

# **THE LATERAN TREATY**

## **11th February, 1929**

### **1. CONCILIATION TREATY**

In the name of the Most Holy Trinity.

Whereas the Holy See and Ital have recognised the desirability of eliminating every reason for dissension existing between them and arriving at a final settlement of their reciprocal relations which shall be consistent with justice and with the dignity of both High Contracting Parties. And which by permanently assuring-to the Holy See a position *de facto* and *de jure* which shall guarantee absolute independence for the fulfilment of its exalted mission in the world permits the Holy See to consider as finally and irrevocably settled the Roman Question which arose in 1870 by the annexation of Rome to the Kingdom, of Italy, under the Dynasty of the House of Savoy;

Whereas it was obligatory, for the purpose of assuring the absolute and visible independence of the Holy See. Likewise to guarantee its indisputable sovereignty in international matters, it has been found necessary to create under special conditions the Vatican City, recognising the full ownership, exclusive and absolute dominion and sovereign jurisdiction of the Holy See over that City;

His Holiness the Supreme Pontiff Pius XI and His-Majesty Victor Emmanuel III, King of Italy, have agreed to conclude a Treaty, appointing for that purpose two Plenipotentiaries, being on behalf of His Holiness, His Secretary of State, viz. His Most Reverend Eminence the Lord Cardinal Pietro Gasparri, and on behalf of His Majesty, His Excellency the Cav. Benito Mussolini, Prime Minister and Head of the Government; who, having exchanged their respective full powers, which were found to be in due and proper form, have hereby agreed to the following articles:

#### **Article 1**

Italy recognises and reaffirms the principle established in the first Article of the Italian Constitution dated March 4, 1848, according to which the Catholic Apostolic Roman religion is the only State religion.

#### **Article 2**

Italy recognises the sovereignty of the Holy See in international matters as an inherent attribute in conformity with its traditions and the requirements of its mission to the world.

#### **Article 3**

Italy recognises the full ownership, exclusive dominion, and sovereign authority and jurisdiction of the Holy See over the Vatican as at present constituted, together with all its appurtenances—and endowments, thus creating the Vatican City, for the special purposes and under the conditions hereinafter referred to. The boundaries of the said City are set forth in the map' called Annex 1 of the present Treaty, of which it forms an integral part.

It is furthermore agreed that, although forming part of the Vatican City, St. Peter's Square shall continue to be normally open to the public and shall be subject to, supervision by the Italian police authorities, which powers shall cease to operate at the foot of the steps leading to the Basilica, although the latter shall continue to be used for public worship. The said authorities shall, therefore, abstain from mounting the steps and entering the said Basilica, unless and except they are requested to do so by the proper authorities.

Should the Holy See consider it necessary, for the purpose of special ceremonies, temporarily to prohibit the public from free access to St. Peter's Square, the Italian authorities shall specially requested to do otherwise) withdraw to beyond the lines of Bernini's Colonnade and the extension thereof.

#### **Article 4**

The sovereignty and exclusive jurisdiction over the Vatican City, which Italy recognises as appertaining to the Holy See, forbid any intervention therein on the part of the Italian Government, or that any authority other than that of the Holy See shall be there acknowledged.

#### **Article 5**

For the purpose of the execution of the provisions of the preceding Article before the present Treaty comes into force, the Italian Government shall see to it that the territory forming the Vatican City shall remain free from any charge and from possible occupants. The Holy See shall arrange to enclose the access thereto, enclosing such parts thereof as remain open, except St. Peter's Square.

It is furthermore agreed that, in respect of the buildings there existing and belonging to religious institutions or bodies, the Holy See shall settle relations with the latter direct, the Italian Government having no part in such arrangements.

#### **Article 6**

Italy shall provide, by means of suitable agreements entered into with the interested parties, that an adequate water supply be fully assured to the Vatican City. Italy shall furthermore provide for connection with the State railways by constructing a railway station within the Vatican City on the spot shown on the annexed map, and by permitting the circulation of railway carriages belonging to the Vatican on the Italian railways. It shall further provide for direct connection with other States by means of telegraph, telephone, wireless, broadcasting, and postal services in the Vatican City. It shall equally also provide for the coordination of all other public services.

All expenses connected with the arrangements above mentioned shall be defrayed by the Italian State within the period of one year from the entry into force of the present Treaty.

The Holy See shall, at its own expense, arrange the existing means of access to the Vatican, and those others which it may consider it necessary to make in the future.

Agreements shall be subsequently concluded between the Holy See and Italy concerning the circulation, on and over Italian territory, of land vehicles and aircraft belonging to the Vatican City.

#### **Article 7**

The Italian Government undertakes to prohibit the construction, within the territory surrounding the Vatican City, of any new buildings which might overlook the latter, and shall for a like purpose provide for the partial demolition of similar buildings already standing near the Porta Cavalleggeri, and along the Via Aurelia and the Viale Vaticano.

In accordance with the provisions of International Law, it shall be forbidden for aircraft of any kind whatsoever to fly over Vatican territory.

On & Piazza Rusticucci, and in the areas adjoining the Colonnade, over which the extra-territoriality referred to in Article 15 hereof does not extend, all structural alterations or street construction shall only be effected by mutual assent.

#### **Article 8**

Considering the person of the Supreme Pontiff to be sacred and inviolable, Italy declares any attempt against His person or any incitement to commit such attempt to be punishable by the same penalties as all similar attempts and incitement's to commit the same against the person of the King.

All offences or public insults committed within Italian territory against the person of the Supreme Pontiff, whether by means of speeches, acts, or writings, shall be punished in the same manner as offences and insults against the person of the King.

#### **Article 9**

In accordance with the provisions of International Law, all persons having a permanent residence within the Vatican City shall be subject to the sovereignty of the Holy See. Such residence shall not be forfeited by reason of the mere fact of temporary residence elsewhere, unaccompanied by the loss of habitation in the said City or other circumstances proving that such residence has been abandoned.

