1917 Code of Canon Law

Complete English Translation, Liber I-V, Canons 1-2414

Literal scholarly English translation with 1983 Code correlations.

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Liber I: General Norms

BOOK ONE: GENERAL NORMS

Can. 1. Although in the Code of Canon Law the discipline of the Eastern Church is also often referred to, nevertheless the Code itself has regard to the Latin Church alone, and does not bind the Eastern Church, unless there is question of those matters which, from the very nature of the thing, also affect the Eastern Church.

1983 Code correlation: 1983 CIC 1

Can. 2. The Code, for the most part, determines nothing concerning the rites and ceremonies which the liturgical books, approved by the Latin Church, prescribe to be observed in the celebration of the most holy sacrifice of the Mass, in the administration of the Sacraments and Sacramentals, and in the carrying out of other sacred rites. Therefore all liturgical laws retain their force unless some one of them is expressly corrected in the Code.

1983 Code correlation: 1983 CIC 2

Can. 3. The canons of the Code in no way abrogate, nor derogate in anything from, conventions entered into by the Apostolic See with various Nations; therefore these shall continue to be in force just as at present, notwithstanding contrary prescriptions of this Code in the least.

1983 Code correlation: 1983 CIC 3

Can. 4. Rights acquired by others, and likewise privileges and indults which, up to this time, have been granted by the Apostolic See to physical or moral persons, are still in use, and have not been revoked, remain intact, unless they are expressly revoked by the canons of this Code.

1983 Code correlation: 1983 CIC 4

Can. 5. Customs now in force against the provisions of these canons, whether universal or particular, if indeed they are expressly reprobated by the canons themselves, are to be corrected as corruptions of the law, even though they are immemorial, and are not to be allowed to revive in the future; others, which indeed are centenary and immemorial, may be tolerated if Ordinaries, according to the circumstances of places and persons, judge that they cannot prudently be removed; the rest are to be held suppressed unless the Code expressly provides otherwise.

1983 Code correlation: 1983 CIC 5

Can. 6. The Code generally retains the discipline in force up to this time, although it brings suitable changes. Therefore:

1983 Code correlation: 1983 CIC 6

1. Any laws whatsoever, whether universal or particular, opposed to the prescriptions of this Code, are abrogated, unless concerning particular laws something else is expressly provided.
2. Canons which reproduce the old law in its entirety are to be assessed from the authority of the old law, and therefore from the interpretations received among approved authors.
3. Canons which agree only in part with the old law are to be assessed, insofar as they agree, from the ancient law; insofar as they differ, they are to be judged from their own meaning.
4. In doubt whether some prescription of the canons differs from the old law, one must not depart from the old law.

5. As regards penalties of which no mention is made in the Code, whether spiritual or temporal, medicinal or, as they are called, vindicative, automatic (latae sententiae) or to-be-imposed (ferendae sententiae), they are to be held as abrogated.

6. If any of the other disciplinary laws which have been in force until now is contained neither explicitly nor implicitly in the Code, it must be said to have lost all force, unless it is found in approved liturgical books, or the law is of divine law, whether positive or natural.

Can. 7. By the name Apostolic See or Holy See in this Code are meant not only the Roman Pontiff, but also, unless something else appears from the nature of the matter or the context of the language, the Congregations, Tribunals, and Offices through which the same Roman Pontiff is accustomed to transact the affairs of the universal Church.

1983 Code correlation: 1983 CIC 361

TITLE I: Of Ecclesiastical Laws

Can. 8.

1983 Code correlation: 1983 CIC 7, 13

Sec. 1. Laws are established when they are promulgated.

Sec. 2. A law is not presumed to be personal, but territorial, unless something else is established.

Can. 9. Laws issued by the Apostolic See are promulgated by publication in the official periodical Acta Apostolicae Sedis, unless in particular cases another mode of promulgation has been prescribed; and they take effect only after three months have been completed from the day which is affixed to the number of the Acta, unless from the nature of the matter they bind immediately, or unless in the law itself a shorter or longer vacatio has been specially and expressly established.

1983 Code correlation: 1983 CIC 8

Can. 10. Laws regard future things, not past things, unless provision is made in them for past things by name.

1983 Code correlation: 1983 CIC 9

Can. 11. Only those laws are to be held invalidating or incapacitating by which it is expressly or equivalently established either that an act is null or that a person is incapable.

1983 Code correlation: 1983 CIC 10

Can. 12. Those who have not received baptism are not bound by merely ecclesiastical laws; nor are baptized persons who do not enjoy sufficient use of reason; nor those who, although they have attained the use of reason, have not yet completed the seventh year of age, unless something else is expressly provided by law.

1983 Code correlation: 1983 CIC 11

Can. 13.

1983 Code correlation: 1983 CIC 12

Sec. 1. All for whom general laws were issued are bound by them everywhere on earth.

Sec. 2. Those are subject to laws established for a particular territory for whom they were issued and who have a domicile or quasi-domicile there and at the same time actually reside there, without prejudice to the prescription of can. 14.

Can. 14.

1983 Code correlation: 1983 CIC 13

Sec. 1. Travelers:

1. Are not bound by the particular laws of their own territory so long as they are absent from it, unless either transgression of those laws causes harm in their own territory, or the laws are personal.

2. Nor by the laws of the territory in which they are staying, except those which provide for public order or determine the solemnities of acts.

3. But they are bound by general laws even if these are not in force in their own territory; by no means, however, if they do not bind in the place in which they are staying.

Sec. 2. Wanderers are obliged by both general and particular laws which are in force in the place in which they are staying.

Can. 15. Laws, even invalidating and incapacitating laws, do not bind when there is a doubt of law; but in a doubt of fact the Ordinary can dispense from them, provided there is question of laws from which the Roman Pontiff is accustomed to dispense.

1983 Code correlation: 1983 CIC 14

Can. 16.

1983 Code correlation: 1983 CIC 15

Sec. 1. No ignorance of invalidating or incapacitating laws excuses from them, unless something else is expressly stated.

Sec. 2. Ignorance or error concerning a law or penalty, or concerning one's own fact, or concerning the notorious fact of another, is generally not presumed; concerning the non-notorious fact of another it is presumed until the contrary is proved.

Can. 17.

1983 Code correlation: 1983 CIC 16

Sec. 1. The legislator, or his successor, and the one to whom the power of interpreting has been committed by them, authentically interprets laws.

Sec. 2. An authentic interpretation, given in the manner of a law, has the same force as the law itself; and if it merely declares words of the law that are certain in themselves, it does not need promulgation and has retroactive force; if it restricts or extends the law or explains a doubtful law, it is not retroactive and must be promulgated.

Sec. 3. An interpretation given in the manner of a judicial sentence or of a rescript in a particular matter does not have the force of law and binds only the persons and affects the things for which it was given.

Can. 18. Ecclesiastical laws are to be understood according to the proper meaning of the words considered in the text and context; if this has remained doubtful and obscure, recourse must be had to parallel places of the Code, if there are any, to the end and circumstances of the law, and to the mind of the legislator.

1983 Code correlation: 1983 CIC 17

Can. 19. Laws which establish a penalty, or restrict the free exercise of rights, or contain an exception from the law, are subject to strict interpretation.

1983 Code correlation: 1983 CIC 18

Can. 20. If an express prescription of law, whether general or particular, is lacking concerning a certain matter, the norm is to be taken, unless there is question of applying penalties, from laws issued in similar matters; from

general principles of law observed with canonical equity; from the style and practice of the Roman Curia; and from the common and constant opinion of doctors.

1983 Code correlation: 1983 CIC 19

Can. 21. Laws issued to forestall a general danger bind even if in a particular case the danger is not present.

1983 Code correlation: NA

Can. 22. A later law, issued by competent authority, obrogates an earlier law if it expressly declares this, or is directly contrary to it, or entirely reorders the whole matter of the earlier law; but, without prejudice to the prescription of can. 6, n. 1, a general law in no way derogates from statutes of special places and singular persons, unless something else is expressly provided in the law itself.

1983 Code correlation: 1983 CIC 20

Can. 23. In doubt, revocation of a pre-existing law is not presumed, but later laws are to be drawn to earlier ones and, as far as possible, reconciled with them.

