

fanatic in the Home Land. This resuscitated 'oath' may enjoy a short run, like the Jesuit 'oath', and the bishops' 'oath', and other such interesting fables of the Rawhead-and-Bloody-Bones school. In due course we shall probably find that it will be used on New Zealand platforms to scare old women of both sexes. In that case, our readers are both forewarned and forearmed. The disseminators of this gross and palpable fabrication have, like the disappointed and raging Ajax, committed social suicide. On the literary side, they deserve to take rank with Willy Lilly, 'the English Merlin' (as he called himself), who in 1644 and 1645 published (says Samuel Butler) 'the art of discovering all that never was and never will be'.

CHURCH AND STATE IN FRANCE

VITAL POINTS IN LATER HISTORY

(Continued from last week.)

After the advent of M. Combes to office, difficulties began to spring up about episcopal nominations, and first about the question of *Nobis nominavit*. To the First Consul (1) and his successors in the government of France, according to the terms of the Concordat, belongs the right of nominating Bishops, and the Holy See is to confer canonical institution, that is to say, the action of both powers is required for the creation of a French Bishop. Under M. Combes the Government tried to arrogate to itself greater rights than are conceded to it in the Concordat. It was contended that the selection of the President was not a mere nomination or presentation of a candidate whom the Pope might appoint, but that with the President lay the right of appointment, and the Pope's approval was only a meaningless ceremony meant to satisfy the Papal pretensions. In accordance with this view the French Ambassador was instructed to demand the suppression of the words *Nobis nominaverit*, which occur in the Bulls of appointment for French Bishops. (2)

The Cardinal Secretary of State sent his formal reply in March, 1903. (3) He pointed out that by divine law the Holy See could not grant to any civil power the right of creating bishops, but at most, the right of nominating candidates who may be deemed worthy of the episcopate; and that such was the correct and evident meaning of the text of the Concordat with Napoleon. He declared, moreover, that the *Nobis nominavit* had been employed in nearly all the Bulls for the consecration of bishops since 1802; that it had been accepted by Napoleon, and even so late as 1872 by M. Thiers, the then President of the Republic; (4) and that, finally, the theory of the Vatican is borne out by the formula used in the letters sent by the President of the Republic to the Pope petitioning for the institution of a Bishop, in which the President states that he names and presents the candidate to his Holiness in order that it might please his Holiness to install him in the said Bishopric. (5) But having proved the justice of the Papal claims, the Cardinal Secretary of State expressed his willingness to omit the *Nobis*, provided that the formula used in the letters of petition in which the Papal doctrine was clearly expressed, were retained, and on this basis a settlement was agreed upon in December, 1903.

But the attack on the formula was only the expression of M. Combes' views on the relative rights of the Pope and the President in the selection of French Bishops. To his mind, the Bishop was a Bishop, precisely because he was appointed by the Government; and the Pope was bound to give his approval to any selection the Government might make. On the other hand, unless the Pope were to shamefully betray the trust that is confided to him, he must reserve to him-

self the right of judging finally and definitely, whether the candidate presented to him for his approval is worthy of the high position to which he has been named, and is likely to discharge the onerous responsibilities of the Episcopate, so as to promote the spiritual welfare of his diocese and the interests of religion. Hence it was that before M. Combes had undertaken the policy of provocation to which he devoted his energies, steps were always taken by the French Government to obtain the Pope's views on the fitness or unfitness of the candidates before the formal diplomatic proceedings were begun. The Minister of Worship was accustomed to discuss the candidates with the Nuncio in Paris. If the Nuncio, after earnest inquiry, satisfied himself that the choice of the Government was suitable, the formal documents were immediately prepared and forwarded to the French Ambassador at Rome; if, however, his investigations led him to believe that the Holy See could never accept the nominee of the Republic, he explained the grounds to the Minister of Worship; the matter was fully discussed between them, and in the end, an agreement one way or the other was arrived at, and the matter handed over to the ordinary routine of diplomacy. Where the agreement of two powers for the selection of a candidate was necessary, this was the only reasonable method of securing unanimity; and by this method the dangers of the deadlock which must follow a formal and definite refusal were judiciously avoided.

