiastici che secolari, d'un contrario sentimento." Letter from the archiepiscopal Official Radermacher (probably to Oddi), dated at Ehrenbreitstein, July 28, 1764, Nunziat. di Germania, 652, fo. 187, *loc. cit.*

⁵ Both the first (not executed) and the final *text, of July 14, 1764, in Nunziat. di Germania, 652, *ibid.*; the latter also in ZACCARIA, I., 37 *seq.*

⁶ Cf. Radermacher's *letters from Ehrenbreitstein of July 31 and August 5, 1764, *loc. cit.* In the latter (fo. 190): " Però non so se tutte queste proibizioni avranno l'effetto desiderato, specialmente in vista della repugnanza dell' altre corti come

The Bishop of Bamberg and Würzburg, Adam Friedrich von Seinsheim, also showed little desire at first to take any step and tried to evade the issue. Oddi attributed this to the influence of the Würzburg canonist Barthel, who had just published three works infused with Febronian ideas.¹ On the Bishop merely expressing disapproval of Febronius, the Pope, in a Brief of February 3rd, 1765, asked him to ban the book publicly in the same way as other bishops had done.² After a few weeks a decree was issued to this effect³ and was commended by Clement XIII. in a special Brief of thanks.⁴

Landgrave Joseph of Hessen-Darmstadt, Bishop of Augsburg, was at first an enthusiastic admirer of *Febronius*, describing the book as useful and necessary for the regaining of ecclesiastical liberties. Oddi tried to change the opinions of the diocesan councillors and paid a personal visit to the Bishop at his country residence.⁵ It was only because a

quella di Vienna, Virzburgo ecc. Mi sembra che si fa troppo onore al Febronio con metter contro di lui tutto in movimento, e forse sarebbe stata più proficua la semplice condanna di Roma, come è stato praticato con tanti altri libri, poichè sprete vilescunt."

¹ " *Questi nelle tre dissertazioni che ha pubblicate sui concordati di Germania, ha non oscuramente, con qualche riguardo però e risparmio della riputazione della S. Sede, gettati i principali fondamenti delle massime febroniane." Relazione della negoziaz. di Msgr. Oddi (1764), Nunziat. di Germania, 721, fo. 129^v, *ibid.*

² *Bull. Contin.*, III., 51 *seq.*

³ *On March 11, 1765, for Würzburg, in Nunziat. di Germania, 652, *loc. cit.*; ZACCARIA, II., 44 *seqq.*; on March 13 for Bamberg, *ibid.*, 48 *seqq.*

⁴ *Of June 19, 1765, *Epist.*, VII., fo. 466, *loc. cit.*

⁵ Garampi, Oddi's companion, reports: " *Parlai col sigr. Vicaro Generale e mi lamentai che non fosse finora uscita veruna proibizione di Febronio. Mi disse che tanto egli che altri del vicariato fin da molto tempo aveano promossa una tal cosa, ma che il vescovo pareva essere di differento avviso, e mi pregò a fare in modo che il vescovo si risolvesse." Diario e viaggio del card. Garampi per la Germania nel 1764, *Miscell. di Garampi*, 77, and Nunziat. di Germania, 653, *loc. cit.*; copy as Cod. 1117 in the Generallandesarchiv in Karlsruhe; *cf.* WEECH, 6.

Jansenistic book which had been published at Augsburg with the approval of the vicar general was banned at that time that Oddi was able to secure the same treatment for Febronius, who had taken the Jansenists of Utrecht under his protection.¹ In the dioceses of Freising and Regensburg Bishop Klemens Wenzeslaus of Saxony published the ban under date June 14th, 1764,² for which he was especially thanked in a Papal Brief of August 4th.³ Passau⁴ and Bâle⁵ were also repeatedly reminded of the matter by the Pope. Thus in the course of time action was taken after all in most of the dioceses against Febronius' work.⁶ As if by way of conclusion, Cologne University delivered a reasoned condemnation of the book in September 1765,⁷ for which it was thanked by the Pope under date October 19th.⁸

Meanwhile the efforts to discover the identity of the author met with a definite success. The secretary⁹ who had been sent

¹ *Relazione della negoziaz. di Msgr. Oddi (1764), Nunziat. di Germania, 721, fo. 130, *loc. cit.*; *Prohibition of October 7, 1764, in Nunziat. di Germania, 625, *ibid.*; ZACCARIA, II., 54 *seq.*

² In *Nunziat. di Germania, 652, *loc. cit.*; ZACCARIA, II., 55 *seq.*

³ **Epist.*, VII., fo. 24, *loc. cit.*; *Bull. Cont.*, III., 887 *seq.*

⁴ *March 31, 1764, *Epist.*, VI., fo. 242, *loc. cit.*

⁵ September 12, 1764, *Bull. Cont.*, III., 895.

⁶ In Leyden by a pastoral letter of December 16 and a decree of December 22, 1764, in Constance on May 18, 1764, in Prague on May 20, 1764 (*texts in Nunziat. di Germania, 652, *loc. cit.*, the last two also in ZACCARIA, II., 40 *seqq.*, 52 *seqq.*). Bishop Wilhelm Anton of Paderborn wrote to Lucini (*on March 17, 1768, *loc. cit.*) that the prohibition was unnecessary in his diocese, where there were no Protestants and no "taberna literaria"! For Vienna, where the censorship lay with the Government, see below, p. 287.

⁷ This **Iudicium academicum* was forwarded by Lucini on September 22, 1765 (letter and enclosure in Nunziat. di Germania, 652, *loc. cit.*).

⁸ *Bull. Cont.*, III., 1028 *seq.*

⁹ Lucini's report of April 22, 1764, in CARDAUNS, 733 *seq.* CARDAUNS (735) supposes that this secretary was Garampi, but this seems impossible to DENGEL (*Garampi in Deutschland*, 81)

by the Cologne nuncio Lucini to assist Oddi, the nuncio extraordinary to the election at Frankfurt, happened, when in Frankfurt, to win the friendship of the cleric who had superintended the printing of the *Febronius*. This was Canon Du Meitz, of the Cathedral of St. Bartholomew in Frankfurt.¹ Oddi, as well as the secretary, was allowed to have a look at the original MS. of the *Febronius*, but for a long time the Canon could not be induced to divulge the name of the author; all that could be discovered was that he was a German bishop. At last, however, Du Meitz revealed the secret. The secretary made as though he did not believe it, until the Canon showed him some letters from Hontheim referring to the printing of the book. An unsuccessful attempt was made to gain possession of portions of these letters, but Du Meitz subsequently sent the nuncio some sheets of MS. with addenda for the second edition of the *Febronius* which was just appearing, together with a letter purporting to be from Krufft to Hontheim.² Lucini and Oddi immediately reported the matter to

and WEECH (38). Garampi would surely have reported it in his *Diario e viaggio del card. Garampi per la Germania nel 1764 (*loc. cit.*); instead, he speaks therein of the arrival in Frankfurt on February 21 of the official from the Cologne nunciature, "Girami maestro di Camera," as Oddi's assistant.

¹ " *Il canonico Du Meiz, consigliere del pr. di Stavelò e canonico della chiesa imperiale di S. Bartolomeo di Francfort, è quello che da Giustino Febronio è stato incaricato della stampa del suo libro fattasi qui dall' Esslinger. Non è stato possibile il trargli di bocca il vero nome dell'autore, se non che ha detto una volta per incidenza che è un vescovo " (Diario e viaggio del card. Garampi per la Germania nel 1764, *Miscell. di Garampi*, 77, *Papal Secret Archives*).

² " *J'ai enfin attrappé une feuille des augmentations que l'on fait à Fébronius " [and I am sending it in the original] (Du Meitz to Oddi, June 4, 1764); " *voici encore un échantillon des additions faites à Fébronius " (June 21, 1764); *[I am sending important documents]: " l'un est d'une lettre écrite à Msgr. de Honteim, comme je suppose avec raison, par Krufft, et que celui-ci a communiqué à son libraire, le sollicitant en conséquence de pousser

Rome.¹ The general public, however, refused for a long time afterwards to believe that Hontheim was in any way implicated.²

The Roman Curia now had sufficient proof of the identity of the author of the forbidden book but as the material evidence was not in its hands it was difficult to take any direct action against him.³ Du Meitz thought that silence was the best policy,⁴ and Oddi's attempts to have the author exposed in the various electorates produced only assurances of a general nature. For more than a year after this Hontheim exulted in his unassailability.⁵

The first edition of *Febronius* had a rapid sale. The very next year, 1764, a German translation appeared and in 1765

la nouvelle édition avec toute la ferveur possible ; l'autre est l'ordre que S. A. E. de Mayence a envoié à notre chapitre " (on August 15, 1764). Nunziat. di Germania, 652, *loc. cit.* Cf. *Relazione della negoziataz. di Msgr. Oddi (1764) (Nunziat. di Germania, 721, fo. 133^b, *ibid.*): " Oddi è riuscito di avere in mano non solo gli attestati di chi ha veduto l'originale manoscritto dell' opera, ma eziandio alcuni fogli originali di giunte fatte dall' autore per la nuova ristampa."

¹ See Lucini's letters of April 22 and June 30, and Oddi's letter to Torrigiani of May 31, 1764, in CARDAUNS, 733-7.

² Thus Radermacher in his *letter of August 15, 1764: " Dal suo [scil. di Hontheim] discorso non avrei potuto inferire d'esser lui istesso autore, più tosto io dovrei giudicar il contrario." Nunziat. di Germania, 652, fo. 195, *loc. cit.*

³ CARDAUNS, 736.

⁴ The letters which had been divulged (published in the *Journal von und für Deutschland 1791*, 354 *seqq.*) and the original MS. of the *Febronius* were handed over by Du Meitz in September 1778 to a Protestant scholar of Heidelberg (according to MEJER, 57, to the church-councillor Mieg; cf. the preface to this publication of the letters). Oddi's discovery of them was afterwards made public by Hontheim himself; see WALCH, *Neueste Kirchengesch.*, I. (1774), 155. Krufft (in MEJER, 224, 266) gave rise to a false idea, which was first contradicted by CARDAUNS (738).

⁵ Thus in WALCH, *loc. cit.*

there was a second edition of the Latin original.¹ The text had been lengthened by a third and there were 150 extra pages of appendices containing discussions with the chief critics. Hontheim again protested his Catholic sentiments but attacked with redoubled ferocity the theological and canonical methods of teaching hitherto in force and the activities of the Society of Jesus. Here and there an expression was watered down ; innumerable others, on the other hand, were rendered more malicious.

The emboldened author watched the increasing success of his work with rising spirits ; any attempt of Rome to influence him would have been useless. The strong protection afforded him by his lord, the Elector of Treves,² a man of little self-reliance, stood him in the greatest stead. He received almost equal protection from Johann Philipp von Walderdorf's successor, Prince Klemens Wenzeslaus of Saxony and Poland, elected on February 10th, 1768. The grandson of Emperor Joseph I., he was related to several of the great princely houses and in April 1763, without being ordained priest, he was elected Bishop of Freising and Regensburg.³ It was not till after years devoted more to court life than to spiritual

¹ WOKER, *Hontheim und die römische Kurie*, II. For the reviews of these works, see ZILlich, 35. Garampi *reported in September 1764 : " É anche stato tradotto il libro in tedesco, a nella traduzione si è anche peggiorato il testo dell' autore " (Diario e viaggio del Card. Garampi per la Germania nel 1764, *Miscell. di Garampi*, 77, *loc. cit.*).

² For his reign, *cf.* the report of the Imperial envoy in Mainz, of December 17, 1765 ; see BRUNNER, *Humor*, II., 422 *seqq.*

³ The documents concerning his solicitations in BRUNNER, *ibid.*, I., 113 *seqq.*, II., 331 *seqq.*, 424, 426, 428 (II., 386 *seq.*, and 396 *seqq.* refer to him erroneously). *Cf.* DENGEL, *Garampi*, 34 ; F. SCHRÖDER, *Wie wurde Klemens Wenzeslaus Erzbischof von Trier ?*, in *Hist. Jahrb.*, XXX., 24 *seqq.* ; *Allg. Deutsche Biographie*, IV., 309 *seqq.* ; *Katholik*, LI. (1871), 2, 29 *seqq.* The " enlightened " principles on which he governed are reported by SCHÜLLER in his *Aufklärung und geistl. Behörden im Erzstift Trier*, in the *Trierische Heimat*, IV. (1928), 106 *seq.*, 117 *seqq.*

preparation that he had himself consecrated bishop on August 10th, 1766. He already possessed a Brief enabling him to be elected episcopal coadjutor in Treves when the Elector of that city died, and thanks to the powerful intercession of the Empress Maria Theresa, Klemens Wenzeslaus became his successor in 1768. In August of the same year he ascended also the episcopal throne of Augsburg, for which he had to resign Regensburg and Freising. By way of compensation he was later presented with the provostry of Ellwangen, which carried with it the rank of a prince.

An ecclesiastical prince who had availed himself of Rome's favour to establish himself in such a brilliant position should for decency's sake have refrained from granting the revealed author of the *Febronius* as much protection as he actually did. Hontheim was not only confirmed in his former post of a vicar general "*in spiritualibus*" but was also empowered to participate in actual governmental business as a "Privy State and Conference Councillor", and, what was more, he was entrusted with the superintendence of relations with the Roman Curia and with the nuntiature of Cologne.¹ Naturally Rome took exception to this, but the new archbishop defended his action on the plea that he had come as a complete novice to a disordered diocese and that he sorely needed the support of the experienced suffragan bishop. He also gave his assurance that the rights of the Holy See would not suffer in any way under his rule and that Hontheim did not acknowledge the authorship of the *Febronius*, which had been laid to his charge.²

This letter from the Elector crossed with another complaint from Rome,³ which, incidentally, was unfounded. The Archbishop's second reply,⁴ which had been drafted by Hontheim, reaffirmed that the suffragan bishop had publicly contradicted in the newspapers all the rumours of which he

¹ MEJER, 66 *seq.*

² Letter of March 26, 1768, *ibid.*, 67.

³ Of March 30, 1768.

⁴ Of April 14, 1768, in MEJER, 68 *seq.*

was the subject, and that in the execution of his office he had never in his counsel or in his actions put Febronian principles into practice. This evasive and intentionally misleading answer produced a letter from Rome that was all the more decisive. Cardinal Albani wrote ¹ that the Archbishop's defence of Hontheim, "complete and powerful as it is" was doubtless convincing on the whole but that "since the Holy Father has asserted and still asserts that he knows him to be the author of the noxious book, on account of irrefutable proofs," he would not dare to contradict this decisive judgment. There were only two ways of pacifying the Pope; either to call in Hontheim—only for the most vitally urgent business or to obtain from him a written declaration that he was neither the author of the book nor in agreement with its doctrines. The latter ought not to be too difficult, seeing that the suffragan bishop had already made a similar declaration in the public journals.

The Elector of Treves, placed by this letter in an embarrassing situation, chose the former of the two alternatives and replied ² that on the arrival of the letter from Rome the suffragan bishop had already departed for Treves, his official residence, so that he could not bring about the step desired by Albani; but he would only recall him to his court for pontifical functions or in other pressing circumstances.

In the autumn of this year a conversation about *Febronius* took place between Hontheim and the new nuncio at Cologne, Caprara.³ On the nuncio's announcing his intention to visit the electoral court of Treves in Coblenz, the suffragan bishop was sent to meet him with a court carriage at Andernach. As they drove together thence to Schönbornslust, the nuncio tactfully initiated a discussion of the book, stressing strongly

¹ Under date May 4, 1768, *ibid.*, 68 *seqq.*, 297 *seq.*

² Of the two versions (*ibid.*, 299 *seqq.*) probably the first was chosen, it alone bearing the date May 22, 1768.

³ Cf. MEJER, 73 *seqq.*, and Hontheim's report written on the same evening in Krufft's papers, *ibid.*, 268 *seqq.*; also SCHNÜTGEN, *Ein Kölner Nuntius*, 752 *seq.*

its harmful influence on the relations between Church and State, while acknowledging the need for reform in many quarters. Hontheim ascribed the importance of the book principally to the stir that Rome was making about it, but otherwise took the side of the governments whose demands the nuncio complained were going too far. Finally Caprara suggested that he should publish explanations of some of the more objectionable features of the book. Hontheim's report of the conversation does not make it clear whether Caprara directly addressed him as the author, but his reply to the suggestion indicates that this was so. Any question of a recantation was impossible, he said, for a man of honour acting with the best intentions, and in any case it was purposeless, as had been shown by the pronouncements made by the French assembly of the clergy in 1682. But if it were merely a question of elucidation, it was only necessary to cite the points at issue. At this juncture the conversation came to an end, though the nuncio continued to maintain the friendliest relations with the suffragan bishop of Treves.¹

The steps taken by Rome to check the further influence of the *Febronius* were thus confined for the time being to bringing about its prohibition in both German and extra-German lands² and to encouraging every branch of literature that opposed it.³

¹ SCHNÜTGEN, 752.

² For a prohibition issued by the Spanish Inquisition, see *Cifre al Pallavicino, of July 9, 1767, and *al Lucini, of January 7 and 28, 1768, Nunziat. di Spagna, 433, Papal Secret Archives.

³ A list of Febronius's literary opponents in WOKER, *loc. cit.*, 18 *seq.*; see also STÜMPER, *Kirchenrechtl. Ideen*, 157. Papal *Briefs of praise to, e.g. Joseph Anton Bandel of December 8, 1764, in Nunziat. di Germania, 652, *loc. cit.*, to Sangallo of November 5, 1766, in *Epist.*, IX., fo. 117 *seq.*, *ibid.* For a Papal letter sent to the nuncio Caprara, urging that Kaufmanns (a cleric of Cologne) continue his rebuttal, see *Cifra al Lucini, of January 7, 1768, Nunziat. di Spagna, 433, *ibid.* Kaufmanns was written about by WESSELMANN (Kempen, 1881); *cf. Annalen des Hist. Vereins für den Niederrhein*, XLIII. (1885), 210.

(4)

During previous pontificates the cool relations that frequently arose between Rome and the German Imperial house were predominantly due to purely political differences. But now, in the latter part of Maria Theresa's reign, an essential change in the policy of the Imperial government gradually took place, and considerable concessions were made to the anti-clerical spirit of the age.¹ The Empress herself was thoroughly pious in the strictly ecclesiastical sense and she was often more of a hindrance than anything else to the progress of the new spirit,² and yet, without realizing it, she was laying the foundation stone of what was later to be called

¹ Cf. ALBERT JÄGER, *Das Eindringen des modernen kirchenfeindlichen Zeitgeistes in Österreich unter Karl VI. und Maria Theresia*, in the *Zeitschr. f. kathol. Theologie*, II. (1878), 258 seqq., 417 seqq. ; W. DEINHARDT, *Der Jansenismus in deutschen Landen*, Munich, 1929.

² How much the Pope relied on her attachment to the Church and with what earnestness he besought her to intervene with other States in ecclesiastico-political matters is shown, for example, by a *Brief "di proprio pugno" addressed to her on June 29, 1768 : " Did not Your piety, the first of all virtues, wherewith God adorned Your soul, give Us confidence that You regard every anxiety of the Head of the Church as Your own, We would not turn to You with Our complaints in accord with so many sons—to You who are the first protectress of the Church. We are sure, however, that Your Majesty, exalted above all reasons of State, which mislead rulers, regards the rape of the sanctuary with anguish. We beseech You, the consolation of Our old age, to obtain that peace which is so necessary for religion, for Our Church prays for Your Empire. It is Our duty to exhort You ; it is only because We fulfil it that We are attacked. We place all Our defence in the hands of God and those of Your Majesty, with whom the sovereigns that stand in opposition to Us are allied. Obtain from them, who follow false counsels, peace for the Church and Her subjects. Nothing will withstand the power of Your rare virtues, the glory will always be Yours." *Epist.*, XI., fo. 53^b. *Ibid.*, 57-63, a similar *letter of encouragement to Joseph II., Papal Secret Archives.

Josephism after her son and successor. This was brought about for the most part by the unbounded confidence with which she appointed to influential posts those whose ecclesiastico-political aims were directed at the secularization of the schools and institutes of higher education, at the diminution of clerical privileges, and the toleration of every kind of philosophical opinion.

It would be idle to deny that at this period the Austrian dominions were in need of a reform in consonance with the times, but that the plans for this reform were rooted in the North German and French "enlightenment", in Jansenist and Gallican ideas, was not sufficiently realized by the Empress, nor did she clearly foresee the consequences of such a movement. Faint rumours of certain episcopalian tendencies in Catholic Germany had already been heard in the time of Joseph I. and Charles VI.¹ but they did not take definite shape until the appearance of Hontheim's much-disputed work.² To bring these plans to fruition, however, was the ultimate purpose of the authors of the gradual changes which began during the close of Benedict XIV.'s reign and which increasingly determined Imperial policy in the reign of Clement XIII.

Austrian policy at this time was in the hands of Count Kaunitz,³ a man on whom the Empress depended, bestowing on him her esteem and confidence, in spite of the many points on which their views conflicted. The sixth of the sixteen children of a Moravian count, he was originally destined for the Church but soon struck out in other directions, studying law in Vienna, Leipzig, and Leyden, and undertaking extensive

¹ Cf. VIGENER, *Gallikanismus*, 27 seqq. For the dispute about the quinquennial faculties, see LEO MERGENTHEIM, *Die Quinquennial-fakultäten "pro foro externo"* (STUTZ, *Kirchenrechtl. Abh.*, 52-5), 1908; also IGN. BEIDTEL, 32, and JÄGER, *loc. cit.*, 261-273.

² Cf. above, pp. 250 seqq.

³ GEORG KÜNTZEL, *Fürst Kaunitz-Rittberg als Staatsmann*, Frankfurt a. M., 1923, 2 seqq.; *Allg. Deutsche Biographie*, XV., 487 seqq.; BRUNNER, *Humor*, II., 164 seqq.; also ARNETH's two works on Maria Theresa.

tours of education in England, France, and Italy. At the age of twenty-four he became an Imperial court councillor and from 1741 onwards he was employed in diplomatic duties. In 1753 he undertook the conduct of foreign affairs, at the earnest request of the Empress, and he initiated the new Francophile system.¹ The writings of Voltaire had turned him into an enlightened freethinker,² though, paying heed to the maternal strictness of his Imperial mistress, he did not neglect to present her with a "confession ticket"³ on Maundy Thursday. Similarly the parish church of his birthplace, Austerlitz, afterwards to become so famous, was his foundation and provided both him and his family with their last resting place. His ecclesiastico-political principles he found expressed in the work of Febronius.

Another man who was governed by progressive views, though to a far greater degree, and who also exerted the strongest influence on Austrian cultural policy, was Gerhard van Swieten.⁴ Of Dutch Catholic parentage, a student of philosophy in Louvain and of medicine in Leyden, he became the physician of Maria Theresa's sister and in 1745 was called away, practically from her death-bed, from Brussels to Vienna, on the recommendation of Count Kaunitz. In Vienna he filled the posts of physician-in-ordinary to the Empress, prefect of the court library, and university lecturer in medicine, in virtue not so much of his professional knowledge as of the personal impression he made on the Empress. Prevented by his Catholicism from succeeding his teacher and master Boerhaave of Leyden,⁵ Van Swieten was always thought to be

¹ See above, p. 118.

² KUNTZEL, *loc. cit.*, 57.

³ A certificate showing that a confession had been made.

⁴ *Allg. Deutsche Biographie*, XXXVII., 265 *seqq.*; ARNETH, *Maria Theresia*, III., 165 *seqq.*; R. KINK, *Gesch. der Universität Wien*, I., I., 442 *seqq.*; BEIDTEL, 39; JÄGER, 278 *seqq.*, 285 *seqq.*; WURZBACH, XLI., 37 *seqq.*

⁵ Cf. his letter to the Empress of January 17, 1749, KINK, *loc. cit.*, I., I., 442.

a model of religion by Maria Theresa,¹ who failed to see that his Dutch Catholicism was deeply imbued with Jansenism, This was the cause of the fierce campaign he waged against the Society of Jesus,² in which he was especially successful in the spheres of education and the censorship of books.

At the head of ecclesiastical Vienna at this time was, at first, Archbishop Trautson.³ Through a pastoral letter of 1752 he had undeservedly acquired the stigma of a dangerous enlightenment, though his intention in the letter was consonant with perfectly orthodox views. On his death he was succeeded by Archbishop Migazzi,⁴ who was admitted to the Sacred College in 1761. His active support of the preservation of ecclesiastical principles and privileges made him the antagonist of Van Swieten and, as he was frequently alone in this defensive position, he was forced willy-nilly into the rôle of a perpetual complainant. In the course of time this position was as unsuccessful as it was irksome. How far he was from being a born fighter is shown by his governing principle, "to be the nearest to Your Majesty's feet of all your subjects."⁵ It is true that he meckly advised the Empress not to claim for herself rights that belonged to others but his powers of resistance were no match for the aggressiveness of his opponents.

Van Swieten's reformatory activity in the intellectual life of Vienna began with measures within the medical faculty which were technically laudable though their manner was not incontestable.⁶ Gradually, however, they were extended over the whole university. His chief aim thereby was the loosening

¹ On the protocol of the relinquishment of his office the Empress wrote in her own hand that his religious zeal and example were as pure as his faithfulness to her person and her family. ARNETH, IX., 168.

² Cf. KINK, I., I, 489, n. 643.

³ Cf. *Freib. Kirchenlex.*, XI., 2017 *seqq.*

⁴ See, in conjunction with WOLFSGRUBER'S study, WURZBACH, XVIII., 244 *seqq.*

⁵ Cf. WOLFSGRUBER, *Migazzi*, 345.

⁶ KINK, I., I, 445 *seq.*; JÄGER, 287.

of the close connection between the university and ecclesiastical circles, in particular the Jesuits,¹ who enjoyed an independent right to a number of professional chairs which since 1623 had been confirmed by law.² A new order of studies promulgated on June 25th, 1752,³ as good as preserved this dominant position of the Order, and the newly created directorships of the philosophical and theological faculties were given to two competent Jesuits, De Biel and Joseph Franz. The supreme head of the faculties was to be a protector of studies, for which post Archbishop Trautson was destined. Subsequently this ordinance was included among the objects of Swieten's unremitting hostility and he shrank from no injustice to set the Empress against the Fathers.⁴ Within the next ten years, much to his satisfaction, the Jesuits were withdrawn from leading positions in the university; in 1757 the Rector of the Jesuits retired from the reformed consistory of the university,⁵ and in 1759, after Swieten had pressed the matter for years, the two Jesuit directors of faculties were replaced by seculars of an entirely different type, such as the canons Stock and Simon.⁶ At the same time, by a court decree of September 10th, 1759, the Archbishop received the right of nomination to the directorship of the theological faculty and to theological chairs, which also was obviously to the advantage of non-Jesuits and seculars.⁷ The Jesuit right of occupying the chairs was reduced to one of co-operation, though the professors coming from the Order, once they had been appointed, were to be left at their posts for a considerable time; the Augustinians and Dominicans, however, were equally entitled to expound their theological

¹ DUHR, *Gesch.*, IV., 2, 34 *seqq.*

² KINK, I., I, 357 *seqq.*; JÄGER, 294 *seq.*

³ The theological course of studies in the main in H. ZSCHOKKE, *Die theolog. Studien und Anstalten der katholischen Kirche in Österreich* (1894), 13 *seqq.* Cf. BEIDTEL, 39, 264 *seq.*

⁴ KINK, I., I, 490, n. 644.

⁵ *Ibid.*, 487 *seqq.*; WOLFSGRUBER, *Migazzi*, 294.

⁶ BEIDTEL, 40.

⁷ *Ibid.*, 267 *seqq.*; ZSCHOKKE, 27 *seq.*

doctrines alongside the Jesuits. The Jesuit teacher of canon law also withdrew from the consistory.¹

The influence of the Jesuits continued to decrease. One by one they lost their customary posts as court confessors.² The attempt to dislodge them from the secondary and higher schools failed only for want of suitable teachers to replace them. With Trautson's death the post of protector of studies lapsed in 1757; three years later, to replace it, a special court commission of studies was set up to control the whole educational system in the patrimonial dominions.³ In this, however, although they played a preponderating part in higher education, the Jesuits were not included. Though Archbishop Migazzi was the president, Swieten, acting as his deputy, was the real director of the new commission. How anti-Jesuit this group was, apart from the Archbishop, may be seen from a rescript of the Empress's, couched in an appeasing tone, in which she replies to a general complaint against the Order formulated by Stock⁴: in matters of religion and doctrine great care must be taken to give way to every susceptibility, and everything must be avoided that had the faintest resemblance to persecution of the Jesuits.⁵ Actually matters had already gone much further, and Van Swieten, as one of his friends relates, was looking forward with patriotic impatience to the total suppression of the Order.⁶

The Viennese policy of higher education, as introduced by Van Swieten,⁷ aimed at bringing the university completely

¹ KINK, I., I, 492.

² BEIDTEL, 40; DUHR, *Gesch.*, IV., 2, 438.

³ JÄGER, 300 *seq.*

⁴ For Stock's relations with Jansenism and its further incursions into Austria, see *Hist.-polit. Blätter*, LXXXVI., 720.

⁵ KINK, I., I, 495.

⁶ *Ibid.*, 501 *seq.*

⁷ For the university of Louvain, cf. *Analectes pour servir à l'hist. ecclés. de la Belgique*, XXIX. (1901), 300. In Rome there were fears in 1767 lest reforms might be introduced into the Flemish university by the Viennese professor, Pater Gazzaniga, who was

under the control of the State. Its autonomous character was to be abolished, and its professors were to be appointed solely as State teachers. A court commission had begun to exercise supervision over all educational foundations, including the university,¹ in 1750, and in 1753 the university funds were incorporated in the State finances. At the same time the State schools received favours withheld from those controlled by the Orders ; for, according to the court decree of October 31st, inland benefices were to be bestowed only on theologians who had either studied at a State university or had proved their competence to the satisfaction of special examiners.² Furthermore it was not long before Archbishop Migazzi, who had presided over the court commission of studies since 1760, was replaced by Baron Kresel.

While these efforts were being made to bring higher education under State control, special attention had to be paid to canon law, that branch of learning which was capable, as no

travelling thither ; see *cipher to the Abbé Sozzifanti in Paris, of May 20, 1767 : " Siccome però [il P. Gazzaniga Domenicano] ha avuto varie segrete conferenze colla Imperatrice Regina, così siamo entrati in sospetto che egli sia spedito in Fiandra per fare ivi qualche riforma di studi coerente ai piani di Vienna. Siccome però noi, quanto siamo contenti delle dottrine presenti dell' Università di Lovania, altrettanto siamo amareggiati dalle perniciose innovazioni che sonosi fatte in altri Stati austriaci a suggestione del medico Vanswieten, che presso l'Imperatrice Regina ha credito etiandio di teologo e canonista, così ci conviene di stare guardinghi, acciò le stesse innovazioni non vadano a corrompere anche le Fiandre, dove è pienamente accettata e propugnata la Bolla Unigenitus " (Nunziat. di Francia, 455, fo. 84^v, Papal Secret Archives). The *cipher of September 9, 1767 (*ibid.*, fo. 97) to the same person announces that Gazzaniga did not intend to carry through his course of studies in Louvain, but it was to be feared nevertheless that he would try to do so in Vienna ; moreover he adopted the view that no regard need be paid even to dogmatic Bulls if they lacked the authorization of the Government.

¹ KINK, I., I, 457, n. 593.

² BEIDTEL, 265 *seq.* ; JÄGER, 283.

other was, of scientifically underpinning the new ecclesiastico-political structure and of making it acceptable to the new generation of officials. This professorial chair, forming part of the faculty of jurisprudence in Vienna, was allotted in 1753, with a generous stipend, to Paul Joseph Riegger.¹ A professor at Innsbruck since 1733, he had been teaching in Vienna also, at the Theresian Ritterakademie, which had been founded by the Empress in 1749, and he was held to be the right man for the new government policy. He occupied his chair at the university until 1773. Riegger was not quite the enlightened canonist strictly so called, in the manner of Eybel or Hontheim; according to him, the Pope still had the right to confirm conciliar decrees and he was still infallible when deciding questions of faith or morals. But new ideas were mixed with old ones in his disquisitions on the superiority of the State to the Church. He followed Christian Wolff's theory of natural law in demanding a natural, rational canon law. Arguing from natural premises, he deduced the right of the State to control ecclesiastical persons and goods in all earthly matters and found the ruler's *placet* for ecclesiastical decrees and the appeal to the State for alleged abuse to be justified. From the mediæval rights of the churchwarden, Riegger deduced a number of further ecclesiastical powers belonging to the State: the combating of heresy and schism, the maintenance of ecclesiastical discipline, and the banning of pernicious books.

Despite repeated protests on the part of the bishops, the Empress was not opposed to these conceptions. Riegger's text-book remained the standard work for university instruction, though Simon Ambros Stock, who became head of the

¹ For Riegger, see HURTER, V.³, 511 *seq.*; KARL WERNER, *Geschichte der kath. Theologie*, 214 *seqq.*; JOH. FR. V. SCHULTE, *Gesch. der Quellen und Literatur des kanon. Rechts*, III., 1, 288 *seqq.*; *id.* in the *Allg. Deutsche Biographie*, XXVIII., 551 *seqq.*; WURZBACH, XXXV., 129 *seqq.*; ARNETH, IX., 184 *seqq.*; STINTZING-LANDSBERG, *Gesch. der Rechtswissenschaft*, III., 381 *seq.*; JÄGER, 419 *seq.*

theological faculty after De Biel's removal, had to make a compilation of theses which owing to the excessive facility with which they gave rise to differences of opinion at examinations and disputations were to be excluded.¹ Not only was Riegger raised by the Empress to knightly rank but his prestige was still further enhanced in 1767 by the suppression of a canonistic chair in the theological faculty formerly occupied by a Jesuit, and by it being made obligatory for theologians to attend Riegger's lectures. In this way canon law was incorporated outwardly as well as inwardly in the secular sphere of civil law. The Archbishop, who was absent from the court commission of studies when this resolution was passed, seems to have made no protest. This is all the more surprising in view of the motion being based on the direct complaint that "no teaching of canon law either profitable or suited to the State of these days was ever to be expected of a religious, least of all of a Jesuit."²

The second sphere of influence captured by Van Swieten in his campaign to bring about the intellectual transformation of Austria was the censorship of books.³ Besides the ecclesiastical censorship, which was exercised by the Archbishop of Vienna, in 1753 all religious and theological writings were subjected to State censorship also; even "prayers, hymns, and other trifles", according to the court decree of April 1st, needed State approval and the written permit of the book-examining commission.⁴ In the following year members of

¹ JÄGER, 420.

² KINK, I., I, 501, n. 662.

³ ARNETH, *Regierungszeit*, III., 159 *seqq.*; FOURNIER, *Van Swieten als Zensor*, in the *Wiener Sitzungsber.*, LXXXIV.

⁴ BEIDTEL, 265. A Papal *Brief to Maria Theresa, of February 6, 1768, dealing with censorship difficulties in Milan, objects fundamentally to this interference of the State: "The worst of all Our cares at the present time is the flood 'deterimorum librorum, qua Europam inundavit impietas'; everything threatens religion, an open war is raging against it. In December 1766 We commanded every Bishop to keep these books away from his diocese; many do so with great care. We rejoiced also that You

religious Orders had to obtain the permission of the State-appointed protector of studies and the commission of studies before they could publish theological theses and dissertations, which permission within a few weeks was made to apply to all theological, legal, canonistic, and philosophic literature, insofar as it had been issued uncensored within or without the confines of the country.¹ In effect this did not mean protection from non-ecclesiastical influences; it led rather to a considerable increase in Protestant and "enlightened" works.

In this sphere too Van Swieten's efforts were aimed at the exclusion of Jesuit influence.² Thus by the early '50's, when alterations in the censorship system were in progress, he succeeded in wresting from the Order its supervision of philosophical works by proposing himself for this task to the

we were fired by Our letter to ward off this evil from Your country, but We fear that the way indicated did not fulfil Our intentions. Last year We warned You through the nuncio Borromei about the censorship in Milan but with no effect. For the salvation of souls We make known to You Our intention regarding the new method: the greatest injury is inflicted on religion and public welfare in Milan when it is mainly the royal deputies who make decisions in censorship matters and pronounce judgment on the laity when they write against religion, morals, and faith. In this way the Church is deprived of the liberty to preserve the 'depositum fidei'. If the right of censorship is taken from the Church, the Faith may suffer the worst disaster in consequence. The two deputies do not suffice, for when opinions differ the secular deputies pass a scandalous book, and a quarrel arises between the *sacerdotium* and the *imperium*. In Milan, therefore, the decisions of the councils of the Lateran and of Trent are to be carried out, as emphasized by the nuncio in the provincial synods. You could do nothing better than uphold these injunctions. Every innovation is dangerous; wherefore allow no change and You will acquire merit for having served the Church" (*Epist.*, X., fo. 207, Papal Secret Archives). Cf. in conjunction, also referring to the censoring of theological books by the laity in Milan, the Brief of January 31, 1767, to Maria Theresa, *Bull. Cont.*, III., 1129 seq.

¹ KINK, I., I, 457, n. 593, 462, n. 599; BEIDTEL, 39, 266 seq.

² JÄGER, 299 seq.

Empress, who accepted the offer. Nevertheless he had at this time to work in the examining commission with some Fathers who still retained the spiritual censorship of theological books and the right to participate in the censorship of other works. It was in this commission that a notable clash occurred in 1752, when Montesquieu's *L'Esprit des Loix* was under consideration.¹ The lay members of the commission voted for the release of the work, which had hitherto been banned in Austria, while the two Jesuits wanted it to be restricted to scholars and trustworthy readers. Swieten persuaded the Empress to permit its unconditional release. In 1758 he saw to it that a Jesuit who formerly needed only the Archbishop's nomination to become a member of the commission, was not admitted. At the same time Swieten was elevated to the presidency of this censoring commission, which thenceforward was completely under his control.² The Jesuits now withdrew from it and, at Swieten's suggestion, were replaced by non-Jesuits, so that ultimately, after 1764, no priest of the Society of Jesus took part in the imperial censorship.³ This fact and Swieten's

¹ *Ibid.*, 292 seq.

² *Ibid.*, 307 seqq.

³ How far the tendency to exclude clerics from the State censorship went in individual cases is shown by an instance which happened in Innsbruck and which was the subject of a complaint in a Papal *Brief of June 1, 1768, addressed to Bishop Leopold of Brixen. "We were gratified by the solicitude which moved you to send Us the Innsbruck theses. You rightly complain that some of them are false; We shall inform the censor. It is to be regretted that they were not sent to you before they had been printed and were about to be discussed. This shows that it was intended to evade your censorship. We have observed for some time that the lay authorities want to oust the clerical authority from the book censorship. If this ancient right is taken away the Christian religion is in danger. The point has been much disputed in the Milanese, and We wrote to the Queen too that this is the most dangerous procedure and We will have Our nuncio bring forward a complaint that this evil threatens to creep into Innsbruck too. Use your influence at the Court to bar the way to this abuse" *Epist.*, X., fo. 278, Papal Secret Archives.

dominant position in the intellectual life of the country were important inasmuch as the censors not only declared books to be unfit for publication but also undertook responsibility for all books which were released and when approving them made use of a whole scale of more or less commendatory judgments.

In his capacity of censor Swieten had banned works by Machiavelli and Rousseau, Voltaire and Lessing, Ariosto and Wieland¹—whether on account of his own convictions or out of consideration for the views of the Empress must be left undecided. The dispute, however, which centred round Hontheim's *Febronius* is significant.² This work was eagerly sought after in Vienna as elsewhere and after a triple examination it passed the censor. Its effect was prodigious; Febronianism soon became the fashion among the clergy; but when Rome pronounced its condemnation in February 1764 Cardinal Migazzi raised objections in Vienna too against its reprehensible observations on the primacy and against the satirical description of the Papal court.³ The Empress sent for the memorandum which Swieten had made as censor, and hostilities between archbishop and censor broke out. Swieten referred to the memoranda made by the canons Stock, Gürtler, and Simon in their spiritual capacity, and to the legal opinion given by the jurist Martini; he complained about an ambiguous or at least indeterminate attitude taken by Migazzi, and finally advanced a view of the case which would supposedly win the day: "This book upholds the rights of sovereigns, especially those of the Princes of the Empire. It is said to

¹ *Allg. Deutsche Biographie*, XXVIII., 268 seq.

² JÄGER, 432 seq.

³ Clement XIII. had communicated with Migazzi on this matter on March 14, 1764 (see above, p. 265, n. 3), and again under date July 14, 1764 (*Bull. Cont.*, III., 1), having heard that the "pestiferum librum per manus etiam Caesareae istius aulae procerum non sine quorundam approbatione circumferri". Migazzi then held out hopes to the Pope that the book would be banned in Vienna after all (*letter of July 30, 1764, Nunziat. di Germania, 652, Papal Secret Archives).

have been written by a learned man and under the eyes of an Elector.”¹ On the appearance of the German edition the spiritual members of the commission were somewhat hesitant, whereupon Swieten insisted that no difference should be made between the Latin and the German editions. The Empress agreed with him on this last point but disagreed on all the others. On December 10th, 1764, she gave instructions through the court chancery to the censor’s office that both editions were to be everywhere suppressed. Swieten subsequently succeeded in having the instruction reduced to one of bare prohibition,² but in his dealings with the Empress he pouted and played the part of injured dignity. Maria Theresa tried to appease him; but *Febronius* was not released till five years later and then only in a restricted manner for scholars and “other modest purchasers”.³

A similar principle had been put into practice by the commission, with the consent of the Empress, in 1766, in the matter of the naturalistic, free-thinking *Institutiones iuris divini*, by Thomasius. In the following year Migazzi objected to a new weekly publication by Sonnenfels—two earlier ones had been banned because of their blatant criticism—with the significant title “The man without prejudice”. In an article on the right of asylum the editor had made slighting remarks about ecclesiastical rights and usages⁴; Swieten himself censored this issue and allowed it to appear. When the Empress, roused by Migazzi’s urgent complaint in writing, expressed her displeasure to the censor’s office, Swieten offered to resign his presidency.⁵ But Maria Theresa again placated

¹ Radermacher *wrote on July 28, 1764, probably to Oddi, from Ehrenbreitstein: “Sappiamo che il Msgr. Nunzio di Vienna ha messo tutto in movimento appresso la corte imperiale per effettuare una tal proibizione, e che tutti i passi suoi non anno avuto verun effetto” Nunziat. di Germania, 652, fo. 187, *ibid.*

² ARNETH, IX., 149 *seq.*; WOLFGRUBER, *Migazzi*, 388 *seqq.*

³ ARNETH, IX., 150.

⁴ WOLFGRUBER, 395.

⁵ JÄGER, 435–9.

him with flattering praise for "the principles which he had consistently maintained against all opposition".

Swieten, thus confirmed in his position, passed in 1766 the condemned Jansenistic *Exposition de la doctrine chrétienne*,¹ by Mésenguy, in spite of its condemnation in Paris and Rome, also the anonymous *De l'autorité du clergé et du pouvoir du magistrat politique sur l'exercice des fonctions du ministère ecclésiastique*.² The latter work was subsequently banned by the Empress in January 1767, on account of its ecclesiastico-political doctrines, after Migazzi had twice objected to it in the face of fresh memoranda submitted by the commission, the court chancery, and the State Council. In 1769 it was released along with *Febronius*. Marmontel's indecent and immoral romance, *Bélisaire*, also originally released, is said to have been approved only in an expurgated edition as the result of an objection lodged by the Cardinal. Naturally enough Migazzi's isolated opposition rendered many a dangerous book doubly attractive.

Meanwhile a new organization had been formed within the Viennese government which was thenceforward to be the prime mover in all reforms: the State Council, afterwards to become famous in the reign of Joseph II.³ In the economic and military difficulties which followed the defeat of Torgau it was called upon to unify and reduce the costs of the ramified machinery of government and under the immediate direction of the Empress to advise on, to prepare, and to control all State measures. It was initiated by the State Chancellor Kaunitz, its members were appointed on December 30th, 1760, and the opening session took place on January 21st, 1761.

¹ *Exposition de la doctrine chrétienne ou Instruction sur les principales vérités de la religion*, Utrecht, 1744. Cf. *Freib Kirchenlex.*, VIII.², 1299 seq.; REUSCH, *Index*, II., 1251.

² The author was the Paris parliamentary advocate F. Richer. In this work a number of ecclesiastical rights were awarded to the reigning prince. Cf. JÄGER, 439 seq.

³ HOCK-BIDERMANN, *Der österr. Staatsrat*, Vienna, 1879.

It was now in this circle that the arguments between the supporters of the old and the new principles were conducted and here too the disagreement between Maria Theresa and her reform-loving son, King Joseph II., soon became manifest—a deep-seated conflict that was to cause the Empress Mother much disquiet in the last years of her reign.¹ In 1765 Joseph submitted to the State Council a memorandum which in many respects already predicted subsequent changes. Thus, with regard to education and the Church, the treatise demanded an improvement in studies, the removal of the universities to smaller places, the restriction of university teachers' incomes to their lecture fees, the admission to religious vows or to a religious Order at the age of twenty-five, and the reconstitution of pious foundations for public welfare.² These and many other plans for reform were discussed in the State Council.

Of particular importance was the proposal put forward by the Council in 1763 that a chair be set up for the teaching of "Police and Fiscal Knowledge", now known as political economy. The teacher appointed, Joseph von Sonnenfels,³ was very much in favour with the Council⁴ and subsequently exerted a deep influence on the intellectual and political life of Austria. His parents were Jewish. His father, who had been a Rabbi in Berlin, had himself baptized, probably in Vienna, and was ennobled on taking up the post of university "magister" of Oriental languages. His son's strength lay in his eager adoption of whatever was new in any sphere of thought and in his ability to pass it on to others in an attractive form. His skilful manner and the objectiveness of his lectures

¹ Cf. T. V. KARAJAN, *Maria Theresia und Joseph II. während der Mitregentschaft* (1865).

² ARNETH, *Korrespondenz*, III., 335-361. Cf. HOCK-BIDERMANN, *loc. cit.*, 21 *seqq.*

³ FRANZ MUNCKER in the *Allg. Deutsche Biographie*, XXXIV., 628 *seqq.*; KINK, I., I, 496 *seqq.*; ARNETH, *Regierungszeit*, III, 200 *seqq.*; ROSCHER, *Gesch. der Nationalökonomie*, 536 *seqq.*; STINTZING-LANDSBERG, *loc. cit.*, 401 *seqq.*; BRUNNER, *Mysterien*, 54 *seqq.*

⁴ HOCK-BIDERMANN, 59 *seqq.*

enabled him to wield a powerful influence over his youthful pupils, although he was "no creative intellect abounding in ideas" but rather "a restless, active instrument of Josephian enlightenment".¹

The duty allotted to this young professor made him the professional critic and preacher of reform in every domain of public life. In his dissertations, which sometimes exceeded the bounds of propriety, ecclesiastical life was included among the objects of his diatribes and ridicule. In his manual of instruction he stood for the secularization of Church property and for fixed pay for the clergy.² A compilation of theses printed in 1767, which Sonnenfels had caused to be defended by his pupils—who afterwards became high State officials—was the object of a vigorous demand by Cardinal Migazzi for its prohibition. The Empress, however, refused to listen to him and was lavish with her marks of favour for the accused.³ She was so convinced of the blessings of the new learning that she even recommended the theologians to study it. By a decree of July 28th, 1769, it was made compulsory in competitive examinations for theologians applying for a parish under patronage.⁴ Sonnenfels, who was at one with Riegger in teaching the supremacy of the State as part of his doctrine of the natural law, found himself frequently supported in his literary activity by the like-minded Van Swieten. In 1770 he was, in fact, made censor of plays and member of the commission for studies and censorship.⁵

The Viennese State Council, however, had also set itself the task of putting into practice the new principles of civil law. Its services in the improvement of public administration, of the conduct of finance, and of the provincial governments are unquestioned. Its proposals in the ecclesiastical sphere

¹ MUNCKER, *loc. cit.*, 635.

² ROSCHER, *loc. cit.*, 544.

³ WOLFSGRUBER, 341; KINK, I., I, 499, n. 658; ARNETH, *Maria Theresia*, IX., 205 *seq.*

⁴ KINK, 500, n. 660.

⁵ HOCK-BIDERMANN, 62.

usually met with the approval of the Empress. In 1765, at the instigation of the State Chancellor, and out of consideration for the French alliance, the Imperial *placet* was not accorded to the Papal Bull favouring the Society of Jesus.¹ In the State Council there was a general discussion on the subject, in which the most contradictory opinions on the Society itself were voiced. Two memoranda were consequently submitted to the State Chancery, one favourable, the other not. The principal speaker against the Jesuits was Count Haugwitz, who had been the leading spirit in the Council since its inception.

The archives of the State Council contain a number of memoranda of the same period dealing with proposals for ecclesiastical reform,² all based on the supposition that the reform of the Church was the duty of the State. Imperial ordinances restrict the acceptance of candidates seeking admission to a religious Order, and the sale of monastic property, and there are plans for a general secularization. On the expiry of the Papal indult for the taxation of the Austrian clergy, the State Council, in 1768, pronounced a Papal permit to be superfluous, whereupon the taxes were collected as before.³ An ordinance of October 1st of the same year made Papal excommunications subject to the State *placet*, which amounted to the abolition of the Church's authority to excommunicate. At the foundation of a university by the Jesuits it was stipulated that the non-theological chairs, except for that of canon law, be occupied by lay professors, that there be no teaching of probabilism or casuistry, and that German law and the history of law be taught in the German language.⁴ Similarly, when applications were made for the censorship of anti-clerical books, the State Council used its influence in an extenuating sense. In 1769 the ecclesiastical right of asylum was abolished and the validity of wills made

¹ *Ibid.*, 48.

² *Ibid.*, 49.

³ *Ibid.*, 50.

⁴ *Ibid.*

by clerics was made dependent on their being submitted to the provincial government. A proposal by the Court Chancery that the number of processions and fraternities be lessened was at first rejected by the Empress but after some years was approved by her, though with important qualifications.¹ The proposal to celebrate all *kermises* on one and the same Sunday, which also was seconded by the Court Chancery, was opposed by the State Council on politico-economic grounds. With the intention of standardizing stole fees, the State Council replied to remonstrances made by the Bishop of Passau that the reigning prince might determine the fees to be paid by his subjects.² In 1769 the Council also entered into negotiations with Rome about the diminution of Church festivals, and these efforts, too, were successful within the next few years.³

Thus the Court Chancery and the State Council made further and further encroachments into ecclesiastical life, even laid down principles on the question of union in Transylvania, and attacked popular religious customs which they considered superstitious, all in virtue of a new conception of law which gave the State a free hand in ecclesiastical matters. But the Government cleverly avoided any serious clash, and still more any open breach, with the Church. Thus, from these beginnings the far-reaching reforms of Josephism were able to develop fully towards the close of the century.

¹ *Ibid.*, 51.

² *Ibid.*

³ *Ibid.*, 52.

CHAPTER VII.

THE EXPULSION OF THE JESUITS FROM PORTUGAL—RUPTURE OF DIPLOMATIC RELATIONS BETWEEN ROME AND LISBON.

(1)

THE Brief by which Benedict XIV. appointed Cardinal Saldanha Visitor to the Portuguese Jesuits was dated April 1st, 1758, but a whole month elapsed before it was published.¹ Meanwhile, neither in Rome nor Lisbon did any Jesuit even know of its existence.² The nuncio in Lisbon was in ignorance of it³ and even Saldanha was not taken into confidence.⁴

In Portugal the consternation of the Jesuits was profound⁵; in Rome those competent to judge opined that the Pope could not have acted otherwise without exposing the Society of Jesus to a veritable convulsion.⁶ Whatever may have been the Pope's intentions, in actual fact the Brief became a

¹ Latin and Portuguese text in [BIKER], I., 48 *seqq.*, German in [KLAUSING], II., 360 *seqq.* Cf. above, pp. 18 *seqq.*

² CORDARA, *Commentarii*, 524; MURR, 42. On June 28, 1758, Archinto wrote to the nuncio, " *il famoso Breve di visitatore e riformatore de' Gesuiti, del quale Roma non ne ha avuta la notizia che da Lisbona " (Nunziat. di Port., 180, Papal Secret Archives). Just as no one in Rome had heard of the Brief, so no one knew that Benedict XIV. had firmly refused on his death-bed to retract it, as is stated in *L'administration de S. J. Carvalho*, III., Amsterdam, 1778, 205, and consequently by SCHÄFER (V., 263).

³ *Acciaioli to Archinto, on May 16 and August 22, 1758, Nunziat. di Port., 117, *loc. cit.*

⁴ *Acciaioli to Archinto, on May 9, 1758, *ibid.*, 198.

⁵ CORDARA, *loc. cit.*

⁶ Thus *Archinto to Acciaioli on June 28, 1758, Nunziat. di Port., 180, *loc. cit.*, partly reproduced in ROMANO, 33.

terrible instrument for the destruction of the Order.¹ Pombal now had a free hand to execute his plans. According to the description of the Papal nuncio, Saldanha was a good-natured and morally unexceptionable Prince of the Church, not particularly gifted or learned, but equipped with sufficient theological knowledge and a sound judgment; his will-power, however, was very weak, especially towards Pombal, to whom he owed everything. From a simple Monsignore he rose in 1755 to prebendary of the Patriarchal church, in 1756 to Cardinal, in 1759 to Patriarch. One of his brothers was made ambassador in Madrid, another was raised to the rank of count. Of his cousins, one was viceroy in Goa, a second was Rector of the Sapienza at Coimbra, a third Governor of Madeira. One of his relatives was promoted by Pombal to the see of Elvas, a second to the see of Miranda.² The Visitor felt himself bound by gratitude to the Minister and never dared utter a word in contradiction. According to the nuncio, his behaviour was not that of a Visitor but of a subordinate instrument of Pombal's.³ The latter was now able to carry out his plans under the cover of ecclesiastical authority and, while the Holy See was vacant, he had no need to fear any objection from the Pope.

On the evening of May 2nd, 1758, the Papal Brief, which had arrived at the end of April, was proclaimed, on Saldanha's instructions, in the professed house of the Jesuits, St. Roch.⁴

¹ " *Ha permesso Dio che tutta questa tempesta dei Gesuiti abbia origine dal Papa, dotto e incorrotto Lambertini, che fece la Bolla al patriarca portoghese per visitare e giudicare li Gesuiti, onde vennero li processi contro la mercatura gesuitica, e passo passo la causa di Leoncy [Lioncy] e del P. La Valetta." Tanucci to Cantillana, April 14, 1764, Archives of Simancas, Estado, 5988.

² *Acciaioli to Archinto, August 22, 1758, Nunziat. di Port., 117, *loc. cit.*

³ *Acciaioli to Archinto, June 13 and August 22, 1758, *ibid.*
 " *Perchè certo il card. Saldanha nulla ha fatto di visitatore, ma di ministro subalterno al conte d'Oeyras." Acciaioli to Torrigiani, March 18, 1760 (confidential), *ibid.*

⁴ *Acciaioli to Archinto, May 9, 1758, *ibid.*, 198; MURR, 41.

After nearly the whole month had gone by, Saldanha opened the visitation on May 31st, arriving at St. Roch's with a large retinue and having the inmates pay homage to him as Visitor. Immediately afterwards he made his departure.¹ On June 5th the first result of the "Visitation" appeared in the form of an edict issued by the Cardinal, announcing that he had certain knowledge that in every college, residence, noviciate, and houses of other kinds owned by the Order, under the protection of Portugal, in Europe, Asia, Africa, and America, scandalous commercial transactions had been carried on, offending against the canons and Papal Bulls. After Saldanha had then forbidden all trade under penalty of excommunication, he finally ordered the surrender of all account books.² Two days later, on June 7th, an edict was found posted up on all church doors and in every public place in the capital, by which the Cardinal Patriarch Atalaya of Lisbon suspended all Jesuits in his jurisdiction from preaching and hearing confessions, "from just causes, for the honour of God, and for the benefit of the Christian people."³

Naturally these two ordinances gave rise to great excitement and indignation both among the common people and in higher circles; the Infante Dom Pedro in particular and a large section of the highest aristocracy showed that they were

¹ *Acciaiola to Mgr. Antonelli, June 6, 1758, Nunziat. di Port., 198, *loc. cit.* MURR (47) erroneously gives May 30 as the opening day of the visitation.

² Text in [BIKER], I., 53 *seqq.*, German in [KLAUSING], II., 366. Cf. MURR, 47. The edict was dated May 15, printed on May 27, and published on June 5 (*Acciaiola to Mgr. Antonelli, June 6, 1758, *loc. cit.*). SOTOMAYOR'S opinion (*Pombal*, 212), "The Cardinal's verdict was given as the result of the instigations and probably at the dictation of the Minister," is confirmed by the nuncio, who *wrote to Archinto on August 22, 1758, "La materia però è tutta di Carvalho, che me ne parlò con somma compiacenza." Nunziat. di Port., 117, *loc. cit.*

³ Text in [BIKER], I., 59. Cf. MURR, 48, n. 1. Copy and printed version in Nunziat. di Port., 204, *loc. cit.*

greatly incensed.¹ The nuncio, on the other hand, seemed to harbour the suspicion that the accusation of illicit trading was not without foundation. He advised the Visitor not to engage in inquiries into the discipline of the various Jesuit houses or into the manner in which the cure of souls was performed, for such inquiries would be fruitless; the only scandal that actually existed was the commercial one.² Nevertheless, the Visitor had to hear from the nuncio that his edict was excellent but for one slight omission—the evidence—without which it was nothing but a calumnious document.³ And the Cardinal Secretary of State, Archinto,

¹ *Archinto to Acciaïoli, August 22, 1758, *loc. cit.* “*Tutto il mondo qua ne dice male, e l’infante D. Pietro con molta fidalghia ne freme: io non parlo, perchè ora il noto Breve e i Gesuiti sono privativa del card. visitatore a esclusione del Nuncio, come ella sa.” Acciaïoli to Archinto, June 27, 1758, *Nunziat. di Port.*, 117, *loc. cit.*

² “*In tanto al sig. cardinale consiglieri di non pigliar la visita sulla vita regolare, sulle prediche, confessioni, scuole, congregazioni etc. dell’ Istituto, perchè co’ Gesuiti poco avrebbe concluso et avrebbe perduto il tempo, ma sulla publica negoziazione, che è l’unico scandalo, che diano tali religiosi” (to Archinto, August 22, 1758, *loc. cit.*). CORDARA (*De suppressione*, 32 *seqq.*) affirms that it was not trading in the meaning of canon law; the Jesuits had only sold the superfluous produce of their landed properties so as to buy with the proceeds goods needed by their missions. There was no other way of defraying their not inconsiderable outgoings. Moreover, they had engaged in this kind of “trade” since the foundation of the missions, with the approval of the Bishops, the nuncios, and the Portuguese kings, without anyone taking objection to it until the foundation of the trading company for Maranhão. All the other missionary societies did the same thing. Cf. DUHR, *Jesuitenfabeln*, 646 *seq.*; HERNANDEZ, *Organización*, I., 262 *seqq.*; [OLIVEYRA], *Compendio istorico dell’ espulsione dei Gesuiti dai regni di Portogallo*, Nice, 1791, 74 *seqq.*, 80 *seqq.*

³ “*Ma senza un tal minore, difese e conseguenze non so giudicarlo che un libello infamatorio.” To Archinto, August 22, 1758, *loc. cit.*

observed that since the visitation was opened on May 31st and the decree had already been printed on May 27th, the condemnation had already been pronounced before the proofs could be extracted from the account books and the offence legally established.¹

The second edict, that of the suspension of all Jesuits from the cure of souls, contravenes ecclesiastical regulations; a Bishop may suspend individual members of an Order but not the community as a whole.² Moreover, the Patriarch had up to then consistently honoured the Jesuits with his confidence and only a year previously he had appointed several of them synodal examiners.³ Pombal, however, feared that by their influence in the confessional the number of the malcontents would be increased.⁴ The nuncio discovered that the edict was sent for signature from the Portuguese State Secretary's office to the Patriarch about midnight. The old man wept

¹ * " Si è ancora osservato l'editto pubblicato dal sig. card. Saldanha il dì 3 [read : 5] giugno, in cui si proibisce ai Padri della Compagnia la negoziazione, e benchè in questo punto si conformi ai sagri canoni ciò che in esso si prescrive, col tutto questo asserendosi stampato il dì 27 maggio ed il dì 31 aperta la visita, si dichiarò il delitto prima che fosse giuridicamente provato, di maniera che la pubblicazione che si è fatta dell' editto anteriormente alla prescritta esibizione dei libri, fa chiaramente conoscere, che siano stati condannati prima di essere intesi e che dall' esibizione di detti libri risultasse la prova del supposto delitto di negoziazione." Archinto to Acciaioli, September 7, 1758, Nunziat. di Port., 180, *loc. cit.*; reproduced in ROMANO, *L'espulsione*, 25, n. 1, where the word "supposto" is missing and "Aprile", which was not in the original, has been inserted after "31", which renders the evidence worthless.