1983 Code correlation: 1983 CIC 21

Can. 24. Precepts given to individuals bind those to whom they are given everywhere, but they cannot be enforced judicially and they cease when the right of the one giving the precept is dissolved, unless they were imposed by a legitimate document or before two witnesses.

1983 Code correlation: 1983 CIC 54, 58

TITLE II: Of Custom

Can. 25. Custom in the Church obtains the force of law solely from the consent of the competent ecclesiastical Superior.

1983 Code correlation: 1983 CIC 23

Can. 26. A community which is at least capable of receiving ecclesiastical law can introduce a custom which obtains the force of law.

1983 Code correlation: 1983 CIC 25

Can. 27.

1983 Code correlation: 1983 CIC 26

Sec. 1. No custom can derogate in any way from divine law, whether natural or positive; nor does it prejudice ecclesiastical law unless it has been reasonable and legitimately prescribed through forty continuous and complete years; but against an ecclesiastical law which contains a clause prohibiting future customs, only a reasonable centenary or immemorial custom can prescribe.

Sec. 2. A custom which is expressly reprobated in the law is not reasonable.

Can. 28. A custom beyond the law, which has knowingly been observed by a community with the intention of binding itself, introduces a law, if likewise it has been reasonable and legitimately prescribed through forty continuous and complete years.

1983 Code correlation: 1983 CIC 28

Can. 29. Custom is the best interpreter of laws.

1983 Code correlation: 1983 CIC 27

Can. 30. Without prejudice to the prescription of can. 5, a custom against the law or beyond the law is revoked by a contrary custom or by law; but, unless it has made express mention of them, a law does not revoke centenary or immemorial customs, nor does a general law revoke particular customs.

1983 Code correlation: 1983 CIC 28

TITLE III: Of the Computation of Time

Can. 31. With liturgical laws saved, time, unless something else is expressly provided, is to be computed according to the norm of the canons which follow.

1983 Code correlation: 1983 CIC 200

Can. 32.

1983 Code correlation: 1983 CIC 202

Sec. 1. A day consists of 24 hours to be computed continuously from midnight; a week of 7 days.

Sec. 2. In law, under the name of a month comes a span of 30 days, and under the name of a year a span of 365 days, unless the month and year are said to be taken as they are in the calendar.

Can. 33.

1983 Code correlation: NA

Sec. 1. In computing the hours of the day one must stand by the common usage of the place; but in the private celebration of Mass, in the private recitation of the canonical hours, in receiving Holy Communion, and in observing the law of fast or abstinence, even if another computation is usual in the place, one may follow the time of the place, whether local true or mean time, or legal time, whether regional or another extraordinary time.

Sec. 2. As regards the time for enforcing obligations of contracts, the prescription of civil law in force in the territory is to be observed, unless it has been otherwise agreed by express pact.

Can. 34.

1983 Code correlation: 1983 CIC 202-3

Sec. 1. If a month and a year are designated by their proper name or equivalently, for example, in the month of February, in the next future year, they are to be taken as they are in the calendar.

Sec. 2. If the starting point is assigned neither explicitly nor implicitly, for example, suspension from the celebration of Mass for a month or for two years, three months of vacations in a year, etc., the time is computed from moment to moment; and if the time is continuous, as in the first example given, months and years are taken as they are in the calendar; if interrupted, a week is understood as 7 days, a month as 30, a year as 365.

Sec. 3. If the time consists of one or more months or years, one or more weeks, or finally several days, and the starting point is assigned explicitly or implicitly:

1. Months and years are to be taken as they are in the calendar.

2. If the starting point coincides with the beginning of a day, for example, two vacation months from the fifteenth day of August, the first day is counted toward completing the numbering and the time is ended at the beginning of the last day of the same number.

3. If the starting point does not coincide with the beginning of a day, for example, the fourteenth year of age, the year of novitiate, an eight-day period from the vacancy of an episcopal see, a ten-day period for appealing, etc., the first day is not counted and the time is ended when the last day of the same number has been completed.

4. But if a month lacks a day of the same number, for example, one month from the thirtieth day of January, then according to the different case the time is ended at the beginning or at the completion of the last day of the month.

5. If there is question of acts of the same kind to be renewed at stated times, for example, a triennium for perpetual profession after temporary profession, a triennium or other period of time for renewing an election, etc., the time ends on the same recurring day on which it began, but the new act can be placed throughout that whole day.

Can. 35. Useful time is understood as that which is available to someone for exercising or pursuing his right in such a way that it does not run for one who is ignorant or unable to act; continuous time is that which admits no interruption.

1983 Code correlation: 1983 CIC 201

TITLE IV: Of Rescripts

Can. 36.

1983 Code correlation: 1983 CIC 60

Sec. 1. Rescripts, both of the Apostolic See and of other Ordinaries, can freely be obtained by all who are not expressly prohibited.

Sec. 2. Favors and dispensations of every kind granted by the Apostolic See are valid even for those bound by censure, without prejudice to the prescription of can. 2265, Sec. 2, 2275, n. 3, 2283.

Can. 37. A rescript can be obtained for another even without his consent; and although he himself can choose not to use the favor granted through the rescript, nevertheless the rescript is valid before his acceptance, unless something else appears from the clauses attached.

1983 Code correlation: 1983 CIC 61

Can. 38. Rescripts by which a favor is granted without an executor interposed have effect from the moment at which the letters were given; the rest, from the time of execution.

1983 Code correlation: 1983 CIC 62

Can. 39. Conditions in rescripts are then only considered essential for their validity when they are expressed by the particles if, provided that, or another of the same meaning.

1983 Code correlation: 1983 CIC 39

Can. 40. In all rescripts the condition is understood, even if not expressed: If the petitions rest upon truth, without prejudice to the prescription of can. 45, 1054.

1983 Code correlation: NA

Can. 41. In rescripts of which there is no executor, the petitions must rest upon truth at the time at which the rescript was given; in the others, at the time of execution.

1983 Code correlation: 1983 CIC 63

Can. 42.

1983 Code correlation: 1983 CIC 63

Sec. 1. Concealment of the truth, or subreption, in the petitions does not prevent a rescript from having force and being valid, provided those things have been expressed which, according to the style of the Curia, must be expressed for validity.

Sec. 2. Nor does the statement of falsehood, or obreption, prevent it, provided either the sole cause proposed or at least one motivating cause among several proposed is true.

Sec. 3. The defect of obreption or subreption in only one part of a rescript does not invalidate another part, if several favors are granted at the same time by the rescript.

Can. 43. A favor denied by one Sacred Congregation or Office of the Roman Curia is invalidly granted by another Sacred Congregation or Office or by the local Ordinary, even one having power, without the consent of the Sacred Congregation or Office with which, or with whom, the matter began to be treated, without prejudice to the right of the Sacred Penitentiary for the internal forum.

1983 Code correlation: 1983 CIC 64

Can. 44.

1983 Code correlation: 1983 CIC 65

Sec. 1. No one is to seek from another Ordinary a favor denied by his own Ordinary without mention having been made of the denial; but when mention has been made, the Ordinary is not to grant the favor unless the reasons for the denial have been obtained from the prior Ordinary.

Sec. 2. A favor denied by the Vicar General and afterwards obtained from the Bishop with no mention made of this denial is invalid; but a favor denied by the Bishop cannot validly be obtained from the Vicar General, even with mention made of the denial, if the Bishop does not consent.

Can. 45. When the clause Motu proprio is added to rescripts obtained in response to someone's petition, they are indeed valid if in the petitions a truth otherwise necessarily to be expressed is concealed; not, however, if a false final cause, and that the only one, is proposed, without prejudice to the prescription of can. 1054.

1983 Code correlation: 1983 CIC 63

Can. 46. Rescripts, even those granted Motu proprio, to a person incapable by common law of obtaining the favor in question, and likewise those issued against a legitimate custom or particular statute of some place, or against a right already acquired by another, are not sustained, unless an express derogatory clause is added to the rescript.

1983 Code correlation: 1983 CIC 38

Can. 47. Rescripts are not made void because of an error in the name of the person to whom or by whom they are granted, or of the place in which the person resides, or of the matter about which there is question, provided that, in the judgment of the Ordinary, there is no doubt about the person or the matter itself.

