

COLLEGIATA ADMODUM QUALIFICATA

(An entirely renowned Collegiate)

A rather concise but very significant phrase found in a document issued by the Sacra Romana Rota (SRR) in a judgement issued by Judge Caprara. Normally judgements issued by the SRR were published by the Topografia Poliglotta Vaticana for future reference in jurisprudence queries

The Collegiate church in question is the one dedicated to Saint Helen in the island of St. Paul, where his ship, carrying him to Rome as a prisoner to be judged by Caesar , being himself a Roman citizen born at Tarsus in Cilicia. During his three month stay in the Maltese Islands, he preached the Gospel of the Risen Christ whom he met on his way to Damascus to persecute his followers. The inhabitants of the island mentioned with honor in Luke, 28,1, were called Barbari, because they didn't know the Greek and Latin languages. But they accepted and welcomed the 276 survivors with all respect and humanity. The inhabitants not worshipping the true god, embraced the new religion as preached by the Apostle of the Gentiles, accompanied by Luke the Evangelist, an eyewitness accompanying him to Rome. Notwithstanding the different rulers, throughout the ages, the inhabitants, maintained the beliefs as taught by the one calling himself the least of the Apostles, surpassing them all in his apostolic work

A very considerable area of the island was Birkirkara, where the Apostle had the opportunity to visit and convey his message. (In our times, the 21st Century, more than seventeen parishes once formed part of Birkirkara) History is rather reticent about the Christian cult in first millennium of Christianity in Malta, although we still treasure remains of very ancient chapels and the catacombs found especially in Rabat. Among the various chapels traces were found of the one dedicated to Empress Helen in the region of San Gwann ta' l-Gharghar back in 1402 (Melita Historica, vol VIII page159). Here the inhabitants used to gather to practice their faith, hearing the word of God and being administered the sacraments. It is historically admitted that back in 1436, Bishop Senatore de Mello acknowledged ten parishes, one of these was Birkirkara, whose parish priest was the Birkirkara born Dun

Matthew Galea. . Monsignor Peter Duzina back in 1575, then Apostolic Visitor acknowledged this chapel as the central part of the Parish. In the Pastoral visit of Bishop Michele Girolamo Mancini in 1680 we find a rather short description of the adjacent area, where the dead bodies of the parishioners were buried. Of this first parish temple at Gharghar only the remains of the foundation stones are found in the yard of the convent of the Franciscan nuns who run a kindergarten school .

But this chapel, quite close to the seashore of Gzira, easily accessible to the pirates was not safe enough to the inhabitants. Hence for safety's sake, it was thought to build a medieval temple far away and be dedicated to the Assumption of Our Lady, whose cult was very common in the first temple. One of the parish priests was the Birkirkara born Dun Filippo Borgia son of Bertu Borg and Anna Zarb. (1567-1649) (at present in the Balzan area) Filippo, born two years after the Great Siege, a learned clergyman, enjoying a doctorate in Civil and Ecclesiastical Laws. Before being ordained priest at the age of 26 years, taught Literature and Moral Theology. He was a trusted person, becoming a Vicar General of Bishop Tommaso Gargallo and Baldassere Cagliares. Those were the times when the Bishop, the Inquisitor and the Grand Master were all foreigners. Dun Filippo loved his parishioners as their pastor and renounced to his appointment as Dean of the Mdina Metropolitan Chapter. He came from a wealthy family and wisely decided to devote his wealth for the spiritual welfare of his parishioners, not excluding future ones. *(The phrase used so commonly quoted, was to change earthly wealth to heavenly values for the greater glory of God, the Blessed Virgin, St Helen and the greater solemnity in celebrating the Liturgy).* In the meantime, Dun Filippo, refurbished and rebuilt the second parish temple, (a gem in Maltese architecture) with a dome and two transepts., with Vittorio Cassar, son of Girolamo and Tommaso Dingli as architects