On ceasing to be subject to the sovereignty of the Holy See, the persons referred to in the preceding paragraph, who, according to the provisions of Italian law (independently of the defacto circumstances

considered above) shall not be regarded as possessing any other citizenship, shall be regarded in Italy as Italian nationals.

Notwithstanding that all such persons are subject to the sovereignty of the Holy See, the provisions of Italian law shall be applicable to them within the territory of the Kingdom of Italy, even in such matters, the personal law must be observed they are not Covered by the regulations emanating from the Holy See) and, in the case of persons of foreign nationality, the legal provisions of the State to which they belong.

### **Article 10**

Such dignitaries of the Church and persons belonging to the Papal Court as shall be indicated in a Schedule to be approved by the High Contracting Parties, shall always and in every case, even when not citizens of the Vatican, be exempt from military service as far as Italy is concerned, jury service, and any other service of a personal nature.

This provision shall also apply to regular officials whose services are considered indispensable by the Holy See, if permanently\_ employed by the latter and earning a fixed salary, or employed in the Departments or Offices mentioned in Articles 13, 14, 15, and 16 hereof and residing without the Vatican City. The names of such officials shall be set forth in another Schedule to be drawn up and approved as above mentioned, and which shall be brought up to date each year by the Holy See.

The ecclesiastics whose duty it shall be to participate, without the Vatican City, in the execution of enactments emanating from the Holy See, shall not, on that account, be subject to any hindrance, investigation, or molestation on the part of the Italian authorities.

All foreigners in official ecclesiastical employment in Rome shall enjoy the personal guarantees appertaining to Italian citizens, in accordance with the laws of the Kingdom of Italy.

### **Article 11**

All central bodies of the Catholic Church shall be exempt from any interference on the part of the Italian State (save and except as provided by Italian law in regard to the acquisition of property made by *corpi morali* and with regard to the conversion of real estate).

### **Article 12**

Italy recognises the right of the Holy See to passive and active Legation, according to the general rules of International Law. Officials accredited by foreign Governments to the Holy See shall continue to enjoy, within the Kingdom of Italy, all the prerogatives of immunity enjoyed by diplomatic agents under International Law, and their headquarters may continue to be within Italian territory whilst enjoying the immunity due to them under International Law. Even in the event of their State not having diplomatic relations with Italy.

It is understood that Italy undertakes in all cases to allow the freedom of correspondence for all States, including belligerents, to and from the Holy See, as well as free access to the apostolic See by Bishops from all over the world.

The High Contracting Parties undertake to establish normal diplomatic relations between each other, accrediting in Italian Ambassador to the Holy See and a Papal Nuncio to Italy, -who shall be the *doyen* of the Diplomatic Corps, in accordance with the ordinary practice recognised by the Congress of Vienna by the Act of June 9, 18 15. In consequence of the sovereignty hereby recognised and without prejudice to the provisions of Article 19 hereof, the diplomats accredited by the Holy See and the diplomatic couriers dispatched in the name of the Supreme Pontiff, shall enjoy within Italian territory. Even in time of war, the same treatment as that enjoyed by diplomatic personages and couriers of other foreign Governments, according to the provisions of International Law.

### **Article 13**

Italy recognises the full ownership of the Holy See over the Patriarchal Basilicas of St. John Lateran, Sta. Maria Maggiore, and St. Paul, with their annexed buildings.

The State transfers to the Holy See, the free management and administration of the said Basilica of St. Paul and its dependent Monastery, also paying over to the Holy See all monies representing the sums set aside annually---for that church in the budget of the Ministry of Education.

It is also understood that the Holy See shall remain the absolute owner of the edifice of S. Callisto, adjoining Sta. Maria in Trastevere.

#### **Article 14**

Italy recognises the full ownership by the Holy See of the Papal Palace of Castel Gandolfo, together with all endowments, appurtenances, and dependencies thereof, which are now already in the possession of the Holy See, and Italy undertakes to hand over, within six months after the coming into force of the present Treaty, the Villa Barberini in Castel. Gandolfo, together with all endowments, appurtenances, and dependencies thereof.

In order to round off the property situate on the northern side of the Janiculum Hill, belonging to the Sacred Congregation of Propaganda Fide and to other ecclesiastical institutions, which property faces the Vatican Palaces, the State undertakes to transfer to the Holy See or other bodies appointed by it for such purpose, all real estate belonging to the State or to third parties existing in that area. The properties belonging to the said Congregation and to other institutions and those to be transferred being marked on the annexed map.

Finally, Italy shall transfer to the Holy See, as its full and absolute property, the Convent buildings in Rome attached to the Basilica of the Twelve Holy Apostles and to the churches - of- San Andrea della Valle and S. Carlo at Catinari, with all annexes and dependencies thereof, and shall hand them over within one year after the entry into force of the present Treaty, free of all occupants.

#### **Article 15**

The property indicated in Article 13 hereof and in paragraphs (1) and (2) of Article 14, as well as the Palaces of the Dataria, of the Cancellaria, of the Sacred Congregation of Propaganda Fide in the Piazza di Spagna, of the S. Offizio with its annexes, and those of the Convertendi (now the Congregation of the Eastern Church) in Piazza Scossacavalli, the Vicariato, and all other edifices in which the Holy See shall subsequently desire to establish other offices and departments, although such edifices form part of the territory belonging to the Italian State. These shall enjoy the immunity granted by International Law to the headquarters of the diplomatic agents of foreign States. Similar immunity shall also apply with regard to any other churches (even if situated outside Rome) during such time as, without such

Churches being open to the public, the Supreme Pontiff shall take part in religious ceremonies celebrated therein.