² This was the judgment given by Clement X. on June 21, 1670. Cf. Cod. iur. can. can. 880, § 3, and VERMEERSCH, *De religiosis institutis et personis*, II⁴, Brugis, 1909, 566. Acciaioli *wrote to Archinto on August 22, 1758: "Ma approvare quella sospensione sì irregolare mi è parso non doverlo fare, e però parlai con forza." *Loc. cit.*

³ MURR, 48 *seqq.*

⁴ *Acciaioli, *loc. cit.*

but signed, and the selfsame night the copies which had been kept in readiness were everywhere exhibited.¹ The Patriarch, who thus had had very little to do with the edict, betook himself on the day of publication to his country residence, where he died on July 9th.²

A week later the Jesuits suffered another blow. The Superior of the professed house in Lisbon, Torres, formerly Provincial, received the express order on June 14th to depart within three days to Braganza, in the north of the kingdom, and until then not to leave the house. The nuncio among others was made to suffer by this order, for Torres was his confessor and adviser. No grounds for this measure were communicated to the nuncio.³

(2)

While these events were taking place, the Holy See was still unoccupied and the Cardinals were assembled in conclave. The General of the Jesuits, Centurioni, had also died, his decease preceding that of the Lambertini Pope. The personal qualities of the future Pope and the future General were naturally of the greatest importance for the further development of the situation in Portugal.

On May 21st, 1758, a man was appointed head of the Society whom one would hardly have regarded as a likely candidate: a novice in government, who had entered the Society at the age of fifteen and after a long period of teaching had become Spiritual Father at the Roman College, whence only two years previously Centurioni had taken him out to be his secretary. Lorenzo Ricci, of Florence, was a pious and gentle ascetic. The motive that induced the Congregation to elect him appears to have been based on one of their decrees. The superiors, runs this decree, are frequently to impress on

¹ *Acciaioli to Archinto, June 13, 1758, *Nunziat. di Port.*, 117, *loc. cit.*

² *Acciaioli to Mgr. Antonelli, June 13, 1758, *ibid.*, 198.

³ *Acciaioli to Archinto, August 22, 1758, *loc. cit.*

their subordinates that the well-being of the Order depends entirely on its zeal for spiritual things. "For if it should please God (whose decrees in their wisdom must always be adored) to permit us to be tried by adversity, God will not forsake those who are loyal to Him and are bound to Him with all their heart, and as long as we take refuge with Him, with a clear conscience and a faithful heart, no other protection will be wanting to us."¹ In other words, in the coming storms, the Congregation looked for little to human sagacity and resolution. But with this view not all the Jesuits were agreed: Ricci, with his gentle character inclined more towards long-suffering than action, seemed to them little suited for the stormy times that demanded daring and unusual methods. "Ricci," wrote the ardent Carlo Borgo, in 1780,² "was a man of unequalled goodness, kindness, and purity of morals, but timorous, indecisive, and quite incapable of undertaking any enterprise that needed courage and circumspection. I myself have heard many of the most thoughtful Jesuits bemoan the misfortune of having so unsuitable a General in such terrible times. Had it not been for his passivity, they thought, the Order could have forestalled the disaster or at least have prevented it to a great degree. On receiving the repeated messages about the plotting of our enemies that came to him from all quarters year after year, the good Society member but hardly competent superior did nothing but weep and pray. This weakness was well known to the whole world, and consequently the audacity of the enemy increased beyond all bounds."³ Substantially the same opinion was given by

¹ "Nam si forte Deo ita permittente placeat (quae adoranda consiliorum eius ratio est), ut adversis exerceamur: Deus adhaerentes sibi atque intime coniunctos non deseret, et quamdiu pura mente ac sincero corde ad eum confugere poterimus, nullum aliud deerit nobis praesidium," Congr. 19, decr. 11: *Institutum Soc. Iesu*, II., Florentiae, 1892, 449.

² *Memoria cattolica da presentarsi a Sua Santità*, Cosmopoli [Roma], 1780, 163.

³ ROSA, *Gesuiti*, 386.

Cordara,¹ Ricci's friend and confidant, and it has been repeated until our day even by historians friendly to the Jesuits.²

But Ricci was not quite so passive as he has been described. In many of the storms that arose he displayed an energy that would have done honour to an Aquaviva. What is certain is that he never failed in his duty, nor was he lacking in prudence and untiring diligence, as is testified by many documents which were unknown to his contemporaries. The difficult situation and the cunning of traitors who crept in everywhere forced him to keep every step he took secret even from those who were most in his confidence. For this reason, too, he wrote almost all his letters in his own hand. These causes, together with the ill-success of his efforts, gained for him the reputation of timidity and indecision. There was, however, a certain element of truth in the reproach; but this, on the other hand, is the best rebuttal of the worst accusation that was hurled against him: that of craftiness and intrigue.³

A few weeks after Ricci's election the Church too received another head in the person of Clement XIII. The new Pope was favourably inclined towards the Jesuits, but, especially at the outset of his pontificate, he allowed himself to be greatly influenced by his entourage, in which there were many enemies of the Society, both open and hidden. Cardinal Spinelli,

¹ *Commentarii*, 525. There was also one of the General's assistants who was not satisfied with his attitude; cf. ROSA in the *Civ. Catt.*, 1913, IV., 464. Ricci himself was gravely disheartened from time to time. Thus he wrote to Nectoux, the Aquitanian Provincial: "*Familiae nostrae bono consuleret maxime et compendiaro Deus, si alium illi daret praepositum, qui uberiori lumine ab eo illustrari et virtute ex alto indui mereatur, aut saltem non illi calamitates accerseret peccatis suis." Archives of Simancas, Gracia y Justicia, 666 (Regulares, Jesuitas).

² RAVIGNAN, I., 387; CRÉTINEAU-JOLY, *Hist.*, V., 262. Cf. the letter to Pintus, of January 30, 1773, in DUHR, *Gesch.*, IV., I, 14 seq.

³ ROSA, *Gesuiti*, 354 seqq.

in particular,¹ was successful in restraining the Pope from any decisive step by pointing a warning finger at the precedent of Henry VIII. of England.² Clement accordingly recommended three things to the Jesuit General: silence, patience, and prayer; for the rest, Ricci was to leave affairs in his charge.³ These three points form the gist also of all the circular letters sent by the General to his Society, from the first, of September 26th, 1758, to the last, of February 21st, 1773, which, written just before the disaster, is once more "a fresh encouragement to prayer in the face of the greatest peril threatening the Society".⁴

At the first audience which Ricci had of Clement XIII., on July 31st, 1758, he handed him a petition in which he protested against the illegal procedure taken by the two Cardinals Saldanha and Atalaya and sought the Pope's protection.⁵ The Pope referred the petition to the Tribunal of the Inquisition, among whose members were the Cardinals Spinelli, Passionei Tamburini, Archinto, and Corsini, Protector of the Portuguese nation, along with other dignitaries who were either unfavourably disposed towards the Jesuits or were dependent on the Portuguese Court. The Congregation disapproved of the conduct of the Visitor and the Patriarch

¹ " *Spinelli, nemico de' Gesuiti e della Bolla [Unigenitus], ma occulto " (Tanucci to Caracciolo, Caserta, February 12, 1757, Archives of Simancas, Estado, 5941). On August 9, 1759, the Spanish envoy Roda y Arrieta *thanked the Minister Wall for the confidential information about the Jesuit affair in Paraguay, which he had sent for the benefit of Passionei and Spinelli (*ibid.*, Estado, 4966). Cf. the description of Spinelli's character in CORDARA, *Commentarii*, 526 seq., 537 seq. It was through Spinelli that Ganganelli was created Cardinal (see p. 193, n. 3).

² CORDARA, *Commentarii*, 527; *De suppressione*, 38 seq.

³ *Ibid.*

⁴ *Epistulae Generalium*, II². (1909), 257 seqq.

⁵ *Italian text in Nunziat. di Port., 180, *loc. cit.*, Portuguese in [BIKER], I., 59 seq. The attached "Memorandum of the Sacred College" is merely Cardinal Passionei's vote (correctly described in *Acciajoli's letter to Torrigiani, February 20, 1759, Nunziat. di Port., 199, *loc. cit.*). Cf. MURR, 55; WELD, 162.

but at the same time advised against abrupt measures, lest the king be still more embittered.¹

Official secrecy was violated and the petition came into the hands of the Portuguese ambassador, Almada, who had it annotated by the Piarist Urbano Tossetti and published in printed form.² There being nothing objectionable in Ricci's document itself,³ the editor harked back to the old charges of regicide, commerce, idolatry, and the corrupt Jesuit morality.⁴ From the archives of the Propaganda he produced a long indictment from the time of the ritual dispute, which had been procured for him by the secretary of the Propaganda, Marefoschi, but of the Jesuits' rebuttal he made no mention.⁵ Out of regard for the king of Portugal the scurrilous composition was not prohibited by the ecclesiastical authority.⁶ Thus encouraged, the anti-Jesuits in Rome were more and more emboldened. Every week meetings were held in the residence

¹ CORDARA, *Commentarii*, 527; *De suppressione*, 38.

² German translation in [KLAUSING], I., 4 *seqq.*

³ SOTOMAYOR'S opinion (*Pombal*, 220) is that the only accusation that can be brought against the General is of being over-lenient in his references to the Visitor and the royal Ministers. See MURR, 54, n. 1. Cf. also CORDARA, *De suppressione*, 38.

⁴ Among other things he stated that the Jesuits had brought about the deaths, by the dagger or poison, of a score of princes; to these he added the death of Cardinal Archinto, who died of apoplexy on September 30, 1758. CORDARA, *Commentarii*, 528; *De suppressione*, 40; *Portocarrero to Wall, October 12, 1758, Archives of Simancas, Estado, 5131.

⁵ In the "Appendice alle Riflessioni del Portoghese sul Memoriale del P. Generale dei Gesuiti presentato alla Santità di PP. Clemente XIII.", with the false addition of "Genoa 1752". According to others, this document derives from Bottari. Cf. ROSA, 364; CORDARA, *Commentarii*, 528.

⁶ CORDARA, *De suppressione*, 40. The printer Nicola Pagliarini was sentenced to the galleys after the breach between Portugal and the Curia, but was soon pardoned by the Pope. By way of Naples, where he was eagerly assisted by Tanucci, he fled to Portugal, where he worked in the pay of Pombal. Under Clement XIV. he was pardoned and was raised to the rank of

of their ringleader, where they discussed ways and means of bringing about the downfall of the hated Order.¹ While the Jesuits, obeying the Papal injunction, maintained a patient silence, their adversaries skilfully enlisted the services of the Press. With ample funds at their disposal they had distributed throughout the world pamphlets of every description, some being new publications, others reprints. Week after week the much-read Lugano gazette, financed by Portugal, published anti-Jesuit reports, either freely invented or inspired with prejudice, which were greedily devoured. On it coming to the ears of the Pope, he bewailed the unhappy lot of the Jesuits and at times even wept about it but he could not bring himself to decide to put an end to the activity of the faction, solely from fear of a schism. He was strengthened in this attitude by the arrogant attitude of Almada, who was always at hand with his threats, and by the suspicious silence of the king, who left unanswered for eight months the hand-written message whereby Clement XIII. had informed the monarch of his election.²

If only for the sake of doing something, the Pope had a letter sent to the nuncio Acciaioli, instructing him to intimate to the two Cardinals Saldanha and Atalaya in a friendly way and as if speaking for himself, that their decrees against the Jesuits had displeased the Pope, since they had been issued without observing the formalities of the law and without a regular visitation.³

a Roman noble. [BIKER], III., 297 *seq.*; CORDARA, *De suppressione*, 69; *Tanucci to Charles III of Spain and Count Pignatelli, Naples, February 9, 1762, Archives of Simancas, Estado, 5976; *Tanucci to Galiani, Orsini, and Bottari, Naples, February 13, 1762, *ibid.*; *Nicola Pagliarini to Marco Pagliarini, Naples, February 9, 1762, *ibid.*, Estado, 4907.

¹ Cf. our account, Vol. XXXV, 390.

² CORDARA, *Commentarii*, 528 *seq.*; *De suppressione*, 41 *seqq.*; *Acciaioli to Torrigiani, November 28, 1758, Nunziat. di Port., II4, Papal Secret Archives; *Torrighiani to Acciaioli, November 23, 1758, *ibid.*, 183.

³ CORDARA, *Commentarii*, 528.

At first, indeed, it would seem that far-reaching measures were planned in Rome. Already on June 13th, 1758, the nuncio had expressed the thought that the new Pope might call the Patriarch to account for having decreed the suspension of the Jesuits without having previously admonished them and without having given them the opportunity of defending themselves. But in any case, he had no hope of much success, for "Carvalho does everything", as he said, "and the poor Patriarch can do nothing and thinks of nothing but how he is to live."¹ According to reports which reached Acciaioli, Clement had told a Cardinal of his intention to alter the Brief of visitation and to appoint the nuncio reporter and co-visitor. This plan was opposed by Acciaioli with all his might, as it would make his position, already difficult enough, still worse and would finally lead to an open breach with the Holy See. In his view it would be far better if the Pope were to ask Saldanha for the report which was provided for in the Brief; this would open the way to a correspondence and give the Head of the Church an opportunity of expressing his mind and of curbing the insensate wrath of the Minister, who had completely won the king over to his side. It was above all the illusion that until now the Jesuits had ensnared him by means of the confessional that had enraged the king against them. Since his conversation with Saldanha about the Patriarch's edit of suspension neither Pombal nor the Visitor had spoken to him about the steps taken against the Jesuits, although he had often tried to lead the conversation in that direction. He presumed from this that they regarded him with suspicion; but he did not consider that he ought to approve of such an illegal suspension and therefore he had spoken his mind about it quite unambiguously.²

Rumours about an alteration of the Brief of visitation had come also to Pombal's ears through his agents in Rome.

¹ *Acciaioli to Archinto, June 13, 1758 (Nunziat. di Port., 117, *loc. cit.*): "Ma il povero patriarcha non val nulla, e non pensa nulla che a vivere."

² *Acciaioli to Archinto, August 22, 1758, *ibid.*

In a conversation with the nuncio on September 11th, 1758, he brought the most grievous charges against the Jesuits, accusing them of slander and rebellion against the king; they were the cause of the outbreak and the continuance of the war in Paraguay,¹ which up till then had cost more than 26 million *crociati*.² By way of Holland they had spread news prejudicial to the royal authority both in the town and countryside, and from Rome they were working against the prince and his ministers in speech and writing. There was no need to mention their commercial transactions, as they were public knowledge. The stores in their magazines were not, as they contended, the products of their estates but had been bought up in the missionary countries and in many cases had been acquired by unlawful and sacrilegious methods, namely by selling "della Marca" Briefs and fabricated dispensations. The crime of the Portuguese Jesuits was that they made common cause with the missionaries, trained young men in their noviciate, and then sent them to the missions. Much blame was ascribed by the Minister to the Court confessors. Relying on their protection and their supposed power, the missionaries had made the poor heathen folk entirely subservient to their will, had bribed the lay judges, and had been guilty of the cruellest tyranny. Against such rebels the king could really have taken action without violating their immunity or their obedience to the Pope, but by asking for the Brief of visitation he had shown his respect for the head of the Church. So far as he was concerned, he knew that the Jesuits were making every effort to win the Holy Father and the Cardinals over to their side, but he sincerely hoped that the Pope would make no alteration in the Brief. He looked forward also to the king taking stronger measures after his recovery.³ On the nuncio objecting that after the suspension one could hardly

¹ Cf. our account, Vol. XXXV, 418.

² 1 *crociato* = 2 lire = 1s. 8d.

³ The conversation took place a week after the attempt on the life of Joseph I. (see pp. 308 *seqq.*).

take any further steps, and on his expressing the hope that the king would not allow himself to be rushed into taking measures that would disgrace the priesthood and the religious habit, Pombal retorted that the Jesuits were insufferable rebels and disturbers of the peace and were striving after royal power. From this heated intercourse the nuncio gained the impression that Pombal intended him to understand that he wanted no change whatever to be made in the Brief of visitation.¹

Before the nuncio's letter had been written, the Cardinal Secretary of State Archinto had assured him, on September 6th, 1758, that the new Pope had no intention of departing from the course pursued in the previous pontificate; his only desire was that the visitation should proceed according to instructions and that he should be kept informed of what happened.² To anticipate malicious comments, Archinto informed him on the following day, the Pope had appointed a Congregation of Cardinals, in accordance with the established precedent, so that he might have their opinion of the affair of the Jesuits.³

As Clement XIII. feared that any drastic action on his part would only provoke the king and Pombal to open opposition, he tried to bring about through Pombal himself a mitigation of the measures taken by the Patriarch. By word

¹ *Acciaioli to Archinto, September 12, 1758, Nunziat. di Port., 199, *loc. cit.*, partly reproduced in ROMANO, 39 *seqq.*

² " *Da una lettera d'ufficio Ella comprenderà due cose, cioè che qui si vuol camminare sulla massima fissata nel passato pontificato e che si desidera che tutto si faccia rite et recte ed essere intesi di quello che si fa. La massima non può essere nè più giusta nè più equa e vorrei per il bene dell' affare che si pensasse costì egualmente " (Nunziat. di Port., 180, *loc. cit.*). Already on April 28, 1757, Archinto had informed the nuncio that the Pope " non intende, nè vuole salvare li medesimi Religiosi, se veramente sono rei ", but " solamente che si proceda contro di essi " according to the prescriptions of canon law. Nunziat. di Port., 178, *loc. cit.*

³ *Ibid.*, 180; ROMANO, 41 *seq.*

of mouth only the nuncio was to explain to the Minister the object of the petition made by the Jesuit General and to emphasize the respectful terms in which it was couched.¹ Should he then perceive a softening in his manner, he was to remark quite casually and as if coming from himself, that only if the Brief was carried out in a spirit of charity could it contribute towards a happy issue of the visitation, the honour of the king, and the good name of the Society, which hitherto had done nothing but good and had performed great services on behalf of the Church.² Under date October 26th, 1758, Torrigiani, Archinto's successor as Secretary of State, again declared that Rome had no reason to alter the former instructions given to the nuncio.³ To subdue the excitement artificially aroused by Pombal and his associates, the new Secretary of State had another statement issued in November 1758 that the Holy Father had never had the intention of revoking his predecessor's Brief nor had the Jesuits made any such request. In his submissive memorial the Jesuit General had only asked that the innocent might be not punished with the guilty.⁴

In the middle of these transactions an event took place which gave the Jesuit cause an unexpected turn for the worse: the "attempt on the life" of the king.⁵ On the

¹ A copy had been attached by the Cardinal Secretary of State to his letter of September 7, 1758.

² Archinto to Acciaiuoli, September 7, 1758, in ROMANO, *loc. cit.*

³ *Nunziat. di Port., 183, *loc. cit.*

⁴ *Ibid.* The dispatch is undated but was written on November [23?], 1758.

⁵ Cf. OLFERS, *Über den Mordversuch gegen den König Joseph von Portugal*, in the supplement of the Royal Academy of Sciences in Berlin, 1838, Berlin, 1839, 273-360 (also published separately); DUHR, *Der "Mordversuch" gegen den König von Portugal*, in the *Stimmen aus Maria-Laach*, XXXVIII. (1890), 396 *seqq.*; *idem* in the *Zeitschrift für kath. Theol.*, XXII. (1898), 756 *seqq.*; *idem*, *Pombal*, 82 *seqq.* General accounts: SCHÄFER, *Gesch. von Portugal*, V., 264 *seqq.*; MURR, 58 *seqq.*; WELD, 184 *seqq.*; ROMANO, 49 *seqq.* Further sources are mentioned in the above works.

morning of September 4th, 1758, the rumour spread through the whole of Lisbon that the king was seriously ill and that he had been bled several times during the previous night. The first reports said that on going into the gardens during the night, he had fallen down the steps in the darkness and had badly injured his shoulder.¹ This was also the official report of the incident which Pombal sent shortly afterwards in a circular letter to the foreign envoys, but almost simultaneously another rumour went through the capital that the matter presented a less innocent aspect. The king, it was whispered with the greatest secrecy, had been wounded by several gunshots on the night of September 3rd, as he was returning from the young Marchioness Teresa de Tavora, with whom he was on intimate terms. The reports of the Papal nuncio² and of the Imperial³ and British⁴ envoys all agree that the king was shot at but that the ball was intended not for him but for his valet Texeira, his constant companion on his nightly expeditions. Whereas for weeks afterwards the Court adhered to the first explanation of the affair,⁵ rumour, almost from the start, ascribed it to the kinsfolk of the marchioness, who felt that their family honour had been slighted. In all probability the attack was instigated by the Duke of Aveiro, who wanted to revenge himself personally on Texeira for a grievous insult.⁶ For weeks on end no one

¹ Acciaioli's report of September 5, 1758, in ROMANO, 51 seq.

² See Acciaioli's reports of September 12, 19, and 26, October 3, and November 28, 1758, reproduced by DUHR in the *Zeitschrift für kath. Theol.*, XXII., 756 seqq.

³ DUHR in the *Stimmen aus Maria-Laach*, XXXVIII., 396 seqq. ; *idem*, Pombal, 82 seqq.

⁴ DUHR in the *Stimmen aus Maria-Laach*, XXXVIII., 401 ; SCHÄFER, *Gesch. von Portugal*, V., 265 seqq.

⁵ Acciaioli to Torrigiani, November 28, 1758, in DUHR, *Zeitschrift für kath. Theol.*, XXII., 757 seq.

⁶ ANSELMUS ECKART, S.J., *Historia persecutionis Soc. Iesu in Lusitania*, in MURR, *Journal*, VIII., 131. Cf. DUHR, Pombal, 82, n. 2 ; *idem* in the *Stimmen aus Maria-Laach*, XXXVIII., 402 seq. (with other evidence) ; WELD, 193 seqq.

except his nearest relatives was allowed to see the wounded monarch, and the reports on his state of health were sometimes favourable, sometimes the reverse.

More than three months passed and then the mysterious darkness suddenly lightened. Quite unexpectedly, on December 13th, 1758, there appeared an edict, accompanied with serious threats and promises, by which all subjects who had any knowledge of the perpetrators were to inform the authorities.¹ On the same day the Duke of Aveiro, the old Marquis of Tavora, with his wife and several of his relatives and some of the Duke's domestic staff, were arrested. Their trial proceeded most irregularly, with the open violation of legal usage²; of the eighteen principal defendants twelve

¹ The edict is dated December 9, 1758; text in [BIKER], I., 62 *seqq.* In the description of the incident, circumstances are mentioned which either could have been known only from the investigation or were in notorious disagreement with the actual course of events (OLFERS, *Mordversuch*, 279).

² The Imperial envoy, Count Khevenhüller, to whom Pombal had given the original case for him to read, observes in his dispatch to Kaunitz on January 15, 1759: "On the other hand, the form of the proceedings may cause quite a stir. The twelve judicial votes are held by only six judges, of whom two hold eight votes more, on the ground that, since these two persons sit at other times in three or four councils, they are entitled to so and so many votes for each council. Moreover, in the proceedings the facts are cited, but with no proofs." (DUHR, *Pombal*, 86.) The numerous contradictions in the proceedings have already been demonstrated several times. Cf. MURR, 77 *seqq.*; OLFERS, *passim*; DUHR in the *Stimmen aus Maria-Laach*, XXXVIII., 410 *seqq.*; ROMANO, 75: "La sentenza fu pronunciata il 12 gennaio; essa effettivamente fu il risultato di un processo condotto con la massima irregolarità e con palese violazione delle forme giudiziarie, improntato all' odio del Pombal per l'aristocrazia che voleva ad ogni costo distruggere." — " *I Portoghesi anno condotto le loro avversità con poca lode del pubblico. I processi, fondamento della severità, non anno sodisfatto " (Tanucci, to Ludolf, Portici, April 28, 1759, Archives of Simancas, Estado, 5955).

were condemned to death on January 12th, 1759,¹ and were executed on the following day with barbaric cruelty. From a palace window Pombal looked on at this horrible spectacle, which lasted from seven o'clock in the morning till three in the afternoon.² The blood-penalty exacted from the nobles showed the Jesuits what they had to expect.

Quite soon after the assault the Senator Ignaz Ferreira Souto, a declared adherent of Pombal's, had accused the Jesuits of being the authors of the deed.³ Although this accusation had no after-effect at first, the Fathers soon perceived that something untoward was in store for them. On their sending the customary rice-cakes to the Court on the Feast of St. Francis Borgia (October 10th, 1758), in accordance with an old custom, the cakes were returned to them—a sign of the royal displeasure.⁴ Again a few weeks passed and then the Provincial, Father Henriquez, received from the Cardinal Visitor, on November 21st, 1758, an order forbidding him to move any of his subordinates.⁵ On the evening of December 13th, when the members of the house of Tavora were arrested, all seven of the Jesuit establishments in Lisbon were surrounded by soldiers and a guard was posted in every house with strict orders to admit no one without

¹ Text of the sentence in [BIKER], I., 64 *seqq.*

² A printed Portuguese report of the time (in Nunziat. di Port., 115, *loc. cit.*) gives a detailed description of the execution of the sentence. — The first vol. of the *Raccolta d'opuscoli curiosi ed interessanti intorno gli affari presenti di Portogallo* (Lugano, 1760) contains an engraving which depicts in seven sectional pictures the attempt on the king's life and the execution of the nobles. Detailed descriptions of the execution, etc., in MURR, 71 *seqq.*; SCHÄFER, V., 272 *seqq.*; DUHR, *Pombal*, 85 *seq.*

³ MURR, 61. This rumour, however, does not seem to have circulated widely, since it is not mentioned in any of the numerous reports by the nuncio or the other envoys.

⁴ Acciaioli to Archinto, October 24, 1758, in ROMANO, 54.

⁵ *Nunziat. di Port., 114, *loc. cit.* The Latin translation of the prohibition was sent by the Provincial to the nuncio, as the latter had ceased visiting Jesuit houses, for reasons of discretion.

permission.¹ On the same day Saldanha issued instructions to the Father Provincial to forbid all his subordinates in the city to leave their houses.² To the nuncio Pombal gave, as the reason for these measures the protection of the Jesuits against the fury of the mob, which thought they had played some part in the attempt on the king's life.³ Ten days later, on the afternoon of December 23rd, troops of soldiers entered almost simultaneously all the Jesuit houses in order to search for hidden weapons. The search proved fruitless,⁴ and the

¹ MURR, 66. *Informazione of August 8, 1759, Nunziat. di Francia, 450, Papal Secret Archives.

² Latin translation in Nunziat. di Port., 114, *loc. cit.*

³ MURR, 67. The nuncio could hardly have attached much credence to this explanation, seeing that he had already reported to Rome in a ciphered dispatch on November 28, 1758: "The whole city is on their [the Jesuits'] side, first and foremost the Infante Dom Pedro, whose example is followed by the princesses and almost the whole Court; but neither he nor the others dare open their mouths about it. The whole affair originates in Carvalho's passionate nature; he is really a despot and there is no one to oppose him. Even the King of Portugal fears him, and this is public knowledge." (DUHR in the *Zeitschrift für kath. Theol.*, XXII., 758). In the nuncio's confidential *report to Torrigiani on March 18, 1760, in which he enumerates the various measures taken against the Jesuits, he writes: "Il blocco a tutte le loro case di soldati col pretesto scritto dal card. [Saldanha] al Papa, che il popolo faceva rumore et era pronto a bruciare i collegi e case loro per odio di aver essi cospirato alla vita del Re, quando non vi fu chi parlasse, e chi si movesse, e arrivò a tutti nuovo il blocco, che nessuno pensò mai, che i Gesuiti fossero mescolati nel tentato parricidio, che dopo uscita la sentenza, nella quale erano nominati i tre Malagrida, Alessandre e Mattos." Nunziat. di Port., 117, *loc. cit.*

⁴ [KLAUSING'S] anti-Jesuit *Sammlung der neuesten Nachrichten* (I., 2, 11): "On this very day a policeman with an officer and some soldiers visited all the Jesuit colleges on the pretext that they were carrying out searches for tobacco. They investigated everything most minutely, but as they found nothing suspicious, everything was on the same footing as before, namely

Jesuits were beginning to think that they might breathe more freely again when on the night of January 11th-12th, 1759, ten of the Fathers were arrested as participators in the "conspiracy" against the king.¹

Not one of the ten priests was ever examined or placed on trial, but in the proceedings for high treason they were described as convicted authors of the plot. According to § 4 of the death-sentence,² the Fathers, at their frequent meetings with the accused nobles, especially the Duke of Aveiro, who was aiming at the crown, encouraged them to commit the deed by remarking "that everything would be arranged to meet his wishes as soon as His Majesty had ended His precious and glorious life". The same Fathers were also said to have decided "that the murderer who killed His Majesty was not even committing a venial sin".³ Possibly

that only the guards outside the gates were left." A similar description of the incident is given by MURR (67). Accordingly the *account given by the nuncio on December 26, 1759 (Nunziat. di Port, 199, *loc. cit.*), that it was being said that cases full of guns had been found in the Jesuit houses, which they intended to send to the colonies, may be considered as an empty rumour.

¹MURR, 70. Among the arrested were the Provincial (P. Henriquez), P. Jos. Moreira (the former king's confessor), and the Patres Gabriel Malagrida, John de Mattos, and John Alexandre. On the list of the accused only the last three names appeared. Nunziat. di Port., 181A, *loc. cit.*

²[BIKER], I., 67 *seq.*; [KLAUSING], I., 2, 13 *seqq.*

³The expression of opinion regarding the venial sin was made, according to the *Mémoires du Marquis de Pombal* (II., 49), in a note sent by P. Malagrida to the old Marquise de Tavora, but without any particulars as to the matter to which it referred. According to the written proceedings the statement that the murder of the king was not even a venial sin (*não peccaria, nem levemente*) was made by P. Hyacinth da Costa, with the agreement of P. Timotheus d'Oliveira. They, therefore, would have been the chief instigators of the plot; but in the sentence, in which other Jesuits were cited by name, no mention whatever was made of them. It is further to be noted that the whole content of § 4 is

Pombal, who was the leading spirit in the whole proceeding, sensed the inadequacy of such statements extracted under torture,¹ for he tried to increase their evidential value, by so-called legal assumptions. Since it is not to be supposed (we read in § 25 of the proceedings) "that a man would commit a great misdeed without having a great interest in it, it is also to be assumed that the man who has an interest in the deed must be he who committed it, unless he can clearly prove that someone else committed it". Now, since the Jesuits, whom the king had deprived of their office of Court confessors and had forbidden to trade, had a great interest in the death of the king, "this legal presumption alone would be enough for it to be considered on the basis of the law as a clear proof that they have had responsibility for this accursed deed."²

On such principles, says a Protestant scholar, "applied completely, as is here the case, seeing that the whole series of assumptions are founded on nothing documentary, half the world could be brought to the scaffold."³ Actually, every historian who has examined the case in detail has declared

based entirely and exclusively on the admission made after torture by the Duke of Aveiro (OLFERS, 328, nn. 1 and 2).—Also the particulars about the places where the secret meetings are said to have been held arouse grave misgivings (*cf.* MURR, 79 *seq.*). At a moment when the embarkation of the Duke of Aveiro's domestic staff, who had been condemned to deportation to India, was going rather slowly, the Duke's gate-keeper is reported to have said, "I'm being put to the torture, so that I shall say that the Jesuits were continually coming in and out of my master's house; and because I can't say that, I've got to go to India, poor devil that I am" (Chargé d'affaires Keil to Kaunitz, February 3, 1761, in DUHR, *Pombal*, 86, n. 1).

¹ The evidence for the participation of the Jesuits in the "conspiracy" rests exclusively on admissions extorted under torture from certain witnesses and three co-defendants (OLFERS, 307).

² Text in [BIKER], I., 75; [KLAUSING], II., 2, 34.

³ OLFERS, 301.

himself in favour of the Jesuits.¹ "Carvalho would certainly not have desisted from the formal charge (against the Jesuits) if any definite prospect of obtaining a condemnation on even ostensible grounds had shown any signs of appearing."² Even the most stringent surveillance and the most meticulous investigation had failed to produce any evidence.³ How sure of their innocence the Jesuits themselves were is shown by the fact that after Pombal's downfall the ex-Jesuits pressed most urgently for a re-hearing of their case.⁴

Although in the proceedings for high treason the gravest charges had been brought against the Society of Jesus and had been represented as proven facts, the finding contained no punitive measure to be taken against it nor against the three Fathers who had been cited by name, Alexandre, Mattos,

¹ Cf. DUHR in the *Stimmen aus Maria-Laach*, XXXVIII, 403 seq.; *idem*, *Pombal*, 86, n. 1 (where there is other evidence).

² OLFERS, 309 seq. "Had it been possible to embroil individuals [Jesuits] or the whole Society in this affair, he would have done so" (*ibid.*, 307). The Paris nuncio Gualtieri *reported on June 25, 1759, to the Secretary of State Torrigiani that neither Choiseul nor the members of parliament gave any credence to the reports about the participation of the Jesuits in the conspiracy and the attempt on King Joseph's life (Cifre, *Nunziat. di Francia*, 507, Papal Secret Archives). Gualtieri had made a similar observation in a *letter of February 5, 1759 (*ibid.*, 503).

³ That Seabra da Sylva was able to publish only two extremely unimportant letters in his violently worded "deduction" against the Jesuits, which was produced at the Minister's command, shows that, although the strictest investigation was made, nothing useful for Carvalho's purpose was found in the houses of the Society." (OLFERS, 308.)

⁴ "After Pombal's fall the Jesuits lost no time in presenting to the king and queen a petition, with 13 points on which Pombal, 'the originator of so many frauds' was to be questioned. Points VI.-XII. bring out very justly the weak sides of the sentence relating to the Jesuits mentioned therein." (OLFERS, 310, n. 1.) Cf. DUHR, *Pombal*, 91 seq. For the 13 points of the petition, see MURR, 165 seq.

and Malagrida.¹ But a week later, on January 19th, 1759, there appeared a decree, signed by Joseph I., ordering the confiscation of all Jesuit property and the confinement in their houses of the members of the Society, on the ground that they had contrived the war in Paraguay and had taken part in the plot against his life.² A circular letter bearing the same date was sent in the name of the king to all the Bishops in the country to inform them of the "godless and dangerous errors" which the Jesuits had been disseminating throughout the realm and by means of which and the abuse of their holy office they had misled the consciences of the executed assassins. In conclusion, the Bishops were warned to guard the flocks entrusted to their care from the poisonous pasturage of the Jesuits.³ So that these charges might bear more weight with the people, Pombal compelled the Bishops to issue pastoral letters in the sense of the royal communication. Slavishly complying with the behest of the all-powerful Minister, they wrote against the Jesuits, of whose services for the cure of souls they had always availed themselves hitherto, and accused them of immorality, a godless doctrine, and pernicious schools.⁴ The nuncio thought that no good purpose would be served by informing the Bishops of the Papal disapproval of the pastoral letters, for on the one hand they

¹ There is an engraving with the heads of the three Fathers in the large collection of pamphlets dating from the time of the suppression, in the library of the Civiltà Cattolica in Rome.

² Text in [BIKER], I., 79 *seqq.*, German translation in [KLAUSING], I., 2, 48 *seqq.*

³ Text in [BIKER], I., 84 *seqq.*, German translation in [KLAUSING], I., 2, 54 *seqq.*

⁴ Some of the printed pastoral letters of the Bishops are in the Nunziat. di Port., 115 and 116, *loc. cit.*, and in the Archives of Simancas, Inquisicion, 444. Cf. MURR, 90 *seq.*—Pombal, dissatisfied with the Bishops' judgment, published a pamphlet entitled "Erros impios e sediciosos, etc.", text in [BIKER], I., 85 *seqq.* Cf. MURR, 91 *seq.*; also CAEYRO, **De exilio provinciarum transmarinarum* [MS.], Lusit., 97, fo. 39, in Jesuit ownership.

were only yielding to pressure and on the other such a step would only have fanned the flames.¹

Vindication came, however, though from another quarter. Hardly had the Bishops of the other Catholic countries heard of the pastoral letters issued by their Portuguese colleagues when they sent to the Pope letters full of recognition of the life and work of the Jesuits in the Church and in the schools. Had their letters been published they would have constituted a telling defence of the Society.² Well over 200 letters³ full of praise of the Society arrived in Rome, prelates of the highest rank hastening to testify before the Father of Christendom to the injustice of the abuse which had been heaped on the Fathers whose beneficial activity they had observed in their own dioceses. The three spiritual Electors of Mainz, Treves, and Cologne, Cardinal von Lamberg, Prince Bishop of Passau, the Prince Archbishop of Salzburg, the Prince Archbishop of Prague, Primate of Bohemia, the Archbishop of Kalocsa, the Archbishop of Armagh, Primate of Ireland, Cardinal Rovero, Archbishop of Turin, the Archbishops of Messina and Montereale, the Bishops and Archbishops of France, Poland, and, above all, Spain—all raised their voices to the Holy See in defence of the heavily attacked Society.⁴

In Rome anxiety about the events in Portugal was increased

¹ " *Ai vescovi è difficile far nota la disapprovazione del S. Padre alle loro irregolari lettere pastorali, mentre sono stati forzati; e non essendone alcuno qua, converrebbe scrivere, il che potrebbe accendere maggior fuoco a far girare con disdoro alla S. Sede per commenti, e altre ciarle, che naturalmente si darebbero al pubblico colle stampe che qua, come V. E. ha potuto conoscere, no si risparmiano." Acciaiuoli to Torrigiani, September 4, 1759, *Nunziat. di Port.*, 200, *loc. cit.*

² CORDARA, *Commentarii*, 531 *seqq.*; *De suppressione*, 51. Fr. Lagomarsini had collected all the letters; see RAVIGNAN, I., 158, n. 1.

³ After the death of Clement XIII. a large part of these letters were removed from the Papal archives, RAVIGNAN, II., 79, n. 1, and 178, n. 1.

⁴ *Ibid.*, 178, n. 1.

by the total obscurity surrounding the progress of the visitation. Even before the issue of the Brief of visitation the Cardinal Secretary of State Archinto had repeatedly asked for evidence and documents substantiating the complaints and charges against the Jesuits.¹ Time and again the nuncio had to refer him to the reports promised by Pombal, which would "shortly" be to hand; the best he could do was to repeat the general accusations of the Minister. Even the charges made in the "Short Report" (*Relação abbreviada*), though they made a deep impression, could not remove the very great doubts of the Roman Curia. It was hoped that the visitation would throw more light on the confused affair in which the gross aspersions cast on the Jesuits by the Portuguese Government were met by them with a blunt denial. But this hope was in vain; a few weeks before his death, on September 6th, 1758, Archinto had again pressed for a report from the Cardinal Visitor.² Before the letter reached its destination the nuncio had reported under date September 12th, 1758: "What Saldanha and the Secretary of State (Pombal) are doing or not doing with regard to the visitation, no one knows; the matter is veiled in the deepest secrecy."³ Nor could Acciaioli obtain any information by word of mouth. "From Saldanha," he wrote, "there is nothing to be learnt."⁴; "Saldanha is impenetrable"⁵; "Saldanha says nothing."⁶ At last, on January 2nd, 1759, appeared a new ray of hope: "Pombal recognizes the duty of the Cardinal to inform the Holy Father of the course of the visitation and avers that the king will personally inform the Pope of the Jesuits' share in the attack on his life."⁷

¹ *Archinto to Acciaioli, January 20 and April 7, 1757, *Nunziat. di Port.*, 178 and 180, *loc. cit.*

² *Ibid.*, 180.

³ *Ibid.*

⁴ *Acciaioli to Archinto, October 17, 1758, *ibid.*, 199.

⁵ *Acciaioli to Archinto, October 24, 1758, *ibid.*

⁶ *Acciaioli to Torrigiani, December 26, 1758, *ibid.*

⁷ *Acciaioli to Torrigiani, *ibid.*

In spite of all these promises, however, no report came. Another urgent request for information was made on January 25th, 1759, by the new Secretary of State, Torrigiani: "Rome awaits with impatience the full report on the offences of the Jesuits which, according to Your Excellency, Carvalho has long since been on the point of sending." And Torrigiani took care to add: "General accusations are not convincing proofs of the alleged offences."¹ On February 8th the Secretary of State is asking again: "Why does not Saldanha write to the Pope, as is prescribed in the Brief? A detailed report from the Visitor, with documentary evidence, is necessary, even if the king himself informs us about everything."² Evidently Pombal intended to present the Apostolic See with accomplished facts. The nuncio, who having written on February 13th that the Minister had repeatedly assured him that no action would be taken against the Jesuits without the consent of the Holy Father,³ had to report by the next post (on February 20th) that a beginning had already been made with the sale of the Fathers' movable property, and that the Cardinal Visitor and his secretary averred that they knew nothing about it.⁴

In the early morning of February 5th, 1759, each of the seven Jesuit establishments in Lisbon was entered by a royal commissary with instructions to execute the sequestration of property in accordance with the edict of January 19th, 1759.⁵ The inmates of the four smaller houses were distributed among the three larger ones, except for the six Fathers of the Hospice of St. Borgia, who were taken to the fortress of St. Julian at the mouth of the Tagus. Then began the sale of all the food-stuffs and kitchen supplies in all the houses. For his daily

¹ *Torrighiani to Acciaioli, *ibid.*, 183.

² *Ibid.*

³ *Ibid.*, 199.—Among other matters Pombal had told the nuncio that the Cardinal Visitor had not found a copy of the institution or of the rules of St. Ignatius in any of the Jesuit houses—a proof that they had not been living up to their rules. *Ibid.*

⁴ *Ibid.*

⁵ *Cf.* p. 316.

sustenance each Jesuit was allotted one *tostao* (6*d.*); had they not been supplied with alms and food by pious benefactors the Fathers would have starved. Their fabulous "wealth", in spite of industrious searches, remained undiscovered; even the floors and walls were opened up in the hope of finding secret hiding-places, but to no purpose. The only sums of any importance were found in the hospice of St. Borgia, where the capital funds of the oversea provinces were administered. But even this discovery fell far short of expectations, for the money found was not even enough to cover the considerable debts that were owing. The furnishing of the various rooms was in complete conformity with religious poverty; the most opulent articles were a portable iron stove for preparing tea or chocolate and some Japanese or Chinese porcelain cups, which were no rarity in the Portugal of those days.¹

There being apprehension in Rome lest the Portuguese Government proceed against the Jesuits in contravention of

¹ Acciaiuoli, who had already specified in 1758 the open trading carried on by the Jesuits as their only scandalous activity (see p. 297, n. 2), makes the following observation regarding the sale of their property: " *La roba venduta fu certo di scandalo per parte de' Padri, perchè non era a uso di Religiosi, nè in quantità di Religiosi, ma da magazzini di mercanti, come essi erano " (to Torrigiani, March 18, 1760, Nunziat. di Port., 117, *loc. cit.*). A more modern historian arrives at another conclusion as the result of a close study of the missions: " As rendas [das missões] à primeira vista enormes, nem sempre bastavam a satisfazer por completo as necessidades das missões. Se em tal assumpto podessemos baixar ás estatísticas, certo encontraríamos que jamais empreza de magnitude tal se realisou com tão limitados meios " (J. LUCIO D'AZEVEDO, *Os Jesuitas no Grão-Pará*, Lisboa, 1901, 208 *seq.*). See MURR, 100, n. 1. Some light on the above-mentioned observation of the nuncio's is afforded by the information that Pombal had a portion of the valuable household furniture of the Tavora and a part of the provisions from the mission-stores brought to the little hospice of St. Borgia and sold by auction there (MURR, 100). A full description of the whole sale, *ibid.*, 94 *seqq.*

ecclesiastical immunity, Clement XIII. decided to communicate personally with Joseph I. After congratulating the king on his recovery, the Pope expressed his horror at the criminal assault and his hope that in the punishment of whatever clerics might be guilty the canonical statutes would not be disregarded.¹ In spite of this personal step taken by the Holy Father, no need for any hurry was felt in Lisbon; on March 22nd, 1759, Torrigiani had again to complain that the promised report on the visitation and the criminal proceedings were still not to hand.²

Meanwhile, however, on March 20th, 1759, Saldanha had written to the Pope.³ But he still failed to send a canonical report on the visitation. On the receipt of the Brief of April 28th, 1758, he had, he wrote, asked for and received the support of the secular arm. The Jesuits being incorrigible, the king had decided to expel them all. On the strength of the Brief *Immensa pastorum* of 1741, the envoy's *aides-mémoire*, and the much-referred-to "Short Report", the Cardinal Visitor accused the Fathers of stirring up discord,

¹ *February 22, 1759 (copy), Nunziat. di Port., 181, *loc. cit.* In an accompanying letter to Acciaoli, Torrigiani approved of the attitude adopted by the nuncio, who had remonstrated with Saldanha and Pombal, not in order to protect those who were really guilty but to press for the observance of ecclesiastical statutes in the criminal procedure (*February 22, 1759, *ibid.*, 180A). "Qui non si intende di scusare il delitto, quando veramente in essi vi sia, ma non si può nemmeno scusare che si proceda tanto notoriamente contro persone ecclesiastiche e regolari senza la previa notizia ed intelligenza del Sommo Pontefice, massime atteso il precipuo obbligo, che imponeva al cardinale di Saldanha il suo Breve di visitatore, ben noto a cotesta corte, di non procedere a niessuna esecuzione contro gli stessi Padri, senza darne prima parte al Sommo Pontefice ed attendere la sua suprema approvazione. Si starà però attendendo con ansietà di sentire dalle prime lettere di V. S., come si vorrà costì giustificare un passo tanto pubblico e cotanto avanzato" (April, 1759, in ROMANO, 89 *seq.*).

² *Nunziat. di Port., 183, *loc. cit.*

³ *Ibid.*, 204, fo. 7 *seqq.*

of provoking wars in the colonies, and of maligning the monarch and his Government. Their commercial dealings were notorious, quite apart from the evidence of their ledgers. Their participation in the murderous attack on the king had been demonstrated by the sentence of the court. To save them from being lynched ¹ the Government had posted guards in their houses and he had forbidden them to quit them. The king was in duty bound to take into custody the participators in the conspiracy and to separate the remaining Jesuits from his loyal subjects. It was true that their goods had been sequestered but their disposal and the legal proceedings would not take place without the assent of the Head of the Church. Finally, he wished to bring forward two facts: all classes of the people had begged the king to eliminate without trace the authors of the crime, and all talk to the contrary was false, fabricated, and mendacious.

The probable purpose of this letter, in which the writer showed himself to be a docile pupil of Pombal's,² was to pave the way in Rome for the demands which Joseph I. was shortly to present to the Holy See. It did not satisfy the Curia, which insisted on a proper report on the visitation.³ This, however, was never rendered by Saldanha, who, in fact, was quite unable to do so, seeing that he had never really performed a visitation.⁴ Since receiving his commission, he had entered a

¹ Cf. the nuncio's *reports mentioned on p. 312, n. 3.

² " Il card. sta a scuola ed eseguisce i precetti del segretario suddetto [Carvalho], senza mai replicare, non che opporsi." Acciaiuoli to Torrigiani, November 28, 1758, in DUHR's article in the *Zeitschrift für kath. Theol.*, XXII, 758.

³ *Torrighiani to Acciaiuoli, April 26, 1759, Nunziat. di Port., 183, *loc. cit.* In this *letter to Acciaiuoli, Torrigiani very rightly stresses that the general question about the condition of discipline among the Jesuits must be kept strictly separate from that of the misdemeanours of individual Jesuits. The Portuguese Government seemed to want to amalgamate the two.

⁴ " *il nulla fatto di visita regolare dal cardinale " (Acciaiuoli to Torrigiani, March 18, 1760, *ibid.*, 117). " * . . . e dica chiaramente [in the audience with the King of Spain] che il sig. card.

Jesuit house on two occasions only, and then only for a short time.¹

On April 20th, 1759, the king's letter to the Pope, which had been expected for months past, was dispatched at last.² It contained the well-known charges against the Jesuits: they had been unfaithful to the rules of their Society, they had brought on the war in Paraguay, and they had instigated the attack on his person. To preserve peace and order in his realm he had made use of the power invested in him by divine and natural right and had ordered the expulsion of the Society from Portugal. He cherished the hope that the Pope would approve of his unalterable decision. To avoid conflict between the spiritual and the temporal power he recommended the granting of the accompanying request of the crown procurator José da Costa Ribeira³ and the extension of the authority to prosecute clerics for high treason (which authority had been granted by Gregory XIII. to the Tribunal of Conscience [*Mesa da consciencia*]) to all ranks of the clergy and in all similar cases for all time, so that the death penalty might be inflicted also on those of the conspirators who were members of an Order.

The Pope's disappointment with this letter was magnified

Saldanha in vece di riformargli e corregergli, come portava la commissione della visita, ha prestato la sua mano servile al Ministro per distruggerli, non avendo mai reso conto alla S. Sede" (Torrigiani to Acciaïoli, September 11, 1760, *ibid.*, 182).

¹ MURR, 54. Cf. our description, p. 296.

² [BIKER], I., 100 *seq.* The courier arrived in Rome on May 22 but the documents were not handed over till June 7.

³ [BIKER], I., 101, German translation in [KLAUSING], II., 377. The request is dated: "Lisbon, 15 April. 1759."—The accompanying **Deñucção* or *Promemoria*, consisting of 31 paragraphs, contains, besides an enumeration of the measures taken against the Jesuits, only the well-known accusations of immorality, trading, non-observance of the rules of the institute, and the instigation of revolts in the colonies and the mother country. Text in [BIKER], I., 102 *seqq.*, German translation in [KLAUSING], II., 270 *seqq.*

by the Spanish Government's recent exoneration of the Jesuits from all responsibility for the war in Paraguay, the verdict being the result of a careful investigation.¹ Further, he was loath to grant the required permission to so great an extent, having no desire to remove the clergy for ever from its customary judge.² To be on safe ground, he called a special Congregation of Cardinals and prelates, who at their first session voted unanimously for the granting of the requested indulgence. It was, however, to be restricted to that particular case, and clauses were to be inserted which were intended to preclude any possible abuse. For the approval of the banishment of the Jesuits, which had also been sued for, not a single vote was cast, since their case had not been examined (*causa non cognita*).³

In the hope of calming the storm, even at this late hour, the Pope decided to reply in the sense of the Congregation's resolution. By a Brief of August 2nd, 1759, he granted the members of the *Mesa da consciencia* authority to proceed

¹ *Torrighiani to Gualtieri in Paris, July 11, 1759 (Nunziat. di Francia, 450, *loc. cit.*): " *Quanto alle pretese reità de' medesimi gesuiti nelle cose del Paraguai, pare che il giudizio non possa formarsene da altri meglio che dalla Spagna, di cui è interesse il farsi prestare la dovuta ubbidienza ne' propri domini. E pur non promove ella contro de' gesuiti querela alcuna. Prendo detto come per scherzo dal Duca di Choiseul l'aumento di commercio, che si può ripromettere l'Italia dal venire qua trasportati i gesuiti di Portogallo. E quanto al diritto de' monarchi di espellere da loro stati gli ordini religiosi, tutte le volte che non si credono più utili ai medesimi, la di lui proposizione va troppo avanti."

² **Informazione*, August 8, 1759, Nunziat. di Francia, 450, fo. 325 *seqq.*, *loc. cit.* The same *Informazione* was sent to all the nuncios in the more important Courts and contains a description of the events which occurred between September 3, 1758, and the beginning of August, 1759.

³ The congregation consisted of Cardinals D'Elce, Spinelli, Cavalchini, Tempi, Rezzonico, and Torrighiani, and the Monsignori Ratta, Garampi, and Boschi. The session took place on July 22, 1759 (Nunziat. di Port., 203, fo. 11, *loc. cit.*); for the votes and resolutions, see *ibid.*, fo. 14 *seqq.*

against clerics and members of religious Orders, except Bishops and high prelates, and to inflict on them the punishments determined by law, including the death penalty, in so far as they might be found guilty of the attempted murder.¹ At the same time Clement XIII. addressed two letters to Joseph I. In the first one he apprised the king of the permission which had been granted, asking him, however, not to allow the innocent to suffer with the guilty, and adjuring him to act in a spirit of clemency and to save his Christian people from the horrible spectacle of the shedding of priestly blood. In making this intercession he believed he was acting in the spirit of the Church, which too, in handing over a criminal to the secular arm, entered this plea.² Regarding the expulsion of the Jesuits, Clement made known to the monarch in the second letter his grief at the decision which had been taken, reminding him of the services already rendered by the Society to the Church, of the great good which it was still doing throughout the world, of the praise which had been given to it by the king himself and his progenitors, and of the ill-fame into which it would be brought by so disgraceful an expulsion. The whole Society ought not to suffer for the guilt of a few of its members. As for the prevalent abuses, the visitation might be continued; the Pope would gladly offer his help in restoring the Society to the flourishing state it formerly enjoyed. Its complete extermination was conducive neither to the honour of the Church nor to the good of the State. The Pope finally implored the king not to carry out his

¹ Copy and Portuguese translation in [BIKIR], I., 149 *seqq.* The date is given here as August 11, which is probably a copying error, since the missives had already been dispatched on the night of August 1-2. This date has been retained in the *Bull. Rom. Clementis XIII.*, Romae, 1835, I., 217, and in PRATI, 1842, I., 237, in the *Diplomatische Korrespondenz aus den Jahren 1759 und 1760 betreffs die Bestrafung und Ausweisung der Jesuiten aus Portugal*, Göttingen, 1850, 12 *seqq.*, etc.

² Original in Nunziat. di Port., 203, *loc. cit.*; Latin text and Portuguese translation in [BIKER], I., 156 *seqq.*

project, which would cause such suffering to the Vicar of Christ.¹

In taking this step Clement XIII. hoped to avert the catastrophe at the eleventh hour. But the Portuguese envoy, Almada, who had long been poisoning the political atmosphere with his intrigues, abusive pamphlets, and false news,² again obstructed the work of peace. On July 30th he complained in writing to the Cardinal Secretary of State that the king's letter was still being left unanswered,³ although a week had passed since the Congregation had held its session. The king may have delayed his answer to the Papal missive, but

¹ Original in Nunziat. di Port., *loc. cit.*; reprint in [BIKER], I., 152 *seqq.*

² *Acciaioli to Torrigiani, September 16, 1759, Nunziat. di Port., 200, *loc. cit.* The same view was expressed by the Cardinal Secretary to the nuncio in his letter of October 18, 1759: "Almada, il quale non avendo più commercio con altri che con persone fanatiche e male intenzionate, beve ai loro fonti tutto il veleno che poi si sparge costì per alienare cotesta corte dalla nostra, il che pur troppo gli riuscirà, se resterà più lungamente incaricato degli affari" (in ROMANO, 119 *seq.*). The means by which it was sought to bring the Jesuits in disrepute is shown by the following report. The Lisbon gazette of August 23, 1759, contained a report from Naples that the Cardinal Archbishop of that city, accompanied by a royal official, had entered the room of the Jesuit Pepe, who had died a few days previously in the odour of sanctity, and had found there 600 ounces of gold in bars and gold dust, a credit note for 56,000 ducats, 1,600 pounds of wax, 10 tins of Dutch tobacco, 3 alarm clocks, 200 silk handkerchiefs, and 300,000 florins in cash. He had had a very large statue of the Madonna made of solid silver for the church of the Immaculate Conception and had given to the same church a velvet vestment embroidered with gold (Acciaioli to Torrigiani, September 4, 1759, in ROMANO, 108 *seq.*). On October 11, 1759, Torrigiani informed the nuncio that the whole story was nothing but a lying fabrication (*ibid.*, 109).

³ On account of his inimical and personally insulting attitude, the Cardinal Secretary of State had given him to understand that he need not trouble himself personally any more in the matter.

*Almada to Torrigiani, July 30, 1759, Nunziat. di Port., 181, *loc. cit.*

there was a difference between a letter of courtesy and one affecting the life of the king and the safety of his realm. In the interval the Jesuits might be spreading their poison at the Papal court and slandering the king and his excellent Government. In this way support would be lent to the suspicion that their execrable conduct was finding, if not support, at least toleration, in so holy a place.¹ These suspicions were refuted by Torrigiani on the same day in a calm, factual manner.² Two days later, on August 1st, another complaint came from the Portuguese envoy, who was receiving from his secret agents³ the most exact information about everything that was going on in the Curia. This time it was that the Papal decision was to be sent to Lisbon by a special courier instead of through himself.⁴ He was given the answer that this was being done out of special regard for the king.⁵ The real reason, however, why this course was adopted was to keep the Pope's communication with the king as secret as possible, it being feared that a premature disclosure of the Papal decision (which would be only too likely if it was made known to Almada) would impair its effect. The covering letters were expected to have more success if they arrived in Lisbon without Almada's additions and annotations.⁶

¹ *Ibid.*

² *Ibid.*

³ *Cf.* *Acciaioli to Archinto, September 12, 1758, *ibid.*, 199.

⁴ *Ibid.*, 203.

⁵ *Torrighiani to Almada, August 1, 1759, *ibid.* *Cf.* there also the *observations sent by Torrigiani to the nuncio Acciaioli on August 2, 1759.

