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generations from the beginning (xv. 4); next, they had had the Gospel preached to them (xvi. 5), and it was this that qualified them to be four rows in the foundation of the tower (iv. 3), which was, therefore, in a sense, founded upon the fourfold Gospel."

The "rows" themselves are interpreted by Hermas, but their number is chosen arbitrarily, and he leaves the reader—not without suggestive data—to discover its significance. "Let him that hath understanding count the number."

C. TAYLOR.

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ART. II.—THE CONSTITUTION OF POPE JULIUS II. ON THE SIMONICAL ELECTION OF A POPE (*CUM TAM DIVINO*), AND ITS BEARING UPON THE PRESENT ROMAN CHURCH BRIEFLY CONSIDERED.

IN the year 1505 Pope Julius II. put forth a constitution on the simoniacal election of a Pope, which, from the universal conviction in the minds of the members of the Court of Rome that simony had reigned in the elections to the Papacy, at least from the period of Alexander VI., produced almost a feeling of consternation in the Curia. Its extreme imprudence at a moment when the Reformation was so nearly approaching, and the corruptions of the Roman Court had called forth the loudest protests from almost every kingdom in Europe, must be apparent to every reader of it. Nor were its dangers unrecognised by the officials of the Court, an eminent member of which published a commentary upon it, pointing out the facilities it would give for originating a schism on every occasion of an election to the Papacy. The writer of this commentary was Petrus Andreas Gammarus, "Auditor of the Apostolic Palace and Vicar of the Pope (Clement VII.) in the city of Rome." It was published there by Calvus, without date, and dedicated by its author to Clement himself, and by the publisher to Cardinal Alessandro Farnese. The perils which were opened by the decree were pointed out to our author by a certain great prelate (*quidam magnus antistes*), who declared that it gave a handle to anyone who might be planning a schism.

"Hearing this," proceeds Gammarus, "I took it in hand. I devoured it in a single reading. Its very first aspect terrified me. I read it again and again. I saw that a vast ground for innovation was underneath it, unless it could find a mild interpreter." Further on he writes: "This constitution opens the door to every worst Cardinal, and, indeed, to all the vassals,

of the Roman Church, enabling them to disturb its rule and to revolt from its authority. For they will all say that the Pope has been simoniacally elected. On this account many men of no light authority have held that the authority of this constitution ought to be done away with."

Unfortunately it has the indisputable character of an *ex cathedra* law, and declares itself to be an *in perpetuum valitura constitutio*. As such it is accepted by the modern Church of Rome, and is solemnly republished and enjoined at every election of a Pope and creation of a Cardinal. The commentator was not unreasonably terrified at the first aspect of this decree. For it places *simony* in the rank of a heresy, and the severe penalties it decrees of confiscation, degradation, testamentary incapacity and similar punishments, are identical with those assigned to heresy; and the method of proceeding against those charged with it is made by Pius V. identical with that adopted in heresy in its stricter sense—that is, by a "denunciation," either open or secret, and by an inquisitorial process. In one point the constitution goes even beyond the "Holy Office" in its severity, for it subjects to the same penalty not only those of the Cardinals who have taken an active part in the simoniacal election, but even those who, though remaining passive, have failed to protest against it—and gives the extraordinary power of appealing to a general council against the election, even to a single protesting Cardinal.

The "Heresy of Simony," as the Pope terms it, consists of "giving, promising, or receiving money, gifts of any kind, real property (*castra*), offices or benefices, promises or obligations, either personally or through another or others, in any manner and of any kind whatever." Every such act is declared to vitiate the election, and to deprive the person elected of every office or authority, any one of the Cardinals present being authorized to oppose and protest against the election. This he may do even after the enthronization of the new Pope, and after he has sworn obedience to him. He or they may, moreover, invoke the aid of the secular arm to aid them in their resistance, should the person elected endeavour to assert his claim. The next clause extends this deprivation to all the Cardinals who have been implicated in the simoniacal election, either by active promotion of it, or by failing to protest against it, and thus tacitly consenting to it; who forfeit thereby every title or rank cardinalitial or episcopal, and every dignity or benefice they may enjoy. Then follows a very stringent clause against all who act as agents, intermediaries, or subordinates in the matter of a simoniacal election, who are not only deprived of every office or rank they may hold, but condemned to the confiscation of all their goods, and incapacitated from making

a will, even if they should be the nuncios or legates of kings and princes. This clause may have been occasioned by the notorious fact that many of the greatest families in Rome were agents and abettors in the simoniacal election of Roderic Borgia to the Papacy.<sup>1</sup>

