

# The True Witness



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## THE CONCORDAT OF 1901

An interesting article in the Dublin Freeman, written from the pen of Mr. James McCaffrey, discusses the appointment of French Bishops in connection with the Concordat. The writer says:

It is already generally known that within these last years serious difficulties have arisen between the Pope and the French Government regarding the appointment of Bishops. The dispute is no new one, but just now it has reached such an acute stage that seven Bishops are lying vacant without any prospect of being filled in the near future. The grounds for contention can be more easily explained if we quote Articles Four and Five of the Concordat, which regulate the appointments of Bishops. Article Four states that "Within three months after the publication of His Holiness's bull the Chief Consul shall nominate to the Archbishoprics and Bishoprics of the new division. His Holiness shall confer canonical institution according to forms established for France before the change of Government." Article Five—"The nomination to the Bishoprics which become vacant in future shall also be made by the First Consul, and canonical institution shall be given by the Holy See conformably to the preceding article."

Now, the point of the dispute is very easily understood. Which is the essential factor in the appointment of a Bishop; the nomination by the Government or the canonical institution by the Pope? Does the Government nominate a Bishop so that the Pope is bound to give the canonical institution, or does it only nominate him, in the sense that the Pope might refuse if he have good grounds for his refusal, and the nominee of the Government remain only a disappointed suitor? The present Prime Minister of France seems to contend that the right of nomination embraces more than the simple presentation of a suitable candidate to the Pope; that in fact it gives the Government the power of appointing Bishops upon whom the Holy See must confer canonical institution, and that once the President of the Republic has officially selected his man, the appointment may be gazetted, without any consultation with the Holy See. The contention of the Pope, on the other hand, is that the President only presents the candidate whose qualifications are to be carefully reported on by his Nuncio in Paris; and if, after due examination, he is found to be a suitable man, the Holy See grants ecclesiastical jurisdiction, but if found to be unworthy the Holy See may refuse to confer such jurisdiction. Hence, he objects to the official publication of the Government nominees as Bishops until his approval has been sought and obtained. In our discussion of the question at issue we shall confine ourselves entirely to historical facts.

Fortunately for us this very same point was raised a few months after the Concordat between the very parties who had drawn it up and approved of it—between Napoleon and his Ministers on the one hand, and Pius VII. and Cardinal Consalvi on the other. In filling up the new Bishoprics, Napoleon nominated some who had taken the oath of the Civil Constitution of the Clergy during the Revolution. Pius VII. refused to give the canonical institution unless these men made a public submission to the judgments which had emanated from the Holy See on the ecclesiastical affairs of France. M. Portalis forwarded a note to Rome, in which he pointed out that the Pope is a "collateur force," that is, that the Pope is obliged by the terms of the Concordat to accept the nominees of the First Consul. We shall quote in full the reply of Cardinal Consalvi, who was the Pope's agent in drafting the terms of the Concordat. "It is stated," he writes, "in the note of M. Portalis, that the Pope is a 'collateur force.' For the better understanding of this expression it will suffice to make two short observations. The Concordat of Leo X. and of Francis I., to which Article Four of the Convention refers when it states that everything will be done according to the forms

established before the change of Government, evidently admits that the Pope is free to refuse canonical institution in certain cases. The very title is sufficient to prove this. Examples under Innocent XI., Alexander VIII., and Innocent XII. prove the same thing. The bulls of institution were refused by Innocent XI. and Alexander VIII. to different ecclesiastics who had taken part in the Declaration of the Assembly of Gallican Clergy in 1682. Innocent XII. did not grant the bulls until they had declared that they held as void the decrees of this assembly, which were directed against the Papal power. With regard to the other States where the Government presents the Pope has the full right and liberty of refusing canonical institution to the candidates nominated, if they are unworthy of it. The second reflection is that the expression 'collateur force' is to be so understood that the Pope cannot refuse institution to the Government nominees when they are not unworthy of the episcopate. The thing is self-evident. It is to be observed how the Council of Trent expresses itself in regard to the election of bishops so that they might not be entirely the result of nomination (Sess. 6). It is clear, then, that the Pope, according to the decree of the General Council, ought to judge the aptitude of the candidates. He is not, in that case, a "collateur force." When there is a question of the salvation of souls, the Pope cannot be forced to make an appointment which would be a danger for these souls. It is true that he is not a judge, as would be a priest in the tribunal of penance, but he regards only the apparent fitness of the nominee. But for all that, His Holiness can never appoint those who in their external conduct are clearly unworthy, as is true in the case under discussion. It is true, as M. Portalis has well said, that "there is no question here of making new conventions or re-opening negotiations, but rather of carrying out loyally an agreement that has already been ratified." We quote in full these remarks of Cardinal Consalvi, who had so much to do with the drafting of the Concordat—he discussed line for line and word for word—to show that according to him the Pope was by no means bound to accept in all cases the nominee of the French Government. The same thing is evident from the brief sent by Pius VII. to Cardinal Caprara, his Legate in Paris, giving him power to institute the Bishops in the Pope's name to prevent delay. He commands him to examine carefully the fitness of the candidate whom the French Government may present, and only when he has satisfied himself on this point may he allow the consecration.