#### **Article 16**

The property mentioned in the three preceding Articles, as also that used as headquarters of the following Papal institutions - the Gregorian University. The Biblical, Oriental, and Archaeological Institutes, the Russian Seminary and the Lombard College. The two Palaces of St. Apollinaris, and the Home for the Retreat of the Clergy dedicated to St. John and St. Paul - shall never be subject to charges or to expropriation for reasons of public utility, save by previous agreement with the Holy See. They shall be exempt from any contribution or tax, whether ordinary or extraordinary and payable to the State or to any other body.

It shall be permissible for the Holy See to deal with all the buildings above mentioned or referred to in the three preceding Articles as it may deem fit, without obtaining the authorisation or consent of any Italian governmental or communal authority. Which authorities may in this regard rely entirely on the high artistic traditions of the Catholic Church.

#### **Article 17**

As from January 1, 1929, salaries of whatsoever nature payable by the Holy See, or by other central bodies of the Catholic Church and by bodies administered direct by the Holy See, whether within or without Rome, to dignitaries employed and salaried (whether permanently or not), shall be exempt from any contribution or tax, whether payable to the State or to any other body.

## **Article 18**

The artistic and scientific treasures existing within the Vatican City and the Lateran Palace shall remain open to scholars and visitors, although the Holy See shall be free to regulate the admission of the public thereto.

## **Article 19**

Diplomats and envoys of the Holy See, as well as diplomats and envoys-of foreign Governments accredited to the Holy See, and the dignitaries of the Church arriving from abroad and travelling to the Vatican City, provided with passports of the States whence they come duly furnished with the visa of the Papal representative abroad, shall be allowed free access to the Vatican City over Italian territory without formalities.

The same shall apply to the above-mentioned persons who, being duly provided with a regular Papal passport, shall go abroad from the Vatican City.

## **Article 20**

Goods arriving from abroad for- destinations within the Vatican City, or without its boundaries for institutions or offices of the Holy See, shall invariably be allowed transit over Italian territory (from any part of the Italian boundary as also from any seaport of the Kingdom) free of payment of any customs or *octroi* dues.

## **Article 21**

All Cardinals shall enjoy, in Italy, the honours due to Princes of the Blood. Those Cardinals who may reside in Rome without the Vatican City shall, for all purposes, be considered as citizens thereof.

In the event of the office of the Holy See falling vacant. Italy shall make special arrangements for the free transit and access of Cardinals over Italian territory to the Vatican, and shall provide that their personal liberty is not impeded or limited.

Italy shall also take all measures, within her territory surrounding the Vatican City, necessary to prevent the commission of any act which may in any way disturb the meetings of the Conclave.

The same provisions shall apply to Conclaves held beyond the boundaries of the Vatican City and to Councils presided over by the Supreme Pontiff or his Legates, and with regard to all Bishops summoned to attend them.

## **Article 22**

At the request of the Holy See, or by its delegate who may be appointed in single cases or permanently, Italy shall provide within her territory for the punishment of offences committed within the Vatican City, save and except when the author of the offence shall have taken refuge in Italian territory, in which event he shall immediately be proceeded against according to the provisions of the Italian- laws.

The Holy See shall hand over to the Italian State all persons who may have taken refuge within the Vatican City, when accused of acts committed within Italian territory which are considered to be criminal by the law of both States.

The same provision shall apply in regard to persons accused of offences who may have taken refuge within buildings enjoying immunity in accordance with the provisions of Article 15 hereof, save and except if the persons having authority within such buildings prefer to request members of the Italian police force to enter and arrest such persons.

## **Article 23**

The regulations provided by Inter-national Law shall apply for the execution, within the Kingdom of Italy, of sentences pronounced by the Courts of the Vatican City.

All sentences and measures emanating from ecclesiastical authorities and officially communicated to the civil authorities, in regard to ecclesiastical or religious persons and concerning spiritual or disciplinary matters, shall without other formality have legal effect in Italy even for all civil purposes.

## **Article 24**

In regard to the sovereignty appertaining to it also in international matters, the Holy See declares that it desires to take, and shall take, no part in any, temporal rivalries between other States, nor in any international congresses called to settle such matters, save and except in the event of such parties making a mutual appeal to the pacific mission of the Holy See, the latter reserving in any event the right of exercising its moral and spiritual power.

The Vatican City shall, therefore, be invariably and in every event considered as neutral and inviolable territory.

## **Article 25**

A special Convention signed on the same date as the present Treaty (of which it forms Annex 4), being an integral part thereof, shall provide for the settlement of the payments to be made by Italy to the Holy See.

## **Article 26**

The Holy See considers that the agreements signed to-day offer an adequate guarantee for assuring to it, together with the requisite liberty and independence, the pastoral administration of the Roman Diocese and of the Catholic Church throughout Italy and the entire world, and it declares the Roman Question to be definitely and irrevocably settled and therefore eliminated, and recognises the Kingdom of Italy under the Dynasty of the House of Savoy, with Rome as the capital of the Italian State.

Italy, on her part, recognises the State of the Vatican City under the sovereignty of the Supreme Pontiff.

The law dated May 13, 1871 (No. 214), and any other dispositions contrary to the present-Treaty, are hereby abrogated.

## **Article 27**

Within four months after the signature thereof, the present Treaty shall be submitted for ratification by the Supreme Pontiff and the King of Italy, and shall enter into force as soon as ratifications are exchanged.

Dated in Rome this 11th day of February, 1929.

(Signed) PIETRO Cardinal GASPARRI.