1983 Code correlation: 1983 CIC 66

Can. 48.

1983 Code correlation: 1983 CIC 53, 67

Sec. 1. If it happens that two mutually contrary rescripts are obtained concerning one and the same matter, the particular prevails over the general in those things which are particularly expressed.

Sec. 2. If they are equally particular or general, the earlier in time prevails over the later, unless in the latter express mention is made of the earlier, or unless the earlier petitioner has not used his rescript through fraud or notable negligence.

Sec. 3. But if they were granted on the same day and it is not clear which one was obtained first, both are void, and, if the matter warrants it, recourse must again be had to the one who gave the rescripts.

Can. 49. Rescripts are to be understood according to the proper meaning of the words and the common usage of speaking, and they must not be extended to cases other than those expressed.

1983 Code correlation: 1983 CIC 36

Can. 50. In doubt, rescripts which relate to lawsuits, or harm rights acquired by others, or are contrary to a law for the advantage of private persons, or finally were obtained for the acquisition of an ecclesiastical benefice, receive strict interpretation; all the rest receive broad interpretation.

1983 Code correlation: 1983 CIC 36

Can. 51. A rescript of the Apostolic See in which no executor is given must be presented to the Ordinary of the petitioner only when this is prescribed in the same letters, or there is question of public matters, or it is necessary to prove certain conditions.

1983 Code correlation: 1983 CIC 68

Can. 52. Rescripts for whose presentation no definite time is fixed can be shown to the executor at any time, provided fraud and deceit are absent.

1983 Code correlation: 1983 CIC 69

Can. 53. The executor of a rescript performs his office invalidly before he has received the letters and recognized their authenticity and integrity, unless prior knowledge of them has been transmitted to him by authority of the rescriptor.

1983 Code correlation: 1983 CIC 40

Can. 54.

1983 Code correlation: 1983 CIC 41, 70

Sec. 1. If in a rescript a mere task of execution is committed, execution of the rescript cannot be denied unless either it is manifestly clear that the rescript is null by the defect of subreption or obreption, or conditions are added in the rescript which the executor knows have not been fulfilled, or the one who obtained the rescript seems, in the judgment of the executor, so unworthy that the grant of the favor would be a future offense to others; if this last occurs, the executor, having interrupted execution, is immediately to inform the rescriptor about the matter.

Sec. 2. But if in the rescript the granting of the favor is committed to the executor, it belongs to him, according to his prudent judgment and conscience, to grant or deny the favor.

Can. 55. The executor must proceed according to the norm of the mandate, and unless he has fulfilled the essential conditions attached in the letters and has observed the substantial form of proceeding, the execution is void.

1983 Code correlation: 1983 CIC 42

Can. 56. Execution of rescripts which regard the external forum must be done in writing.

1983 Code correlation: 1983 CIC 37

Can. 57.

1983 Code correlation: 1983 CIC 43

Sec. 1. The executor of rescripts can substitute another for himself according to his prudent judgment, unless substitution has been prohibited or the person of the substitute has been predetermined.

Sec. 2. If, however, the person has been chosen for personal qualifications, it is not permitted to the executor to commit to another anything except preparatory acts.

Can. 58. Any rescripts whatsoever can be committed to execution even by the successor of the executor in dignity or office, unless the person was chosen for personal qualifications.

1983 Code correlation: 1983 CIC 44

Can. 59.

1983 Code correlation: 1983 CIC 45

Sec. 1. It is lawful for the executor, if he has erred in any way in the execution of rescripts, to commit the same rescripts to execution again.

Sec. 2. As regards taxes for the execution of rescripts, the prescription of can. 1507, Sec. 1, is to be observed.

Can. 60.

1983 Code correlation: 1983 CIC 47, 73

Sec. 1. A rescript revoked by a particular act of the Superior continues until the revocation is signified to the one who obtained it.

Sec. 2. No rescripts are revoked by a contrary law, unless something else is provided in the law itself, or the law was issued by the Superior of the rescriptor.

Can. 61. By the vacancy of the Apostolic See or of a diocese, no rescript of the same Apostolic See or Ordinary expires, unless something else appears from the added clauses, or the rescript contains a power given to someone to grant a favor to particular persons expressed in it, and the matter is still untouched.

1983 Code correlation: NA

Can. 62. If a rescript contains not a simple grace, but a privilege or dispensation, the prescriptions of the canons which follow are also to be observed.

1983 Code correlation: 1983 CIC 75

TITLE V: Of Privileges

Can. 63.

1983 Code correlation: 1983 CIC 76

Sec. 1. Privileges can be acquired not only by direct concession of competent authority and by communication, but also by legitimate custom or prescription.

Sec. 2. Centenary or immemorial possession induces the presumption of a granted privilege.

Can. 64. By communication of privileges, even in equally principal form, only those privileges are considered imparted which had been granted directly, perpetually, and without special relation to a certain place or thing or person to the first privileged party, account also being taken of the capacity of the subject to whom the communication is made.

1983 Code correlation: NA

Can. 65. When privileges are acquired by communication in accessory form, they are increased, diminished, or lost ipso facto if perhaps they are increased, diminished, or cease in the principal privileged party; otherwise if

they are acquired by communication in equally principal form.

1983 Code correlation: NA

Can. 66.

1983 Code correlation: 1983 CIC 132

Sec. 1. Habitual faculties which are granted either in perpetuity, or for a predefined time, or for a certain number of cases, are counted among privileges outside the law.

Sec. 2. Unless in their concession the person has been chosen for personal qualifications or something else has expressly been provided, habitual faculties granted by the Apostolic See to a Bishop or to others of whom in can. 198, Sec. 1, do not vanish when the authority of the Ordinary to whom they were granted ceases, even if he himself had begun to execute them, but pass to the Ordinaries who succeed him in governance; likewise those granted to the Bishop also belong to the Vicar General.

Sec. 3. A granted faculty carries with it also other powers which are necessary for its use; therefore in the faculty of dispensing is included also the power of absolving from ecclesiastical penalties, if any perhaps stand in the way, but only for the effect of obtaining the dispensation.

Can. 67. A privilege is to be assessed from its own tenor, and it is not permitted to extend or restrict it.

1983 Code correlation: 1983 CIC 77

Can. 68. In doubt privileges are to be interpreted according to the norm of can. 50; but that interpretation is always to be used by which those enriched by the privilege appear to have obtained some favor from the indulgence of the grantor.

1983 Code correlation: 1983 CIC 77

Can. 69. No one is compelled to use a privilege granted solely in his own favor, unless an obligation arises from some other source.

1983 Code correlation: 1983 CIC 71

Can. 70. A privilege, unless something else is established, is to be considered perpetual.

1983 Code correlation: 1983 CIC 78

Can. 71. Privileges contained in this Code are revoked by a general law; as regards the rest, the prescription of can. 60 is to be observed.

1983 Code correlation: 1983 CIC 79

Can. 72.

1983 Code correlation: 1983 CIC 80

Sec. 1. Privileges cease by renunciation accepted by a competent Superior.

Sec. 2. Any private person can renounce a privilege established only in his own favor.

Sec. 3. It is not permitted to private persons to renounce a privilege granted to some community, dignity, or place.

Sec. 4. Nor is the community or group itself free to renounce a privilege given to it in the manner of a law, or if the renunciation yields to the prejudice of the Church or of others.

Can. 73. When the authority of the grantor ceases, privileges are not extinguished, unless they were given with the clause at our good pleasure, or another equivalent clause.

1983 Code correlation: 1983 CIC 81

Can. 74. A personal privilege follows the person and is extinguished with that person.

1983 Code correlation: 1983 CIC 78

Can. 75. Real privileges cease by the absolute destruction of the thing or place; but local privileges revive if the place is restored within forty years.

1983 Code correlation: 1983 CIC 78

Can. 76. By non-use or by contrary use, privileges not burdensome to others do not cease; but those which result in a burden to others are lost if legitimate prescription or tacit renunciation is added.