So Don Filippo planned to forward a formal petition to the Holy Father, the reigning Pontiff Urbanus VIII, asking him to take the steps to erect a Collegiate in honour of St. Helen in his native Birkirkara. Filippo was ready to pledge his family wealth, consisting of hundreds of golden ducats to serve as a means of living to himself his twelve colleagues and their legitimate future successors . Pope Urbanus issued a Papal Bull, known by initial words SACRI APOSTOLATUS MINISTERIO , (5th December 1630) by which the parish of

Birkirkara was suppressed and instead, the Collegiate in honour of empress Helen was erected. A thorough and very detailed reading of this Papal Document, written in Latin, so much enriched with irrevocable concessions is unique in its contents and exposition. In particular the Supreme Pontiff enriched this particular and unique Bull with two special clauses. *One is referred to as the **clausula sublata** and the **decretum irritans**. The former implies that according to the Supreme Pontiff's will, every jurisdiction about this concession is being taken away; the latter, namely the **decretum irritans** implies as being null and void whatever is decreed by whatever judge what is contrary to Urbanus concession. (cfr Fagan page 39)*

Power was given to the then Inquisitor M.Alfieri (Delegatus Apostolicus) to accept the earthly wealth of the Founder Borgia prior to its official and public erection. The public contract was signed in the presence of a public notary, while nobody doubts or questions its validity This is juridically referred to as **do ut des, do ut facias**

The official canonical institution of Dun Filippo as the new Provost and twelve clerics to be known as canons was effected in 1635 in the formal presence of a public notary and what took place in that memorable day, kept everything officially in writing.

Prior to this date, the official Statuti or guiding lines of the Chapter's procedure were approved by Urbanus VIII, or commonly referred to as Pope Barberini himself on the 20th October 1631

The original copy of this unique special Bull is kept under lock and key in the Chapter's Archives. But official and authentic copies in the original Latin version are found at the Archbishop's Curia, (Floriana) at the Cathedral Archives (Mdina), at the Public Library and other authentic copies were attached in correspondence to the Holy See. (E.g. S.R.R. coram Arcturo Wynen Prot n. 2877 Melevitana Iurium- Summarium p.8 sqq published by the Tipografia Poliglotta Vaticana anno 1947). Mgr Ignatius Sciberras Psaila in his doctorate JUD thesis at the Pontificia Universitas Lateranensis with the title "De conditione Historico Iuridica Ecclesiae Collegiatae Birchircarensis in in Insula Melitensis published in Rome 1962 added a supplement of the Papal Bull, pardon some misprints. Translations in the mother language are found in E.B. Vella Storja ta' Birkirkara published in 1932 and in a booklet by Can Vincent Buhagiar then Chancellor of the Chapter published in 1984.

. This first Collegiate Church in the Maltese islands, enjoying pastoral and liturgical concessions {which even the new Code of Canon Law (1983) acknowledges} was not seen eye to eye, by the local bishop, and the Metropolitan Chapter and by the Grand Master. Several times, had different queries been brought to the attention of the Romana Rota and the Sacra Congregatine Concilii in connection with different pronouncements by the Judges were published for the sake in jurisprudence procedure. (e.g. coram Arcturo Wynen, c. Caprara, coram Roverella 23rd Jan.1789, coram Strasoldo, 8th June 1789, coram Parraciano 3rd March 1790 and 4th June 1790 etc) . Even the local civil courts, in particular cases between pretenders to the prebends respected the will of the Pope not excluding what the Roman Tribunals decreed on the matter (Cfr decision 850 of the 12th December 1873 coram Sir Antonio Micallef CGMO and Dr Giovanni Conti and Dr Salvatore Naudi, Judges. Prebend is meant to be the stipend of a canon of a cathedral or a collegiate church.