BENITO MUSSOLINI

## **2. THE FINANCIAL CONVENTION**

Whereas the Holy See and Italy, following upon the stipulations of the Treaty by means of which the Roman Question has been finally settled. We consider it to be requisite and necessary that their financial relations be regulated by a separate Convention which shall, form an integral part of such Treaty: And whereas the Supreme –Pontiff. Considering from a lofty point of view the great prejudice suffered by the Apostolic See by reason of the loss of the Patrimony of St. Peter, represented by the former Papal States and the property. This belonging to ecclesiastical bodies, and, on the other hand, the ever-increasing demands made upon the Church, even in the City of Rome alone; and moreover considering the financial position of the State and the economic conditions of the Italian people (especially after the War). It has seen fit to limit the request for indemnity to what is strictly necessary, by asking for a sum, payable partly in cash and partly in Consolidated Stock, the value of which is much less than that which the State should have disbursed to the Holy See, even under the obligation assumed by the Law of May 13, 1871, alone:

And whereas the Italian State, approving the paternal sentiments of the Supreme Pontiff, considers compliance with the request for payment of such sum to be its bounden duty :

The High Contracting Parties, represented by the same Plenipotentiaries, have agreed as follows:

### **Article 1**

Italy undertakes to pay to the Holy See, upon exchange of the ratifications of the Treaty, the sum of 750,000,000 Italian lire, and to hand over simultaneously to the Holy See. This aforesaid such a sum in Italian 5% Consolidated Bearer Bonds, with coupon payable on June 30 of the current year attached, as shall represent the nominal value of 1,000,000,000 Italian lire.

### **Article 2**

The Holy See agrees to the above condition in final settlement of its financial relations with Italy arising out of the events of 1870.

### **Article 3**

All deeds to be entered into for the purpose of carrying into effect the provisions of the present Convention shall be free of any stamp duty or tax whatsoever.

Rome, this 11th day of February. 1929.

(Signed) PIETRO Cardinal GASPARI  
BENITO MUSSOLINI.

## **3. THE CONCORDAT**

In the name of the most Holy Trinity.

Whereas, from the very inception of negotiations between the Holy See and Italy for the settlement of the Roman' Question, the Holy See itself suggested that the Treaty relating to this question be accompanied, as its necessary complement, by a Concordat intended to settle the conditions governing religion and the Church in Italy;

And whereas signatures have this day been appended to the Treaty for the settlement of the Roman Question;

His Holiness Pius XI, the Supreme Pontiff, and His Majesty Victor Emmanuel III, King of Italy, have agreed to enter into a Concordat and for that purpose have nominated the same Plenipotentiaries as those appointed for the Treaty-being, on behalf of His Holiness, his Secretary of State, His Most Reverend Eminence the Lord Cardinal Pietro Gasparri, and on behalf of His Majesty. His Excellency Cay. Benito Mussolini, Prime Minister and Head of the Government; who, having exchanged their full Powers and finding them in due and proper form, have agreed as follows:

### **Article 1**

For the purposes of Article 1 of the Treaty, Italy assures to the Catholic Church the free exercise of spiritual power and the free and public exercise of its worship, as well as jurisdiction in ecclesiastical matters, in accordance with the provisions laid down by the present Concordat, where requisite and necessary, and grants to ecclesiastics for the spiritual ministry the privilege of-defence by their own authorities.

In consideration of the sacred character of the Eternal City, the Episcopal See of the Supreme Pontiff, centre of the - Catholic world, and goal of pilgrimage, the Italian Government will be careful to keep Rome free from anything which should be inconsistent with such character.

### **Article 2**

The Holy See shall communicate and correspond freely with its Bishops, with its. Clergy, and with the m-hole Catholic world, without any interference on the part of the Italian Government. Similarly, Bishops shall be entitled to communicate and correspond freely with their Clergy and with all the faithful.

Both Holy See and Bishops shall be entitled to publish freely, or to affix within or at the outer doors of the edifices set aside for their worship, or at the offices of their ministry, all instructions, orders,

pastoral letters, diocesan reports or other documents concerning the spiritual government of the faithful, which it may seem good to them to issue within the scope of their jurisdiction. Such publications and notices, and generally all deeds or documents concerning this spiritual government, shall not be subject to any Government dues.

Such publications can, as regards the Holy See, be issued in any language, and as regards Bishops in the Italian or Latin tongue, but it shall be optional for the ecclesiastical authority to add a translation into other languages, side by side with the Italian text.

The ecclesiastical authorities shall be at liberty, without any interference on the part of the civil authorities, to cause collections to be made both inside and outside churches, or in the buildings belonging to them.

### **Article 3**

Such theological students as are completing the last two years of their preliminary studies (*propedeutica alla teologia*) and are proceeding to the priesthood, together with the novices of the institution of religious Orders, shall be entitled, at their own request, to postpone fulfilling the obligations of military service from year to year, until they shall have completed their twenty-sixth year.

Clerics ordained *in sacris*, and members of religious Orders who have taken vows, shall be exempted from military service, save in the case of general mobilisation. In that eventuality, priests will be drafted to the armed forces of the State, but shall continue to wear the habit, in order that they may exercise their sacred office amongst the troops, under the ecclesiastical jurisdiction of the - Military Ordinary, in accordance with the provisions of Article 14 hereof. The other clerics or members of religious Orders shall preferably be enrolled for hospital work. Priests responsible for the cure of souls shall, even in the event of general mobilisation, be exempted from military service. Under this heading shall come Ordinaries, parish priests, assistant parish priests or coadjutors, curates, and priests permanently appointed to rectorships of churches open to the public.

### **Article 4**

Ecclesiastics and members of religious Orders are exempted from jury service.

### **Article 5**

No ecclesiastic may take up, or remain in, an office or employment under the Italian Government or public bodies connected with the latter, without the *Nulla osta* of the Ordinary of his Diocese first had and obtained. Revocation of the *Nulla osta* shall deprive the ecclesiastic of the possibility of continuing in his employment or office. No priest who is apostate or under censure may take up or continue in a post as teacher, or an office or employment in which he will come in direct contact with the public.

