

THE CONCORDAT OF 1801

The Organic Articles

NO. 2.

The publication of the Organic Articles as if they formed part of the Concordat, and, like the Concordat, had received the approval of Pius VII., is in keeping with the diplomacy of Napoleon and his agents throughout the negotiations, writes James McCaffery in The Freeman's Journal. The reasons for this glaring deception we have already indicated. Napoleon was well aware that many of his Ministers and of the Legislative Body were far from being friendly to the Church, and that he would never hope to win their approval for the concessions granted in the Concordat, unless at the same time the complete subordination of the Church to the State could be in some way secured. The happy idea of the Organic Articles came to exorcise him from the difficulty. He would formulate a body of laws destructive of the liberty of the Church, the Concordat, but only as a legitimata not, indeed, as if they were part of the Concordat, but only as legitimate deductions from the terms embodied therein, and thus save himself from any breach of the agreement in the eyes of the Pope, while by publishing these simultaneously with the Concordat, the people would be led to believe that they, too, had been submitted to, and had received the approval of the Holy Father. His Minister, M. Portalis, played the part exceedingly well. In the speech by which he recommended the Convention to the Legislative Body he never expressly stated that the Organic Articles formed part of the agreement between the Holy See and France, but still this was the impression which his words were calculated to make upon the minds of the legislators and of the people of France; while, on the other hand, in answer to the energetic protests of the Pope, he was careful to point out the essential difference between the Concordat and the Articles—that the one was a treaty between two great Powers, the other a body of laws which might be changed according to the wishes of the legislature. This policy of Napoleon's Minister differs little from the despatch of the Cardinal Secretary of State sent out on 23rd July last, in which he asserted that the Organic Articles do not form a bilateral contract binding both the Holy See and France, but only unilateral, as an act of the French Government against which the Pope has always protested.

The Organic Articles dealing with the Catholic Church—there were Organic Articles dealing with Protestant worship also—consist of seventy-seven clauses, comprised under four headings—namely, (a) The Regulations of the Catholic Church as connected with the Policy of the State; (b) the Clergy; (c) Worship; (d) the Extent and Limits of the Archbishoprics, Bishoprics, and Parishes, the Edifices Appropriated to Public Worship, and the Salaries of the Clergy. The effect of the clauses included under the first section is to make the Church of France almost entirely dependent upon the State. No bull, for example, brief, decision, or missive of any kind from the Court of Rome, even though it regarded only a private individual, could be received, published or put in force in France without the authority of the Government; no Papal Legate, Apostolic Vicar, or other official, no matter what may be his title, could exercise his functions without the State's consent; no decrees, not even those of a General Council, could be published in France until the Government have examined if they are in conformity with the laws, rights, and privileges of the French Republic; no national or metropolitan council, no diocesan synod, no deliberate assembly is to be held without the express permission of the Government, and if any of the Bishops or ecclesiastical superiors attempt to extend their jurisdiction or abuse their powers contrary to the canons received in France, an appeal might be lodged against them even by a private individual to the Council of State. In other words, the Council of State was to be the ultimate tribunal for deciding the extent of the Episcopal powers. The second section deals with the Archbishoprics and Bishops, their qualifications, and the method of their appointment; the rules to be followed by them in the appointment of their Vicar-General and priests, the seminaries, and the rules for ecclesiastical students, the professors of these institutions who are obliged to teach the four Gallican Articles and with the qualifications of those who are to be raised to Holy Orders. The third section deals with the festivals of the Church and the mode of their observance, the liturgy and the prayers to be used at religious functions, the dress of the Bishops and priests, the nature of their sermons and instructions—what they should deal with and what they should not—the registers of the parishes, and the use that should be made of them. These citations suffice to give an idea of the general tendency of the Organic Articles, and at the same time, indicate clearly enough why it was that the Pope could never accept them without some modification.

Pius VII. raised his voice in protest from the very moment of their publication. The Concordat was proclaimed in Paris on the 18th of April, 1802, and on the 13th May we find the French Minister at Rome writing to M. Portalis that the Pope resents very much the Articles, especially those that resented their publication at such a time, as if the Holy See had approved them, when, on the contrary, they are in opposition to the laws of the Church. Cardinal Consalvi, the Secretary of State, addressed a Note on the publication of the Concordat to the French Minister in Rome, in which, while thanking the First Consul, he pointed out that there were some circumstances attending the publication which could not but give pain to the Holy Father. I wish to speak, he continues, by order of his Holiness of the Organic Articles which, unknown to his Holiness, have been published with the seventeen articles of the Concordat, as if they formed part of it—a belief which is sure to be encouraged by the time and mode of their publication. These Organic Articles are represented as the form and condition of the re-establishment of religion in