1983 Code correlation: 1983 CIC 82

Can. 77. A privilege also ceases if, by the progress of time, circumstances are so changed, in the judgment of the Superior, that it has become harmful, or its use becomes illicit; likewise when the time has elapsed or the number of cases for which the privilege was granted has been completed, without prejudice to the prescription of can. 207, Sec. 2.

1983 Code correlation: 1983 CIC 83

Can. 78. One who abuses a power permitted to him by privilege deserves to be deprived of the privilege itself; and the Ordinary should not omit to warn the Holy See if someone gravely abuses a privilege granted by it.

1983 Code correlation: 1983 CIC 84

Can. 79. Although privileges obtained orally from the Holy See assist the petitioner himself in the forum of conscience, nevertheless no one can vindicate the use of any privilege against anyone in the external forum unless he legitimately proves that the privilege itself was granted to him.

1983 Code correlation: 1983 CIC 74

TITLE VI: Of Dispensations

Can. 80. A dispensation, or the relaxation of a law in a special case, can be granted by the author of the law, by his successor or Superior, and also by the one to whom they have granted the faculty of dispensing.

1983 Code correlation: 1983 CIC 85

Can. 81. Ordinaries below the Roman Pontiff cannot dispense from general laws of the Church, not even in a particular case, unless this power has been granted to them explicitly or implicitly, or unless recourse to the Holy See is difficult and at the same time there is danger of grave harm in delay, and there is question of a dispensation which is accustomed to be granted by the Apostolic See.

1983 Code correlation: 1983 CIC 87

Can. 82. Bishops and other local Ordinaries are able to dispense in diocesan laws, and in laws of a provincial and plenary Council according to the norm of can. 291, Sec. 2, but not in laws which the Roman Pontiff has issued specially for that particular territory, except according to the norm of can. 81.

1983 Code correlation: 1983 CIC 88

Can. 83. Pastors are not able to dispense either from a general law or from a particular law, unless this power has expressly been granted to them.

1983 Code correlation: 1983 CIC 89

Can. 84.

1983 Code correlation: 1983 CIC 90

Sec. 1. One must not dispense from an ecclesiastical law without a just and reasonable cause, taking account of the gravity of the law from which dispensation is made; otherwise a dispensation given by an inferior is illicit and invalid.

Sec. 2. A dispensation in doubt concerning the sufficiency of the cause is licitly sought and can be licitly and validly granted.

Can. 85. Not only a dispensation according to the norm of can. 50 is subject to strict interpretation, but also the faculty itself of dispensing granted for a certain case.

1983 Code correlation: 1983 CIC 92

Can. 86. A dispensation which has successive duration ceases in the same ways by which a privilege ceases, and also by the certain and total cessation of the motivating cause.

1983 Code correlation: 1983 CIC 93

Liber II: Of Persons

BOOK TWO: OF PERSONS

Can. 87. By baptism a human being is constituted a person in the Church of Christ, with all the rights and duties of Christians, unless, as regards rights, there stands in the way an obstacle impeding the bond of ecclesiastical communion, or a censure imposed by the Church.

1983 Code correlation: 1983 CIC 96

Can. 88.

1983 Code correlation: 1983 CIC 97, 99

Sec. 1. A person who has completed the twenty-first year of age is an adult; below this age, a minor.

Sec. 2. A minor, if male, is considered pubescent from the completed fourteenth year; if female, from the completed twelfth year.

Sec. 3. An impubescent person, before the full seventh year, is called an infant, or child, or little one, and is considered not self-governing; but after the seventh year has been completed, is presumed to have the use of reason. To an infant are assimilated all who habitually lack the use of reason.

Can. 89. An adult person has the full exercise of his rights; a minor, in the exercise of his rights, remains subject to the power of parents or guardians, except in those matters in which the law holds minors exempt from paternal power.

1983 Code correlation: 1983 CIC 98

Can. 90.

1983 Code correlation: 1983 CIC 101

Sec. 1. The place of origin of a child, even of a neophyte, is that place in which, when the child was born, the father had domicile, or, in default of domicile, quasi-domicile; or, if the child is illegitimate or posthumous, the mother.

Sec. 2. If there is question of a child of wanderers, the place of origin is the very place of birth; if of an exposed child, it is the place in which he was found.

Can. 91. A person is called: an inhabitant, in the place where he has domicile; a newcomer, in the place where he has quasi-domicile; a traveler, if he is staying outside the domicile and quasi-domicile which he still retains; a wanderer, if he has neither domicile nor quasi-domicile anywhere.

1983 Code correlation: 1983 CIC 100

Can. 92.

1983 Code correlation: 1983 CIC 102

Sec. 1. Domicile is acquired by residence in some parish or quasi-parish, or at least in a diocese, apostolic vicariate, or apostolic prefecture; this residence must either be joined with the intention of remaining there permanently, if nothing calls the person away from it, or must have been prolonged for a completed ten years.

Sec. 2. Quasi-domicile is acquired by residence as above, which either is joined with the intention of remaining there at least for the greater part of a year, if nothing calls the person away from it, or has in fact been prolonged for the greater part of a year.

Sec. 3. Domicile or quasi-domicile in a parish or quasi-parish is called parochial; in a diocese, vicariate, or prefecture, but not in a parish or quasi-parish, diocesan.

Can. 93.

1983 Code correlation: 1983 CIC 104-5

Sec. 1. A wife, not legitimately separated from her husband, necessarily retains the domicile of her husband; an insane person, the domicile of the curator; a minor, the domicile of the one to whose power he is subject.

Sec. 2. A minor who has passed beyond infancy can obtain a proper quasi-domicile; likewise a wife not legitimately separated from her husband can obtain one, and, if legitimately separated, also a domicile.

Can. 94.

1983 Code correlation: 1983 CIC 107

Sec. 1. Through his domicile or quasi-domicile each person obtains his pastor and Ordinary.

Sec. 2. The proper pastor or Ordinary of a wanderer is the pastor or Ordinary of the place in which the wanderer is actually residing.

Sec. 3. Also of those who have only a diocesan domicile or quasi-domicile, the proper pastor is the pastor of the place in which they are actually residing.

Can. 95. Domicile and quasi-domicile are lost by departure from the place with the intention of not returning, without prejudice to the prescription of can. 93.

1983 Code correlation: 1983 CIC 106

Can. 96.

1983 Code correlation: 1983 CIC 108

Sec. 1. Consanguinity is computed by lines and degrees.

Sec. 2. In the direct line there are as many degrees as generations, or as persons, the stock being removed.

Sec. 3. In the oblique line, if each branch is equal, there are as many degrees as generations in one branch of the line; if the two branches are unequal, there are as many degrees as generations in the longer branch.

Can. 97.

1983 Code correlation: 1983 CIC 109

Sec. 1. Affinity arises from a valid marriage, whether merely ratified or ratified and consummated.

Sec. 2. It exists only between the man and the blood-relatives of the woman, and likewise between the woman and the blood-relatives of the man.

Sec. 3. It is computed so that those who are blood-relatives of the man are, in the same line and degree, affines of the woman, and conversely.

Can. 98.

1983 Code correlation: 1983 CIC 111-12

Sec. 1. Among the various Catholic rites a person belongs to that rite by whose ceremonies he was baptized, unless perhaps baptism was conferred by a minister of another rite by fraud, or because of grave necessity when a priest of the proper rite could not be present, or by apostolic dispensation when the faculty was given that a person be baptized in a certain rite without, however, remaining enrolled in it.

Sec. 2. Clerics are in no way to presume to induce Latins to assume an Eastern rite, or Easterners to assume the Latin rite.

Sec. 3. It is lawful for no one, without permission of the Apostolic See, to transfer to another rite, or, after a legitimate transfer, to return to the former one.

Sec. 4. It is open to a woman of a different rite to transfer to the rite of her husband when entering marriage or while it lasts; but when the marriage is dissolved, she has free power of resuming her own rite, unless something else has been provided by particular law.

Sec. 5. The custom, even a long-standing one, of receiving the sacred Synaxis in a foreign rite does not carry with it a change of rite.

Can. 99. In the Church, besides physical persons, there are also moral persons, constituted by public authority; these are distinguished into collegial and non-collegial moral persons, such as churches, seminaries, benefices, and so forth.

