

SAINT-SIÈGE ET ROUMANIE

Accord concernant l'interprétation de l'article IX du Concordat du 10 mai 1927 entre le Saint-Siège et le Gouvernement roumain, et Statuts du Conseil du diocèse catholique de rite latin de Alba-Iulia. Signés au Vatican, le 30 mai 1932.

Texte officiel français communiqué par le délégué permanent de la Roumanie près la Société des Nations. L'enregistrement a eu lieu le 4 mai 1940.

THE HOLY SEE AND ROUMANIA

Agreement regarding the Interpretation of Article IX of the Concordat of May 10th, 1927, between the Holy See and the Roumanian Government, and Statutes of the Council of the Catholic Diocese of Latin Rite of Alba-Iulia. Signed at the Vatican, May 30th, 1932.

French official text communicated by the Permanent Delegate of Roumania to the League of Nations. The registration took place May 4th, 1940.

TRADUCTION. — TRANSLATION.

No. 4719. — AGREEMENT¹ REGARDING THE INTERPRETATION OF ARTICLE IX OF THE CONCORDAT OF MAY 10TH, 1927, BETWEEN THE HOLY SEE AND THE ROUMANIAN GOVERNMENT. SIGNED AT THE VATICAN, MAY 30TH, 1932.

HIS HOLINESS POPE PIUS XI and
HIS MAJESTY KING CHARLES II OF ROUMANIA,
desiring to determine definitively the situation of the organ known as " Status Romano-Catholicus Transylvaniensis ",
basing themselves on Article XXII of the Concordat² concluded on May 10th, 1927, between the Holy See and the Roumanian Government,
have decided to achieve their common purpose by means of an Agreement and have for that purpose appointed as their Plenipotentiaries :

HIS HOLINESS POPE PIUS XI :

His Eminence The Most Reverend Cardinal PACELLI, His Secretary of State ;

HIS MAJESTY KING CHARLES II OF ROUMANIA :

His Excellency Monsieur Valeriu POP, Minister of Justice of Roumania ;

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

Article I.

The institution known as " Status Romano-Catholicus Transylvaniensis " shall, in virtue of the present Agreement, become an organ of the Catholic Diocese of Latin Rite of Alba-Iulia and shall henceforth be known as the " Council of the Catholic Diocese of Latin Rite of Alba-Iulia ".

This Council shall discharge the functions specified in Canons 1520 and 1521 of the Codex Juris Canonici.

The decisions of the said Council shall not become effective and enforceable until they have been approved by the Ordinary.

Article II.

All patrimonial rights hitherto under the administration of the said " Status Romano-Catholicus Transylvaniensis " shall henceforth be administered by the Catholic Ordinary of Latin Rite of Alba-Iulia, in accordance with paragraph 2 of Canon 1521 of the Codex Juris Canonici and with the ordinary Law of the Kingdom of Roumania.

The functions specified in paragraph 2 of Canon 1521 shall be discharged by the Diocesan Council referred to in Article I of the present Agreement subject to the limitations prescribed in the said Article.

Article III.

All the said patrimonial rights shall be administered and the revenues therefrom shall be utilised solely for the objects specified and provided for in the Acts, Decrees and Letters of Foundation.

¹ Came into force May 30th, 1932.

² *British and Foreign State Papers*, Vol. 127, page 716.

Should the Acts, Decrees and Letters of Foundation not specify the object of the foundation, or should the object for which the foundation was constituted have been achieved, the said revenues shall be utilised for religious, scholastic and educational objects, in conformity with the intentions of the donors and founders.

Article IV.

The State's right of control and supervision, as specified in the ordinary Law of the Kingdom of Roumania and in the Concordat in force between the Holy See and Roumania, shall in no wise be affected.

In this connection, the Catholic Ordinary of Latin Rite of Alba-Iulia shall present annually to the Minister of Public Worship of Roumania the report on the administration, the budget, the balance-sheet and the minutes of the meetings.