⁶ *[Prima] Informazione of August 8, 1759, Nunziat. di Francia, 450, *loc. cit.* " *A chi poi è cognito il carattere del suddetto Ministro, e chi'sa, che il suo fanatismo non è minore della sua incapacità, bisogna che confessi, che non era possibile di trattare seco, tanto più che, avendo voluto N. S. per giustissimi riflessi tener segrete le sue risoluzioni, il comunicarle a lui sarebbe stato l'istesso, che renderle pubbliche a tutto il mondo." (Seconda Informazione of 24 October, 1759, *ibid.*). The Cardinal Secretary of State was still more explicit in his *dispatch, in cipher, to the

To forestall such difficulties, Torrigiani dispatched the special courier to Portugal on the night of August 1st-2nd, 1759.¹ A fall from his horse, however, held him up near Aix and he was foolish enough to hand over his dispatch-case to the courier who had immediately been sent after him by Almada and who offered to take the packet to the nuncio.² Almada's courier reached Lisbon on August 19th and handed the Papal dispatches to the Secretary of State Da Cunha, who did not forward them to the nuncio till the 21st.³ Immediately he received them, Acciaioli informed the Ministers that he wished to speak to them. The Foreign Secretary, how-

nuncio Pallavicini in Madrid (May 14, 1761), which at the same time provides an instructive insight into the activities of the anti-Jesuit party in Rome. " *Non furono però questi i veri motivi, che fecero abbracciare il partito di tener segrete al Ministro le pontificie risoluzioni ; ma bensì l'imprudente condotta di lui, e di tutto il partito antigesuitico, che con troppa ansietà si mostrava curioso di vedere che cosa si sarebbe fatto, e prevedevasi disposto a glossare, a criticare, ad avvelenare tutto ciò, che non fosse intieramente conforme alle concepite speranze. Continui complotti tenevansi e presso il Ministro, e in altri luoghi, che a Lei forse verranno in mente ; giravano gli emissarii, le ambasciate, i viglietti. Onde fu prudenza il non aggiungere materia ad una tale fermentazione, che dalla malignità d'alcuni, dal trasporto e dall' imprudenza di altri, in un paese, ove regna l'acutezza di pensare, e la libertà di parlare, poteva portarsi agli estremi, sperando miglior incontro in Lisbona al Breve pontificio e alle lettere che l'accompagnavano, se colà fossero giunte vergini, che se prima passate sotto la censura di questi pazzi " (Nunziat. di Port., 182, *loc. cit.*).

¹ *[Prima] Informazione of August 8, 1759, Nunziat. di Francia, 450, *loc. cit.*

² Thus the official description in the *Seconda Informazione of October 24, 1759, *ibid.* The nuncio Acciaioli seems not to have believed that it was a mishap, as he speaks of " la malattia certamente non naturale del Corriere spedito al Nunzio colle risposte " (*to Torrigiani, March 18, 1760, Nunziat. di Port., 117, *ibid.*). Cf. also MURR's description (135 *seq.*).

³ *Seconda Informazione of October 24, 1759, *loc. cit.*

ever, who was the first to whom he applied, declared that the Jesuit affair was Pombal's business. Pombal in his turn refused to accept the dispatches on the score that since the matter had been referred to Rome it was a foreign affair, for which Da Cunha was the competent authority.¹ The nuncio finally succeeded in arriving at an understanding with Da Cunha and left with him a copy of the dispatches,² but on September 7th, to his astonishment, he received a note from the Foreign Office saying that the king was willing to accept the two letters from the Pope but that he must postpone for the time being the acceptance of the Brief until further negotiations had been undertaken.³ The reasons put forward for this refusal were that the Brief had not been agreed upon with the Portuguese envoy nor had it been sent through his agency; besides, it had only been attached to the Pope's letters so as to force the king to accept it, which, however, was impossible, since the requested powers had not been given for all time.⁴ The nuncio retorted that no request for negotiations had been made either at the time when the royal communication had been delivered nor afterwards, and in any case all faculties necessary for the present case had been granted. The Court of Lisbon, too, he averred, had often made use of a special courier, passing over the nuncio. It was true that the Brief had not been sent separately but then the Crown Procurator's request had also been attached to the royal missive. In vain Acciaioli protested that he could not hand over the documents separately, since they were closed with one and the same Papal seal, which he was not authorized to break.⁵

In order not to provoke a scandal, the nuncio decided to

¹ *Ibid.* *Acciaioli to Torrigiani, September 4, 1759, Nunziat. di Port., 200, *loc. cit.*, and November 13, 1759, *ibid.*, 202;

**Memoria di fatto*, July 11, 1760, *ibid.*, 117.

² *Ibid.*

³ [BIKER], I., 159 *seq.*

⁴ *Seconda Informazione of October 24, 1759, *loc. cit.*;

**Memoria di fatto*, July 11, 1760, *loc. cit.*

⁵ *Ibid.*

approach the king, although this step now seemed hopeless. At the audience on September 11th, Joseph I. refused to accept the Pope's letters together with the Brief, on the grounds already cited, so that the nuncio had to retire, his mission unperformed.¹ When he wanted to inform the Pope of what had happened and to obtain fresh instructions, permission to use the post horses was withheld, with all manner of excuses, until September 15th.² On the appointed day there set off also a royal express-courier with dispatches for the Portuguese envoy in Rome, instructing him to obtain a Brief corresponding to the king's wishes. The messenger arrived in the Holy City on October 3rd. But when a fortnight passed without Almada imparting any information either to the Pope or to his Secretary of State, Clement XIII. instructed the Lisbon nuncio to bring to the attention of the Secretary of State Da Cunha his displeasure at the insulting rejection of his Brief and letters and to complain about Almada's objectionable behaviour towards the Roman Court.³

It was thought in Rome that the explanation of this curious treatment of the Pope and his representative was that Pombal intended to render purposeless and ineffectual Clement XIII.'s defence of the Jesuits by delaying tactics, for while these events were taking place a beginning had already been made with their expulsion from Portugal. The Portuguese Government was merely looking for an excuse for saying eventually that the intercession had come too late, although they must

¹ *Ibid.* *Acciaiolì to Torrigiani, September 13, 1759, *loc. cit.* The nuncio was not even allowed to hand to the queen the Brief of August 2, which was addressed to her and in which the Pope asked her to use a softening influence on her consort (original in Nunziat. di Port., 203, *loc. cit.*).

² *Seconda Informazione, *loc. cit.* ; *Memoria di fatto, July 11, 1760, *loc. cit.*

³ For a full description of these incidents, see the *dispatches of the nuncio to the Cardinal Secretary of State, September 13, 1759, and March 18, 1760, Nunziat. di Port., 177, *loc. cit.* (already frequently cited) ; also the *Seconda Informazione (*loc. cit.*) and the *Memoria di fatto, of July 11, 1760 (*loc. cit.*).

have been aware of the contents of the letters from the copies which had been handed to them.¹

(3)

While Rome was still waiting for the delivery of the new dispatches, the expulsion of the Jesuits from Portugal was already under way ; 133 Fathers had had to leave the port of Lisbon on September 17th, 1759, and had been landed on October 24th at Civitavecchia in Papal territory.² To the Curia, where Almada had not breathed a word about these measures, such an action as this came as a shock.³ Pombal, it is true, had repeatedly held it out as a threat, the king had sought Papal approval of it (April 20th, 1759),⁴ and the nuncio had referred to it in his reports of the preceding months,⁵ but the Minister's threats had not been taken in real earnest and it was still hoped that the monarch would change his mind. At first, it seems, the Portuguese colony of Angola was chosen as the place of exile,⁶ but in July already the news was trickling through from Paris that Pombal was planning to send the Jesuits to Italy. The sarcastic style, however, in which the report was made led Torrigiani to believe that it was an ill-timed jest on the part of the Minister Choiseul.⁷ The first transport was already at sea when, on October 5th, 1759, there was published a royal edict, dated September 3rd,

¹ *Seconda Informazione, *loc. cit.*

² *Ibid.* Six Fathers who were members of the most aristocratic families in the land were transferred to convents of other institutes. For further details of the deportation, see MURR, III *seqq.*

³ *Seconda Informazione, *loc. cit.*

⁴ See p. 323.

⁵ E.g. *on April 3, June 26, and August 21, 1759, Nunziat. di Port., 200, *loc. cit.* See also ROMANO, 110.

⁶ On hearing that the King of Portugal had had some of the Jesuits deported to Africa, OEFELE, who was completely unsympathetic, composed the following couplet: "Transtulit in Lybicas Socios Iosephus arenas | Ne careat monstris Africa terra novis. | Hac 20. Nov. cecini". (*Oefeleana*, 61 [1759], last page, MSS. department of the State Library, Munich.) Cf. MURR, 104.

⁷ Cf. above, p. 324, n. 1.

which, repeating the well-known charges, condemned all the Jesuits to banishment as open rebels and traitors and forbade them to reside in Portuguese territory under pain of death. The same punishment would be incurred by whoever gave them refuge or had verbal or written communication with them.¹ A letter with the same purport and bearing the same date was sent to the Cardinal Patriarch and all the Bishops in the realm. On the same day also Saldanha published a pastoral letter in which, referring to the royal communication which preceded it, he warned the faithful against having any dealings with the expelled Jesuits. The visitation, he said, had met with no success; instead of returning to the observance of their holy institution they had neglected their duties more and more. The faithful were asked to join their prayers with his, that these unfortunates who had strayed from the path of virtue might be given the grace of conversion.²

In the last part of his decree the king, exercising his royal clemency, had allowed the younger Jesuits who had not yet taken their final vows and who had not yet been initiated into the evil doctrines of the Society, to remain in the country on condition that they had themselves released from their vow by Cardinal Saldanha in his capacity of the Visitor General of the Society. If this decision was made with the intention of avoiding the appearance of cruelty, seeing that it was impossible for all these young men to have taken part in the alleged misdeeds, it also had another purpose: to deal the Society's prestige a fresh blow, by inducing its younger members to leave it. In an edict of August 8th, 1759, Saldanha had invited all of them to bring him openly their requests and complaints; he would listen to their wishes like a father and fulfil them to the best of his ability.³ As this offer met with little success, the younger members of the Society, including

¹ Text in [BIKER], I., 114 *seqq.*, German translation in [KLAUSING], II., 381 *seqq.* For the dating, *cf.* Acciaiuoli to Torrigiani, October 9, 1759, in ROMANO, 117, n. 1.

² [BIKER], I., 118 *seqq.*; [KLAUSING], II., 387 *seqq.*

³ MURR, 110.

the novices, were brought together in the two colleges of Coimbra and Evora, after all the professed members had been removed, and there they were again offered their release. To put their constancy to the keenest test, they were allowed to a large extent to associate with their relatives, which had formerly been forbidden to them. Several weak-willed ones did indeed allow themselves to be persuaded by their relatives to return to the world, but the great majority remained true to their vocation.¹ This constancy was not shown to the same degree everywhere. Of the 453 members of the Brazilian province only 283 could take the decision to endure banishment rather than abandon their vocation. In general, the information available is too vague for exact figures to be quoted, but it is estimated that six-sevenths of the Portuguese Assistency kept faith with the Society,² in spite of the

¹ Particulars in MURR, 117 *seqq.* On October 2, 1759, Acciaioli *reported to Torrigiani: " Molte diligenze si sono fatte per far lasciar l'habito a tutti quelli del primo voto [!], ma soli 25 o 30, obbligati da' parenti, che temevano la rovina delle loro famiglie, lo hanno fatto, e gli altri sono stati forti, e non hanno voluto; anzi si vuole, che obbligati uno o due a scrivere i loro sentimenti lo abbino fatto con molto spirito, e in sense di uomini di Dio, ma tutto si tiene celato e segreto, e si discorre sotto voce temendo ogni uno, che parli il proprio estermínio; le queerele e disapprovazioni di tali tratti sono universali, perchè universale è la compassione " (Nunziat. di Port., 200, *loc. cit.*). Cf. also the nuncio's *letter of September 4, 1759, *ibid.*

² In 1759 the Portuguese assistency numbered 1,698, of whom 909 were oversea; 1,091 were banished to Italy (including the 9 Fathers who were already staying in Italy); between 90 and 100 died on the journey or soon after their arrival in Portugal; 100-120 were serving in China and other independent territories; and about 180 were detained in prison. Thus according to HUONDER, *Deutsche Jesuitenmissionäre*, 30, n. 2; *Synopsis hist. Soc. Iesu* (printed as a MS.), col. 337; Appendices to *Catalog. Prov. Lusit.*, 1902, 1903, 1905, 1906. In his *account of the expulsion from France (p. 61), Ricci, the General of the Society, speaks only in a general way of a great purification of the Portuguese provinces.

strong physical and moral pressure brought to bear on them,¹ whereby even ecclesiastical bodies attempted to confuse the issues and to shake the Jesuits in their loyalty to their vocation, harassed and persecuted as they already were. Saldanha, "the slave of the despotic Oeyras",² actually accorded the release, although the Brief of visitation gave him no authority to do so, and thus, to quote the nuncio, reformed the number but not the morals of the Jesuits.³ He thereby incurred the most grave reproach from Clement XIII. that by this illicit action he had endangered not only his own conscience but that of those he had released.⁴

When Pombal saw that his efforts had almost entirely failed, he determined to send the rest of them either into exile or into prison. In the course of the next two years seven more transports of Jesuits arrived in the Papal States, followed in 1767 by another small batch.⁵ The expulsion was carried out without incident. The Jesuits, whom the Minister in his manifestoes had described as rebels, traitors, and regicides, resigned themselves to their hard fate without resistance. If the reports circulated by Pombal and his venal creatures are to be believed, there would have been a unanimous cry of joy over the liberation from the Jesuit yoke, but the messages sent by the Apostolic nuncio, who was on the spot to observe the impression created by Pombal's measures, were of a very different import. "The country," he observed in connexion

¹ At the college at Bahia 21 novices were called to the gate, robbed there of their habits, and forced to leave the house (*Catalog. Prov. Lusit.*, 1903, Appendix xiii).

² *Acciaioli to Torrigiani, October 2, 1759, Nunziat. di Port., 200, *loc. cit.* Pombal became "Count of Oeyras" in 1759.

³ "Ora si dice, che i sette e più Gesuiti che sono usciti dalla Compagnia non abbiano ne avuta la dimissione dal P. Generale loro, ma dal sig. cardinale che in tal maniera riformerebbe il numero, non i costumi e le doctrine." Acciaioli to Torrigiani, September 4, 1759, Nunziat. di Port., *loc. cit.*

⁴ *December 27, 1759 (Minuta), *ibid.*, 203. Cf. *Acciaioli to Torrigiani, March 18, 1760, *ibid.*, 117.

⁵ *Synopsis hist. Soc. Iesu*, 337.

with the expulsion of the Jesuits, "is highly discontented with all this and is speaking openly and freely against the Count of Oeyras, who has become the most despotic Minister Portugal—I will go so far as to say the whole of Europe—has ever had. Saldanha is silent when I manage to speak to him on this subject and is clearly confused because he is unable to transgress the suppressive measures taken by the Count, who completely dominates him. However much I express my mind, he dare not reply, lest he displease the said despotic Minister, who in truth has spat out his venom against the Church. I have to deal with a Cardinal who is of no help to me at all." ¹ Acciaiola returns to the subject of the expulsion in his dispatch of September 30th, 1759: "The Government has caused several rumours to be circulated in order to put a stop to the talk (of the people), but this is impossible, for the expulsion was approved by few, and the manner in which it was conducted by still fewer." ² Many details have been reported by eye-witnesses.³ Throughout their voyage, which lasted two months and took place in the hottest season of the year, the Brazilian Jesuits had to remain below decks and were not allowed to come up for a breath of fresh air. The daily fare for each of them consisted of vegetables and three cups of water. The Jesuits from India were conveyed to Europe in similarly inhuman conditions. The result was that their ranks were thinned more and more rapidly in the course of the five-months' journey. No less than twenty-three of them died at sea and of the 119 who reached Lisbon most were so ill that only 46 could continue the journey to Italy.⁴ With the sudden expulsion of a round 900 missionaries the Jesuit missions in Portuguese possessions were dealt a mortal blow.

¹ *Acciaiola to Torrigiani, September 25, 1759, *Nunziat. di Port.*, 117, *loc. cit.* Cf. MURR, 121 *seq.*

² ROMANO, 116, n. 2.

³ Cf. MURR, 109 *seqq.*; Acciaiola to Torrigiani, October 23, 1759, in ROMANO, 116, n. 1.

⁴ MURR, 132; WELD, 308 *seqq.*

For many of the missionaries the tribulations of the long sea voyage were only the beginning of their trials. Most of the foreigners, for whom expulsion would have been but a release, were brought, together with the more highly placed of the Portuguese Fathers, to the dungeons of St. Julian, which thenceforth acquired a sinister fame.¹ Deprived of the Sacraments, of Holy Mass, and even of Easter Communion, many languished away physically and spiritually in their underground fastness.² It was not till the death of Joseph I. in 1777 that the survivors regained their freedom.³ The Imperial envoy, Von Lebzelttern, in order to check the missionaries' accounts, which he suspected to be exaggerated, entered the prisons in disguise and recorded his impressions in his dispatch of April 8th, 1777: "I saw their prisons myself. Of so great sufferings as these I shall be able to give only a very faint picture, for they exceed anything the imagination could invent, and at the very sight of them one's blood runs cold with horror. The dwellings of these men consist of holes four spans square, situated in an underground chamber barely lit by large torches. At high tide they are flooded to a depth of two spans. This is the melancholy place in which these unfortunates have miraculously existed for

¹ Quite detailed descriptions are given by Fr. Moritz Thoman, who himself languished as a prisoner in the fortress of St. Julian (more recent editions published under the title *Ein Exjesuit*, Regensburg, 1867, and Lindau, 1869). See also MURR, 159 *seqq.*; WELD, 339 *seqq.* Further literature, *ibid.*—Plans of the six dungeons in which the Jesuits were confined are to be found in the Appendices of the *Catalog. Prov. Lusit.*, 1892 and 1904.

² The dying were allowed to receive the Viaticum if the physician certified on oath that death was imminent (MURR, 161, n. 1).

³ Information about their number varies. WELD (368) speaks of about sixty, the *Synopsis hist. Soc. Jesu* (col. 366) of forty-five. The latter is certainly too low an estimate. A number of them were either released or deported to Italy in the course of the next few years. Through diplomatic action on the part of France and Austria several French and German Jesuits were repatriated. Cf. DUHR, *Pombal*, 142 *seqq.*

eighteen years, receiving for their daily sustenance only half a pound of bread, two ounces of meat, and a little salad, while for clothing they are given one shirt a year."¹

To revenge himself on the Pope and at the same time to exert pressure on him, Pombal had all the Jesuits who still remained behind in Portugal transported, against all international law, to the exiguous Papal States, for which the arrival of nearly 1,100 destitute religious was no light burden.² Despite much misgiving the exiles were received with loving care, and several houses were allotted to them in Tivoli, Castel Gandolfo, and Rome, where they gradually settled down and lived in accordance with their rule. At first many generous benefactions were made, but in the course of time this support ceased. Adhering to the rules of the Society, their General, Ricci, refused to procure for them permission from the Pope to receive Mass stipends, especially as it was widely supposed that the Portuguese Fathers would soon be recalled to their own country. To meet the emergency to some extent, at first all expenses in the Jesuit houses not absolutely necessary were forbidden by order of the General, then the food was restricted, and finally a kind of contribution was levied on all the colleges. But since quite a number of the establishments were themselves in debt and therefore unable to make this contribution, and as some rulers forbade the export of gold to Rome, a beginning was made with the distribution of the younger Portuguese Fathers among the Jesuit houses in the Papal States. Some also were entrusted by the Bishops with parish duties or with the direction of seminaries. It being considered undesirable to burden the Italian colleges with the upkeep of the Portuguese, the General made himself responsible for their livelihood. At first a portion of the income of the Roman College and of some pious foundations was used for this purpose, then several paintings, gifts from princes, were turned into cash, and

¹ *Ibid.*, 164.

² For the following particulars, see CORDARA, *Commentarii*, 532 seq.; *De suppressione*, 59 seqq.

finally part of the costly church decorations was sold, some beaten silver from the Gesù, for example, realizing around 26,000 gold florins. It was not until all other sources had been exhausted that Ricci asked the Pope's permission for the Portuguese Fathers to receive Mass stipends. Then, when, on the outbreak of the persecutions in Spain and Naples, many Italian colleges lost their possessions and income in those States, Clement XIII. assembled 400 Portuguese Jesuits in a large palace in Rome and made them an annual allocation of 12,000 gold florins from State funds to save them from beggary.

While the expulsion of the Jesuits was taking its course, Pombal was opening negotiations in Rome for a new Brief which was to grant the "Tribunal of Conscience" the right in perpetuity of passing sentence of death on clerics guilty of high treason. In an *aide-mémoire* presented by the envoy Almada on November 19th, 1759, the Papal Brief of August 2nd, 1759, was declared to be notoriously crafty and misleading¹ and insulting to the king. The nuncio was accused in the *aide-mémoire* of having opposed, without instructions from a higher authority, the suspension of the Brief, as had been suggested to him, of having put forward worthless excuses for his opposition, and of having forced the king by improper means to accept the Brief, in that at the audience he had refused to hand over the two letters from the Pope, on the ground that they were all under the same cover and seal.² Finally, the king was waiting for the Holy Father to put a stop to the calumnies which the Roman Jesuits, supported by certain Papal officials, were disseminating against his person.³ At the second session of the special commission on Portuguese

¹ "notoriamente obrepticio, subrepticio."

² The nuncio had shown the sealed packet to the Secretary of State Da Cunha so that he could prove with his own eyes the truth of his statement. **Memoria di fatto*, July 11, 1760, Nunziat. di Port., 117, Papal Secret Archives.

³ Text in [BIKER], I., 165, German translation in [KLAUSING], III., 75 seqq.; *Diplomatische Korrespondenz*, 29 seqq.

affairs,¹ which was held on November 25th, all the members agreed that the Pope could not possibly approve of the expulsion of all the Jesuits and the confiscation of their property. The extension in perpetuity of the authority sought for the "Tribunal of Conscience" was also to be refused, though indirectly.² Correctly assessing the ecclesiastico-political situation, Torrigiani declared that Portugal would never be satisfied with any concessions as long as the Holy Father did not expressly approve of the expulsion of the Jesuits and the measures that had been taken against them, it being Pombal's intention to use the Papal authorization to justify his illegal action in the eyes of other Powers. But this approval could never be given by the Holy See without full knowledge of the facts. It would be better to allow a rupture to occur and the nuncio to be expelled; the Pope would then have his hands free and could take action against the Government and also against Saldanha and his co-operators. Meanwhile, however, every legitimate means should be used to avoid a rupture. Summing up, Clement XIII. decided that the Portuguese envoy should be informed of the grounds why the Pope could not grant a perpetual indult but at the same time readiness to negotiate should be shown, so that the greatest possible regard might be paid to the king's wishes. If Almada were to insist on the formal approval of the expulsion, it was to be made clear to him in a considerate manner that there was no hope whatever of his obtaining it, particularly in view of the circumstances in which the expulsion of the Jesuits had taken place and especially since Jesuit property had been seized without any reference to ecclesiastical authority.³

On November 28th the Papal reply was transmitted by Torrigiani to the Portuguese representative. It said that in spite of the grief caused by the rejection of the Brief, the Holy Father was ready for further negotiations, which were to be

¹ *Nunziat. di Port., 203, fo. 11^v, *loc. cit.*

² " *ma con qualche mezzotermine."

³ *Nunziat. di Port., 203, fo. 88 *seqq.*, *loc. cit.*

conducted by the envoy on the one side and by the Prodatarius Cavalchini and the Cardinal Secretary of State on the other. In the matter of the handing over of the documents in Lisbon, the nuncio had acted entirely in accordance with the instructions of the Holy See. The Pope's views on the Jesuit affair were immutable, being based on the principles of justice. On the other hand, it was not permissible to treat the guilty and the innocent in the same manner, still less to extend the punishments possibly deserved by some members so as to injure and disgrace a whole community. For the punishment of individual culprits the Pope had already granted full powers. Since the Jesuits professed a way of life that was approved by the Popes and benefited the Catholic Church, they enjoyed the protection of the Apostolic See and the Holy Father. If the Roman members of the Society and certain Curial officials had been wanting in respect for the king, either in speech or in writing, the Pope would punish them immediately, if they were made known to him by name and they were found guilty.¹

Almada declined to confer, on the ground that all the essentials of his mission were already contained in the memorandum of November 19th. But so that he too might show his love of peace he made a proposal on his own account, relying on the concurrence of his Court. This was that the Holy Father should grant the desired powers in the present case in the form already agreed upon, but that in future cases he should stipulate that the "Tribunal of Conscience" be presided over by an ecclesiastical dignitary approved by the king.² The Curia gladly agreed to consider this proposal³

¹ Italian and Portuguese texts in [BIKER], I., 168 *seqq.*, German in [KLAUSING], III., 82 *seqq.*; Italian and German texts in the *Diplomatische Korrespondenz*; 35 *seqq.*, 142 *seqq.*

² Almada to Torrighiani, December 4, 1759, in [BIKER], I., 174 *seq.*; [KLAUSING], III., 88 *seqq.*; *Diplomatische Korrespondenz*, 42 *seq.*, 147 *seq.*

³ Torrighiani to Almada, December 12, 1759, in [BIKER], I., 176 *seq.*; [KLAUSING], III., 90 *seq.*; *Diplomatische Korrespondenz*, 44 *seq.*, 149 *seq.*

and immediately had a fresh draft ¹ sent to Almada, so as to provide him with the opportunity of making observations on it. Certain alterations having been suggested by the envoy,² a second draft was prepared.³ This was dispatched by the Pope as a sign of his paternal benevolence on December 27th, 1759, to the Portuguese representative, for transmission to his Court, so that he could make known any further wishes before the final version was drawn up. The minute of the Brief was accompanied by two letters from Clement XIII. to the king. The first was a commentary on the Brief, concluding with the request that the prince exercise clemency rather than severity. In the second the Holy Father reminded the king of the dignity of the Holy See, of the rights of the Church, and of the unchangeable principles of justice, and he complained vigorously about the rejection of his letters of August 2nd and the ensuing expulsion of the Jesuits. He also protested against the calumnies against his own person and his officials.⁴ In another letter dispatched at the same time Clement XIII. seriously remonstrated with Cardinal Saldanha for not having replied to the letter of August 2nd and the Papal commission to co-operate with him in removing the obstacles which prevented the visitation being brought to a successful conclusion. Contravening his Brief of installation, Saldanha had dissolved vows and had thereby endangered his own and others' souls.⁵ In his reply of March 20th

¹ [BIKER], I., 177 seqq.; [KLAUSING], III., 92 seqq.; *Diplomatische Korrespondenz*, 45 seqq.

² Almada to Torrigiani, December 17, 20, and 21, 1759, in [BIKER], I., 182 seqq.; [KLAUSING], III., 96 seqq.; *Diplomatische Korrespondenz*, 49 seqq.

³ [BIKER], I., 186 seqq.; [KLAUSING], III., 102 seqq.; *Diplomatische Korrespondenz*, 54 seqq. Cf. MURR, 137 seq.

⁴ *Clement XIII. to King Joseph I. of Portugal, December 27, 1759, *Nunziat. di Port.*, 209, *loc. cit.* The Brief also is dated December 27.

⁵ *December 27, 1759, *ibid.* Acciaiuoli too had made representations to the Visitor on this matter (*to Torrigiani, March 18, 1760, *Nunziat. di Port.*, 117, *loc. cit.*).

of the following year the Patriarch denounced the charges made against him as calumnies. In his edict of October 5th, 1759, he had not said that his commission had expired but that it was still unsuccessful, so that there was no point in reporting on it. Further, he had thought that as reformer general he had the same rights as the General of an Order and had accordingly granted releases, but only to those not yet professed, and only at their request.¹

The Pope's most accommodating attitude failed to produce any favourable effect in Portugal. Although the nuncio repeatedly pressed for an answer,² none was received by the Curia. In Rome, Almada had demanded a decision with violent impatience³ but after the Papal communication had arrived in Lisbon the Cabinet there merely wrapped itself in profound silence.

The negotiations were still awaiting a conclusion when a fresh incident occurred. In a letter of November 2nd, 1759, Joseph I. informed the Holy See that, as patron, he had chosen Dom Manoel de Sant'Inez, formerly Bishop of Angola, to fill the vacancy created by the resignation of the Archbishop Dom José Botelho de Matos of Bahia, and he now asked that this nomination be approved.⁴ When the Curia asked for the deed of resignation, which was missing from the dossier, Almada affirmed that it would follow in a few days, whereupon the Pope ordered the preparation of the Bulls to be deferred until the arrival of the document. The missing deed never arrived, the prelate in question never having had any intention of resigning his see. As delegated Visitor he had published Saldanha's decree about the commercial transactions of the Jesuits (on September 9th, 1758) but he had had misgivings

¹ *Ibid.*, 204.

² Cf. **Memoria di fatto*, July 11, 1760, *ibid.*, 117.

³ Almada to Torrigiani, December 13 and 26, 1749, in [BIKER], I., 177, 185.

⁴ *Pombal to Acciaiuoli, December 3, 1759, *Nunziat. di Port.*, 116, *loc. cit.* Cf. MURR, 139 *seq.*; [BIKER], I., 131 *seq.*

about the suspension of all the Fathers ¹ and the sequestration of the property of the Jesuit colleges on the ground that it had been acquired illegally, viz. by illicit trading. A judicial inquiry had convinced him, on the contrary, that the Fathers were completely innocent. While he was reporting the result of his investigations in Lisbon ² a royal order was sent to Bahia that the insubordinate prelate be removed from his palace, that his revenues be suspended, and that a vicar capitular be chosen from among the canons there, pending the dispatch by the monarch of a new Archbishop.³ This incident was afterwards used by Almada to bring against the Cardinal Secretary of State an accusation of *lèse-majesté*, on the ground that he had not placed implicit confidence in the king's assurance.⁴

(4)

In appearance Pombal's measures were directed against the Jesuits alone, but ultimately they were aimed against the Church itself and its freedom.⁵ Although thereby he made frequent use of ecclesiastical persons and organizations, it must be remembered that in the period in question he could hardly have acted otherwise if he wanted to preserve the appearance of legality and to avoid rousing wholesale public indignation against himself. Scarcely had he attained his first objective, the expulsion of the Jesuits, when he opened hostilities against the Church itself, beginning with the representative of the Holy See in Lisbon. At first the nuncio

¹ *Acciaioli to Torrigiani, November 20, 1759, Nunziat. di Port., 202, *loc. cit.*

² On November 13, 1759, the nuncio *reported to the Cardinal Secretary of State that the Archbishop of Bahia was defending the innocence of his Jesuits with priestly frankness. *Ibid.*

³ MURR, 139 *seq.*

⁴ [BIKER], I., 131 *seq.*; [KLAUSING], III., 15 *seq.*, 48 *seq.*

⁵ " *il detto dispotico Conte [d'Oeyras], che veramente ha gettato fuori il suo veleno contro la Chiesa " (Acciaioli to Torrigiani, September 25, 1759, Nunziat. di Port., 117, fo. 178, *loc. cit.*).

Acciaioli¹ had been held in high honour both by the Court and by the Ministers, especially Pombal, who continually assured him of his friendship and accorded both him and his relatives many favours.² But this close relationship grew more and more distant as the nuncio, who at the outset of the Jesuit affair had been inclined to side with Pombal, began, though still not actually championing the Jesuits, to urge respect for ecclesiastical regulations in view of the arbitrary and forcible encroachments made upon them. The first note of discord was struck on the evening of July 7th, 1758, when Acciaioli solemnly protested to the Cardinal Visitor against the wholesale and unjustified suspension of all the Jesuits in the Patriarchate. By this protest he acquired for himself the reputation in the eyes of Pombal and Saldanha of being pro-Jesuit.³ To obviate further suspicion, the nuncio ceased visiting Jesuit houses⁴ and in his dealings with the Minister and the Visitor he tried to avoid giving the impression that he wanted to interfere in the matter,⁵ even declining the appointment of Co-Visitor, fearing that it would lead to unpleasant complications.⁶ In spite of this discreet behaviour his relations with Pombal worsened as the trouble developed

¹ Filippo Acciaioli, of a famous Florentine family, was born in Rome in 1700, appointed Archbishop of Petra *i.p.i.* by Benedict XIV. in 1743, and was nuncio in Lucerne for ten years, after which he was transferred to Lisbon. He was created Cardinal in 1759 and died on July 4, 1766, in Ancona, where he was Bishop. Cf. *Freiburger Kirchenlex.*, I.², 149; NOVAES, XV., 21; *Dict. d'hist. et de géogr. ecclés.*, I., 263.

² **Memoria di fatto*, July 11, 1760, *loc. cit.*; MURR, 51.

³ *Acciaioli to Archinto, August 1, 1758, Nunziat. di Port., 117, *loc. cit.*

⁴ *Acciaioli to Archinto, October 24, 1758, *ibid.*, 199; *Acciaioli to Torrigiani, December 26, 1758, *ibid.*

⁵ *Acciaioli to Archinto, June 27, 1758, *ibid.*, 117; *to the same person, September 12, 1758, *ibid.*, 199; *to Torrigiani, March 16, 1760, *ibid.*, 117; **Memoria di fatto*, July 11, 1760, *ibid.*

⁶ *To Archinto, August 22, 1758, *ibid.* Cf. p. 305.

into an open conflict between the Curia and the Portuguese Court. The Minister showed his displeasure with the nuncio in a petty and inconsiderate manner. At the evening receptions given by his wife he failed to return his greeting and was frequently "not at home" when he called.¹ On one occasion his dislike of Acciaioli was even more pointedly expressed. In the consistory of September 24th, 1759, Clement XIII. had created the nuncio a Cardinal.² According to custom, the king should have placed the Cardinal's hat on the head of the new wearer of the purple. The biretta had already been brought to Lisbon by Acciaioli's nephew, but the ceremony was put off time and again with all manner of excuses and queries about points of etiquette, until finally the nuncio was expelled from the country.³

To release Acciaioli from his embarrassing position, his name being all too closely connected with the Jesuit affair,⁴ the Curia had already submitted to the Portuguese envoy on April 5th, 1759, a list of candidates who might succeed Acciaioli in the nunciature. The list was forwarded to the Portuguese Court,⁵ but no attempt was made to expedite the matter. To a representation made by the Cardinal Secretary of State, Almada replied on January 1st, 1760, that his master thought that he would have to refrain from replying for the time being, as his decision depended on the granting of jurisdiction over the priests, which had been sought on April 20th, 1759. In any case the king firmly hoped that in the present complicated situation the Holy Father would propose only prelates who were neither ex-pupils of the

¹ *Acciaioli to Torrigiani, March 18, 1760, *Nunziat. di Port.*, 117, *loc. cit.*; **Memoria di fatto*, July 11, 1760, *ibid.*; *Acciaioli to Torrigiani, August 1, 1760, *loc. cit.*

² *Torrighiani to Acciaioli, September 24, 1759, *ibid.*, 183; *Clement XIII. to Acciaioli, November 12, 1759, *ibid.*, 181.

³ *Acciaioli to Torrigiani, December 18, 1759, March 13 and 18, and June 3, 1760, *ibid.*, 117, and *April 1, 1760, *ibid.*, 116.

⁴ *Acciaioli to Torrigiani, March 18, 1760, *ibid.*, 117.

⁵ *Almada to Torrigiani, January 1, 1760, *ibid.*, 203.

Jesuits nor supporters of their principles.¹ The proposed candidates having been otherwise disposed of, owing to the long delay in dealing with them, the Pope had another list prepared and hoped that it would meet with the king's approval.² But by now Lisbon had no desire for any nuncio at all ; the Bishops, it was said, were quite sufficient.³

Acciaioli was becoming more and more firmly convinced that Pombal was only looking for some good excuse for bringing about a break with the Holy See and he was therefore careful not to afford in an unguarded moment the opening which he had hitherto avoided for so long and with such diplomatic skill. Consequently the all-powerful Minister had to force the issue.⁴ On June 6th, 1760, a marriage was unexpectedly arranged between Dom Pedro, the king's brother, and his daughter Maria Francesca, Princess of Brazil. On the same day Da Cunha, as Secretary of State, sent an official intimation of the marriage to all the foreign representatives⁵ but passed over the representative of the Holy See. On Acciaioli asking personally for an explanation, he was informed by Da Cunha that the object of the notice was not to announce the marriage to the ambassadors but to give them information about the order of precedence at the customary reception, when congratulations would be offered to the bridal pair. The nuncio, representing the supreme head of the Church, took precedence of all the others, so that there was no need to send him a notice. Acciaioli, having learnt of the text of the notice from the French ambassador, was able to reject this excuse straightway, pointing out that only the second part of the notice gave instructions about the order of rank, whereas the first part contained the notification of the betrothal. Of this at least he should have been informed. He finally made the

¹ *Ibid.* In reply to a question formerly put to him, Almada had *stated on June 1, 1759, that he had not yet had the list back from his Court. *Ibid.*, 203.

² *Torrighiani to Almada, January 3, 1760, *ibid.*

³ *Acciaioli to Torrighiani, June 3, 1760, *ibid.*, 117.

⁴ ROMANO, 114.

⁵ *Copy and translation in Nunziat. di Port., 117, *loc. cit.*

earnest request that he be not placed in the awkward position of having to take no part in the public rejoicings. Da Cunha promised to report the matter fully to the king and to let him know the result, but no reply came. Consequently the nuncio refrained from illuminating his palace during the festivities, which were appointed to be held on June 7th, 8th, and 9th. But so as not to offend the newly married pair he sent them an apology by the Count of São Lourenço and apprised them of the reason for his attitude.¹

Almost a week had passed and neither the Court nor the people had given any sign of its displeasure, when, on June 15th, just as Acciaiola was about to vest for Mass, the commissary João Calvao and the brigadier Mendoza appeared at his residence with a military escort and handed him a message from the Secretary of State, Da Cunha. This, dated June 14th, informed him that, to uphold the royal authority and to avoid disturbances, the king commanded him to leave the city without delay and the country within four days. To protect him from insults he would be escorted to the frontier by a military guard of honour.² Acciaiola's request to be allowed to send a note to the Secretary of State was refused, as was also his request to be allowed to say Mass or at least to hear it, seeing that it was Sunday. The nuncio made a formal protest against these forcible measures but was taken across the Tagus and, escorted by thirty dragoons who were ostensibly to do him honour but actually to prevent his escape, he was conveyed to the frontier. At the Spanish frontier town of Badajoz he was received with honours by the Commandant.³

The Uditore Testa had remained in Lisbon to carry on the

¹ *Acciaiola to Torrigiani, June 10, 1760, *ibid.* Cf. the opposite view taken by PACCA in his *Memorie storiche sul di lui soggiorno in Germania* (Rome, 1832), 149 seq. See MURR, 140 seq.

² [BIKER], I., 191; [KLAUSING], III., 118 seq.

³ *Uditore Testa to Torrigiani, June 17, 1760, *Nunziat. di Port.*, 117, *loc. cit.*; *Acciaiola to Torrigiani, Badajoz, June 20 and July 4, 1760, *ibid.*; **Memoria di fatto*, July 11, 1760, *loc. cit.* A detailed description based on Vatican documents (not quoted) is to be found in P. A. KIRSCH's *Die Ausweisung des päpstlichen*

business of the nunciature but, as Acciaiuoli had foreseen,¹ he was not to stay there long. On August 2nd, 1760, he was handed a note from Da Cunha with express instructions to leave the capital within 24 hours and the country within a week.² A similar order was received on the same day by Count Giacinto Acciaiuoli, who had brought his uncle the Cardinal's hat.³ A royal decree of August 4th prescribed the expulsion from Portugal of all Papal subjects; a second decree, dated the same day, forbade intercourse with the Curia or the acceptance of Bulls, Briefs, dispensations, and the like; and a third decree laid an embargo on imports from the Papal States.⁴

The nuncio's expulsion from Portugal inevitably affected the relations between the Portuguese envoy and the Holy See. On June 30th, 1760, Almada had requested an audience with

Nuntius Acciaiuoli aus Portugal im Jahre 1760, in the *Wissenschaftl. Beilage of Germania*, 1906, no. 5, pp. 34 *seqq.* The Austrian chargé d'affaires Keil, in Lisbon, writes of the affair in a report of June 24, 1760: "As may easily be imagined, everyone is well-nigh stupefied both by its contents [Da Cunha's circular note] and by the incident itself, and all the *Ministri* stationed here, without exception, feel themselves bound to make the self-same observations, in a manner occasioned by the nature of the case" (DUHR, *Pombal*, 125). Cf. DUHR's account of the incident based on the reports from the Austrian embassy (*ibid.*, 121 *seqq.*), which correspond exactly with the nuncio's account. The same opinion prevailed in diplomatic circles in Paris, where all the foreign envoys were "astounded and indignant" at the expulsion of the Lisbon nuncio (*Uditore Berardi to Torrigiani, July 7, 1760, original in Nunziat. di Francia, 508, *loc. cit.*). Of a similar nature are the cipher dispatches of July 14, 21, and 28, 1760, *ibid.*, 513. Cf. THEINER, *Histoire*, XIV., I., 30.

¹ Acciaiuoli to Torrigiani, Badajoz, July 4, 1760, Nunziat. di Port., 117, *loc. cit.*

² [BIKER], I., 202.

³ *Ibid.*, 203.

⁴ For the three decrees, which are nothing more than renewals of the edicts issued by John V. on July 5, 1728, at the time of the breach with Rome, see [BIKER], I., 203 *seqq.*

the Pope. It was at first granted for Friday, July 4th¹ and then, at Almada's urgent request,² for Wednesday, July 2nd.³ But when in the course of July 1st the first indefinite news of the incidents connected with the betrothal festivities reached Rome, Clement XIII. thought it better to postpone the audience until further communications had given him a more precise picture of the state of affairs. Almada,⁴ who wanted to anticipate the nuncio's reports, was so irritated by this postponement that on July 2nd he had an order posted on the door of the Portuguese national church of S. Antonio, making violent attacks on the Cardinal Secretary of State and ordering all Portuguese resident in Rome to make themselves ready to leave the city.⁵ At the same time he addressed a letter to the representatives of the other Powers, setting forth the reasons for his intended departure.⁶ He also informed the Cardinal Protector of the Portuguese nation, Neri Corsini, of his intention⁷ and asked him to transmit an enclosed memorandum⁸ to the Pope. Although Clement XIII. had acquired fairly definite knowledge of the expulsion of his representative through written messages put into circulation by Almada, he

¹ MURR, 142.

² *Almada to the Maestro di Camera, Nunziat. di Port., 203, *loc. cit.*

³ *The Maestro di Camera to Almada, July 2, 1760, *ibid.*

⁴ *Ibid.*

⁵ Portuguese text in [BIKER], I., 195 *seq.*, Italian in *Nunziat. di Port., 181 and 203, *loc. cit.*

⁶ [BIKER], I., 196. ⁷ *Ibid.*, 193 *seq.*

⁸ The first three memoranda, with a *Dedução*, of May 29, 1760, in [BIKER], I., 127 *seqq.*; the last *aide-mémoire*, *ibid.*, 194 *seq.* The Portuguese account of the expulsion of the nuncio Acciaioli, *ibid.*, 191 *seqq.* The second *aide-mémoire* contains a notice as to how the king proposed to dispose of the Jesuit property; the third a complaint about the refusal to issue Bulls of appointment for the new Archbishop of Bahia (*cf.* above, p. 342); the others accuse the nuncio and, above all, Torrigiani, of having brought on the rupture by their insidious policy, wherefore the prince could no longer deal with them. *Italian translation in Nunziat. di Port., 203, *loc. cit.*

gave an interview to the Cardinal Protector on the morning of July 3rd. Corsini communicated to him the various complaints and demands made by the envoy and intimated that the outstanding differences could easily be overcome if he would appoint some other person than the Cardinal Secretary of State to negotiate with Almada about the business in hand. Clement XIII. rejected this insulting proposal and told the Cardinal that in future he would listen to no one but him on Portuguese affairs.¹

Corsini appears to have misunderstood this answer. Thinking that the Pope had appointed him as sole negotiator between the Curia and the Portuguese envoy, he informed Almada that the Holy Father had granted his wish. At the same time he submitted for his consideration the possibility of temporarily postponing the breaking off of relations with the Apostolic See, which had already been announced.²

The rumours of the nuncio's expulsion were confirmed when at midday on July 4th a courier arrived with letters in which Acciaioli gave a full description of the events of which he had been the centre from June 6th until his arrival on Spanish soil.³ A session of the extraordinary Congregation for Portuguese affairs was immediately called for the following day (July 5th) in order to consider what attitude to adopt towards the Court at Lisbon and what steps to take against its representative. After a lengthy deliberation it was agreed that no counter-measures were to be taken for the present.⁴

¹ "Commosa giustamente Sua S^{ta} da una si trana proposizione non solo la rigettò colla maggior fe mezza, ma persuasa non esservi più modo di proseguire con pace la discussione di tali materie col commendatore d'Almada, si spiegò, che in avvenire non voleva di questi affari trattare con altri che con S. E. medesima" (Ragguaglio of July 9, 1760), *Diplomatische Korrespondenz*, 192.

² Two notes from Corsini to Almada, July 3, 1760, in [BIKER], I., 197 seq.; Almada's reply, *ibid.*, 196 seq.

³ *Acciaioli to Torrigiani, June 10 and 20, 1760, *Nunziat. di Port.*, 117, *loc. cit.*

⁴ *Expulsion of the Ministro: dilata (*ibid.*, 203, fo. 326 seqq., *ibid.*, fo. 12).

But on July 5th a fresh announcement was made by Almada, in which he apprised his countrymen that for the time being he had resumed relations with the Holy See, the Pope being persuaded that it would be impossible for the Portuguese envoy, in contravention of the express instructions given him by his sovereign, to have further dealings with the "political Ministry" of the Pope. Instead, the Cardinal Protector Corsini had been entrusted with the conduct of negotiations between the Curia and the envoy.¹ On hearing of this step of Almada's Clement XIII. sent for Corsini on the same evening and protested against such a misrepresentation of his words. He had made it abundantly clear, he said, that he wished to have no further relations with Almada, and now Almada was interpreting the situation as if the Cardinal Protector, to the exclusion of the Secretary of State, had been appointed sole intermediary between the Roman Curia and the Portuguese envoy. In these circumstances, declared the Pope, he must decline to treat any further with the Portuguese Government about the matters in dispute, so long as its representative resided within the confines of the Papal States.² In consequence of this, Almada made a third announcement³ on July 6th to all Portuguese residents in Rome, that the appointment of Cardinal Corsini as negotiator with the Holy See had

¹ [BIKER], I., 199. The announcement was dated July 4 but was not published till July 5.

² "Non fu possibile alla St^a Sua di usar maggior tolleranza alla notizia di questo nuovo fatto, e mandato a chiamar per quella medesima sera il sig. card. Corsini li fece conoscere, quanto fosse l'abuso, che si faceva dal commendatore d'Almada del discorso avuto il giovedì innanzi con Sua Eminenza, mentre la dichiarazione fattale di non voler trattare degli affari d'Portogallo che coll' Eminenza Sua (il che portava per la sua retta e naturale intelligenza una positiva esclusione del detto Ministro), l'avea egli stravolta a far credere, che il sig. card. Corsini dovesse essere il mezzano delli discorsi e trattati da farsi tra la St^a Sua e lui medesimo con totale esclusione del suo primo Ministro" (Ragguaglio of July 9, 1760), printed in *Diplomatische Korrespondenz*, 193.

³ [BIKER], I., 200 seq.; *Diplomatische Korrespondenz*, 105.

produced so untoward effects that he found himself obliged to leave Rome without delay. Likewise all subjects of the Portuguese crown were to leave the Papal States before the end of September. Almada left Rome on the night of July 7th, accompanied by Pombal's son and some members of the embassy staff.¹

Before his departure the envoy sent all the other foreign representatives a discursive, one-sided memorandum, in which, distorting many of the facts, he attributed all the blame for the rupture to the Apostolic See and its Ministers.² The Curia decided that a counter-manifesto was unnecessary, the Portuguese publication being a sufficient justification of its attitude, but in order effectively to rebut the malicious representations which Almada and his partisans had already disseminated and would continue to disseminate in and outside Rome, the Secretary of State, acting on instructions from the Pope, supplied the diplomatic corps with a report on the events which had taken place in Rome in the period between the expulsion of the nuncio from Portugal and the departure of the Portuguese representative from Rome.³

¹ Almada to Corsini and to the envoys of the other powers, dated Rome, 1760, July 7, in [BIKER, I., 201 seq.

² *Ibid.*, 132 seqq.; *Diplomatische Korrespondenz*, 65 seqq.

³ Raguaglio of July 9, 1760, *Nunziat. di Port.*, 181 and 203, *loc. cit.*; reproduction and German translation in the *Diplomatische Korrespondenz*, 90 seqq., 186 seqq. As opposed to this official account issued by the Cardinal Secretary of State, Corsini, in his memorandum, which he addressed, on July 12, to Da Cunha and to the ambassadors of the Catholic Powers in Rome (in [BIKER], I., 208 seq.), held fast to his interpretation of the Papal reply and declared that Clement XIII. had relieved him of the rôle of intermediary only because Almada had misused the Papal declaration. It is difficult, however, to reconcile this account with the continuation of the memorandum, in which Corsini says that he did not convey the Pope's second statement to Almada, because the envoy had already prepared himself for departure, since there was no reason for the departure as long as the Portuguese envoy was aware of the first Papal answer only in Corsini's version of it.

It was not until Almada had left Rome that Clement XIII. took serious steps against the chief trouble-makers in the city. The printer Nicola Pagliarini, who had either printed or imported all the many scurrilous writings against the Curia and the Jesuits, was arrested, in spite of his royal Portuguese patent, and was sentenced to the galleys.¹ Shortly afterwards pardoned by the Pope, he was released and fled by way of Naples to Pombal, so as to continue representing his interests.² Several other disturbers of the peace were punished by expulsion, but most of them adapted themselves to the new policy and became professedly enthusiastic friends of the Jesuits, though under the succeeding pontificate they lost no time in joining forces again with the most bitter enemies of the Society. The most notorious of them was the learned Dominican Mamachi, a Greek by birth. Completely denying his past opinions, he now openly sided with the Jesuits but under Clement XIV. he returned to his true convictions, publishing the most violent and abusive writings against the Society.³

Hardly had diplomatic relations with Portugal been broken off when the Pope began his efforts to re-establish peace. Just as he had shown an almost inexhaustible patience in order to avoid the rupture, he now displayed untiring zeal and perseverance in his desire to rejoin the severed connections. Fully realizing the sublimity of his pastoral office and foreseeing with sadness the grave calamities which would result from the rupture with the Holy See, he repeatedly appealed to the other Catholic Powers for their help as intermediaries. With this purpose in view he addressed a Brief to King Charles III. of Spain on July 9th, only two days after Almada's departure. In it he expressed not only his deep grief at the

¹ *Torrighiani to Pallavicini, December 18, 1760, Cifre, Nunziat. di Port., 182, *loc. cit.*

² Cf. p. 303, n. 6. The incarceration of the secretary Florius was related earlier (p. 22).

³ CORDARA, *Commentarii*, 535 seq.; *De suppressione*, 69 seq.; ROSA, 360 seq.

expulsion of the nuncio from Lisbon but also his joy and gratitude for his honourable reception in Spain, and he besought the king most urgently to use all his influence to help restore the injured dignity of the Apostolic See.¹

To accelerate intermediary negotiations a direction was sent to Acciaioli, who, on Papal instructions, had remained near the Portuguese frontier, to ask for an audience at the Court of Madrid, where he was to draw the attention of Charles III. to the turbulent ecclesiastical conditions in the neighbouring State. Above all he was to describe quite clearly how Pombal was abusing his master's confidence and how, under his arbitrary regime, no regard was being paid to justice or humanity. He might then depict the feeble attitude of the Cardinal Patriarch, the servility of the Court Bishops, the flagrant improprieties of the secular and regular clergy, together with the growing immorality among all classes of the people, emphasizing the danger to which the Catholic Faith in Spain would also be exposed in the event of a schism. Should the subject of the Jesuits be broached, he was neither to defend nor condemn them. He might admit that they too had their failings like all other large associations, but he was also to stress the beneficial effects they had had on Portugal as elsewhere. He was to say quite frankly that Saldanha, instead of reforming these religious, had slavishly lent a hand to the Minister in his efforts to destroy them. Saldanha had never rendered an account of his actions to the Holy See, nor had he shown the nuncio any definite information or evidence regarding the alleged abuses. No documents relating either to the visitation or the action at law had been sent in; in fact, nothing was known of what he really had done. With regard to the conspiracy, Acciaioli was to let the whole matter rest and to confine himself to stating that it had never been the Pope's intention to extend his protection to any participant; on the contrary, he had given every authority for the

¹ *Nunziat. di Port., 182, *loc. cit.*; German translation in KIRSCH's article in the *Wissenschaftl. Beilage of Germania*, 1906, no. 5, p. 37.

punishment of the criminals. In his dealings with the Minister Wall the nuncio was to exercise the utmost circumspection,

being known that he was not well disposed towards the Roman Court; he might even have friendly relations with Pombal. Acciaoli might thank him for the attentions paid to him by the Spanish officials, express his regret at what had happened in Portugal and declare that so far as he was concerned he was in no way responsible and that he was prepared to defend his conduct before the whole world.¹

The Pope had sounded France too on the question of its mediation in the conflict with Portugal. He was relieved to hear that both the king and the Duc de Choiseul disapproved of the attitude of the Lisbon Court² and appeared to be willing to act as intermediaries.³

The Curia was anxious to avoid anything that might further incense tempers already embittered and lead to actions fraught with dire and almost irremediable consequences. "Carvalho's character is well known here," wrote Torrigiani to the Abbate Berardi, "and we fear much harm from him, especially in the direction you indicated in your last dispatch and which would be more deplorable than anything else."⁴ This cautious attitude was occasioned by various sinister rumours that had reached Rome by devious channels. The news of a Portuguese national council had not been verified,⁵ and the

¹ *Torrighiani to Acciaoli, September 11, 1760, Cifre, Nunziat. di Port., 182, *loc. cit.*

² *Torrighiani to the nuncio Pamfil, August 6 and 13, and September 24, 1760, Cifre, Nunziat. di Francia, 450, Papal Secret Archives.

³ *Torrighiani to Pamfili, October 8, 1760, *ibid.* Cf. his *letters of December 3, 10, 17, and 24, 1760, *ibid.*; *Pamfili to Torrigiani, November 10, 1760, Cifre, Nunziat. di Port., 181A, *loc. cit.*—Naples had also offered to mediate (*Tanucci to Charles III. of Spain, dated Caserta, 1761, January 27, Archives of Simancas, Estado 5968).

⁴ August 13, 1760. *Cifre, Nunziat. di Francia, 450, *loc. cit.*

⁵ *Torrighiani to Pamfili, March 18, 1761, *ibid.*

appointment of Pater Norbert (Platel) as the king's confessor turned out to be merely a surmise,¹ but it was certain that the versatile ex-Capuchin was in Pombal's service as a hired writer.² With the express intent of justifying the action taken by the Portuguese Government against the Jesuits, he was planning to continue his *Mémoires historiques* in spite of their having been condemned by Benedict XIV. and forbidden by his successor.³ Although, in view of his second-rate talent,⁴ there was no danger of the book doing much harm, the Holy See, having refused to approve of the forcible measures taken by the Lisbon Cabinet, would be compelled in consequence to condemn a work of such a tendency. The Paris nuncio Pamfili received instructions to raise objections with Choiseul against the printing of the book, on the ground that it would render negotiations considerably more difficult, if not quite impossible.⁵ Greater perturbation was caused in Rome by a message from Choiseul that it was to be feared that religious reforms were afoot in Portugal; in accordance with a request of the Portuguese Government, French Jansenists had compiled a handbook (*Nuovo corpo di dottrina*) for use in Portuguese schools.⁶

Notwithstanding all the polite assurances of France and Spain, the negotiations failed to make a proper start, much to the chagrin of the Pope, who on December 31st, 1760, addressed a request to the French Cabinet, through the nuncio Pamfili, to press for an acceleration of the intermediary

¹ *Torrighiani to Pamfili, September 17, 1760, *ibid.*

² Cf. our description, Vol. XXXV., 476.

³ See our description, Vol. XXXV., 470.

⁴ *Torrighiani to Pallavicini, October 30, 1760, Cifre, Nunziat. di Port., 182, *loc. cit.*

⁵ *Torrighiani to Pamfili, March 18, 1761, Cifre, Nunziat. di Francia, *loc. cit.* Similarly *on April 15, 1761, *ibid.* *Torrighiani to Pallavicini, March 19, 1761, Cifre, Nunziat. di Port., 182, *loc. cit.*

⁶ *Torrighiani to Pamfili, October 15, 1760, Nunziat. di Francia, 450, *ibid.*; *Pamfili to Torrighiani, November 10, 1760, Cifre, Nunziat. di Port., 181A, *ibid.*

procedure in Madrid.¹ The hindrances were partly of a personal, partly of a factual nature. The Spanish premier, Riccardo Wall, maintained a cool reserve, as was only to be expected from his previous attitude towards Rome.² The French Government was too much occupied with the war with England and Prussia and the unfavourable financial situation.³ The chief difficulties, however, lay in Portugal itself, where, owing to Pombal's animosity and unyielding obstinacy, the breach was widened by further hostile measures.⁴

On March 4th, 1761, an edict was published in Lisbon, under date February 25th, by which the king, on his own authority, assumed to himself the disposal of the Jesuit property and allotted a large part of it to the Treasury and the Exchequer.⁵ The Cardinal Secretary of State had reason to suppose that Pombal had decided to publish this edict on hearing from the envoy Silva that King Charles III. was thinking of acting as an intermediary. Torrigiani inferred that the Minister was opposed to the idea of an agreement and was therefore creating as many difficulties as possible.⁶ It was certainly remarkable

¹ *Torrighiani to Pamfili, Cifre, Nunziat. di Francia, 450, *ibid.*

² *Torrighiani to Pallavicini, December 11 and 29, 1760, Cifre, Nunziat. di Port., 181A, *ibid.*

³ Cf. BOURGUET, *Une négociation diplomatique du Duc de Choiseul relative aux Jésuites*, in the *Revue d'hist. dipl.*, XVI. (1902), 161 *seqq.* Numerous *letters in this connection in Nunziat. di Francia, 513, 514, 515, *loc. cit.*

⁴ "I should like Pombal to be good," so that the king might be successful in his mediatory efforts; "but there is little hope if he is as Your Excellency says." (*Tanucci to Losada, dated Caserta, 1761, May 26, Archives of Simancas, Estado 5970.)

⁵ *Torrighiani to Pamfili, April 15, 1761, Cifre, Nunziat. di Francia, 450, *loc. cit.* The royal resolution had met with the approval of the Portuguese theologians and lawyers; the decree, they declared, was entirely "tan arreglada y prudente, que usando de los derechos de la Corona conserva los que pertenecen á la Iglesia" (note of February 25, 1761, Nunziat. di Port., 117 *loc. cit.*).