France. Yet, many of them have been judged by his Holiness to be in opposition to the laws of the Church, and the Holy Father confides in the wisdom and religion of the First Consul that he will direct the necessary changes and modifications to be made. Cardinal Caprara, the Papal Legate at Paris, writing to Consalvi (26th May), points out that with regard to the Organic Articles everyone is convinced that they have not the least connection with the Concordat, that they have not been drawn up with the agreement of the Holy See, and still less of himself, for, he adds, I have allowed no occasion to pass without pointing out the slavery to which these articles would reduce the Church. The question was discussed at Rome, whether it would be prudent for Pius VII. to consent to publicly protest in his Allocution against the Organic Articles. Many held that the official protests sufficed to show his displeasure, but that much harm might follow a public pronouncement. Monsignor di Pietro was not among the number of such. "Holy Father," he says, "your Holiness cannot command any rejoicing on account of the publication of the Concordat. Rome is changed in grief because with the Concordat have been also published and rendered obligatory the Organic Articles, which are a disavowal of the Concordat, and of the fundamental principles of religion and of the Church. Furthermore, your Holiness ought to publicly reprove these Articles, because by not doing so your Holiness will appear to approve them and will give very grave scandal to the Church." Pius VII. followed the advice of the secretary, and in the Consistory held on the 24th May, 1802, he delivered an Allocution in which, while praising the Concordat and the efforts of Napoleon for the re-organization of religion in France, he takes care to point out that the consolation which he experienced from the re-establishment of religion in France had been rendered bitter, especially by the Organic Articles, which had been promulgated without his knowledge or approval. Copies of this Allocution were scattered broadcast. In order to minimize the effect of such a condemnation Napoleon had a note inserted in his official paper, "The Monitor," that the Pope's disavowal of the Organic Articles was only another of the habitual reservations of the Roman Court against the liberties of the Gallican Church.

Though Napoleon remained deaf to all remonstrance, yet the Holy See felt bound to continue to protest. On the 18th August Cardinal Caprara handed in a lengthened protest to Talleyrand, the Minister for Foreign Affairs. "Sir," he wrote, "I have been charged to protest against that part of the law of the 18th Germinal, which is entitled to the Organic Articles. This duty I fulfil with much the more confidence, because I can count beforehand on the kindness of the Government and its sincere attachment to the true principles of religion. The name which has been given to these Articles would appear at first sight to suppose that they are only the natural consequence and as it were, explanation of the Concordat, whereas, as a matter of fact, they have not been drawn up in concert with the Holy See, they have an extension not contemplated in the Concordat, and they establish in France, without the consent of the Pope, an ecclesiastical code." Taking them up, then, clause by clause, he shows how the Articles are opposed to the discipline of the Church, and cites in favor of his views the most eminent canonists, not of Italy, but of France.

Later on, when Napoleon resolved to seize the Imperial dignity, and to rival in power the greatest of the Western Emperors, Pius VII. was invited to Paris for the consecration ceremony. Cardinal Fesch, the French Ambassador at the Vatican, and uncle of the First Consul, pressed for the Pope's acceptance with all the ardour of an interested diplomatist. Pius VII., however, steadily refused unless certain conditions were accepted by Napoleon, conditions which we find embodied in a letter (10th June, 1804) from Cardinal Fesch to his nephew. One of these is that his Imperial Majesty should assure his Holiness that he will still listen favorably to him when he proves beyond doubt that the Organic Articles far exceed the liberties of the Gallican Church and the pretensions of the old regime. Cardinal Caprara handed in a letter of similar import to M. Talleyrand on the 25th June of the same year. M. Fesch was charged by the Emperor to draw up a report on the conditions laid down by the Pope. In his opening statement we find him quoting with approval a letter of M. Portalis to the Papal Legate: "The Concordat is a treaty; the Organic Articles are only a law. It is impossible to confound their objects, which do not resemble each other." Talleyrand, the Minister for Foreign Affairs, in a letter to the Emperor (13th July, 1804), undertakes to remove some of the difficulties raised by the Pope. Pius VII. had objected that it would be impossible for him to be present while Napoleon swore to maintain the Concordat with its accompanying Articles. Talleyrand's reply is worth noting. "The oath," he says, "prescribes obedience to the laws of the Concordat because the language of public law, the stipulations of two powers are laws which jurists call lois de la lettre. The Organic laws are laws of an entirely different kind. The ruler cannot swear to have them observed, because they can be changed, and if it had been the intention of the framer of the oath to include them, he would not have written the Laws of the Concordat, but the Organic Laws of the Concordat. Here, again, M. Talleyrand draws a clear distinction between the laws or clauses of the Concordat and the Organic Articles, the former being a contract between two powers binding both, the latter internal regulations depending upon the will of the Legislature. Years later, in 1817, when Napoleon had fallen and others who honored him not ruled in France, a new Concordat, that of 1817, was formed, the third clause of which bears upon our subject. "The Organic Articles," states, "which were drawn up without the knowledge of the Holy See, and promulgated without its consent on 18th April, 1802, at the same time as the Concordat of 15th July, 1801, are abrogated in so far as they are contrary to the teaching and laws of the Church." With these facts before them, we are surprised that some even University Professors like