Besides it is expressly stated in the Concordat of 1801, that the Pope is to confer canonical institution according to the forms allowed in France before the change of Government. Now, before the Revolution of 1789, the method of appointing Bishops in that country was determined precisely in the Concordat agreed upon by Leo X. and Francis I. in 1515. The terms of the Convention prove clearly that the Pope is by no means obliged to accept the candidates presented by the Government, but that he is rather to examine into their qualifications, and if he deem them unworthy, may refuse canonical institution. In case of vacancies, it states, in Cathedral and Metropolitan Churches, the King should, within six months after the vacancy, present to the Pope a doctor or a licentiate in theology or common law, aged at least twenty-seven, and having the other requisite qualifications. If the candidate is not such as has been described, the King shall be allowed another three months to nominate another, and if he, too, be deemed unworthy the Pope shall then be empowered to provide for the Church. These terms need no explanation. They indicate, as clearly as could be illustrated, the respective rights of the two powers—the Holy See and the French Government—in the appointment of French Bishops. Finally, we may point out that years later, when

Napoleon seized Pius VII. and carried him as a prisoner to France, the Pope steadily refused to grant the canonical institution to the candidates nominated to the Bishoprics by the Emperor, nor would he allow even administrators to be appointed. The result was that the ecclesiastical affairs in many dioceses were in absolute confusion. Nevertheless, Napoleon did not dream of appointing bishops himself. He appointed a commission to examine into the question, and they recommended that a clause be added to the Concordat of 1801 binding the Holy See to confer canonical institution within a certain specified time. Pius VII. separated from his Cardinals, surrounded by enemies who painted in the most sombre colors the consequences of his refusal, yielded at first to the demands of the Ecclesiastical Commission, and afterwards embodied his concession in the Concordat at Fontainebleau. But when he really understood the drift of the agreement that he had signed, he fully acknowledged his mistake, and though a prisoner in the Emperor's hands, hastened to withdraw by his own letter the consent he had given. These things abundantly prove that whatever may be the form of the bulls of appointment—whether the *Nobis nominavit* is dropped or retained—the doctrine always upheld by the Holy See is sufficiently clear; to the Government belongs the right of presentation, but to the Pope the right of appointment.

### ACKNOWLEDGMENT.

The management of the True Witness hereby begs to thank the numerous subscribers who sent kind wishes and words of encouragement. As in other callings, newspaper editing has its dark side; but, too, it has its compensations, and if our many readers could only realize how much an appreciative word means to an editor trying to do his best they would not be niggardly about assuring him that his efforts have not been in vain. We would be a little more than human were we to please everyone, but when we begin the year with so much hearty encouragement as we have had reason to observe during the last few days, we feel that with such kind friends to support us our work must surely prosper.

### SOME NON-IRISH BULLS.

The "Prize Reciter and Speaker" for December gives a number of mixed metaphors recently perpetrated by politicians, not one of whom, it will be noted, is an Irishman: "Mr. Balfour in a recent speech, spoke of 'an empty theatre of unsympathetic auditors.' Lord Curzon has remarked that 'though not out of the wood we have a good ship.' Sir William Hart Dyke has told Mr. Lowther 'had caught a big fish in his net—' and went to the top of the tree for it.' Mr. Asquith has lately remarked that 'redistribution is a thorny subject, which requires delicate handling, or it will tread on some people's toes.' Mr. Brodrick told the Commons, that 'among the many jarring notes heard in this house on military affairs this subject, at least, must be regarded as an oasis.' But General Buller evidently thinks there is little to be gained by so-called army reform, for he declares that 'the army is honeycombed with cliques, and kisses go by favor in this web of axe-grinders.' In the debate on the London Education Bill, Mr. Walter Long said: 'We are told that by such legislation the heart of the country has been shaken to its very foundations.' Before Mr. Winston Churchill opposed the present government he, at a meeting of the Bow and Bromley Conservative Association, commended certain utterances of Lord Rosebery, but said that Sir Henry Campbell-Bannerman 'had not so long on the fence that he had entered into his soul.' A Financial Minister has assured the Commons that 'the steps of the Government would go hand-in-hand with the interests of the manufacturer.'

He that cannot forgive others breaks the bridge over which he must pass himself; for every man has need to be forgiven.