The following enactment enables the protesting Cardinals to summon a general council to determine the cause, notwithstanding any constitution or decree to the contrary of any preceding Pope or Council. Then follow the usual sanctions and warnings against any disobedience or resistance to the decree. Without dwelling on the earlier instances of simony in the elections to the Papacy, for which we have the testimony of the great Florentine poet—who places Nicholas III. and Boniface VIII. as chief among the simoniacal Popes, in the nineteenth canto of the “*Inferno*,” putting in the mouth of the latter the words:

Di sotto il capo mio son gli altri tratti  
Che precedetter me simoneggiando—

we pass on to the nearer period of Alexander VI., in which we are able to obtain the undisputed testimony of the greatest historians of Italy. Onuphrius Panvinus, who enjoyed the friendship of Pius IV. himself, has thus described to us the election of Alexander VI.:

“On the death of Innocent VIII., in his stead, in the Vatican, and by the votes of twenty-one Cardinals, in August, 1492, Alexander VI. was elected Pope. He is said to have obtained this high dignity through the blind ambition and avarice of certain Cardinals, who afterwards experienced from the ungrateful Pontiff the greatest perfidy. The principal of these was Cardinal Ascanio Sforza, bought, without doubt, by profuse bribery, in order that this man, the most wicked of all his order, should be proclaimed the best of Pontiffs; who by that suffrage obtained for himself the office of Chancellor.”<sup>2</sup>

Among the most eminent of those who were thus corrupted were Julian della Rovere (afterwards Pope Julius II.) and Raffaele Riario, nephew of Pope Sixtus IV. The great historian Guicciardini affirms the truth of this narrative:

“Alexander VI.,” he writes, “was elected to the Pontificate through the discord which reigned between the two Cardinals, Ascanio Sforza and Giuliano della Rovere, and much more, by an example new to that age, he procured it partly by open bribery, partly by promises of offices and benefices, which were rich and numerous.”<sup>3</sup>

<sup>1</sup> See Guicciardini, “*Historia di Italia*,” l. i.

<sup>2</sup> “*In Vita Alex. VI.*”

<sup>3</sup> “*Historia di Italia*,” l. i. See also Burchardus’ “*Comment.*” (an. 1492), Card. Bembo’s “*Hist. Venet.*,” and the Despatches of Valovi and Manfredi.

In the interesting and impartial "Life of Pope Julius II.," by M. Dumesnil, the bribery scene is thus described: "In a secret interview Roderic Borgia brought over Ascanio Sforza, by means of an argument too often irresistible in political life, to the renunciation of the Papacy. He promised, on his consenting to his own appointment, to resign in his favour the richest of his benefices, and especially the dignity of Vice-Chancellor of the Church which he enjoyed. Besides this, to convince him of his sincerity, he sent to the brother of the Duke of Milan by night four mules laden with money."<sup>1</sup>

Under the second, fourth, and fifth clauses of the law of Julius II., who by that very law admitted his own illegitimacy, the election of Alexander VI. was absolutely null and void, the Cardinals who failed to protest against it, no less than those who joined in the election, falling under the same disqualification as the Pope himself.

Julius II., who, as Gammarus significantly observes, "envied to his successors the arts which he had himself employed," carried on the example of his predecessor, and was elected to the Papacy, or rather bought it in the same manner.

