

# **Documentary Exposition of the Rupture of Diplomatic Relations**

## **Between the Holy See and the French Government**

By Unknown

International Catholic Truth Society No.ctsa009 (1904)

### **Introduction**

Several times, particularly during the past months, some members of the present French cabinet manifested a determination to gradually bring about a rupture of relations with the Holy See. A decisive step in this direction was the leave or the recall of the Ambassador from Rome. Finally, then, taking as a pretext certain letters which, by order of the Holy Father in the fulfillment of the duties incumbent upon his apostolic ministry, were directed to the Bishops of Laval and Dijon, the French Government, in spite of the satisfactory explanations and benevolent dispositions of the Holy See, judged opportune the moment to break off diplomatic relations with the same. On which side is the right in the development of events which lead to this result will appear evident from a true and documentary exposition of facts. The responsibility for such exposition and publication of the various documents which the Holy See out of delicacy would willingly have preferred to keep entirely secret were it not necessary to put things in their true light, rests upon those who have rendered the same inevitable.

### **The Case of the Bishop of Laval**

From the very beginning of his episcopate grave charges of a nature purely ecclesiastical and altogether foreign to the political and religious questions agitated in France, were made at Rome against Monsignor Geay, Bishop of Laval. After an investigation these charges appeared such that the Holy Father desired the Sacred Congregation of the Holy Office (Document I) to counsel the above bishop to voluntarily resign his diocese, as it was no longer possible for him to govern the same with sufficient authority or efficiency. By so doing he would have saved both himself and the Holy See the pain of a trial with accompanying scandals, and, on the other hand, he would have been in a position to easily save his own reputation by covering up his resignation with some plausible excuse.

Monsignor the Bishop accepted at first the counsel given him (Document II); but immediately afterwards appended to his resignation the condition that he be transferred to another diocese, no matter if it be, as he said, the last in France.

The charges, however, which were made against Monsignor Geay did not arise from local or external difficulties, but were of an entirely personal nature, and hence rendered impossible the acceptance of such a condition.

With that patience which is characteristic of the Church and also in the hope that the future would make the past forgotten, the Holy See delayed for four years, but this patience and this hope were in vain; the charges became such as to permit no further delay, nor was the situation changed by a brief visit to Rome of Monsignor Geay in 1900, which did not permit the Holy See to proceed to a formal trial. Hence the Sacred Congregation of the Holy Office, by order of the Holy Father, wrote again, and in the same tenor, the 17th of May, of the present year (Document III), repeating the counsel given, and adding that, if in the space of a month he did not resign his diocese, the Sacred Congregation would be under the necessity of proceeding further, according to the prescripts of the sacred canons.

The bishop took the liberty to communicate this letter, of its nature secret, to the French Government, which, in a note of June 3 (Document IV), demanded its withdrawal, supposing that the Sacred Congregation intended to proceed to the deposition of the bishop, provided the resignation did not take place within the space of a month.

The Holy See in a dispatch sent to the Papal Nuncio, 10th of June (Document V), a copy of which was given and left with Signor Delcassé, hastened to give the most ample explanations, declaring that the words *progređi ad ulteriora*, which were read in the cited letter of May 17 as well as in the preceding letter of January 26, 1900, according to the phraseology peculiar to the Sacred Congregation of the Holy Office, did not signify any intention to depose the accused from his office or to inflict upon him any other disciplinary penalty, but only to submit him to a regular process according to the sacred canons. Hence, in other words, the Sacred Congregation in the cited letter merely said to the bishop that, if, within the space of a month, he had not followed the counsel given him to resign of his own free will, he would have been called to Rome and invited to defend and justify himself from all the charges made against him. If the bishop succeeded in refuting them, the Holy Father would have been most happy to proclaim his innocence; in the hypothesis then of a deposition or of a voluntary resignation the concordat would have been scrupulously observed on the part of the Holy See.

These explanations seemed to satisfy the Minister; at all events they had no reply and hence the Holy See, with reason, considered them accepted. For the rest, the Papal Nuncio had on various occasions informed the French Government, both during the present and the preceding ministry, of the painful situation in the diocese of Laval, insisting upon the necessity of applying some remedy.

In the meantime Monsignor Geay directed a letter to the Holy Father under date of June 24 (Document VI), in which, without making any reference to that of May 17 and of the communication given to the government, announced that he was to come in the month of October, not having yet collected, as he said, all the Peter's Pence which he desired to bring personally, and his traveling companion being an old man of seventy-five years, Monsignor Chartier, a Canon of the Cathedral. The answer to this letter can be read in Document VII; the bishop replied as in Document VIII; and finally the Cardinal Secretary of State in a letter of the 10th of July (Document IX), communicated to him the order of the Holy Father and of the Sacred Congregation to be present in Rome the 20th day of the same month; adding to it the penalty usual in such cases and demanded by the grave obligation of obedience, that is, suspension, *ipso facto*, and without need of further declaration, *ab exercitio ordinis et jurisdictionis*; a penalty which was to be inflicted only in case of disobedience and which ceased by the very act of obedience. So that the Bishop of Laval, conformably to the explanations given to the French Government, was called to Rome solely in

order to give explanations of his conduct and to justify himself if possible from the grave charges laid against him.

## **The Case of the Bishop of Dijon**

So much for the Bishop of Laval; the case of Monsignor Le Nordez, Bishop of Dijon, is similar.

Against him were also made to the Holy See serious charges of a purely ecclesiastical nature which were causing disturbances in his diocese. Among these we should not omit to mention a fact known to everybody, namely, that some young seminarians in February past refused to receive ordination at his hands, preferring to be expelled from the seminary together with almost all of their colleagues. A delay of the sacred ordinations was necessary; the Cardinal Secretary of State then by a dispatch of March 10 (Document XII) requested the Papal Nuncio to inform the Bishop of Dijon of the wish of the Holy Father that he suspend sacred ordinations until further orders. The Nuncio wrote in this sense to Monsignor Le Nordez under date of March 11 (Document XIII).

This letter of Monsignor Lorenzelli was communicated to the French Government; which in a note of July 15 (Document XVII) declared that it held the same null and void, because in substance it was opposed to the concordat, and in form irregular, since the Pontifical Nuncio had no right to correspond directly with French bishops. Now it is scarcely necessary to point out that a merely prudential measure, demanded by the circumstances and imposing no penalty recognized by Monsignor Le Nordez himself as perfectly just and opportune, is not and cannot be opposed to the concordat. Moreover, that the Nuncio cannot correspond directly with French bishops is something which the Holy See has never admitted, and, in fact, has never been observed.

The painful incident of the sacred ordinations sufficiently revealed the abnormal situation existing in the diocese of Dijon. For that reason the Cardinal Secretary of State by order of the Holy Father requested Monsignor Le Nordez to present himself in Rome as soon as possible (*pregandolo a prevenirlo del suo arrivo, appena avesse determinate il giorno della sua partenza*), not indeed to be deposed or to receive any other disciplinary penalty, but only, as in the case of the Bishop of Laval, to justify and defend himself from the charges which were made against him, and which would be made known to him in their entirety. Monsignor Le Nordez replied that towards the middle of the coming month of June he would place himself at the disposition of the Holy Father. (Document XV).

The entire month of June having gone by to no result, the Cardinal Secretary of State, by order of the Holy Father, in a letter of July 9 (Document XVI), commanded him to come within the space of fifteen days under penalty of suspension *latae sententiae ab exercitio ordinis et jurisdictionis*. In the case of the Bishop of Dijon, as also in that of the Bishop of Laval, the penalty thus held only in case of contumacy and immediately ceased in case of obedience.