⁶ *Torrighiani to Pallavicini, April 16, 1761, Cifre, *ibid.*, 182.

how industrious the Portuguese authorities were in putting the Roman Curia in the wrong and in unloading on to it the responsibility for the breach. As early as August 9th, 1760, Da Cunha had written at the end of a letter to Cardinal Corsini, "God alone can close the breach, which has now become clear and open, since His Majesty will have no more to do with the Roman Court, so long as its government is in the hands of Ministers who have induced the breach by so curious means."¹ A book which appeared at the end of the year 1760 or at the beginning of 1761 contained even the statement that the nuncio Acciaioli and the Cardinal Secretary of State Torrigiani, in agreement with the natural brothers of Joseph I., had hatched a second plot against the life of the king.²

It is scarcely surprising that in this atmosphere Spain approached the task of negotiating as an intermediary in only a tentative manner, for it was an undertaking that offered little hope of success. The Pope and his Secretary of State could hardly control their impatience and, through Choiseul and the nuncio in Madrid, Pallavicini, they pressed for more speedy action.³ At last, on May 13th, Torrigiani was happy to be able to report to Paris that the Spanish Court had begun its mediation with Portugal; he asked that Choiseul be thanked for his support and that he be encouraged in his good intentions.⁴ The ready acceptance in Lisbon of the

¹ [BIKER], I., 211. *Torrighiani to Pallavicini, October 23, 1760, Cifre, Nunziat. di Port., 181A, *loc. cit.*

² The book, bearing the false place and date of publication "Venezia 1760", was very probably Almada's work and was burned by the executioner in Rome. *Torrighiani to Pamfili, February 4, 1761, Cifre, Nunziat. di Francia, 450, *loc. cit.*; *Torrighiani to Pallavicini, February 5, 1761, Cifre, Nunziat. di Spagna, 431, *ibid.*; *Torrighiani to Pallavicini, March 19, 1761, Cifre, Nunziat. di Port., 182, *ibid.*

³ *Torrighiani to Pamfili, February 4 and 11, 1761, Cifre, Nunziat. di Port., 181A, *ibid.* Cf. *Torrighiani to Pamfili, January 1 and 28, March 4, 11, and 25, April 8 and 15, 1761, Nunziat. di Francia, 450, *ibid.*

⁴ *Torrighiani to Pamfili, Cifre, *ibid.*

Spanish mediation caused great joy in Rome,¹ but it was overclouded only too soon by the realization that the Portuguese Cabinet was not in earnest: it was making demands that amounted to the complete submission of the Holy See to Pombal's dictates. Whereas Pombal sought to drag the Jesuit question into the negotiations² and to seize fresh advantages at Rome's expense, by means of a new Concordat on the presentation of benefices, in the manner of the Spanish Concordat of 1753,³ the Curia demanded first and foremost the restoration of the violated rights of the Holy See. Pallavicini was instructed not to discuss any proposal until the Lisbon Court had made satisfaction for the violation of international law occasioned by the expulsion of the nuncio, had restored the exercise of Papal jurisdiction to its former extent, and had guaranteed the free recourse of Portuguese subjects to Rome. This was the object of the Pope's appeal to King Charles for support and mediation; it was the prerequisite for all further negotiations; and this method of procedure had already been approved by the Duc de Choiseul.⁴ However, not only the efforts of the Spanish king but also those of the King of Sardinia⁵ were frustrated by the obstinate resistance offered by Pombal, who was striving after the subjection of the Curia, not reconciliation with Rome. As against the Pope's ardent and sincere desire to reach an understanding with Portugal,⁶ Pombal heaped insult on insult, and one violated right on another.

The execution of the aged Pater Malagrida revealed, to

¹ *Torrighiani to Pallavicini, Cifre, Nunziat. di Port., 182, *ibid.*

² *Torrighiani to Pamfili, May 6, 1761, Cifre, Nunziat. di Francia, 450 *ibid.*

³ *Torrighiani to Pamfili, June 24, 1761, *ibid.*

⁴ *Ibid.*

⁵ *Torrighiani to Pallavicini, September 8, 1763, Cifre, Nunziat. di Spagna, 432, *ibid.*; *Torrighiani to Pallavicini, February 5, 1767, *ibid.*, 433.

⁶ " *Brama egli sommamente di ritornare in buona armonia col Portogallo " (Torrighiani to Pallavicini, August 18, 1763, *ibid.* 432).

anyone who wanted to see, the real intentions of the all-powerful Minister. Gabriel Malagrida¹ had worked for more than thirty years in the missions in Brazil and Maranhão, where he had acquired a reputation for extraordinary piety among both the natives and the Portuguese. At the request of the Queen Mother, who had come to know him when he was temporarily residing in Lisbon, and who held him in high regard, he had returned to Portugal in 1754, to be with her in her last hours. Even then he found the Court greatly changed as compared with former times.² On the occasion of the earthquake of November 1st, 1755, he had published, with ecclesiastical permission, a short work in which he described the terrible catastrophe as a judgment of God, while not denying its physical causes.³ At Pombal's instigation, the booklet was condemned to be burned by the public executioner and its author was represented as a heresiarch whose only object was to induce the faithful to adopt the so-called spiritual exercises and by this means to increase the temporal wealth of the Society of Jesus. The only purpose of the exercises in the hands of the Jesuits, it was emphasized, was to confuse consciences and to obtain fresh partisans for the Society, whereby to stir up peoples against their lawful rulers. Under pressure from Pombal, the nuncio Acciaioli induced the Provincial to send Malagrida to Setubal, where he continued his pastoral activity to a restricted extent. On December 11th, 1758, he was recalled to the capital by Saldanha, and on the night of January 11th, 1759, he was taken to prison with nine of his colleagues. The next morning,

¹ Born at Menaggio on Lake Como on September 18, 1689, a Jesuit since September 27, 1711, missionary in Maranhão and Brazil in 1721-54. Cf. MURY, *Gabriel Malagrida*,² Strasbourg, 1899; [HOLZWARH], *Malagrida und Pombal*, Regensburg, 1872; CORDARA, *De suppressione*, 71 seqq.; DUHR, *Pombal*, 73 seqq.; OLFERS, 311, and in many other places: MURR, 147 seqq. Further literature, *ibid.*, 159, n. 1.

² *Acciaioli to Benedict XIV., November 18, 1755, Nunziat. di Port., 196, *loc. cit.*

³ MURY, 270 seqq.

although he had been neither examined nor formally charged, he was declared to be guilty of high treason as the leader and instigator of a conspiracy against the king. If what Saldanha wrote is true,¹ Malagrida brought this disaster on himself to some extent, seeing that at an audience with Pombal he had assured him that, fearing for the king's life, he had, before the attempt was made on it, informed certain persons that something was afoot, he himself having received supernatural revelations. Probably Malagrida was already mentally deranged when he made these statements. On that occasion Pombal had let him go home quite peacefully, informed Saldanha of what had happened, and remarked to Acciaiola that Malagrida was a fool. The nuncio retorted that if he was no worse than that the best punishment for him would be to be sent back to Italy.²

In spite of the judgment of January 12th, 1759, denouncing Malagrida as a traitor, no further penalty was inflicted on him until, after almost two and a half years' confinement at Belem, the seventy-two-year-old priest was transferred one day to the prison of the Inquisition. This tribunal, through the removal of certain honestly inclined members and the appointment as president of Pombal's brother, Paul Carvalho, had become a mere tool in the hands of the intemperate Minister. It found the aged missionary guilty of heresy, false prophecy, subversive doctrines, and pretended sanctity. With the plea, which by now had become a pure formality, that his life be spared, he was handed over to the secular court, which had him strangled and burnt as an incorrigible heretic on September 20th, 1761.³ The spectacle was witnessed by the king, the whole of the Government, and the diplomatic corps.

¹ *On March 26, 1759, original in Nunziat. di Port., 204, *loc. cit.* Saldanha could not cease marvelling at Pombal's leniency in allowing the priest to go home a free man in spite of his rash and suspicious talk (*ibid.*).

² *Acciaiola to Torrigiani, January 2, 1759, Nunziat. di Port., 199, *loc. cit.*

³ MURY, 278 *seqq.*

The finding of the Inquisition was based principally on two written works which Malagrida was said to have composed during his confinement: the life of St. Anne and a tract on the life and reign of Anti-Christ.¹ The citations from these manuscripts in the argument for the finding seem so confused and senseless—St. Anne is supposed to have taken the vows of poverty, chastity, and obedience when in her mother's womb, and the three Persons of the Holy Trinity to have disputed amongst themselves as to the honour to be paid her in heaven—that only two explanations are possible: either the utterances attributed to Malagrida were malicious inventions or the aged priest had been driven mad by his long and severe imprisonment. One thing is certain: no evidence of his treason, for which he was imprisoned, or of his heresies, for which he was executed, was ever produced.²

¹ The exact titles of the two works in SCHÄFER, V., 310, n. 2.

² Cf. the works cited on p. 360 n. 1. Regarding the remarkable alteration in the charge, cf. *Torrighiani to Pallavicini, October 22 and 29, 1761, Cifre, Nunziat. di Spagna, 431, *loc. cit.* Pombal is said to have declared to the English envoy Hay at about this time: "If Malagrida had not suffered for heresy, he would have been liable to examination for high treason" (SCHÄFER, V., 311 *seq.*). Pombal's prosecution of Malagrida is condemned also by HUBER (*Der Jesuitenorden*, Berl n., 1873, 507) and OLFERS (311). The free-thinking Abbate Galiani remarks in his letter to the Minister Tanucci, dated Paris, 1761, October 12: "Là nuova dell'esecuzione della sentenza di Malagrida giunta qui sabato ha eccitato più orrore e pietà che allegrezza, anche ne' più fieri giansenisti: qui s'odiano i gesuiti, ma assai più s'odia il S. Uffizio. Fa orrore il dirsi che un ecclesiastico reo di lesa maestà non trovi in Portogallo un laico che l'impicchi e che bisogna esser reo d'eresia per essere castigabile" (*Arch. stor. ital.*, XXII. [1875], 39). Tanucci praised Pombal's "wise attitude" in proceeding, as he supposed, with justice and sufficient evidence; the Minister, he thought, had thus cleverly extricated himself from the difficulty in which he had been involved through the disputes with Rome. (*Tanucci to Bottari, dated Portici, 1761, October 17, Archives of Simancas, Estado 5971; *Tanucci to Losada, dated Portici, 1761, October 20, *ibid.*). Even Voltaire found in the Malagrida case

Even the Jesuit Saints became the objects of Pombal's rage. At the time of the earthquake St. Francis Borgia had been chosen by the whole nation as its protector against this form of natural catastrophe. After the expulsion of the Society, the celebration of his feast and the devotion paid to him were forbidden by decree; the feast of the founder of the Society was similarly suppressed; and the public prayers to the sainted Popes Gregory VII. and Pius V. were abolished. The feast of the Sacred Heart, which had formerly been celebrated with a novena, was forbidden by the Minister under pain of the severest penalties.¹ It was not until after the Minister's downfall that these feasts were revived.

Not only the Jesuits but also the secular and other regular clergy fell victims to the Minister's revenge when they failed in complete submission to his absolutist ordinances. After the deposition of the Archbishop of Bahia² the same fate overtook the Benedictine Bishop of Grão Pará; in 1764 he was brought to Portugal and relegated to a monastery of his

“ un excès du ridicule et de l'absurdité joint à l'excès d'horreur ” (*Siècle de Louis XV.*, in *Oeuvres*, XXII., 351; cf. D'ALEMBERT, *Sur la destruction des Jésuites*, Paris, 1765, 83). The sentence of the Inquisition appeared in print and was translated into French under the title *Arrêt des inquisiteurs, ordinaire et députés de la S^{te} Inquisition contre le P. Gabriel Malagrida Jésuite. Lu dans l'Acte public de Foi, célébré à Lisbonne le 20 Sept. 1761. Traduit sur l'imprimé portugais, Lisbonne 1761*. In Italy there appeared anonymously, with no place or date of publication, *Il Malagrida. Tragedia tradotta dal Francese*. An engraving which was widely circulated at the time depicted Malagrida in the ridiculous dress of a victim of the Inquisition, being led to the stake by a Dominican and a Capuchin. Their last exhortations to the condemned man consisted only of ridicule and scorn for the Jesuit doctrine of the *scientia media*, probabilism, and the like. Actually Malagrida was accompanied to the place of execution by two Benedictines (MURR, 157).

¹ Report of the Imperial ambassador Lebzeltern on May 21, 1777, in DUHR, *Pombal*, 119 seq.

² See above, p. 343, report of the Austrian chargé d'affaires Keil on June 24, 1760, in DUHR, *Pombal*, 109.

Order near Oporto.¹ The Bishop of Coimbra, in a pastoral letter, had forbidden a number of immoral, anti-clerical, or anti-Christian books, such as Voltaire's *Henriade* and his poem on the Maid of Orleans, *La Pucelle*, the French *Encyclopédie*, and Rousseau's *Contrat Social*, also Dupin's book on the discipline of the early Church and the *Febronius*. As a punishment, the Bishop was confined in 1768 as a political criminal in St. Joseph's Tower, a gloomy dungeon several fathoms below water-level, while his pastoral letter was publicly burnt by the executioner. Thirty-three persons, both clerical and lay, who spoke out in the prelate's defence, were also imprisoned.²

Dispatches from the Imperial representatives contain innumerable reports on the arrest of clerics. Not only individuals but complete monastic communities had to go to prison for having incurred the Minister's displeasure. Welsperg, for instance, reports on April 16th, 1765: "Four Benedictines and two Carmelites, together with all the religious from a Servite convent, have been apprehended in the last few days. One of the Servites, however, who was so old and paralytic as to be unable to rise from his bed, was taken to hospital, where a sentry was ordered to guard him."³ Even missionaries who put in at Lisbon on their way to their stations were either thrown into prison by Pombal or sent back to their home countries. This happened, for instance, to three Capuchins from Genoa, whose crime consisted of having come with letters of obedience from the General of their Order in Rome.⁴

Whereas those who had at heart the true interests of the Church were thus thwarted by Pombal, the deterioration of monastic discipline was deliberately encouraged. After his fall from power, when steps were being taken to correct the

¹ *Ibid.*, 110.

² *Ibid.*, 113 *seq.* See also [BIKER], III., 299 *seqq.* For their release after Pombal's fall, see WELD, 368.

³ DUHR, *Pombal*, III.

Keil on February 4, 1766, *ibid.*, 112.

free-and-easy and scandalous life led by the monks, Lebzelttern was writing to Vienna, "Under the previous Government the Marquis, who wanted to exterminate them, could find no better way of doing so than by bringing them into contempt. He did this by abandoning them to the greatest indiscipline and by encouraging their disorder in everything that did not affect his authority."¹ According to a report of August 7th, 1764, written by the Austrian *chargé d'affaires*, Keil, the reception of candidates for the priesthood and for membership of an Order was made very difficult. "For some time past," he writes, "as the result of a royal circular, the Bishops have been unable to ordain priests without the express assent of the Court, and, according to confidential information, the various Orders have received secret instructions not to accept any more novices."² Further, the activity of the Orders was in some cases restricted, in others entirely forbidden. Thus in 1768 the Lazarists received the order to suspend their missions in the capital and its immediate surroundings. On January 3rd, 1769, Lebzelttern reported that the Augustinians, Benedictines, Jacobites, and Lazarists in Lisbon had been forbidden to hear confessions or to preach until further notice, and that several of them had been taken into custody, presumably for having corresponded secretly with Rome.³ Any free expression of opinion by the ecclesiastical authorities was made practically impossible. By a royal decree of March 28th, 1768, the Index of forbidden books and the Bull *In coena Domini* were banned; a fresh ordinance, dated April

¹ November 18, 1777, *ibid.*, 120. Cf. *Torrighiani to Acciaiuoli, September 11, 1760; Cifre, Nunziat. di Port., 182, *loc. cit.* Both reports throw a curious light on King Joseph I.'s letter to Clement XIII., of April 20, 1759, in which he maintains that the Jesuits, unlike all other religious, are completely degenerate and irreclaimable ("com differença de todas as outras Ordens regulares"). [BIKER], I., 100.

² DUHR, *Pombal*, 115. The same report was given by *Torrighiani to Pallavicini on November 17 and 24, 1763, Nunziat. di Spagna, 432, *loc. cit.*

³ DUHR, *Pombal*, 115 *seq.*

5th of the same year, set up a royal censorship with the power to condemn all books, whether already published or not.¹

Soon after the nuncio's expulsion ² Pombal made strenuous efforts to set up a Portuguese national church which was to be as independent of Rome as possible, if not completely separated from it.³ To create legal bases for his continual encroachments on ecclesiastical territory he tried to obtain ecclesiastical approval of the regalistic work of the Senator Ignatius Ferreira Souto on the unlimited authority of the king (*Tractatus de incircumscrip̄ta Regis potestate*). The Grand Inquisitor Dom José, however, a natural brother of the king, firmly refused to give his approval of a book full of false and misleading statements. After a vigorous argument with the Minister, in which they were said to come to blows, the prince had to pay for his defence of ecclesiastical principles by the loss of his office and by banishment to a remote convent.⁴

The Pope was subjected to great anxiety by the efforts made by Pombal and his clerical accomplices to extend episcopal authority at the expense of the Holy See.⁵ At the time of the breach with Rome frequent difficulties arose about marriage dispensations within the degrees of relationship reserved for the decision of the Supreme Head of the Church. Some of the hierarchy, notably the Archbishop of Evora, disregarding the validity of the marriage bond, set themselves above the ordinances of the Church.⁶ To shake the loyalty of the Bishops who were wavering, the Minister induced the

¹ *Ibid.*, 114. For Pombal's ecclesiastical policy, *cf. ibid.*, 106-142

² See p. 343 *seqq.*

³ *Torrighiani to Pallavicini, April 16, 1761, Cifre, Nunziat. di Port., 182, *loc. cit.* Cf. *Hist.-pol. Blätter*, LXXXVI. (1880), 639, 644, and especially LXXXVII. (1881), 583 *seqq.*

⁴ *Acciaoli to Torrighiani, dated Badajoz, 1760, August 15, Nunziat. di Port., 117, *loc. cit.*; Keil on February 3, 1761, in DUHR, *Pombal*, 78 *seq.*

⁵ *Torrighiani to Pallavicini, September 4 and November 20, 1766, Cifre, Nunziat. di Spagna, 433, *loc. cit.*

⁶ *Torrighiani to Pallavicini, January 1, 1767, *ibid.* Cf. Keil's dispatch of November 11, 1766, in DUHR, *Pombal*, 116.

Court Canonist Pereira to compose a work entitled *Tentativa theologica*, in which the radical episcopal system was defended.¹ When, in 1765, Clement XIII., in view of the events in the French parliaments, issued his Bull in favour of the Society of Jesus,² it was described in a royal decree issued in Lisbon on May 6th, 1765, as "signed under a misunderstanding, falsely attributed, and of no effect," and its introduction into Portugal was forbidden.³

Despite these personal insults and anticlerical movements, the Pope, ever mindful of his august mission, preserved an immutable desire for peace. After the conclusion of the war between Spain and Portugal a favourable opportunity of renewing mediatory negotiations seemed to be presented to the Court of Madrid. In 1763 King Joseph had announced to the Pope, through the Paris nuncio Pamfili, the birth of his second son, the Prince of Brazil. In his letter of congratulation Clement XIII. had introduced some carefully chosen words expressing his desire for the cessation of the present conflict, since between so pious and dutiful a son and so loving a father only a feeling of mutual love should prevail.⁴ To make sure that no

¹ Cf. *Kirchl. Handlexikon*, II., 1403. As opposed to Keil's report of March 17, 1767 (in DUHR, *Pombal*, 118 seq.), that the Bishop of Miranda had declared against Pereira's work, the Abbate Vincenti reports from Madrid: "Not only the Bishop of Miranda but also three other Portuguese Bishops have published pastoral letters in favour of Pereira's book" (*Vincenti to Torrigiani, April 27, 1767, Archives of Simancas, Gracia y Justicia, 767). For the proposed condemnation of the book in Rome, cf. *Torrighiani to Pallavicini, February 12, 1767, *ibid.*; further, his *letters to the same person, of September 4, December 18 and 25, 1766, Nunziat. di Spagna, 433, *loc. cit.*

² See below, p. 498.

³ [BIKER], I., 213 seq. Cf. *Pallavicini to Torrigiani, dated Aranjuez, 1765, May 28, Cifre, Nunziat. di Spagna, 293, *loc. cit.*

⁴ " *Ut quae ca amitatè quadam a Nobis regium animum tuum diremere dissidia, tandem sarciantur. Haec ad te scribimus fiducia tui tuaeque pietatis et religionis, fiducia etiam amoris erga Nos tui, hoc est obsequentissimi filii, quod praeferunt litterae

offence would be given, Pamfili had first shown the Papal letter to Louis XV. and Charles III. of Spain and had invited their opinion of it.¹ Nevertheless the only reply that Lisbon made was to return the Brief after some months with an observation by the Secretary of State Da Cunha, dated June 19th, 1764, that although the missive bore the Pope's signature its contents did not originate with him but were invented and signed by mistake; they were apocryphal and inflammatory and dictated by a raging spirit of tumult and dissension which ruled out any truth or justice.² Astonished and pained by this insult, Clement XIII. deemed that the matter would have to be decided by the everlasting Judge, to whom the king would one day have to render an account for having hindered the Vicar of Christ in the execution of his pastoral duty.³

On January 6th and 13th, 1767, the question of putting out peace feelers was reopened by the Madrid nuncio Pallavicini. The Pope was to write not only to the Portuguese king

tuae, in amantissimum patrem, inter quos aequum non est quemquam esse internuncium quam mutuum amorem" (November 30, 1763, Nunziat. di Francia, 519, *loc. cit.*). *Torrighiani to Pallavicini, February 5, 1767, Cifre, Nunziat. di Spagna, 433, *loc. cit.*

¹ *Torrighiani to Pallavicini, January 19, 1764, *ibid.*, 432.

² *Da Cunha to Souza, the Portuguese envoy in Paris, Nunziat. di Francia, 519, *ibid.* Cf. *Torrighiani to Pallavicini, February 5, 1767, Cifre, Nunziat. di Spagna, 433, *ibid.* *Tanucci remarks very aptly in a letter to Centomani (dated Portici, 1763, October 15): "As long as Carvalho is alive, there is little hope for Rome in Lisbon, and Carvalho intends to live longer than the Pope, Torrighiani, and Ricci" (Archives of Simancas, Estado 5987). The "spirit of tumult and dissension" was an allusion to the Cardinal Secretary of State, whose retirement, Tanucci is sure, would facilitate the reconciliation with Portugal (*to Cantillana, dated Portici, 1764, July 28, Archives of Simancas, Estado 5990).

³ *Torrighiani to Pamfili, August 8, 1764, Nunziat. di Francia, 453, *loc. cit.*

and queen but also to Pombal.¹ Torrigiani replied that the Pope was certainly deterred from such a step by its apparent uselessness and by the likelihood of further insults, but he would gladly disregard these risks if only he could be certain that the letter would really reach the Minister's hands, for he had done everything to regain peace with Portugal.² Lest it might hinder the work of reconciliation,³ the intended condemnation of Pereira's *Tentativa theologica* was temporarily suspended. Various schemes for ensuring the safe delivery of the Papal letters were discussed⁴ but the Curia had little hope of their success. The whole political atmosphere was, as Torrigiani mournfully observed, filled with a spirit of animosity and antagonism towards the Holy See, the principles adopted by the temporal Powers were diametrically opposed to those of the Church, and their aims and ambitions had only one object: the diminution or the complete abolition of the rights of the Pope.⁵ Acting on instructions from the Cardinal Secretary of State, the nuncio Lucini, Pallavicini's successor in Madrid, had drafted a letter to Pombal.⁶ The Portuguese envoy in Madrid immediately expressed his readiness to transmit the letter to the Minister but at first definitely

¹ The Papal letters to the Queen and the Infante of Portugal, the Patriarch of Lisbon, and the Count of Oeyras (Pombal), dated 1767, August 31, in *Bull. Cont.*, III., 1356. The Pope's *Brief to King Joseph, which is not included in the *Bullarium*, is to be found under Expediente 1767 and Expediente Parma 1768 in the Archives of the Spanish Embassy in Rome.

² *Torrighiani to Pallavicini, February 5, 1767, Cifre, Nunziat. di Spagna, 433, *loc. cit.*

³ *Torrighiani to Pallavicini, April 2, 1767, *ibid.*

⁴ *Torrighiani to the nuncio Lucini in Madrid, September 3, 1767, copy, Archives of Simancas, Gracia y Justicia, 767; *Lucini to Torrigiani, September 22, 1767, copy, *ibid.*

⁵ *Torrighiani to Lucini, October 8, 1767, Archives of Simancas, Gracia y Justicia, 767; Nunziat. di Spagna, 412, *loc. cit.*

⁶ *Lucini to Torrigiani, September 22 and October 26, 1767, Cifre, Nunziat. di Spagna, 304, *loc. cit.*, copy in the Archives of Simancas, Gracia y Justicia, 767.

declined to forward the Brief to the king.¹ Finally, however, he undertook to send all the documents to Pombal, in whose hands they did in fact arrive, according to the assurance given by the nuncio.² As foreseen, this step brought no result. On December 22nd, 1767, Lucini had to report to the Cardinal Secretary of State, "Like the Bourbon Courts, Portugal makes reconciliation dependent on the complete suppression of the Society of Jesus."³

Clement XIII. was not to live to see the coming of peace. The break with Rome persisted for a whole decade despite the disapproval of the royal family and of the great majority of the Portuguese people.⁴ It caused such confusion in ecclesiastical relations that the future could only be viewed with apprehension.

¹ *Lucini to Torrigiani, October 26, 1767, Archives of Simancas, *ibid.*

² *Lucini to Torrigiani, November 24, 1767, Cifre, Nunziat. di Spagna, 304, *loc. cit.*

³ *Cifre, Archives of Simancas, Gracia y Justicia, 767.

⁴ PACCA, *Notizie sul Portogallo*, Modena, 1836, II. Cf. DUHR, *Pombal*, 128 *seq.*

CHAPTER VIII.

THE SUPPRESSION OF THE JESUITS IN FRANCE.

(1)

THE expulsion of the Jesuits from Portugal was the signal for a general outburst of animosity against them. They were ejected from France, Spain, and the Spanish dependencies, and pressure from Spain led to their suspension by the Pope.

The ultimate object of the campaign waged against the Jesuits in the eighteenth century was not the Society itself but the Papacy. The only reason why the attack was directed almost exclusively against the Society was because it was regarded as the bastion whose destruction would facilitate the combat with the enemy-in-chief.

The Papacy was detested at that time for a threefold reason. To the unbelievers of the eighteenth century it was the principal stronghold of Christianity. The Encyclopedists had little fear of Protestantism but a very considerable fear of the Catholic Church, with its firm and definite doctrine, its strict organization, and the self-sacrifice shown by its adherents. And as the Catholic Church is founded entirely on the Holy See, the Holy See becomes the object of a mortal hatred. Another cause of the enmity was Gallicanism, whose ideas had spread into Spain and Italy. According to the Gallicans, the Pope enjoys some honorary rights as honorary president of the Church, but fundamentally he is only a Bishop like any other. Any additional claim on his part is mere presumption, and it is for princes to restrict him to his original sphere of rights and duties. The third motive for implacable hatred was the conception that the Church, and consequently the Papacy in particular, was an obstacle to material progress in trade and industry. It was seen how Protestant England had become a World Power and how Protestant Prussia had won a place for itself among the

European Powers, while the Catholic countries of the South were dwindling more and more in power, prestige, and wealth. Wherefore Pombal,¹ and others with him, came to the conclusion that the Church, before all else, must be destroyed or at least kept within the narrowest possible bounds if they were to keep pace with the countries of Northern Europe. This conception was erroneous. Pombal did not transform his Portuguese into Britons and Prussians by oppressing the Church; on the contrary it was precisely through adopting this policy that Spain barred her own way to progress. Catholic France sank into squalor and dissension only because her monarchs refused to be guided by Catholic principles; and Austria's inability to summon enough strength to protect Silesia against little Prussia was due to other causes than ecclesiastical conditions. However, whatever the truth of the situation, appearances were against the Catholics, and the Pope had to suffer for them.

The reason why the Company of Jesus was regarded as the bodyguard of the Papacy is easily understood. The education of youth was largely in its hands, while its learning was a stout bulwark against Encyclopedism and it still influenced the upper classes. In its teaching it was a stronghold of "ultramontane principles", even in Gallican France, and still more so elsewhere. All the other religious Orders of any size in France had paid tribute to Gallicanism; the Jesuits had offered the most resistance, and their repeated promises, made after Damians' attempted regicide, to teach the four Gallican articles² was but a stain on their honour. In any case it was now too late for them to redeem their promises, and everyone knew that they had not been made from a desire to uphold Gallicanism but as a desperate attempt to save themselves from destruction.

In their proclamations to the world the statesmen of the eighteenth century did not openly state the reasons for their intention to destroy the Company of Jesus. There it is always

¹ See above, p. 4.

² See below, p. 381.

talk of removing the abuses which had crept into the Society but for which there was no evidence in the utterances made by the Popes or the Bishops who remained loyal to the Church. From time to time the Voltairians glibly pose as the reformers whose object is to lead the degenerate sons back to the ways of SS. Ignatius and Francis Xavier.¹ In letters not intended for the public eye they speak a different language. Tanucci especially speaks out most clearly in this respect² and his word has all the more weight since his influence was decisive in Madrid, and it was he who continually exhorted the enemies of the Society to renew their attack upon it. He it was who urged on the king of Spain, and it was Spain that brought about the final suspension of the Society. And the attack was soon extended against the other religious Congregations.³

Although the first impetus towards this result was given by Portugal, the Jesuit position was not seriously threatened until France took the field as an ally. It was on French soil especially that the pamphlets with which Pombal sought to excite public opinion against the Jesuits enjoyed a wide circulation and approval,⁴ which was fatal for the Company of Jesus, for France set the tone for all Europe⁵ and had long been the focus of hostility against religion in general and the Jesuits in particular.

Nowhere perhaps was Loyola's institution more liked by the people or more influential, even in the highest circles, than in the country where it had taken its rise.⁶ But here, too, in certain quarters, there was a determined hostility. In the

¹ See above, p. 16.

² See our description, Vol. XXXVII., Ch. I.

³ Cf. our description, Vol. XXXVII., Ch. III.

⁴ *The nuncio Gualtieri to Torrigiani, February 5 and 19 and September 10 and 17, 1759, Nunziat. di Francia, 503, 504, Papal Secret Archives.

⁵ BÖHMER, *Jesuiten*, III, 154.

⁶ For what follows cf. FOUQUERAY, I., 253 seqq.; PRA, *Guillaume de Prat*, Riom, 1914, 134 seq.; BRUCKER, 147 seqq.; PRÉCLIN, *Les Jansénistes du XVIII^e siècle*, Paris, 1929.

heart of the Parlements an anti-Jesuit spirit had arisen even in the founder's lifetime ; it was inherited by succeeding generations, so that it became a matter of *esprit de corps* in the legal body to oppose the Company of Jesus, and the cleavage was widened still more by the fact that the Parlements were the chief centres of Gallicanism and Jansenism. The hostility of the Parlement was particularly dangerous because it had won popular favour by opposing the intolerable burden of taxation, which itself was the inevitable consequence of unsuccessful wars and the extravagance of the Court. Furthermore, among the adherents of Jansenism were many members of the lower ranks of the clergy and of the religious Orders who were invariably not merely opponents but enemies of the Jesuits.

Even worse was the enmity of the Encyclopedists. Inspired by English "enlightenment", the *Philosophes* at first waged war only on intolerance, the lust of the hierarchy for power, the imposition of dogmas on the faithful, and so forth, but finally they rejected all positive Christianity and all revealed religion. "So long as there are rogues and fools in the world," wrote Voltaire,¹ "there will always be religion. There can be no question but that ours is the most ridiculous, absurd, and bloodthirsty that ever infected this earth." Frederick II. of Prussia, he went on, would render an everlasting service to humanity by destroying this superstition. The hotbed and stronghold of superstition, wrote Frederick to Voltaire, much to the latter's satisfaction, were the monasteries ; once these lairs of fanaticism had been destroyed, their main task was ended.² To "enlightened" eyes the most pernicious of all religious societies, "the chief bulwark of ultramontane principles," was the Company of Jesus, whose schools would have to be destroyed before the new spirit could reign supreme.

¹ To Frederick II., January 5, 1767, *Frédéric le Grand, Œuvres*, XXIII., 134.

² Frederick II. to Voltaire, March 24, 1767, *ibid.*, 146. Cf. Von Nostitz-Rieneck in the *Zeitschrift für kath. Theol.*, XXIV. (1900), 498 *seq.*

Without openly attacking the Jesuits themselves, the *Philosophes* watched with evident satisfaction the battle waged so effectively against them by others, hoping that with the overthrow of the bulwark the way would be cleared for the destruction of the Church itself. In the correspondence between D'Alembert and Voltaire this hatred of the Jesuits and the hopes which they held of the Society's downfall are expressed without concealment. "So far as I am concerned," wrote D'Alembert in 1762,¹ "I see everything in the rosiest colours at the moment. I can see the Jansenists here dying a peaceful death next year, after having brought about the ruin of the Jesuits by a violent death this year. I see the coming of tolerance, the recall of the Protestants, the marriage of priests, the abolition of confession, and the unobtrusive extirpation of fanaticism." In 1761, he thought, "The time is probably approaching when philosophy will take its revenge on the Jesuits."² On hearing that Voltaire still retained some sympathy with the Jesuits, his former teachers, he wrote to him in 1762,³ "Believe me, you must put away this human weakness. Let the Jansenist rabble rid us of the Jesuit rabble and don't stop these spiders eating each other up." Voltaire, for his part, wrote to the Marquis Villevieille,⁴ regarding the expulsion of the Jesuits from Spain (1767), "With my brave knight I rejoice at the expulsion of the Jesuits . . . If only we could root out all the monks, who are no better than these ruffians of Loyola's!"

All this notwithstanding, the enemies of the Jesuits, numerous though they were, would hardly have won the day had they not had influential patrons in Court and Government circles. That the Duc de Choiseul played a part in the downfall of the Jesuits in France is much disputed, being as firmly

¹ May 4, 1762, VOLTAIRE, *Œuvres* (Kehl edition), LXVIII., 201.

² September 8, *ibid.*, 173.

³ September 25, *ibid.*, 218.

⁴ April 27, *ibid.*, LX., 180. Cf. HORTIG-DÖLLINGER, II., 2 (1828), 791, n. 1.

maintained¹ as hotly denied.² An actual agreement between the Minister and the Parlement may be impossible to prove, but the opinion was widespread among his contemporaries that he was playing a double game, posing officially as 'the saviour of the Jesuits, while tacitly encouraging and favouring the Parlements, if not actually goading them on.

Choiseul, the creature and admirer of Madame de Pompadour, had no religious convictions; outwardly he was a Catholic, inwardly he was much in sympathy with the contemporary philosophy of enlightenment.³ He had been praised when ambassador in Rome by the Cardinal Secretary of State Archinto for having combined the service of his King with that of religion, the Church, and the Holy See,⁴ but even early on in his career he was considered by the Curia to be an enemy of the Jesuits and to hold an unfavourable opinion of Rome.⁵ The Curia fully understood his reluctance to irritate the Parlements by harsh measures at a time when an unsuccessful war was being waged, since the Court and the

¹ CRÉTINEAU-JOLY, V³, 201 *seqq.*; SCHMIDT, *Geschichte*, IV., 794 *seq.*; RAVIGNAN, I., 109 *seq.*; II., 21 *seqq.*; BRUCKER, 800 *seq.*

² THEINER, *Histoire*, I., 28 *seqq.*, BÖHMER, III., 156 *seq.* RANKE partly agrees with Theiner, but with this qualification: "Even Montbarrey, who was one of his relations, would not go so far as to acquit him [Choiseul] of exerting an improper influence on the Parlements" (*Französ. Gesch.*, IV., 550, n. 1). Cf. LAVISSE-CARRÉ, VIII., 2, 236.

³ Choiseul provided Voltaire's church at Ferney with relics from Rome. *Torrighiani to Pamfili, July 22 and September 2, 1761, *Nunziat. di Francia*, 450A, *loc. cit.*

⁴ Archinto to Gualtieri, April 20, 1757, *ibid.*, 442.

⁵ *Torrighiani to Gualtieri, November 29, 1758, *ibid.*, 450. At the time of the expulsion of the Jesuits from Portugal, Choiseul had remarked that the monarch had the right to banish religious Orders from his States when they no longer seemed to be of any use to them. (*Torrighiani to Gualtieri, July 11, 1759, *ibid.*) Similar ways of thinking were *reported by Gualtieri to Torrighiani on August 20, 1759, *Cifre*, *ibid.*, 507.

Government were financially dependent on them, but it was realised also that the more these bodies were feared the stronger they grew.¹ When the Cardinal Secretary of State Torrigiani voiced his suspicion that the Paris Parlement had secret supporters at Court,² the nuncio Pamfili agreed but thought that the chief reason of its growing power lay rather in its popularity and, above all, in the feeble attitude of the Court. The King, he wrote,³ could not bring himself to take any energetic step for fear lest the Parlement cease to function and thus deprive the Government of the funds necessary for the continuation of the war. A year later the nuncio was taking it for granted that "various powerful personages at Court" had contributed more to the Jesuit disaster than the power of the Parlements.⁴ It appears from Tanucci's correspondence that also among the enemies of the Society it was commonly thought that the Court or the Ministry was aiding the Parlements only to bring about the downfall of the Jesuits.⁵ Within the Society itself it was believed that there was good reason to suppose that there were secret enemies at Court⁶ but it

¹ *Torrighiani to Gualtieri, April 11 and 18, 1759, *ibid.*, 450. Cf. also Torrigiani's *Letter of May 9, 1759, *ibid.*

² *Torrighiani to Pamfili, September 23 and October 7, 1761, *ibid.*

³ *Pamfili to Torrigiani, October 12, 1761, Cifre, *ibid.*, 515.

⁴ *Pamfili to Torrigiani, July 26, 1762, Cifre, *ibid.*, 516.

⁵ " *Dunque non sono li Parlamenti li vindici del genere umano in Francia contro i Lestrighoni, che si dicevano Gesuiti? Mi rallegra d'un sovrano, che per tale opera non ha bisogno di Parlamenti, che suggeriscano, ma per la sola esecuzione si vale di quelli " (Tanucci to Galiani, May 22, 1762, Archives of Simancas, Estado, 5977). In a *letter to Cattolica of June 12, 1764, Tanucci extols the Duc de Choiseul as the " autore principale dei Gesuiti cacciati di Francia, e di tutte le più forti interprese del Parlamento " (*ibid.*, Estado 5989).

⁶ " *Si disse che il Parlamento suonava secondo che toccava i tasti un Ministro di corte, e si credette che questi fosse il Duca di Choiseul " (Ricci, *Istoria dell' accaduto in Francia ai PP. della Compagnia di Gesù nel 1761 e 1762, pp. 61 seq., manuscript

was also realized that these were only subsidiary causes and that the chief reason for the persecution was religion itself and the Society's attachment to the Holy See.¹

Louis XV. himself was not inimically inclined towards the Jesuits; in fact, like the rest of his family, he had always appointed one of them as his confessor, although for many years he had never given him the opportunity of exercising his chief function. But in the Jesuit affair as in all others he was unable to throw off his habitual indolence, and even on the occasions when he was stirred to action by the feeling that his personal dignity had been affronted, the steps he took were usually belated and half-hearted and they accelerated rather than checked the Society's ruin. Moreover, although endowed with many other gifts, he was not sufficiently self-confident to make himself independent of the opinions proffered by his leading Ministers. And once he was subject to the influence of men who owed their positions to Madame de Pompadour, there was little hope of his intervening with any real effect on behalf of the religious who had refused to adapt the moral law to suit the King's favourite.² The goodwill

in Jesuit possession). Cf. *ibid.*, 67, 84-6, 136, 149. After Choiseul, Berryer, the Keeper of the Great Seal, whose correspondence with Pombal was discovered among his literary remains, is named by Ricci as the chief intriguer against the Order (*ibid.*, 129 *seq.*, 135). Scarponio's statement (**Historia abolitionis Soc. Iesu*, 304^v *seq.*, *ibid.*) that Pombal had bought the Pompadour's assistance in suppressing the Order, at any rate bears witness to the widespread belief that the Parlement had secret supporters at Court.

¹ *RICCI, *loc. cit.*, 161.

² BRUCKER, 800 *seq.*; CRÉTINEAU-JOLY, V³, 186 *seqq.* The Pompadour's first attempts at a reconciliation with the Church date from the time when she was appointed a lady in waiting at the Court. Gualtieri *wrote to Valenti under date February 9, 1756: "Corre voce, che oggi si dovesse dichiarare per dama di corte M^{me} di Pompadour" (Cifre, Nunziat. di Francia, 505, *loc. cit.*). From the copious correspondence on this affair, which stretches over a number of years and which usually breaks off

of a monarch who was despised for his excesses and failures and hated for his oppressive taxation was more of a liability than an asset to the Jesuits, as it gave the public an excuse for holding them partly responsible for the unpopular governmental measures.

The storm that was to break over the French Jesuits was heralded by many portents. Year after year Cardinal Noailles of Paris had persisted in the suspension of the Jesuits in his diocese. The condemnation of the books by Pichon and Berruyer and the *Bibliothèque Janséniste*,¹ though technically justified, had a truly disastrous effect on the critical situation in France. The unfavourable decision of the censors was hailed triumphantly as a victory for Jansenism.² Displaying the greatest indignation and absurdly exaggerating the

after the end of Eastertide, a single passage may be cited here : " *Il Direttore Gesuita [P. Sacy] non la vede con tanta frequenza, come faceva, correndo voce, che egli non l'ammetterà ai sacramenti, se prima non dà pubblici rimedi allo scandalo dato " (Gualtieri to Valenti, March 1, 1756, *ibid.*). Further *documents, *ibid.*, 505, 506, 507. D'Alembert considers the attitude of the Jesuits towards the Pompadour as a more remote cause of their downfall (*Sur la destruction des Jésuites*, 72). Cf. BERNIS, *Mémoires*, ch. 7, éd. Masson, II., 102 : " Les confesseurs de S. Majesté . . . avaient toujours insisté, pour la réparation du scandale, sur le renvoi de la Marquise. Le P. de Sacy refusa la direction de cette dame, en sorte qu'elle ne devait pas regarder les Jésuites comme ses amis."

¹ See our description, Vol. XXXV., 351, 353, 359.

² *The decree of the Congregation of the Index " si e divulgato da Giansenisti in tutto il regno, parendo che ne trionfino, interpretandolo a loro favore per le parole generali, con cui è concepito " The nuncio was at great pains to justify the placing of the books on the Index, but the Bishop of Mirepoix and others persisted in their complaints that what was being built up with much toil in France was being destroyed in Rome. Cf. *Durini to Valenti, December 1, 1749 (see our description, XXXV., 351, n. 3), and *Durini to Valenti, November 24 and December 29, 1749, and January 5, 1750. Cifre, Nunziat. di Francia, 491, *loc. cit.* ; *Valenti to Durini, December 17, 1749, *ibid.*, 442.

importance of the whole affair, the Parlements had the books condemned again ¹ through the agency of their sympathisers in the Sorbonne ² and the episcopacy.

The anti-Jesuit attitude of the Parlements was evinced even more clearly on the occasion of Damiens' attempted murder of Louis XV. on January 5th, 1757.³ The rumour was deliberately spread that until his marriage nineteen years previously the culprit had been a servant in a Jesuit college. Nothing was said of his having had a similar occupation in the homes of members of the Parlement or, according to his admission made under torture, of his having heard and read much there that had incited him against princes.⁴ Although there was no mention in the charge of any Jesuit being involved, the mob was so infuriated that several actual or presumed Jesuits were assaulted.⁵ Attempts were made by means of pamphlets, partly produced in secret printing presses, to excite animosity against the Jesuits, as though they had been the moral instigators of the crime by their teachings on tyrannicide.⁶ The moral theologies of Busenbaum and Lacroix were condemned by the Parlement of

¹ *Gualtieri to Torrigiani, June 4, July 2 and 16, and August 6 and 27, 1759, *ibid.*, 504.

² *Torrighiani to Gualtieri, March 21, 1759, *ibid.*, 450; *Auditor Berardi to Torrigiani, January 21, 1760, *ibid.*, 513.

³ See our description, Vol. XXXV., 285; *Gualtieri to Archinto, January 6, 1757, *ibid.*, 498.

⁴ **Notizie biografiche sul Damiens* (not dated [January 17, 1757?]), *ibid.*; *Masones to Wall, January 6 and 12, 1757, Archives of Simancas, Estado 4531; *Gualtieri to Archinto, April 4, 1757, Cifre, Nunziat. di Francia, 506, *loc. cit.*

⁵ *Gualtieri to Archinto, January 17, 1757, *ibid.* A *letter of the same date, *ibid.*, 498.

⁶ *Gualtieri to Archinto, March 14 and 21 and May 30, 1757, *ibid.*, 498; *Tanucci to S. Elisabetta, March 27, 1759, Archives of Simancas, Estado 5955. The Jansenist-minded Bishop Fitz-James of Soissons in a pastoral letter makes the Pope and the Church responsible for the murderous attempt. (*Archinto to Gualtieri, April 27, 1757, Nunziat. di Francia, 442, *loc. cit.*).

Toulouse,¹ and the threatened condemnation of these works by the Parlement of Paris² was forestalled only by the Jesuits declaring that they had had no part in their production and that they abhorred the passages on regicide. They even went further, undertaking to teach the complete independence of secular princes and the four Gallican articles of 1682.³ The threatening storm was thus temporarily averted, but at the cost of the Society's principles.

¹ *Gualtieri to Archinto, September 26, 1757, *ibid.*, 499. In Busenbaum's case it was not a question of a reprint. The publisher had bought up the remainder of the Cologne edition of 1706 and had inserted a new title-page into each copy. Cf. SOMMERVOGEL, *Bibliothèque*, I., 793; BROU, II., 135, n. 1 (there further literature). Busenbaum did not treat of tyrannicide at all, but of the right of self-defence, that holds good against the unjust aggressor, even when he is a prince, unless his death would cause a greater harm to the commonweal (DUHR, *Jesuitenfabeln*,⁴ [1904], 713 *seq.*). It is highly probable that the indictments originated with the Jesuits themselves. *Gualtieri to Archinto, October 10, 1757, Nunziat. di Francia, 499, *loc. cit.*

² *Gualtieri to Archinto, October 24, 1757, *ibid.*

³ Arrêt of the Parlement of Paris of December 5, 1757 (printed). *Gualtieri to Archinto, November 28 and December 5, 1757, Nunziat. di Francia, 499, *loc. cit.*; *Estratto di lettera del P. Gius. Martinez, confessore dell' ambasciatore di Spagna, dated Paris, 1757, Nov. 12, in Jesuit possession, Suppressio 8, RICCI, II.; *Gualtieri to Archinto, December 19, 1757, Cifre, Nunziat. di Francia, 506, *loc. cit.* The Spanish ambassador Masones mediated in the affair; see *Gualtieri to Archinto, December 12, 1757: The Jesuits "dicono d'esservi stati costretti per esimersi da maggiori vessazioni; vari di loro però in segreto reclamano, quasi che i loro Superiori abbiano dati simili dichiarazioni a nome di tutti, senza aver prima inteso ciascun di essi in particolare" (Nunziat. di Francia, 499, *loc. cit.*). See also *Gualtieri to Archinto, January 23, 1758, *ibid.*, 500. — The General's opinion was that they should have confined themselves to an undertaking not to contest the four Articles; the Parlements could not have asked for a more positive declaration in favour of Gallicanism than the one they had volunteered. "Questa debolezza ci tirerà

The storm-clouds, however, continued to gather more thickly than ever and partisanship increased to fever-heat. The anti-Jesuits in France not only kept up a lively correspondence with their Portuguese allies,¹ but also distributed their pamphlets far and wide.² Isolated sentences from sermons,³ personal opinions on matters of conscience,⁴ even schoolboys' exercises,⁵ were cited for the purpose of making the Jesuits

addosso i castighi di Dio" (Ricci's *notes on the *Estratto di lettera del P. Martinez, of November 12, 1757; see p. 381). The Pope expressed his disapproval of this step in a very mild way (*Archinto to Gualtieri, January 4, 1758, Nunziat. di Francia, 447, *loc. cit.*). Cf. RICCI, *Istoria, 19: "Il P. Giov. Antonio Timoni, allora Vicario Generale, riferì il fatto a Papa Benedetto XIV.; questi non se ne prese molto fastidio, come quello che in qualità di Sommo Pastore aveva autorità maggiore di quello che esso stesso credeva; e compiacendosi d'erudizione non era molto alieno dalle sentenze degli eruditi moderni; e non fu il più accorto a conoscere li errori e le frodi de' Giansenisti, nè il maggior nemico che questi avessero su la Sede di Pietro: certo è che nel governo di lui la setta fece progressi grandi. Tuttavolta perchè il grado lo costrinse a mostrarne pure qualche dispiacere, dal P. Timoni se ne fece un delicato lamento col P. Allanic: questi portò la solita scusa della necessità e del timore di essere costretto a sottoscrivere qualche cosa di peggio" (see below, p. 422). What Ricci wrote in his *notes on the *Estratto di lettera del P. Martinez (see above) is strangely prophetic: "Sfuggito questo impegno, ci metteranno in altri e chiameranno ad esame altri libri; ogni giorno saremo da capo, specialmente avendo veduta la nostra debolezza. Ci richiederanno simili dichiarazioni."

¹ *Gualtieri to Torrigiani, June 25, 1759, Cifre, Nunziat. di Francia, 507, *loc. cit.* See above, p. 377, n. 6.

² *Gualtieri to Torrigiani, September 10 and 17, 1759, *loc. cit.*, 405. See also above, p. 373, n. 4, and p. 380, n. 6.

³ *Gualtieri to Torrigiani, March 12 and April 9, 1759, *loc. cit.*, 503; *Gualtieri to Torrigiani, July 2, 1759, *ibid.*, 504.

⁴ *Ibid.*

⁵ *Gualtieri to Torrigiani, March 26 and April 9 and 23, 1759, *ibid.*, 503; *Matière de vers donnée aux écoles de troisième par le P. Mamequi le 1^{er} Mars (cf. SOMMERVOGEL, V., 447).

hated by the people and suspected by the Government and the Court. The severest measures were taken against the "culprits",¹ whereby the unsoundness of the evidence had very often to be concealed by the unmeasured phraseology of the sentences.

In any case, the language of this prologue was only too clear; in addition, the adversaries of the Jesuits expressed their aims quite unconcealedly. The Jansenist church-journal *Nouvelles ecclésiastiques* openly demanded the expulsion of the Jesuits from France.² While one pamphlet attempted to produce evidence that the Jesuits had done more harm to the Church than Luther or Calvin,³ another published the motives by which both spiritual and temporal authorities were bound in conscience to suppress the Society.⁴ An opportunity of bringing the final goal within sight was soon to be offered by the commercial transactions in which the Jesuit Lavalette had involved himself on the island of Martinique.

(2)

Antoine Lavalette,⁵ born on October 26th, 1708, at Martrin, in the former diocese of Vabres, entered the Society on December 10th, 1725, and at his own wish was sent to the mission of the Paris Province in the Lesser Antilles,⁶ where he was

¹ The Parlement of Rouen declared Mamachi unfit to hold a teaching position anywhere in the kingdom. *Gualtieri to Torrigiani, April 9, 1759 (see previous note).

² "On ne s'étonnera jamais assez, que de tels hommes soient encore supportés en France et qu'on les y laisse jouir d'une impunité qui les enhardit toujours à de nouveaux forfaits" (quoted by BROU, II., 136).

³ *Problème historique qui, des Jésuites ou de Luther et Calvin, ont plus nui à l'Église chrétienne.* The pamphlet was placed on the Index, May 17, 1759.

⁴ *Gualtieri to Torrigiani, July 30, 1759, *loc. cit.*, 504.

⁵ His real name was Valette; to distinguish him from a fellow-Jesuit with the same name he was called Lavalette. Cf. ROCHE-MONTEIX, *Le P. Antoine Lavalette à la Martinique*, Paris, 1907, 42.

⁶ *Ibid.*, 40 *seqq.*

parish priest, first of Guadeloupe, then of Carbet in Martinique.¹ His pleasing disposition soon made him liked both by his superiors and his colleagues, and not the least of the ways in which he won the hearts of his parishioners was the lively interest he took in their business activities. By daily intercourse with the French colonists he soon acquired such a knowledge of the management of the plantations and of colonial trade that he could speak on these matters as an expert.² In consequence the appointment of this skilful man of business as the mission's procurator was welcomed by his fellow-Jesuits. At the end of 1746 he left Carbet and settled down in St-Pierre, the capital of Martinique.³

At the time when Lavalette took up his new duties the economic situation of the Antilles mission was definitely unfavourable. He found the workers' dwellings neglected, the estates badly cultivated, the farm-buildings practically in ruins. The mission's sources of income had shrunk to such an extent that every year saw a deficit. In addition there was a debt of 137,000 *livres*.⁴ A scheme for the improvement of these conditions was submitted by Lavalette to Paris and Rome, where it was approved, but his superiors warned him not to involve himself in commercial transactions.⁵ In his capacity of procurator, Lavalette first built twelve new tenement houses and then bought a large plantation on the island of Dominica, where he employed 400-500 negroes.⁶ He had been prevented from acquiring a similar estate on Martinique by the laws of mortmain. The purchase was concluded without the previous knowledge of his superiors, but they assented to it after the event.⁷ Lavalette's reputation as an energetic business-man having spread beyond the ocean, he had no difficulty in obtaining in Europe the considerable loans necessary for the working of his vast plantation.⁸ Its produce he sent to France, where since 1752 he had had connections with the trading house of the brothers Lioncy

¹ *Ibid.*, 47 seq.

³ *Ibid.*, 51.

⁵ *Ibid.*, 65.

⁷ *Ibid.*, 71 seq.

² *Ibid.*, 49 seqq.

⁴ *Ibid.*, 60.

⁶ *Ibid.*, 69, 73.

⁸ *Ibid.*, 75 seq.

and Gouffre in Marseilles.¹ The canonical prohibitions against trading by clerics were not infringed by these enterprises,² but he was blamed for having overstepped the bounds which were fitting for a member of a religious Order.³

These great successes were not obtained without provoking envy and jealousy. Lavalette, who since 1753 had occupied the office of the head of a mission and the Prefect Apostolic for all the Jesuit settlements in the Antilles,⁴ was indicted before the Paris Government on the charge of having engaged in prohibited trade with a foreign country. On June 20th, 1753, the Minister of Marine, Rouillé, demanded Lavalette's return to France. In spite of repeated interventions on behalf of the accused by the Governor De Bompar and the Intendant Hurson, the Minister confirmed his order on January 11th, 1754.⁵ On his arrival in France Lavalette drew up a written vindication of his conduct, which was transmitted to the Minister by the Jesuit Provincial, Forestier. Rouillé then admitted that he had been too hasty in giving credence to the charges, but said that he would have to ask the king about Lavalette's return to the mission; in any case there was no ship sailing for Martinique before March or April of the following year.⁶ Meanwhile, as the needs of the mission seemed to demand Lavalette's presence there, Forestier had representations made to Rouillé through the Jesuit Griffet, who was a *persona grata* at Court. On this occasion, however, the Minister repeated his former charges and in addition accused the Intendant Hurson of having participated in the prohibited trade. Griffet himself now asked the Minister to detain Lavalette in France.⁷ But on July 28th, 1754, Rouillé was

¹ *Ibid.*, 83 *seqq.*

² For the principle of ecclesiastically forbidden transactions, see *ibid.*, 79 *seqq.*; DUHR, *Jesuitenfabeln*,⁴ 648 *seq.*

³ RICCI, **Istoria*, 2.

⁴ ROCHEMONTEIX, 54, n. 1, 57.

⁵ *Ibid.*, 86 *seqq.*

⁶ *Ibid.*, 91 *seqq.*

⁷ “*Is [Rouillé] mihi clare demonstravit, Patrem istum [Lavalette] commercium non solum religiosis omnibus, sed

appointed Foreign Minister and was succeeded by the former Keeper of the Seal, Machault; and the latter, in January, 1755, gave permission for Lavalette's return to the mission, on condition that he abstained from any kind of commerce.¹

Among the Jesuits there was a difference of opinion whether or not to allow Lavalette to continue as Superior and to send him back in that capacity. Finally they decided to do so. Forestier, whose sister had been freed by Lavalette from a financial embarrassment,² was able to cite two letters from Martinique vouching for his innocence.³ And as a letter from the Intendant Hurson justifying his conduct had been received by the General of the Order, Visconti,⁴ no difficulties were raised in that quarter either.

On his return to the mission Lavalette began with renewed energy to repair the damage done in his absence by three hurricanes.⁵ But he also began to contract fresh debts,⁶ and

*ipsismet saecularibus sub poenis gravissimis prohibitum [exercuisse]" (*Griffet to Ricci, July 7, 1761, in Jesuit possession, Gallia, 114, I.); ROCHEMONTEIX, 103 seq.*

¹ ROCHEMONTEIX, 107 seqq.

² "Soyez tranquille, je vais travailler pour vous faire compter à Paris les 30,000 dont Madame votre sœur a besoin" (*Lavalette to Forestier, dated Marseilles, 1754, October 29, in Jesuit possession). RICCI, **Istoria*, 3: "E credibile non pertanto, che il P. le Forestier si lasciasse anco sedurre da un dono di alcune migliaia di Lire fatto ad un suo congiunto dal P. Lavalette" (*ibid.*).

³ ROCHEMONTEIX, 117 seqq.; RICCI, **Istoria*, 3.

⁴ Text of the document, of September 29, 1753, in ROCHEMONTEIX, 96 seqq. Similar letters justifying Lavalette's conduct, from Hurson and the commissary De Brande were received by Forestier (*ibid.*, 101 seq.).

⁵ *Ibid.*, 125 seqq.

⁶ On January 1, 1755, Lavalette had been authorized by the General of the Order to raise, with the assent of the Provincial and before beginning his return-voyage, as much money as was necessary to settle the temporal affairs of his mission (text in ROCHEMONTEIX, 115). On his journey to Marseilles and Bordeaux he made full use of this permission, but he did not keep within

his undertakings, which had hitherto been attended by good fortune, were now to be wrecked by an event which he had not foreseen: war between England and France. At the end of 1755 he had dispatched two shiploads of sugar and coffee to the value of 600,000 *livres* for the repayment of his debts. Both cargoes were seized by the English just before they were about to be discharged in Bordeaux, although war had not yet been formally declared.¹ At the same time an epidemic carried off many of his negroes, so that work on the plantation and in the sugar refineries had to be seriously curtailed.² Fresh consignments of goods were sent off, but only one vessel managed to reach Cadiz; thirteen Dutch ships, containing the greater part of the goods, fell into English hands before they could put in at Amsterdam.³

Before the second consignment had left, the trading firm of Lioncy and Gouffre declared itself bankrupt, on February 19th, 1756. In the balance-sheet there appeared among other items unsecured bills of exchange to the amount of 1½ million *livres* in the name of the head of the mission in Martinique.⁴ The Jesuit superiors immediately took drastic steps to prevent any further harm. Express instructions were sent to Lavalette to abandon all further undertakings, to cease issuing bills, to effect no more loans, and to render a full account of the mission's assets and liabilities. Whether the letters ever reached him cannot be ascertained.⁵ Five Visitors with extraordinary powers were appointed in succession in order to examine the situation on the spot and to render assistance. But only the fifth of them reached his destination and by that time the

the bounds set nor did he obtain the agreement of the Provincial. (*Griffet to Ricci, July 7, 1761; ROCHEMONTEIX, 143, n. 3, 117; RICCI, **Istoria*, 10 *seq.*).

¹ ROCHEMONTEIX, 127 *seq.* War was not declared till May 17, 1756.

² ROCHEMONTEIX, 129.

³ *Ibid.*, 130.

⁴ *Ibid.*, 131.

⁵ RICCI, **Istoria*, 14; ROCHEMONTEIX, 136 *seq.*

damage had become irreparable through the events which took place in France.¹

Meanwhile the creditors were demanding, with threats, immediate payment. But whose was the duty of assuming the initial responsibility for the debts? Despite the disagreement of some important Jesuits, the superiors decided to take the onus of repayment on themselves. With great difficulty the mission procurator Sacy managed to meet nearly all the bills which had fallen due,² and in the meantime Lavalette too had been urged to make every effort to pay his debts. A few small remittances arrived, but soon afterwards, to everyone's dismay, they were followed by fresh bills amounting to even more than those held by Lioncy.³

Fresh, and more stringent, instructions were sent to Lavalette, but not only did he fail to follow them,⁴ he slid further

¹ Ricci to Nectoux, April 20, 1761, in DUHR *Jesuitenfabeln*⁴, 633, n. 2; Ricci, **Istoria*, 15 *seq.* (the undermentioned letters from and to Ricci, unless otherwise noted, are in Jesuit possession, under the signatures given); *Allanic to Ricci, March 25, 1760, Francia, 49; *Desmaretz to Ricci, November 24, 1760; *Salvat to Ricci, November 25, 1760; *De la Croix to Ricci, December 23, 1760, *ibid.*; *Ricci to Beauvais, January 14, 1761; *Ricci to Noirrot, March 21, 1761, *ibid.*, *Epist. Gen. secretae*. The fifth Visitor was De la Marche. Further details in ROCHEMONTEIX, 133 *seqq.*

² *Ibid.*, 137 *seqq.*

³ *Ibid.*, 140 *seq.*; RICCI, **Istoria*, 17.