1983 Code correlation: 1983 CIC 113

Can. 100.

1983 Code correlation: 1983 CIC 113-15

Sec. 1. The Catholic Church and the Apostolic See have the character of a moral person by divine ordinance itself; the other inferior moral persons in the Church obtain it either from the prescription of the law itself or from a special concession of the competent ecclesiastical Superior, given by formal decree for a religious or charitable end.

Sec. 2. A collegial moral person cannot be constituted unless from at least three physical persons.

Sec. 3. Moral persons, whether collegial or non-collegial, are equated with minors.

Can. 101.

1983 Code correlation: 1983 CIC 119

Sec. 1. Concerning the acts of collegial moral persons:

1. Unless something else has been expressly established by common or particular law, that has the force of law which, after null votes have been removed, has pleased the absolutely greater part of those who cast a vote, or, after two ineffective ballots, the relatively greater part in the third ballot; but if the votes have been equal, after the third ballot the president is to break the equality by his vote, or, if there is question of elections and the president does not wish to break the equality by his vote, the one senior by order, or first profession, or age is to be held elected.

2. But what touches all as individuals must be approved by all.

Sec. 2. If there is question of the acts of non-collegial moral persons, the particular statutes and the norms of common law which regard those same persons are to be observed.

Can. 102.

1983 Code correlation: 1983 CIC 120

Sec. 1. A moral person, by its nature, is perpetual; nevertheless it is extinguished if it is suppressed by legitimate authority, or if it has ceased to exist for a space of one hundred years.

Sec. 2. If even one member of a collegial moral person survives, the right of all falls back upon that member.

Can. 103.

1983 Code correlation: 1983 CIC 125

Sec. 1. Acts which a person, whether physical or moral, places because of extrinsic force which cannot be resisted are held as not done.

Sec. 2. Acts placed because of grave fear unjustly inflicted, or because of fraud, are valid unless something else is provided by law; but they can be rescinded by a sentence of a judge according to the norm of canons 1684-1689, either at the petition of the injured party or ex officio.

Can. 104. Error renders an act invalid if it concerns that which constitutes the substance of the act or falls upon a condition without which not; otherwise the act is valid, unless something else is provided by law; but in contracts error can give place to a rescissory action according to the norm of law.

1983 Code correlation: 1983 CIC 126

Can. 105. When the law establishes that a Superior, in order to act, needs the consent or counsel of certain persons:

1983 Code correlation: 1983 CIC 127

1. If consent is required, the Superior acts invalidly against their vote; if counsel only, through words such as, for example, 'with the counsel of the consultors,' or 'after hearing the Chapter, the pastor,' and so forth, it is sufficient for valid action that the Superior hear those persons. Although he is held by no obligation to accede to their vote, even if concordant, nevertheless, if several persons must be heard, he should greatly defer to their concordant votes, and should not depart from them without a prevailing reason, to be assessed by his own judgment.

2. If the consent or counsel not of only one or another person, but of several together, is required, those persons are to be legitimately convoked, without prejudice to the prescription of can. 162, Sec. 4, and are to manifest their mind; moreover, according to his prudence and the gravity of the matters, the Superior can require them to take an oath of preserving secrecy.

3. All whose consent or counsel is required must disclose their opinion with due reverence, fidelity, and sincerity.

Can. 106. Concerning precedence among various persons, whether physical or moral, the norms which follow are to be observed, saving the special norms which are handed down in their own places:

1983 Code correlation: NA

1. One who bears the person of another obtains precedence from that person; but those who are present in Councils and other similar assemblies in the name of a proxy sit after those of the same grade who are present in their own name.

2. To the one who has authority over persons, whether physical or moral, belongs the right of precedence over them.

3. Among various ecclesiastical persons, none of whom has authority over the others: those who belong to a higher grade precede those who are of a lower grade; among persons of the same grade but not of the same order, the one who holds the higher order precedes those who are placed in the lower; if finally they belong to the same grade and have the same order, the one who was first promoted to the grade precedes; if they were promoted at the same time, the senior by ordination precedes, unless the younger was ordained by the Roman Pontiff; and if they received the order at the same time, the senior in age precedes.

4. In precedence, diversity of rite is not considered.

5. Among various moral persons of the same species and grade, that one precedes which is in peaceful quasi-possession of precedence and, if this is not established, that which was first established in the place where the question arises; but among members of some college, the right of precedence is to be determined from their own legitimate constitutions; otherwise from legitimate custom; and, if this is lacking, from the prescription of common law.

6. It belongs to the local Ordinary in his diocese to establish precedences among his subjects, taking account of the principles of common law, legitimate customs of the diocese, and the offices committed to them; and to settle all controversies about precedence, even among exempt persons, insofar as they proceed collegially with others, in more urgent cases, with every appeal in suspensive effect removed, but without prejudice to the right of each person.

7. Concerning persons who belong to the Pontifical Household, precedence is to be regulated according to the particular privileges, rules, and traditions of the same Pontifical Household.

Can. 107. By divine institution there are in the Church clerics distinct from lay persons, although not all clerics are of divine institution; each group, however, can be religious.

1983 Code correlation: 1983 CIC 207

PART ONE: OF CLERICS

SECTION I: OF CLERICS IN GENERAL

Can. 108.

1983 Code correlation: 1983 CIC 266

Sec. 1. Those who have been assigned to divine ministries by at least first tonsure are called clerics.

Sec. 2. They are not all in the same grade, but among them there is a sacred hierarchy in which some are subordinate to others.

Sec. 3. By divine institution the sacred hierarchy, by reason of order, consists of Bishops, presbyters, and ministers; by reason of jurisdiction, of the supreme pontificate and the subordinate episcopate; but by institution of the Church other grades also have been added.

Can. 109. Those who are enrolled in the ecclesiastical hierarchy are not chosen by the consent or calling of the people or of secular power; but in the grades of the power of order they are constituted by sacred ordination; in the supreme pontificate, by divine law itself, once the condition of legitimate election and its acceptance has been fulfilled; in the remaining grades of jurisdiction, by canonical mission.

1983 Code correlation: NA

Can. 110. Although, for the sake of honor, some clerics are also given the title of Prelate by the Apostolic See without any jurisdiction, nevertheless in law, in the proper sense, clerics, whether secular or religious, who obtain ordinary jurisdiction in the external forum are called Prelates.

1983 Code correlation: NA

TITLE I: Of the Ascription of Clerics to Some Diocese

Can. 111.

1983 Code correlation: 1983 CIC 265-66

Sec. 1. Every cleric must be ascribed either to some diocese or to some religious institute, so that wandering clerics are in no way admitted.

Sec. 2. Through the reception of first tonsure a cleric is ascribed, or, as they say, incardinated, into the diocese for whose service he was promoted.

Can. 112. Apart from the cases mentioned in canons 114 and 641, Sec. 2, in order that a cleric be validly incardinated into another diocese, he must obtain from his own Ordinary letters of perpetual and absolute excardination signed by that Ordinary, and from the Ordinary of the other diocese letters of likewise perpetual and absolute incardination signed by that Ordinary.

1983 Code correlation: 1983 CIC 267

Can. 113. The Vicar General cannot grant excardination and incardination without a special mandate, nor can the Capitular Vicar, except after one year from the vacancy of the episcopal see and with the consent of the Chapter.

1983 Code correlation: 1983 CIC 272

Can. 114. Excardination and incardination are effected if, from the Ordinary of another diocese, a cleric has obtained a residential benefice with the consent of his own Ordinary given in writing, or with permission granted by that same Ordinary in writing to depart from the diocese permanently.

1983 Code correlation: NA

Can. 115. By religious profession also, one is excardinated from his own diocese, according to the norm of can. 585.

1983 Code correlation: 1983 CIC 268

Can. 116. Excardination cannot be made without just causes, and it does not obtain its effect unless incardination in another diocese has followed; the Ordinary of that diocese is to make the previous Ordinary aware of it as soon as possible.

1983 Code correlation: 1983 CIC 267

Can. 117. The Ordinary is not to proceed to the incardination of another's cleric unless:

1983 Code correlation: 1983 CIC 269

1. The necessity or usefulness of the diocese requires it, and the prescriptions of law concerning the canonical title of ordination have been saved.