Monsignor Le Nordez communicated this command to the government, compelled, as he affirmed, to do so by the government itself; and replied with the letter of July 19 (Document XVIII), directed to the Cardinal Secretary of State. The latter answered on July 22 (Document XIX); hence it is evident what little foundation is there in the reproach made to the Cardinal Secretary of State of having written a fresh letter to the Bishop of Dijon whilst the notes of July 23 were yet pending.

## The French Government's Response and Final Rupture

The French Government in these threatening notes (Documents X and XX) repeated that it considered null and void the letter of March 11, sent by Monsignor Lorenzelli to the Bishop of Dijon, and demanded the recall of the letters which the Cardinal Secretary of State had addressed on July 9 to the Bishop of Dijon and on July 2 and 10 to the Bishop of Laval, holding them injurious to the rights of the Power with which the Holy See had signed the concordat and contrary to the concordat itself. But, in the first place, bearing in mind the legitimate distinction between the concordat and the so-called organic articles, which are a one-sided act of the French Government against which the Holy See has always protested, it is easy to prove the inexactness of this position, it being impossible to find any opposition whatsoever between the above-mentioned letters and any article of the concordat (Document XXII). In order to prove that the Holy See sanctioned implicitly the organic articles, together with the concordat, it is customary to cite the words of the first article of the concordat: "Cultus publicus erit habita tamen ratione ordinationum quoad politiam, quas gubernium pro publica tranquillitate necessarias existimabit" — regulations (ordinazioni) which would be precisely the organic articles. But the plain sense of the words cited as well as the whole history of the concordat of 1801 prove beyond all doubt that these words refer solely to measures of police for the good order and public exercise of religion.

Besides, the Holy See, as shown a little before, had good reason to believe that the government accepted the explanations given in the letter of June 10 and thereby admitted the calling of Monsignor Geay to Rome to defend himself; so far as the threatened suspension was concerned, it could present no difficulty, inasmuch as it, as already stated, could take place only in case of contumacy and during the continuance of the same, it being the custom to annex such penalty not only to similar personal summons, but also to general laws very well known to the French Government, which had never before raised any difficulty thereupon.

Finally it is difficult to understand how the French Government could logically deny to the Holy See without previous agreement the right to counsel a bishop to voluntarily resign his diocese or to forbid him the performance of an act of his ministry as a purely prudential measure demanded by circumstances or to summon him to Rome even under provisional penalty to justify himself from serious charges, whilst it (the government), without any understanding with the Holy See, took to itself the right to suppress the salary due the bishops by explicit disposition of the fourteenth article of the concordat. On the other hand, the recall of the letters spoken of would have meant the subordination of the Pontifical authority over the French episcopate to the will of the government, as well as the complete surrender of all pontifical authority over the bishops of France; hence the Holy Father was utterly unable to accede to the demand of the government without failing in the mission confided to him by the Divine Redeemer over the entire Church.

The Holy See made this known in the conciliatory and kindly answers to the French notes of July 23 (Documents XI and XXI), showing itself for the sake of conciliation not averse to prolonging for a month the term assigned to the two bishops, provided these in the meantime came to Rome to defend themselves, and in case of refusal or inability to justify themselves the government would be disposed to treat with the Holy See in order to provide for the administration of the diocese. All was in vain. (Documents XXIII and XXIV).

History will say that the French Government broke off civil diplomatic relations with the Holy See, because the latter, acting entirely within the limits of its competency and after having notified the

same government, summoned two bishops to clear themselves from the grave charges made against them.

## **Documents**

### **Document I**

#### **His Eminence the Cardinal Secretary of the Holy Office to Monsignor Bishop of Laval**

Most Illustrious and Reverend Sir:

Many things have of late been brought to the attention of His Holiness which, supported by reliable testimony, clearly show that Your Lordship can no longer discharge the episcopal ministry with becoming authority and efficiency. His Holiness, reflecting upon these things with heartfelt grief in the presence of the Lord, for your own welfare and that of the flock committed to your care, has commanded me in his name and by his authority to invite you to resign at the earliest possible opportunity, willingly and freely, the care and rule of your diocese. If this be done, strict silence will be religiously observed in the whole matter to protect the honor of your name and character. I earnestly beseech that the affair may thus proceed, lest, which may God avert, it be necessary to take further measures (ad ulteriora progredi).

While, therefore, with pain and grief I discharge the commands of the supreme authority and beg from Your Lordship a prompt reply, I salute you in the Lord.

L. M. Card. Parocchi.

Rome, January 26, 1900.

### **Document II**

#### **The Bishop of Laval to His Holiness Leo XIII**

Holy Father:

I have the honor to place in the hands of Your Holiness my resignation of the See of Laval.

Prostrate at the feet of Your Holiness, I beg you to accept the expression of my respectful and filial gratitude.

Peter Joseph, Bishop of Laval.

Laval, February 2, 1900.

### **Document III**

#### **His Eminence the Cardinal Secretary of the Holy Office to Monsignor Bishop of Laval**

Most Illustrious and Reverend Sir:

On a former occasion letters were given to Your Lordship by which in the name of the Holy See you were invited to resign willingly the care and rule of the diocese committed to you. Since, therefore, the very grave reasons for this action yet obtain in their entirety, at command of their Eminences the Cardinals, together with the Inquisitors General, I am obliged to repeat that invitation in express terms, earnestly begging that you will not make it necessary for the Holy Congregation to take

further steps (ad progrediendum ad ulteriora), which will certainly happen, quod Deus, averbat, unless you will present yourself within a month from the date of these letters. May God's assistance be with you.

S. Card. Vanutelli.

Rome, May 17, 1904.

## **Document IV**

### **The Chargé d'Affaires of France to the Cardinal Secretary of State**

(Note.)

By a letter under date of May 17, 1904, and signed by Cardinal Vanutelli, the Bishop of Laval has been invited to resign his functions within the space of one month under pain of grave measures.

The Government of the Republic is obliged to protest against such action undertaken without its consent.

The Bishop of Laval has been regularly nominated and appointed under the conditions provided by the 5th article of the Concordat of July 15, 1801, which is thus stated: "The nominations to Bishoprics which shall in the course of time become vacant shall equally be made by the First Consul; and the canonical institution will be given by the Holy See."

As with the nomination, so ought it be with the deprivation and forced dismissal. The powers of a Bishop cannot be conferred on him or withdrawn without a decision of the Government of the Republic.

In exercising, therefore, without the knowledge of the French Government and through the intermediary of authority, which the French Government does not acknowledge, an act of undisguised pressure on the Bishop of Laval to compel him to hand in his resignation, the Holy See assails the right which belongs to the State under the 5th article of the Concordat. Therefore has order been given to the undersigned to make known to His Eminence the Cardinal Secretary of State that if his letter of May 17 be not annulled the Government will be led to take measures which such a derogation of the pact that binds France and the Holy See demands.

The undersigned Chargé d'Affaires of France embraces this opportunity of assuring the Cardinal Secretary of State of his deep respect.

Robert de Courcel.

Rome, July 3, 1904.

## **Document V**

### **His Eminence the Cardinal Secretary of State to Monsignor the Apostolic Nuncio in France**

Most Illustrious and Reverend Sir:

M. De Courcel by order of his government has forwarded to me a note, copy of which is appended to the enclosed sheet. Inasmuch as the affair concerns the conduct of a bishop, the Holy Father desires that the smallest possible number of persons be drawn into it, and for this reason, instead of

replying directly to M. De Courcel, I hasten to furnish Your Excellency with opportune explanations, which you are hereby authorized to communicate to this Minister of Foreign Affairs.