⁴ ROCHEMONTEIX, 141; RICCI, **Istoria*, 17. All the regulations and instructions, and also the orders "sub praecepto obedientiae", were useless in the face of his "irreligiosità" (*RICCI, 14). The following is an extract from Ricci's *letter to Lavalette, November 12, 1760: "Prae oculis habeat [Rev. V^a.] praecepta imposita anno 1758 et illud praecipue, ne alia contrahat debita nec accipiat isthic pecuniam solvendam in Gallia. Affirmavit mihi R^a V^a toto anno 1759 nullum a se susceptum debitum: at enim visa est in Gallia protestatio cambialis subscriptae mense Februario eius anni. Videat, ne quid fraudis aut erroris subrepat. Ceterum illud praeceptum confirmo et renovo." The General further remarks in the same letter: "Huius culpae nulla potest

and further down the slope on which he had set foot. Hitherto he could only have been reproached for embarking on over-daring enterprises and for overstepping the prescribed limits, but now he had recourse to regular trading such as was forbidden by canon law. According to information supplied by himself, the head of the mission had issued on Martinique also bills of exchange for considerable sums and had contracted capital debts to the amount of half a million *livres*. The export of colonial produce to France had been almost entirely stopped by the war, the goods piled up, and prices sank. The market value of the property had decreased so much that there was no question of selling it, and work was almost at a standstill owing to the scarcity of labour. To meet his obligations and to avoid bankruptcy, Lavalette had recourse to an illicit expedient. Through secret agents he bought colonial goods in the French islands, where their price was low, and sold them at a profit to Dutch merchants on St-Eustache and Curaçao. He also formed a business company with the governor and the Intendant of Martinique.¹

For a long time Lavalette's fellow-Jesuits were ignorant of his illicit dealings. It was not till 1759 that vague rumours and insinuations came to their notice and at first they paid them little attention. But when the ominous signs increased and their confidential information took a more definite form, they reported the matter to their superiors in Paris and Rome. Their letters, however, never reached their destinations, being either intercepted by the English or suppressed by Lavalette.²

esse excusatio, quod aliis litteris fusius declaravi: nos vero lugemus damnum incredibile rei oeconomicae Missionum et famae totius Ordinis ab uno homine illatum." Lavalette was to remember that one day he would have to render an account before God's tribunal (*Epist. Gen. secretae*).

¹ ROCHEMONTEIX, 149 *seqq.*; *Salvat to Ricci, July 28, 1760, Francia, 49.

² ROCHEMONTEIX, 161 *seqq.* The suspicion that Lavalette intercepted letters to and from Superiors was expressed in a *letter from Allanic to Ricci, November 12, 1759; also in Ricci, *Istoria, 14.

Meanwhile, two important changes had taken place in the administration of the Society. The General, Visconti, had died on May 4th, 1755, and had been succeeded on November 30th by Centurioni, and on April 16th, 1756, Pierre Claude Frey, a man of intelligence but of obstinate character, was appointed head of the Parisian Province.¹

From now onwards the Martinique affair was handled differently. Coming to the conclusion that the scandal could not be hushed up, Frey, acting in conjunction with his Provincial consultors, decided not to take up any further loans and to refer all creditors to the head of the mission to the Lesser Antilles, who alone was responsible. They were to obtain payment out of the mission's estates, for it was only the estates which had been pledged as security.² The Jesuit authorities in Rome were highly perturbed by this decision. Forestier and the French Assistant were prepared to go to any lengths to avoid a scandal. At their suggestion the General of the Society gave permission for another 200,000 *livres* to be taken up, so that at least the most needy creditors might be satisfied.³ Frey, however, was stubbornly opposed to any fresh commitment. The house at St-Pierre was solely responsible; the houses in the Province were already overburdened with debts and could undertake no further charges. It was better for one mission to perish than for a whole Province to be dragged into the abyss.⁴ With these arguments the Provincial prevailed on his advisers, and Rome let him have his way. Thenceforward (1757) all payments on the Martinique account were stopped.⁵

¹ Pierre Claude Frey de Neuville. To distinguish him from his brother Charles Frey de Neuville he was called simply Frey, and the other, Neuville. Ricci briefly portrayed his character thus: "uomo di spirito, ma di passioni, di poca discernitiva delle persone, onde fu infelice nella elezione de' Superiori, e amante di comandare" (*Istoria*, 20).

² ROCHEMONTEIX, 142 *seqq.*

³ *Ibid.*, 145.

⁴ *Ibid.*, 146 *seq.*

⁵ *Ibid.*, 148.

The creditors, many of whom were themselves in financial difficulties owing to the war, now brought actions against the mission procurator Sacy, but their cases were dismissed and they were told to bring their claims against Lavalette. This was the ruling given by the courts until 1760,¹ when a change took place in the administration of the law. On November 19th, 1759, the firm of Veuve Grou et Fils having failed to obtain payment on a bill for 30,000 *livres*, which had fallen due on June 6th, 1759, brought their case before the consular court in Paris, with the plea that the French Jesuits as a body be held responsible for the payment.² On the ground that the administration of the Society's property was controlled by the General, the judges ordered Sacy on January 30th, 1760, to settle the debt on the bill, failing which the firm of Grou was entitled to be paid out of the Society's property situated in France.³ The judgment was straightway circulated in printed form for the express purpose of lowering the Jesuits in the eyes of the public and to encourage the other creditors to take similar steps. The Society was now sued from all quarters and every case was decided against it.⁴ Thus, at the request of the creditors of the firm of Lioncy, the consular court of Marseilles, which had hitherto proceeded against only Lavalette and, as his representative, Sacy, ordered, on May 29th, 1760, the General of the Society and in his person the whole of the Society to pay one and a half million *livres* due on bills of exchange.⁵

In legal circles this decision was looked on as an innovation. Eight of the foremost barristers of Paris declared after careful deliberation that the consular courts had exceeded their powers, since they were only competent to decide disputes between merchants, and, what was worse, the grounds for the judgment were untenable.⁶ Every single religious house had

¹ *Ibid.*, 172.

² *Ibid.*, 173 *seqq.*

³ *Ibid.*, 176.

⁴ *Ibid.*, 177 *seq.*

⁵ *Ibid.*, 178 *seq.*

⁶ *Ibid.*, 180 *seqq.*

the rights of a legal person ; this was the law of the religious Orders, to which the Jesuits were subject together with all other such societies, this was the will of the founders, this was the confirmation of the royal patents. Up till 1760 the principle of non-joint liability *vis-à-vis* the secular power had been accepted without question. The General of the Society was and is not a proprietor, but the supreme administrator of the Society's property. In virtue of his office he appoints the subordinate superiors and invests them with the power of concluding valid contracts for the benefit of the various houses, which alone are and remain proprietors. The superiors' powers are restricted to the house in their care and its property, for which they have to render an account.¹ Lavalette was aware of this law ; he had only the power and the intention of pledging the property and the houses of his mission. And in fact all his bills were drawn on his house's account.²

Viewed from the legal standpoint, therefore, the attitude adopted by the Paris Provincial was unassailable ; but he might also have considered, in this exceptional case, in order to avert a catastrophe, whether prudence and charity did not demand a waiving of the principle of non-joint liability. On the other hand, it must not be overlooked that the houses of the five French Provinces were themselves so deeply in debt that they were apparently unable to undertake further obligations.³

Against the verdict of the consular court the Jesuits still had the right of appeal. But here they made another mistake.⁴ Instead of appealing to the *Grand Conseil*, as they were at liberty to do, they had recourse to the Council of certain

¹ *Ibid.*, 183 *seqq.* ; Constit. P. IX, c. 3 (Institutum Soc. Iesu, II., Florentiae, 1893, 130 *seqq.*) ; Constit. P. IV., c. 2 *seq.* (*ibid.*, 56 *seqq.*) ; CRÉTINEAU-JOLY, V., 195, n. 1.

² ROCHEMONTEIX, 187 *seq.* Cf., for example, the bill for *Veuve Grou et Fils*, dated St.-Pierre, May 11, 1757, in which it is said : " que vous passerez au compte de notre maison " (*ibid.*, 173).

³ *Ibid.*, 188.

⁴ " uno sbaglio di pessima conseguenza " (RICCI, **Istoria*, 18).

lawyers in the *Grand'Chambre* of the Parlement. By taking this step they delivered themselves into the hands of their most determined enemies and exposed the scandal to the public gaze.¹ Here again it was Frey with his paramount influence over the new Provincial Allanic who was the decisive factor. His opinion was that several members of the *Grand'Chambre* were former pupils of the Jesuits, that the Parlement would show its gratitude for the confidence placed in it, and that a favourable verdict from the court of the Parlement would obtain a greater degree of recognition from the people, it being regarded as the representative of public opinion.²

The decision of the Provincial and his counsellors was joyfully acclaimed by the Society's enemies, whereas for its friends and for almost all the Jesuits themselves it came as a painful surprise.³ Serious reproaches were made against the Provincial Allanic and his consultors: they had made their decision without sounding the opinion of the other French Provincials, for whom also the affair was not a matter of indifference; they had presented the declared enemies of the Society with another weapon and had jeopardized not only the temporal possessions of the French Assistancy but its whole future. The general dissatisfaction was directed especially against Frey, the suspicion being voiced that he was actuated by separatist motives.⁴ Both Frey and his brother Neuville firmly denied that there was any truth in this supposition, and De la Croix, who was afterwards Provincial,

¹ *Ibid.*; ROCHEMONTEIX, 189 *seqq.*

² ROCHEMONTEIX, 197 *seqq.*; *Allanic to Ricci, May 1, 1760, Francia, 49, printed text partly reproduced in ROCHEMONTEIX, 198, n. 1.

³ RICCI, **Istoria*, 20; ROCHEMONTEIX, 199 *seq.*; CRÉTINEAU-JOLY, V., 196 *seq.*

⁴ *Croust to Ricci, May 28, 1761, Gallia, 116; *Bieganski to Ricci, June 1, 1761, *ibid.*, partly printed in ROCHEMONTEIX, 200 *seq.*; *Salvat to Ricci, May 19, 1760, Francia, 49. Cf. also Salvat's *letters to Ricci, April 7, 14, 21, and 28, May 5 and 26, and September 15, 1760, *ibid.*

assured the General that a complete investigation afforded no evidence whatever for such an assertion.¹ Some thought that the reason for the inexplicable procedure might be that Frey and Neuville feared that the *Grand Conseil* would declare the mission procurator Sacy solely responsible for Lavalette's debts, which would mean that the whole burden of the debt would fall on the Paris Province. It being their desire that all the French Provinces should bear their share of it, they had thought to attain their object most expeditiously by an appeal to the Parlement, which, it was taken for granted, would bring in a verdict against the Society as a whole.² This surmise also was denied by the former Provincial Pierre Claude Neuville and his brother Charles, who was also implicated; nevertheless there were distinguished Jesuits who were of the opinion that after Lavalette, Frey was principally responsible for the disaster that overtook the French Assis-tancy.³ The chief fault found by the General Ricci, who was elected on May 21st, 1758, was that the appeal to the Parlement had taken place without his knowledge, like so many other false steps in this unpleasant affair. But since what was done could not be undone, he confined himself to remonstrating with the Provincial in a considerate manner, especially as he also thought it dangerous to provoke him and other persons in Paris.⁴

While the Parlement was taking its time in examining the verdict of the consular court, the death took place on January 26th, 1761, of the Maréchal Belle-Isle, the most reliable

¹ RICCI, **Istoria*, 20; *Neuville to Ricci, August 3, 1761, Gallia, 116; *De la Croix to Ricci, May 12, 1761, *ibid.*; ROCHE-MONTEIX, 201, n. 1.

² See the letters quoted on p. 393, n. 4.

³ *Croust to Ricci, May 28, 1761, Gallia, 116, extract in ROCHE-MONTEIX, 202; *Bieganski to Ricci, June 1, 1761, Gallia, 116; *Griffet to Ricci, July 7, 1761, *ibid.*, 114, I., extract in ROCHE-MONTEIX, 202, n. 1.

⁴ *Ricci to Croust, June 24, 1761, Gallia, 43; RICCI, **Istoria*, 18 *seq.*

supporter of the Jesuits at Court.¹ Two months previously the Provincial Allanic had died suddenly when on a visitation at Rennes. He was succeeded by Étienne de la Croix, for a long time novice master and finally rector of the college of Louis le Grand in Paris, an exemplary religious who stood in high repute both within and without the Society. Unfortunately his character was lacking in what was especially necessary in such times of inward and outward stress—decisiveness and firmness—so that from the very beginning of his term of office doubts were expressed of his ability to steer clear of all the reefs that lay ahead.²

At last, on May 8th, 1761, the judgment of the Paris Parlement, so long awaited by friend and foe, was published. The General of the Society and in his person the whole of the Society of Jesus was to pay to the creditors of the trading firm of Lioncy and Gouffre in Marseilles the sum of 1,502,000 *livres* and a further sum of 50,000 *livres* by way of interest and expenses; in case of refusal the plaintiffs were entitled to recoup themselves from the Society's property in France. The reasons for the judgment were that according to the statutes of the Society the General was the representative of

¹ Among his literary remains Choiseul is said to have found an adverse memorandum about himself addressed to the king, which he recognized as having been written and partly composed by Neuville; hence his alliance with the Pompadour and the Parlements. From the fact that Neuville twice (e.g. *on December 1, 1760, Gallia, 116) sought permission to withdraw from Paris, the General of the Society considered himself entitled to deduce that he really was involved in the affair (RICCI, **Istoria*, 85, 136). Cf. the other version in ROCHEMONTEIX, 202 *seqq.*

² *Neuville to Ricci, December 1, 1760; *Beauvais to Ricci, December 24, 1760, in the extract in ROCHEMONTEIX, 207, n. 1. Griffet drew the character of the new Provincial succinctly and laconically in his *letter to Ricci, July 7, 1761: "vir bonus ac pius, nec ingenio carens, multus est in deliberando, rarus in statuendo, admodum timidus in exequendo" (*ibid.*). RICCI, **Istoria*, 20.

the Society, and the supreme controller and the sole real proprietor of the Society's property ; that all Lavalette's undertakings had taken place only with his assent and authorization ; and that the trading in Martinique had been conducted on account of the Society as a whole.¹

The case had already caused a considerable stir in Paris, and its termination gave rise to even greater excitement. The publication of the verdict was received by the populace with applause and manifestations of delight. " This dispute," said the nuncio Pamfili, " should have been settled amicably at any price and it would have been better to pay the whole sum than to bring the matter before the public in this manner, for most of the people are drawing conclusions from it which are far from favourable to the Jesuits and do little honour to the whole body of secular and regular clergy." ² The Secretary of State Torrigiani agreed with him ; in Rome too the case had caused a great clamour and excitement, but perhaps the amount of the sum involved had silenced the voice of prudence ; worse than anything was that a whole society had been condemned to pay the debts of one particular house.³

The study of history shows us that grave external calamities often release internal dissensions and party quarrels. The judgment of the *Grand'Chambre* holding all Jesuit settlements in France jointly responsible for payment had hardly been published when there broke out for all to see, an internal

¹ ROCHEMONTEIX, 212.

² *Pamfili to Torrigiani, May 11, 1761, Cifre, Nunziat. di Francia, 514, Papal Secret Archives, French translation in THEINER, *Histoire*, I., 27 ; *Salvat to Ricci, June 17, 1761, Francia, 49.

³ *Torrighiani to Pamfili, May 27, 1761 : " Riflette saviamente V. S. Ill^{ma} che dovevasi col silenzio coprire una disputa tanto delicata e inopportuna nelle circostanze correnti, ma la somma di cui trattavasi, avrà forse superato lo scrupolo d'una più soda prudenza. È però osservabile la conseguenza d'una risoluzione, che obbliga tutta una Religione in solidum al pagamento d'un debito d'una casa o convento particolare." Cifre, Nunziat. di Francia, 450, *loc. cit.*

quarrel that had been long fermenting.¹ To the grief of the General, the scandal of the Court and the people, and the delight of the Society's enemies, the procurators of four French Provinces asked the court of the Parlement to release them from payment of the debt and to make the Paris Province solely responsible, seeing that it controlled the mission in Martinique and that the other Provinces had never been consulted in the matter.² Ricci had been trying to settle the dispute for months past,³ but he did not consider he was in a position to issue direct orders, owing to the complexity and the confusion of the situation. In the general excitement and disorder and owing to the mutual distrust of the Paris Jesuits his exhortations fell on deaf ears. "If my advice had been listened to," he wrote, "or, better still, if it had been asked for, before I was presented with accomplished facts, we should never have found ourselves in this doleful situation, which cannot be deplored too much and which it is now probably too late to alter."⁴ As the General had foreseen, the efforts of the four procurators were of no avail; they only injured the reputation of the Society and the common cause, for the appeal presupposed the joint liability of the houses of a Province, which was not in accordance with the law of religious Orders and which until then had been

¹ *Salvat to Ricci, April 7 and 14 and May 5, 1760, *Francia*, 49; *Allanic to Ricci, May 1, 1760, *ibid.* On November 4, 1760, Ricci *asked the Court Confessor Desmaretz to use all his influence to prevent the dispute being brought before the secular court; it was to be left to his, the General's, decision (*Epist. Gen. secretae*).

² *Ricci to Salvat, May 20, 1761, *ibid.*; *Ricci to Nectoux, May 20, 1760, Archives of Simancas, Gracia y Justicia, 666.

³ *Ricci to Nectoux, December 24, 1760, and April 29, 1761, *ibid.*; *Ricci to De la Croix (undated; February, 1761?), *Epist. Gen. secretae*; *Ricci to Salvat, March 18, 1761, *ibid.*

⁴ *Ricci to Salvat, March 18, 1761, *Epist. Gen. secretae*. Ricci used almost the very same words in *writing to Noirot, March 21, 1761, *ibid.* Cf. also *Ricci to De la Croix, May 20, 1761, *ibid.*

consistently disputed. Important positions had been surrendered to no purpose.¹

When the creditors saw that the Parlement of Paris was less eager to satisfy their claims than to ruin the Jesuits, they showed signs of being willing to come to an agreement. They declared their readiness to withdraw their summons on condition that the property of the whole of the French Assisancy was pledged to their credit. The General in Rome repeatedly advised the acceptance of these terms and the procurement of the necessary powers from the king, but again his advice was neglected. He judged it wise to refrain from any definite command, for fear of promoting certain separatist tendencies² and because several counter-arguments were brought forward, the soundness of which he was unable to verify at such a distance.³

A year's grace had been fixed by the court of the Parlement in which to settle the debts—long enough for the Jesuits, utilizing all their resources, to make a final effort to comply with the verdict, however unjust it was, and thus to avert complete disaster. As De la Croix was already heavily engaged in the administration of the Province, Ricci, at the suggestion of the most prominent Jesuits and Provincials, appointed Griffet on June 17th, 1761, to be his commissary general in the Martinique affair⁴ and entrusted him with the

¹ " *Itaque rem vobis inutilem fecistis cum communis causae atque adeo vestro etiam detrimento et dissensiones vestras in publicum prodidistis cum offensione aulae et urbis. Demum consuli debui, cum res ita non urgeret, ut consuli non possem; verum nec de causa suscepta certior sum factus a vobis. Numquid ita agentibus aderit Deus? " (Ricci to Salvat, May 20, 1761, *Epist. Gen. secretae, loc. cit.*). Cf. *Ricci to Nectoux, May 20, 1761, Archives of Simancas, Gracia y Justicia, 666.

² See below, pp. 433, 434.

³ RICCI, **Istoria*, 21.

⁴ *Desmaretz to Ricci, May 18, 1761, Francia, 49; *Croust to Ricci, May 28, 1761; ROCHEMONTEIX, 242, n. 1. *Bieganski to Ricci, June 1, 1761, *loc. cit.* *Ricci to Croust, June 24, 1761, Gallia, 43. Neither the General nor the French Assistant was

settlement of the debts. For this purpose he was to be responsible to the General alone. According to his instructions, he was first to consult with the five provincial procurators on the advisability of sending a plenipotentiary to Marseilles for the purpose of reaching an agreement with the creditors on favourable terms. To repay the debts he was first to pledge and, if necessary, sell the properties of the mission in Martinique and of the other mission-houses there, secondly to make use of the real estate held in common by the Provinces, and, if this was insufficient, the properties of the separate colleges and residences.¹

The execution of the plan, however, was fraught with prodigious difficulties. The *Grand'Chambre* had only ordered the settlement of the claims made by the house of Lioncy, but it was only to be expected that the other creditors too would soon be presenting their bills for payment. And how were all these claims to be met? Lavalette's total debts amounted to four and a half million *livres*,² of which three million were

entirely satisfied with the proposal. Firstly, Griffet had been active only as a preacher and a writer and had had no experience in business matters (*cf.* Griffet to Ricci, July 7, 1761, in ROCHEMONTEIX, 243, n. 1); secondly, he was one of those persons who are very fit for rule provided they have not to rule themselves. He caused Ricci a good deal of difficulty by the blustering way in which he tried to carry through several proposals which were not quite in keeping with the Jesuit Institute. It was an appointment made in a time of crisis. Gatin was attached to him for seeing to the practical side of affairs (RICCI, **Istoria*, 22 *seqq.*).

¹ *Ricci "ad Procuratorem in re Martinicensi generalem", June 17, 1761, Archives of Simancas, Gracia y Justicia, 666; *Ricci to De la Croix and Salvat, June 17, 1761, *Epist. Gen. secretae*, *loc. cit.* The Procurator made his notarial declaration on August 18, 1761 (extract in ROCHEMONTEIX, 253, n. 2); *Ricci to De la Croix, July 8, 1761, Gallia, 43; *Ricci to Nectoux, December 2, 1761, Archives of Simancas, *loc. cit.*

² CRÉTINEAU-JOLY (V., 204) asserts that Lavalette's liabilities really amounted to only 2.4 million *livres* and attributes the subsequent sum of 5 million *livres* to crooked dealings. He is

payable in France. ¹ To realize these sums loans would have to be raised. But where were these to be obtained? For some time past the Paris Jesuits had maintained that the whole of the Society should accept responsibility for Lavalette's debts, but the General refused to consider this demand, which had no justification and would have harmful consequences.² The Society's financial situation, as depicted by Ricci on this occasion, was gloomy. The Provinces in Italy, with the exception of Sicily and Naples, were almost indigent. In the German Assistancy they were mostly in the same plight: Silesia had been sucked dry, Austria and Bohemia, which

wrong. Lavalette himself estimated his debts at 4 millions in a letter to Ricci of June 4, 1760, and at 5 millions in his *Mémoire justificatif* (1763). Gatin, Griffet's assistant, after a careful calculation, gave the sum of the debts as 4.5 million *livres*, the Visitor as rather over 5 million. Whereas in the royal patent of February 2, 1763, Lavalette's total debts were said to have amounted at the time to about 5 million *livres*, in the decree of June 3, 1763, the debt, which had appeared to exceed 5 millions, was said to have risen to twice that amount and was increasing every day. There is probably some question of fraud here unless we are to suppose that the last-mentioned sum includes the debts of the various colleges. ROCHEMONTEIX, 240 *seq.*; RICCI, **Istoria*, 104; *Lettres-Patentes du Roi*, Versailles le 2 Février and le 3 Juin 1763 (printed).

¹ *Salvat to Ricci, June 20, 1761.

² *Beauvais to Ricci, December 28, 1760, Francia, 49; *Salvat to Ricci, February 2, 1761, *ibid.*; Ricci to Griffet, November 4, 1761, *Epist. Gen. secretae*. To establish their claim the Parisian Fathers urged that the General Visconti had granted Lavalette licenses which were excessive. On the other hand, as Ricci retorted, no such document could be found in the whole of the Society's archives. Such agreements were never given orally. Father Fléchat's letter produced by the creditors (ROCHEMONTEIX, 115) proves nothing, for it merely says that the General granted the required authority; what the authority was is not stated, moreover it was made dependent on the assent of the Paris Provincial (*loc. cit.*). Cf. also Ricci, **Istoria*, 10 *seq.*

were in somewhat better state, had been forced to lend the Empress several hundred thousand *scudi* for the Silesian war, and Poland was exhausted by war, in addition to which money had decreased in value owing to the coinage manipulations of Frederick II. The maintenance of more than a thousand expelled Portuguese Jesuits necessitated a considerable outlay, to which all the Provinces had to contribute, except the French, which was well-nigh prostrated by its own debts.¹ France being completely exhausted by its war on land and sea, an internal loan, even if it had not been forbidden, had little prospect of success. A request addressed to the king was in fact answered by the Minister to the effect that a loan of three million *livres* might be raised anywhere except in the kingdom itself.² Faced with this embargo, the French Jesuits turned to their Spanish brethren, who expressed their readiness to help them. The General gave permission for money to be raised, but fearing that the Spanish Provinces would be involved in the ruin he made the proviso that the properties of the Spanish Assistancy were not to be pledged for this purpose. The business-houses, however, announced that they were prepared to lend their money only on internal securities.³ But when Louis XV. pledged his royal word for the security of the Jesuit properties in France⁴ and Clement XIII., on the intervention of the nuncio, had granted the necessary dispensations to the General Ricci,⁵ the latter in his turn granted the required authority for the hypothecation of the Society's Spanish property, though with inward misgivings, unable to rid himself of the fear that he had opened a new wound

¹ *Ibid.*, 25; ROCHEMONTEIX, 244, n. 3; *Ricci to Griffet, November 4, 1761, *Epist. Gen. secretae*.

² ROCHEMONTEIX, 245 *seq.*

³ RICCI, **Istoria*, 26; *Ricci to Griffet, October 6, 1761, *Epist. Gen. secretae*.

⁴ RICCI, **Istoria*, 29; *Ricci to Cornejo, November 18, 1761, *Epist. Gen. secretae*.

⁵ *Torrighiani to Pamfili, November 4, 1761, Nunziat. di Francia, 450A, Papal Secret Archives.

without closing the old ones.¹ The negotiations were still in progress, the French ambassador in Madrid was still trying to obtain a licence from the Spanish Government for borrowing money for abroad, when the resolution of the Paris Parlément of April 23rd, 1762, sequestrating all Jesuit properties in France, rendered all further exertions purposeless. No time was lost by the General in withdrawing the permission he had given so reluctantly.²

While these events were taking place, De la Marche, until then Superior at Nantes, was appointed in March, 1761, Visitor and Superior General of the Lesser Antilles. His task was to acquaint himself with the mission's debts and sources of income and, in the event of his finding Lavalette guilty of illicit trading, to depose him and send him back to France.³ After having to wait three months in Holland for a ship, the Visitor finally sailed from Texel on July 26th, 1761. After a voyage of sixty days the vessel was off the island of St-Eustache and was about to land her passengers when it was seized by the English. All the Frenchmen on board were taken prisoner and brought to Antigua. A few weeks later the English governor gave permission for the voyage to be continued to Guadeloupe, where the Visitor landed on October 28th, 1761,⁴ and forthwith began to collect information about Lavalette from the Jesuits and merchants there.⁵ On January 28th, 1762, he proceeded to the island of Dominica. From

¹ *Ricci to Griffet, November 4, 1761, *Epist. Gen. secretae*. *Ricci to Cornejo, November 18, 1761, *ibid.*; *Torrighiani to Pamfili, November 4, 1761, *loc. cit.*; RICCI, **Istoria*, 27 *seqq.*; *De la Croix to Ricci, November 17, 1761, Gallia, 116.

² RICCI, **Istoria*, 59; ROCHEMONTEIX, 246.

³ Already, *December 23, 1760, Beauvais had proposed his appointment to Ricci (Francia, 49); Ricci's *answer to Beauvais, January 14, 1761, *Epist. Gen. secretae*; *Ricci to Noirot, March 21, 1761, *ibid.*

⁴ RICCI, **Istoria*, 16; ROCHEMONTEIX, 246 *seqq.*

⁵ ROCHEMONTEIX, 252 *seqq.* He established incidentally the complicity of Moreau, the Superior of Guadeloupe (Ricci, **Istoria*, 74).

the commercial correspondence and the account books of a certain Constance and the Jew Isaac Juda, Lavalette's principal broker, he was satisfied that the head of the mission had, in fact, been guilty of trading as forbidden by canon law and the law of religious Orders.¹

After establishing these important facts De la Marche continued on his journey. On March 23rd he arrived in Martinique, which in the meantime (February 13th, 1762) had fallen into the hands of the English. A meeting of the missionaries was called for the very next day. All present, except one missionary, who finally admitted the cogency of the proofs brought forward by the Visitor, were of the opinion that Lavalette had indulged in the forbidden trading.² The second question was more difficult to settle: whether it was necessary and expedient to send the former Superior back to France immediately. There was much to be said against this procedure.³ On the other hand, his commercial dealings were so patent that a justification on his part was out of the question. Moreover, he had kept no account of receipts and expenditure, no explanations were to be expected of him, and his continued presence was more likely to confuse the issue still further.⁴ In the presence of his fellow-Jesuits he admitted quite frankly that he had never obtained from his superiors permission to trade but he would not agree that he had deliberately been guilty of this offence. But when De la Marche read him the copies of his own letters and commercial agreements and asked him if he still persisted in denying his guilt, Lavalette replied three times, "I no longer deny it, it did happen." He signified his willingness to return to France, asking only that his departure be delayed three weeks, which request was granted.⁵ This concession was soon shown

¹ ROCHEMONTEIX, 254 *seq.*

² *Ibid.*, 257 *seq.*; RICCI, **Istoria*, 83.

³ He was welcome neither in Paris nor in Toulouse, explicable by the excited state of public feeling (*RICCI, *loc. cit.*).

⁴ ROCHEMONTEIX, 259 *seq.*

⁵ *Ibid.*, 260 *seqq.*

to be a mistake, for while paying farewell visits to groups of his acquaintances, Lavalette posed as an innocent victim of persecution and tried to enlist them on his side. At their request, the English governor, Monckton, refused to allow the former Superior to leave until his debts in the colonies had been paid.¹ The situation called for drastic action. After another thorough consultation with the other missionaries the Visitor pronounced the final verdict on the convicted priest on April 25th, 1762. He deprived him of all temporal and spiritual powers, ordered him to return to Europe immediately, and awarded him the punishment—suspension—reserved for clerics who engage in trade.² Lavalette accepted the sentence without demur and in a letter to De la Marche, written on the same day, he acknowledged the justice of the sentence, freely admitted his transgression, declared that no Superior had authorized his business dealings or had been aware of them, and asked for the publication of the sentence awarded him, of his admission of guilt, and of his repentant disposition. He ended with the sworn assurance that he was making this statement of his own free will, that he had not been induced to do so by force, threats, trickery, or entreaties, but solely

¹ *Ibid.*, 263 seq.

² De la Marche to Ricci, May 25, 1762 (ROCHEMONTEIX, 265 seqq., text of the verdict, *ibid.*, 267, n. 1); *De la Croix to Ricci, May 25, 1762, Gallia, 116. According to the Visitor's letter Lavalette had not only been guilty of trading, bad management, and the squandering of the mission's assets, he had also caused the death of some negro labourers through transgressing the law of correction (RICCI, **Istoria*, 84). In addition, he had allowed the discipline of the Order to fall into decay and had neglected the pastoral work. Father Cathala was also guilty. The causes of the enormous debts were ascribed by the Visitor to the risks of the naval warfare to which the goods were exposed, to the neglect of agriculture, to securities and loans granted to insolvent persons, extravagant gifts to the Governor and private persons, large loans of money raised at high interest, the employment of disreputable agents, inexperience in business, and lavish hospitality (*ibid.*, 104).

to give testimony to the truth and to refute the calumnies against the Society of Jesus.¹

Justice being satisfied, the Visitor recommended the culprit to the benevolence of the General. On being informed of these proceedings the new Governor put no further obstacle in the way of the former Superior's departure, especially as De la Marche had taken on himself the payment of the debts.² Lavalette left Martinique on May 26th, 1762, and proceeded to Amsterdam, where he received from Ricci the requested dismissal from the Order.³ After a passing stay in England ⁴ he went to Toulouse, where in 1764 he took the oath prescribed by the Parlement and here, on December 13th, 1767, his adventurous life was brought to a close.⁵

An arrangement was made by the Visitor ⁶ with Lavalette's creditors in the Antilles by which their claims were to be met within a year by the mission's procurator in Paris.

¹ Text in ROCHEMONTEIX, 268, n. 2. Unfortunately the document was not published in printed form at the time, as Ricci had advised in the interest of the Society (**Istoria*, 104).

² ROCHEMONTEIX, 272.

³ *Ibid.*, 274.

⁴ According to reports received by the General, Lavalette stayed for a time in London as the Chevalier du Clos. Here he frequented the house of the French ambassador, the Duc de Nivernais, and enjoyed the protection of high officials at the Paris Court. *Ricci to Dennet, the English Provincial, December 25, 1762, *Epist. Gen. secretae*; Ricci, **Istoria*, 131, 138; *De la Croix to Ricci, June 1 and July 6, 1762, *Francia*, 49.

⁵ ROCHEMONTEIX, 275 *seqq.* Even after his death various picturesque rumours were attached to his person, for instance, that he was in Peru waiting to lead an English Jesuit attack on the Spanish colonies (*Carvalho to Souza, June 16, 1767, Archives of Simancas, Estado 4564; *Grimaldi to Fuentes, September 28, 1767, *ibid.*). According to a report from *Ossun to Grimaldi, of September 25, 1767 (*ibid.*), Choiseul had ordered Lavalette's arrest, but it was not put into execution owing to his illness (*Fuentes to Grimaldi, October 9 and 12, 1767, *ibid.*).

⁶ De la Marche was carried off by a violent fever on October 16, 1762 (Ricci, **Istoria*, 150).

Unfortunately, all agreements were wrecked by the Parlement's resolutions of April 23rd and August 6th, 1762.¹ By the peace treaty of 1763 the island of Dominica was ceded to the English, who took possession of the Society's estates and sold them at a handsome profit.² The property of the other mission-stations was sequestrated, like that in France itself.³ Several royal patents and resolutions of the Parlement were issued, to accelerate the payment of Lavalette's creditors, who had by now coalesced in order effectively to press their claims, but the very number of the decrees⁴ denote the difficulty of the problem, the Jesuits' estates barely sufficing to maintain their schools, seminaries, and other institutions.⁵ It would appear, from all accounts, that the creditors received so small a proportion of their claims that they suffered serious losses, while the officials engaged in the distraintment enriched themselves.⁶

¹ Prestrel, De la Marche's successor, had sold the mission's estates on the island of Dominica for 880,000 *livres* to English merchants, who, however, withdrew from the bargain on finding that the farms were not worth so high a price (RICCI, **Istoria*, 167).

² ROCHEMONTEIX, 274.

³ *Lettres-Patentes du Roi concernant la poursuite des biens de la Société et Compagnie des Jésuites, qui sont dans les colonies françoises*, June 3, 1763.

⁴ *Lettres-Patentes du Roi*, of February 2, March 5, June 3 and 14, and November 21, 1763, March 30, 1764, etc. ; *Extrait des registres du Parlement*, of August 5, 1763 ; *Arrêts de la Cour du Parlement*, of August 19, 1763, and January 24, 1764.

⁵ Cf. above, p. 401.

⁶ Gatin to Ricci, March 10, 1765 (ROCHEMONTEIX, 246, n. 3, 272 *seqq.*) ; *Ricci to Nectoux, September 26, 1765, Archives of Simancas, Gracia y Justicia, 666. After a law-suit involving the Jesuit property in Marseilles, which lasted three years, the creditors of Lioncy and Gouffre were awarded on December 20, 1765, the house St. Regis together with the ground belonging to it (SOULLIER, *Les Jésuites à Marseille*, Avignon-Marseille, 1899, 193).

(3)

In the dispute about Lavalette's debts both parties appealed to the Order's constitutions: the creditors in order to substantiate their claims, the Jesuits in order to refute them.¹ Alleging the desire to examine the grounds which had been brought forward, the Parlement, adopting the proposal made by the Abbé Chauvelin on April 17th, 1761, ordered the Jesuits to deliver to the court a copy of the latest edition of the Institute (Prague, 1757), so that it might satisfy itself that the principle of non-joint liability was stated therein.² Although three days' grace had been allowed, the required copy was brought to the chancery of the Parlement the very next morning by Père Montigny, acting on Frey's instructions.³ The precipitate haste and absence of counsel and deliberation with which the order was obeyed astonished the members of the Society and their friends, especially as the Paris Provincial was expected back that same evening.⁴ They were utterly dejected, for they had no illusions about the far-reaching importance of this false step. They had everything to fear from a corporation the majority of whose members were fundamentally hostile to the Society. It would not be surprising, said the nuncio Pamfili, if the Parlement allowed itself to be carried away and to take such extreme steps as would destroy the governmental system of the Order. Already there was talk of a separate Superior for the French Assistancy, who would be independent of the General. There was little hope of any help from the Court.⁵ In Rome, too, there was

¹ *Pamfili to Torrigiani, April 20, 1761, Cifre, Nunziat. di Francia, 514, Papal Secret Archives. ² *Ibid.*; *Recueil des discours d'un des Messieurs des enquêtes au Parlement, toutes les Chambres assemblées; prononcés le 17 Avril et le 8 Juillet, 1761*, Paris, 1761, 38 seq.

³ On being informed of the order given by the Parlement, the king wanted to reserve the examination of the Institute to himself, but learnt to his astonishment that it had already been surrendered (ROCHEMONTEIX, 211). ⁴ *Ibid.*, 209 seq.

⁵ *Pamfili to Torrigiani, April 20, 1761, Cifre, Nunziat. di Francia, 514, *loc. cit.*; Pamfili to Torrigiani, May 11, 1761, *ibid.*, French translation in THEINER, *Histoire*, I., 27.

no doubt about the meaning of the Parlement's order. The Cardinal Secretary of State was of the opinion that ultimately the step taken by the lay tribunal was directed also against the other Orders. The attempt would be made to make them independent of their central directorate on the ground that they ought not to be subject to a foreign power.¹

Meanwhile, on May 30th, 1761, after receiving representations from the nuncio² and requests from the General,³ the king had caused the copy of the Institute to be handed over to him and forbade the court to take any further steps in the matter, as he had appointed a special commission for the purpose.⁴ Undeterred by the royal prohibition, the Parlement's commission,⁵ which had managed to procure another copy, proceeded with the examination of the Institute with an energy that boded ill, especially if the Court failed to abide by its decisions.⁶ While the Cardinal Secretary of State,

¹ *Torrighiani to Pamfili, May 6 and 27, 1761, Cifre, Nunziat. di Francia, 450, *loc. cit.*

² *Pamfili to Torrighiani, May 25, 1761, *ibid.*, 514; *Torrighiani to Pamfili, June 17, 1761, *ibid.*, 450.

³ *Ricci to Desmaretz, May 6, 1761, *Epist. Gen. secretae*. The General's anxiety about the preservation of the Order's constitution had been increased by the rumour that certain of the Parisian Fathers were not averse to a separation of the French Assistancy from the rest of the Order (*Ricci to De la Croix, May 26, 1761, *Epist. Gen. secretae*).

⁴ *Pamfili to Torrighiani, June 1, 1761, Cifre, Nunziat. di Francia, 514, *loc. cit.*; *Torrighiani to Pamfili, June 17, 1761, *ibid.*, 450. The Court Commission consisted of a rapporteur and six commissioners. Although two of these were hardly well-disposed towards the Jesuits, it was thought then that this step was in the Jesuit interest (*Pamfili to Torrighiani, June 22, 1761, *ibid.*, 515).

⁵ "les abbés Chauvelin, Terray et Laverdy, Jansénistes furibonds, et, par suite, ennemis jurés des Jésuites" (THEINER, *Histoire*, I., 34). CRÉTINEAU-JOLY, V., 204; ROCHEMONTEIX, 212.

⁶ *Pamfili to Torrighiani, June 1 and 8, 1761, Cifre, Nunziat. di Francia, 515, *loc. cit.*; *Torrighiani to Pamfili, June 17 and 24, 1761, *ibid.*, 450.

having received comforting assurances from Louis XV.,¹ was still hoping that the Parlement's commission would content itself with the suppression of the Order's privileges, without altering the essence of the constitution,² the Advocate-General, Le Pelletier de Saint-Fargeau, had laid before the Parlement the final results of the examination.³ The Institute, he said, was opposed to the laws and liberties of the nation; it had never been confirmed by royal patents and had never been registered or recognized by the Parlement.⁴ The existence of the Jesuits as a religious body was therefore illegal; the most one could say of it was that it had been tolerated. If they wanted to stay in the kingdom they would have to ask for new constitutions from the Holy See which would not be in opposition to the religious and political principles of the nation. These constitutions would then have to be confirmed by the king and registered by the Parlement. The French Jesuits should assemble in council to decide about the necessary alterations in their system of government. It was desirable that in future their Superior should be a native of the country, independent of the General in Rome. The vows

¹ " *In tanto posso significarle, che S. M. Chr^{ma} ha risposto alla lettera del Papa nella maniera più obbligante che si possa dare, e la più favorevole ai Gesuiti, dichiarandosi di stimarli e proteggerli, seguendo l'esempio dei Re suoi antenati, e promette loro nell' affare presente tutta l'assistenza della sua reale autorità. Dio faccia, che l'esito corrisponda al conseguimento di questo fine, e al termine d'un affare, che tanto potrebbe esser pregiudiziale e alla Chiesa in generale e a tutti i corpi religiosi in particolare " (Torrighiani to Pamfili, July 22, 1762, Cifre, Nunziat. di Francia, 450, *loc. cit.*).

² *Torrighiani to Pamfili, July 15, 1761, *ibid.*

³ *Pamfili to Torrighiani, July 13, 1761, *ibid.*, 515.

⁴ The Jesuit Constitutions had been repeatedly discussed by the Parlements: on January 20, 1560; in 1561; on December 23, 1592; and in 1692. Charles IX. in July, 1565, Henri III. in May, 1580, and Henri IV. in 1603 had given the matter some attention (SMITH, *The suppression of the Society of Jesus*, in *Month*, IC. [1902], 355 *seq.*).

of the Order were a good example of despotism ; according to the law, they were to be irrevocable and indissoluble immediately on the termination of the year of the noviciate. The Advocate-General then proceeded to inveigh against probabilism and the doctrine of tyrannicide.¹

Although these expositions did not yet represent a formal decision against the Order's Institute, it was to be feared that this was how it would end, seeing the faintheartedness of the Court. Once the Parlement had pronounced against the Society, it would be too late for the Court to intervene.² Wherefore, under date June 2nd, 1761, Clement XIII. addressed an urgent letter to Louis XV., disclaiming any desire to undertake the defence of guilty individuals but requesting the king to use his authority to oppose any alteration in the constitution of the Order which might lead to its dissolution.³ Louis XV., who wanted to reserve the exercise of his authority for the registration of fresh edicts relating to taxes, decided on half-measures. On August 2nd,⁴

¹ *Pamfili to Torrigiani, July 13, 1761, *loc. cit.*; THEINER, *Histoire*, I., 35.

² *Torrighiani to Pamfili, July 29, 1761, Cifre, *Nunziat. di Francia*, 450, *loc. cit.*

³ " *Torniamo a ripetere, che Noi non vogliamo scusare, nè i fatti particolari, nè le persone colpevoli ; ma raccomandiamo bensì con tutta l'efficacia possibile al potentissimo suo braccio la difesa dell' Ordine in genere, per qualsivoglia intrapresa, che alcuno di codesti tribunali, per istigazione e maneggio de' nemici dichiarati della Compagnia, tentasse di fare contro di essa. Ogni alterazione delle sue leggi e di que' vincoli, che tengono unite le membra fra loro e col comune lor capo, porterebbe la deformazione, e forse anche lo scioglimento di un corpo, che è stato ammesso a coltivare il campo della Chiesa con l'autorità della Sede Apost., ed è stato chiamato, accolto e stabilito ne' dominii della M. V. dall' insigne pietà de' gloriosissimi suoi progenitori " (*ibid.*, 453). Similar thoughts were expressed in Torrigiani's *letters to Pamfili, on June 3, July 8 and 15, 1761, *ibid.*, 450.

⁴ *Pamfili to Torrigiani, July 20, 1761, *ibid.*, 515 ; *Torrighiani to Pamfili, August 5 and 12, 1761, *ibid.*, 450.

1761, he sent the Parlement an edict by which he suspended any further measure against the Order for a year. But lest the gentlemen of the robe be too much irritated, he simultaneously ordered the Jesuits to present to the *Grand Conseil* for examination the letters of foundation for their various establishments in six months' time.¹ So much haste was taken in obeying this royal command that in many cases not even a copy was taken of the original documents.³ The Parlement registered the royal edict on August 6th, 1761, but reserved to itself those cases in which the oath of office, loyalty to and love of the sacred person of the king, and solicitude for the preservation of public order did not permit of a lengthy postponement.³ Thus the real object of the ordinance, to remove the matter from the jurisdiction of the Parlement and to put it in the hands of the *Grand Conseil*, was defeated.

On the same day (August 6th, 1761) the Parlement issued two further resolutions, which clearly apprised the Jesuits of the fate that was in store for them. At the instigation of the Abbé Chauvelin, who, on April 17th and on July 8th and 18th had stigmatized the Order's teaching and morals as inimical to the State and religion,⁴ twenty-four works by Jesuit writers were condemned to be burnt by the executioner for having either defended the doctrine of tyrannicide or opposed the doctrines and liberties of the Gallican Church.⁵ With its third decree, couched in scurrilous terms, the Parlement forbade entry or admission into the Society of Jesus, the taking of

¹ *Déclaration du roi, donnée à Versailles le 2 Août 1761* (printed).

² RICCI, **Istoria*, 34 seq.

³ *Arrêtés de la Cour de Parlement du 6 Août 1761* (printed); *Discours d'un des Messieurs des enquêtes au Parlement . . . sur la doctrine des Jésuites*, Paris, 1761, 88 seq.

⁴ THEINER, *Histoire*, I., 38.

⁵ Among the books condemned were works by Salmeron, Toledo, Lessius, Suarez, Bellarmine, Vasquez, Gretser, Becanus, Molina, and others. The sentence was carried out on August 7, 1761, at the foot of the great flight of steps leading to the Parlement building (*Arrêt de la Cour de Parlement du 6 Août 1761*; *Discours*, 89).

vows, and public or private teaching by Jesuits within its area of jurisdiction. In places where there were other schools the Society's colleges were to close by October 1st, elsewhere by April 1st of the following year. Henceforward, no Jesuit pupil might obtain a university degree or be appointed to a high official position.¹

Although these resolutions, which were received with satisfaction in many circles, were only "provisional", they meant the death-sentence for the Order in France.² More than three weeks passed before the King could bestir himself to parry this blow against his authority. The project of annulling the resolution by a *lit de justice* was soon dropped for fear of exposing the royal authority to the recalcitrancy of the Parlement.³ By a letter-patent of August 29th, 1761, Louis ordered the execution of the resolution to be postponed for a year.⁴ After a show of some ill-will, the Parlement registered the order on September 7th but on its own authority it restricted the year's grace to April 1st of the following year.⁵

In Rome these events were followed with acute anxiety. Encouraged by the feeble and vacillating attitude of the Court, the Parlement grew ever more arrogant and perverse, and the lower the reputation of the Crown sank, the more

¹ *Arrest de la Cour de Parlement du 6 Août, 1761 ; Discours, 89.*

² " *Le stampe che no sono state vendute, sono infinite. Non si parla presentemente che di un tal fatto, e comunemente si loda, e si gode dal pubblico di una tale decisione. Si spera però, che S.M. possa mostrare i suoi giusti risentimenti contro una condotta sì strana e violenta tenuta del Parlamento, e che possa annullare i detti arresti, i quali, se sussistessero dentro un certo tempo, verrebbe affatto ad estinguersi questa Religione in Francia " (*Pamfili to Torrigiani, August 10, 1761, Cifre, Nunziat. di Francia, 515, *loc. cit.*). Cf. also *Pamfili to Torrigiani, October 5, 1761, *ibid.*

³ *Pamfili to Torrigiani, August 31, 1761, *ibid.*

⁴ *Lettres-Patentes du Roi, pour suspendre . . . données à Versailles au mois d' Août 1761.*

⁵ *Pamfili to Torrigiani, September 7 and 14, 1761, Cifre, Nunziat. di Francia, 515, *loc. cit.*

the Parlement's power increased. The principles that found expression in the resolution of August 6th, 1761, not only threatened the existence of the Society of Jesus, but interfered with the rights of the Holy See, for a lay tribunal had presumed to condemn as godless and subversive a religious institution approved by the highest ecclesiastical authority.¹ In response to Ricci's remonstrations, the Pope agreed that it was time to act, but "the timorous silence that then reigned in Rome won the day".² Even in transmitting the Parlement's resolutions the nuncio had advised a provisional "dissimulation"; otherwise the Parlement in its exasperation might easily adopt extreme measures, and in the event of a conflict the Apostolic See would not only run the risk of being abandoned by the Government, it would have to be prepared to incur positive disfavour, for the Court had no desire to see France's countless internal difficulties increased by an outside party.³ Influenced by these considerations and by the comforting words of the French envoy,⁴ the Pope refrained for the time being from taking any serious step, lest he might give rise to further excitement and complications.⁵ Also it

¹ *Torrighiani to Pamfili, August 26 and September 2, 1761, *ibid.*, 450.

² Ricci, **Istoria*, 36.

³ " *Su quelli punti per altro l'obbligo del mio ministero, ed il timore fondato di vedere accadere mali maggiori, mi sprona a dare il consiglio di dissimulare almeno per ora l'ingiuria ricevuta, mentre se si venisse in Roma a qualche esecuzione contro i detti arresti, il Parlamento si porterebbe senza dubbio a qualch' altro eccesso; verrebbe a farsi un conflitto tra la S. Sede, il Re e i magistrati secolari, e si correrebbe anche gran rischio di esser non solo abbandonati, ma d'incontrare una totale disapprovazione dalla corte, la quale non potendo pur troppo contenere li Parlamenti dentro certi limiti, e renderli pieghevoli a suoi voleri, non vuol soffrire, che altri diano occasione a' suoi, e maggiori disturbi, che la riducano nelle angustie le più terribili " (Pamfili to Torrighiani, August 10, 1761, Cifre, Nunziat. di Francia, 515, *loc. cit.*).

⁴ *Torrighiani to Pamfili, September 2, 1761, *ibid.*, 450.

⁵ *Torrighiani to Pamfili, August 26, 1761, *ibid.*

was still hoped that Choiseul's diplomatic skill would help to bring about a reconciliation between Rome and Portugal.¹

Meanwhile, the Curia perceived that with the inactivity of the Court the evil was growing² and that the resolutions of the Parlement were aimed, not at a reform, but at the total destruction of the Order; it was thought, therefore, that the time had come for the Pope to break silence in order to uphold the dignity of his office.³ But again Pamfili advised him not to intervene; effective aid could only come from the Court, any step in another quarter would not assist the Jesuits and was likely to aggravate hostilities and create fresh troubles.⁴ So it was decided to mark time,⁵ although it was realized that the brief suspension of the Parlement's resolutions was only a palliative⁶ which would be of little or no help to the Order; it might, indeed, be of harm, inasmuch as the resolutions were thereby recognized as being legally valid.⁷

There was also another matter which was causing equal anxiety. With the object of preventing the Parlement from pronouncing its verdict on the Jesuit Constitutions, the king had appointed a Court Commission to examine them. Ready though they were to look on this step as a lesser evil,⁸ Curial circles were unable to rid themselves entirely of the fear that it, too, might have harmful consequences.⁹ Torrigiani, therefore, pointed out firmly that the examination and still more the alteration of the Constitutions which had received Papal approbation, were the exclusive prerogative of the Holy See. The king might conceivably forbid the exercise of the Order's privileges but he was not entitled to declare them excessive

¹ See above, p. 355 *seq.*

² *Torrighiani to Pamfili, September 9 and October 7, 1761, Cifre, *Nunziat. di Francia*, 450, *loc. cit.*

³ *Torrighiani to Pamfili, September 16 and October 28, 1761, *ibid.*

⁴ *Pamfili to Torrigiani, September 28, 1761, *ibid.*, 515.

⁵ *Torrighiani to Pamfili, September 23, 1761, *ibid.*, 450.

⁶ *Torrighiani to Pamfili, October 28, 1761, *ibid.*

⁷ *Torrighiani to Pamfili, October 7, 1761, *ibid.*

⁸ *Torrighiani to Pamfili, July 1 and 8, 1761, *ibid.*

⁹ *Torrighiani to Pamfili, October 21, 1761, *ibid.*

or unreasonable¹; and still less could the Pope allow any interference with the Church's office of teaching.² To Choiseul's assurance that no essential alterations would be made in the Institute and that everything would be pre-arranged with Rome,³ Torrigiani replied that after so many approbations by his predecessors Clement XIII. was certainly not prepared to make any alterations in the constitutional or governmental structure of the Order. No requests of this nature, therefore, should be submitted to Rome.⁴ To meddle with the Constitutions meant turning the French Assistancy into an association without a head or overthrowing the whole Order.⁵

At the end of November the Court reverted to a plan which it had already considered,⁶ namely, that the Bishops, who were to meet in Paris in December to discuss a voluntary grant of money,⁷ should be invited to give their opinion of the Jesuit question. This step was viewed in Rome with apprehension. The Bishops being divided among themselves and being favourably disposed towards the Gallican principles, it was to be feared that the whole scheme would bring less advantage to the Jesuits than to the Parlement,⁸ which at this juncture was displaying a remarkably accommodating attitude towards the financial demands of the Government.⁹

¹ *Torrighiani to Pamfili, October 7, 1761, *ibid.*

² *Torrighiani to Pamfili, October 21, 1761, *ibid.*

³ *Pamfili to Torrigiani, November 9, 1761, *ibid.*, 515. See also *Pamfili to Torrigiani, December 21, 1761, *ibid.*

⁴ *Torrighiani to Pamfili, December 2, 1761, *ibid.*, 450.

⁵ *Torrighiani to Pamfili, November 18, 1761, *ibid.*

⁶ *Pamfili to Torrigiani, August 24, 1761, *ibid.*, 515.

⁷ *Pamfili to Torrigiani, November 30, 1761, *ibid.*

⁸ *Torrighiani to Pamfili, September 9 and November 25, 1761, *ibid.*, 450; *Panfili to Torrigiani, November 2 and 23, 1761, *ibid.*, 515.

⁹ The nuncio supposed that it desired to gain in this way the king's favour " *per essere poi in grado di farlo entrare più facilmente nelle sue mire o di resistergli con maggior apparenza di ragione nell' affare dei Gesuiti " (Pamfili to Torrigiani, December 7, 1761, *ibid.*).

The four points submitted for consideration by the Court to the president, Cardinal de Luynes, were: (i) the question whether the Jesuits were of benefit to France, and what advantages and disadvantages accrued to the country from their activities; (ii) their moral attitude and their teaching, especially regarding tyrannicide and the four Gallican articles; (iii) their subordination to the Bishops and their relations with the parish clergy; (iv) the question as to what restrictions were to be placed on the excessively extensive authority wielded in France by the General of the Society.¹ The second and fourth points especially were a cause of grave concern to Clement XIII. He let it be known through the Cardinal Secretary of State that the Bishops were not to enforce the Jesuits' adherence to the propositions of 1682, which had been condemned by Alexander VIII. and Innocent XII. and abandoned by Louis XIV., for that would be an insult to the Holy See. Nor was the General's authority over the Jesuits to be disturbed; it was impossible to remove the French members of the Order from his jurisdiction without destroying the very essence of the Order's institution.² The Pope was altogether opposed to any constitutional reform, for if it was intended to apply to the whole of the Society it would be unjust to remodel it on French lines; if, on the other hand, it was intended only for France, it would create a new association, separate from the Order as a whole. The Holy See would never lend a hand to such a cleavage; he would rather see it brought about by an abuse of the secular power than that the lawful authority should confirm resolutions leading to the destruction of an Order which had been ecclesiastically approved.³

¹ *Pamfili to Torrigiani, November 30, 1761, *ibid.*; De la Croix to Ricci, January 4, 1762, in ROCHEMONTEIX, 217, n. 2; CRÉTINEAU-JOLY, V., 210.

² *Torrighiani to Pamfili, December 16, 1761, Cifre, Nunziat. di Francia, 450, *loc. cit.*

³ " *Se le mutazioni che costì sovrastanno all' Istituto de' Gesuiti, non risguardassero che i privilegi che gode la Compagnia, o non vi sarebbe bisogno di appoggiarle all' autorità pontificia,

Complying with Torrigiani's request, Pamfili did all in his power to see that the Pope's demands were satisfied,¹ but he met with only partial success. The commission of prelates² finished its work on December 29th, 1761, and laid it before the assembly on the following day, and on December 31st, with the president at its head, submitted its report to the king.³ It proved to be more favourable than Rome had dared to hope. Only the Jansenist-minded Bishop Fitz-James of Soissons had spoken definitely against the Jesuits and in favour of the suppression of the Order, although he had done full justice to the moral conduct of its members.⁴ Cardinal Choiseul and four other prelates wanted the Jesuits to be

o, se bisognasse, niuna o poca difficoltà s'incontrerebbe in N. S. Ma la cosa non è così: Anche V. S. Ill^{ma} conviene ne' suoi numeri de' 7 cadente, che la riforma de' Gesuiti, a cui mira il Parlamento, e la corte in parte non disapprova, si estenderà anche a parte dell' Istituto e de' suoi regolamenti. Questa riforma, o dovrà essere generale per tutta la Compagnia, e in ogni luogo ove la medesima è stabilita, e non è giusto mai, che tutto un Ordine soffra una riforma fatta a genio de' Francesi, oppure dovrà esser particolare per i stati di S. M. Chr^{ma}, e si farà allora un nuovo Istituto diverso da quello ch'egli è presentemente e da quello che resterebbe da poi fuori della Francia, e a questa divisione N. S. non vuol mai prestare il suo assenso nè la sua autorità. Sarà meglio che costì tutto si faccia per un'abusiva potestà, piuttosto che la legitima venga a confermare quelle risoluzioni che distruggono un Ordine approvato dalla Sede Apost. Resta dunque soltanto che per parte nostra si stia in attenzione di ciò che succede, e di ciò che l'assemblea de' vescovi sarà per consultare, procurando bensì, come non mancherà certamente V. S. Ill^{ma} secondo la sua nota attenzione, di suggerire ai medesimi i più sani moderati consigli " (Torrighiani to Pamfili, December 30, 1761, *ibid.*).

¹ *Pamfili to Torrigiani, December 21, 1761, *ibid.*, 515.

² The assembly had set up a commission of twelve prelates as their representatives, with the choice of whom the Jesuits were satisfied (*Pamfili to Torrigiani, December 7, 1761, *ibid.*).

³ ROCHEMONTEIX, 217, n. 2.