"At the death of Pius III.," writes M. Dumesnil, "the situation was nearly the same as it was at the election of Alexander VI. The Cardinal of Amboise, convinced by the result of the previous Conclave that he could not reunite a majority of voices in his favour, no longer intrigued for the Papacy. He allowed himself to be easily persuaded by the Cardinal della Rovere (Julius II.) to give him his vote, and to support his candidature by means of the Cardinals he influenced. In exchange, Julius promised him to confirm him in his legation in France, and to add to it also the legation of Avignon, which, in fact, he did. . . . The Conclave opened on the 31st of October, 1503, and thirty-eight Cardinals took part in it. All had been arranged by anticipation, so that the same night the Cardinal della Rovere was elected in the scrutiny by a unanimity of voices. And so certain was everyone of his election that, as Burchard says in his 'Journal,'<sup>2</sup> 'the seal of the Fisherman had been actually prepared beforehand, that it might be placed on his finger immediately after his election'" (pp. 29, 30).

Two fatal grounds of disqualification are here added to the previous ones: twenty-six out of the electors were created Cardinals by Alexander VI., a disqualified Pope, and were incapacitated to elect; while the rest were under the same

<sup>1</sup> Dumesnil, "Histoire de Jules II.," p. 15 (quoting from the *Journal d'Incessura*).

<sup>2</sup> Cited by M. de Brequigny from the MSS. of the "Bibl. du Roi."

incapacity by their failure to protest against the election; while the Pope himself and the Cardinal of Amboise were under the still more serious disqualification of direct and notorious simony. Thus, the stream of the Papal succession, instead of purifying itself from its first pollution in its onward course, becomes more and more turbid and discoloured, until it reaches the Pontificate of Leo X., where it reaches its deepest dye, and renews the day of Gregory VII., when every office and dignity in the Church was bought and sold; when, as a writer of the period observed, "A minimo ad maximum nullus ordo vel gradus haberi poterat, nisi sic emeretur quomodo emitur pecus."<sup>1</sup> For Leo X., in his wholesale creation of Cardinals after the Petrucci conspiracy, openly sold the office to those who were able to pay. "Molti ne creò per danari," writes Guicciardini, "trovandosi esausto e in grandissima necessità."<sup>2</sup> We may observe here that the great Florentine historian, the devotee of the Medici family, was not likely to accept without the clearest proof a fact so discreditable to his house. That Leo X. not only inherited all the disqualifications declared in the Constitution of his predecessor, but seriously increased them, must be apparent to every impartial mind. We pass on from him to Clement VII., to whom our author dedicated his work. Notwithstanding this dedication, and the position which he held at the court of his patron, Gammarus finds that he labours under the sixth disqualifying clause of the Constitution of Julius. "But what," he asks, "if the Cardinals, before they elect, make a compact that all the benefices and offices held by the person to be elected are to be divided severally among the electors, would the person thus elected incur the penalty of the Constitution? This was done at the election of Clement VII., in the year 1523. It would appear," he replies, "that an election of this kind is simoniacal, and that the penalty of the Constitution has force in such a case."

It will be obvious that every successive Pope inherits the accumulated disqualifications of all his predecessors; and that every Pope and Cardinal from the day of Alexander VI. would, under the law of Julius, be incapacitated for his office, and become, in fact, illegitimate. Passing on, therefore, to the Pontificate of Innocent X.—a reign of luxury and sensuality recalling the worst features of the time of the Borgia and Medici Popes—we find that the "simoniacal taint," as it is called, was as visible in his election as in that of his predecessors. Ameyden, who was the intimate friend of the

<sup>1</sup> Andreas Parmensis in vitâ S. Arialdi Martyris.

<sup>2</sup> Guicciardini, "Hist.," l. xiii.