In order to properly understand the sense and purport of the letter addressed May 17, 1904, to Monsignor Geay, Bishop of Laval, it is necessary to bear in mind the following considerations: No one is ignorant that the most grave duty of the Roman Pontiff — a duty intimately connected with his primacy of jurisdiction over the Catholic Church — is to watch with tireless solicitude over the conduct of individual dioceses in the Catholic world, in order to promote their progress in good, and prevent, where necessary, spiritual decay. It is likewise known that in the discharge of this important duty the Supreme Pontiff is assisted by the Roman Congregations, among which the first place is assigned to the Supreme Congregation of the Holy Office, upon which devolves a most important and vital responsibility in the Church — namely, that of protecting the integrity of faith and the purity of morals among the clergy and in a particular manner among the bishops. It is for this reason that this Congregation is honored by having as Prefect the Supreme Pontiff himself and a Cardinal as its Secretary.

As far back as the year 1899, by express order of the Supreme Pontiff, Leo XIII, this Congregation of the Holy Office was obliged to examine seriously the grave charges against Monsignor Geay and the consequent religious and moral condition of his diocese. Examination of the case quickly showed that only two courses of action were possible — either a regular canonical proceeding, not neglecting due consideration for the terms of the Concordat, or an appeal to the conscience and personal interests of the Bishop, inviting him to a free and spontaneous resignation. After mature consideration and with the desire to avoid talk and scandal, and at the same time to protect, as far as possible, the reputation of the Bishop, and to spare him and the Holy See the affliction of a canonical process in such a delicate matter, this latter alternative was adopted, the more so because it would not be difficult for Monsignor Geay to give plausible reasons for his resignation.

Following this advice given him January 26, 1900, in the name of Leo XIII, Monsignor Geay took the trouble to answer in the following letter, dated from the Archdiocese of Bourges, February 2, 1900:

"Most Holy Father. — I have the honor to place in the hands of Your Holiness my resignation from the see of Laval. Prostrate at the feet of Your Holiness, I beg you to accept the expression of my respectful and filial devotion."

Thus it seemed the time had arrived for the Holy See to treat of the matter with the French Government in compliance with the Concordat; but, unfortunately, the above letter was followed by several others, all intended to show that the resignation was conditional, or subject to a transfer to another diocese in France, though it should be the humblest and poorest, as he said.

It was impossible to grant the wish of Monsignor Geay, inasmuch as the determination to have him resign was not at all dictated by local or external difficulties, but by private and personal reasons which were calculated to besmirch the dignity and reputation of the Bishop.

It was, therefore, decided to repeat the advice; but, in accordance with the patience and indulgence of the Holy See, there was a delay in reopening the matter in the hope that perhaps Monsignor Geay would have recognized for himself his fatal and painful situation in the See of Laval.

When this hope failed, the present Pontiff, Pius X, moved solely by a sense of the duty belonging to the Supreme Apostolate and mindful of the account he should have to give to God, ordered the

Sacred Congregation of the Holy Office to resume the painful subject, and hence the letter of May 17 last.

The tenor of this letter is altogether similar to that of the other one sent January 26, 1900; only it adds that if the Bishop did not follow the advice to resign within a month, the Sacred Congregation would be obliged to take further measures (*progredi ad ulteriora*). In the phraseology used by the Sacred Congregation, the expression *progredi ad ulteriora* does not signify, as the French Government seems to believe, that if the bishop did not resign within a month he would be at once deposed, or deprived of his diocese, or otherwise punished. It merely means that if the resignation did not take place the Sacred Congregation would be obliged to adopt the first alternative mentioned above — namely, it would have to call Monsignor Geay to Rome that he might obtain exact knowledge of the various charges which were made against him in the moral and ecclesiastical order, and give the case all the explanation he might deem necessary and calculated to give the judges complete information. If Monsignor Geay succeeded in clearing himself entirely in this trial, so hard on himself and the Holy See, he would return to his diocese without any reproof whatever; if, on the contrary, the charges against him were proved in whole or in part, the situation would become much more serious and troublesome.

I trust that this authentic explanation of the views and facts may modify the severe judgments of M. Delcassé concerning the letter of May 17. To find in the proceeding used toward the Bishop of Laval any violation of the Concordat agreement, one would have to maintain that the French bishops were become by virtue of that Concordat mere state officials, entirely freed from those bonds which bind through the divine institution the Catholic episcopate with the Supreme Head of the Church, so that the Roman Pontiff could not, even in the face of serious moral and religious reasons, without the previous consent of the government, either advise a bishop to resign freely and of his own accord for his own personal good and to the advantage of his diocese, or call him to Rome to clear himself of charges made against him. Everyone can see how far this would be opposed to the truth; it would amount to saying that the French bishops were placed outside the Catholic Church by the Concordat.

I am sorry to have had to enter into details which affect the good name of a bishop, and I have done so only after having received a special dispensation from the Holy Father from the strict secrecy of the Holy Office, and resting all the responsibility on Monsignor Geay, who allowed himself to make public a letter in itself most private. At the same time I feel confident that M. Delcassé, unbiased as he is, will recognize in these explanations a new token of the lively desire of the Holy Father to see the friendly settlement of all the difficulties existing between the French Government and the Holy See. You are authorized to permit him to read this dispatch, and, if necessary, to leave him a copy of it.

With feelings, etc.

R. Card. Merry del Val.

Rome, June 10, 1904.

## **Document VI**

### **The Bishop of Laval to the Holy Father**

Laval, June 24, 1904.

Holy Father: Permit one of your children, on the occasion of the Festival of St. Peter, to express to you his sentiments of profound veneration and absolute devotion, together with pious wishes for your health and happiness.

As I had the honor, a few months ago, of writing to Your Holiness, I entertain the hope of prostrating myself soon at your feet and bearing to you the expression of my filial devotion.

This year 1904 is that which naturally should bring me to the Confessional of St. Peter, there to offer prayer and to render to the Head of the Church an account of my episcopal administration.

If I were to listen only to my heart's impatience I would advance by months the date which I had fixed and pointed out to Your Holiness. Before October, however, I shall not have collected the full tribute of Peter's pence, which I shall bear with me.

Moreover, as I am to be accompanied by one of my chapter, Monsignor Chartier, an old man of seventy-five years, he has entreated me to await the close of the warm weather before undertaking the long journey.

In the meanwhile I pray Your Holiness to believe that no bishop is better disposed to follow your instructions than the humble Bishop of Laval, who has already suffered for his scrupulous obedience to the commands of Leo XIII of happy memory. God has been pleased to bless him in giving him the love of His entire people and the persecution of those in power.

But, thanks to God, peace reigns and the name of Jesus Christ is more and more glorified.

Deign, Holy Father, to accept the most filial expressions of my homage, the most respectful devotion of one of the bishops of France.

Peter Joseph, Bishop of Laval.

## **Document VII**

### **His Eminence the Cardinal Secretary of State to Monsignor Bishop of Laval**

Most Illustrious and Reverend Sir: The Holy Father, having received the letter which your lordship directed to him on the 24th of last June, has ordered me to communicate it to the Supreme Congregation of the Sacred Office of which he is Prefect; and their Eminences the Cardinals Inquisitors General in the Congregation of June 30 have issued the following decree, which was afterwards approved in audience by His Holiness: "Raspondendum per continentissimum Cardinalem a Secretes Status juxta mentem, idest."