The Catholic Archbishop of Latin Rite of Bucharest, Metropolitan of the Suffragan Diocese of Alba-Iulia, shall, in virtue of the special apostolic faculty conferred on him, be entitled to exercise the right of supervision and control in respect of the utilisation of the revenues as prescribed in the preceding Article.

Article V.

All the property which, on January 1st, 1932, is in the possession and under the administration of the " Status Romano-Catholicus Transylvaniensis " is property of an ecclesiastical character and shall be utilised, for the object for which it was originally intended, solely within the present territory of the Catholic Diocese of Latin Rite of Alba-Iulia.

The right of ownership is and shall continue to be guaranteed, in conformity with the letters of foundation, donation, etc., in favour of the respective funds, as specified hereunder :

- (a) The religious fund ;
- (b) The studies fund ;
- (c) The scholarship fund ;
- (d) The primary school fund ;
- (e) The Theresan Orphanage fund ;
- (f) The staff superannuation fund ;
- (g) The teachers' superannuation fund ;
- (h) The insurance fund.

The above-mentioned funds shall be represented, as of right, by the Ordinary of Alba-Iulia. The said rights may be neither alienated nor encumbered except in conformity with the provisions of the ordinary Law of the Kingdom of Roumania and with the provisions of Canon Law.

Article VI.

The provisions embodied in the present Agreement shall apply also to the funds of the Theresan Orphanage at Sibiu unless the judicial authorities should finally decide otherwise or unless a subsequent agreement to the contrary should be concluded.

Article VII.

The land, buildings and annexes forming part of the block of buildings of the University of Cluj, which are the property of the Roumanian State and which are at present subject to an easement in respect of a residence, shall be transferred, with full ownership, to the State University " Regele Ferdinand al României " of Cluj, free of all rights, charges and easements, with the exception of the easement consisting in the right of way to the sacristy.

They shall be evacuated and placed at the free disposal of the University not later than September 1st, 1932.

Article VIII.

The entries in the land registers concerning the ownership of the property referred to in the present Agreement shall be amended.

Such amendment shall be effected as a matter of routine. For this purpose, the Minister of Justice shall, on the request of the Ordinary of Alba-Iulia, submit the land register to the authorities concerned.

This operation shall be exempt from all stamp duties and transfer fees. The amendment shall be effected in accordance with the provisions of the present Agreement, regard being had to the original entry recorded in the land registers at the time of their entry into force.

In the case of immovable property acquired subsequently, account shall be taken of the entry made at the time when it is thus first acquired.

In making such amendments, the respective funds shall be specified, in accordance with the preceding paragraph, with the addition of the words "administered by the Catholic Ordinary of Latin Rite of Alba-Iulia".

Article IX.

In regard to the church situated at Cluj, near the University, which is at present served by the Piarist Fathers and of which the juridical situation is determined by Articles III, V and VIII of the present Agreement — the Holy See, constantly desiring that the fraternal understanding which unites the Catholic faithful of the different rites should be evidenced in this case also — the Catholic Ordinary of Latin Rite of Alba-Iulia shall, in accordance with Article II of the present Agreement, provide for the celebration each Sunday and on each festival day (including national festivals) of a divine service according to the Greco-Roumanian rite, for the purpose, in the first place, of meeting the religious needs of young Catholics of school age belonging to the Greco-Roumanian rite.

The celebrating priest shall be appointed by the Catholic Ordinary of Greek Rite of Cluj-Gherla and whilst, for canonical and disciplinary purposes, remaining subject to the said Ordinary, shall be remunerated for these services by the Catholic Ordinary of Latin Rite of Alba-Iulia, in accordance with the local customs of the Latin Rite at Cluj. The name of the priest appointed shall be communicated to the Ordinary of Alba-Iulia.

These divine services shall be celebrated each Sunday and on each festival day of the Greek Rite which is a public holiday from 11 a.m. until 1 p.m. and on national festivals (January 24th, May 10th, the birthdays of the Sovereign and members of the Royal Family and the anniversary of the accession to the Throne) from 10 a.m. to noon. The festivals of August 15th, and September 8th, on which occasions the church shall be reserved solely for services of the Latin Rite, shall be excepted from the application of the foregoing provision.

