

II

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No. 874

Traités et accords internationaux

classés et inscrits au répertoire

du 26 mars 1981 au 27 mars 1981

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**SPAIN
and
HOLY SEE**

Concordat. Signed at Madrid on 16 March 1851

Authentic text: Spanish.

Filed and recorded at the request of Spain on 27 March 1981.

**ESPAGNE
et
SAINT-SIÈGE**

Concordat. Signé à Madrid le 16 mars 1851

Texte authentique : espagnol.

Classé et inscrit au répertoire à la demande de l'Espagne le 27 mars 1981.

[TRANSLATION — TRADUCTION]

CONCORDAT¹ CONCLUDED BETWEEN HIS HOLINESS AND
HER CATHOLIC MAJESTY, SIGNED AT MADRID ON
16 MARCH 1851

His Holiness the Supreme Pontiff Pius IX, strongly desiring to provide for the good of the religion and the utility of the Church of Spain with the pastoral solicitude with which he tends to all faithful Catholics and with especial benevolence toward the illustrious and devout Spanish Nation, and Her Majesty the Catholic Queen Isabel II, being possessed of the same desire owing to the piety and sincere adherence to the Apostolic See inherited from her ancestors, have decided to conclude a solemn concordat to govern all ecclesiastical affairs in a stable, canonical manner.

To this end, His Holiness the Supreme Pontiff has appointed as his Plenipotentiary His Excellency Mr. Juan Brunelli, Archbishop of Salonika, Domestic Prelate of His Holiness, Assistant to the Pontifical Throne and Papal Nuncio to the Kingdom of Spain with the powers of legate *a latere*, and Her Majesty the Catholic Queen has appointed Mr. Manuel Bertran de Lis, Knight Grand Cross of the royal and distinguished Spanish order of Charles III, of the order of Saint Maurice and Saint Lazarus of Cerdeña and of the order of Francis I of Naples, member of Parliament and her Minister of State, who, having exchanged their full powers, found in good and due form, have agreed as follows:

Article 1. The apostolic Roman Catholic religion, which, to the exclusion of any other cult, continues to be the sole religion of the Spanish Nation, shall be preserved always in the dominions of Her Catholic Majesty, with all the rights and prerogatives which it should enjoy according to the law of God and the provisions of the sacred canons.

Article 2. Consequently, instruction in universities, colleges, seminaries and public or private schools of any nature shall be in all respects in keeping with the doctrine of the said Catholic religion; to that end, bishops and other diocesan prelates charged by virtue of their ministry with watching over the purity of the doctrine, the faith and mores and over the religious education of the youth shall in no way be hindered in the exercise of that charge, even in public schools.

Article 3. Nor shall the said prelates or other sacred ministers be hindered in any way in the exercise of their functions, nor shall anyone disturb them under any pretext in connection with the performance of the duties of their office; rather, all the authorities of the Kingdom shall take care to give them and see to it that they are given due respect and consideration in accordance with the divine precepts and that nothing is done which might cause them to suffer any blemish or scorn. Her Majesty and her royal Government shall, moreover, grant their mighty patronage and support to the bishops where they so request, principally where they need to oppose the malignancy of men who try to pervert

¹ Came into force on 11 May 1851 by the exchange of the instruments of ratification, which took place at Madrid, in accordance with article 46.

the minds of the faithful and corrupt their mores, or where the publication, introduction or circulation of wicked and noxious books must be prevented.

Article 4. In all other matters pertaining to the right and exercise of ecclesiastical authority and the ministry of the holy orders, the bishops and the clergy subordinate to them shall enjoy the full freedom established by the sacred canons.

Article 5. Owing to the cogent reasons of necessity and advantage which thus impel, for the sake of greater convenience and spiritual utility to the faithful a new division and circumscription of dioceses shall be made throughout the Peninsula and adjacent islands. To this end, the present metropolitan sees of Toledo, Burgos, Granada, Santiago, Seville, Tarragona, Valencia and Saragossa shall be maintained and the suffragan see of Valladolid shall be raised to the rank of metropolitan see.

The suffragan dioceses of Almería, Astorga, Avila, Badajoz, Barcelona, Cadiz, Calahorra, the Canaries, Cartagena, Cordova, Coria, Cuenca, Gerona, Guadix, Huesca, Jaen, Jaca, León, Lérida, Lugo, Malaga, Majorca, Minorca, Mondoñedo, Orense, Orihuela, Osma, Oviedo, Palencia, Pamplona, Plasencia, Salamanca, Santander, Segorbe, Segovia, Sigüenza, Tarazona, Teruel, Tortosa, Tuy, Urgel, Vich and Zamora shall also be maintained.