The Holy Father is sadly surprised to learn from the letter of Monsignor Geay that he has not yet obeyed the injunctions of the Supreme Sacred Congregation of the Holy Office, that he has failed to give them sufficient attention; his dispositions remaining unchanged, you will invite him to come to Rome within fifteen days from date of letter to present himself formally before the above-named Sacred Tribunal to answer the various charges brought against him under pain of suspension (*lata sententia*) from the exercise of order and jurisdiction. This censure will be incurred *ipso facto*, if, on expiration of prescribed term, he shall not have acted.

Whilst discharging the duty committed to me by the Holy Father through the Sacred Congregation, which is the organ of his decrees in matters of importance, I embrace the opportunity, etc.

Rome, July 2, 1904.

R. Card. Merry del Val.

## **Document VIII**

### **The Bishop of Laval to His Eminence the Cardinal Secretary of State**

Laval, July 6, 1904.

Your Eminence: As is the duty of every French bishop, I sent yesterday — 5th of present month — with my own hand to my government the letter which Your Eminence did me the honor of writing in reply to that which my filial love placed at the feet of the Holy Father.

I have, at the same time, asked the Minister of Public Worship for authorization to go to Rome at once in conformity with the order of Your Holiness.

I regret to inform you that the said authorization has been absolutely refused to me under the head of Article 20 of the law de germinal and under penalty of consequences.

If Your Eminence has any objections to make in that matter it will be well to address them to the French Government. I shall hold myself bound to what may be arranged between the latter and the Holy See.

I hope to send to you from here the greater part of the Peter's pence, which I would have been delighted to bear in person.

Deign, most eminent sir, to accept my regrets and humble homage.

Peter Joseph, Bishop of Laval.

## **Document IX**

### **His Eminence the Cardinal Secretary of State to the Bishop of Laval**

Most Illustrious and Reverend Sir: In consequence of the letter sent by your most illustrious and reverend lordship on the 6th of the current month, and in obedience to the orders of the Holy See and of the S. R. and V. Inquisition, I have the painful duty to call your attention to the constitution "Apostolicae Sedis," and warn you to consult your conscience ("consulat conscientiae suae") in conformity with the content of such document. Also, by command of His Holiness and of the above-mentioned Supreme Office, I hasten to again inform you of the decree issued June 30 by the above-mentioned Sacred Congregation with regard to you and to enjoin you to present yourself at Rome on the 20th day of the current month, notify you as well that, in case you allow this time limit to expire without result, you will incur, without need of further declaration, suspension *lata sententia ab exercitio ordinis et jurisdictionis*.

Having fulfilled this disagreeable duty, I pass, etc.

Rome, July 10, 1904.

R. Card. Merry del Val.

## **Document X**

### **The Chargé d'Affaires of France to His Eminence the Cardinal Secretary of State**

(Note.)

In reply to the note sent on the 3d of last June to His Eminence, the Cardinal Secretary of State protesting in the name of the government of the republic against the injunction addressed by the Holy See to the Bishop of Laval, asking him to resign his functions within the space of one month, His Excellency the Nuncio Apostolic gave to M. Delcassé the following explanations, confirmed by him a few days later in communicating the text of the letter under date June 10, which he had received on the subject from Monsignor Merry del Val.

The notice forwarded to the Bishop of Laval did not mean, according to Monsignor Lorenzelli, that if that prelate did not resign with the space of one month measures would be taken to depose him without further formality. It meant solely that if the suggested renunciation did not become realized the Congregation of the Sacred Office would find itself obliged to bring Monsignor Geay to Rome, there to justify himself against the imputations brought against him.

The Cardinal Secretary of State repelled the charge of wishing, "without observing the Concordat," to engage in a procedure that could lead to the suspension of a bishop or to his deposition. And His Eminence added that he felt confident it would be seen "in the explanations given a fresh assurance of the ardent desire of the Holy See to see all the difficulties existing between the French Government and the Holy See amicably settled."

Contrary to these assurances, His Eminence the Cardinal Secretary of State wrote directly on July 2 to the Bishop of Laval, threatening him with suspension if, within fifteen days, he did not present himself in Rome before the Tribunal of the Sacred Office. And as the Bishop of Laval had not acquiesced, he received a new letter dated from the office of Secretaryship of State of His Holiness on the 10th of this month, and signed by Merry del Val, telling him that, if he did not present himself in Rome on the 20th of July at the latest, he would thereby incur, no further declaration being required, suspension *latae sententiae* from the exercise of order and jurisdiction.

After the notice contained in the above-mentioned note of the 3d of last June, and as the charges made against the Bishop of Laval go back several years, it is impossible to mistake the nature of these urgent and repeated summonses.

In calling directly to Rome, and without the knowledge of the government, a bishop who in his character of administrator of a diocese derives authority from the Minister of Worship, the Holy See took no cognizance of the right of the power with which it signed the Concordat.

In threatening this bishop, if he go not to Rome, with pain of suspension, and in warning him that if he did not present himself in Rome on July 20 at the latest he would thereby and without need of further declaration incur suspension *latae sententiae* from order and jurisdiction, the Holy See disregarded the disposition of the Concordat, from which it results that a bishop cannot be suspended or deposed without the consent of the two authorities contributed to its creation.

Such attitude dictates the conduct of the Government of the Republic. For this reason the undersigned has been ordered to declare to His Eminence, the Cardinal Secretary of State, that if his letters of the 2d and 10th of July to the Bishop of Laval be not withdrawn, if execution be given to the threats which have been expressed, the French Government shall be led to understand that the Holy See is no longer solicitous about her relations with the power, which, fulfilling the obligations of the Concordat, is bound to defend the prerogatives which the Concordat confers upon it.

And the Government of the Republic leaves to the Holy See the responsibility for the measures which it shall be forced to adopt.

The undersigned Chargé d'Affaires of France takes this opportunity to assure His Eminence, the Cardinal Secretary of State, of his lofty consideration.

Rome, July 23, 1904.

Robert de Courcel.

## **Document XI**

### **His Eminence, the Cardinal Secretary of State, to the Chargé d'Affaires of France**

(Note.)

The undersigned Cardinal Secretary of State has not failed to give his whole attention to the note under date of the 23d of the present month of July with which the Chargé d'Affaires of France, after having noted the explanations contained in the dispatch sent to the Nuncio at Paris (June 10), as well as the directions given July 2 and 10 to the Bishop of Laval, observes that the Holy See by calling to Rome a bishop without the knowledge of the government, "disregards the rights of the power, together with which it had signed the Concordat," and by menacing the bishop with threat of suspension in case he did not come to Rome, "disregards the dispositions of the Concordat, according to which a bishop cannot be suspended or deposed without the mutual agreement of the two authorities which contributed to create him." After these statements the Chargé d'Affaires, in the name of his government, declares that if the two above-mentioned letters directed to Monsignor Geay be not withdrawn, and if the threats therein contained be carried out, "the French Government would feel bound to consider that the Holy See no longer has interest in the relations with the power, which, in the fulfillment of the obligations of the Concordat, is in duty bound to defend the prerogatives conferred upon it by the Concordat."

In order to properly answer these observations it will be useful to give a short exposition of the exact state of the question.

For reasons of a nature strictly ecclesiastical and altogether foreign to the political questions which are agitated in France, the Holy Father in the fulfillment of the duties incumbent upon his apostolic ministry over the whole Church, judged it opportune to counsel the Bishop of Laval to voluntarily resign his see, since in such way he would have spared himself and the Holy See the pain of further procedure.