### **Article 6**

Stipends and other emoluments-paid to ecclesiastics by reason of their office shall be mortgageable only in the same measure as the salaries and emoluments of Government employees.

### **Article 7**

No magistrate or other authority shall be entitled to request ecclesiastics for information regarding persons or events known to them by reason of their sacred office.

### **Article 8**

Should a priest or a member of a religious Order be brought before a magistrate for a crime committed, the public prosecutor shall immediately inform the Ordinary of the Diocese in whose territory he exercises jurisdiction, and shall promptly notify him of the decision of the examining magistrate, and of the sentence, should one be promulgated, both in the Lower Court and on appeal.

In the event of arrest, the ecclesiastic or religious shall be treated with the consideration due to his cloth and ecclesiastical rank.

In the event of an ecclesiastic or member -of a religious order being sentenced, his sentence shall, whenever possible, be served in a prison apart from laymen, unless his Ordinary shall have reduced him to the status of a layman.

### **Article 9**

As a rule, buildings consecrated to religious services shall be exempt from requisition and from occupation. Should it become necessary, for reasons of urgent public necessity, to occupy a sacred edifice, the authorities concerned in the matter shall previously make arrangements with the Ordinary, unless absolutely imperative reasons to the contrary exist. In such an event, the occupying authority shall immediately inform the Ordinary of the fact.

Except in cases of urgent necessity, the police must not enter buildings consecrated to religious services for the purpose of carrying out their duties, without first advising the authorities thereof.

### **Article 10**

No edifices open for public worship shall be demolished for any cause whatsoever, without previous agreement in the matter with the proper ecclesiastical authorities.

### **Article 11**

The State recognises the following festivals established by the Church, namely:

Each Sunday in the year; New Year's Day; Epiphany	(January 6).
The feast of St. Joseph	(March 19).
Ascension Day.	
Corpus Christi Day.	
The feast of the Holy Apostles Peter and Paul.	
The Assumption of the Blessed Virgin Mary	(August 15).
All Saints' Day	(November 1).
The feast of 'the Immaculate Conception	(December 8).
Christmas Day	(December 25).

### **Article 12**

On Sundays and days of obligation, the priest celebrating the Chapter \_Mass shall, in all churches possessing a Chapter, chant a prayer for the prosperity of the King of Italy and the Italian State, according to the usual rules of the holy liturgy.

### **Article 13**

The Italian Government shall communicate to the Holy See a list of ecclesiastics appointed to the cure of souls with the armed forces of the State, as soon as such lists shall have been legally approved. The appointment of ecclesiastics to the direction of spiritual affairs in the Army (Military Ordinary, Vicar-General and Inspectors) shall be notified confidentially by the Holy See to the Italian Government. Should the Italian Government have any reason for opposing any appointment so made, it shall inform the Holy See, which shall make a fresh appointment.

The Military Ordinary shall enjoy the rank and dignity of an Archbishop.

Military chaplains shall be appointed by the proper authorities of the Italian Government, on the suggestion of the -Military Ordinary.

### **Article 14**

In so far as their religious duties, are concerned, the Ail., Land, ail() Naval forces of the Italian Crown shall enjoy the and exemptions laid down by Canon Law. With regard to snell military chaplains shall have the authority of parish priests, and shalt carry out their sacred office under the jurisdiction of the Military Ordinary assisted by his own Curia. The Military Ordinary shall have jurisdiction over the religions personnel, male and female attached to military hospitals.

### **Article 15**

The Archbishop who is the Military Ordinary shall preside over the Chapter of the Pantheon Church in Rome, forming with that Chapter the body of clergy serving this Basilica. This body of clergy shall be

authorised to carry out all religious ceremonies (even outside and away from Rome) which, in accordance with canonical rule, they may be requested to hold by the Government or by the Royal House.

The Holy See consents to confer on all Canons of which the Chapter of the Pantheon Church is composed the dignity of Protonotary ad instar, durante munere. Each individual appointment shall be made by the Cardinal Vicar of Rome, after recommendation on the part of His Majesty the King of Italy, after the nomination has been confidentially notified.

The Holy See reserves to itself the right of transferring the Diaconate to another church.

### **Article 16**

The High Contracting Parties shall, by means of Mixed Commissions, proceed with the revision of the geographical delimitation of Dioceses-, in order that it may, if possible, correspond to that of the provinces.

It is understood that the Holy See shall raise Zara to a Diocese; that no part of the territory under the sovereignty of the Kingdom of Italy shall be under a Bishop whose See may be in territory under the sovereignty of another State; and that no Diocese in the Kingdom may include areas of territory under the sovereignty of another

The same principle shall be respected in regard to all existing or future parishes situated near the frontiers of the State.

After previous agreement with the Italian Government, the Holy See shall arrange for and cause to be carried out the alterations which may have to be made in future in the circumscription of the Dioceses, in accordance with the provisions above set forth, save and except, such unimportant modifications of territory as may be requested for the good of souls.

### **Article 17**

All alteration in the constitution of Dioceses arising out of the application of the provisions of Article 16 hereof, shall be carried out as and when such Dioceses become vacant. It is understood that such alterations shall not involve the suppression of the titles thereof nor of their Chapters, which shall remain in existence, the Dioceses being reconstituted in such a manner that their head quarters shall be the capitals of the respective Provinces.

The present economic resources of the Dioceses and of ecclesiastical bodies forming a part thereof, including the payments now being made by the Italian State, shall not be affected by the alterations referred to above.

### **Article 18**

In the event of several parishes being either temporarily or permanently amalgamated by the ecclesiastical authorities, either by the appointment of a single parish priest (with, one or more assistant priests) or by the allocation of one presbytery to several priests, the State shall make no alteration in the subsidy payable to such parishes.