## PEROSI'S CANTATA.

### Performance in the Church of the Minerva.

The Cantata composed by the Maestro Rev. Lorenzo Perosi, Perpetual Director of the Sistine Chapel, was performed recently in the great church of the Minerva. It is entitled the "Immacolata," and is composed upon an old sequence, or hymn, introduced into the Mass on certain feasts and sung immediately before the Gospel. This sequence Perosi desired to select for the chief text of his cantata, and to comment upon it by his music. It remained in use, especially in the missals of the Gallican Liturgy, until about three centuries ago. In its verses the lack of elegance of language is largely compensated by a freshness and ingenuousness which one would seek in vain in other later hymns. Whatever errors of grammar it may contain, the sentiment of mediæval piety pervades it completely.

In the strophes of this sequence the great virtues of the creature who becomes the Mother of the Creator are celebrated. Dante has expressed the same idea in his admirable verse: "Virgin Mother, daughter of thy Son—Vergine Madre, figlia del tuo Figlio." With the last strophes of the sequence, Perosi has interwoven the popular chant: "Tota pulchra es Maria," from which he has not only taken the words, but also the musical theme, which he has harmonized and developed in the final piece of the cantata. He chose a simple and pious text of the Middle Ages for his theme, one which is admirably suited for his purpose.

The following will give an idea of this charming sequence:—

Dies iste celebratur  
In quo pie recensetur  
Conceptio Mariae;  
Virgo Mater generatur,  
Concipitur et creatur  
Dulcis vena veniae.

A prelude or overture of harps and violins, with occasional accompaniment of trumpets, begins low and gentle. It is very effective, and if one may apply the terms of another art to that of music, quite picturesque. The mind conjures up an Umbrian landscape in a mild, sunny day, where wide fertile valleys are enclosed by purple hills, and where the horizon is luminous and silvery beyond the distant mountains. Shutting one's eyes, one might picture to himself, helped on by the suggestions of this music, a river winding through the valley, and peaceful flocks grazing around, and the sound of distant church bells and the singing of birds and the rustling of leaves, all combining to produce a sweet pastoral scene. And then the evening of the old sweet Latin words begun, and the vast multitude in the church seemed as if they held their breath to listen.

It is calculated that there were no less than 8000 persons present in the church. The space in front of the high altar was transformed into a sort of garden, where tall palms and other large plants rose up, and in the midst of them stood a statue of the Immaculate Mother of God, the work of the sculptor Giovanni Scivo. Numerous electric lights illuminated this part of the Church. Admission was by invitation.

Perhaps the most striking feature of the whole was that prior to the beginning of the Cantata the Rosary was recited; and when that was finished, after a very brief interval, the first notes of the prelude broke the religious silence that prevailed. There was a chorus of 200 voices and an orchestra of 100 instruments. The solo parts were entrusted to the admirable baritone, Signor Kaschmann, who came especially from Warsaw, where he is singing in Wagner's opera of "Parsifal," to take part in this Cantata, to the Signorine Frassinio and Bertolini, and to the tenor Professor Buschi. The choir was instructed by Baron Rodolfo Kansler. The work was performed on the previous day in the Vatican, in presence of the Holy Father and a number of distinguished persons specially invited. The Pope was greatly pleased with this production of his

former protege, the Maestro Perosi, and congratulated him on the success of his work, presenting at the same time to him and the leading performers, as well as to Cavalier Folchi, President of the "Circle of the Immaculate," gold medals in recognition of his satisfaction with what had been accomplished during these Jubilee fetes.

The general opinion is that this cantata has a closer and more intimate connection in all its parts, one with another, than any previous labor of Perosi's, clever and studied as these may be. There is a feeling of high inspiration in the work, and the beauties incidental to it are very effective.

### PERSONAL.

Sir E. P. Morris, LL.D., K.C.B., K.C., M.L.A., Minister of Justice in the Bond Government, Newfoundland, spent Sunday in the city and left in the evening for Toronto, where he represents the government in the Reid arbitration case. Mr. Morris is a graduate of Ottawa University. He was accompanied by Mr. Martin Furlong, K.C., one of Newfoundland's able lawyers, who also represents the government in the case. Rev. Father Hornsby, S.J., will give a lecture in Chinese in St. Mary's Hall on January 24th. The day and night schools have re-opened after the Christmas holidays.

### Annual Reunion of the Catholic Emigration Association

The annual re-union of the Catholic Emigration Association took place last Friday afternoon. Everything had been arranged for a pleasant afternoon and evening. The large parlors were tastefully decorated and the children, to the number of one hundred, dressed in their finest—the girls with bright ribbons and pretty dresses, and the boys with their neat collars and suits—enjoyed themselves in playing games, singing and other forms of amusement. "One day you will gladly remember those things," was a fitting motto.