Pamfili family, assures us that he himself witnessed the terror of the Pope on the very day of his election on finding that a paper was missing from his pocket containing a simoniacal contract he had made with one of his electors.<sup>1</sup>

Whatever credit may be attached to this statement, the fact is indisputable that the election of Innocent X. was held by many theologians and canonists to have been uncanonical and void through the intrigues carried on in the Conclave; and that Cardinal Mazarine threatened to bring their conclusions before the world, and to make many revelations calculated to disturb the peace of the Pope. For this we have the high authority of the eminent historian of the Grand-Duchy of Tuscany, Galluzzi.<sup>2</sup> With these revelations, however, we have less to do than with the simony which reigned triumphant in Rome through the infamous Donna Olimpia Maidalchini Pamfili, the Pope's sister-in-law, whose reign is denounced even by that faithful devotee of the Papacy, Cardinal Palavicini, as the "*mostruoso potere d'una femmina in Vaticano.*" The more impartial contemporary chroniclers, Contarini and Giustiniani, describe to us the humiliating fact that every office and benefice up to the Episcopate itself was sold for large sums of money by Donna Olimpia—"that modern Agrippina," as the latter writer justly terms her—and that no office or dignity in the Church could be obtained but by bribing her with gifts proportioned to the value of the benefit conferred.<sup>3</sup> It will be unnecessary to pursue the Roman Pontificate through its later stages, inasmuch as Innocent X. is the *stirps* (speaking in a spiritual sense) of the whole of the later Popes. Through him the Cardinalate of every subsequent Pope was either immediately or remotely derived, as appears from an electoral pedigree drawn up by Giov. Batt. Sanuti, a Venetian Patrician and Bishop, and given by Palatius at the close of his "*Fasti Cardinalium*" (tom. v., pp. 159-160). We cannot but realize from these indisputable proofs the danger of suspending our faith, or believing that it was ever designed by its Divine Author to be suspended, upon a chain of mere human succession, which can never be stronger than any one of its separate links; which has been broken by countless schisms, and mended by as many forgeries; bought and sold by simoniacal purchases and contracts, verifying the old proverb, "*Omnia Romæ venalia,*" and its counterpart, "*curia Romana*

<sup>1</sup> Ameyden's memoirs of the Cardinals of his time, is to be found in manuscript in several of the Papal libraries. A copy is in that of the British Museum.

<sup>2</sup> "*Storia del Granducato di Toscana,*" tom. vii., c. iv.

<sup>3</sup> See Professor Ciampi's "*Innocenzio X. e la Sua Corte,*" p. 328.

*non curat ovem sine laná.*" The "simoniacal taint" was so lightly regarded by the curialists that it became an open question whether the Cardinalate itself were a saleable commodity or not. The very promulgation of the Constitution of Julius proves that its severe penalties had become necessary, while the terror with which Gammarus regarded it was a clear indication that the universality of the evil had made the application of the remedy very difficult. The intrigues of the great Powers of Europe to influence the electors to the Papacy have introduced the "simoniacal heresy" in another form, and bribery has assumed a less direct, but more insidious, character. No election to the Papacy in any age of its long history, since the day of the establishment of Christianity, has ever been really a free one; and no Pope, at least from the period of Alexander VI., has ever had a clear title under the inflexible clauses of the Constitution of Julius II.

ROBERT C. JENKINS.



ART. III.—EXAMINATION OF GESENIUS' OBJECTIONS  
TO THE SAMARITAN PENTATEUCH.

III.

ALTHOUGH, as admitted by the writer in Smith's Dictionary, Gesenius' classification of variations between the two codices (all of which are to be found in a very convenient form in Kennicott's great edition of the Hebrew Bible) is of very subordinate interest to the question of the age and origin of the Samaritan Pentateuch, it is yet worthy of consideration. Only it has to be remembered that where it is a question as to Hebrew grammar, or literary taste, or the spelling of words in a more or less contracted form, however interesting it may be to consider the relative æsthetic capabilities of Israelites and Jews in the age of Jeroboam and Rehoboam, it is an inquiry suitable enough for an academical thesis, but not a matter of supreme importance, and that questions of taste are proverbially incapable of being settled by disputation.

Still, there are certain points of great interest connected with it; and it has a very distinct bearing on what, when we have once recognised the antiquity of the Israelitish recension, becomes a most important question—the comparative weight to be attached to two distinct texts which were separated from each other between two and three thousand years ago.

Before entering on this inquiry, we may ask ourselves what, under such circumstances, we should expect to happen.