⁴ *Avis de Monseigneur l'évêque de Soissons, Duc de Fitz-James, Pair de France, donnée dans l'Assemblée des évêques du mois de*

directly subject to the Bishops and referred in support of their plea to the occasion when the Jesuits were first admitted into France, at the time of the Colloquy of Poissy. As to their life and influence he too gave favourable testimony.¹ The vast majority of the assembly—forty-five Bishops and two Vicars General—supported the Jesuits unconditionally, testified emphatically to the profit they brought to Church and State, approved of their independence of the Bishops in their external activities, praised their doctrine and morals, and demanded the preservation of the Institute unimpaired. The existing authority of the General was beneficial and necessary for the good management of the Society and ought not, therefore, to be abolished or restricted. Any alteration of the Constitution was to be avoided. In any case it could only be done with the assent of the Holy See and the agreement of the other Catholic princes, unless they wanted to have as many Orders as there were countries.² In addition to the forty-five prelates,³ twenty-nine other Bishops wrote in support of the Order to the King and the Chancellor between September 5th and November 24th, 1761.⁴ The Cardinal Secretary

Décembre, 1761, et envoyé par ce Prélat au Roi, Paris, 1763. The publisher stated in the preface that this written opinion, which had fallen into his hands by accident, was published without the knowledge of Fitz-James. The only reason, he said, that it did not bear the signature of the Bishop was because it was accompanied by a letter to the king. One may therefore doubt if it is actually the authentic text. Extract in RAVIGNAN, II., 264 *seqq.*

¹ *Ibid.*, 259 *seqq.* The Bishops of Angers and Orleans, who had agreed at first with Cardinal Choiseul, sided with the majority in the course of the negotiations (*Pamfilo to Torrigiani, January 4, 1761, Cifre, Nunziat. di Francia, 516, *loc. cit.*).

² *Parere manoscritto dell' Assemblea de' vescovi, *ibid.*, fo. 103-120; *Pamfilo to Torrigiani, January 4, 1762, *ibid.*; De la Croix to Ricci, January 4, 1762, in ROCHEMONTEIX, 217, n. 2.

³ The names in RAVIGNAN, I., 508 *seq.*

⁴ Their names, *ibid.*, 510 *seqq.* Archbishop Beaumont of Paris *declared in a special letter to Louis XV. of January 1, 1762, his agreement with the opinion of the majority of the Bishops (Nunziat. di Francia, 516, *loc. cit.*).

of State had good reason, therefore, to regard this overwhelming manifesto of the French episcopacy as a magnificent testimonial for the persecuted Order and a powerful defence against the attacks of the Parlement.¹ This triumph, however, had been bought at the price of admissions and declarations which impaired the dignity and prestige of the Holy See.²

Shortly after the publication of the Parlement's resolution of August 6th, 1761, the Paris Provincial, De la Croix, hoping to offer an effective counter to the accusations contained therein, had a letter sent to Archbishop Beaumont³ and to the king,⁴ in which, on behalf of the Province, he rejected not only the permissibility of tyrannicide but also the doctrine of the Pope's indirect authority in temporal affairs. Not content with this, the Jesuits published in mid-October a declaration signed before a notary by the Fathers of the three Paris houses, laying down (i) the inadmissibility of tyrannicide, (ii) the complete independence of princes in temporal matters, (iii) the limits of the authority wielded by the Superiors and the General, who could give no order contrary to the laws and principles of the realm, and (iv) the abstention from the exercise of the Order's privileges wherever they clashed with the rights of the Bishops, parish priests, universities, and other Orders.⁵ The document was sent to

¹ *Torrighiani to Pamfili, January 27, 1762, Cifre, *ibid.*, 453.

² *Ibid.*

³ Dated Paris, August 13, 1761.

⁴ Dated Paris, August 16, 1761. Both letters in ROCHEMONTEIX, 222 *seq.*

⁵ The second paragraph of the declaration reads as follows: "que conformément à la déclaration de l'Assemblée du clergé de France tenue en 1682 ils tiennent et enseignent que Jésus-Christ ayant donnée à St. Pierre et à ses successeurs la puissance sur les choses spirituelles qui ont rapport au salut éternel, il ne leur a donné nulle ni directe ni indirecte sur les choses temporelles, et que conséquemment ni les Rois ne peuvent être déposés, ni leur sujets déliés du serment de fidélité." The text of the whole declaration is in RICCI, *Istoria, 38 *seq.* Cf. De la Croix to Ricci, October 20, 1761, in ROCHEMONTEIX, 221, n. 3.

all the houses of the Paris Province and to the other Provincials, so that it might be subscribed to on oath by every French Jesuit. In several cases it met with opposition on account of the vagueness of many of its expressions, which, it was thought, might have evil effects. Consequently, it was hastily withdrawn and replaced by another declaration, which apparently was signed on all sides, many Jesuits having the impression that it had been set before them with the knowledge and desire of the General, which, in fact, was not the case.¹

Ricci protested that the declaration was made entirely on their own responsibility,² while according to other accounts it was made under pressure exerted by De Flesselles in his capacity of *rapporteur* to the Court Commission.³ A possible explanation of the apparent contradiction between the two accounts is that the Jesuits, who had been informed since the end of September that the Commission would demand a statement on the Gallican Articles, wanted to avoid a formal assent to all four articles by undertaking to teach (as in 1713 and 1757) only the first article, which expounded the complete independence of princes from ecclesiastical authority in temporal matters, and the irremovability of secular rulers.⁴

If the Paris Jesuits imagined that they had avoided the difficulty by means of their concessions, they were soon disillusioned. The Court Commission rejected their statement as inadequate⁵ and presented them with a fresh formula for signature. This, among other things, contained a formal adherence to all four of the Gallican Articles.⁶ After the

¹ " *Il Provinciale di Francia riconvenuto, diè per risposta la necessità, la strettezza del tempo e il pericolo di mali maggiori " (RICCI, **Istoria*, 39). The text of the amended declaration is not included in RICCI, *loc. cit.*

² " Dichiarazione offerta spontaneamente e sottoscritta, è rigettata come insufficiente " (RICCI, **Istoria*, 38).

³ ROCHEMONTEIX, 221.

⁴ RAVIGNAN, I., 135 *seq.*

⁵ RICCI, **Istoria*, 38 and 39.

⁶ Text *ibid.*, 39-40, printed in RAVIGNAN, II., 188 *seq.*

removal of certain difficulties in the phrasing of the text,¹ this declaration, too, was signed by the Jesuits.² At the urgent request of the same commission, which wanted to forestall its possible rejection by the Parlement,³ the Provincial sent the document to the General, so that he might ratify it in one form or another.⁴ On learning what had happened, Ricci sent De la Croix a letter in which he expressed his disapproval in unmistakable language. Such declarations, he maintained, were purposeless and dangerous in any case, as had been shown by past experience, and the present instance, which had taken place without his knowledge, was entirely harmful. As a defensive measure it would have been sufficient to have condemned tyrannicide and to have renewed the prohibition to treat of the indirect authority. By their over-hasty action the French Jesuits had jettisoned their reputation for especial obedience towards the Holy See and the good will of the Pope, and still they had failed to pacify their enemies, who, indeed, would never be satisfied until the Jesuits had given up their defence of religion and had embraced the errors

¹ Cf. RAVIGNAN, I., 137, n. 1., 516 *seqq.*

² So Ricci states in his **Istoria*, 39, 40, 43. The members of the Province of Aquitaine, suspecting the inadmissibility of the third formula, had drawn up and signed their own declaration (text in RAVIGNAN, II., 191). The Court Commission rejected it as insufficient and demanded the signature of the version fixed by themselves (RICCI, **Istoria*, 40; ROCHEMONTEIX, 230, n. 1; *Ricci to Salvat, January 12, 1762, *Ep st. Gen. secre'ae*).

³ It had been asserted in the Parlement that the declarations of the Jesuits were not to be given any credit unless they were ratified by their General (ROCHEMONTEIX, 226, n. 1).

⁴ De la Croix to Ricci, November 10, 1761, a part printed in ROCHEMONTEIX, 226, n. 1. The formula of ratification put to the General reads as follows: "Ego Praepositus Generalis Societatis Iesu censeo aequum et rectum esse, ut haec declaratio, cui nostrae Societatis homines in Gallia degentes subscripsere, fideliter ab omnibus in praxi teneatur" (RICCI, **Istoria*, 41, printed in ROCHEMONTEIX, 126, where "quam" is given instead of "cui").

of their adversaries. The plea of necessity could not really be believed in Rome; in any case, they ought first to have consulted the nuncio and the Archbishop of Paris. Their request that he should confirm their declaration with his signature, he must indignantly reject. With the grace of God he would consent to nothing that might offend in the slightest degree the dignity of the Holy See and bring into disrepute the Church of Christ and the Society of Jesus. Those who had signed the declaration would one day have to answer for the unhappy consequences of their deed before the judgment-seat of the Almighty, who was more to be feared than all the courts of men.¹

Similarly, Torrigiani observed in a dispatch to the nuncio that it would have sufficed to promise not to touch the question of the indirect authority in their lectures. By their declaration the French Jesuits had given the lie to their violently contested title of "well-deserving servants of the Church". Even though the use of indirect authority had fallen out of fashion, that was no reason for abandoning rightful principles. The General had disapproved of the step taken by his subordinates, who had acted with their national impetuosity, without reckoning the consequences or reflecting that with the loss of the support given by the Holy See practically everything was lost and that little was wanting for complete ruin. When a suitable opportunity offered, the nuncio might make known to the most respected of the Fathers, especially the king's confessor, the Pope's grief at what had happened, and give them to understand that the Holy Father was most assuredly disposed to maintain his goodwill towards the Society of Jesus, but only so long as it earned it by its loyalty to the Apostolic See.²

In a letter of November 24th, 1761, the Provincial tried to justify his line of conduct by referring to the Parlement, which would most certainly have deprived the Jesuits of their schools

¹ *Ricci to De la Croix, November 11, 1761, *Epist. Gen. secretae*.

² *Torrighiani to Pamfili, November 4, 1761, *Nunziat. di Francia*, 450A, *loc. cit.*

if they had refused to make their declaration, and to the indignation which would be aroused among most Catholics, including the Bishops, by the opposite doctrine. Further, they defended the Gallican Articles not as articles of faith but only as a theological opinion which might be held without prejudice to one's faith.¹ De la Croix returned to the subject a week later. It was not only the Parlement but also the Ministers, the commissioners, and the Bishops who had demanded the declaration. The only point he had been able to gain was that the General's ratification should not be absolutely insisted on. Let not the Pope be angry with them : they had undertaken the teaching of the Gallican articles not of their free will but as the result of pressure from outside. In his dealings with the commissioners he had pointed out from the very first that the General's ratification was hardly to be expected ; he had only undertaken to forward this request because one of his subordinates had already assured the commission's *rappporteur* that the confirmation would be obtained without difficulty if the demand for inward assent to the Gallican Articles was dropped.²

Before these missives reached their destination, the General had shown in an extremely grave letter that he had to persist in his refusal, since in his view it was not permissible to grant the requested confirmation. It would be better for the whole Order to perish than that he should save it by sinful means. And even if the whole of the Society separated itself from its head, the head of the Society would never separate himself from the centre of unity and the head of the Church. The Society had come into being to be of service to the Holy See—and in its service it would end its life. Those who had given rise to the disaster would have to answer for it before the judgment seat of God. In the General's opinion, the root cause of the present calamitous situation was the imprudence of his own people, which did more harm to the Order in

¹ De la Croix to Ricci, November 24, 1761, in ROCHEMONTEIX, 226, n. 1.

² De la Croix to Ricci, December 1, 1761, partly *ibid.*, 229, n. 1.

France than the malice of its enemies. It was not till the trouble had gone too far and it was too late for consultation that recourse was had to the General. Action was taken without any deliberation and merely in accordance with the opinion of a few individuals. Without his advice being sought, negotiations on the most vital matters, even when they affected his own person, had been carried so far forward that it was no longer possible to retreat without injuring the Society. He had given many admonishments and instructions but they had fallen on deaf ears.¹

And this indeed was the truth. The Paris Jesuits had committed themselves too far by their previous statements and thought that in the prevailing circumstances it was impossible to withdraw. Ministers and commissioners pressed for their signatures, assuring them that the salvation of the Society in France depended thereon; without these signatures the king's support against the forcible measures of the Parliament was not to be relied on.² When the Bishops also made their support of the Order dependent on the signature of the formula which had been laid before them, the Paris

¹ " *Miror sane nihil videre apud vos in rebus gravissimis eos, qui haec proponunt, multa ignorare, quae si scirent, haec proponenda non credidissent; vix credam legisse, quae proponunt. At peribit non in Gallia solum, sed ubique Societas: at mihi christianus spiritus Deo adiuvante exercendus est; si servari Societas non potest sine meo scelere, praestat illam perire, quam ne levissima quidem culpa tueri christianus debet; lugebo eius ruinam, solabor me innocentia mea. Si avellatur a suo capite Societas, caput Societatis non incipiet avelli ab unitatis centro et capite Ecclesiae; in obsequium S. Sedis orta est Societas, in eiusdem obsequium peribit. Tanti mali rationem Deo iudici reddent, qui illi causam dederunt. Haec R^{ae} V^{ae} confidentius scribo, quae secreta quidem volo, sed ita, ut iis pro sua prudentia utatur " (Ricci to Routh, December 2, 1761, *Epist. Gen. secretae*). The same ideas recur in a *letter from Ricci to Frey, December 30, 1761, *ibid.*

² De la Croix to Ricci, December 1, 1761, in ROCHEMONTEIX, 229, n. 1. Cf. *ibid.*, 227 *seqq.*, and the letter of Cardinal De Luynes to Salvat of 1761, printed in RAVIGNAN, II., 193 *seq.*

Jesuits signed on December 19th, 1761, for the fourth time a declaration, the purport of which was no more restrained than the preceding ones. In it they agreed to the doctrine of the complete independence of princes in temporal matters from every other power on earth, undertook to teach the four Gallican articles in public and private, subjected themselves to the jurisdiction of the Bishops in accordance with the tenets and discipline of the Gallican Church, and renounced their claim to all existing and future privileges of the Order which conflicted with all this. Decrees issued by the General which ran contrary to this declaration they regarded as unlawful, null, and void, and consequently not binding.¹

This declaration, like the Bishops' memorandum, was, the nuncio admitted, injurious to the dignity and rights of the Holy See, but at the same time, in his view, it was unavoidable. For, as he proceeded to point out, in spite of all the prohibitions of Alexander VIII. and Innocent XII., and of all the counter-edicts of Louis XIV., the Gallican articles were in fact taught throughout France. Nowhere was anyone allowed to teach the opposite. In this matter, he wrote, we have against us not only the Parlements and universities, but also the Court, the Bishops, and all the Orders. A man might think differently within himself but he would take care not to voice his opinion in public, or he would inevitably be punished. Certainly the Jesuits could have refused to sign the declaration, and with such a refusal (for which on so many other occasions they had not had the necessary courage) they would have shown their loyalty to the Holy See, but this much was certain: the Jesuits who

¹ Latin text in RICCI, **Istoria*, 40 seq., French translation in CRÉTINEAU-JOLY, V., 212 seq.; THEINER, *Histoire*, I., 40 seq.; RAVIGNAN, II., 190 seq.; ROCHEMONTEIX, 224 seq. ". . . sicchè in poche settimane furono dai poveri Gesuiti in Francia accettate e sottoscritte quattro dichiarazioni. Ma essi sono portati a queste, persuasi vanamente di comporre ogni cosa con una dichiarazione, e frattanto debolmente cedendo a sentimenti dai quali dovrebbero esser lontani" (RICCI, **Istoria*, 40).

had dared to refuse could not have continued to live in France. Nor would their action have removed the evil, for all the other theologians would have gone on defending the Articles as before. His arguments against the Articles had made no impression at all on Cardinal Luynes, the president of the clerical assembly.¹

Although Ricci had shown unyielding firmness in strictly

¹ " Il secondo quesito fatto all' Assemblea, principalmente dove si parla degli articoli del 1682, compromette certamente la dignità della Sede Apost., e molto più poi la compromette la risposta de' vescovi e la precauzione da essi presa, ed accettata da questi Gesuiti; ma qual ostacolo o rimedio poteva darsi ad un sì grave inconveniente? Non ostante tutto ciò, che abbiano fatto Alessandro VIII. e Innocenzo XII. contro gli atti del clero gallicano del 1682, non ostanti gli ordini dati da Luigi XIV., è certissimo che questi articoli s'insegnano dappertutto in Francia o dove si trattano simili questioni, e che in niun' luogo, nè a veruna persona è permesso d'insegnare il contrario. Con chi farsi forte pertanto per impedire l'esame di tali delicate questioni ed una dichiarazione ingiuriosa? Se in questo incidente a differenza di tutti gli altri, che possono mai darsi, sono contro di noi non solo i magistrati e le università del regno, ma la corte, i vescovi ed anche le comunità religiose, e se vi è taluno, che internamente senta il contrario, si guarda bene di propalare il suo sentimento, mentre ciò non può farsi impunemente." The Parlement's attitude forced the Bishops to give an unequivocal answer. " I Gesuiti potevano certamente ricusare la segnatura della dichiarazione richiestagli, e con tal rifiuto, quale per altro non hanno mai avuto il coraggio di dare in tante altre occasioni, avrebbero somministrato alla S. Sede una riprova della loro fedeltà, ma i Gesuiti tenendo una tal condotta in Francia, erano certamente perduti in Francia, e più o meno l'inconveniente sarebbe rimasto sussistente in tutti gli altri teologi, che avrebbero continuato a difendere detti articoli." This was not said in defence of the Bishops and Jesuits, but to show that this was an old trouble which broke out from time to time. " Nelle circostanze presenti era impossibile di evitarsi, e che non si eviterà giammai in simili occasioni " (*Pamfili to Torrigiani, January 4, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*).

upholding ecclesiastical principles, he was sufficiently far-seeing and sympathetic to understand and appreciate the extremely difficult situation in which his subordinates were placed. He did not forget to bring to the attention of the Pope, among others, the exculpatory arguments which showed the attitude of his subjects, whose very existence was at stake, in a more favourable light.¹ Besides the considerations put forward by Pamfili, he himself had misgivings about certain matters of history. Alexander VIII.'s Bull against the four Gallican Articles was posted up in the Campo de' Fiori only just before the Pope's death and was taken away again as soon as he had died, so that in many quarters its publication was thought to be inadequate. In disregard of the Bull, the Gallican doctrine was taught in all the universities of France, even at Rheims, Bourges, Toulouse, and Montpellier, where the theological faculties were in Jesuit hands, the reason being that Louis XIV. demanded uniformity. No objection had been made by Rome; in fact Benedict XIV., as a sign of his good-will, had presented his portrait to the Sorbonne, where the doctrine had been born and where it had never lacked adherents. To judge from the spirit prevailing in Rome, there was little hope of support from that quarter. If they had refused to accept the terms, said the French Jesuits, Rome would have left them in the lurch and would perhaps have blamed them for taking such a risk in defending tenets yet undefined, and it would have represented them as rash and unruly spirits.²

Ricci's representations were not without effect. Loth to worsen the situation of the French Jesuits, already sufficiently parlous, Rome refrained from making a counter-manifesto.³ But extenuating circumstances notwithstanding, the declara-

¹ RICCI, **Istoria*, 46.

² *Ricci's observations (in a rough draft, hastily composed and undated), in Jesuit possession, *Suppressio*, 3, RICCI, II.; RICCI, **Istoria*, 46.

³ *Torrighiani to Pamfili, January 27, 1762, Cifre, Nunziat. di Francia, 453, *loc. cit.*

tion was, from the ecclesiastical angle, reprehensible, and from the purely human point of view it was not in accordance with the principles of either prudence or self-respect. It was an act of weakness and fear, only too likely to deprive its perpetrators of public respect.

Their declaration brought no advantage to the Jesuits. No sooner had they escaped from one predicament than they ran into another, and this time it was the Court Commission which caused the trouble. Set up with the object of protecting the Jesuits from the arbitrary measures of the Parlement, it developed more and more into a pliant tool which helped to accelerate the Order's ruin. On this occasion it embarrassed the Jesuits by demanding from them a declaration on the question of tyrannicide.¹

As far back as the time when the attempt on the king's life had been made, the French Jesuits had been accused of having assisted in the crime by their teaching of the right of resistance and consequently of being morally responsible for the deed.² The matter had been quickly settled by the far-reaching declarations made by the Jesuits of Toulouse and Paris,³ but since Pombal's revival of the old charge, it had been a never-ending subject of discussion. As soon as the attacks on the Order in France broke out, this favourite material for agitation had to do duty once again. It served a double purpose, inasmuch as it never failed to impress the broad masses and was calculated to render the whole Order an object of suspicion in the various Courts, the situation being easily interpreted as though the attempts at regicide originated in the doctrines and principles of the Society itself.⁴ Among the twenty-four Jesuit works which, on August 6th, 1761, the Paris Parlement had condemned to

¹ ROCHEMONTEIX, 229 *seq.* For the doctrine of tyrannicide, cf. DUHR, *Jesuitenfabeln* (1909⁴), 694. Further references are given there.

² See above, p. 380.

³ Cf. above, p. 381, and below, p. 432, n. 1.

⁴ RICCI, **Istoria*, 41 *seqq.*

be burned were some in which the questionable doctrine was not even incidentally mentioned, for instance those by Bellarmine and Suarez. Moreover, with very doubtful logic, the speakers in the Parlement argued that the permissibility of tyrannicide necessarily followed from the doctrine of indirect authority.¹ To wrest this weapon from the hands of the Parlement the rapporteur to the Court Commission required the Jesuits to take their stand against the doctrine complained of by making a public declaration on the subject.

The formula drafted by the Court Commission² was objected to in the first place by the French Jesuits and underwent a revision at their hands.³ At the beginning of October 1761, De la Croix sent it to Rome for signature, explaining that the accusations made by the Society's opponents necessitated a renewal of Aquaviva's decree against the doctrine of tyrannicide. The General, however, had several objections to make against the content and the form of the document. It was more of a schoolmaster's denunciation of the prohibited doctrine than a carefully composed statement in theological and legal terms. Further, it contained an unseemly censure of respected Jesuit theologians, and, finally, the Court Commission had insinuated into it a concealed condemnation of the doctrine of indirect authority. For these reasons Ricci, with the Pope's agreement, refused his signature,⁴ but on October 28th, 1761, he sent a courteous letter to Louis XV., again condemning the obnoxious doctrine in the name of his

¹ *Ibid.*, 41 *seqq.*

² French text in RAVIGNAN, II., 182 *seq.*

³ "Le lendemain, je reçus une lettre du Père Provinciale, par laquelle il me mandait que le projet du décret allait partir pour Rome, en m'observant cependant qu'on avait retranché le mot sentire, parceque nul Général n'avait droit sur les pensées, et que ce droit était réservé à l'Église universelle, à qui seule appartenait le droit de commander les sentiments intérieurs." *Ibid.*, I., 517 *seq.*

⁴ Ricci, **Istoria*, 44 *seqq.*; *Ricci to Routh, December 2, 1761, *Epist. Gen. secretæ*; *Ricci to Frey, December 30, 1761, *ibid.*

Society.¹ The king received it with satisfaction² and this might have been expected to conclude the matter.

But the Court Commission, realizing that the General was not to be induced to sign their form of declaration, tried to gain its end by indirect means. On the plea of having to satisfy the Parlement on some score or other, it renewed in December its former request that Ricci should sign the decree against the doctrine of tyrannicide. The Provincial's advisers were all of the opinion that the General could not continue to withhold his signature without giving the enemy cause for saying that the Jesuits were still defending this doctrine. In the event of a refusal, the Parlement, the Ministers, and the Court Commission would propose the appointment of an independent Vicar General for the French Assistancy.³

Meanwhile the king had entrusted some of the Bishops with the task of composing a fresh formula, which, it was thought, would be approved by the General after the deletion of a few phrases unacceptable to Rome.⁴ To make Ricci more amenable, the Provincial drew his attention once again to the great dangers with which they were threatened, the worst being that, if the formula were rejected, the king might lend an ear to the suggestions about a Vicar General.⁵ Discontent was being expressed more and more loudly with the supposed hesitation of the Jesuit directorate to declare themselves against a doctrine which had been condemned and forbidden by the Society more than a hundred years ago.⁶ In spite of some misgivings Ricci decided to satisfy these tempestuous demands. His new decree was based largely on the text of Aquaviva's prohibition, from which he removed only an

¹ RAVIGNAN, II., 192 *seq.*

² *De la Croix to Ricci, December 1, 1761, Gallia, 116.

³ *De la Croix to Ricci, December 29, 1761, *ibid.* The passage in question is printed in ROCHEMONTEIX, 231, n. 1.

⁴ De la Croix to Ricci, January 5, 1762, *ibid.*

⁵ *Ibid.* Cf. also the two letters from De la Croix to Ricci, of January 12, 1762, *ibid.*

⁶ De la Croix to Ricci, December 29, 1761, *ibid.*

alleged ambiguity caused by a misprint.¹ He protested vigorously against the charge of having refused to renew his predecessor's decree; on the contrary, he was ready, if need be, to repeat it in a still more severe form. His refusal concerned only the formula that had been put before him, by means of which an attempt had been made to wrest from him a declaration against the indirect authority.² By January 19th, 1762, the document was in the hands of the Paris Provincial, who passed it straight on to Cardinal De Luynes and the king's confessor, Desmaretz, for forwarding to the king.³ Ricci's composition was not to the liking of the Court Commission,⁴ but it took no further step in the matter.

Instead, it now gave its attention to another scheme. It laid before the monarch the proposal that the General of the Society be asked (most unreasonably) to appoint a special Vicar General for France. It is to Ricci's everlasting credit that by his determined and resolute attitude in this affair the Order was preserved from an inglorious end through self-disintegration.

The idea of appointing a special Vicar General for the French

¹ Ricci, **Istoria*, 45; **Torrighiani to Pamfili*, January 27, 1762, *Cifre, Nunziat. di Francia*, 453, *loc. cit.* In the older editions of the Institute it is forbidden to teach: "licitum esse cuique personae, quocunque praetextu tyrannidis reges et principes occidere." The reading "cuique" is a misprint; the original text has "cuicumque", which reappears in the latest edition of the Institute (Vol. II., Florentiae, 1893, 573). Ricci instead of "cuique" wrote, more clearly: "ulli cuiuscunque conditionis aut status homini." For more detailed arguments see DUHR, *Jesuitenfabeln*⁴ (1904), 741, n. 3; *cf. ibid.*, 761, n. 1. For the origin of Aquaviva's decree, see *ibid.*, 722 *seqq.*

² **Ricci to De la Croix*, January 20, 1762, *Epist. Gen. secretae*. It grieved the General most of all that even the Provincial should have made such unprincipled statements (**Ricci to Routh*, January 27, 1762, *ibid.*).

³ *De la Croix to Ricci*, January 19, 1762, in ROCHEMONTEIX, 235, n. 2.

⁴ **De la Croix to Ricci*, February 9, 1762, Gallia, 116.

Assistancy had been mentioned casually in 1757, without arousing much attention.¹ When the contest was renewed after the Lavalette affair, this plan cropped up again and not all the support it found was outside the Order. Among other demands made when the Institute was being examined by the Parlement was that France should have its own Vicar General, independent of the central authority in Rome, on the score that French subjects ought not to be subject to any foreign power.² On this occasion Clement XIII.³ and Ricci⁴ worked in conjunction to check such a project, which would have brought about a fundamental alteration in the constitutions of the Order, if not its utter downfall.

Up to this point the cry for the separation of the French Assistancy from Rome had come only from the Parlement, but in the course of the autumn rumours reached Rome that the Ministers and the commissioners also were not averse to

¹ On the occasion of the attempt on the king's life and the consequent condemnation of Busenbaum and Lacroix, the Jesuits made a declaration which questioned the rights of the Holy See. On the order of the Pope the then Vicar General, Timoni, complained to the Provincial Allanic. "Questi portò la solita scusa della necessità e del timore di essere costretto a sottoscrivere qualche cosa di peggio; ed ebbe la temerità di accennare che se Roma avesse fatto forza o recato molestia ai nostri Francesi, si sarebbero essi divisi dal resto della Religione eleggendo un Superiore generale distinto in Francia" (RICCI, **Istoria*, 19). Cf. above, p. 381, n. 3.

² *Pamfili to Torrigiani, April 20 and June 8, 1761, Cifre, Nunziat. di Francia, 514 and 515, respectively, *loc. cit.*; *Torrighiani to Pamfili, May 6, 1761, *ibid.*, 453.

³ Cf. above, p. 410, n. 3. " *Quello che almeno si vorrebbe salvo, sarebbe l'unione di tutto il corpo col suo Generale, e salva insieme la sostanza del loro Istituto; chechè poi ne sia dei maggiori o minori privilegi, che godono in Italia e in Ispagna, e che piuttosto contribuiscono ad un maggiore lustro e comodo della Compagnia, che al fondamento della sua Istituzione" (Torrighiani to Pamfili, July 15, 1761, Cifre, Nunziat. di Francia, 450, *loc. cit.*).

⁴ *Ricci to Desmaretz, May 6, 1761, *Epist. Gen. secretae*.

the scheme.¹ When it was known that the episcopal assembly was to discuss the question of limiting the authority of the General,² the nuncio was instructed to inform the Ministers and the Bishops in the clearest possible terms that the Holy Father's assent to an alteration in the government of the Order was not to be obtained ; to separate the members from the jurisdiction of the head was tantamount to destroying the very essence of the Institute.³ Pamfli's representations were well received by the French prelates, who, except for a dwindling minority, signified their approval of the retention of the central government.⁴ But with the Ministers and the members of the Court Commission it was a different situation. Their principles, wrote the nuncio, are very different from ours. They may not agree with all the ideas of the Parlement but they certainly agree with more than one. Their intention is to pursue a course of compromise and pacify the Parlement on some points in order to induce it to yield on all the others. Were they to refuse all concessions, they fear that the courts of the Parlement would cease to function. The Court was undoubtedly in a highly precarious situation, aggravated by the costly and unsuccessful foreign war and by the many internal dissensions.⁵

While the plans of the Parlement and the Court Commission

¹ *Pamfli to Torrigiani, January 18, 1762, *Nunziat. di Francia*, 516, *loc. cit.*

² *Pamfli to Torrigiani, November 30, 1761, *ibid.*, 515.

³ *Torrighiani to Pamfli, November 18 and December 2 and 16, 1761, *ibid.*, 450. A personal intervention by the Pope seemed inadvisable in view of the great danger of the Holy See's becoming embroiled with the king and the government, to the injury of the Church and the Pope's prestige, and without any advantage accruing to the Jesuits ; at all events it was thought desirable to await first the result of the episcopal assembly (*Torrighiani to Pamfli, January 13, 1762, *ibid.*, 453).

⁴ See above, p. 417.

⁵ *Pamfli to Torrigiani, September 7, 1761, and January 18 and 25, 1762, *Cifre, Nunziat. di Francia*, 515 and 516, respectively, *loc. cit.*

were wholly influenced by Gallican-absolutist ideas, even certain Jesuits imagined that their last hope lay in conceding an alteration in their Constitution.¹ In the case of other Jesuits, especially in the professed house in Paris, certain considerations for the Court and possibly also a certain feeling of resentment against the Roman directorate of the Order, arising from the Lavalette affair, were probably not without their influence. It would be rash to state the numbers and names of those who were thought to be in favour of the alteration in the Constitution. So far as can be seen, their number was by no means large, and their attitude expressed itself more in vacillation due to a timid spirit of concurrence than in any positive demand.² The mutual ill-feeling of the five Provinces occasioned by the payment of Lavalette's debts had obscured the judgment of many Jesuits. Some who were reputed to hold innovatory views, Neuville among others,³ afterwards came forward with written defences of the Order's Constitution. Neuville, nevertheless, was called on by the General to defend himself against the charge of having favoured the innovation. To his letter of self-vindication Ricci replied that rumours to this effect had reached him several weeks before, but that he had passed them over in silence, refusing on principle to attach any credit to

¹ *Ricci to Nectoux, September 30 and December 2, 1761, Archives of Simancas, Gracia y Justicia, 666. "Ex ipsis litteris P. Nectoux intellexeram, ipsum a Vicariis non abhorreere; ab hac cogitatione illum, ut spero, abducam" (*Ricci to Salvat, June 23, 1762, *Epist. Gen. secretae*).

² " *Fu scritto che piegerasso a questo partito anco i PP. Griffet, Beauvais confessore d'una Madama di Francia, Le Verger fatto venire a Parigi in riguardo al Duca di Choiseul primo Ministro, La Tour similmente molto amico del medesimo Duca, Gatin come unito al P. Griffet. Giunta però la risposta del Generale parve che tutti si unissero nel sentimento di rigettare il Vicario, almeno dissimulassero il sentimento contrario " (Ricci, **Istoria*, 58).

³ See above, p. 393; *De la Croix to Ricci, June 16, 1761, Gallia, 116.

such serious accusations when unsupported by definite evidence.¹

But the rumours were not entirely without foundation. On October 6th, 1761, Ricci was writing that it had been reported to him that on two or three occasions the proposal to alter the Order's Constitutions had been discussed in private. He conjured his subordinates by the eternal Judge, to whom they would one day have to render a strict account, not even in conversation to touch on a question which would bring in its train the certain ruin of the French Assistancy and even of the whole Order.² When subsequently the Paris Jesuits

¹ *Ricci to Neuville, August 19, 1761, *Epist. Gen. secretae*.
 “ *Rumor adeo iniuriosus Pi Carolo de Neuville ad me etiam pervenerat, sed cum de gravissimo crimine agatur, suspicionibus meris fidem habere nefas duxi et rem silentio pressi. Equidem doleo vehementer et arbitror dolere vos ipsos, quod aliqui in suspicionem vocentur, quod publice in foro dictum et peroratum sit, utilem fore separationem, id sentire eos etiam ex vobis, qui rectius sentiunt, ductam coniecturam ad id suadendum ex promptiori quam opus fuerit traditione Instituti. Ego vero nulli iniuriam hanc faciam, ut haec credam, nisi certis argumentis edoctus; cupio tamen omnes ita religiose ac modeste agere et loqui, ut nullum dent locum suspicioni ” (*Ricci to De la Croix, May 26, 1761, *ibid.*). *Ricci to De la Croix, July 8, 1761, Gallia 43. Cf. also *Ricci to Croust, June 24, 1761, *ibid.*

² “ *Unum addo momenti gravissimi; refertur in familiaribus sermonibus propositum bis ac ter esse id, quod ne uno quidem verbo innuendum est, de mutatione scilicet gubernationis, quae et vestram potissimum et totius Societatis ruinam certissime traheret. Obtestor itaque vos per Deum, cui rationem reddituri estis, ut religiose vivatis, loquamini et negotium agatis; equidem non hominum, sed Dei iram metuo ” (Ricci to Griffet, October 6, 1761, *Epist. Gen. secretae*). “ *Praeterea non paucis adstantibus, [Salvat] veritus non est dicere, nimis magnam esse Praepositi Generalis auctoritatem, quasi eam sibi arrogaret, non ab Instituto acciperet, Praepositos Generales ea abuti, quod cum nullos fecisse putem, minime ipse feci, qui nihil nisi diligenter auditis iis, quorum intererat, et communicatis consiliis susceperim. Haec fusius prosequi non est huius loci: quae personam respiciunt, nullius momenti sunt, maximi vero quae ad munus pertinent,

pressed him more than once to approve of their declaration, there entered even into the General's mind the suspicion that it was only a clever move to gain an excuse for breaking away from the Order in the event of his refusal.¹ To the king's confessor, Desmaretz, who appeared to be not entirely averse to the idea of a Vicar General,² he addressed with diplomatic

quod immeritus gero ; ab homine religioso et qui bono animo scriberet (quamquam homo religiosus haec non scriberet), tolerari possent, ab homine vero parum religioso fieri non debent. Sed illud me angit, quod cum de labefactando Instituto nostro Parisiis cogitatur, pessimum consilium dictis suis iuvare homo hic facile possit" (Ricci to Nectoux, August 5, 1761, Archives of Simancas, Gracia y Justicia, 666). On January 12, 1762, however, Ricci *informed Salvat of the pleasure he had had in hearing that he was trying to protect the Institute from injury (*Epist. Gen. secretae*). Cf. also Dufaud to Ricci, October 16, 1761, in ROCHEMONTEIX, 233, n. 1.

¹ " *Postremis litteris non erubescitis, a me petere subscriptionem declarationis vestrae ; exhorruui, cum legerem. Cogitis me tandem libere loqui, sit verbis venia. An mihi fraudes nectitis et vim infertis ? An id unum studetis, in vestro negotio tractando, non ut vos expediatis, sed ut totum eius onus totamque invidiam in me reiciatis ? An causas quaeritis divisionis faciendae, dum illam impedire velle simulatis ? Cum videritis inanem fore vestram declarationem, nisi a me confirmetur, tamen rem adeo gravem facere ausi estis me inscio et inconsulto, nec timuistis me ad confirmandum quodammodo et quantum in vobis est cogere ? Nulla certe excusatione defendi potest factum vestrum. Ego vero nihil umquam faciam Deo dante, quod vel minimum laedat observantiam erga Summum Pontificem, quocumque periculo proposito nihil subscribam nisi Summo Pontifice approbante et iubente, nec scandalum gravissimum dabo Societati et Ecclesiae. Si quae consequantur damna, vobis incumbent omnia in iudicio divino, quod utinam timere magis discamus quam humanum " (Ricci to De la Croix, November 11, 1761, *Epist. Gen. secretae*).

² " *Non mancò per altro qualche debolezza in Parigi : il P. Desmaretz, confessore del Re, inclinava a condescendere nel Vicario, forse temeva di perdere il suo posto ; esso dichiarò il suo sentimento al P. Assistente [di Francia] " (RICCI, *Istoria, 58).

skill the request that he should use all his influence with the monarch to prevent any alterations in the nature of the Institute. However great the danger, the General could never give his consent ; besides, there was no decree in the Constitution which ran counter to the laws of the State, as had been sufficiently proved by the experience of two centuries, all the enemies' statements to the contrary notwithstanding.¹

The Court Commission's plans regarding the declaration and the decree on tyrannicide having been brought to nought by Ricci's firmness, it reverted, much to the dissatisfaction of the Bishops,² to its old plan of altering the Order's constitution.³ The matter was discussed in two sessions of the *Grand Conseil*, on January 14th and 15th, 1762, in the presence of all the Ministers.⁴ Two days later an express courier was sent to the French envoy in Rome, Cardinal Rochechouart, and on January 26th the Jesuit General was asked to attend at the embassy for an interview on the following morning.⁵

In accordance with his instructions⁶ the envoy had to explain to the General that the king had asked the episcopal assembly for an opinion, not for a binding decision. The opinions that had come from the three parties had been passed by the king to the Court Commission. The latter had a twofold object : to end the serious Jesuit crisis in France, and to prevent the abuses which might arise from the Order's

¹ *Ricci to Desmaretz, September 30, 1761, *Epist. Gen. secretæ*.

² *Pamfili to Torrigiani, January 25, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*

³ The project of reducing the status of the Jesuits to that of a Congregation of secular priests was abandoned as soon as it came to be seriously discussed (*Torrighiani to Pamfili, January 13, 1762, *ibid.*, 453 ; *Pamfili to Torrigiani, February 1, 1762, *ibid.*, 516).

⁴ *Pamfili to Torrigiani, January 18, 1762, *ibid.*

⁵ RICCI, **Istoria*, 49.

⁶ Signed by the Duc de Praslin, dated January 16, 1762, Text in THEINER, *Clementis XIV. Epistolæ et Brevia*, 336 *seqq.*

Constitutions, by subjecting the Jesuits to the laws of the State and by setting bounds to the excessive authority of their General. The unbounded power exerted over French subjects by the foreign head of a religious Order seemed irreconcilable with the absolute authority of the king and the foundations of the realm. Most of the counter-measures which had been proposed were ineffectual or would mean the destruction of the Order. Only one course would accord with the king's views: that Ricci should appoint a French member of the Order as Vicar General, who would exercise the General's authority in France, undertake on oath to observe the laws of the State, and answer in person for the good behaviour of the Jesuits in France. This plan seemed specially suitable, since provision had been made in the Institute itself for the appointment of a Vicar General in certain cases, so that no alteration need be made in the Society's system of government.¹ The General's authority would remain as it was; he would exercise it, however, through the Vicar General appointed by himself. This deputy was to be changed every three years, or at the most every six years if he had been re-appointed. As a mark of special respect for the General, the Vicar's powers were to be suspended whenever the head

¹ The Institute makes provision for a "Vacarius Generalis" only for the period between the death of the General and the election of his successor, or when the General, through ill-health or decrepitude, is unable to see to his official duties. His authority is more or less the same as that of the General, but is restricted in several matters; see *Institutum Soc. Iesu.*, III., *Florentiae*, 1893, 732 *seqq.*, under "Vicarius Generalis". What the Court Commission had in mind was the office of a "Commissarius". Commissioners with restricted powers were appointed in the early history of the Society for remote Provinces (in India) or, on account of special circumstances, for Europe as well. The first and second General Congregations had already decided that the office of commissioner was to be only temporary and extraordinary (Congreg. I., decr. 91, post elect.: *Instit. Soc. Iesu*, II., 176; Congreg. II., decr. 11, post elect.: *ibid.*, 196). For details, see *Institutum Soc. Iesu*, III., 579, under "Commissarii".

of the Order was himself in France. These were the principal features of the plan, which would have to be in the form of a declaration; it would contain several minor points; but, as time pressed, he would not enter into details then. If the plan was agreed to, the king offered to legitimize about eighty Jesuit establishments which lacked legal confirmation, to annul the resolutions of the Parlement, and to silence it for ever afterwards. On the other hand, if the General offered resistance, the envoy would have to tell him bluntly that the king knew of no other way of saving the Jesuits. In the critical circumstances that were then prevailing, the Court's chief aim was to maintain order within the realm. If no notice was taken of the acute resentment against the Jesuits felt by the Parlement and the people, and if no concession was made to them, especially on those points in which the justice of their representations could not be denied, dangerous disturbances would inevitably arise, which might be fatal for the Jesuits. To this declaration the monarch required the formal consent of the General of the Society and, what was more, a definite and categorical answer on the following morning.¹ Pointing out the great consideration shown by the king in first obtaining the General's consent before publishing his declaration, the envoy was to use all his influence to induce him to take the only road to safety. A refusal might involve the Society in the most dire consequences, for in that case the king would either publish his declaration without regard to opposition or would give the Parlements a free hand.

It was obvious what answer would be given by Ricci, who had already declared that he did not intend to be at the head of any other Order than the one that had been handed down to him by St. Ignatius and his successors.² After

¹ January 28., 1762.

² " *Nec fieri ulla Instituti mutatio potest aut licite aut valide in iis etiam, quae substantialia non sunt, nec admitti a vobis potest, nisi me consentiente et approbante, ad quem unice spectat Superiores Provinciarum aliosque consulere, cum opus fuerit. Mutationes, de quibus eat sermo, gravissimae sunt; ego vero alteri Religioni non praeero quam illi, quae ad me transmissa est

expressing his appreciation of the king's good intentions, he observed that he did not believe that he had the authority to make such an important alteration in the Order's constitution. In any case he would have to have the opinion of his counsellors; and the time given him—twenty-four hours—in which to decide on a question of such far-reaching importance was extremely short. The indefinite nature of the proposal which envisaged a Vicar General without defining his powers more closely seemed to him to conceal a stratagem, under cover of the complete dependence of the Vicar on the head of the Order. It was unjust also to single out the Society of Jesus from all the other Orders as the only one to have a Vicar General. The danger of further alterations in the constitution was only too clear; and it would not be long before the other princes would make similar demands.¹ The inevitable consequence would be dissensions and finally the separation of the head from the members. The appointment of a Vicar would only bring about the ruin of the Order without pacifying the Parlement, which would not allow itself to be satisfied with this measure alone.² Its resolutions against the Jesuit schools, the Sodalities, the Exercises, and so on, showed only too clearly the goal it had in view: the destruction of faith and piety. The Jesuits formed only a feeble barrier for the protection of the Bishops; once this had fallen, the fight would begin against the senior shepherds of the flock, who had already been made to suffer from the forcible measures of the Parlement. It was not obstinacy but his conscience and a sense of duty which forbade him to entertain the proposition.³ The envoy, on hearing

a S. Ignatio aliisque decessoribus meis" (Ricci to Frey, December 30, 1761, *Epist. Gen. secretae*).

¹ Cf. *Torrighiani to Pamfili, February 10, 1762, Cifre, Nunziat. di Francia, 453, *loc. cit.*

² Cf. *Pamfili to Torrighiani, January 18, 1762 (see below, p. 443, n. 3), *ibid.*, 516.

³ RICCI, **Istoria*, 50 *seqq.* The same thoughts recur in Ricci's *letters to Routh of February 10, 1762, to Frey of February 20, 1762, and to Salvat of February 20, 1762, *Epist. Gen. secretae*.

these arguments, acknowledged that personally he agreed with them but he considered that his position compelled him to carry out his instructions.¹

On returning to his residence, Ricci summoned his Assistants with all haste and the utmost secrecy to a conference² and asked for their opinion. They were unanimous that the king's request was beyond the limits of the General's powers; and he was to give this as his answer, briefly and definitely, to forestall attacks and further questions.³ After dinner Ricci repaired to the Pope, set before him the king's demand, with its obnoxious features and the answer that had been agreed upon with his Assistants, and asked him to prevent this ruinous innovation. Clement XIII., who up till then was unaware of the latest step taken by the Paris Court, assured the General of his cordial support, approved of the proposed reply, and promised to arrange the necessary steps with the Cardinal Secretary of State without delay.⁴ That same

¹ " *Il discorso fu sì convincente che il sig. cardinale confessò al Generale che in cuore era con esso, ma che la sua rappresentanza lo constringeva a fare le parti che gli erano comandate " (Ricci, *Istoria, 54).

² To keep the meeting secret, the General had the Assistants summoned by his secretary instead of by lay-brothers, and they were instructed to meet in the room of one of his Assistants instead of in his own. *Ibid.*, 55.

³ *Ibid.*

⁴ *Ibid.* It was on this occasion that the well-known phrase, *Sint ut sunt aut non sint*, is thought to have been uttered. Formerly it was frequently attributed to the Jesuit General, but it is more likely to have been spoken by Clement XIII. (cf. DUHR, *Jesuitenfabeln* ⁴ [1904], 451 and 452, n. 1). The MS. used by Albertotti, *De suppressione Societatis Iesu*, also has the reading: " Haec privatim inter Patres iactata, Riccius ad Pontificem detulit, qui rebus omnibus pensatis, ad extremum praecise reiciendam Regis postulationem censuit, atque in illam erupit vocem: Aut sint ut sunt, aut non sint " (p. 86). Whether the thought was given this pregnant form by the Pope himself or by Cordara, is difficult to decide. Ricci makes no mention of it in his notes on his interview with the Pope, but he noted in the margin opposite the place where

evening Ricci composed his answer to the king¹ and a note to the envoy. After the two documents had been checked by the Assistants and the Secretary, Ricci dispatched them, on the following morning (January 28th, 1762) to the embassy. Under the same date the Pope wrote to the king that the General did not possess the power to authorize the appointment of a Vicar General and that he, the Pope, was not willing to empower the General to make this vital alteration in the constitution of the Order which had been approved and ratified by his predecessors.² Rochechouart sent his secretary

he recounts his conversation with Rochechouart: " Il senato romano quando gli furono proposte condizioni inique di pace dopo la rotta di Canne, rispose: Idem sibi videri rempublicam romanam nullam esse ac non esse eam, quae esse deberet " (RICCI, **Istoria*, 54).

¹ The principal passage reads: " Verum cum Praepositus Generalis neque a suae Religionis Constitutionibus, neque ab Apostolicis Litteris, a quibus omnis in eum auctoritas derivatur, habeat facultatem mutandi formam gubernationis a Constitutionibus ipsis stabilitam, irritum foret ac nullum, si quid huiusmodi decerneret, uti citra dubitationem affirmarunt omnes illi, quos consuluit, praeter gravissimam certo inde sequuturam totius Religionis perturbationem. Rogat igitur Augustissimum Regem ut persuasum habere velit, Generalem excusare se ab eligendo Vicario, non ex defectu demississimi erga Suam Maiestatem obsequii, sed ex defectu legitimae potestatis " (Rome, January 28, 1762, Nunziat. di Francia, 453, *loc. cit.*). The letter is reproduced in full in THEINER, *Histoire*, I., 46, n. 2. The text of the letter to Louis XV. and of the *note to Cardinal Rochechouart in RICCI, **Istoria*, 56 *seq.*

² " *Abbiamo saputo, che il card. De la Rochechouart suo Ministro ha richiesto in nome della M. V. questo P. Generale de' Gesuiti di deputare un Vicario Generale per i Gesuiti in Francia, ciocchè egli non può fare colla sua autorità, e che Noi non potremmo autorizzarlo a fare colla Nostra. Sarebbe questo, Sire, un'alterazione così sostanziale nell' Istituto della Compagnia approvato per tante Costituzioni de' Nostri predecessori, e all' istesso sag. concilio di Trento, e tirerebbe questo esempio a sì funeste conseguenze, che nulla meno sarebbe da aspettare dalla

to the General in an endeavour to make him change his mind, but Ricci held fast to his decision and sent word to the envoy that as the hours went by he felt more and more at ease with his conscience, for if he had given way—which he could not validly have done—he would have caused the ruin of the Order and yet not have silenced the opposition.¹

Reports that came in subsequently were such as to confirm Ricci in his conviction that he had acted rightly. Thus Cardinal Alessandro Albani declared that he too had his instruction from the Viennese Court in the event of a Vicar General being approved for France.² And according to the nuncio Pamfili's assurance, the Parlement had no intention whatever of resting content with the appointment of a Vicar General and the extorted agreement to teach the four Gallican Articles in the future ; it was highly probable that it would refuse to register the proposed royal patent for the Jesuits or at any rate would make additions to it which would leave the way open to carry into effect the resolution of August 6th, 1761, which spelt death to the Society.³

dissoluzione di un corpo, il quale già per due secoli è stato di tanto utile alla Chiesa, appunto per la sua unione, e per l'intera sua dipendenza dal capo " (Nunziat. di Francia, 453, *loc. cit.*). French translation of the whole letter in RAVIGNAN, I., 103 *seq.* Cf. *Torrighiani to Pamfili, January 28 and February 3, 1762, Cifre, Nunziat. di Francia, 453, *loc. cit.* ; RICCI, **Istoria*, 55 *seq.*

¹ RICCI, **Istoria*, 55 *seqq.*

² " *Et tanto più se ne trovò contento, quando il sig. card. Alessandro Albani Ministro per la corte di Vienna disse che aveva anch' esso i suoi ordini per il caso, che si accordasse il Vicario alla Francia " (*ibid.* 57, marginal note). " *A questi [Jesuits] la Francia la intrapreso di togliere li fondamenti con ridurli alle prime regole di S. Ignazio, e col separarsi Francia dal Generale per mezzo di un Vicario Generale francese, che non dependa da altri. Si riesce alla Francia, sarà degna di esser imitata da chi potrà farlo comodamente " (Tanucci to Wall, August 25, 1761, Archives of Simancas, Estado 6092).

³ Cf. above, p. 411 *seq.* " *Per quanto il sentimento di deputare un Vicario Generale possa esser gradito al Parlamento, stimo, che

Information which afterwards reached the General from all sides showed that his suspicion that the details of the Commission's plan had been withheld for a particular purpose was not entirely unfounded. According to Routh, the General was to put forward three names, of which the king was to choose one. The person chosen was to be appointed by the General as Vicar for the whole French Assistancy, where he would exercise the same authority as that possessed by the General for the whole Order. After the lapse of three years the General was to appoint a new Vicar or re-appoint the former one, but his term of office was not to exceed six years. In the event of a serious misdemeanour or on any other just grounds the General could depose the Vicar, with the royal assent, but only by going personally to France and there proceeding against him, with the monarch's permission. Subordinates retained their right to appeal to the supreme head of the Order, who was at liberty to grant dispensations and licences, provided that the external government of the Vicar General was not thereby disturbed. Henceforward neither the General's decrees nor the resolutions of the General Congregations would be valid in France without the king's agreement. Otherwise the Institute would be left undisturbed, and the Vicar General was to govern his area in accordance with the existing statutes of the Order. Future Generals of the Order were also bound by these arrangements.¹

sarà ben lontano dal contentarsi solamente di ciò e delle dichiarazioni estorte già da questi Gesuiti francesi di sostenere i quattro articoli del 1682 ; onde è assai verisimile, che ricusi di registrare le nuove Lettere Patenti, o che vi faccia almeno delle addizioni, colle quali si lascia la strada aperta di andare avanti nel giudizio di questa gran causa e nell' esecuzione degli arresti di 6 Agosto " (Pamfili to Torrigiani, January 18, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*).

¹ Routh to Ricci, January 18, 1762, in ROCHEMONTEIX, 233, n. 1. Cf. also the *reports of Salvat and Fierard to Ricci, of January 18, 1762, Gallia, 116, also in *Frey to Ricci, January 25, 1762, *ibid.*

The Court, which had been almost certain of Ricci's agreement, were somewhat at a loss when its request was bluntly refused.¹ Displeased as it was, it was not prepared to go so far as directly to order the election of a Vicar General against the will of the Pope and the General.² Accordingly the commissioners met again on February 23rd, 1762, for further deliberations, in which four Jesuits were included.³ A new plan was evolved. Instead of appointing a Vicar General, Ricci was to transfer his powers to the various Provincials. It was against the laws of the State for a foreigner to exercise direct jurisdiction over the king's subjects; foreign Bishops had to appoint a Vicar General for the French portion of their dioceses; even Papal edicts needed the royal *exequatur* to acquire legal validity in France.⁴

At last, about the middle of March, there appeared the long-announced⁵ royal edict which was to settle the Jesuit question within the French Assistancy.⁶ It was sent to all the Parlements. All of its eighteen articles contained objectionable

¹ *Pamfili to Torrigiani, February 15 and 22, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*

² *Pamfili to Torrigiani, February 22, 1762, *ibid.*: *Torrighiani to Pamfili, March 3, 1762, *ibid.*, 453. " *Il fatto sta però, che o la deputazione d'un Vicario Generale, o altra risoluzione che siasi presa, non avrà certamente l'assenso del P. Generale, perchè non può prestarlo, non avrà quello del Papa, perchè non vuol acconsentirvi " (Torrighiani to Pamfili, February 10, 1762, *ibid.*).

³ *Pamfili to Torrigiani, March 1, 1762, *ibid.*, 516; *De la Croix to Ricci, March 2, 1762, Gallia, 116.

⁴ *Pamfili to Torrigiani, March 1 and 8, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*; RICCI, **Istoria*, 60. The five Provincials of France had assembled in Paris in the first half of March, 1762. The General had not desired this, fearing that they would allow themselves to be exploited by the Court Commission, but finally he gave his permission (RICCI, **Istoria*, 59; *Pamfili to Torrigiani, March 15, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*).

⁵ *Pamfili to Torrigiani, January 25 and February 1, 1762, *ibid.*

⁶ Copy in Nunziat. di Francia, 516, *loc. cit.*; printed in CARAYON, VIII., 304 *seqq.*

regulations, two of which were completely unacceptable: the General was to delegate his powers to each of the five Provincials and to adapt the Institute of the Order to the laws and customs of France, so as to give it more of a French flavour.¹ The Paris Parlement, however, raised objection after objection to the edict² and by an *arrêt* of March 26th, 1762, bluntly refused to register it.³ At first it looked as if the Government would force the issue and compel the Parlement to register the edict by means of a *lit de justice*,⁴ but the Court, depressed, weak, and financially embarrassed, made no further effort and left the Jesuits to their fate. This was soon to be fulfilled, for by April 1st, 1762, the period of deferment had elapsed, and the Parlement's resolution of August 6th, 1761, came automatically into force. Rome, despite its grief at the imminent suppression of the Order, had no regrets for the failure of the royal declaration, containing as it did many features to which the Pope would never have agreed. The nuncio, in fact, had been forbidden on any account to promote its execution.⁵

The firm attitude of the General had a strengthening effect on the French Jesuits. Many waverers now openly opposed the Court Commission's plan.⁶ There arrived in Rome from all sides letters from professed Fathers and scholastics, expressing their love for the Institute, their opposition to any alteration in the constitution of the Order, and their desire to live always in obedience towards the head of the whole Order.⁷

¹ "vestirlo alla francese" (Ricci, *Istoria, 65).

² *Pamfili to Torrigiani, March 15, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*

³ *Pamfili to Torrigiani, March 29, 1762, *ibid.* Copy of the Arrêt, *ibid.*; *Torrighiani to Pamfili, April 14, 1762, *ibid.*, 453.

⁴ *Pamfili to Torrigiani, March 29, 1762, *ibid.*, 516.

⁵ *Torrighiani to Pamfili, April 21 and 28, 1762, *ibid.*

⁶ Ricci, *Istoria, 58.

⁷ "Vix ullus est e scholasticis, cui certum non sit solutionem a votis petere, si Vicarius Generalis creetur" (*De la Croix to Ricci, February 2, 1762, Gallia, 116); *Pamfili to Torrigiani, January 25, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*; Ricci,

In contrast with this the General was pained to hear that in Paris opinions were still divided.¹ "I know," he remarked as if excusing those concerned, "how fear obscures the mind. I want the seniors not to look to their juniors for an example, but themselves to take the lead as models of fortitude and loyalty to their Order, their saintly founder, and their God."² Again and again Ricci points out that he has no power to alter the Institute, so that his agreement would be null and void. And even if he could validly have given his consent, the circumstances would have rendered it illicit, for the appointment of a Vicar General would have meant the beginning of the end of the Society. Their enemies had long been scheming to bring about the downfall of the Order, and if the debts of Martinique had never been incurred they would have sought some other occasion. Unfortunately the words and behaviour of certain Jesuits had helped to further this disastrous plan of a Vicar General and had even suggested it to those who were well disposed towards the Society. It was to be wished, he ended, alluding to the aged Eleazar of the time of the Machabees, that some of the elder Fathers should not disgrace their grey hairs but should bequeath to their juniors a great example.³

**Istoria*, 58, 70. Cf. also Dufaud to Ricci, October 17, 1761, in ROCHEMONTEIX, 233, n. 1; *Ansquer, *Montigny, *Griffet, and *Le Roux to Ricci, January 31, 1762, Gallia, 116; *Le Menoux to Ricci, February 9, 1762; *Grou to Ricci, February 16, 1762; *Dubreil to Ricci, March 3, 1762, *ibid.* Further *letters in the same place.

¹ *De la Croix to Ricci, January 26 and February 2, 1762; *Neuville to Ricci, March 17, 1762, Gallia, 116.

² " *Certum est et prorsus manifestum, consilio constituendi Vicarium Generalem dirui a fundamentis Societatem nostram in Gallia solum, sed ubique gentium. . . . Quare miror inter vos esse diversas sententias, sed intelligo, metu obscurari mentes. . . . Velim senes non petere a iuvenibus exemplum, sed illis dare fortitudinis et fidelitatis erga Institutum suum, s. Parentem ac Deum " (Ricci to Routh, February 10, 1762, *Epist. Gen. secretae*).