Bishop Geay, not heeding this prudent and fatherly advice, repeated several times, the Holy See made known to him that it found itself under the imperative necessity to call him to Rome, so that he might make the necessary explanations of the grave charges that were brought against him. There was no question, therefore, of deposition, in which case the Holy See would have informed the government; nor was there question of other punishments, but a simple call to Rome to justify himself. If he had come to Rome, he would have been made acquainted with the charges brought against him, with full liberty to examine them and defend himself; and if he succeeded in refuting them the Holy See would have been most happy to proclaim the baselessness of the charges.

All this the Holy See formally set forth in the telegram sent to the Papal Nuncio at Paris the 10th of June, which was read by him and a copy of same sent to M. Delcassé in answer to the note of the 3d of the same month, which had been referred to the Cardinal Secretary by the French Chargé d'Affaires. The explanation given seemed to satisfy the Minister; certainly no answer was made to it, and so the Holy See rightfully considered that it was accepted. Moreover, the Nuncio at different

times had brought to the attention of the government, both under the preceding and under the present ministry, the sad condition of the Diocese of Laval, showing the necessity of remedying that condition.

This being the state of affairs, and always with the intention above indicated of giving him a chance to justify himself, the order to betake himself to Rome was sent to Bishop Geay, together with the canonical penalty demanded by the gravity of his duty of obeying, a penalty that is added only in case of contumacy, and which ceases with the act of obedience. In the above-mentioned dispatch of the 10th of June to the Nuncio, the Cardinal Secretary said that certainly, on the supposition that proceedings were instituted, the requirements of the Concordat would not be neglected. This referred to the hypothesis of deposition or spontaneous resignation, and not that the Holy See would refrain from calling to Rome Bishop Geay, obliging him in conscience to obey even with the threat of canonical punishment.

To this are to be referred also the letters of the 2d and 10th of July to the Bishop of Laval, of which the French Government demands the withdrawal, judging them to be violations of the Concordat; but it is easy to show the inexactness of this judgment. In fact, in the first place, the Concordat is altogether distinct from the later organic articles, which are a one-sided act of the French Government, against which articles the Holy See has never ceased to protest; and in none of the seventeen articles of the Concordat, whether we consider the spirit or the letter of the articles, do we read that the Holy See cannot, without the previous consent of the government, advise a bishop to resign his see, for his own advantage or the gain of his diocese, or to call him to Rome to furnish an explanation of his conduct. The Holy Father could not concede this without being wanting in his sacred duties as Supreme Pastor of the Church, since if no one questions that the bishops of France ought to have the necessary relations with the government defined by the Concordat, yet, as regards their jurisdiction, they depend on the Roman Pontiff, who confers this jurisdiction on them by means of canonical institution and maintains it when conferred, and the Roman pontiff cannot make this dependence subordinate to the consent of civil authority.

In fact, that the Roman Pontiff, even after the Concordat, maintained his full authority over the bishops of France appears clearly even from the solemn and special oath of which the French Government is not ignorant, as it forms part of the canonical institution which is united to the Bulls, and with which the bishops bind themselves to submissively receive and faithfully execute the injunctions of the Roman Pontiff. *Mandata apostolica humiliter recipiam et quam diligentissime exequar.* And in particular that the Pope, even after the Concordat, may call to Rome, even under pain of incurring excommunication *ipso facto*, the bishops of France, to give an account of their work, is confirmed by the well-known law, that certainly the French Government knows, and that without any consent of the government obliges the bishops of France, as well as the bishops of the other countries of Europe, under pain of excommunication, *latae sententiae*, to betake themselves to Rome every four years, or at least to send a representative for the purpose chiefly of making known to the Pope the condition of their dioceses and of receiving from him instruction, advice, commands.

After these considerations, it is to be hoped that the French Government will be convinced that on the part of the Holy See there has been no violation of the Concordat, and that, animated by a spirit of equanimity, it will not insist on a withdrawal of the letter in question, thus saving France grave religious disturbances. This withdrawal, in fact, would be equivalent to a complete abdication of the

authority of the Pope over the episcopate; an abdication that is not in the power of the Holy Father and cannot be in the intention of the Government of the Republic.

Only to give a fresh proof of his conciliatory disposition and to show that in all these painful happenings he is moved always and only by a feeling of duty, the Holy Father would not be unwilling to put off for one month the date assigned to the Bishop of Laval, provided that he, in the meantime, betake himself to Rome to justify himself, and if he refuses to come or fails to justify himself, let the government show itself disposed to come to an understanding with the Holy See in providing for the administration of the diocese.

From this act of deference it can be easily seen how much interested the Holy See is in maintaining cordial relations with the Government of the Republic, relations founded on the exact observances of the disposition of the Concordat. The Holy Father, with a particular affection, which, following the example of his illustrious predecessor, he cherishes for the noble French nation, would view with great sorrow, that the Government of the Republic, for the sole purpose of impeding the course of justice in the case of a bishop with the proper authorities, would allow itself to undertake measures of hostility that are not justified, for which the Holy See would not bear any responsibility either before God or man.

The undersigned Cardinal Secretary of State in asking the Chargé d'Affaires to bring all that has been written above to the knowledge of his government, takes the opportunity of assuring him of the distinguished esteem in which he holds him.

R. Cardinal Merry del Val.

Rome, July 26, 1904.

## **Document XII**

### **His Eminence, the Cardinal Secretary of State, to the Papal Nuncio in Paris**

(Telegram me.)

Rome, March 10, 1904, 8.30 P. M.

I beg Your Eminence to signify immediately to the Bishop of Dijon that it is the wish of the Holy Father that he suspend ordinations until further order. Send the answer of the bishop.

Card. Merry del Val.

## **Document XIII**

### **The Apostolic Nuncio at Paris to Monsignor Bishop of Dijon**

Most Illustrious and Most Reverend Sir: Ordered by the Holy Father, I hasten to make known to your lordship, that the Holy See wishes, until further dispositions are made, that you suspend ordinations. Always ready either to transmit to Rome whatever message your lordship may wish to send, or to serve you in any other way that is in my power. With fraternal affection and esteem I remain, Your most humble servant,

Benedict Lorenzelli Arch Sard,

Apostolic Nuncio to France.

Paris, March 11, 1904.

## **Document XIV**

### **His Eminence, the Cardinal Secretary of State, to the Bishop of Dijon**

Most Illustrious and Most Reverend Sir: The Holy Father has placed on me the duty of inviting your lordship to come to Rome as soon as possible. In fulfilling this revered commission of the Holy Father, I beg of you to let me know of your coming as soon as you have fixed the day of departure. Meanwhile I take this opportunity, etc.

R. Cardinal Merry del Val.

Rome, April 24, 1904.

## **Document XV**

### **The Bishop of Dijon to His Eminence, the Cardinal Secretary of State**

Dijon, May 3, 1904.

Your Eminence: I have the honor to express to Your Eminence the lively regret I experience in delaying my answer to the letter I have received from you.

I wished, in fact, to add to my letter a report which Your Eminence can show to the Holy Father, and I have had to spend the last two days on it. On Saturday I begin my round of confirmations; all the parishes are ready, all the children are prepared, and the official announcement was made a month ago.

My absence and my departure for Rome would cause great trouble, and the effect of it would be deeply regrettable, at this time particularly, when calm again reigns. My visitation will end towards the middle of June, and I will be then at the disposition of the Holy Father.

In the midst of the sufferings I have undergone my thoughts have often turned to the Holy Father; I desire most ardently to prostrate myself at his feet, and also, I do not hide it, to make myself known to him. For has not an attempt been made to turn him against me and to depict me to him in colors that are not true?