2. It is established for him from a legitimate document that legitimate excardination has been obtained, and he has also received from the dismissing Curia, under secrecy if need be, suitable testimonials concerning the cleric's birth, life, morals, and studies, especially if there is question of incardinating clerics of different language and nation; moreover the dismissing Ordinary, with his conscience gravely burdened, must watch that the testimonials conform to the truth.

3. The cleric, by oath before the same Ordinary or his delegate, has declared that he wishes to be devoted forever to the service of the new diocese according to the norm of the sacred canons.

TITLE II: Of the Rights and Privileges of Clerics

Can. 118. Clerics alone can obtain the power either of order or of ecclesiastical jurisdiction, and ecclesiastical benefices and pensions.

1983 Code correlation: 1983 CIC 129, 274

Can. 119. All the faithful owe reverence to clerics according to their different grades and offices, and they stain themselves with the delict of sacrilege if at any time they inflict a real injury upon clerics.

1983 Code correlation: 1983 CIC 1370

Can. 120.

1983 Code correlation: NA

Sec. 1. Clerics must be summoned before an ecclesiastical judge in all cases, whether contentious or criminal, unless provision has been legitimately made otherwise for particular places.

Sec. 2. Cardinal Fathers, Legates of the Apostolic See, Bishops even titular ones, Abbots or Prelates nullius, supreme Superiors of religions of pontifical right, and major Officials of the Roman Curia, for matters pertaining to their office, cannot be summoned before a lay judge without the permission of the Apostolic See; the rest who enjoy the privilege of the forum cannot be summoned without the permission of the Ordinary of the place in which the case is conducted. This permission, however, the Ordinary is not to deny without a just and grave cause, especially when the plaintiff is a lay person, and most of all when he has given effort in vain to composing the controversy between the parties.

Sec. 3. If nevertheless they are summoned by one who has had no prior permission, they can appear by reason of necessity, in order to avoid greater evils, yet the Superior from whom permission was not obtained must be informed.

Can. 121. All clerics are immune from military service, from duties, and from public civil offices alien to the clerical state.

1983 Code correlation: 1983 CIC 289

Can. 122. For clerics who are compelled to satisfy creditors, those things which are necessary for their honorable sustenance, according to the prudent judgment of an ecclesiastical judge, are to be left intact, while nevertheless their obligation of satisfying creditors as soon as possible remains firm.

1983 Code correlation: NA

Can. 123. A cleric cannot renounce the privileges just mentioned; but he loses them if he is reduced to the lay state or is punished with perpetual privation of the right of wearing ecclesiastical dress, according to the norm of canons 213, Sec. 1, and 2304; but he recovers them if this penalty is remitted or he himself is again admitted among clerics.

1983 Code correlation: NA

TITLE III: Of the Obligations of Clerics

Can. 124. Clerics must lead an interior and exterior life holier than that of lay persons, and must excel before them as an example by virtue and right deeds.

1983 Code correlation: 1983 CIC 276

Can. 125. Local Ordinaries are to take care:

1983 Code correlation: 1983 CIC 276

1. That all clerics frequently wash away the stains of conscience by the sacrament of penance.

2. That the same clerics devote themselves daily for some time to mental prayer, visit the most holy Sacrament, honor the Virgin Mother of God with the Marian rosary, and examine their conscience.

Can. 126. All secular priests must, at least every third year, give themselves to spiritual exercises for the time determined by their own Ordinary, in some pious or religious house designated by the same Ordinary; nor is anyone to be exempt from them except in a particular case, for a just cause, and by the express permission of that same Ordinary.

1983 Code correlation: 1983 CIC 276

Can. 127. All clerics, but especially presbyters, are held by a special obligation of showing reverence and obedience, each one to his own Ordinary.

1983 Code correlation: 1983 CIC 273

Can. 128. Whenever and for as long as, in the judgment of the proper Ordinary, the necessity of the Church requires it, and unless a legitimate impediment excuses, an office committed to clerics by the Bishop must be undertaken and faithfully fulfilled by them.

1983 Code correlation: 1983 CIC 274

Can. 129. Clerics are not to interrupt their studies, especially sacred studies, after receiving the priesthood; and in the sacred disciplines they are to follow that solid doctrine handed down by the elders and commonly received by the Church, avoiding profane novelties of words and falsely named knowledge.

1983 Code correlation: 1983 CIC 279

Can. 130.

1983 Code correlation: NA

Sec. 1. Once the course of studies has been completed, all priests, even those who have obtained a parochial or canonical benefice, unless they have been exempted by the local Ordinary for a just cause, are to undergo an examination each year, at least for a full three years, in different disciplines of the sacred sciences designated opportunely beforehand, according to the manner determined by the same Ordinary.

Sec. 2. In the conferral of ecclesiastical offices and benefices, account is to be taken of those who, other things being equal, have performed better in the examinations mentioned.

Can. 131.

1983 Code correlation: 1983 CIC 279

Sec. 1. In the episcopal city and in individual vicariates forane, meetings are to be held several times a year, on days to be set beforehand at the discretion of the local Ordinary, which are called collations or conferences, concerning moral and liturgical matters; to these may be added other exercises which the Ordinary has judged opportune for promoting the knowledge and piety of clerics.

Sec. 2. If it is difficult for meetings to be held, written solutions of questions are to be sent, according to norms to be established by the Ordinary.

Sec. 3. They must attend the meeting, or, if the meeting is lacking, send a written solution of cases, unless they have previously obtained express exemption from the local Ordinary: both all secular priests and religious, even exempt religious, who have care of souls, and also, if a collation is not held in their houses, other religious who have obtained from the Ordinary the faculty of hearing confessions.

Can. 132.

1983 Code correlation: 1983 CIC 277

Sec. 1. Clerics constituted in major orders are kept from marriage and are so held by the obligation of observing chastity that those sinning against it are also guilty of sacrilege, without prejudice to the prescription of can. 214, Sec. 1.

Sec. 2. Minor clerics can indeed enter marriage; but, unless the marriage was null because of force or fear inflicted on them, they fall from the clerical state by the law itself.

Sec. 3. A married man who has received major orders without apostolic dispensation, even in good faith, is prohibited from the exercise of those same orders.

Can. 133.

1983 Code correlation: 1983 CIC 277

Sec. 1. Clerics are to beware lest they retain with them or in any way frequent women about whom suspicion could exist.

Sec. 2. It is permitted to them to live together only with those women in whom a natural bond allows nothing evil to be suspected, such as mother, sister, aunt, and the like, or women whose proven uprightness of morals, joined with more advanced age, removes every suspicion.

Sec. 3. The judgment whether retaining or frequenting women, even those upon whom suspicion commonly does not fall, can in some particular case be a scandal or bring danger of incontinence belongs to the local Ordinary, whose office it is to prohibit clerics from this retention or frequenting.

Sec. 4. The contumacious are presumed to be concubinarians.

Can. 134. The custom of common life among clerics is to be praised and encouraged, and where it is in force, it is to be preserved as far as possible.

1983 Code correlation: 1983 CIC 280

Can. 135. Clerics constituted in major orders, except those mentioned in canons 213 and 214, are held by the obligation of reciting the canonical hours in full each day according to their proper and approved liturgical books.

1983 Code correlation: 1983 CIC 276

Can. 136.

1983 Code correlation: 1983 CIC 284

Sec. 1. All clerics are to wear decent ecclesiastical dress, according to the legitimate customs of places and the prescriptions of the local Ordinary; they are to wear the tonsure or clerical crown, unless the received customs of peoples provide otherwise, and are to use a simple manner of caring for the hair.

Sec. 2. They are not to use a ring, unless this has been granted to them by law or by apostolic privilege.

Sec. 3. Minor clerics who by their own authority and without legitimate cause have put aside ecclesiastical dress and tonsure, and, after being warned by the Ordinary, have not corrected themselves within a month, fall from the clerical state by the law itself.

Can. 137. A cleric is prohibited from becoming surety, even from his own goods, without consulting the local Ordinary.