MR. R. A. DONALD

We produce this week the portrait of Mr. R. A. Donald, one of Toronto's foremost business men, who is presenting himself to the Electors of No. 4 Ward for their suffrages as Alderman for 1905.

WILL OF THE LATE LAUNCELOT BOLSTER

This is the last will and testament of Mr. Launcelot Bolster, of the city of Toronto, in the County of York, banker, made this twenty-eighth day of April, A.D., 1904:

1. I revoke all former wills and testamentary documents by me heretofore made.

2. I appoint as trustees and executors of this, my last will, Thomas Mulvey, Esq., K.C., Assistant Provincial Secretary, and Thomas H. Best, Esq., Manager of the Canadian Magazine, both of the City of Toronto, in the County of York.

3. My executors shall pay my just debts, funeral and testamentary expenses.

4. I desire to be buried in our family burial plot in St. Michael's cemetery, Toronto.

5. Saving what is hereafter specially bequeathed or devised, my executors shall get in and convert into money as speedily as practicable after my decease, all my estate and shall hold the same upon trust for the purposes hereinafter stated.

6. I make the following specific bequests:

(a) To my brother-in-law, Thomas Mulvey, Esq., K.C., I devise my Lorne Park property, known as Eastview, with the wish that he may keep the same free from mortgage as a summer residence for himself and children; I also bequeath to him all the furniture in the said cottage and boat-house and likewise any articles of furniture, pictures, bric-a-brac and personal effects contained in his residence, number 125 Bathurst street, and belonging to me.

(b) I bequeath to Duncan M. Stewart of the Sovereign Bank of Canada at Montreal, my horse-shoe scarf pin; to H. C. Secord of the Canadian Bank of Commerce, Toronto, my pearl scarf pin, to C. K. Clark, of Greenwood Asylum, Kingston, my gold mounted violin bow; to my niece May Scully of Owen Sound, my rock crystal rosary; to T. H. Best, Manager of The Canadian Magazine, Toronto, my diamond and sapphire finger ring; to my niece Elizabeth Scully of Owen Sound, my daisy scarf pin; to my niece Matilde Mulvey my forget-me-not pin; to my niece Eileen Mulvey my gold locket with pearl cross thereon; to my niece Marguerite Murphy, my cameo scarf pin; to my brother-in-law Thomas Mulvey my gold watch and chain; to my nephew Reginald Bowdall my silver watch; to my nephew Gerald Murphy, my violin, bow and case; to Mr. F. Kemp, my gold pencil and pen; and to my sister Sarah Bolster, all my wearing apparel, books, pictures and other articles in the nature of personal effects not enumerated above.

7. Out of the proceeds of my estate to be got in by them, my executors shall pay:

(a) To the House of Providence, Toronto, the sum of \$1,000.

(b) To the Sacred Heart Orphanage at Sunnyside, Toronto, the sum of \$500.

(c) To the general council of the St. Vincent de Paul Society, Toronto, the sum of \$250.

(d) To the Hospital for Sick Children on College street, Toronto, the sum of \$250.

(e) To St. Michael's Hospital, Toronto, the sum of \$500.

8. Out of the said proceeds of my estate to be got in by them my executors shall also pay:

(a) To St. Basil's Church, Toronto, for the building fund of the new chapel about to be erected in connection therewith, the sum of \$500.

(b) To the parish priest or rector of the Church of Saint Ann de Beaufort, in the Province of Quebec, the sum of \$50 for masses for the repose of the souls of myself and my relatives.