I dare to beg Your Eminence to submit to His Holiness the note that I append to this letter. If a month since I wrote to His Grace, the Apostolic Nuncio at Paris, that I desired to enlighten His Holiness by precise and sincere report; I have been late in doing it. I beg Your Eminence to accept the homage of my profound respect.

Albert, Bishop of Dijon.

## **Document XVI**

### **His Eminence, the Cardinal Secretary of State, to the Bishop of Dijon**

Most Illustrious and Most Reverend Sir: By order of the Holy Father, I hasten to signify to your lordship that His Holiness is sorrowfully surprised in seeing that your lordship, after having promised to come to Rome after the end of June, has not kept your word. His Holiness, therefore, commands you to come to Rome within fifteen days from the date of this letter, under pain of

suspension, *latae sententiae ab exercitio ordinis et jurisdictionis*, to be incurred *ipso facto* as soon as the time has to no purpose expired.

In fulfilling this Pontifical duty, I am, etc.

R. Card. Merry del Val.

Rome, July 9, 1904.

## **Document XVII**

### **The Chargé d'Affaires of France to His Eminence, the Cardinal Secretary of State**

(Note.)

From information received by the President of the Council, the Minister of the Interior and of Worship, of which M. Combes has been obliged to and has been able to verify the truthfulness, it seems that His Excellency, the Apostolic Nuncio at Paris, has transmitted, on the 11th of March last, to the Bishop of Dijon, an order from the Holy Father, to suspend ordinations in his diocese until further notice.

The Government of the Republic is obliged to protest against such an order given without its consent, for the reason that every measure of this kind tends to diminish the prerogatives of a bishop and to inflict on him in some sort a partial deposition, and is in opposition to the Concordat; and against the form of the order, since the Nuncio of the Pope has not the right to correspond directly with the French bishops.

For this reason an order has been given to the undersigned to make known to Your Eminence, the Cardinal Secretary of State, that holding itself to the spirit and the letter of the Concordat, the Government must consider as null and as not having been sent the letter of March 11.

The Chargé d'Affaires of France, the undersigned, takes this occasion to assure His Eminence, the Cardinal Secretary of State, of his highest consideration.

Robert De Courcel.

Rome, July 15, 1904.

## **Document XVIII**

### **The Bishop of Dijon to His Eminence, the Cardinal Secretary of State**

Paris, July 19, 1904,

Your Eminence: I have received at the very end of the north of France, where I was taking a rest, the letter Your Eminence has addressed to me. It arrived July 12 at midday.

The day before its arrival, M. Bizouard, pastor of St. Benignus of Dijon, the principal promoter of the troubles of which my diocese, for the last seven months, has been the theatre, declared to the priests of his deanery assembled in conference, "that he had received a letter from the Pope announcing that measures had been taken against me," and "from Your Eminence another letter, declaring to him that the seminarians of my diocese need not worry about their sacred orders which would be conferred upon them in September in my cathedral by a strange bishop."

I have not hesitated for an instant to consider as false the sources of information alleged by M. Bizouard. But I am astonished to see the decisions of the Holy See in my case known to this ecclesiastic before they are made known to me.

Some minor official has, without doubt, wrongfully made the matter public; this is the source to which I attribute the articles in the press, published in France during the past eight days, and I have thought it wise to inform Your Eminence of it. As for myself, I have kept secret the letter I received from you.

Compelled by the French Government to give up this letter, I believed I did not have the right to refuse. I have revealed its contents this morning, passing through Paris on my way to my diocese. I had the honor to write to Your Eminence a little over two months ago. I am anxious to place myself before the Holy Father, to pay to him the debt of my profound respect, to assure His Holiness of my attachment to the Holy See, which attachment no person or thing can weaken. I am anxious to be known by the Pope, because I am sure that half an hour would suffice to gain his esteem, his confidence, and to dispel the prejudices that hatred, lies and calumny have inspired in His Holiness against me.

But after seven days of reflection before God, I feel it my duty to declare to Your Eminence that I believe I cannot go to Rome under the conditions under which I have been invited.

I am deeply grieved. I see the evils that threaten the Church in France, the deplorable complications that this incident adds to the state of religion already so gravely compromised. But I can do nothing.

For seven months I have been the object of attacks as odious as they are scurrilous, on the part of some of the priests of my diocese. They have stirred up against me the young clerics of my seminary, devout young laymen and pious and credulous women. They have recently used lies, threats and money to induce the children to refuse, at my hands, the sacraments of confirmation.

They have based their action on the accusation as hateful as it is foolish, that I belonged to a society of which I have never known even a member, and the name of which I would even blush to write. I have remained silent. I have borne everything calmly, awaiting the day of truth. Because of this charge, my enemies have declared a thousand times that I have been denounced to the Holy See, and for the last six months they have been saying daily that I was about to be deposed.

The Holy See has never, by the least word, made known to me that an accusation of this nature was made against me. I declared five months ago, through the Apostolic Nuncio, that I was wholly at the disposition of the Pope for all explanations and justification, but nothing was asked of me.

Two months ago I had the honor, through the medium of Your Eminence, to send to His Holiness a report in which I dare to say neither clearness nor sincerity left anything to be desired. I ended it by declaring myself ready to add all the details that His Holiness could desire. No one has yet asked for them.

To-day, Your Eminence, I received the order to go to Rome, under pain of suspension from my See. And this is the only communication which has been vouchsafed to me, the only support that is given to me in the fight I am patiently and bravely sustaining for the defence of justice and of that episcopal character with which God and the Holy See have clothed me. And all this is disclosed, given to the press and to popular feeling to feed on.

How guilty must I then seem to be? How am I judged as a bishop? My life of solitude, of labor, of devotion to the Church and to my diocese, does it deserve this condemnation? I dare to say that, in all France, there is no bishop more strongly attached to the Holy See than myself. Whoever will attack it will find me ready for the defence. But must I, therefore, sacrifice my person and my sacred character? No, this cannot be. Falsehood cannot triumph thus. Pius X is just and good, as well as firm. He will not treat in this manner a bishop such as I.

I await then, Your Eminence, a definite notification of the censures with which I am threatened. Furthermore, the Holy Father may rest assured that never will I hesitate to give to my clergy an example of respect for authority which I have so often preached to them.

I beg Your Eminence to accept the expression of my sentiments of profound respect.

Albert, Bishop of Dijon.

## **Document XIX**

### **His Eminence, the Cardinal Secretary of State, to the Bishop of Dijon**

Your Lordship: I have just received the letter which your lordship wrote to me the 19th of the present month, and immediately made its contents known to the Holy Father. In the most formal manner, I can assure you that the Holy Father has not written a single word to the Abbé Bizouard, and I have never had any communication with him on the subject of the ordinations at Dijon.

If M. Bizouard has allowed himself to make the assertions reported to you, he must answer for them to the proper authorities.

But, Your Lordship, independently of all this, I am charged by the Holy Father to again call your attention to the extreme gravity of your present position. After having been invited by the Holy Father to come to Rome in the first half of the month of June, you promised to present yourself here the latter part of last month, and you told him that the delay was caused by reason of the fact that your round of confirmations was already announced. You did not come, but you set out for Paris and the north of France. The Holy Father waited until the 9th of July, and then sent you the formal order, under pain of suspension, to come to Rome within fifteen days.