1983 Code correlation: 1983 CIC 285

Can. 138. Clerics are to abstain entirely from all those things which disgrace their state: they are not to practice unbecoming occupations; they are not to devote themselves to games of chance with money staked; they are not to carry weapons unless a just cause of fear is present; they are not to indulge in hunting, and never to practice noisy hunting; they are not to enter taverns and other similar places without necessity or another just cause approved by the local Ordinary.

1983 Code correlation: 1983 CIC 285

Can. 139.

1983 Code correlation: 1983 CIC 285

Sec. 1. They are also to avoid those things which, although not unbecoming, are nevertheless foreign to the clerical state.

Sec. 2. Without an apostolic indult they are not to practice medicine or surgery; they are not to act as recorders or public notaries except in an ecclesiastical Curia; they are not to assume public offices which carry with them the exercise of lay jurisdiction or administration.

Sec. 3. Without the permission of their Ordinary they are not to undertake the management of goods belonging to lay persons or secular offices which carry with them the burden of rendering accounts; they are not to exercise the office of procurator or advocate except in an ecclesiastical tribunal, or in a civil tribunal when there is question of their own cause or that of their church; in a lay criminal trial pursuing a grave personal penalty, they are to have no part, not even by giving testimony, unless necessity requires it.

Sec. 4. They are not to seek or accept, without permission of the Holy See, the office of senators or legislators whom they call deputies, in places where a pontifical prohibition has intervened; in other places they are not to attempt the

same without the permission both of their own Ordinary and of the Ordinary of the place in which the election is to be held.

Can. 140. They are not to be present at spectacles, dances, and pageants which disgrace them, or at which it would be a scandal for clerics to be present, especially in public theaters.

1983 Code correlation: NA

Can. 141.

1983 Code correlation: 1983 CIC 289

Sec. 1. They are not to take up secular military service as volunteers, unless they have done this with the permission of their own Ordinary so that they may become free sooner; nor are they to bring aid in any way to civil wars and disturbances of public order.

Sec. 2. A minor cleric who, contrary to the prescription of Sec. 1, has given his name to military service of his own accord falls from the clerical state by the law itself.

Can. 142. Clerics are prohibited, by themselves or through others, from carrying on business or trade, whether for their own advantage or for that of others.

1983 Code correlation: 1983 CIC 286

Can. 143. Clerics, even though they do not have a residential benefice or office, are nevertheless not to depart from their own diocese for a notable time without at least the presumed permission of their proper Ordinary.

1983 Code correlation: 1983 CIC 283

Can. 144. One who, with the permission of his Ordinary, has transferred into another diocese, while remaining incardinated in his own diocese, can be recalled for a just cause and with natural equity observed; and the Ordinary of the other diocese can also, for a just cause, deny him permission for further residence in his own territory, unless he has conferred a benefice upon him.

1983 Code correlation: 1983 CIC 271

TITLE IV: Of Ecclesiastical Offices

Can. 145.

1983 Code correlation: 1983 CIC 145

Sec. 1. An ecclesiastical office in the broad sense is any function which is legitimately exercised for a spiritual end; but in the strict sense it is a function stably constituted by either divine or ecclesiastical ordinance, to be conferred according to the norm of the sacred canons, carrying with it at least some participation in ecclesiastical power, whether of order or of jurisdiction.

Sec. 2. In law, ecclesiastical office is taken in the strict sense, unless something else appears from the context of the language.

Can. 146. Concerning beneficial offices in particular, besides the canons which follow, the prescriptions of can. 1409 and following are also to be kept.

1983 Code correlation: NA

CHAPTER I: Of the Provision of Ecclesiastical Offices

Can. 147.

1983 Code correlation: 1983 CIC 146

Sec. 1. An ecclesiastical office cannot be validly obtained without canonical provision.

Sec. 2. Under the name of canonical provision comes the granting of an ecclesiastical office by competent ecclesiastical authority according to the norm of the sacred canons.

Can. 148.

1983 Code correlation: 1983 CIC 147

Sec. 1. Provision of an ecclesiastical office is made either by free conferral from a legitimate Superior; or by his institution, if presentation by a patron or nomination has preceded; or by his confirmation or admission, if election or postulation has preceded; or finally by simple election and acceptance by the one elected, if the election does not need confirmation.

Sec. 2. Concerning the provision of offices by institution, the prescriptions of canons 1448-1471 are to be observed.

Can. 149. Those elected, postulated, presented, or nominated by any persons whatsoever to ecclesiastical offices are not to be confirmed, admitted, or instituted by a Superior below the Roman Pontiff unless they have first been found suitable by their own Ordinary, even by examination, if the law or the nature of the office requires it or the Ordinary has judged it opportune.

1983 Code correlation: 1983 CIC 15

Can. 150.

1983 Code correlation: 1983 CIC 153

Sec. 1. Provision of an office not vacant by law according to the norm of can. 183, Sec. 1, is by that very fact void, nor does it become valid by a subsequent vacancy.

Sec. 2. Nor does the promise of the same office, whoever promised it, produce any juridical effect.

Can. 151. An office vacant by law which perhaps is still illegitimately possessed by someone can be conferred, provided it has been duly declared according to the sacred canons that this possession is not legitimate, and mention of this declaration is made in the letters of conferral.

1983 Code correlation: 1983 CIC 154

ARTICLE I: Of Free Conferral

Can. 152. The local Ordinary has the right of providing for ecclesiastical offices in his own territory, unless something else is proved; nevertheless the Vicar General lacks this power without a special mandate.

1983 Code correlation: 1983 CIC 157

Can. 153.

1983 Code correlation: 1983 CIC 149

Sec. 1. The one to be promoted to a vacant office must be a cleric endowed with those qualities which are required for the same office by common law, particular law, or the law of foundation.

Sec. 2. All things considered, the more suitable one is to be taken, without any acceptance of persons.

Sec. 3. When the one provided lacks the required qualities, the provision is null if this is provided by common or particular law or by the law of foundation; otherwise it is valid, but can be invalidated by a sentence of a legitimate Superior.

Can. 154. Offices which carry with them the care of souls, whether in the external forum or in the internal forum, cannot be validly conferred upon clerics not yet initiated into the priesthood.

1983 Code correlation: 1983 CIC 150

Can. 155. The provision of offices for which no term has been prescribed by a special law is never to be deferred beyond six useful months from notice of the vacancy having been received, with the prescription of can. 458 remaining firm.

1983 Code correlation: 1983 CIC 151

Can. 156.

1983 Code correlation: 1983 CIC 152

Sec. 1. Two incompatible offices are not to be conferred upon anyone.

Sec. 2. Offices are incompatible which cannot be fulfilled at the same time by the same person.

Sec. 3. With the prescription of can. 188, n. 3, remaining firm, the granting of another office made by the Apostolic See is not valid unless mention of the prior incompatible office is made in the petition, or a derogatory clause is added.

Can. 157. An office vacant by resignation or by a sentence of privation cannot be validly conferred by the Ordinary who accepted the resignation or issued the sentence upon his own relatives, or upon the relatives, blood-relatives, or affines of the resigning person, up to and including the second degree.

1983 Code correlation: NA

Can. 158. One who, supplying for another's negligence or inability, confers an office acquires from this no power over the person nominated; but the juridical status of this person is constituted just as if the provision had been carried out according to the ordinary norm of law.

1983 Code correlation: 1983 CIC 155

Can. 159. The provision of any office whatsoever is to be committed to writing.

1983 Code correlation: 1983 CIC 156

ARTICLE II: Of Election

Can. 160. The election of the Roman Pontiff is governed solely by the constitution of Pius X Vacante Sede Apostolica, 25 Dec. 1904; in other ecclesiastical elections, the prescriptions of the canons which follow are to be observed, and also special prescriptions, if there are any, legitimately established for individual offices.

1983 Code correlation: 1983 CIC 164

Can. 161. If some college has the right of electing to a vacant office, the election, unless something else has been provided by law, is never to be deferred beyond a useful trimester to be computed from notice of the vacancy of the office having been received; when this term has elapsed without effect, the ecclesiastical Superior to whom the right of confirming the election or the successive right of providing belongs is to provide freely for the vacant office.