### **Article 19**

The Holy See shall appoint Archbishops and Bishops. Before nominating an Archbishop or a Diocesan Bishop, or a Coadjutor cum jure successionis, the Holy See shall communicate the name of such candidate to the Italian Government, in order to be assured that the latter has no objections of a political nature to this nomination.

The steps necessary in this connection shall be taken with all possible speed and secrecy, so that the name of the person chosen may not become known until his final nomination.

### **Article 20**

Previous to taking possession of their Sees, Bishops shall swear allegiance to the Head of the State, using the following form of oath, viz:

'Before God and on His Holy Gospels, I promise and swear allegiance to the Italian State, in such a manner as is proper to a Bishop.

'I promise and swear to respect, and to cause to be respected by my clergy, the King of Italy and the Italian Government, as constituted by the laws of the State.

'I further promise and swear that I shall enter into no agreement, nor attend any council, which may be prejudicial to the interests of the Italian State or to public order, and that I shall lay a similar prohibition on my clergy.

'Being zealous for the good and the advantage of the Italian State, I shall do my utmost to prevent any evil which might threaten it.'

## **Article 21**

The appointment to ecclesiastical benefices shall lie with the ecclesiastical authorities.

The proper ecclesiastical authorities shall confidentially communicate to the Italian Government the names of those appointed to a benefice, and the corresponding appointment shall not be valid until thirty days after such communication. Within this period the Italian Government shall, in the event of grave reasons existing against such appointment, inform the ecclesiastical authorities confidentially thereof. Should the difference of opinion continue, the ecclesiastical authorities shall lay the case before the Holy See.

Should grave reasons arise rendering prejudicial the continuance of an incumbent in a particular parish benefice, the Italian Government shall communicate such reasons, to the Ordinary. The latter shall, in agreement with the Government, take the necessary steps' within a period of three months.

Should divergency of opinion arise between the Ordinary and the Government, the Holy See shall entrust the settlement of the question to two ecclesiastics chosen by it, who, with the assistance of two delegates appointed by the Italian Government, shall come to a final decision in the matter.

## **Article 22**

No Ecclesiastics who are not Italian citizens can be appointed to a benefice. Both Bishops and parish priests must, furthermore, speak Italian. In case of necessity, coadjutors must be appointed to work under them who, besides Italian, understand and speak the tongue locally used, in order that, according to the rules of the Church, the comforts of religions may be afforded by them in the language of the faithful.

## **Article 23**

The provisions of Articles 16, 17, 19, 20, 21, and 22 hereof shall not apply to Rome and the suburban dioceses.

It is further understood that, whenever the Holy See may proceed to reorganise the said dioceses, no alteration shall be made in the present payments made by the Italian State to the Bishop's revenues (known as mense), or to other ecclesiastical institutions.

## **Article 24**

The Exequatur and the Royal Placet, as also any Royal or State (cesarea o regia) nomination in the matter of appointment to benefices throughout Italy, are abolished. Save and except in those exceptional cases mentioned in paragraph (g) of Article 29 hereof.

## **Article 25**

The Italian State- renounces the sovereign prerogative of Royal Patronage, in regard to the nomination to greater or lesser benefices. The Crown dues payable on such benefices shall be abolished, as also the payment concerning the terzo pensionabile in the former Kingdom of the Two Sicilies. The corresponding charges shall no longer be a charge on the State and on the Departments concerned.

## **Article 26**

The appointment of incumbents to greater or lesser benefices, or of those who are temporarily to fill a See or a benefice that has become vacant, shall take effect from the date of the ecclesiastical nomination, which shall be officially notified to the Government. The regulations laid down by Canon Law shall govern the administration and enjoyment of revenues during such a vacancy.

In the event of bad management, it shall be lawful for the Italian State, in agreement with the ecclesiastical authorities, to sequester the material part (temporalita) of the benefice. Causing the net revenue thereof to be applied for the benefit of the incumbent, or, in his absence, for that of the benefice.

### **Article 27**

The Basilicas of the Holy House at Loreto, of St. Francis at Assisi, and of St. Anthony in Padua, together with all buildings and foundations forming part thereof, save and except those of a purely lay character, shall be handed over to the Holy See. Which shall be at liberty to conduct their administration as it, thinks fit.

All other bodies of every description managed by the Holy See in Italy, as also the Missionary Colleges, shall likewise be administered and managed without any intervention on the part of the State, and shall not be subject to conversion. The Italian laws governing the acquisition of property by incorporated bodies (corpi inorali) shall, however, remain applicable in every event. 1

Property now belonging to the churches referred to above shall be divided and assigned by Mixed Commissions appointed for the purpose, due attention being paid to the right, of third parties and to the endowments necessary for the lay foundations above mentioned. With regard to other churches possessing lay governing bodies the ecclesiastical authorities shall be at liberty to take over their administration, except in the case (-,s-here) of the division of property referred to in the last preceding paragraph, and in the manner therein established.

### **Article 28**

For the pacifying of such consciences as may be troubled, the' Holy See grants full pardon to all persons who, by reason of the Italian laws concerning the alienation of the patrimony of the Church, shall be in possession of ecclesiastical property. The necessary instructions shall be issued by the Holy See to the Ordinaries in this respect.

### **Article 29**

The laws of the Italian State concerning ecclesiastical matters shall be revised, in order that they may be reformed and completed and brought into harmony with the principles which inspired the Treaty concluded with the Holy See and the present Concordat.

It is hereby agreed, from now on, between the High Contracting Parties, as follows, that is to say:

(a) The legal status of the ecclesiastical bodies at present recognised by Italian law-such as the Holy See, Dioceses, Chapters, Seminaries, parishes, &-e.-being admitted and confirmed, a like status shall be conferred on all churches open for public worship which did not formerly possess it, including those belonging to ecclesiastical bodies formerly suppressed. It is also provided that the income assigned to each of the said churches by the Ecclesiastical Fund shall continue to be paid.