³ " *Quae scribit binis litteris de Vicario Generali, quae publice peroravit, quae nonnulli typis vulgarunt, probantur mihi et

Looking back on these errors, Ricci wrote to Nectoux, "I regret not to be able to congratulate myself that, while the French Assistancy was being overwhelmed, all the members of your Province were so attached to the authority of the General that they shrank in horror from the very notion of a Vicar General, convinced that any diminution of the central authority was equivalent to the overthrow of the Institute. It turned out otherwise, but I forgive them."¹

(4)

The action of the Paris Parlement was soon repeated in the provinces. The Parlements of Rennes (August 14th, 1761),²

manifeste evincunt, stare Institutum non posse aut Societatem constituto Vicario. Dolet non mones in hac eadem sententia esse ; optandum, ne Patres graviore aliqui maculam senectuti suae conquirant et ut adolescentibus exemplum forte relinquunt" (Ricci to Frey, February 10, 1762, *Epist. Gen. secretae*). " *Nihil poterat cogitari, quod certiore Societatis ruinam traheret, quam manu mea perfici voluerunt. . . . Si Societatem dissolvi Deo sic permittente necesse est aut externa vi aut corruptione Instituti, dissolvi malim externa vi, sed Instituto integro. Ceterum non infitior aliquorum verba et facta dedisse causam aliquam urgendi consilii nobis perniciosissimi illudque suadendi his, qui nos diligunt. Verum nobis iamdiu notum erat, hostes religionis propositum habuisse ruinam nostram quacumque tandem ratione consequendam, ut etiamsi nulla fuissent debita Mart. nicensia, alias causas quaesituri erant " (Ricci to Salvat, February 20, 1762, *ibid.*).

¹ " *Doleo quod in hac Assistentiae Galliae ruina gratulari mihi nequeam, Socios omnes provinciae vestrae ita fuisse Praepositi Generalis auctoritati addictos, ut eam imminui idem esse ac Institutum labefactare crediderint, proindeque vel solam Vicariae gubernationis umbram horruerint. Secus contigit, condono." (Ricci to Nectoux, May 5, 1762, Archives of Simancas, Gracia y Justicia, 666).

² *Pamfili to Torrigiani, August 17 and 24, 1761, Cifre, Nunziat. di Francia, 515, *loc. cit.* The Parlements' hostility to the Order was due in part to the condemnation of Mésenguy's Catechism, which the Jansenists ascribed to the machinations of the Jesuits

Toulouse (September 15th, 1761),¹ and Rouen (November 19th, 1761),² also began by examining the Institute of the Jesuits. To prevent the movement spreading, the Court sent to all the presidents its order of August 2nd, 1761,³ but the Parlements were not to be diverted from their purpose. By April 13th, 1762, all the provincial chambers except Dijon, Douai, and Colmar had demanded copies of the Institute for examination.⁴

In the Paris Parlement opinions differed at first on what further measures were to be taken. Some wanted to follow Pombal's example and banish the Jesuits from the country, others hoped gradually to extinguish them by means of the prohibition of the acceptance of novices, and a third party advocated the appointment of a Vicar General, by which the union with the rest of the Order would be slackened and little by little totally abolished.⁵

To give its action the appearance of justice the Paris Parlement published at the beginning of March, 1762, a voluminous work entitled "Extracts from the dangerous and pernicious assertions of every kind persistently maintained at all times by the so-called Jesuits".⁶ According to a decided

(*ibid.*, August 24, 1761). Cf. also *Torrighiani to Pamfili, April 29, May 6, June 10 and 17, July 12 and 22, 1761, *ibid.*, 450.

¹ *Pamfili to Torrighiani, October 5, 1761, *ibid.*, 515; *Charron to Ricci, September 19, 1761, Gallia, 116. (Here also are to be found the undermentioned letters from Jesuits, if not otherwise stated.)

² *Pamfili to Torrighiani, November 23 and 30, 1761, Cifre, Nunziat. di F ancia, 515, *loc. cit.*

³ *Pamfili to Torrighiani, November 16, 1761, *ibid.* Cf. above, p. 411.

⁴ *De la Croix to Ricci, April 13, 1761.

⁵ Ricci, *Istoria, 60 seq.

⁶ *Extraits des assertions dangereuses et pernicieuses en tout genre, que les soi-disant Jésuites ont dans tous les temps et persévérément soutenues* (4°, 542 pp.), Paris, 1762. The full title in Brou, II., 140. Dom Clémencet and the Abbé Goujet were thought to be the principal authors (COLLOMBET, I., 93 seqq.).

opponent of the Jesuits, it bristled with slanderous and malicious statements from start to finish.¹ There was not a crime which the Jesuits had not taught and with which they were not charged in this book on the evidence of their own writings. The author professed to base his charges on precise and literal extracts from the works of the most important theologians in the Society. The Jesuits, however, succeeded in proving that the compilation contained no less than 758 falsifications consisting of deliberate omissions of words and phrases, additions, alterations of punctuation, etc. By this means Jesuit authors were made to say things that had never even entered their minds ; in many cases they were even represented as maintaining what in fact they had rejected or refuted.² And this "cess-pool of lies", as the same writer calls it,³ was sent, in accordance with a resolution passed by the Parlement on March 5th, 1762, to all Bishops and provincial Parlements with the obvious purpose of inciting them against the Society.⁴ Only three Bishops, however, reacted in the desired manner : Fitz-James of Soissons, De Beauteville of Alais, and De Grasse of Angers.⁵ A number of other Bishops condemned and banned the fabrication.

After the rejection of the royal edict of March, 1762, the period of grace had not long to run. As had been feared, on April 1st, all the Jesuit schools in the district of the Paris Parlement were closed and the task of education was handed over to secular priests.⁶ Until the question of their Constitutions had been finally decided the Jesuits were allowed to remain in their houses and to continue their pastoral

¹ THEINER, *Histoire*, I., 47.

² BROU, II., 155 ; CRÉTINEAU-JOLY, V., 215. For Döllinger's judgment, see DUHR, *Jesuitenfabeln*, 465 seq. ; cf. also 463 seq.

³ THEINER, *loc. cit.*

⁴ *De la Croix to Ricci, March 9, 1762.

⁵ RAVIGNAN, I., 128 ; cf. 509, n. 1.

⁶ Acting in conjunction with the Sorbonne, the Parlement tried to exclude members of religious Orders from the schools (*Pamfilo to Torrigiani, April 5 and 12, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.* ; RICCI, **Istoria*, 69).

work, but their novices had to be sent home.¹ The Jesuit estates were ordered to be sequestrated on April 23rd, 1762, and from April 26th to May 18th officials from the Parlement appeared at the Jesuit houses daily from 3 p.m. to 7 p.m. to take inventories. They were not a little astonished, however, to find that, except for essential furniture, the various rooms contained nothing but books. Even the procurators' safes did not disclose the fabulous treasures which the widespread rumours had led them to expect.²

On August 6th, 1762, the Paris chambers met again to decide finally about the Institute. Except for a break of one hour the session lasted from 8 a.m. till well into the night. At 10.30 a decision was reached and was communicated to the Jesuits on August 11th.³ It declared the "so-called" Society of Jesus to be incompatible with any well-ordered system of State government by its very nature and essence. It was contrary to the natural law, it offended every spiritual and temporal authority, and under the cloak of a religious institute it aimed at introducing into the Church and State, not an Order striving after evangelic perfection, but a political corporation. Using every means at its disposal, this body had as its object first the acquisition of complete independence and then the usurpation of power, undermining the lawful authority in the process and making a principle of fanaticism. Its rules and vows were obnoxious incursions into the temporal power and the freedom of the Gallican Church, and therefore null and void. Its doctrines, morals, and behaviour were corrupt, destructive of religion and natural morality, an insult to the moral law of Christianity, harmful to society,

¹ *Pamfili to Torrigiani, April 5 and 12, and May 10, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*

² *De la Croix, to Ricci, May 11 and 18, 1762; Ricci, **Istoria*, 82. The total assets of the French Assistancy, including the unproductive buildings, libraries, and furniture, were estimated in 1760 at 56-60 million francs. The yearly cost of maintaining a Jesuit amounted to about 300 francs. For further details, see CRÉTINEAU-JOLY, V³, 226, n. 1.

³ RICCI, **Istoria*, 114; MENTION, 161 *seqq.*

subversive of and injurious to the rights, the power, and security of the sacred person of the monarch, and calculated to give rise to disturbances in the State and to sustain the worst corruption. Wherefore the Society of Jesus was to be and remain irrevocably excluded from France and no one was to work for its restoration. The Jesuits were ordered to quit their houses and institutions within a week, to lay aside their distinctive dress, to abandon their communal life, to revoke their obedience to the Constitutions and the head of the Order, and to break off all relations with the General, the Superiors, and the members of the Order in other countries. It was finally decided that they were ineligible for benefices, university degrees, teaching posts, or civic offices, unless they had previously undertaken on oath to be good and loyal subjects of the king, to recognize and to teach the liberties of the Gallican Church and the four Articles of 1682, to cease living by the rules of the Order, to refrain from corresponding with their Superiors and foreign Jesuits, and to oppose on every occasion the obnoxious morality as described in the "Extracts", especially in so far as it affected the personal safety of the king and the independence of the crown. A second resolution passed on the same day ordered the confiscation of all Jesuit houses and institutional estates; they were to be used partly for the upkeep of the schools, partly for the payment of debts and the pensions of the professed priests; any residue was to be placed at the unrestricted disposal of the monarch.¹

Certain Parlements in the provinces had anticipated that of Paris in passing similar judgments. The resolution passed on February 12th, 1762, by the Parlement of Rouen far surpassed all the others in its violence. Condemning the Jesuit Constitutions as being irreligious, wicked, and injurious to all spiritual and temporal authority, it sentenced them, along

¹ *Arrest de la Cour de Parlement du 6 Août, 1762*, Paris, 1762; *Pamfili to Torrighiani, August 9 and 10, 1762, Cifre, Nunziat. di Francia, 519, *loc. cit.*; Ricci, **Istoria*, 105; *De la Croix to Ricci, August 17, 1762.

with twenty-nine written works by Jesuits, to be torn to shreds and burned by the common executioner. It condemned the Papal Bulls and Briefs of ratification, forbade all subordinates to live in community by the rules of the Order, declared their vows, those of the professed Jesuits included, to be null and void, and ordered the Jesuits to quit their houses by July 1st and to live henceforward as secular priests under the jurisdiction of the Bishops. At the same time an order went out for the sequestration of the estates and incomes of the colleges.¹ By a second resolution, of June 21st, 1762, these regulations were made still more severe. An oath was imposed on all Jesuits whereby they were to renounce all communication with the General of the Order and all other Superiors, under penalty of losing their pensions and of becoming ineligible for any office or benefice.² When the professed Jesuits of Rouen declared the oath to be impossible of acceptance,³ a resolution of July 20th, 1762, ordered the Jesuits either to take the prescribed oath or to leave the country within a fortnight.⁴

In their *Arrêts* of May 26th and 27th, 1762, respectively, the Parlements of Bordeaux⁵ and Rennes⁶ declared that the

¹ *Arrêt du Parlement de Rouen du Vendredi, 12 Février 1762*, Rouen (undated); *Pamfilii to Torrigiani, February 15 and 22, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*; *De la Croix to Ricci, February 16, 1762; RICCI, **Istoria*, 59 *seq.*

² *Arrêt définitif du Parlement de Rouen du 21 Juin 1762*, Rouen; *De la Croix to Ricci, June 22, 1762. In an anonymous engraving (with no mention of date or place) the First President of the Parlement of Rouen is shown setting in motion a sieve suspended by cords held by the hand of God. While the Jacobins, Recollects, Oratorians, and Doctors of the Sorbonne remain in the sieve, the Jesuits with their writings fall through the meshes into the Seine.

³ RICCI, **Istoria*, 97.

⁴ *Arrêt de la Cour du Parlement séant à Rouen du Mardi 20 Juillet 1762*, Rouen, 1762, 29; RICCI, **Istoria*, 101.

⁵ *Arrêté du Parlement de Bordeaux du Mercredi 26 Mai 1762*.

⁶ *Arrêt du Parlement de Bretagne du 27 Mai 1762* (= Second Compte rendu, 1762), 96 *seqq.*

Papal Bulls confirming the Society of Jesus contained impermissible encroachments into State legality and the liberties of the Gallican Church. They described the vows as invalid, dissolved the Order within their areas of jurisdiction and ordered the Jesuits to quit their establishments before August 1st, 1762. They forbade them from that time on to live in community according to the Institute, to dwell in pairs or to withdraw into seminaries, to wear the dress of the Order or to bear its name. Individual Jesuits were granted a pension on condition that they forswore the Society of Jesus and its Superiors and recognized the lawfulness of the resolutions previously passed, especially those directed against the doctrines contained in the "Extracts".¹

The language used in the resolution passed by the highest court of justice in Roussillon (June 12th, 1762) was no less violent than that of the other Parlements. It described the doctrine and morals of the Order as infamous and abominable, the power of the General as despotic, the vows as impious, vicious, and invalid, the Constitutions of the Order as an attack on every spiritual and temporal authority, opposed to the Gallican liberties and the foundations of the State, and in their innermost essence incapable of reform. The Fathers were obliged to quit their houses within a week and to cease teaching. Parents had to withdraw their children from the Society's schools under pain of becoming ineligible for all public appointments. The Jesuits were forbidden to live in accordance with their Institute or to have any connection with the General or other Superiors. Whoever refused to take the prescribed oath was to be ineligible for ecclesiastical functions,

¹ *Pamfili to Torrigiani, May 31, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*; *Torrighiani to Pamfili, July 28, 1762, *ibid.*, 453; *De la Croix to Ricci, June 1 and 8, 1762; Ricci, *Istoria, 76, 88, 102, 108. On November 27, 1762, the Parliament of Rennes forbade parish priests to employ Jesuits in pastoral duties and threatened to prosecute all who attempted to restore the Order in France (*Arrêt du Parlement de Bretagne du 27 Novembre 1762*; Ricci, *Istoria, 142).

benefices, and teaching or civil appointments. To propose the restoration of the Jesuit Order was a penal offence.¹

It was only to be expected from the pre-eminent importance of the Paris Parlement that the resistance offered by the provincial chambers that were still recalcitrant would soon die down, thanks to the inactivity of the Court and the moral pressure brought to bear on these corporations by the chief Parlement. In Metz a provisional resolution was arrived at on May 28th, 1762, which seriously impaired the effectiveness and mobility of the Jesuits. It banned the sodalities of the Blessed Virgin Mary, the taking and the acceptance of vows, the transference of members to other houses, the reception of Jesuits from outside, the sale of the Order's property, etc.² In spite of a letter from the king to the First President disapproving of any further step in this direction, definitive resolutions were passed on September 20th and October 1st, 1762, which rendered impossible the existence of the Jesuit colleges in the district.³ At the auctions which followed, reliquaries together with their relics were among the articles sold to Jews.⁴

The Parlement of Pau affords a significant instance of how the feeling in the provinces was influenced by the capital. In

¹ *Arrêt du Conseil Souverain de Roussillon du 12 Juin 1762*, Perpignan (undated); *De la Croix to Ricci, June 29, 1762; Ricci **Istoria*, 92 seq.

² *De la Croix to Ricci, June 16, 1762; Ricci, **Istoria*, 91.

³ *Torrighiani to Pamfili, November 3, 1762, Cifre, Nunziat. di Francia, 453, *loc. cit.*; *Demande . . . du Parlement de Metz et Arrêts du 20 Septembre et 1^{er} Octobre, 1762*, Metz, 1762. According to Pamfili's report, it was thought that an influential person had written secret letters to the Metz Parlement whose purport was quite opposed to what the Chancellor had written (*Pamfili to Torrighiani, October 4 and November 21, 1762, Cifre, Nunziat. di Francia, 517, *loc. cit.*). Cf. VIANSSON-PONTÉ, *Les Jésuites à Metz*, Strasbourg, 1897, 54 seqq.

⁴ *Pamfili to Torrighiani, December 6, 1762, Cifre, Nunziat. di Francia, 517, *loc. cit.*; *Torrighiani to Pamfili, December 22, 1762, *ibid.*, 453.

1762 it still sided with the Jesuits, even declaring that the Order stood in no need of reform.¹ The First President made a special journey to the capital to plead for the retention of the college at Pau. In Paris, however, he was advised to follow the example of the other Chambers. Consequently a resolution was passed in Pau on April 28th, 1763, whose terms were copied from the resolutions passed by other Parlements.²

In Languedoc, where the opposing parties were of almost equal strength, the struggle was for a long time indecisive. Finally, on June 5th, 1762, a provisional resolution was passed by a majority of only two votes, by which the Order was forbidden to recruit new members or to continue its former activity.³ On February 26th, 1763, the Parlement of Toulouse declared these ordinances to be definitive and added others taken from the Paris *Arrêt*.⁴

In Provence the battle was fought fiercely. By a "provisional" resolution of June 5th, 1762, the Chamber of Aix deprived the Jesuits of their property and their schools.⁵ Immediately a strong movement arose to prevent its execution. The energetic President, D'Éguilles, travelled to the capital three times to represent the interests of the Jesuits at Court.⁶ At first he met with a favourable reception. The *Grand Conseil* declared itself in favour of the Order, and the Chancellor sent a message in this sense to the Parlement of

¹ RICCI, *Istoria, 66.

² *Ibid.*, 145, 165 seqq.; *Arrêt de la Cour du Parlement de Navarre du 28 Avril 1763*, Pau, 1763.

³ *Compte rendu des Constitutions de la Société dite des Jésuites*, Toulouse (undated); *Pamfilii to Torrigiani, June 21, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*; *De la Croix to Ricci, June 16, 1762; RICCI, *Istoria, 88, 91.

⁴ *Arrêt de la Cour de Parlement du 26 Février 1763*, Toulouse (undated); RICCI, *Istoria, 162.

⁵ *Arrêt du Parlement de Provence du 5 Juin 1762*, Aix, 1762; *Pamfilii to Torrigiani, June 21, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*; *Torrighiani to Pamfilii, July 7, 1762, *ibid.*, 453.

⁶ RICCI, *Istoria, 129.

Aix.¹ The majority party, however, rejected the letter and excluded from the verdict on the Institute those councillors who were members of the sodality of the Blessed Virgin Mary.² Then they in their turn sent a deputation to Paris to obtain permission to put into effect their anti-Jesuit resolutions.³ Their leader, Gallifet, did his best to win the interest of the Paris Parlement by making out that, with his *aide-mémoire* against the chamber of Aix, the President D'Éguilles had insulted all the other Parlements that had proceeded against the Jesuits.⁴ At Court, Gallifet was at first denied entrance and the nuncio was led to hope that a *lit de justice* would be held.⁵ Finally Gallifet was victorious. A royal message stated that the king gave the Parlement a free hand.⁶ The final decree issued at Aix on January 28th, 1763, almost surpassed the Parisian model in severity and harshness and did not even spare the Holy See its insulting expressions.⁷ The fear that the fate of the Jesuits in the Papal county of Avignon would also be decided was not realized, but the *Arrêt* prohibited all subjects of the king from entering Papal territory in order to be received into the Order there.⁸ The two *aide-mémoires*

¹ *Pamfili to Torrigiani, September 20 and 27 and November 21, 1762, Cifre, Nunziat. di Francia, 517, *loc. cit.*; *Torrighiani to Pamfili, December 15, 1762, *ibid.*, 453.

² *Arrêts* of June 19 and October 6, 1762; see *Journal des arrêts et arrêtés du Parlement de Provence concernant l'affaire des soi-disans Jésuites*, 132; *Pamfili to Torrigiani, October 18 and November 21, 1762, Cifre, Nunziat. di Francia, 517, *loc. cit.*

³ *Torrighiani to Pamfili, November 24, 1762, *ibid.*, 453.

⁴ *Pamfili to Torrigiani, December 13, 1762, *ibid.*, 517.

⁵ *Pamfili to Torrigiani, December 20, 1762, *ibid.*

⁶ Ricci, **Istoria*, 147; *Pamfili to Torrigiani, December 27, 1762, and January 3, 1763, Cifre, Nunziat. di Francia, 517, *loc. cit.*

⁷ *Arrêt du Parlement de Provence du 28 Janvier 1763*, Aix 1763; *Pamfili to Torrigiani, January 31 and February 21, 1763, Cifre, Nunziat. di Francia, 517, *loc. cit.* *Pamfili to Torrigiani, March 21, 1763, *ibid.*, 518.

⁸ *Torrighiani to Pamfili, January 12, 19, and 26 and February 16, 1763, *ibid.*, 453.

addressed by President D'Éguilles to Louis XV. were condemned to the flames on May 17th, 1763; he himself was banished from the kingdom for life, and several other councillors of the Parlement were declared to have forfeited their membership and were called upon to resign their offices.¹ At the same time the spokesman in the Parlement expressed the wish that the State and the Church should combine to abolish the Order completely.²

As Torrigiani rightly remarked, the decision of the *Grand Conseil* regarding the Jesuits at Aix was the final blow that completed the destruction of the Order in France. The other Parlements, he surmised, would follow suit, for the enemies of the Jesuits need expect no resistance from the Court, and their friends no support.³ As early as March 21st, 1763, the Parlement of the Dauphiné published a provisional resolution⁴ that was made absolute on August 29th and closely resembled that of Paris.⁵ Then the highest court of the Artois, which up till then had obstinately resisted the influence of the chief Parlement,⁶ gave way. On April 5th, 1763, it ordered the examination of the Institute, and on the 14th the Jesuits were commanded to cease teaching in their schools, other, more suitable, persons to be entrusted with the task.⁷

¹ *Arrêt de la Cour du Parlement de Provence du 17 Mai 1763*, Aix, 1763.

² *Ibid.*, 3; RICCI, **Istoria*, 160. The king annulled the Parlement's resolution. Cf. also CARAYON, VIII.: *Mémoires du Président d'Éguilles sur le Parlement d'Aix et les Jésuites*. The two *Mémoires* were condemned to the flames by various Parlements, e.g. at Grenoble on February 12, 1763, and at Rouen on March 2 and 3, 1763.

³ *Torrighiani to Pamfili, January 19 and 26, 1763, Cifre, *Nunziat. di Francia*, 453, *loc. cit.*

⁴ *Arrêt du Parlement de Dauphiné du 21 Mars 1763*, Grenoble (undated).

⁵ RICCI, **Istoria*, 89; PRA, *Les Jésuites à Grenoble (1587-1763)*, Lyon-Paris; 1901, 352 *seqq.*

⁶ RICCI, **Istoria*, 69, 83.

⁷ *Arrêt du Conseil Provincial et Supérieur d'Artois du 5 Avril 1763* (without place or date of publication).

In the Burgundian Parlement the pro-Jesuit party had long had the upper hand. Here too the President of the Chamber had made the journey to the capital in person to secure the maintenance of the Jesuits in Burgundy in their former condition. But no decision was to be obtained from the king, with whom the President spoke about the matter on three occasions. On appealing to Choiseul he was told that he could only advise him to return to Burgundy and fall in line with the other Parlements. In spite of this discouraging reply the Parlement councillors would gladly have decided in favour of the Society, but as most of the provinces had declared Jesuit pupils to be ineligible for public appointments, the public good seemed to demand the suspension of Jesuit teaching. An *Arrêt* of July 11th, 1763, ordered the Jesuit colleges to be closed by October 1st, on which day the Fathers were to vacate their houses and put aside their distinctive dress.¹

Across the ocean, too, the example set by the motherland was followed, notably in Louisiana and Martinique.

By the end of 1763 the only establishments of the Order left were in Flanders, Alsace, and the Franche-Comté. In the Parlement of Douai the first voting went in favour of the Jesuits. When on the second occasion the voting was equal on both sides, the king decided that the first resolution was to hold good.² In Alsace Cardinal Rohan and President Klinglin were especially active in supporting the Jesuit schools, Rohan even soliciting the king for a written order that no change should be made in the prevailing state of affairs.³ The greatest

¹ *Arrêt définitif de la Cour du Parlement de Dijon contre la Société des soi-disans Jésuites* (no place or date of publication); RICCI, **Istoria*, 167, 171; *Pamfili to Torrigiani, July 4 and 18, 1763, Cifre, Nunziat. di Francia, 518, *loc. cit.*; *Torrighiani to Pamfili, August 3, 1763, *ibid.*, 453.

² *Pamfili to Torrigiani, January 17, 1763, Cifre, Nunziat. di Francia, 517, *loc. cit.*; *Arrêt du Parlement de Flandre du 5 Janvier, 1763*, Douay (undated); RICCI, **Istoria*, 163.

³ Letter of August 8, 1762, printed in CRÉTINEAU-JOLY, V², 223, n. 1; RICCI, **Istoria*, 113, 128.

determination was shown by the Parlement of Besançon,¹ which persisted to the last in its decision to retain the Jesuits in its area. There was no lack of opponents, but the majority party were not disposed to follow the prevailing fashion.² The Parlement not only refused to take any action against the Order,³ it alone of all the Parlements had the courage to remonstrate against the royal patent dissolving the Order.⁴

The French Jesuits have been reproached for having looked on at their downfall in dumb resignation and for having persisted in inactive silence while placing unbounded confidence in the justice of their cause and in the assistance of the Court, the Paris Provincial even using the rule of obedience to forbid any work to be written in defence of the Society.⁵ Prohibitions of this kind were probably aimed only at certain persons who could not be trusted to exercise the necessary circumspection and prudence, for cases of imprudence certainly occurred. When the Parlements, to lower the Jesuits in the public esteem and to delude the people into believing in their orthodoxy, attacked the writings of Berruyer, which had already been condemned by the highest ecclesiastical authority, a certain Jesuit felt himself called upon to take up his pen in Berruyer's defence. The Jesuit General expressly disapproved of this step. It was imprudent and harmful, he said, to defend an author whom Rome had condemned; the

¹ RICCI, **Istoria*, 172; *Pamfili to Torrigiani, September 14, 1762, Cifre, Nunziat. di Francia, 517, *loc. cit.*; *Torrighiani to Pamfili, January 26, 1763, *ibid.*, 453.

² *Pamfili to Torrigiani, May 14 and 28 and June 18, 1764, *ib. d.*, 519.

³ *Torrighiani to Pamfili, September 12 and October 24, 1764, *ibid.*, 453.

⁴ *Torrighiani to Pamfili, January 9, 1765, *ibid.* In the duchy of Lorraine-Bar the Jesuits managed to hold out until the death of King Stanislaus Leszczyński (1766). On the occupation of Avignon by the French in 1768 the Jesuits there, too, were dissolved. Cf. CHOSSAT, *Les Jésuites à Avignon*, Avignon, 1896, 481 *seqq.*

⁵ CRÉTINEAU-JOLY, V³, 209.

work was to be suppressed immediately and burnt. He had heard with dismay, he continued, from another report that a second work on the same subject was in hand, in which, moreover, the life and morals of the Archbishop of Lyons were to be found fault with. He had not thought it possible that a Jesuit could be guilty of such imprudence and he forbade the continuation or publication of the work under pain of grievous sin.¹

On the other hand, on receiving a report that an apology for the Institute and the Society's doctrine was in preparation in the province of Champagne, the General welcomed the undertaking with the greatest joy, though before it was printed the work would have to be submitted to the approval of persons noted for their prudence and moderation. Two errors especially were to be guarded against. Firstly, everything must be avoided which might offend persons to whom respect was due. This applied especially to the members of other religious Orders. "Moderation," said Ricci, "wins for our writings universal approval and belief; on the other hand, a harsh and caustic style does unbelievable harm. Whereas others are forgiven the grossest offences of this kind, even slight failings on our part arouse resentment and censure. However, it is not motives of prudence which are our criterion; what is crucial is that charity and patience require of the Christian, and still more of the religious, a gentle mode of expression." Secondly, such delicate questions as the indirect authority and the four Gallican Articles were to be touched on as little and as carefully as possible; otherwise a translation into another language would be out of the question.² These admonitions almost certainly refer to an apology published in 1762.³ Its author was a young scholastic named Cerutti, who handled the French language with great elegance. He was supplied with the necessary material by the elder Jesuits

¹ *Ricci to De la Loye, December 5, 1763, *Epist. Gen. secretae*.

² *Ricci to Noiro, January 1, 1763, *ibid.*

³ *Apologie générale de l'Institut et de la doctrine des Jésuites*, 1762, place of publication unknown.

Griffet and De Menoux. His linguistic skill earned applause but his tone was found too declamatory and too caustic and the praise of his own Order extravagant.¹ After the work had been revised under Noiroi's direction, it appeared in the following year in an improved edition, which was followed by numerous impressions and translations.²

Cerutti's work was not the first nor the most thorough defence in writing with which the Jesuits stated their case in public. Hardly had the Parlement issued its first "provisional" condemnation of the doctrine and constitution of the Order (August 6th, 1761) when the defence came into action. In the course of the year four works appeared, some of which ran into several editions within a few months.³ Particular interest was aroused by the apology written by the Abbé Caveirac with the assistance of the Jesuit Brotier.⁴ Its fourth edition was published within a year and provoked the appearance of countless oppositional writings.⁵ On November 18th, 1762, the Paris chamber condemned Caveirac's work to the flames and attached the severest penalties to its distribution.⁶ Its

¹ RICCI, *Istoria, 156.

² SOMMERVOGEL, *Bibliothèque*, II., 1003 seqq.

³ CHARLES NEUVILLE, *Observations sur l'Institut de la Société des Jésuites*, Avignon, 1761, 41762, 51771 (see SOMMERVOGEL, V., 1687 seqq.); GRIFFET, *Mémoire concernant l'Institut, la doctrine et l'établissement des Jésuites en France*, Avignon, 1761; *Coup d'oeil sur l'arrêt du Parlement de Paris du six Aoust 1761*, Prague, 1761 (*ibid.*, III., 1814 seqq.); LOMBARD, *Réponse à un libelle intitulé: Idée générale des vices principaux de l'Institut des Jésuites*, Avignon, 1761 (*ibid.*, IV., 1921 seqq.); BERTHIER, *Réponse à quelques objections concernant l'Institut des Jésuites* (without date or place); *Recueil de lettres sur la doctrine et l'Institut des Jésuites* (without place or date) (*ibid.*, I., 1377 seqq.).

⁴ *Appel à la raison*, Bruxelles, 1762.

⁵ SOMMERVOGEL (I., 791 seq.) ascribes the work to Balbany; Ricci names Caveirac as the author, with Brotier as collaborator (*Istoria, 182).

⁶ *Sentence du Châtelet; qui condamne deux écrits . . . l'un Appel à la raison, l'autre: Nouvel appel à la raison . . . du 18 Novembre, 1762*, Lyon, 1762. The Parlement of Rennes banned the work

two authors fled to Rome.¹ Probably all such works were surpassed in intrinsic importance by the three-volumed defence of the Order's doctrine written at the Pope's desire² by Grou, assisted by Sauvage.³ The Abbé Caveirac proposed the establishment in Rome of a college of writers devoted to the task of defending the Church and the Jesuits, but the General, much though he favoured the plan, considered it impracticable on account of the numerous opponents of the Society to be found in the heart of the Roman tribunals; with a change in the pontificate the work begun with so much toil might come to a sudden end.⁴

In other ways, too, the French Jesuits were not content to remain silent and allow themselves to be overtaken by events. As De Menoux wrote to Ricci, they wanted to be up and doing and to defend their case at the bar of justice. They intended to employ a barrister to speak for the Institute before the court of the Parlement at Metz,⁵ and a similar request was made to the General by the Provincial of Toulouse in the case of Perpignan. Both applications had to be refused because the Parlements had been declared by both the Pope and the French Bishops to be incompetent to deal with ecclesiastical matters.⁶ To Clement XIII.'s complaint that the Fathers had asked to be defended at Aix and had thus acknowledged the competence of the Parlement, Ricci could only reply that it had happened without his knowledge and that he had already rejected such requests on several previous occasions.⁷

on December 20, 1762 (*Arrêt du Parlement de Bretagne du Décembre 20, 1762*, without place or date).

¹ RICCI, **Istoria*, 155.

² *Ibid.*, 143.

³ *Réponse au livre intitulé: Extrait des assertions dangereuses*, 3 vols., 4^o, Paris, 1763-5, ²1773 (SOMMERVOGEL, III., 1868 *seqq.*). For further works in defence of the Society, see the compendium *ibid.*, X., 1493 *seqq.*

⁴ RICCI, **Istoria*, 156 *seq.*

⁵ *Ibid.*, 80 *seqq.*

⁶ *Ibid.*, 92 *seqq.*

⁷ *Ibid.*, 119.

In any case, the Parlements had decided in advance to condemn the Jesuits, as was shown by the example of Aix, where the defence was only grudgingly heard and was then rejected.¹ It was no better at Toulouse, where the General, yielding to the pressure of well-meaning friends, agreed at last to the engagement of an advocate. The Parlement imposed silence on the Jesuits' representative, evidently having no desire to listen to any arguments.²

Also unjustified was the complaint made in the Society's circles that Papal support was inadequate. Repeated representations made by the Pope to the French Court had hitherto brought no result or had been totally disregarded. An appeal to the other Catholic Powers must have appeared purposeless in view of the political situation and the unfavourable disposition or anti-clerical policy of the most powerful Ministers. The confessors to the Viennese Court wrote to the General that they were entirely without influence.³ Moreover, requests were often made of Ricci which he was unable to reconcile with his conscience.⁴ Thus, the Provincial of the Champagne repeated his request that the General should allow the Institute to be defended by a lawyer before the Parlement of Metz; a necessary condition, however, was that the General should empower his subordinates to subscribe to the Gallican Articles of 1682, to renounce all the privileges of the Order, and to promise to see that their declaration regarding the articles of 1682 was accepted and confirmed, so far as France was concerned, by the next General Congregation. Ricci had no choice but to refuse such requests.⁵

¹ *Ibid.*, 91.

² *Ibid.*, 157. The colleges of Grenoble, Vienne, and Embrun had also applied to the Parlement of the Dauphiné to be heard by the court. The application was rejected by the Parlement, which invited the General of the Society to appear at the bar. PRA, *Les Jésuites à Grenoble*, 364 *seqq.*

³ RICCI, **Istoria*, 80 *seqq.*

⁴ *Ibid.*, 121.

⁵ *Ibid.*, 106.

The strong opposition encountered even in the Parlements by the anti-Jesuits¹ shows that in spite of Lavalette the Order still had a large following in the country and was by no means so "played out" as its enemies would have men believe.² The opinion of the nuncio proved only too true: had the Government displayed a little more energy in its dealings with the Parlements of Paris and Rouen, it was most unlikely that the other Parlements would have proceeded against the Jesuits.³ Instead of taking strong measures, the Government either looked on idly at the work of destruction or gave way after a brief resistance.⁴ It was only natural that contemporaries should suspect that the Government's passivity was due more to the secret designs of the leading Ministers than to the force of circumstances.⁵ Its change of attitude towards the Parlements of Aix and Metz confirmed many in their surmise that along with the official messages, confidential instructions were sent to strengthen the enemy's resistance.⁶ In this way the final surrender, intended all along, could be masked by the obstinacy and violence of the Parlements.⁷

Demonstrations in support of the Jesuits, coming from the most varied quarters, should have shown the Government that the Parlements were far from representative of public opinion in France. The law-court of the county of Foix combined with the magistracy and the Bishop of Pamiers in

¹ In many cases the anti-Jesuit majority was very small: Aix, 24 to 22; Bordeaux, 23 to 18; Perpignan, 5 to 4; Rennes, 32 to 29; Rouen, 20 to 13; Toulouse, 41 to 39. See CRÉTINEAU-JOLY, V³, 222, n. 1.

² BÖHMER, 157; THEINER, *Histoire*, I., 27.

³ *Pamfili to Torrigiani, June 21, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*; *Torrighiani to Pamfili, July 7, 1762, *ibid.*, 453.

⁴ *Torrighiani to Pamfili, June 23, 1762, *ibid.*; *Pamfili to Torrigiani, October 18, 1762, *ibid.*, 517.

⁵ *Torrighiani to Pamfili, July 7, 1762, *ibid.*, 453.

⁶ *Pamfili to Torrigiani, October 4, 1762, *ibid.*

⁷ RICCI, *Istoria*, 61 *seq.*, 86, 102.

petitioning the king for permission to retain the Jesuits.¹ Similar requests were made by the Government of Béarn² and the town of Embrun.³ The Estates of Languedoc and Brittany sent a deputation to Paris to plead for the retention of the Jesuit schools.⁴ Impelled by a false rumour that the Society of Jesus had been restored, pupils and people poured into the Jesuit church at Montpellier to announce the glad news by the pealing of bells.⁵ The Bishop of Grenoble assured the General of the Society that the whole of the country was loud in its regrets that the Jesuits had been deprived of their schools.⁶

The most active support for the Jesuits was provided by the French episcopacy. Convinced that the Jesuit question was one of religion,⁷ it firmly opposed by an overwhelming majority the forcible measures of the Parlements. On May 1st, 1762, an extraordinary meeting of the Bishops had been convened in Paris for the purpose of making a "free-will offering" (*don gratuit*) to the Government. Almost all the preliminary provincial synods evinced a lively interest in the preservation of the Order.⁸ The central assembly approved

¹ *Ibid.*, 140.

² *Ibid.*, 83 ; *De la Croix to Ricci, May 25, 1762.

³ RICCI, **Istoria*, 89.

⁴ *Ibid.*, 120, 129.

⁵ *Ibid.*, 134.

⁶ *Ibid.*, 125.

⁷ *Ibid.*, 86.

⁸ *Ibid.* ; *Pamfilo to Torrigiani, May 3, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.* A resolution passed by the provincial synod of Lyons, not to enter into negotiations about the "*don gratuit*" until the Government had found a favourable solution to the ecclesiastical problems of the day, was quashed by the Government. A second assembly, however, upheld the resolution and empowered the Bishop of Autun to defend it against the Archbishop of Lyons. Again the Court intervened and removed the prelate from his post of almoner to the king, a clear sign that it was interested only in the clerical subsidies and in keeping the peace with the Parlements. The measure was ascribed to the

the gift but could not refrain from making serious remonstrances against the presumptuous behaviour of the Parlements. In a frankly worded message presented to the king on May 23rd, 1762, by the Archbishop of Narbonne at the head of a deputation, the hierarchy commended the Jesuits to the protection of the monarch and implored him not to allow a complete religious body to be abolished in his realm through no fault of its own and in contravention of the laws of justice, of the Church, and of the State.¹ The reply was evasive in its form and negative in effect: the circumstances of the time did not allow the king to take any really effective step on behalf of the Jesuits. At the same times the Bishops were asked to abandon any further steps, so as not to lessen the royal good-will towards the Order, as this might be of use to it at some other time. It was Choiseul who had inspired these words.²

Unfortunately, the demonstration of the French episcopacy was marred by an unpleasant incident connected with a Papal message. Clement XIII., who had hitherto maintained a remarkable restraint regarding the resolutions of the Parlements, which were so many incursions into ecclesiastical rights, now thought that the time had come for him to break his silence, and on June 9th, 1762, he addressed a Brief to the episcopal assembly.³ He began by alluding to the persecution of the Church, whose defenders were not allowed to open their mouths, while its enemies were free to attack the ecclesiastical authority by the written or spoken word without restraint. The latter's servants were persecuted, banished, and thrown into gaol for having followed the Church's instructions in administering the sacraments. The

Archbishop of Lyons, who was more of a Government man than a prince of the Church. *Pamfili to Torrigiani on May 3 and 17, 1762, *ibid.*, 516; *Torrighiani to Pamfili on June 2, 1762, *ibid.*, 453; RICCI, **Istoria*, 72.

¹ CRÉTINEAU-JOLY, V., 216 *seq.*

² *Pamfili to Torrigiani, June 21 and July 5, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*; RICCI, **Istoria*, 98.

³ *Bull. Cont.*, V., 643 *seq.*

Pope then referred to the Society of Jesus, which was being forcibly suppressed and scattered by a certain party, to the detriment of the State and the faithful and to the accompaniment of insults offered to the Holy See and the episcopacy. In spite of its approval by so many Popes and in spite of the protection afforded it by Christian princes, its Constitutions had been branded as a disgrace to the Church of God and had been burned by the common executioner. Laymen were arrogating to themselves the right to pass judgment on matters reserved for the Church alone and were declaring vows to be invalid, to the delight of free-thinkers and unbelievers, who looked on with obvious satisfaction at the quarrel between the political and ecclesiastical authorities, hoping for the complete destruction of Christian morality. The assembled Bishops should look for ways and means of effectively checking these abuses and should boldly lay their grievances at the foot of the throne. This was demanded by their self-respect and by their love of their prince and their country, and it was their duty to the Church.

In another Brief of the same date the Pope besought the protection of the king, not so much for the Society of Jesus, as for religion in general, whose interests were closely linked with those of the Jesuits, seeing that the enemies of the Church regarded their destruction as a necessary preliminary to the gaining of their final ends. It was religion that was threatened when the secular power invaded the sanctuary and set itself up as the arbiter of ecclesiastical doctrine, vows, and the rules of a religious Order. This scandal to Christianity, this insult to the Church, the king was asked to prevent and in collaboration with the Bishops to support with a strong hand the tottering temple of God.¹

Great was the disappointment in Rome when after a few weeks the Brief to the hierarchy was returned. Obeying his instructions,² the nuncio Pamfili had handed the missive to the Archbishop of Narbonne as the president of the assembly.

¹ *Nunziat. d Francia, 453, fo. 234 *seqq.*, Papal Secret Archives.

² *Torrighiani to Pamfili, June 9, 1762, Cifre, *ibid.*

The Archbishop had accepted it but had observed that he could not publish it without the permission of the Court. Instead of leaving it to the Archbishop to obtain this permission, the nuncio had taken the task on himself.¹ Praslin, a relative of the First Minister, pretended to be indignant at the Pope's appealing to the episcopal assembly without the previous agreement of the Court; he would do better to refrain from such inflammatory Briefs, which could only cause unrest. Without a word, Pamfili put the document back in his pocket and returned it to Rome with the observation that he had had to put up with violent reproaches from Choiseul, who had told him quite bluntly that in France all Briefs to the Bishops had to pass through the hands of the king. Moreover, the Brief had come too late, for the prelates' representations to the monarch had already been made.²

¹ *Torrighiani to Pamfili, July 14, 1762, *ibid.*

² *Pamfili to Torrighiani, June 28 and July 5, 1762, *ibid.*, 516; *Pamfili to Torrighiani, August 2, 1762, *ibid.*, 517; *Torrighiani to Pamfili, July 14, 1762, *ibid.*, 453; Ricci, **Istoria*, 96, 99. It may be of interest to read what Ricci wrote of Pamfili's character on this occasion, although it must be borne in mind that his judgment may have been coloured by the latter's ill-success. He writes: " Monsignore Panfili [strictly ' Colonna ' ; he held a prelature of ' Pamphili '] era rispettabile per la famiglia e per la sua pietà, era ancora savio, ma non aveva uno spirito niente superiore al comune, era giovane di età ; la sua prima uscita era stata alla Nunziatura di Francia in tempi scabrosissimi, era di naturale timido, la timidità accresciuta dal poco conto che si faceva di lui in quella corte, e non aveva Auditore nè alcuna persona savia che lo assistesse. Il Generale dovette con dolore offrire a Dio il suo abbandono " (p. 96). " Il Nunzio di Francia pochissimo informava Roma delle cose correnti, perchè pochissimo era egli stesso informato, 'o perchè non avesse attività nè ministri, o perchè fosse negletto dal Ministro di Francia, come significò chiaramente il Papa al Generale " (p. 87). " Da Parigi riseppe persona bene informata che il Re parlando con l'arcivescovo di Narbona si lodò molto della prudenza del Nunzio nell' affare de' Gesuiti (il Nunzio aveva ricevuto ed accolto M. Gallifet), e perciò diede per ora al sig. abbate Finatteri, segretario di monsignore,

Clement XIII. let the nuncio know of his disapproval of his over-careful procedure. It was not the nuncio's duty to obtain the agreement of the Court. With the publication of the Brief the Holy See had intended to proclaim its attitude to the whole world and to warn it against following the example set by France.¹ The Pope could not make his correspondence with Bishops dependent on the approval of the rulers of the country; the right to confirm his brethren was an essential duty of the successor of St. Peter, for the fulfilment of which he could not be dependent on any earthly power. And the Pope had never renounced this right by agreeing to conduct certain affairs by mutual agreement.² Pamfili was to tell the Minister quite openly that the Holy See would never agree to the oppressive servility which its enemies were now intending to impose upon it. The Brief to the Bishops had contained no more than that to the king, which had been accepted. Neither now nor at any time in the past had the Popes intended to stir up trouble in the States.³ The ruin of the Society of Jesus was due, not to Rome, but to the Court, whose inactivity was ascribed by many not so much to the hard necessity of the times as to a secret understanding with the Parlements. The Holy See had never been able to agree to the appointment of one or several Vicars General, for this would bring about the downfall, not only of the Jesuits, but also of all the other Orders, which would disintegrate into as many brotherhoods as there were countries. He would rather see the Society completely destroyed than separated from its head and

1500 Lire di pensione. La prudenza era stata di operare con freddezza in cosa che senza paragone più riguardava l'autorità della Sede romana che l'interesse de' Gesuiti, come è palese ad evidenza. L'abbate Finatteri si spacciava per amico de' Gesuiti: Ognun vede che voglia dire, che il segretario di un Ministro del Papa in Francia sia pensionario del re di Francia stesso" (p. 152).

¹ *Torrighiani to Pamfili, July 14 and 25, 1762, Cifre, Nunziat. di Francia, 453, *loc. cit.*; Ricci, *Istoria, 87.

² *Torrighiani to Pamfili, July 21, 1762, Cifre, Nunziat. di Francia, 453, *loc. cit.*

³ *Torrighiani to Pamfili, July 28, 1762, *ibid.*

shattered in its essential constitutional principles. It was not the Pope who had refused any kind of support to the French Jesuits but the Court, which, to say the least, had played the part of an idle spectator of their ruin.¹

In the face of this forceful language Choiseul retreated to some extent by stating that the Government had no intention in principle of imposing restrictions on the Pope's intercourse with the Bishops, but in cases like the present he considered the previous agreement of the Court necessary for the better fulfilment of the wishes of the supreme head of the Church.² No reply was ever sent to the Pope's letter to the king, in spite of repeated requests made by the nuncio.³

Clement XIII. now bethought himself of another way to attain his object of condemning the unjustifiable procedure of the secular power.⁴ He summoned a consistory for September 3rd, 1762,⁵ and in his allocution he pronounced all the resolutions of the Parlements against the Society of Jesus to be null and void, the judgment of ecclesiastical institutes being the inalienable right of the Holy See. He also expressed his displeasure that a general demand was being made for the recognition of the four Gallican articles.⁶ Choiseul then let

¹ *Torrighiani to Pamfili, August 11, 1762, *ibid.*

² *Pamfili to Torrighiani, August 23, 1762, *ibid.*, 517; *Torrighiani to Pamfili, September 8, 1762, *ibid.*, 453.

³ *Torrighiani to Pamfili, August 4 and 18, 1762, *ibid.* The Minister explained that the king was in a quandary as to what answer he should make; he accordingly thought it better to do nothing in the matter than to give an answer that meant nothing. But if the Pope insisted on it, an answer would be sent (*Pamfili to Torrighiani, August 13, 1762, *ibid.*, 517). On this admission of weakness the nuncio was instructed not to press the matter (*Torrighiani to Pamfili, September 15, 1762, *ibid.*, 453).

⁴ *Torrighiani to Pamfili, May 26, 1762, *ibid.*

⁵ Cardinal Prospero Sciarra Colonna, Protector of France, ostentatiously kept away from the Consistory (Ricci, *Istoria, III).

⁶ In view of the difficult situation in which the French Government was situated and the king's secret resentment against the Jesuits, the Pope refrained from making a pronouncement

it be known through Cardinal Colonna that the publication of the allocution was undesirable ; it might lead to its condemnation to burning by the Parlement, which in the difficult political situation would greatly embarrass the Government.¹ Publication was consequently withheld,² and the effect of the allocution was thereby seriously impaired.³ Torrigiani took care to point out that the Pope did not regret the step he had taken, come what might, for no consequence could be so bad as the silence of the Holy See when such grievous outrages were being perpetrated against religion and the Church.⁴ But the painful impression created by this withdrawal of the Holy See's still persisted. In order to effect to some extent the object of his proclamation, Clement sent to each of the French Cardinals a letter apprising them of the gist of his allocution.⁵

Despite all the representations of the Pope and the Bishops, the Parlements proceeded with their measures against the Jesuits.⁶ On Thursday, August 19th, 1762, their houses and churches situated in the jurisdictional area of the Paris Parlement were closed.⁷ A resolution of September 7th

against the monarch (*RICCI, *loc. cit.* ; *Torrighiani to Pamfili, September 8 and October 27, 1762, Cifre, Nunziat. di Francia, 453, *loc. cit.*). Text of the allocution in RAVIGNAN, I., 520 *seqq.*

¹ *Pamfili to Torrigiani, October 4, 1762, Cifre, Nunziat. di Francia, 517, *loc. cit.* ; *Torrighiani to Pamfili, October 6, 1762, *ibid.*, 453.

² *Torrighiani to Pallavicini, October 14 and 21, 1762, Nunziat. di Spagna, 431, Papal Secret Archives ; *Torrighiani to Pamfili, October 27, 1762, Cifre, Nunziat. di Francia, 453, *ibid.*

³ RICCI, **Istoria*, 114, 117.

⁴ *Torrighiani to Pamfili, September 22, 1762, Cifre, Nunziat. di Francia, 517, *loc. cit.*

⁵ Dated September 8, 1762 ; text of the letters in the *Bull. Cont.*, III., 697 *seqq.* ; RICCI, **Istoria*, 111.

⁶ *Torrighiani to Pamfili, October 27, 1762, Cifre, Nunziat. di Francia, 453, *loc. cit.*

⁷ *Pamfili to Torrigiani, August 23, 1762, *ibid.*, 517.

forbade the Bishops to employ Jesuits as auxiliaries.¹ A number of other Parlements which had hitherto held back in hesitation now joined the prevailing movement. A gleam of hope which seemed to appear in October, 1762, was only too soon obscured.² Changes in the ministry brought no improvement in the situation, for the Ministers succeeded each other too rapidly and with their politico-ecclesiastical leanings had neither the authority nor the inclination to oppose the onslaughts of the Parlements.³

In view of the faint-heartedness of the impecunious Court and the peculiar attitude of several Bishops and Cardinals who, in their desire to defend the Gallican liberties and in their misdirected corporative spirit, disapproved of Rome's action,⁴ it is not difficult to appreciate how the political and ecclesiastical situation became more and more confused, to the great grief of the Pope.⁵ The Parlements found themselves in open rebellion against the Government and the Church.⁶ The

¹ *Pamfli to Torrigiani, September 14, 1762, *ibid.*; *Torrighiani to Pamfli, September 29, 1762, *ibid.*, 453.

² *Torrighiani to Pamfli, October 20, 1762, *ibid.*

³ *Torrighiani to Pamfli, November 2, 1762, and December 1, 1763, *ibid.* From time to time the Court threw aside its lethargy, as, for example, when it suspended the resolution of the Parlement of Rouen (March 3, 1763), which left the Jesuits with only the choice of forswearing their Society or of suffering banishment, and in spite of the Parlement's objection it forced it to register the edict (*Pamfli to Torrigiani, March 14 and April 4 and 18, 1763, Cifre, Nunziat. di Francia, 515, *ibid.*; *Torrighiani to Pamfli, March 30, 1763, *ibid.*, 453):

⁴ See below, p. 475 *seqq.*; *Torrighiani to Pamfli, July 20, 1763, *ibid.*

⁵ Cf. the description of the situation in Pamfli's *letter to Torrigiani, of April 29, 1763 (*ibid.*, 518), which made such an impression on the Pope that he wept unceasingly and was quite inconsolable (*Torrighiani to Pamfli, September 14, 1763, *ibid.*, 453).

⁶ By a resolution passed on March 8, 1763, the Parlement of Navarre suppressed three "alleged" Papal Briefs to the king,

Parlement of Rouen not only forbade under pain of death the execution of a number of royal edicts,¹ in spite of their having been registered by a *lit de justice*, but also condemned a decree of the Inquisition,² following the example set by the Parlements of Paris,³ Toulouse,⁴ and Rennes.⁵ Similar steps were taken against the pastoral letters of the Bishops of Pons, Lavaur, and Langres, which dealt with the *Extracts from the dangerous assertions*.⁶ The language used by the Parlements against the Pope and the Curia was such as they would not have used against any other prince.⁷ On the plea that the Papal frigate anchored in the harbour of Marseilles was about to carry off Jesuit valuables to Italy, the Parlement of Aix, at the request of the creditors of the firm of Lioncy, instructed an official to search the vessels in the harbour. After a few days, instead of frankly admitting that the search had been in vain, the Parlement had the harbour opened to traffic again on the ground that a continuation of the stoppage would injure trade. No satisfaction was ever obtained by the

the episcopal assembly (of July 9, 1762), and the French Cardinals (of September 8, 1762). The Parlement of Toulouse had anticipated it in this respect on February 2, 1763 (RICCI, **Istoria*, 160).

¹ *Pamfili to Torrigiani, August 18 and 29, 1763, Cifre, Nunziat. di Francia, 518.

² *Pamfili to Torrigiani, September 5, 1763, *ibid.*

³ *Pamfili to Torrigiani, May 23, 1763, *ibid.*

⁴ *Arrest de la Cour de Parlement du 3 Juin 1763, qui supprime un Décret de l'Inquisition de Rome du 13 Avril 1763.*

⁵ *Pamfili to Torrigiani, September 12, 1763, Cifre, Nunziat. di Francia, 518, *loc. cit.*

⁶ *Pamfili to Torrigiani, May 23, July 4, and September 6, 1763, *ibid.* Under the pretext of protecting the Bishop of Pons from the forcible measures of the Parlement of Toulouse, the king condemned the prelate to banishment in his own diocese and forbade him to leave it (*Torrighiani to Pamfili, September 28, 1763, *ibid.*, 453; *Pamfili to Torrigiani, December 26, 1763, *ibid.*, 518).

⁷ *Pamfili to Torrigiani, March 21, 1763, *ibid.*; *Torrighiani to Pamfili, April 6, 1763, *ibid.*, 453.

Roman Court. Praslin declared that there was no legal basis for an action against the Parlement, since there was no mention in its resolution of a Papal frigate but of an Italian one.¹ A similarly illegal assault was made by the Parlement of Rouen. It confiscated a consignment of wool belonging to the Jesuits of Castile with which to satisfy Lavalette's creditors, the whole Order being held responsible for his debts. After lengthy diplomatic negotiations Choiseul informed the Spanish envoy Grimaldi on December 22nd, 1764, that the Government had revoked the confiscation.²

Far more disturbing was the condemnation by Bishop Fitz-James of Soissons in a special instruction of December 27th, 1762, of the tenets collected in the *Extracts* which were supposed to be found in various Jesuit works. The condemnation was accompanied by insulting remarks about the Order and it aroused keen resentment among the laity as well as the clergy.³ At the end of his epistle the Bishop had informed his clergy that the four Gallican articles were sacred truths which every Christian ought to know. They formed part of the revelation imparted by Christ to His Apostles and had been handed down through the centuries from generation to generation.⁴

¹ *Torrighiani to Pamfili, February 2, 16, and 23 and April 13, 1763, *ibid.*

² The diplomatic *correspondence on this affair between Grimaldi, Fuentes, Choiseul, and others, of August 20, 1764, to January 14, 1765, in the Archives of Simancas, Estado 4700.

³ *Pamfili to Torrighiani, January 10 and February 14, 1763, Cifre, Nunziat. di Francia, 517, *loc. cit.*; *Torrighiani to Pamfili, January 26, 1763, *ibid.*, 453. The step was all the more remarkable in that it brought the rift in the French episcopacy before the public. The *Extraits des assertions* had been condemned and banned by the Bishop of Lavaur on November 1, 1762 (*Torrighiani to Pamfili, February 2, 1763, *ibid.*).

⁴ " Nous ne doutons pas de votre religieux attachement à la doctrine du clergé de France et en particulier aux IV célèbres articles renouvelés solennellement par l'Assemblée de 1682. Vous avez que ce ne sont pas simplement des loix de l'État et du

Under date April 13th, 1763, Clement XIII. addressed to Louis XV. and the French Cardinals a message in which he complained bitterly of the Bishop's behaviour. He was continually disturbing the unity of the French episcopacy and had written to Benedict XIV. about the Bull *Unigenitus* in such a way that his letter had been deemed unworthy of a reply. His temerity had now reached such a pitch that he not only sent the Pope his offensive pastoral letter but attached to it a highly improper message which did serious injury to the reputation and dignity of the Apostolic See. In consequence the Pope was no longer able to overlook the insult and had been forced, to his bitter grief, to submit the pastoral letter for examination to the Congregation of the Holy Office, which had condemned and banned it on April 13th.¹ In the accompanying instruction for the nuncio the Cardinal Secretary of State pointed out that the Decree of the Congregation did not contain any censure of the four Articles themselves but merely rejected the statement that they were articles of faith, to be known by every Christian. The nuncio was to demand satisfaction on these terms, and if it were not to be obtained—which was only too likely, in view of the Bishop's well-known way of thinking—he was to insist most emphatically that the king, the Ministers, and the Cardinals restrain the culprit, lest such innovations should lead finally to a schism.²

The public condemnation of the Jansenist-minded Bishop came at an extremely awkward time for the French Court,

gouvernement politique, mais des vérités saintes qui appartiennent à la révélation, qui font partie du dépôt sacré que Jésus-Christ a confié à ses apôtres, qui nous ont été transmises par la tradition de tous les siècles, et que pour cette raison vous ne devez pas laisser ignorer au fidèles" (*Ordonnance et instruction pastorale de Msgr. l'évêque de Soissons au sujet des Assertions extraites . . .*, Soissons, 1763, 38).

¹ The *text of the decree of the Inquisition and the Pope's *letters to the king and the Cardinals in Nunziat. di Francia, 453, *loc. cit.*

² **Istruzione secreta per Msgr. Pamphili* of April 13, 1763, *ibid.* Cf. also *Torrighiani to Pamphili, May 18, 1763, *ibid.*

which urgently needed the Parlement's registration of various fiscal edicts.¹ The king replied on June 6th, 1763, in a polite letter, couched in general terms, in which, after the customary assurances of respect and obedience, he made complaints about the way in which action had been taken against Bishop Fitz-James. A previous agreement, he protested, should have been made with the Court and the Ministers.² To this unsatisfactory reply, which was more of a reproach than an apology, the Pope retorted that he was not disposed to subject his intercourse with the Bishops to the control of the Court.³ Meanwhile, the four prelates whom Louis XV. had entrusted with the examination of the decree of the Inquisition had completed their task. Rome had tried by counter-representations to influence the wording of the second letter,⁴ but the instruction came too late and the nuncio was purposely kept away from the king.⁵ The second answer⁶ gave even less satisfaction in Rome than the first. Instead of apologizing to the Pope, the ill-advised monarch undertook the defence of the Bishop, declaring that from the information to hand he could find nothing blameworthy in the way in which the Bishop of Soissons had expounded the doctrine of the French clergy.⁷

¹ *Pamfili to Torrigiani, May 9 and 16, 1763, *ibid.*, 518; *Torrighiani to Pamfili, June 1, 1763, *ibid.*, 453. De Luynes was the only Cardinal to inform the king of his approval of the condemnation of Fitz-James (*Luynes to Clement XIII., June 12, 1763, *ibid.*). De Gesvres, Choiseul, and Rochechouart, on the other hand, protested vigorously against Fitz-James's case being handed over to a tribunal which had never been recognized in France (*ibid.*). Cardinal Rohan appears to have made no answer at all (*Torrighiani to Pamfili, August 31, 1763, *ibid.*, 518).

² *Ibid.*, 453 and 518.

³ *Torrighiani to Pamfili, June 22 and 29, 1763, *ibid.*, 453.

⁴ *Torrighiani to Pamfili, July 20 and 27, 1763, *ibid.*; **Istruzione per Msgr. arcivescovo di Colosso, Nunzio pontificio in Francia*, of July 20, 1763, *ibid.*

⁵ *Finatteri to Torrigiani, July 30, 1763, *ibid.*, 510.