The diocese of Albarracín shall be united to that of Teruel, that of Barbastro to that of Huesca, that of Ceuta to that of Cadiz, that of Ciudad Rodrigo to that of Salamanca, that of Ibiza to that of Majorca, that of Solsona to that of Vich, that of Tenerife to that of the Canaries and that of Tudela to that of Pamplona.

The prelates of the sees to which others are united shall add, to the title of bishop of the church over which they preside, that of the church united to it.

New suffragan dioceses shall be established in Ciudad Real, Madrid and Vitoria.

The episcopal see of Calahorra and la Calzada shall be transferred to Logroño, that of Orihuela to Alicante and that of Segorbe to Castellón de la Plana, when in those cities everything is ready therefor and it is deemed opportune after the respective prelates and chapters have been heard.

In cases in which, for the better service of a diocese, an auxiliary bishop is needed, provision for such need shall be made in accordance with the customary canonical procedure.

Similarly, vicars-general shall be established at points where, owing to the union of dioceses provided for in this article or for any other just cause, they are deemed necessary, the respective prelates being heard.

At Ceuta and on Tenerife auxiliary bishops shall immediately be established.

Article 6. The distribution of the said dioceses, as relates to subordination to their respective metropolitan sees, shall be as follows:

Those of Calahorra or Logroño, León, Osma, Palencia, Santander and Vitoria shall be suffragan to the metropolitan church of Burgos;

Those of Almería, Cartagena or Murcia, Guadix, Jaen and Málaga shall be suffragan to the metropolitan church of Granada;

Those of Lugo, Mondoñedo, Orense, Oviedo and Tuy shall be suffragan to the metropolitan church of Santiago;

Those of Badajoz, Cadiz, Cordova and the Canary Islands shall be suffragan to the metropolitan church of Seville;

Those of Barcelona, Gerona, Lérida, Tortosa, Urgel and Vich shall be suffragan to the metropolitan church of Tarragona;

Those of Ciudad Real, Coria, Cuenca, Madrid, Plasencia and Sigüenza shall be suffragan to the metropolitan church of Toledo;

Those of Majorca, Minorca, Orihuela or Alicante, and Segorbe or Castellón de la Plana shall be suffragan to the metropolitan church of Valencia;

Those of Astorga, Avila, Salamanca, Segovia and Zamora shall be suffragan to the metropolitan church of Valladolid;

Those of Huesca, Jaca, Pamplona, Tarazona and Teruel shall be suffragan to the metropolitan church of Saragossa.

Article 7. The new boundaries and particular demarcation of the said dioceses shall be determined within the shortest possible time and in the proper manner (*servatis servandis*) by the Holy See, which shall therefore delegate to the papal nuncio to the kingdom of Spain the necessary powers for him to carry out such demarcation, reaching an agreement for that purpose (*collatis consiliis*) with Her Majesty's Government.

Article 8. All the right reverend bishops and their churches shall recognize canonical subordination to the respective metropolitans, and the exemptions of the bishoprics of León and Oviedo shall therefore cease.

Article 9. Whereas, on the one hand, it is necessary and urgent that an opportune remedy should be provided for the grave difficulties caused in the ecclesiastical administration by the scattered territory of the four military orders of Santiago, Calatrava, Alcántara and Montesa and, on the other hand, one must carefully preserve the glorious memories of an institution which has rendered so many services to the Church and the State and the prerogatives of the kings of Spain as grand masters of the said orders by apostolic concession, in the new ecclesiastical demarcation a certain number of neighbouring towns shall be designated, forming a district where the grand master may, as up to the present, exercise ecclesiastical jurisdiction entirely in accordance with the said concession and papal bulls.

The new territory shall be named *Priorate of the Military Orders*, and the prior shall rank as a bishop with Church title *in partibus*.

Towns which presently belong to the said military orders and are not included in their new territory shall be incorporated into the respective dioceses.

Article 10. The exercise of the authority and ordinary jurisdiction of the most reverend archbishops and the right reverend bishops shall extend to the entire territory included in their respective dioceses according to the new circumscription; consequently, those who have by any right hitherto exercised such authority and jurisdiction in districts enclaved in other dioceses shall cease to do so under the new circumscription.

Article 11. All privileged and exempt jurisdictions, whatever their nature and denomination may be, including that of Saint John of Jerusalem, shall also cease. Their present territories shall be united to the respective dioceses in the