Your lordship, you yourself have said that you communicated this letter to the government without taking into account the requirement of the Bull "Apostolicae Sedis." You tell me, your lordship, that a half hour would be enough to explain your position to the Holy Father to gain his esteem, his confidence and to dispel the prejudices that hatred, lying and calumny have inspired in the Holy Father against you. You should have granted him this half hour, particularly as the Pope called you to him, but instead of obeying and keeping your promise, you went to Paris. The Holy Father has not pronounced any judgment on the facts brought to his notice, and it is precisely because he did not wish to pass judgment on them without hearing you and giving you a chance to gain his confidence and dispel all these accusations, that he called you to Rome. You preferred to remain in France, and to communicate to the civil authority, an order which was addressed to you by the Holy Office, in the name of the Holy Father himself. I am charged by His Holiness to invite you to-day to do your duty and to consult the welfare to your own conscience, now particularly, since the allotted time is on the point of expiring.

Your lordship declares "that there is not in all France a bishop more strongly attached to the Holy See than yourself," and that "whoever attacks it will find you ready for the defence." The Holy

Father does not wish to doubt your statements, but will be compelled to do so if you fail now in your duty. The notification that has been given to you is definite. Permit me to add, monsignor, on my own part, that I write to you with a heart much afflicted, and that I would willingly have spared you this letter could I have done so without disobeying orders. I conjure you to act as a bishop, as a French bishop sincerely attached to the Apostolic See, and not to add to the bitterness that the heart of the Holy Father, at this moment, feels, that all share; a bitterness shared by all who love the Church and France.

R. Cardinal Merry del Val.

## **Document XX**

### **The Chargé d'Affaires of France to His Eminence, the Cardinal Secretary of State**

(Note.)

His Excellency, the Apostolic Nuncio at Paris, having forwarded under date of March 11 past to the Bishop of Dijon, an order of the Holy Father, to suspend ordinations in that diocese until further advice, the undersigned has made known to His Eminence, the Cardinal Secretary of State, in a note of the 15th of this month, that the Government of the Republic, holding to both the spirit and letter of the Concordat, protested against such action, taken without its consent, and feels obliged to consider as null and void the letter of Monsignor Lorenzelli under date of March 11.

Despite this protest, His Eminence, the Cardinal Secretary of State, renewed to M. Le Nordez, in a letter directly addressed to him on July 9, in the name of the Holy Father, the injunction to present himself at Rome within the space of fifteen days from the receipt of this communication, under pain of suspension, *latae sententiae ab exercitio ordinis et jurisdictionis*, to be incurred *ipso facto* on the expiration of the time limit assigned.

In summoning directly to Rome and without the knowledge of the government a bishop, who in his character as the administrator of a diocese depends upon the Minister of Worship, the Holy See disregards the rights of the power with which it had conjointly signed the Concordat.

In enjoining upon this bishop to present himself at Rome, within the space of fifteen days, under pain of suspension, *latae sententiae ab exercitio ordinis et jurisdictionis*, to be incurred *ipso facto* upon the expiration of the time assigned, the Holy See disregards the ruling of the Concordat, according to which a bishop cannot be suspended nor deposed without an agreement of the two authorities who mutually contributed to create him.

A parallel attitude directs the conduct of the Government of the Republic.

For this reason the undersigned is ordered to declare to His Eminence, the Cardinal Secretary of State, that if the letter of July 9, to the Bishop of Dijon, is not withdrawn, if the case results in the threats therein expressed, the French Government feels bound to consider that the Holy See ignores his relations with the power which, in fulfilling the obligations of the Concordat, is in duty bound to defend the prerogatives conferred upon it by the Concordat.

And the Government of the Republic leaves to the Holy See the responsibility for the cause thus forced upon it.

The undersigned Chargé d'Affaires of France takes this occasion to assure His Eminence, the Cardinal Secretary of State, of his highest esteem.

Rome, July 23, 1904.

Robert de Courcel.

## **Document XXI**

### **The Cardinal Secretary of State to the Chargé d'Affaires of France**

(Note.)

The undersigned Cardinal Secretary of State has given due attention to the note of the 23d of the present month, in which the Chargé d'Affaires of France, after having noted the order given the Bishop of Dijon, under date of July 9, to present himself in Rome, affirms that the Holy See, by citing a bishop directly without consulting the government "ignores the rights of the power with which it made the Concordat," and by threatening the bishop with suspension ignores the provision of the Concordat, according to which a bishop cannot be suspended or deposed without the consent of both authorities which contributed to its creation." After these statements, the Chargé d'Affaires declares, in the name of his government, that, if the letter cited July 9 be not withdrawn, and if the threats contained in it be continued, "the French Government will have to believe that the Holy See is no longer interested in its relations with the power which, in complying with the obligations of the Concordat, should defend the prerogatives which the Concordat gives it."

The Cardinal Secretary does not stop in the first place to show again that, when addressing the letter of July 9 to Monsignor Le Nordez, he evidently could not take notice of the protest sent him by the Chargé d'Affaires on the 15th of the same month. Apart from this observation, the undersigned Cardinal goes on to answer what constitutes the substance of the last note.

The painful incidents which occurred in the Diocese of Dijon during last February are fresh in the memory of all, when the young seminarians refused to receive orders at the hands of Monsignor Le Nordez, preferring rather to be expelled from the seminary, followed by nearly all their companions, who declared for them. The ordination was postponed, either to examine into the reason for this unwillingness on the part of the young men, or to give them sufficient time for reflection and calmness; wherefore the Nuncio made known to the Bishop of Dijon in a letter of March 11, that it was the will of the Holy Father that the bishop should refrain from conferring orders until further notice. This was a simple, prudent measure called for under the circumstances, which did not imply any punishment, and Bishop Le Nordez himself, in a letter directed to the Cardinal Secretary, had to recognize it as just and opportune.

Meanwhile, the charges which were being made against the Bishop of Dijon kept on growing to such an extent as to render necessary some explanation. Therefore, the Holy See invited him to go to Rome; but inasmuch as he, in spite of his promise to be in Rome the second half of last June, delayed to obey, the order was again given him in a letter of July 9, to come, and it was added that the canonical threat required by the gravity of the obligation to obey, a threat, however, which would be carried out only in case of contumacy, and would cease with the very act of obedience. Therefore, there was no question of deposition — for if there were, the Holy See would have informed the government of it — nor of other punishments, but of a simple call to Rome, to give an explanation of the charges which were alleged against him. When he would have arrived in Rome, the charges which concerned him would have been made known to him, with full liberty and opportunity to examine them and defend himself; and if they were successfully refuted, the Holy Father would have been most happy to declare the hollowness of the accusations.

The French Government considers as null, and as not having been received, the letter of Monsignor Lorenzelli under date of March 11, and demands the withdrawal of the letter of the Holy See of July 9 to the Bishop of Dijon, pronouncing both contrary to the Concordat; but it is easy to show the inaccuracy of its judgment. Indeed, in the first place the Concordat is entirely distinct from the last organic articles, which are a one-sided act of the French Government, and against which the Holy See has never ceased to protest. In none of the seventeen articles of the Concordat, be it in spirit or in so many words, do we read that the Holy See cannot, without the previous consent of the government, order a bishop, as a prudential measure demanded by circumstances, to refrain temporarily from some function of his ministry, or to summon him to Rome to furnish explanations of his conduct. Nor could the Roman Pontiff grant such a thing without falling short of his sacred duties as Supreme Pastor of the Church; for, although no one disputes that the bishops in France should have necessary relations with the government defined by the Concordat, still they depend for their jurisdiction upon the Roman Pontiff, which he conferred on them, and keeps for them by means of canonical institution, and the Roman Pontiff cannot make this dependence subordinate to the consent of the civil authority.