The divine services of the Greco-Roumanian rite shall begin as from July 20th, 1932.

Article X.

Simultaneously with the signature of the present Agreement, the Statutes governing the organisation and functioning of the Council of the Catholic Diocese of Latin Rite of Alba-Iulia are approved in the text annexed hereto signed by the High Contracting Parties.

As the number of the members of the Council referred to in Article I of the present Agreement is less, in virtue of the new Statutes, than the number of the members of the former "Status Romano-Catholicus Transylvaniensis", the High Contracting Parties hereby declare that the General Assembly at present in existence is dissolved in virtue of the present Agreement.

Within a period of six months as from the signature of the present Agreement, the Council of the Catholic Diocese of Alba-Iulia shall be elected and constituted in accordance with the provisions of the present Agreement and Statutes.

The Governing Council at present in office shall, in the capacity of a provisional Committee, administer current matters in accordance with the terms of the present Agreement, pending the constitution of the Council of the Diocese provided for in Article I.

Done at the Vatican, this 30th day of May, 1932.

(Signed) E. Cardinal PACELLI.

(Signed) V. POP.

STATUTES OF THE COUNCIL OF THE CATHOLIC DIOCESE OF LATIN RITE
OF ALBA-IULIA*Article I.*

The functions specified in Canons 1520 and 1521, paragraph 2, of the Codex Juris Canonici shall, in respect of the Catholic Diocese of Latin Rite of Alba-Iulia, be discharged by the Council of the Catholic Diocese of Latin Rite of Alba-Iulia.

Article II.

The aforementioned Council shall discharge its functions through its organs, the General Assembly and the Committee.

CHAPTER I. — GENERAL ASSEMBLY.

Article III.

The General Assembly shall be convened by the Ordinary of the said Diocese. It shall be convened once each year. In case of emergency it may also be convened as an extraordinary General Assembly.

The General Assembly shall be convened with at least 15 days' notice, the place and time of the meeting and the agenda being specified.

Article IV.

The President of the Assembly shall be the Ordinary or, in his absence, an ecclesiastic representing him.

At each Assembly two secretaries shall be elected, one being an ecclesiastic and the other a layman, and they shall draw up the minutes.

Article V.

Only the faithful of the Catholic religion of the Latin Rite belonging to the Diocese of Alba-Iulia who are Roumanian citizens may be members of the General Assembly. The following persons may not be members of the General Assembly: namely, persons who are under a censure of the Church, persons who have been sentenced for any crime or for any offence committed against public order and the safety of the State, or against morality, or against religion, or committed in a spirit of avarice. Further, persons who are leading an un-Christian life may not be members of the General Assembly.

The members of the Assembly shall receive no remuneration.

Article VI.

The following shall be members of the General Assembly :

I. *Ecclesiastics.*

- (a) All active members of the diocesan chapter ;
- (b) Abbots and Provosts ;
- (c) Archpriests of districts ;
- (d) Synodal adjudicators ;
- (e) A representative of the clergy of the administrative divisions of each district of an archpriest ;
- (f) Professors of the Theological Seminary ;
- (g) Superiors of monastic orders resident within the territory of the Diocese.

2. *Laity.*

- (a) The president of the laity, elected by the General Assembly for six years ;
- (b) Counsellors of the Courts of Appeal ;
- (c) The official highest in rank of each Department (judet) ;
- (d) The mayors of towns ;
- (e) Two representatives of each administrative division of a district of an archpriest ;
- (f) A lay representative of each parish in which the number of the faithful, including those affiliated, exceeds 3,000 ; two lay representatives of each parish in which there are more than 5,000 faithful, including those affiliated ; three lay representatives of the parish of Cluj ;
- (g) University professors and teachers in schools of an academic character within the Diocese ;
- (h) Members of the laity who were formerly patrons and quasi-patrons who contribute to the support of the chapel and the priest ;
- (i) Eminent men who have distinguished themselves in the ecclesiastical and scholastic spheres. The number of such persons shall not exceed five ; they shall be invited by the bishop. This distinction shall be accorded to them as a moral recompense for their merits ;
- (j) Six elected representatives of the Catholic denominational primary schools of the Latin Rite.