It is worthwhile noting that the then Senior Canon Pierino Borg, son of Giovanni Borg and Duminka Gatt, born on the 24th February 1709, very eager to see the fourth parish temple completed, donated all his wealth including that of his two sisters Mary and Anne to serve as prebends of four new canons not excluding a borsa di studio for the person preparing his way to the priesthood This had the full approval of the Bishop Fra Vincenzo Labini of the 31st July 1787 a year before his death. Everything was recorded in the Acts of Notary Pietru Pawl Gonzi (28th December 1771)

In the course of the centuries, the person nominated to be the perpetual vicar to look after the spiritual welfare of the parishioners, in the absence of Dun Filippo, was nominated Archpriest. This occurred on the 13th November 1692. But the Provost and the Archpriest were two distinct persons, not always keeping eye to eye in the same problems concerned with ceremonies. But during Bishop P. Alpheran de Bussan (1728-1757) Pope Benedict XIV by the Decree of the 15th March 1751 “**In Supremo Apostolatus Solio**” when Dun Karlu Bellia was Archpriest, these two prebends were joined to be kept by one person nominated Provost-Archpriest. This praxis was held up to 8th August when Mgr Ignatius Sciberras Psaila retained the dignity of Provost for life, and presented his resignation as Archpriest to Archbishop

Joseph Mercieca, who succeeded Monsignor Michael Gonzi. This was per modum actus, (only once) because they were joined again in the person of the then Archpriest (now Mgr.). Anthony Vella the Metropolitan Archpriest. This for history's sake.

The fourth Parish temple whose foundation stone was laid back in 1727, to replace the old temple of the Assumption, more large and in a central part of Birkirkara was ready to offer its services in 1745. The inscription on the main door translated in English ,is "To St. Helen under whose name Pope Urbanus VIII erected the Collegiate Chapter back in 1630". Pope Pius XII gave this magnificent baroque temple the title of Minor Basilica in 1950. The site chosen was the place where there was the old chapel of the annunciation, then known as "ta' Xennu", which was demolished and surrounding houses were bought to have enough space for the new temple a masterpiece in the baroque style

In the early twentieth Century was held the Regional Council in the Maltese Islands. One of the provisos was the funds of the ecclesiastical prebends, whose annual income was rather low. At the time Dom Maurus Caruana, a Benedictine Monk of Fort Augustus Monastery, a master in Gregorian Chant, became Archbishop of Malta. During that time Monsignor Michael Gonzi was Bishop of Gozo, the sister island. The former wrote to the Holy See to apply the decisions taken, so that the low in income ecclesiastic benefices, become **di libera collazione**.

He obtained permission to apply this norm to those prebends namely ecclesiastic benefices enjoying the right of the juspatronatus, hitting the Collegiate's annual remuneration allotted to the canons. The motive was the low annual income of the benefice. Permission being granted to Mgr. Caruana, a proviso was granted that in case of prebends enjoying the juspatronatus, the amount would be increased to thirty five sterling annually within a period of one calendar year, the suppression would not be applied. The local members of the Chapter requested more time to provide the necessary funds arising from giving in lease some immoveable property possessed by the Chapter. This concession was refused. At the end of the year, all prebends, notwithstanding the right of the juspatronatus both active, possessed by the members of the Chapter, were hit., meeting their disappointment and the people who had the passive right. As a result of this disappointment, being enormously difficult to raise in such a short time the

annual income, all external ecclesiastic festivities in which the laity took part, were suspended, but all church activities were held regularly. The canons were close to the parishioners and felt their feelings. These were regular churchgoers loved their temple and very disappointed at the outcome of the prevalent situation