⁶ *Dated Compiègne, July 25, 1763, *ibid.*, 518.

⁷ *Torrighiani to Pamfili, August 10, 1763, *ibid.*, 453.

Fitz-James found a supporter in Bishop De Grasse of Angers, who in his pastoral instruction of April 19th, 1763,¹ also condemned the supposed Jesuit doctrines as contained in the *Extracts*. Though not going so far as to present the four Gallican Articles as of revealed faith, he outdid his colleague in demanding their unequivocal recognition as an indispensable condition of obtaining Holy Orders and jurisdictional faculties.² Furthermore, his instruction contained unworthy expressions of animosity against the Apostolic See.³ Another confederate for the Bishop of Soissons appeared in the person of the Bishop of Alais, who, in spite of Fitz-James's condemnation, issued a similar pastoral letter on April 16th, 1764,⁴ to the scandal of all good Catholics. Lest the Government might interfere again, the Pope confined his expression of displeasure to the sending of a Brief to each prelate.⁵ The Government immediately lodged a complaint through its envoy Aubeterre⁶ and even had the audacity to accuse the Pope of wanting to provoke another war of religion in France. The Cardinal Secretary of State replied that the Papal letter had not been made public on the instructions of the Holy See nor with its previous knowledge, whereas the pastoral letter to which objection had been taken had been circulated

¹ *Ordonnance et instruction pastorale de Msgr. l'évêque d'Angers portant condamnation de la doctrine contenue dans les Extraits des assertions*, Angers, 1763.

² Pp. 23 seq.

³ " Cette déclaration du clergé qui assure au Pape ses droits légitimes, en détruisant les prétensions abusives que la flatterie prodigue à sa dignité, est le soutien de nos maximes et des libertés de l'église gallicane " (p. 16).

⁴ *Ordonnance et instruction pastorale de Msgr. l'évêque d'Alais au sujet des Assertions extraites des livres, thèses, cahiers des soi-disant Jésuites et dénoncées aux évêques par le Parlement*, Aix, 1764; *Torrighiani to Pamfili, June 6, 1764. Cifre, Nunziat. di Francia, 453, *loc. cit.*

⁵ *Torrighiani to Pamfili, September 19 and October 31, 1764, Nunziat. di Francia, 453, *loc. cit.*

⁶ *Torrighiani to Pamfili, November 21, 1764, *ibid.*

throughout France with the permission of the State authorities.¹ The Parlements did not omit to ban the Pope's Briefs to the two Bishops,² and Bishop Fitz-James on his death-bed published in a printed declaration his agreement with the manifesto of the Bishop of Alais.³

The Jesuits in their turn found a chivalrous defender in the Archbishop of Paris, Christophe de Beaumont,⁴ who had already come forward to oppose the attacks of the Parlement. After much hesitation,⁵ he published on October 28th, 1763, his famous pastoral instruction⁶ justifying in a masterly fashion the Society of Jesus, its vows, doctrines, and activity,

¹ *Torrighiani to Pamfili, January 2, 1765, *ibid.*

² *Torrighiani to Pamfili, March 6, 1765, *ibid.*

³ *Acte d'adhésion de Msgr. l'évêque de Soissons à l'instruction pastorale de Msgr. l'évêque d'Alais, du 16 Avril 1764, Paris, 11 Juin 1764.* A few weeks later, on July 19, 1764, Bishop Fitz-James died.

⁴ RÉGNAULT, *Christophe de Beaumont, archevêque de Paris*, 2 vols., Paris, 1882.

⁵ In the winter of 1762 he had been thinking of openly declaring his attitude towards this burning question in a pastoral letter but had refrained from doing so on account of the episcopal conference which was then in session (*Pamfili to Torrighiani, December 20, 1762, Cifre, Nunziat. di Francia, 517, *loc. cit.*). In the spring of 1763 the publication seemed to be imminent (*Torrighiani to Pamfili, April 20, 1763, *ibid.*, 453). On July 4, 1763, the nuncio *reported that Beaumont had his pastoral letter ready (*ibid.*, 518).

⁶ *Instruction pastorale de Msgr. l'archevêque de Paris sur les atteintes données à l'autorité de l'Église par les jugemens des tribunaux séculiers dans l'affaire des Jésuites*, Paris, 1763. The composition was printed secretly, the Court having advised against its publication through intermediaries (*Pamfili to Torrighiani, December 19, 1763, Cifre, Nunziat. di Francia, 518, *loc. cit.*), and it appeared also in a German translation: *Beaumont, Die Kirche . . . und der Jesuitenorden*, German text by Castioli, Schaffhausen, 1844; extract in RÉGNAULT, II., 71-80, 442-510.

and exposing the disastrous effects on the Church and State which must ensue from the attacks made upon it. As was expected, the document created a great sensation. It was denounced at a session of the *Chambre des Pairs* on January 16th, 1764, when Beaumont openly acknowledged himself to be its author and defended his action in a lengthy speech.¹ The courageous champion of ecclesiastical rights and liberties had to pay for his outspokenness by banishment to La Trappe.² Two Jesuits who had distributed the pastoral letter were imprisoned.³ The Jesuit Perrin, who had helped to compose the document, was placed in the Bastille on the king's orders to protect him from the wrath of the Parlements.⁴ On January 21st, 1764, the Paris Parlement pronounced the instruction to be subversive and hostile to the authority of the State and condemned it to be burned by the executioner. At the same time it turned against the king for having used his absolute power to withdraw the person of the Archbishop from the jurisdiction of the customary judges.⁵ The Bishops, who by a coincidence were met together in Paris, intended to assemble on January 31st in the palace of Cardinal Luynes with a view to making a joint proclamation of their agreement with the pastoral instruction, but on the previous day they received a notice from the Court forbidding them to meet. And this although the king had already given his permission for the meeting, on condition that his letter was not published.⁶ The duty of the Bishops to reside in their dioceses had to be used

¹ *Pamfili to Torrigiani, January 16, 1764, Cifre, Nunziat. di Francia, 519, *loc. cit.*

² *Pamfili to Torrigiani, January 23, 1764, *ibid.* The Archbishop's friends welcomed this solution.

³ *Pamfili to Torrigiani, March 5, 1764, *ibid.*

⁴ Ricci, *Istoria, 177.

⁵ *Pamfili to Torrigiani, January 23, 1764, Cifre, Nunziat. di Francia, 519, *loc. cit.*

⁶ *Pamfili to Torrigiani, January 30 and February 13, 1764, *ibid.*; Brief to Cardinal de Luynes of February 8, 1764, RÉGNAULT, II., 510 *seqq.*

as a pretext by the Parlement in enforcing their departure from Paris.¹

Although this action of the Government had not been entirely unexpected by Rome,² the Pope felt it all the more keenly through his being prevented by Louis XV.'s weakness and the adversaries' malice from rendering any effective assistance to the persecuted Archbishop. He derived a little consolation, however, from hearing that both the people and the aristocracy had shown the Archbishop their sympathy in an affecting manner³ and that several prelates, including the saintly Bishop of Amiens, now eighty-one years old, had openly proclaimed their agreement with him.⁴ To offer the insulted prince of the Church a little consolation, Clement XIII. sent him a sympathetic letter and instructed the nuncio to pay him a visit.⁵ When the Minister complained about this, the Pope's answer was that he was not subject to any rules of

¹ *Pamfili to Torrigiani, March 5, 1764, *ibid.* The Parlement had houses searched for the pastoral letter, and the tutor of the Dauphin's sons had to retire from the Court in consequence of the persecutions, he having distributed some copies of the letter (Ricci, *Istoria, 177).

² *Torrighiani to Pamfili, January 18 and 25, 1764, Cifre, Nunziat. di Francia, 453, *loc. cit.*

³ *Torrighiani to Pamfili, February 8, 1764, *ibid.* Beaumont's carriage was surrounded by dense throngs, and on his way through Versailles he was asked for his blessing by the queen and her daughters (Ricci, *Istoria, 177).

⁴ The printed text of February 1, 1764, was condemned to be burnt by an *Arrêt* of February 22, 1764 (*Pamfili to Torrigiani, March 5 and 12, 1764, Cifre, Nunziat. di Francia, 519, *loc. cit.*). Other Bishops were prevented by fear from following Beaumont's example (*Pamfili to Torrigiani, April 9, 1764, *ibid.*). In the following year the Bishops of the ecclesiastical province of Tours signified their approval in their *Instruction pastorale de Nosseigneurs les archevêques et évêques de la province ecclésiastique de Tours sur les atteintes données à la puissance spirituelle* (no date or place of publication).

⁵ *Torrighiani to Pamfili, October 24, 1764, Cifre, Nunziat. di Francia, 453, *loc. cit.*

the French Court and that the supreme head must be free to communicate with members of the Church. The Pope had not commended what the king had censured ; it was the king who had censured what the Pope had approved.¹ A resolution of June 1st, 1764, banned Clement XIII.'s Brief to Archbishop Beaumont and his Brief to King Stanislaus of Lorraine-Bar. There was also a general ban on the publication of Papal Bulls and Briefs without the previous assent of the king and their registration by the Parlement.²

With the gradual dissolution of the Jesuit establishments in France the Superiors were faced with a difficult problem. Where and how were so many religious to be accommodated ? At the end of the year 1761 there were 3,049 members of the Society in the five provinces of the French Assistancy.³ When from this number were deducted the 142 Fathers who were in the foreign missions,⁴ there were still a round 2,900 Jesuits to be cared for. The most obvious solution was to find a refuge outside France. Ricci had taken several steps in this direction⁵ but they were brought to nought, partly by financial difficulties,⁶ principally by the opposition of ill-disposed Ministers or of princes who were anxious to avoid complications with France.⁷ Thus the King of Sardinia let it be known

¹ *Torrighiani to Painfilì, May 2, 1764, *ibid.*

² *Arrêt de la Cour de Parlement qui supprime . . . du premier Juin 1764*, Lyon, 1764 ; *Torrighiani to Pamfilì, June 13 and 27, 1764, Cifre, *Nunziat. di Francia*, 453, *loc. cit.*

³ 1,585 priests, 826 scholastics, and 638 lay-brothers (VIVIER, *Status Assistentiae Galliae Soc. Jesu. 1762-68*, Paris, 1899, XIII.).

⁴ *Ibid.*, 143.

⁵ " Quod attinet ad iuvenes quosdam alio transmittendos, id et ego cogitavi et providi, quantum potui datis ad Provinciales tum Galliae tum aliarum Assistentiarum litteris, sed quae se obiciant gravissima impedimenta partim a vobis ignorari non miror, partim non videri vehementer miror " (*Ricci to Salvat, July 7, 1762, *Epist. Gen. secretae*).

⁶ See above, p. 400 *seq.*

⁷ " Per altro sa V.R. per esperienza nella sua provincia medesima che con la dispensa [to accept Mass stipends and alms

to the General that he would not receive any French Jesuits in his States.¹ In the neighbouring Belgium, which had entered into De la Croix's calculations, the Brussels Government forbade the Superiors of the Flandro-Belgic province to accommodate their brethren from France.² Any question of accommodation in the kingdom of Naples was ruled out by Tanucci's hostility.³ Though the Minister dared not issue a direct prohibition in view of the prevailing attitude of the Spanish Court, he made reception practically impossible by insisting on each Jesuit obtaining a pass from the French Minister.⁴ Some of the Catholic Princes of Germany, who were in many ways dependent on France, had issued vetoes against the reception of Jesuits.⁵ The search for a refuge of any size in the Papal territory of Avignon was prevented by consideration for the Holy See, whose relations with France were already too difficult to be further endangered.⁶ The proposal to

for the cure of souls] non si provvederebbe che le altre provincie potessero ricevere i nuovi ospiti in qualche numero, trovandosi difficoltà universalmente per parte dei principi" (*Ricci to Garnier, Provincial of Lyons, April 9, 1763, *Epist. Gen. secretae*).

¹ Ricci, **Istoria*, 78.

² *Ibid.*, 89.

³ "Non intendo l'asilo, che li nemici e le pesti dello stato, quali sono li Gesuiti, trovano in Lorena, o nello Stanislao, tanto creatura dei Re di Francia. Bisogna dire error d'intelletto, che è peggiore di quello di volontà. Comanda più alla volontà l'intelletto, che quella a questo. Un asino è sempre asino." (*Tanucci to Galiani, [January] 22, 1763, Archives of Simancas, Estado 5983). "Son poi [gl'Inglesi] come li Gesuiti, dei quali si dice, che ogni privato è buono, è scleratissima la Compagnia per le massime atroci contrarie alla religione, alla morale, alli stati, ai sovrani" (*Tanucci to Squillace, [January] 1, 1765, *ibid.*, 5991).

⁴ *Tanucci to Galiani, February 23, 1765, *ibid.*, 5992.

⁵ Ricci, **Istoria*, 88, 152.

⁶ A large number of Jesuits probably lived for a time in Avignon and the Venaissin (CHOSSAT, *Les Jésuites à Avignon*, 482 *seqq.*), but the list for 1768 shows only ninety-two members as resident there (VIVIER, *Status Assistentiae Galliae*, 199).

concentrate the surplus Jesuits in a few houses in Italy or the Papal States was fraught with more than one misgiving.¹ Apart from the superfluity of clerics, to leave hundreds of religious for years on end without any regular occupation was not entirely without danger for religious discipline. But apart from all these considerations the plan would have broken down on financial grounds alone, for it was only with the greatest difficulty that the General could support the thousand Jesuits expelled from Portugal.² Another solution, to send as many Jesuits as possible to the foreign missions, was impossible on a large scale owing to the war and the confiscation of the mission funds.³

Ricci was also seriously embarrassed by the various proposals of a fantastic nature which were made to him at this time. Though apparently attractive, they would have effected nothing but confusion.⁴ Thus the over-ardent De Menoux proposed that some of the prominent Jesuits should be promoted Bishops *in partibus* by the Pope, forgetting that

¹ *Desmaretz to Ricci, March 3, 1763; *Forest to Ricci, March 18, 1763; Ricci, **Istoria*, 158.

² Ricci, **Istoria*, 25, 158.

³ *Ricci to Nectoux, June 9, 1762, Archives of Simancas, Gracia y Justicia, 666. Large sums of money belonging to the missions were lost through the strange behaviour of the Paris procurators of the missions who, in spite of being warned, failed to deposit the money in a place of safety but calmly allowed it to be sequestered by the Parlement (Ricci, **Istoria*, 132; cf. *ibid.*, 79 seq.). Individual Jesuits were sent to the missions by the General from time to time (*Ricci to Nectoux, June 23 and October 13, 1762, Archives of Simancas, Gracia y Justicia, 666; *Nectoux to Ricci, February 7, April 21, and July 7, 1766, *ibid.*, 690). As late as 1766 the General was asking the Provincial of Aquitaine to foster the missionary vocation among his subordinates (*Ricci to Nectoux, December 18, 1766, *ibid.*, 666) and was giving leave for Fathers to be sent to the missions administered by the French and Portuguese Jesuits, e.g. China and Malabar (*Ricci to Brassaud, February 28, 1770, *Epist. Gen. secretae*).

⁴ Ricci, **Istoria*, 96.

a special vow had been taken against this.¹ Among the curious phenomena brought about by the upheaval may be mentioned the recommendation to the General by numerous persons of special prayers for delivery from great persecutions. In each case it had been revealed that the divine assistance was infallibly attached to the prayer recommended. To proposals of this kind Ricci paid but little attention, confining himself to the recommendation of prayer in general.²

In anticipation of the imminent dissolution of the Society in France, the General had imparted certain powers to the French Provincials on March 31st, 1762,³ and he extended them on May 19th. Every member of the Order was allowed, among other things, to live in private houses in secular clerical dress, and to accept stipends, benefices, and pastoral duties. The Provincials could, on request, grant release to all scholastics and lay-brothers. A transfer to a non-French Province was allowed if the two Provincials concerned assented and there was no State prohibition against it. Permission for professed priests to transfer to another Order the General reserved to himself.⁴

The most sorely stricken Jesuits were the lay-brothers and the young scholastics. With the confiscation of the Society's property and the closing of the schools it became impossible to continue the education of the younger members. In Paris the novices had to be sent back to their relatives on April 1st, 1762.⁵ On July 7th, 1762, Pamfili reported that in Paris three-quarters of the non-professed had left the Society.⁶ The fear of being forced to forswear the Institute or of being excluded from ecclesiastical benefices if they delayed their

¹ *Ibid.*, 95.

² *Ibid.*, 82.

³ *Ibid.*, 62 *seq.*; *Ricci to Nectoux, March 31, 1762, Archives of Simancas, Gracia y Justicia, 666.

⁴ *Ricci to Nectoux, May 19, 1762, *ibid.*

⁵ *Fierard to Ricci, April 5, 1762.

⁶ *Pamfili to Torrigiani, July 7, 1762, Cifre, Nunziat. di Francia, 516, *loc. cit.*

decision, drove many to act precipitately. In some places so great was the haste that releases were granted without the prescribed legal formalities being observed.¹ The priests fared somewhat better. It did not need the recommendation of the Pope² to secure their hospitable reception by other Orders or by noble families.³ Conturier, the Superior of the Sulpicians, offered to provide bed and board for fifteen Jesuits, the Benedictine Abbot of Poitiers asked for four of the Fathers, and the Carthusians accepted an equal number.⁴ King Stanislaus provided a refuge for twenty Jesuits in his duchy of Lorraine.⁵ Fifteen Fathers now resided at the Court of Versailles where formerly there had been only five.⁶ The French Bishops proved most co-operative in providing as many as possible with occupation and sustenance as auxiliaries to parish priests.⁷ Their good intentions, however, were thwarted by several of the Parlements, which made the presentation of benefices and finally every kind of work connected with the cure of souls dependent on the taking of the prescribed oath.⁸ The Bishop of Soissons and the chapter of Rheims deprived the Jesuits of all pastoral faculties.⁹ The situation grew more desperate every day. The Parlement of Rouen, which had already on July 20th, 1762, attached the penalty of

¹ RICCI, **Istoria*, 72, 100; *cf. ibid.*, 76.

² *Torrighiani to Pamfili, August 4 and September 8, 1762, *Nunziat. di Francia*, 452, *loc. cit.*

³ *Pamfili to Torrighiani, August 23, 1762, *ibid.*, 517; *Torrighiani to Pamfili, September 8, 1762, *ibid.*, 452.

⁴ RICCI, **Istoria*, 80.

⁵ *Ibid.*, 127.

⁶ *Pamfili to Torrighiani, August 30 and September 20, 1762, *Nunziat. di Francia*, 517, *loc. cit.*

⁷ *Pamfili to Torrighiani, August 30, 1762, *ibid.*, 517; *Torrighiani to Pamfili, September 8, 15, and 29, 1762, *ibid.*, 453.

⁸ *Extrait des registres du Parlement du 7 Septembre 1762* (printed); *Pamfili to Torrighiani, September 14, 1762, *Nunziat. di Francia*, 517, *loc. cit.*

⁹ *Pamfili to Torrighiani, October 18 and November 29, 1762, *ibid.*

banishment to the refusal of the oath, confirmed this resolution on March 3rd, 1763, but it was again suspended by a royal ordinance.¹ A year later, by way of answer to Archbishop Beaumont's pastoral instruction, the Parlements of Paris,² Rouen,³ Pau,⁴ and Toulouse⁵ issued orders of banishment against all who had not forsworn the Society by the prescribed oath. At this point the Court Confessors tendered their resignation to the king,⁶ which in spite of the opposition of the Dauphin and the great grief of the other members of the royal family, was accepted. Even the Dauphin's wife failed in her efforts to retain her confessor until her confinement, which was quite imminent. Only the queen's confessor was allowed to remain until the arrival of his successor.⁷ The others either went to the few remaining provinces in France where the Jesuits were still allowed to exist or they sought

¹ *Arrêt du Parlement de Rouen du 3 Mars 1763*, Rouen, 1763; *Pamfili to Torrigiani, March 14, 1763, Cifre, Nunziat. di Francia, 518, *loc. cit.*; RICCI, **Istoria*, 161. The afore-mentioned Arrêt contains the passage (p. 21): "Et sera le Roi très-humblement supplié en tous tems et en toute occasion, en sa qualité de Roi très-chrétien et de fils aîné de l'Église, de procurer à toute la chrétienté, par les voies que sa sagesse lui inspirera, l'extinction totale d'une Société pernicieuse, qui au moyen des précautions dont elle s'est armée contre sa destruction, ne seroit pas suffisamment détruite, si elle ne l'étoit par toute la terre."

² *Arrêt de la Cour de Parlement du 22 Février 1764*, Paris, 1764.

³ *Arrêt du Parlement de Rouen du 22 Mars 1764*, Rouen, 1764.

⁴ March 24, 1764; *Pamfili to Torrigiani, April 23, 1764, Cifre, Nunziat. di Francia, 519, *loc. cit.*

⁵ *Pamfili to Torrigiani, May 7, 1764, *ibid.*

⁶ CRÉTINEAU-JOLY, V³, 231 *seq.*

⁷ *Pamfili to Torrigiani, February 27 and March 5, 1764, Cifre, Nunziat. di Francia, 519, *loc. cit.*; RICCI, **Istoria*, 182. "La cacciata dei Gesuiti farà alla Francia grand' onore. Non intendo la compassione" (*Tanucci to Galiani, March 31, 1764, Archives of Simancas, Estado, 5988). Desmaretz was granted a yearly pension of 12,000 *livres*, the other Court Confessors pensions of 6,000 *livres*. "Voglia Dio che si paghino," observed Ricci (**Istoria*, 180).

shelter as private persons in Flanders, Switzerland, and Germany.¹ There was bitter resentment amongst all classes, and in Rome especially, at the simultaneous admission into the country of German Protestant families who were to be settled in the French colonies.²

With the tacit consent of Charles III.³ a large number of Jesuits had sought refuge in Spain,⁴ where Loyola and other places had offered them shelter since 1762.⁵ The Archbishop of Santiago and other Spanish Bishops also offered to maintain any of the exiles who might come into their dioceses.⁶ A demand for the expulsion of the French Jesuits which was put forward by Campomanes and Valle y Salazar was rejected by the majority of the Council of Castile,⁷ but it was resolved at the same time not to receive those who were unwilling to wear the dress of the Order and to live in the houses of the Order.⁸ Lest the Spanish Jesuits, whose situation was already in danger,⁹ should be drawn into the vortex, the General let it be known that he was against any further immigration.¹⁰

The aggressive measures of the Parlements not only

¹ *Pamfili to Torrigiani, March 5 and 19, April 9 and 16, 1764, Cifre, Nunziat. di Francia, 519, *loc. cit.*

² *Torrighiani to Pamfili, March 28, 1764, *ibid.*, 453. Cf. also Torrigiani's *letters to Pamfili of January 18, February 22, March 14 and 21, May 2, and August 29, 1764, *ibid.*

³ *Idiaquez to Nectoux, May 1, 1764, Archives of Simancas, Gracia y Justicia, 690.

⁴ 64 in Guipúzcoa, about 57 in Castile, and 24 in Aragon (*Nectoux to Ricci, September 7, 1764, *ibid.*). A printed list of French Jesuits in Castile, *ibid.*, 688.

⁵ *Ricci to Nectoux, October 13, 1762, *ibid.*, 666.

⁶ *Idiaquez to Nectoux, June 5, 1764 (copy), *ibid.*, 690. The names of thirteen Spanish Archbishops and Bishops appear in a list of alms given to the French Fathers (*ibid.*, 688).

⁷ *Tanucci to Galiani, February 23, 1765, *ibid.*, Estado 5992.

⁸ **El Consejo en 23 de Agosto de 1764*, *ibid.*, Gracia y Justicia, 687; *Nectoux to Ricci, September 7, 1764 (copy), *ibid.*, 690.

⁹ *Nectoux to Ricci, undated [April, 1765 ?], extract, *ibid.*, 666.

¹⁰ *Idiaquez to Nectoux, July 14, 1764 (copy), *ibid.*, 690.

destroyed the material existence of the Order in France, but were also calculated to undermine its discipline and to shake the loyalty of its members to their vocation. Although the majority of the Assistants and the Roman theologians were of the opinion that in the prevailing circumstances the fear of banishment was a sufficient reason for young scholastics to apply for their release,¹ many of the latter displayed an heroic loyalty and preferred exile to the renunciation of their vocation.² Fifteen of them were received by the Polish Province.³ One scholastic asked his father for 600 lire to enable him to move to Poland. The father, who had made every effort to keep him back, refused his request, and the son began to beg his way. Impressed by his determination, the father sent him the money to defray the cost of his journey.⁴ The clergy of Dôle and Tournon sent a joint letter to Ricci asking him to find a home for the exiles outside France where they could continue their religious life. It cut the General to the heart to be prevented from responding to these desperate cries for help by the refusal of the rulers of other provinces to allow their subjects to follow the example of the Polish province.⁵ Others continued their religious life in their own country without their Jesuit dress, so far as circumstances allowed.⁶ Many of those who had already applied for release, or who had not been informed at the time of their release that they could retain their rank outside their religious house,

¹ All the Assistants, except the Polish one, answered in the affirmative, but only in the circumstances then prevailing, when no place of refuge and no means of subsistence were available. (Ricci, **Istoria*, 68 seq.)

² *Nectoux to Ricci, March 13, 1766 (copy), Archives of Simancas, Gracia, y Justicia, 690; *Ricci to Nectoux, May 1, 1766, *ibid.*, 666.

³ Ricci, **Istoria*, 152.

⁴ *Ibid.*, 116; cf. 152.

⁵ *Ibid.*, 77.

⁶ *Nectoux to Ricci [May 30, 1764?], Archives of Simancas, Gracia y Justicia, 690.

asked to be taken back again.¹ Others, on their departure, promised to return to the Society as soon as the situation in France improved.²

According to the reports received by Ricci from the Superiors³ and from Bishops,⁴ the behaviour of the scattered Jesuits was uniformly good. In spite of the most praiseworthy charity that was shown towards them in general,⁵ many of them were in grave financial straits, and their patience was severely tried.⁶ A long time passed before the pensions fixed by the Parlements were paid. In many places, Bordeaux among others, they were so niggardly as hardly to support life.⁷ The value of the Jesuit property being far less than had been expected, the rates originally laid down could not be granted.⁸ It was not till the beginning of 1764 that the annual pension

¹ *Ricci to Nectoux, May 24, 1764, *ibid.*, 666 ; *Nectoux to Ricci, June 4, 1764, *ibid.*, 690 ; *Fierard to Ricci, September 13, 1762 ; *De Kergatté to Ricci, March 21, 1763 ; *De la Fontaine to Ricci, in March, 1763, in Jesuit possession, Gallia, 116 ; RICCI, **Istoria*, 118.

² *Ricci to Nectoux, April 20, 1763, Archives of Simancas, Gracia y Justicia, 666 ; *Nectoux to Ricci, May 3, 1764, *ibid.*, 690. ³ *Nectoux to Ricci, November 24, 1763, *ibid.* ; *Dupays to Ricci, December 16, 1763, in Jesuit possession, *loc. cit.*

⁴ RICCI, **Istoria*, 154.

⁵ *Pamfili to Torrigiani, March 19, 1764, Cifre, Nunziat. di Francia, 519, *loc. cit.* ; *Nectoux to Ricci, February 7, 1767, Archives of Simancas, Gracia y Justicia, 690.

⁶ *Ricci to Nectoux, July 26 [1764 ?], *ibid.*, 666. Even Nectoux believed the rumour that countless millions were hoarded in the Jesuit missions of Spanish America while the French Jesuits were in distress. His General had to use every argument in his power to persuade him that the story was baseless. (*Nectoux to Ricci, November 16, 1765, *ibid.*, 690 ; *Ricci to Nectoux, December 26, 1765, *ibid.*, 666).

⁷ The Jesuits of Grenoble received at first a daily pittance of 30 *sous*, those of Paris 20, of Toulouse 12, of Aubenas 8. (GIGORD, *La Compagnie de Jésus à Aubenas*, IV., Privas, 1907, 76.)

⁸ *Nectoux to Ricci, November 24, 1763 (copy), Archives of Simancas, Gracia y Justicia, 690.

for professed Jesuits was fixed uniformly for France by royal ordinance at 400 lire.¹

In these conditions it was understandable that among the three thousand Jesuits there were some who failed to stand the test. The professed Jesuits of Bordeaux, for example, appealed to the Cardinal Secretary of State to obtain from the Pope release from their vows, both for the easing of their conscience, the observance of the Institute having become impossible, and so that they might obtain the means of subsistence. Rome refused for the time being to grant the necessary dispensations, not wanting to further, either directly or indirectly, the hostile aims of the secular powers.² Other Jesuits moved from places where they could live according to their Rule unmolested, to provinces where they were affected by the secularizing measure of the State.³ A depressing example of this procedure was offered by De Baleine, the head of the Province of Lyons. Instead of retiring to Avignon or Vienne, as his duty clearly indicated, and administering from there the remnant of his Province, he purposely remained in Lyons. Here, conforming to the order of the Paris Parlement, he changed his Jesuit dress for that of a secular priest and lived as a private individual. Sad to relate, such scandals as these, which Ricci attributed to the desire for comfort and independence, were not isolated instances.⁴

No slight difficulty and confusion was caused by the question of the permissibility of the oath which was made by the Parlements a condition of obtaining the promised pensions.⁵

¹ *Pamfili to Torrigiani, January 2, 1764, Cifre, *Nunziat. di Francia*, 519, *loc. cit.*

² *Torrighiani to Pamfili, July 7, 1762, *ibid.*, 453.

³ Ricci, **Istoria*, 133.

⁴ *Ibid.*, 112, 116, 118. Other examples, *ibid.*

⁵ "Sunt quidem nonnulli, qui existiment illud iusiurandum dari posse, et daturi sint, si exigatur. Verum, etsi forte illaeso obedientiae voto dari absolute queat, tamen ea est omnium fere virorum erga Religionem optime affectorum opinio, idem iusiurandum sine dedecore et illaesa conscientia dari non posse, quippe cum in mente decreti Rotomagensis contineat Institutum

At first the Jesuits were so firmly against it that the Pope expressed his particular satisfaction with them.¹ Not one was willing to obtain his annuity at the price of an improper oath. Gradually, however, some began to waver, probably under the pressure of impoverishment. A decree of March 9th, 1764, contained the names of twenty-five Jesuits who had taken the oath in the jurisdictional area of the Paris Parlement.² To an inquiry of Torrigiani's about this decree, the nuncio reported that twenty-five had taken the oath in Paris and about five in Lyons; it was impossible to give exact figures, as the Parlements had ceased to publish names.³ When Ricci asked for the lists they were no longer to be found,⁴ but the deduction to be drawn from other documents is that the number of those who took the oath and who left the Society was larger than had been supposed.⁵ "It was doubtless God's desire," observed the General, "to cleanse the Society in France in this way of many members who were hardly pious and who were,

et regiminis eiurationem, tacitamque consensionem in iudicium, quo vota impia et irreligiosa declarantur a senatu" (De la Croix to Ricci, August 3, 1762, in Jesuit possession, *loc. cit.*).

¹ *Pamfili to Torrigiani, August 30, 1762, Cifre, Nunziat. di Francia, 517, *loc. cit.*; *Torrighiani to Pamfili, September 15, 1762, *ibid.*, 453; RICCI, **Istoria*, 112.

² *Arrest de la Cour de Parlement du 9 Mars 1764.*

³ *Pamfili to Torrigiani, April 23, 1764, Cifre, Nunziat. di Francia, 519, *loc. cit.*

⁴ "Mihi quoque notos esse pervelim provinciae Aquitaniae socios tum professos tum non-professos, qui nefandum aliquod iuramentum interposuerunt, nec abs re sane fuerit, si inter dimissos eiusdem provinciae socios dignoverim illos, qui detestandae cuiusdam iuramenti formulae subscripserunt" (*Ricci to Nectoux, December 18, 1766, Archives of Simancas, Gracia y Justicia, 666).

⁵ *De la Croix to Ricci, August 3, 1762, in Jesuit possession, *loc. cit.*; *Nectoux to Ricci, May 14, 1765, Archives of Simancas, Gracia y Justicia, 690; *Ricci to Nectoux, July 4, 1765, *ibid.*; *Ricci to Garnier, May 28, 1765 (excerpt), *ibid.*; RICCI, **Istoria*, 114, 127, 131, 134, 147, and in other places.

in fact, defective and harmful, just as He had cleansed the Portuguese Provinces." ¹ Certain individuals regretted the step they had taken and made a public recantation.² When the circumstances are considered, the conduct of the French Jesuits may be judged a little less severely. In his reports to the Curia the nuncio Pamfili, who was personally on the scene of action, was at pains to do justice to the conduct of these unfortunates. "Everything shows that their situation is most lamentable. Should they subscribe to the oath, they run the risk of being suspended by the Archbishop of Paris and some other Bishops; moreover, they dishonour themselves in the public esteem and give their enemies the opportunity of accusing them of putting their own advantage before duty and conscience. Should they not sign, they are in danger of starving to death, and it is uncertain if they are to be allowed to live abroad. Consequently, the temptation is very great, and I fear that on the strength of the dispensations granted by the General for the period of the dissolution, or on the insidious excuse that the observance of the Constitutions and the vow of obedience has become impossible for them, or through ignorance, or on the authority of eminent persons, more than one will decide to accept the law imposed by the Parlement. Here, in Paris, De Noyer has already set this bad example, but I flatter myself that in this capital it will not prove infectious." ³

Thenceforward the membership of the Society rapidly dwindled. The list of the Lyons Province, which still numbered 701 Jesuits in 1761,⁴ showed only 472 in 1766.⁵ In the Province of Champagne, where conditions were the most favourable, the membership dropped from 580 in the year 1761 ⁶ to 511 in the

¹ Ricci, **Istoria*, 61.

² *Ricci to Nectoux, February 16, 1763, Archives of Simancas, Gracia y Justicia, 666; Ricci, **Istoria*, 146, 152.

³ *Pamfili to Torrigiani, February 27, 1764, Cifre, Nunziat. di Francia, 519, *loc. cit.*

⁴ VIVIER, *Status Assistentiae Galliae*, 171.

⁵ *Ibid.*, 192.

⁶ *Ibid.*, 36.

year 1762¹; the list for 1767 contains only 409 members,² and of these, sixty were dead.

The nuncio was already reporting to Rome on February 20th, 1764, that a royal proclamation confirming the annihilation of the Society of Jesus which had already been put into effect by the Parlements was expected to be made at Easter. This step would be justified, not by the errors and shortcomings of the Institute, but by the absolute will of the monarch, who was no longer prepared to tolerate in his realm religious who were not needed. In this way it was thought to anticipate all complaints of the king's overstepping his competence.³ Torrigiani surmised⁴ that the proclamation had been instigated by the Ministry and he expressed his fear to the nuncio that the argument of the Society's being superfluous in France might be viewed with strong approval in other countries at that time. However, Easter passed without the appearance of the dreaded proclamation. It was not till November 19th, 1764, that Pamfili returned to the subject. The decree, he wrote, which would shortly appear, would put an end to the Jesuit establishments still existing in Alsace, Flanders, and the Franche-Comté, the reason being that the dissolution of the colleges in some parts of the country and their preservation in others was bound to act as a perpetual ferment. To disguise the animosity behind this deed all French Jesuits would be allowed to reside in the country and Archbishop Beaumont would be given back his freedom.⁵

On December 1st, 1764, the fate of the Society of Jesus in France was finally sealed. At the plenary session of all the chambers of the Parlement which was held on that day, and

¹ *Ibid.*, 54.

² *Ibid.*, 116. For the other provinces there are no lists available after 1761.

³ *Cifre, *Nunziat. di Francia*, 519, *loc. cit.*

⁴ *March 14, 1764, *ibid.*, 453.

⁵ *Pamfili to Torrigiani, November 19, 1764, *ibid.*, 520. On December 4, 1764, Archbishop Beaumont received permission to return to Paris. (*Pamfili to Torrigiani, December 10, 1764, *ibid.*, 520.)

which all the dukes and peers had to attend, the decree ¹ was read by which Louis XV. declared that in virtue of his supreme authority the Society of Jesus was henceforth to cease its existence in France.² Its individual members were allowed to live in the kingdom as private persons under the jurisdiction of the diocesan bishops. All legal proceedings against the constitution, the persons, and the writings of the Order were quashed. This declaration was registered on the same day by the Parlement, which added on its own account the restriction that the Jesuits were not to approach within ten miles of Paris; moreover, they were to present themselves to the magistrates of their place of residence every six months, and they were to be under the supervision of the civil authorities.³ The Parlement of the Franche-Comté was alone in expressing its disagreement with the royal decree, by 26 votes to 23,⁴ but, of course, without effect.⁵

In the instruction sent by the Duc de Praslin to Aubeterre, the French Ambassador to the Holy See, were set out the reasons which had induced the king to suppress the Society. Although the monarch did not consider the existence of the Jesuits necessary for the preservation of the Catholic religion

¹ Dated Versailles, November, 1764 (Lyon, 1764). The royal edicts did not as a rule mention the actual day on which they were issued.

² Torrigiani very rightly asked what would happen if every prince claimed the right to expel any Order he liked out of his realm, no matter how long it had been settled there (*to Pamfili, December 19, 1764, Cifre, Nunziat. di Francia, 453, loc. cit.).

³ *Extrait des registres du Parlement, du premier Décembre, 1764*, Lyon, 1764; *Pamfili to Torrigiani, December 3 and 10, 1764, Cifre, Nunziat. di Francia, 520; *Pamfili to Torrigiani, January 6, 1765, *ibid.*, 521.

⁴ *Très-humbles et très-respectueuses remontrances présentées au Roi par le Parlement de Franche-Comté, au sujet de l'édit du mois de Novembre 1764, concernant les Jésuites. Arrêtées dans l'assemblée des Chambres, tenue le 12 Janvier 1765* (without place or date of publication): *Pamfili to Torrigiani, December 24, 1764, Cifre, Nunziat. di Francia, 520, loc. cit.

⁵ *Pamfili to Torrigiani, January 12, 1765, *ibid.*, 521.

in France—the Roman Catholic faith having already flourished there for eleven centuries before their arrival—he had nevertheless thought them to be useful to State and Church by reason of their edifying behaviour and their teaching. But reasons of a higher nature, care for the peace and tranquillity of the land, had led him to the decision which had been taken. The attempt to alter the Order's constitution, so as to adapt it to the laws and principles of the realm, had been frustrated by the unqualified resistance of the Holy See, so that at bottom it was the Pope himself who had brought about the destruction of the Order in France, albeit unintentionally. In the decree the monarch had refrained from any criticism of the Order's constitution, as this was not within his competence. Care for internal order and for public opinion, which was hostile to the Order, had not allowed the king to withhold his decision any longer. In the interest of religion as well as of the Society of Jesus, the Pope was asked to impose silence on himself, for any move against the monarch's intentions would be useless, if not perilous. Aubeterre was to convey this message to the Cardinal Secretary of State and, with the consent of the Cardinal Protector Sciarra Colonna, to the Pope also, and at the same time offer the assurance that the declaration had made no difference to the king's zeal for religion or to his devotion to the Holy See.¹ After consulting the Cardinal Protector, the ambassador decided to take no steps at all but to wait for a suitable occasion to explain the motives of the royal edict.² In the end, neither the Pope nor the Cardinal Secretary of State ever received any official communication.³

After what had gone before, Clement XIII.'s attitude

¹ THEINER, *Histoire*, I., 53, *seqq.* The French envoy had been instructed to explain the king's motives to the Curia (*Pamfili to Torrigiani, December 10, 1764, January 24 and February 25, 1765, Cifre, *Nunziat. di Francia*, 520 and 521, *loc. cit.*).

² Praslin to Aubeterre, January 8, 1765, in THEINER, *Clementis XIV Epistolae et Brevia*, 335 *seq.*

³ *Torrighiani to Pamfili, December 26, 1764, and February 6, 1765, Cifre, *Nunziat. di Francia*, 453, *loc. cit.*

towards the edict was never in any doubt. In his allocution of September 3rd, 1762, he had already declared the anti-Jesuit resolutions of the Parlements to be null and void; it was only motives of expediency which had restrained him from giving his protest a public and official character.¹ Meanwhile all hopes of a change of mind in France had gone; on the contrary, by his edict of December 1st, 1764, Louis XV. had, as it were, attached the royal seal to every anti-clerical measure. In the face of this deed of violence Praslin had wanted to impose silence on the supreme head of the Church. Clement XIII., who had already declared on several occasions that he would not allow any Court or any Minister to impose restrictions on the execution of his sacred mission, had no choice, in view of his dignity and his duty, but to reject this insulting demand by means of a definite action. Silence, he considered, would be a betrayal of his honour and his conscience, and likely to mislead the faithful.² Also, his personal reputation was at stake. To rebut the accusation that his previous attitude towards the Jesuit question bore too strongly the stamp of timorous weakness and complaisance,³ he made up his mind to give public expression to his inner convictions by means of a solemn declaration. No one then could deduce from his silence any disagreement with his predecessors, who had consistently shown their approval of the Jesuit Order.⁴ Thus, the re-endorsement of the Society of Jesus by the Bull *Apostolicum pascendi* was merely the natural result and the necessary consequence of the attitude he had held all along, and in his own eyes it was merely the simple fulfilment of a bounden duty.⁵

¹ See above, p. 472; Clement XIII. to the Bishop of Lodève, September 17, 1763, *Bull. Cont.*, III., 819.

² Clement XIII. to the Archbishop of Tarragona, March 13, 1765, *ibid.*, 942 seq.

³ Clement XIII. to the Bishop of Sarlat, November 4, 1764, *ibid.*, 901.

⁴ Clement XIII. to the Bishop of Michoacán (Mexico), June 23, 1766, *ibid.*, 1087 seq.

⁵ Cf. RAVIGNAN, I., 152 seqq.; [BOERO], *Osservazioni*, I², 84 seqq.

The task of drafting the Bull was entrusted to Monsignor Giacomelli, who was to be provided with the necessary material by the Jesuit Le Forestier.¹ The latter's over-detailed expositions,² however, and Ricci's observations on them,³ were not appreciated, it being thought that they would afford material for further attacks and would detract from the force of the manifesto.⁴ Cardinal Castelli's draft also failed to satisfy Torrigiani.⁵ Finally, Giacomelli's work, which was finished just as the news arrived of the imminent publication of the royal edict,⁶ received the approval and the signature of the Pope.⁷ By various alterations and additions everything

¹ " *Bullae conficiendae delineatio. Observatio. Monumenti spettanti alla Bolla di Clemente XIII ' Apostolicum pascendi ' confermatória dell' Istituto dei Gesuiti," in Jesuit possession.

² *Ibid.*, Monumenti, 1^d.

³ *Ibid.* 1^b and 1^c.

⁴ *Ibid.*, 1^a, marginal note, apparently in Giacomelli's hand.

⁵ " *Il piano della Bolla che aveva fatto Msgr. mio Giacomelli, al primo colpo d'occhio mi piacque estreme, e seguita a piacere molto più che l'altro del card. Castelli " (Torrighiani to Giacomelli, December 2, 1764, *ibid.*, 10). The available documents lead us to conclude that it was not an independent draft of Castelli's but a *draft of Giacomelli's, remodelled according to Castelli's additions and suggestions (*ibid.*, 6 and 7).

⁶ After sealing the envelope Castelli received the news of the imminent publication of the royal edict of November or of December 1, 1764. Whereupon he inserted another note, undated but probably written on the same day, November 29, 1764, which ended with " Se tal notizia fosse sussistente, sopra di che Monsignore potrà meglio indigare che io, gli lascio a considerare, se converrà in un tale pericoloso frangente dar moto a quest' acqua " (*Monumenti, 9).

⁷ This description of events, which is based on original documents, invalidates Theiner's assertions (*Histoire*, I., 157) that the College of Cardinals had no knowledge of the Pope's action and that even the Cardinal Secretary of State was ignorant of the existence of the Bull until the day on which it was signed.

which might have aroused justifiable resentment had been removed.¹

The Holy See, it was stated in this Constitution of January 7th, 1765, which could not allow restrictions to be placed on the execution of its supreme pastoral duty by any human consideration, had at all times devoted its particular care to religious confraternities, among which the Society of Jesus occupied a prominent position. This Order, founded by a saint and approved by several Popes, had always shown itself to be a fit instrument for increasing the honour due to God and for advancing the salvation of souls, and on this account it had also enjoyed the protection of Christian princes. It had produced saints, and saints had praised it. Its Institute, which had been described as excellent by the Council of Trent, was now branded in speech and in writing as irreligious and ungodly. The Church was thereby accused of having erred in declaring it to be excellent and pleasing to God and, what was even worse, in having borne it in its bosom for the injury of souls for more than two hundred years. By way of answer to this grievous insult to the Church and to the equally unjust and pernicious calumniations of the Order, the Pope, in fulfilment of the justifiable requests of the Jesuits and in agreement with the Bishops throughout the world, declared, in the manner of his predecessors, that the constitution of the Society of Jesus was redolent in the highest degree of piety and holiness, both on account of its object, namely, the extension and the defence of the Catholic religion, and of the means employed. This Order had trained numerous men who had defended the true faith, had preached the word of God with fruitful results, had taken the light of the Gospel to the heathen, had instructed the youth, and by means of its

¹ On returning the manuscript to Giacomelli, Castelli added a note which ended: " Del resto volendosi fare la Bolla pare anche a me che difficilmente potrebbe concepirsi più ragionata e più decorosa di questa. Resterà solo a Sua S^{tà} il determinare se abbia da pubblicarsi nelle presenti circostanze, che alla stessa S^{tà} Sua saranno più note che a me " (*to Giacomelli, November 29, 1764. Monumenti, 7^a).

Exercises and missions to the laity had led the faithful to a better way of life and to the more frequent reception of the Sacraments. Wherefore, the Pope again confirmed the Order, which had been called into life by Providence, he declared its vows to be pleasing to God and its Exercises to be promotive of Christian piety, and he recommended especially the sodalities of the Blessed Virgin Mary. In conclusion, Clement XIII. confirmed anew all the edicts of his predecessors in favour of the Society of Jesus.¹

In the letter which he sent with the Bull to the Paris nuncio, Torrigiani made the following observations. The violent persecution of the Parisian Jesuits and the grievous accusations brought against their Institute had determined the Pope to come to their aid in the only way open to him and to bear witness to the truth. As the Constitution would doubtless provoke discussion he was sending Pamfili a copy in the first place, so that he could see from its text the circumspection with which it had been compiled and the due regard which had been paid to all points of view.² The nuncio, too, had no illusions about the reception which would be given to the Bull in France. Not a few would approve of it, including the majority of the Bishops and secular priests; on the other hand, many would resent it, especially the Ministry, the Parlements, the advocates, a good part of the regular clergy and certainly the whole of the Jansenist party. Its suppression was more than certain. Complaints from Ministers would follow and finally everything would end in profound silence.³

It fell out as Pamfili had foretold. Praslin complained of the insult offered to the king by the imprudent publication of the Constitution.⁴ The nuncio retorted that after the king had published his declaration without any previous communication with the Roman Curia, it had been impossible for the Pope to

¹ Text of the Bull in *Bull. Cont. III.*, 918 *seq.*; RAVIGNAN, I., 534 *seqq.*

² *Torrighiani to Pamfili, January 16, 1765, Cifre, *Nunziat. di Francia*, 453, *loc. cit.*

³ *Pamfili to Torrigiani, February 4, 1765, *ibid.*, 521.

⁴ *Pamfili to Torrigiani, February 11, 1765, *ibid.*

keep silent any longer, for the Holy See could not agree to the suppression of an Order it had ratified nor could it be an idle spectator.¹ The Parlements of Paris,² Aix,³ and Rouen⁴ banned the Bull with provocative expressions of contempt. The last-named went so far as to order the arrest of the originator of the Constitution,⁵ but the Ministry intervened and with this the affair came to an end, so far as France was concerned.⁶ At the hands of most of the other Catholic powers the declaration of the Holy See met with a reception that was more than cool. The leading Ministers who knew how to cover their anti-clerical feelings with political considerations for a friendly or allied France, succeeded in inducing their rulers to prohibit the publication of the Bull.⁷

The pain caused to the Pope by the negative attitude of the secular powers was somewhat alleviated by the favourable

¹ *Ibid.*

² *Arrest de la Cour de Parlement du 11 Février 1765* (printed).

³ March 5, 1765; Portuguese translation of the Parlement's resolution in [BIKER], I., 272 *seqq.*

⁴ *Pamfili to Torrigiani, February 25, 1765, Cifre, Nunziat. di Francia, 521, *loc. cit.*

⁵ *Pamfili to Torrigiani, March 11, 1765, *ibid.*

⁶ *Pamfili to Torrigiani, March 18 and April 22, 1765, *ibid.*

⁷ Out of regard for France, Maria Theresa prohibited the publication of the Bull on March 8, 1765 (*Stimmen der Zeit*, CX., [1925-26], 212 *seqq.*). Tanucci seized the opportunity of casting the basest aspersions on the Pope. The following passage from a letter is typical: "Però non è gran cosa che la Bolla 'Apostolicum' passi per Maestà lesa, lodandovisi e approvandovisi coloro, che sono stati dichiarati nemici del Re e dello stato, quali per verità sono li Regolari tutti, e più li Gesuiti, perchè son più Frati di tutti gli altri. Il Papa è il Bruto universale o pure l'universale Catilina" (*Tanucci to Catanti, July 23, 1765, Archives of Simancas, Estado 5993). While the French Parlements were forcibly suppressing all the Papal and episcopal pronouncements upholding the rights of the Church, the legal faculty of the Sorbonne announced its approval of the Council of Utrecht and in a letter to the Jansenist Archbishop condemned in the most violent language the Jesuit writers Hardouin, Berruyer, and

judgment of his action by the Catholic episcopacy. Messages of approval arrived from France, Spain, Germany, Switzerland, Poland, Austria, Italy, and America, fifty-one of which are still preserved.¹ It was one clear, unanimous testimony to the integrity of the Order.² The greatest consolation that could have been offered to Clement XIII. came from the French Bishops.³ The Bull had appeared on January 9th, 1765; at the end of May thirty-one Bishops met together in the Augustinian convent in Paris in a general assembly.⁴ The reading of a Papal Brief empowering them to act valiantly⁵ was hindered by the Minister Praslin,⁶ but the Bishops did not

Pichon, and all modern casuists (*Pamfili to Torrigiani, February 18, 1765, Cifre, Nunziat. di Francia, 521, *loc. cit.*). The *Avis doctrinal* of the law faculty was quashed by order of the *Grand Conseil* (*Pamfili to Torrigiani, March 4 and 11, 1765, *ibid.*).

¹ RAVIGNAN, I., 168, n. 1, 498 *seqq.*, 540 *seqq.*, II., 300 *seqq.* The letter from St. Alphonsus de' Liguori to Clement XIII., *ibid.*, I., 164 *seq.*

² Clement XIII. to the Bishop of Chiapas in America, June 26, 1766, *Bull. Cont.*, III., 1089.

³ *Torrighiani to Pamfili, September 25 and October 2, 1765, Cifre, Nunziat. di Francia, 453, *loc. cit.*

⁴ RAVIGNAN, II., 229, n. 1.

⁵ *Torrighiani to Pamfili, May 8, 1765, Cifre, Nunziat. di Francia 453, *loc. cit.* Text of the Brief of May 8, 1765, in *Bull. Cont.*, III., 952.

⁶ Cf. *Pamfili to Torrigiani, May 27 and June 3, 1765, Cifre, Nunziat. di Francia, 521, *loc. cit.* Torrigiani's reply to Praslin's complaints was that the Pope would not submit to any yoke nor allow himself to be deprived of the right to communicate with his brethren. With extreme complaisance he had brought the draft of the Brief to the knowledge of the French envoy and on his advice had made some alterations, with the intention of avoiding any possible offence. Now the Pope would make no more alterations nor would he suit his language to the principles adopted by the Court. The nuncio was to make the document known to each of the Bishops (*Torrighiani to Pamfili, July 3 and August 7, 1765, Cifre, Nunziat. di Francia, 453, *loc. cit.*). Aubeterre received essentially the same reply on making representations on behalf

allow themselves to be intimidated, and immediately raised their voices to the Head of the Church in support of the suppressed Society. In a message to the king the assembly gave expression to its grief at seeing a religious Order haled before the courts like a criminal and assailed with the gravest charges, in spite of the unflinching testimony to its innocence which had been given by the Church of France—it was an Order distinguished for its purity of faith, its blameless morals, and its strict religious discipline, which had performed innumerable services for the State and the Church with its unflinching energy in education and in the cure of souls. The dispersal of these religious left a great gap in the ranks of the pastors and teachers. Wherefore, the clergy of France would not cease to pray for their restoration to the fatherland.¹

In the exposition of the rights of the spiritual authority² which was sent by the Archbishop of Rheims to all the Bishops in the country for publication in their dioceses,³ the same principles of the standing of a religious Order and its vows were enunciated as had been laid down by the Pope in his Constitution. To this exposition ninety-five Bishops definitely declared their assent.⁴ Clement XIII. therefore was justified in writing

of his Court to the Cardinal Secretary of State (*Aubeterre to Torrigiani, August 7, 1765, *ibid.*, 453, appendix; *Torrighiani to Aubeterre, August 7, 1765, *ibid.*).

¹ Extract in RAVIGNAN, I., 166 *seq.*

² *Exposition sur les droits de la puissance spirituelle in Actes de l'Assemblée générale du clergé de France sur la religion. Extraits du procès-verbal de ladite assemblée, tenue à Paris, par permission du Roi, au couvent des Grands-Augustins, en 1765, Paris, 1765, 8 seqq. Cf. PICOT, IV., 180 seqq.*

³ August 27, 1765, *ibid.*, Introduction.

⁴ RAVIGNAN, II., 329, n. 1; *Torrighiani to Pamfili, October 2 and November 6, 1765, Cifre, Nunziat. di Francia, 453, *loc. cit.* The Parlements of Paris and Aix issued special prohibitions of the pastoral instruction of the Bishops (*Torrighiani to Pamfili, September 25 and November 27, 1765, *ibid.*), but the resolution of the Paris Parlement was quashed by the Grand Conseil (*Torrighiani to Pamfili, October 2 and 16, 1765, *ibid.*).

to a Bishop that the letters of congratulation constituted a unanimous testimony in support of the Society of Jesus.¹ Although outward success was denied to the Pope, he could rest at peace with his conscience in having performed his pastoral duty. In the steps he took he was not governed by blind prejudice in favour of the Jesuits nor by an obstinate clinging to outmoded claims to power. His ultimate aim in championing the persecuted Order was to defend and preserve the prestige and inalienable rights of the Church and the Apostolic See against the encroachments of the temporal power, as he himself² and the Cardinal Secretary of State had emphasized on many occasions.³

¹ Clement XIII. to the Bishop of Chiapas, June 26, 1766, *Bull. Cont.*, V., 1089.

² “. . . Our Constitution, by which, in praising and confirming the Institute of the Society of Jesus, We are defending not so much the Society itself as the judgment of the Apostolic See and the Universal Church.” (“. . . Nostra Constitutio, qua laudando confirmandoque Societatis Iesu Instituto, non tam ipsam Societatem, quam Apostolicae Sedis et Ecclesiae universae iudicium defendimus.”) Clement XIII. to the Bishop of Ortona, September 9, 1765, *Bull. Cont.*, III., 1016.

³ After the king's edict of December 1, 1764, a considerable number of Jesuits returned to their own country (*Pamfili to Torrigiani, January 14, 1765, Cifre, *Nunziat. di Francia*, 521, *loc. cit.*) where they continued their activity as teachers, writers, and pastors so far as circumstances allowed (*Nectoux to Ricci, undated copy [end of 1764 or beginning of 1765], Archives of Simancas, Gracia y Justicia, 690; *Ricci to Nectoux, February 14, 1765, *ibid.*, 666). Others who had managed to earn a tolerable livelihood as private chaplains or tutors retained their employment. A third group continued their life in religion with their brethren abroad until they too were overtaken by the general suppression of the Order.

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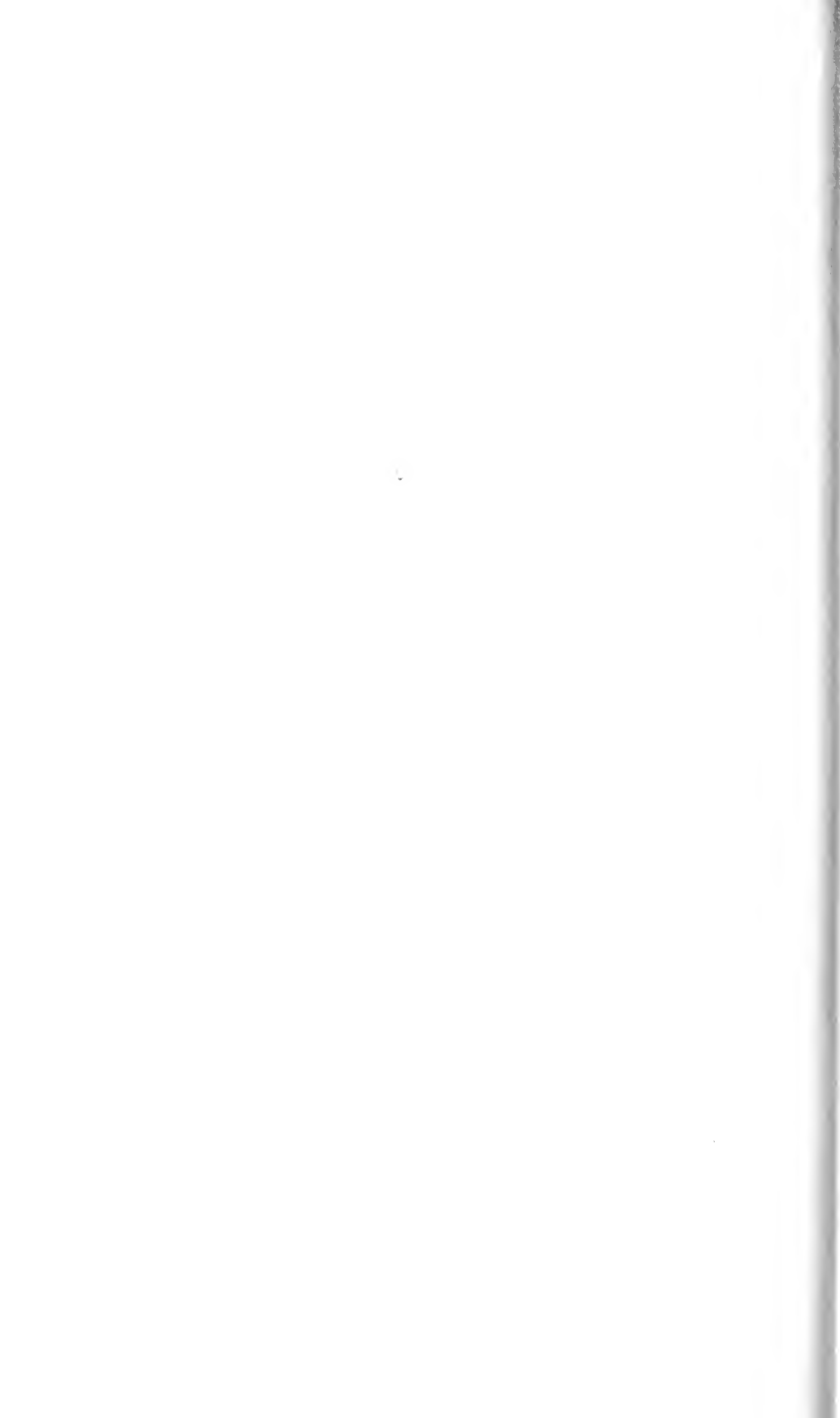
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