3. *Irrespective of their ecclesiastical or lay character.*

- (a) The members of the Legislative Bodies ;
- (b) The directors of secondary schools, boarding-schools, the Theresan Orphanage and training-schools for men and women teachers in villages.

Article VII.

The lay representatives of the administrative divisions of each district of an archpriest shall be elected by the delegates of the Parish Councils of the administrative divisions, each parish appointing one delegate. The representatives of the parishes referred to in Article VI, 2 (f) shall be elected by the General Assemblies of their respective parishes, under the presidency of the archpriest of the district, by a majority vote, and by secret ballot. These parishes shall not take part in the election of the lay representatives of the administrative division.

The ecclesiastical representatives of the administrative divisions of a district of an archpriest shall be elected by the priests in office in their respective districts.

Any ordained priest may be elected as an ecclesiastical representative.

Any elector over 24 years of age who is a member of the General Assembly of the parish, who is able to read and write, and who contributes to ecclesiastical charges, may be elected as a lay representative.

The representatives of the primary schools shall be elected by the teachers in office.

Lay and ecclesiastical representatives shall be elected *for a period of six years*. General elections and also by-elections shall be held as arranged by the Ordinary.

Article VIII.

The President shall direct the discussions and shall be entitled to call speakers to order and may refuse to allow them to continue to speak.

Article IX.

The Ordinary shall be given at least four weeks' notice of any proposal it may be intended to put forward.

Article X.

The General Assembly shall take decisions by a majority vote of the members present. The vote shall be taken by a show of hands, by roll call or by secret ballot.

Article XI.

The minutes drawn up in the General Assembly shall be signed by the Presidents and also by the two Secretaries of the meeting. They shall be verified by two lay members and an ecclesiastical member appointed by the President at the beginning of the meeting.

CHAPTER II. — POWERS OF THE GENERAL ASSEMBLY.

Article XII.

The General Assembly shall have only such powers as are specified in Canons 1520 and 1521 of the Codex Juris Canonici.

Article XIII.

The Assembly may elect Commissions for the purpose of preparing the work referred to in the preceding Article.

Article XIV.

The Assembly shall examine and ratify the work of the Committee.

CHAPTER III. — THE COMMITTEE.

Article XV.

The Chairman of the Committee shall be the Ordinary, who may arrange for his place to be taken by a delegate of his choosing.

The Committee shall be composed of eight ecclesiastics, of whom at least two shall be capitular canons, the lay President, sixteen members of the laity elected by the General Assembly and the Referendary.

The members of the Committee shall be elected by the General Assembly, by a majority vote, for a period of three years.

The members of the Committee shall receive no remuneration.

Article XVI.

The Committee shall be the administrative organ of the Council.

Article XVII.

The Committee shall hold an ordinary meeting each month. It may also hold extraordinary meetings if particularly important or urgent questions call for its deliberations.

To constitute a quorum, the presence of at least six members, in addition to the Chairman, shall be required.

Article XVIII.

The Committee shall, in its proceedings, take decisions by a majority vote.

Members of the Committee may not take part in deliberations on any question in which they are personally concerned.

Article XIX.

Minutes shall be drawn up recording the proceedings of each meeting.

The minutes shall be signed by the Chairman and the Secretary, and shall be verified by two Councillors, one of whom shall be an ecclesiastic.

CHAPTER IV.

Article XX.

The decisions of the Council and of the Committee shall not become effective and enforceable until they have been approved by the Ordinary.

Approval must be given explicitly.

CHAPTER V.

Article XXI.

Any amendments that may be introduced into the present Statutes must, in order to become effective, receive the official written approval of the Ministry of Public Worship of Roumania and, for Canonical purposes, that of the Holy See.

Any amendment introduced therein contrary to the terms of the present Article shall be null and void.

(Signed) E. Cardinal PACELLI.

(Signed) Valere POP.