But M. Combes, considering this preliminary conference as a shameful abandonment of the rights of the State, (1) proceeded to designate two candidates for two vacant Bishoprics, and without any consultation with the Nuncio, haughtily informed him 'that the Government had determined upon the following nominations.' (2) One of the candidates had been already rejected several times by the Holy See for reasons which satisfied previous Cabinets, and the other was already a Bishop, who, according to the usage of the Church, could not be transferred to another diocese without some very serious cause. The Nuncio in reply to this demand sent a note, in which, after expressing his regret that M. Combes had dispensed with the usual preliminary conference, he pointed out that the Pope could accept neither candidate: the one because he had been already rejected more than once and for good reasons known to the Government, the other because he was already united to a diocese. (3) A few days later, (4) in an interview with the Nuncio, the President of the Council informed him that he was resolved to maintain his nominees 'unless it could be shown that they had led scandalous lives, or had been guilty of heresy.' (5), and he added by the way of threat that the Nuncio could have no idea of how far he (M. Combes) was resolved to go unless his candidates were accepted. (6) The next day he forwarded to M. Nisard, (7), the French Ambassador to the Vatican, a note which was intended to be an ultimatum to the Holy See, in which he stated that unless the canonical institution were granted to his nominees, he would make no other selections, and the dioceses must be left vacant. (8). The Secretary of State forwarded a courteous reply to this communication, in which the rights of the Pope according to the Concordat are clearly demonstrated; but, at the same time he instructed the Nuncio to say that the Pope was willing to allow the transference of the Bishop, as a favor, but not as a right guaranteed by the Concordat.

The only reply to this note of the Secretary of State was a speech delivered by M. Combes from the Tribune of the Senate, (9), in which, contrary to the ordinary rules of international diplomacy, he published to the world his version of a delicate controversy, about which negotiations were still being carried on; and at the same time, by binding himself in the presence of the Senate to the principle 'of all or none,' he removed the possibility of any peaceable agreement. Later still, when the Diocese of Ajaccio in Corsica became vacant, he sent a note which was

(1) In his speech, March 26th, 1903, he stated that he considered the *entente préalable* comme un marchandage humiliant, et comme une duperie, ou si vous aimez mieux, comme un abandon coupable des droits de l'Etat.

(2) Le Gouvernement de la République a résolu les nominations suivantes (Dec. 23, 1902).

(3) 1st January, 1903.

(4) 9th January, 1903.

(5) Tant qu'on ne lui prouverait pas que tel ou tel ont mené une vie scandaleuse ou enseigné des hérésies.

(6) Vous ne pouvez pas vous imaginer jusqu'où je suis résolu à marcher, si on n'accepte pas mes candidats.

(7) 10th January, 1903 (Doc. XVI.)

(8) Certes, le St. Père est libre d'accorder ou de refuser l'institution canonique aux Candidats que le Gouvernement a choisis. Mais en cas de refus les sièges épiscopaux resteront vacants. . . . Je ne ferais pas d'autres désignations.

(9) 21st March, 1903.

(1) Article V.—Item Consul Primus ad Episcopales sedes, que in posterum vacaverint, novos Antistites nominabit, iisque, ut in articulo præcedenti constitutum est, Apostolica Sedes canonicam dabit institutionem.

(2) The phrase is:—Cum vigore Concordatorum inter Apostolicam Sedem et Galliarum Gubernium jam pridum initorum, nominatio personarum idonearum ipsi vacanti Ecclesie N. in episcopum præficienda, Romano Pontifici pro tempore existenti facienda, ad dilectum Nobis in Christo filium N. hodiernum Gallicæ Reipublice Præsidentem, modo pertineat, et ipse dilectus filius Noster N. Præsides, Nobis ad hoc per suas patentes litteras nominaverit, etc., etc.

(3) Document XV.

(4) 27th September, 1872. This decree is reproduced in the *Exposé des Documents*, pp. 189-192.

(5) 'Nous le nommons et présentons à Votre Sainteté pour qu'il lui plaise, sur notre nomination et présentation, le pourvoir du dit évêché.'

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