That the Roman Pontiff reserves his full authority over the bishops of France, even after the Concordat, appears clear also from the solemn and special oath of which the French Government cannot be ignorant, since it forms a part of the canonical institution, which goes with the Bulls, and by which the bishops bind themselves, without any restriction, to receive, with submission, and to execute most faithfully, the injunctions of the Roman Pontiff: *Mandata apostolica humiliter recipiam, et quam diligentissime exequar*. Moreover, that the Roman Pontiff, even after the Concordat, can call the bishops of France to Rome, even under pain of censure, to be incurred *ipso facto*, to render an account of their work, is confirmed by the well-known law, of which the French Government surely is aware, and which obliges the bishops of France, as of other countries of Europe, without being subject to the consent of the government, to go every four years to Rome, under pain of censures, *latae sententiae*, or at least to send their representative, for the express purpose of laying before the Roman Pontiff the state of their dioceses, and to receive instructions, counsels and commands.

After these animadversions, it is to be hoped that the French Government will be persuaded that there has been no violation of the Concordat on the part of the Holy See, and that, inspired by sentiments of moderation, it will not insist on the withdrawal of the letter in question, thus sparing its own nation serious religious disturbances. Such a withdrawal, indeed, would be equal to a complete abdication of the Papal authority over the episcopate; an abdication which is not in the power of the Holy Father, and cannot be in the intention of the Government of the Republic.

Merely to give a new proof of his conciliatory attitude and to show that in all these trying incidents he has been always and solely inspired by a sense of his own duty, the Holy Father would not be averse to postpone, for a month, the time given to the Bishop of Dijon, so that in such extension of time he might go to Rome to justify himself. But should he refuse to go to Rome, or should he fail to justify himself, the Government should be willing to come to an understanding with the Holy See for the administration of the diocese.

From this act of courtesy it can be easily seen what importance the Holy See attaches to the maintenance of friendly relations with the Government of the Republic, founded upon the exact observance of the terms of the Concordat. The Holy Father, because of the very particular affection which, after the example of his illustrious predecessor, he cherishes for the noble French nation,

would see with profound grief that the Government of the Republic, merely by preventing the justification of a bishop before the proper authority, would permit the taking of hostile measures, which are not called for, but for which the Holy See could not bear any responsibility neither before God nor man.

The undersigned Cardinal Secretary of State, while praying the Chargé d'Affaires of France to bring the foregoing to notice of his Government, takes the opportunity to assure him of his most distinguished esteem.

R. Card. Merry del Val.

Rome, July 26, 1904.

## **Document XXII**

### **The Concordat of 1801 between Pius VII and the French Government**

The Government of the Republic recognizes that the Roman Catholic Apostolic religion is the religion which by far the greatest part of the citizens of the French Republic profess.

The Supreme Pontiff, in like manner, recognizes that this same religion has received very great help, and very great credit, and honor, and at this very time enjoys a continuation of them.

**Art. I.** The Roman Catholic Apostolic religion will be freely exercised in France. It shall practice public worship, due regard, however, being had to regulations of policy which the Government may consider necessary for the public peace.

**II.** The dioceses of France shall receive new boundaries from the Apostolic See, in consultation with the French Government.

**III.** The Supreme Pontiff shall inform the titular bishops of French churches that he shall with confidence look for all concessions from them for the public weal and unity, excepting the resignation of their episcopal sees.

This statement being made, if they should refuse to grant this concession, which the good of the Church requires (but that such should be the case, the Supreme Pontiff does not believe), provision shall be made for the Government of the French churches, with new limits by new heads in the following manner:

**IV.** The First Consul of the French Republic shall name, within three months following the promulgation of the Apostolic Constitution, the archbishops and bishops to be placed over the dioceses newly designated. The Supreme Pontiff shall give canonical erection, according to the forms fixed for France before the change of Government.

**V.** The First Consul shall also nominate the new bishops to the episcopal sees hereafter becoming vacant, and the Apostolic See shall install them canonically as in the preceding article.

**VI.** Bishops shall pronounce in the presence of the First Consul, before they take office, the oath of loyalty which was in vogue before the change of government, expressed in these words:

"I swear and promise, upon the holy Gospel of God, obedience and loyalty to the government established by the Constitution of the French Republic. I likewise promise that I shall hold no communication, take part in no conspiracy, and carry on no relations, either at home or abroad,

which would hurt the peace of the Republic; and should I learn of anything, as well in my diocese as elsewhere, which might hurt the state, I shall make the same known to the Government."

**VII.** Churchmen of less dignity shall pronounce the same oath before the civil authorities appointed by the French Government.

**VIII.** After the divine offices the following prayers shall be said in all Catholic churches in France:

Lord, preserve the Republic. Lord, preserve the consuls.

**IX.** Bishops shall give limits to new parishes, each in his own diocese; this fixing of limits shall not take effect until the Government has given its consent.

**X.** Bishops shall also make appointments to parishes, but they shall select only persons who are acceptable to the Government.

**XI.** Bishops may have one chapter in the cathedral church, and one seminary, each in his own diocese, without the obligation on the part of the Government of endowing it.

**XII.** All metropolitan, cathedral and parochial churches, and all others necessary for divine worship that have not been transferred, shall be given to be disposed of by the bishop.

**XIII.** His Holiness, for the sake of peace and the successful restoration of religion, declares that those who have acquired church property shall suffer no interference either from himself or from his successors in the pontificate, and consequently the possession of these same goods, the incomes and rights belonging to them, shall remain with them unmolested, and with their heirs and assigns.

**XIV.** The French Government takes upon itself the proper maintenance, according to their position, of the bishops and parish priests whose dioceses and parishes the new apportionment embraces.

**XV.** The same Government shall see to it that Catholics may, if they wish, favor churches with new endowments.

**XVI.** His Holiness recognizes in the First Consul of the French Republic the same rights and privileges which the old government enjoyed with the Holy See.

**XVII.** Both parties agree that in case some successor of the present First Consul should not profess the Catholic religion, a new agreement shall be entered into concerning the rights and privileges mentioned in the above article, as well as concerning the nomination to archbishoprics and bishoprics.

But the surrender of the agreements shall be made at Paris after an interval of forty days.

Given at Paris, July 15, 1801.

Hercules Cardinalis Consalis (L. S.), J. Bonaparte (L. S.), J. Archiep. Corinthi (L. S.), Cretet (L. S.), Fr. Carolus Caselli (L. S.), Bernier (L. S.).

## **Document XXIII**

### **The Chargé d'Affaires of France to His Eminence the Cardinal Secretary of State**

(Verbal Note.)

After having on several occasions noted the serious assaults which the Holy See, in its direct communications with the French bishop, has initiated upon the rights of the state, as laid down in

the Concordat, the Government of the Republic in two Notes, under date of July 23 of current month, has warned the Holy See of the conclusion which it would be forced to draw from the persistent disregard of its rights.

Being forced to state, by the answer of His Eminence, the Cardinal Secretary of State, under date of July 26 of present month, that the Holy See maintains the acts done without the knowledge of the government with which it conjointly signed the Concordat, the Government of the Republic has decided to put an end to the official relations which, at the wish of the Holy See, have no longer any object.

Rome, July 30, 1904.

## **Document XXIV**

### **The Minister of Foreign Affairs of France to the Apostolic Nuncio in Paris**

Monseigneur: This morning the Chargé d'Affaires of France had the honor to declare to His Eminence the Cardinal Secretary of State that the Government of the Republic had decided to put an end to the official relations which, at the wish of the Holy See, have no longer any object.

He has added that the Government of the Republic considers at an end the mission of the Apostolic Nuncio. I have the honor to inform Your Excellency of the same.

I beg you, Monseigneur, to accept the assurance of my highest esteem.

Delcassé.

Paris, July 30, 1904.

---