Save and except as is provided in Article 27, hereof, there shall be no interference in the matter of church services and worship, &c., on the part of church councils wherever existing, whatever their title may be, when they are either total or preponderantly composed of laymen. The appointment of members thereto shall be made in agreement with the ecclesiastical authorities.

(b) The legal status of those religious associations (whose members shall or shall not have taken vows) which are approved by the Holy See, and whose head-quarters shall be in Italy and who shall be legally represented there by persons of Italian nationality or domiciled in Italy, are recognised. There shall likewise be recognised the legal status of Italian religious Provinces in Italy and her Colonies, of Associations with head quarters abroad, when the same conditions occur.

The legal status of Religious Houses, shall also be recognised if

(1) Leggi italiane eversive.

they are allowed, by the particular rule of each separate Order, to acquire and possess property.

Finally, legal status shall be granted to general houses, and to the trustees of religious Associations, including foreign ones.

Those Associations and Religious Houses which already possess a legal status shall continue to enjoy the same.

No dues shall be payable upon deeds and documents relating to the transfer of real property now owned by Associations, from the present nominal holders to such Associations.

(c) The purposes of fraternities whose object is mainly that of worship may not subsequently be modified, and such bodies shall come under the ecclesiastical authorities as regards their working and management.

(d) All religious Foundations, of whatever kind, shall be sanctioned, provided they serve the religious needs of the population, and provided that no financial burden shall fall on the State in consequence. The same stipulation shall apply to other Foundations already existing de facto.

(e) In regard to the management by laymen of ecclesiastical property, caused by the laws of alienation, one-half of each Managing Council shall be appointed by the ecclesiastical authorities. The same provision shall apply in regard to the religious funds of the new Provinces.

(f) At the request of the Ordinary, the Italian Government may recognise and regularise all acts performed up to the present by religious or ecclesiastical bodies without the observance of civil law, upon presentation of the necessary documents within three years from the coming into force of the present Concordat. .

(g) The Italian State renounces the privileges as to jurisdiction and ecclesiastical exemption enjoyed by the Palatine clergy throughout Italy. Save and except the clergy of the Santa Sindone, of Turin, the Superga, the Sudario in Rome, and the chapels attached to the palaces serving as residences for the King and Queen and the Royal Princes. The appointment, to livings, benefices, and offices coming under the provisions set forth in the preceding Articles hereof.

An appropriate Commission shall arrange for the allotment to each Basilica, or Palatine church of a suitable income, in conformity with the conditions laid down in Article 27 hereof.

Whereas the financial facilities already provided in favour of ecclesiastical bodies by Italian legislation in force up to now are

(1) Case Generalizie.

confirmed, worship and religious activities for all purposes of taxation shall be placed on an equality with that of charity and education.

The following taxes and dues are abolished, that is to say:

The extraordinary tax of 30 per cent imposed under the provisions of Article 18 of Law No. 3848 of August 15, 1867. The grant in aid tax ('quota di concorsa ') referred to by Articles 31 of Law 3036 of July 7, 1866. Also 20 of Law No. 3848 of August 15, 1867; as also the tax on transfer of revenues of property constituting the endowment of benefices and ecclesiastical bodies, laid down by Royal Decree No. 3270, dated December 20, 1923. It is also provided that no other special tax or dues shall in future be imposed on Church property.

Neither the tax payable on professional income nor the Licence Tax instituted by Royal Decree No. 2538 dated November 15, 1923 (taking the place of the abolished tax on trade), nor any other similar tax shall be payable by ministers of religion on stipends paid in connection with their ecclesiastical duties.

The use of the clerical or religious habit by laymen, or by such priests and members of religious Orders as have been definitely forbidden so to do by the proper ecclesiastical authorities. (Whose pronouncement to that effect must be officially notified to the Italian Government), shall be forbidden

and punished by the same sanctions and penalties as those provided in the case of the improper use of military uniform.

### **Article 30**

The ordinary or extraordinary administration and management of property belonging to any ecclesiastical institution or religious association shall be carried out under the supervision and control of the proper Church authorities, without any intervention on the part of the Italian Government, and without the obligation of converting real property.

Save as is otherwise provided by civil legislation concerning the acquisition of property by the nominees of incorporated bodies (*corpi morali*), the Italian State shall recognise the capacity of ecclesiastical institutions and of religious associations to acquire property.

Until it shall have been otherwise provided by further agreement, the Italian Government shall continue to make good " any deficiencies the income of ecclesiastical benefices, by means of payments Calculated on a scale which shall not be lower than their actual value established by legislation at present in force. In consideration thereof, -the management of the property oil benefices shall, in so far as acts and contracts exceeding the se,,l,e of mere administration are concerned, be carried on with the intervention of the Italian Government, and in the event of a vacancy, the handing over of the property shall take place in the presence of a representative of the Government, a formal proces-verbal to that effect being drawn up.

Neither the emoluments known as 'Mense vescovili' (episcopal incomes) of the suburban Dioceses of Rome, nor the property of the Chapters and Parishes of the City of Rome and of the Dioceses aforesaid, shall be subject to the State intervention referred to above.

For the purpose of making good the deficiencies herein before referred to, the amount of the income paid to beneficiaries out of such Episcopal mense or of such property shall be established by an annual statement. This made on his own responsibility by the suburban Bishop for the Diocese and the Cardinal Vicar for the City of Rome.

### **Article 31**

The creation of fresh ecclesiastical bodies or religious associations shall be carried out by the ecclesiastical authorities in accordance with the provisions of Canon-Law, and recognition thereof for civil purposes shall be effected by the civil authorities.

### **Article 32**

Recognition and authorisation, as provided for under the present Concordat, shall take place in accordance with the provisions of civil legislation, which shall be brought into harmony with the contents of the Concordat and Treaty aforesaid.