The pleasure of the meeting was enhanced by the presence during the afternoon and evening of the following visitors, all of whom take a deep interest in the progress and welfare of the English Catholic children: Sir William Hingston, Lady Hingston, Mr. G. Bogue Smart, Ottawa; Mr. Justice Curran, Miss Curran, Rev. Fr. Perrier, Rev. Father McShane, Mr. Jno. Hoolahan, Mr. Emil Marquette, Mr. LePage, Mr. Fitzhenry, Mr. Jos. Boyle, Mr. J. Breen, Mr. E. J. Colfer, Miss Nicholson, Miss J. Gilmour.

Mr. Cecil Arden, in a few brief remarks, explained the objects of the gathering, after which Mr. John Hoolahan, Dominion Government agent, and Sir William Hingston spoke briefly.

Mr. G. Bogue Smart, Dominion Government Inspector of British Immigrant Children and Rescuing Homes, expressed his pleasure at once again being present at the Christmas party. Speaking of child emigration under charge of various societies in Great Britain, he said that not more than five per cent. have proved a disappointment. "In the past doubts have existed in the minds of many Canadians as to the wisdom of juvenile emigration, and no little opposition was experienced by those engaged in the cause. These adverse opinions were largely the outcome of a lack of organization and supervision. To-day, however, special attention is given to these features, and such criticism is now less frequently heard. The young immigrants are well looked after, and none, let me say, more carefully than those under Mr. Arden's care. The supervision exercised by the Canadian Government shows that cases in which children have not been comfortably placed form a trifling proportion of the whole, and in every instance where, in my judgment, it was desirable that a change should be made that change has been made at once. With few exceptions the children are kindly treated by their employers and adopted parents. It could hardly be otherwise in Canada because our social conditions are such that no neighbor will toler-

ate any act of injustice towards a defenceless child. Since my assuming charge of the work, I have noted a steady improvement in type and physique.

"Canada is the only colony of the British Empire to which organized hands of children are annually emigrated. Personally I am strongly in favor of the farm for boys because their industry will add to the wealth and productiveness of the State—two blades of grass will grow where one grew before. The year just ended has added considerably to the number of Old Country juveniles, and in almost every farming section of the older provinces one may see an English lad at work in the fields. Many may prove physically or otherwise unfit for the farm life and work. This can be better ascertained subsequently, but a short experience on a Canadian farm will do no harm. One must remember that Canada is an agricultural country and that farming is our chief industry. This is appreciated by those engaged in the work, and I am happy to note that the view is general."

At the Ottawa headquarters the re-union was held on Sunday afternoon and evening, at which Messrs. Cecil Arden, J. Fitzhenry, J. Boyle, J. Breen, Miss Brennan and several friends assisted. The affair proved most successful, and was the first re-union since the Catholic Emigration Society took over the Ottawa branch.

### PRAYER WITH A REFERENCE.

"Many years ago a distinguished officer of the army, who also held the position of chaplain, offered prayer before the regiment," says Representative Cooper, of Texas. "He summed up the causes and objects of the war—the war with Mexico—and asserted that it was not war of conquest, but annexation only, concluding his supplication to the Throne of Grace with: 'I refer you, good Lord, to Polk's message on this subject.'"

### OBITUARY.

#### MR. ROBERT WHITE, OF PETERBOROUGH.

The death occurred on Friday morning of one of the oldest and most respected citizens of Peterborough, in the person of Mr. Robert White, one of the proprietors of the White House hotel. The deceased had not been in good health for some time, and his death was not unexpected.

The late Mr. White was born in Ireland and was seventy-nine years of age. He went to Peterborough sixty-seven years ago and had been a resident of that community ever since. He for many years conducted a flourishing livery business, one of the first established in Peterborough. During the last twelve or thirteen years of his life Mr. White was one of the proprietors of the hotel on Charlotte street which bears his name. During his long life in Peterborough, he had endeared himself to all with whom he came in contact, and the community as a whole will be sorry to learn of his demise.

His wife and six children survive. The children are Frank, Augustus, Margaret and Josie, of Peterborough; Mrs. J. Lawrence, of Toronto, and Mrs. F. J. Bell, of Montreal.

#### Bishop Spalding, of Peoria, Ill., Stricken with Paralysis

His Lordship Bishop John I. Spalding, of Peoria, had a serious attack of paralysis Friday afternoon. His brother, Dr. L. H. Spalding, remained at his bedside during the afternoon. He was several hours without being able to articulate the least word.

Bishop Spalding is 65 years of age, and one of the most distinguished prelates of the United States. He was a great orator, a remarkable financier, and a philanthropist in the highest acceptance of the term.

Some years ago the Catholics of the Diocese of New York expressed the desire that he should become their future Archbishop, and various steps were taken to have him named to a position for which his great talent seemed to have marked him out so plainly.