(c) To His Grace the Archbishop of Toronto, the sum of \$1,000 to be held by him and his successors upon trust to use the income thereof as well as the principle for the purpose of having masses said for the souls of myself and relatives.

9. Out of the proceeds of my said estate to be got in by them, my executors shall further pay:

(a) To Rev. Father Frachon of St. Michael's College, Toronto, the sum of \$1,000.

10. Out of the proceeds of my said estate to be got in by them, I direct my executors and trustees to set apart and hold invested the sum of \$15,000 and to pay the interest arising from the same to my sister Sarah M. Bolster, semi-annually during her lifetime, and upon her death to hold the same for the benefit of the female children of my sisters, Anna Murphy and Minnie Dowdall, and of my brother-in-law Thomas Mulvey, in equal shares per capita, the shares of such of the said children as shall at the time of the decease of my said sister Sarah M. Bolster have attained the age of twenty-three years to be then forthwith paid them; the shares of such as shall not have attained that age to be held invested by my trustees and the income arising from each of such shares, so held to be paid to the parent of the said child if living for its maintenance, or if such parent be not living to be applied by my executors and trustees for such maintenance and the share of each child so held to be paid to:

11. Out of the proceeds of my said estate to be got in by them I direct my executors and trustees to set apart these further sums of \$15,000 which shall be held and invested by my trustees for the benefit of the female children of my sister Minnie Dowdall in equal shares, the interest of each of such shares while so held by my trustees shall be paid to the said Minnie Dowdall for the support of the child to whom such share belongs. Should Mrs. Dowdall die before the youngest of her children attains the age of twenty-three years, my trustees shall pay the interest arising from the moneys in their hands as aforesaid to Thomas Mulvey, Esq., K.C., to be expended by him for the benefit and maintenance of the child or children from whose share or shares such interest arises. Upon each child attaining the age of twenty-three years her share shall be paid over to her by my trustees.

12. The balance of my estate to be got in by my executors and trustees as aforesaid shall be invested for the benefit of the female children now living of my brother-in-law Thomas Mulvey, the interest arising from such investments shall be paid to the said Thomas Mulvey for the support and maintenance of his said female children and should he die before the youngest children attains the age of twenty-three years, then such income shall be expended by my trustees for the same purposes.

Upon each of such children attaining the age of twenty-three years the share of such child shall be forthwith paid over to her by my trustees. In witness whereof I have hereunto set my hand the day and date first above written.

Signed, published and declared by the testator as and for his last will and testament in the presence of us two, who in his presence and in the presence of each other and at his request, have herunto subscribed our names as witnesses.

(Signed) SARAH GORDON, EDWARD O'SULLIVAN, LAUNCELOT BOLSTER.

Morning Prayer

Measureless Goodness, in kindness Thou deignest Harken to praises of angel an earth, By the dayspring of purity pleading for sin.

Hear us adoring Thee, Yet, helpless, imploring Thee The fruit of Thy spirit to strengthen within.

And the Bride of the Saviour, the way Thou ordainest To lead us, the Mother that gave Thee our birth; May childlike devotion proclaim her Divine.

As, in meekness, we feel every moment is Thine. Thus, grant us rest 'neath her gentle protection Shepherd of loveliness, teach us to love.

All who worship before Thee, as Thou Suffered and died for us, Who, now, at God's side for us pierce In mercy entreats, whilst we pierce Thee alone;

By that blest intercession to make our election And calling secure, those that know not Thy love, Sweet aid them to Thee, In unending communion Thy faithful to be.

Pastors, our King and the masters around us, Lonely and mourner, indifferent and ill, May the light of Thy peace on their conscience descend.

Draw them, Lord, nearer Thee, That life may still clearer be By comfort, through all, as they feel Thee a friend.

Our kin, and the family our promise has bound us, Protect, ourselves, all, we leave to Thy will; In Thee, to Thy glory, Thy work may we do, Thyself the Companion to carry us through.

—George G. Wilson.

Table with columns: DAY OF MONTH, DAY OF WEEK, COLOR OF VESTMENT, and liturgical text for December 1904.

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Character of the Late Cardinal Mocenni The Rome correspondent of the Standard and Times, Philadelphia, writes of the late Cardinal Mocenni: "His concentration was that of a highly educated man, for after his Brazilian legation he was called to what is unquestionably the most technical and most difficult secretarial post, namely, the post of Under-Secretary at the Extraordinary Ecclesiastical Affairs, a congregation which is a consulting board for knotty theoretic and practical questions that are also urgent. And Mr. Mocenni kept the post for ten or twelve years; accounts differ about the matter.

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