In this precarious situation a group of lay parishioners, so attached to their Collegiate by a deliberate plebiscite founded the Veneranda Societa' Filippo Borgia with the purpose to defend their legitimate rights, of which they deemed to be illegitimately deprived. It seems that among them was a perpetual cleric Salvinu Borg Olivier. . On their own they wrote to the Holy See (the Segnatura Apostolica) .to seek a solution. In a reply signed by the Secretary F. Morano dated 11th May 1939 quoting the then Code of Canon Law c.1557 par.2 and c. 1599, nihil ob stare quominus oratores utantur iure suo apud Tribunal Sacrae Rotae. (*No objection if the petitioners make use of their right to present their case before the Romana Rota*) . From the records of this issue, result that in a letter signed by the then Chancellor Can Praecentor Vincent Ciappara dated 13th December 1945, the Chapter joined the Societa' Borgia initiative choosing the renowned advocate Angelo D'Alessandri authorizing him to defend their case before the Roman Tribunals. Unexpectedly the Rota declared herself incompetent to treat their case. This caused another disappointment to all the parishioners.

In 1942, Archbishop Dom Maurus passed away and was buried in St Gregory's Parish Church Sliema. Bishop Michael Gonzi was nominated to succeed him. He was not at all ignorant about the local situation being himself kept abreast by Dom Maurus when contacting the Holy See, and giving information about the way of life of the Gozitan Clergy and the amount of their stipends in the island of Calypso. In the meantime Birkirkara case was being treated at the Roman Tribunals. The unexpected and almost unbelievable decision of the Rota could not be kept hidden to the parishioners, who were alert waiting for a favourable solution. As soon as its outcome became known to a gathered crowd, a spontaneous and undeliberate reaction arising from a broken heart took place. On the parvis there were slabs ready for replacement with its damaged ones and some people took them and closed the entrance of the three main doors leading to the temple. Both the Chapter and the Church Authorities were surprised and were not at all happy about what happened. The local press namely the Times of

Malta and the Berqa, the daily paper written in the mother tongue, published in the mother tongue brought pictures and a press release entitled “the loss of the Juspatronatus”

Archbishop Gonzi tried to find a solution to solve the crisis. He made up his mind to call representatives of the Chapter and the Societa' Borgia, instructing them to go to Rome and present personally to the Secretary of the Sacra Congregatio Concilii headed by Cardinal Ciriaci and F. Roberti as Secretary. He handed a written petition drafted by himself so that the case would be reconsidered. Everything was done in a hurry. Dr A. Buhagiar the Borgia President and Notary Joseph Gatt, Mgr Emanuel Vella Provost and Can Vincent Saliba proceeded to Rome and presented by hand the letter to the Secretary. They availed themselves to consult *in private* renowned canonists about the topic, giving them still privately a positive solution. The favourable reply came, The Congregation accepted the recommendation of Archbishop Gonzi and the juspatronatus was restored according to Gonzi's petition. At that time, the Collegiate was elevated by Pope Pius XII to the dignity of Minor Basilica (1950). The parishioners deprived of their privileges and for a long period of fifteen years of the external festivities, included the second great war period (1939-45) celebrated with great solemnity the 3rd May festa with the Archbishop participating fully and satisfied with the outcome. The five vacant prebends were filled in May 1956 and their canonical institution by the then Auxiliary Bishop Venerable Emanuel Galea was a red letter day in Birkirkara annals.

Later on there arose a problem connected with the correct interpretation of the S.C.C. decree's third clausula, connected with the provost's nomination, assuming that this was a new concession. Those concerned replied bringing relevant interesting evidence that it was not the case. By mistake the date of the reconsideration document of the petitioners, was unconsciously omitted. It was an inculpable mistake of omission. This rather long document unfortunately was not accepted as the short but tense reply, was delivered to the petitioners concerned. Other provisos had to be taken, not being satisfactory to several individuals, who are still sceptic about its meaning and its legitimate implications.. This remains up to a certain extent the bone of contention between the local church Authorities and those who hold different views.

Conclusion

Collegiata admodum qualificata was definitely not an arbitrary comment of Judge Caprara.. There were several problems which had to be solved. But the key to the right solution was the very words of the Papal Bull, which retained and still retains its validity in the coming years. It is not wise to destroy or neglect in some way or other, what promotes the cult and the spiritual welfare of the people of God, who deserves to be adored in spirit and in truth

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