### **Article 33**

The disposal of the Catacombs in Rome and other parts of Italy shall appertain to the Holy See, together -with the corresponding obligation of their custody, upkeep, and care. Whilst respecting the laws of the State and the possible rights: of third parties, the Holy See shall, therefore, be at liberty to proceed with any necessary excavations and the removal of sacred remains.

### **Article 34**

Being desirous of restoring to the institution of marriage, which is the basis of the family, that dignity is in keeping with the Catholic traditions of the Italian people. The Italian State recognises the sacrament of marriage as legal for civil purposes, when administered according to Canon Law.

The hands of marriage celebrated, as above stated, shall be published at the town hall, as well as at the parish church. As soon as the ceremony is over, the parish priest shall explain to the married couple the civil effects and purposes of marriage. Reading out to them those articles of the Civil Code which concern their rights and duties and shall draw up the certificate of marriage, a full copy of which he shall forward within five days to the municipality, in order that it may be entered in the municipal register.

Ecclesiastical Courts and Departments shall alone be competent to hear cases concerning nullity of marriage and of the abrogation of a marriage solemnised, but not consummated. Upon becoming final, all corresponding rulings and decisions shall be laid before the Supreme Tribunal of the *Segnatura*. Which shall decide whether the provisions of Canon Lam, have been respected in regard to the jurisdiction and powers of the Judge, the summoning of the parties, and their proper legal representation or non-appearance. All final rulings and decisions of the Supreme Tribunal of the *Segnatura* shall be transmitted to the territorially competent Court of Appeal, 'which shall (by means of Orders issued in Council). Thus render them effective for the purposes of civil law, giving instructions that they be entered in the municipal registers, as annotations to the particular certificate of marriage.

In so far as cases of judicial separation are concerned, the Holy See agrees that they should be tried by the Civil Courts.

### **Article 35**

The system of State examinations is applicable to secondary schools managed by ecclesiastical bodies, candidates from such schools being placed on an equal footing with those from State schools.

### **Article 36**

The teaching of Christian doctrine, in the form admitted by Catholic tradition is considered by Italy to be the basis and the apex of public education. For this reason, Italy agrees that religious education, which is now given in the public elementary schools, be in future extended to and developed in secondary schools, according to a program to be settled between the Holy See and the State.

Such instruction shall be imparted by means of teachers and professors who are priests or members of religious orders approved by the ecclesiastical authorities. And, in an auxiliary manner, by lay teachers and professors who shall for that purpose be provided with a certificate of qualification issued by the Ordinary of the Diocese. Should this certificate be revoked by the Ordinary, the teacher concerned shall be immediately deprived of the right to teach. Only books and textbooks approved by the ecclesiastical authorities shall be used for such religious instruction in the public schools.

### **Article 37**

In order to render possible the religious instruction and assistance of youths entrusted to their care, the heads of Government associations for physical training, and for instruction preceding military training, of the Avanguardisti and Balilla, shall arrange their timetables in such a manner as not to prevent the carrying out of their religious duties on Sundays and days of obligation. The heads of State schools shall make similar arrangements, in the event of, meetings of their pupils on such days.

### **Article 38**

For the purpose of insuring their entire suitability from the moral and religious points of view, the appointment of professors to the Catholic University of the Sacred Heart, and to the dependent teachers' training, college known as 'Istituto di Magistero Maria Immacolata ', shall be subject to the approval of the Holy See.

### **Article 39**

All Universities, greater or lesser Seminaries (diocesan, interdiocesan, or regional), Academies, Colleges, and other Catholic institutions for training and education of ecclesiastics, shall continue to be solely dependent on the Holy See, without any, intervention on the part of the educational authorities of the Kingdom.

### **Article 40**

The theological degrees granted by Faculties approved by the Holy See shall be recognised by the Italian State. There shall in like manner be recognised the diplomas given by the School of Palaeography, the School of Archives, and the Diplomatic and Documentary Schools attached to the Library and Archives of the Vatican City.

### **Article 41**

Italy authorises the wearing, throughout the Kingdom and the Colonies, of the decorations of Papal Orders of Chivalry upon registration of the corresponding Patent, which registration shall be effected

on production of that Patent, accompanied by the interested party's written request in writing to that effect.

#### **Article 42**

Italy shall, by means of a Royal Decree, permit the recognition of titles of nobility conferred by Sovereign Pontiffs both after 1870 and those which may be conferred in future. In some cases to be established, such recognition shall not be subject to payment of any tax in Italy.

#### **Article 43**

The Italian State recognises the organisations connected with the 'Azione Cattolica Italiana', in so far as these shall (as provided by the Holy See) carry out their activities outside any political party. And under the immediate direction of the hierarchy of the Church, for the diffusion and practice of Catholic principles.

The Holy See takes the opportunity afforded by the present Concordat to renew its veto with regard to any Italian ecclesiastics and members of religious Orders joining, or working in, any political party.

#### **Article 44**

Should any divergence arise in future with regard to the interpretation of the present Concordat, the Holy See and Italy shall arrive at an amicable settlement by mutual accord.

#### **Article 45**

The present Concordat shall come into force on exchange of the ratifications, at the same time as the Treaty concluded between the same High Contracting Parties which settles the Roman Question.

The provisions of the obsolete Concordats of the ex-Italian States shall cease to apply in Italy upon the entry into force of the present Concordat. In so far as they shall not be in agreement with the provisions of the present Concordat, all Austrian laws and the regulations, ordinances, and decrees of the Italian State now in force, shall be abrogated at the coming into force of the present Concordat.

A commission composed of persons delegated by both High Contracting Parties shall be appointed immediately after the execution of the present Concordat, for the carrying out of the provisions thereof.

this 11th day of February, 1929.

(Signed) PIETRO Cardinal GASPARRI.  
BENITO MUSSOLINI.