

placed at the disposal of the Bishops; the clergy were paid certain stipends for their support, not as gratuitous salaries, but by way of partial indemnity for lands and property that had been taken from the clergy during the revolution, and the properties and finances of the parishes and dioceses were managed by certain boards of trustees called fabriques for the parishes and menses for the episcopal properties.

The most important of these were the fabriques. These were what one might call vestry boards or trustees, and existed practically in each parish. They consisted of either five or seven persons, according to the population of the parish, and were generally laymen. If seven, the bishop appointed four and the State three; if five, the bishop appointed three and the State two. In addition to these appointees, the Maire of the commune, if a Catholic, and the cure of the parish were always members ex-officio. It will be seen that these fabriques were practically under the control of the bishops.

These fabriques were very important, for they were the boards that received, invested, and managed, the gifts and legacies for pious purposes. They had also had restored to them some of the property of the clergy which had been taken during the revolution, but not alienated.

In a report made to the Chamber of Deputies by the Minister of Public Worship on April 17, 1905, it was estimated that there were 34,000 fabriques, with an annual revenue of 9,000,000 francs. It was also estimated that since 1886 there had been received by these ecclesiastical establishments in gifts and legacies for pious and charitable purposes nearly 100,000,000 francs.

#### The Separation Bill.

The Separation Bill has 44 articles, but I can give only its essential provisions. It leaves the appointment of bishops to the Pope without interference from the State; it stops all stipends to the clergy except a few provisions to old priests, and it suppresses all the old ecclesiastical establishments, e.g., the fabriques and the menses.

The chief feature of the Bill is the establishment of the new boards, or trustees, called "associations cultuelles." These associations must have for their exclusive object the exercise of a particular form of worship and must be composed of seven persons in communes of 1000 inhabitants, 15 persons in communes of 10,000 to 20,000 inhabitants, and 25 persons in communes over 20,000.

These associations are the pivot on which the whole bill turns. The bill declares that all cathedrals, churches, chapels, archbishops' and bishops' houses are the property of the State, the departments and the communes, but are left gratuitously at the disposal of these associations. All the real and personal property of the fabriques and menses are to be made over to those associations, so that these new associations will get the use of all the ecclesiastical property. If the new associations are not formed under the law, then the property of the fabriques, and menses shall be handed over by decree to the charitable establishments of the commune—that is, State establishments—and the churches, cathedrals, etc., would be taken by the State.

#### How Associations are to be Formed.

But how are new associations to be formed? The law says "in accordance with the rules and general organisation of the religion of which they are to maintain the exercise." In case of dispute between two rival associations for a church or property the matter is decided by the Council of State, sitting as arbiter, which "shall take into account all the circumstances of fact connected with the case."

The Council of State is an administrative court appointed by the President and removable at his pleasure.

Now what do these vague words mean? The internal organisation of the Catholic Church is well known. No one is a Catholic unless he is in communion with the bishop and that bishop with the Pope. Now, in case a new association is formed under the law by Catholics in communion with their bishop and then a rival association is formed by persons calling themselves Catholics, but who are not in communion with their bishop, and the dispute is referred under the law to the Council of State, would the Council of State have the power to give the church edifice and the property to the schismatic body?

It must be remembered that this law pretends to deal with property which, under the Concordat, practically belongs to the Catholic Church, and it professes to provide that it shall now belong to or be used by the Church without interference from the State.

#### Bishops Assert Their Rights.

But by the internal government of the Church the question as to who are Catholics is decided by the bishop, and, therefore, the new associations that are to be formed to take over Catholic churches and Catholic property should be formed by the bishop and its members allowed to belong to the associations only so long as they are in communion with the bishop; because, if not, you are either taking Catholic property and giving it to persons who are not Catholics, or you are asking the Church to give up its internal organisation and submit the question as to who is a Catholic to the Council of State, and not to the bishop.

#### Discussed in Chamber.

This question was very clearly put by M. Ribot in a debate before the Chamber of Deputies on April 20, 1905, when the meaning of the general words of the law were being considered. He pointedly asked the question whether the Catholic Church did not have the right, as a matter of liberty of conscience, to determine its own internal organisation. If so, it was the duty of the State to recognise it as a fact and to decide as to Church property accordingly. He pointed out the well-known fact that the Catholic Church throughout the world rested on its bishops—not only in matters of doctrine, but in the management of its temporal possessions; that the State should not interfere with this liberty and that, therefore, no new associations should be regarded as legal by the Council of State unless it had the approbation of the bishop. He, therefore, asked the Minister of Public Worship if that was his understanding of the law.

#### "Not Laying a Trap."

The Minister replied that it was, and said: "We do not wish anyone to be able to accuse us of having laid a trap for the Church."

But that was exactly what they were doing, for afterward an attempt was made to amend the law in the Senate by making the vague words of the law clearly express what the Minister said was its meaning. On November 22, 1905, an amendment was offered in the Senate to the effect that in the formation of these associations the rules of the hierarchy should be followed. This amendment was voted down. On the next day an amendment was offered that the associations should be appointed by the bishops. This was voted down.

Then Senator Lamarzelle called the attention of the Minister of Public Worship to the answer he had given to M. Ribot in the Chamber of Deputies and to the contradiction involved in the answer and the voting down of these amendments.

No impartial person can read the answer of the Minister of Public Worship and the characteristic speech of M. Clemenceau, which followed and which appear in the Senate proceedings for November 23, 1905, without coming to the conclusion that the words of the law were purposely made vague and general, so that the Council of State would have and would exercise the right to determine against the Bishop whether the members of a Catholic association claiming Church property were Catholic or not.

#### The Vital Question.

Here, therefore, is the vital question on which all the Catholic Church property in France depends.

The State says in the bill, in effect, You can continue to have and use all this property, provided you consent to alter your internal organisation and let the State determine, through its Council of State, who are Catholics.

The Pope replies that this is impossible—we cannot accept the property, even though it is rightfully ours, under such a condition. The State has the brute power to take away the property. The Pope has no such power, but is standing on the principle of liberty of conscience. This involves, as we have already seen, the right of every ecclesiastical body to determine its own organisation without interference from the State.

#### The Principle Involved.

Looking to the character of the Government, it seems quite clear to me that the bill was drawn in this way, with the knowledge that it could not be accepted by Catholics, so that the net result would be that the Church would lose all its property and yet seem to be losing it by its own fault in not favoring the new associations.

The right of every religious organisation to govern itself in all that pertains to worship is part of the fundamental, constitutional law of the American people and is well understood. In this conflict with the