1983 Code correlation: 1983 CIC 165

Can. 162.

1983 Code correlation: 1983 CIC 166

Sec. 1. With particular constitutions or customs saved, the president of the college, in the established manner and at a place and time convenient for the electors, is to convoke all members of the college; and the convocation, when it must be personal, is valid if it is made either in the place of domicile or quasi-domicile or in the place of residence.

Sec. 2. If one of those to be called has been neglected and therefore was absent, the election is valid, but at his instance it must be invalidated by the competent Superior, even after confirmation has followed, once the omission and absence have been proved, provided it is juridically established that recourse was transmitted at least within three days from notice of the election having been received.

Sec. 3. But if more than a third part of the electors have been neglected, the election is null by the law itself.

Sec. 4. A defect of convocation does not stand in the way if those passed over nevertheless were present.

Sec. 5. If there is question of election to an office which the elected person retains for life, a convocation of the electors before the vacancy of the office has no juridical effect.

Can. 163. Once convocation has legitimately followed, the right of electing belongs to those who are present on the day established in the convocation, with the faculty of casting votes not only by letter but also by proxy excluded, unless a particular law provides otherwise.

1983 Code correlation: 1983 CIC 167

Can. 164. Although someone may have the right of casting a vote in his own name by several titles, he cannot cast more than one.

1983 Code correlation: 1983 CIC 168

Can. 165. No one outside the college can be admitted to vote, with legitimately acquired privileges saved; otherwise, the election is null by that very fact.

1983 Code correlation: 1983 CIC 169

Can. 166. If lay persons in any way involve themselves against the canonical liberty of an ecclesiastical election, the election is invalid by the law itself.

1983 Code correlation: 1983 CIC 170

Can. 167.

1983 Code correlation: 1983 CIC 171

Sec. 1. The following cannot cast a vote:

1. Those incapable of a human act.

2. Impubescent persons.

3. Those affected by censure or infamy of law, but only after a declaratory or condemnatory sentence.

4. Those who have given their name to a heretical or schismatic sect or have publicly adhered to one.

5. Those lacking active voice either because of a legitimate sentence of a judge or from common or particular law.

Sec. 2. If one of the aforesaid is admitted, his vote is null, but the election is valid, unless it is established that, with him removed, the elected person did not receive the required number of votes, or unless one excommunicated by declaratory or condemnatory sentence was knowingly admitted.

Can. 168. If one of the electors is present in the house in which the election takes place, but because of poor health cannot be present at the election, his written vote is to be sought by the scrutineers, unless something else has been established by particular laws or legitimate customs.

1983 Code correlation: 1983 CIC 167

Can. 169.

1983 Code correlation: 1983 CIC 172

Sec. 1. A vote is null unless it has been:

1. Free; and therefore a vote is invalid if the elector has been forced, by grave fear or fraud, directly or indirectly, to elect a certain person or several persons disjunctively.

2. Secret, certain, absolute, and determinate.

Sec. 2. Conditions attached to a vote before the election are considered as not added.

Can. 170. No one can validly give a vote to himself.

1983 Code correlation: NA

Can. 171.

1983 Code correlation: 1983 CIC 173

Sec. 1. Before an election by secret votes, unless they have already been appointed by proper statutes, at least two scrutineers are to be appointed from the body of the college; together with the president, if he also is from the body of the college, they are to take an oath concerning faithfully fulfilling their duty and preserving secrecy concerning the acts in the meetings, even after the election has been completed.

Sec. 2. The scrutineers are to take care that votes be cast secretly, diligently, one by one, and with the order of precedence observed by each elector; and, after the votes have finally been collected, in the presence of the president of the election, according to the form established by proper constitutions or legitimate customs, they are to inspect whether the number of votes corresponds to the number of electors, examine the votes themselves, and publicly make known how many each one received.

Sec. 3. If the number of votes exceeds the number of those electing, nothing has been done.

Sec. 4. The votes are to be burned immediately after each scrutiny has been completed, or after the session if several scrutinies are held in the same session.

Sec. 5. All acts of the election are to be accurately described by the one who performs the office of actuary, and, signed at least by the same actuary, the president, and the scrutineers, are to be diligently preserved in the archive of the college.

Can. 172.

1983 Code correlation: 1983 CIC 174

Sec. 1. An election, unless something else is provided by law, can also be made by compromise, if namely the electors, by unanimous and written consent, transfer for that occasion the right of electing to one or more suitable persons, whether from the body of the college or outside it, who, in the name of all, are to elect from the faculty received.

Sec. 2. If there is question of a clerical college, the compromise delegates must be priests; otherwise the election is invalid.

Sec. 3. For the validity of the election, the compromise delegates must observe the conditions attached to the compromise which are not contrary to common law; if no conditions were added, they must observe common law concerning elections; but conditions contrary to law are to be held as not added.

Sec. 4. If by the electors compromise has been made into only one person, this person cannot elect himself; if several compromise delegates have been designated, none of them can by his own consent accede to the others electing him so as to complete his own election.

Can. 173. The compromise ceases and the right of electing returns to those who made the compromise:

1983 Code correlation: 1983 CIC 175

1. By revocation made by the college, while the matter is still intact.

2. By some condition attached to the compromise not having followed or not having been observed.

3. By an election having been completed, if it was null.

Can. 174. That person is to be held elected and is to be proclaimed by the president of the college who has received the required number of votes, according to the norm of can. 101, Sec. 1, n. 1.

1983 Code correlation: 1983 CIC 176

Can. 175. The election must immediately be communicated to the elected person, who must, at least within eight useful days from receiving the communication, make known whether he consents to the election or renounces it; otherwise he loses every right acquired from the election.

1983 Code correlation: 1983 CIC 177

Can. 176.

1983 Code correlation: 1983 CIC 177-79

Sec. 1. If the elected person has renounced, he loses every right acquired from the election, even if afterwards he repents of the renunciation; but he can be elected again; moreover the college must proceed to a new election within a month from knowledge of the renunciation.

Sec. 2. By acceptance of the election, the elected person, if he does not need confirmation, immediately obtains full right; otherwise he acquires only a right to the thing.

Sec. 3. Before confirmation has been accepted, under pretext of the election he is not permitted to involve himself in the administration of the office, whether in spiritual or temporal matters, and acts perhaps placed by him are null.

Can. 177.

1983 Code correlation: 1983 CIC 179

Sec. 1. The elected person, if the election needs confirmation, must at least within eight days from the day of accepting the election seek confirmation from the competent Superior, by himself or through another; otherwise he is deprived of every right, unless he has proved that he was detained by a just impediment from seeking confirmation.

Sec. 2. The Superior, if he has found the elected person suitable and the election was carried out according to the norm of law, cannot deny confirmation.

Sec. 3. Confirmation must be given in writing.

Sec. 4. Once confirmation has been received, the elected person obtains full right in the office, unless something else is provided in law.

Can. 178. If an election has not been carried out within the prescribed time, or if the college is deprived of the right of electing as a penalty, free provision of the office devolves upon that Superior by whom the election would have had to be confirmed, or to whom the successive right of providing belongs.

1983 Code correlation: NA

ARTICLE III: Of Postulation

Can. 179.

1983 Code correlation: 1983 CIC 180

Sec. 1. If an impediment stands in the way of the election of one whom the electors consider and prefer as more suitable, and concerning this impediment dispensation can and usually does occur, they themselves can, by their votes, unless something else is provided by law, postulate him from the competent Superior, even if there is question of an office for which the elected person does not need confirmation.

Sec. 2. Compromise delegates cannot postulate unless this has been expressed in the mandate or compromise.

Can. 180.

1983 Code correlation: 1983 CIC 181

Sec. 1. In order that postulation have force, the greater part of the votes must stand for it; indeed, if it occurs together with election, at least two thirds are required.

Sec. 2. A vote for postulation must be expressed by the word: I postulate, or an equivalent; the formula: I elect or postulate, or an equivalent, is valid for election if no impediment exists, otherwise for postulation.

Can. 181.

1983 Code correlation: 1983 CIC 182

Sec. 1. The postulation must be sent at least within eight days to the Superior to whom it belongs to confirm the election, if he has the faculty of dispensing from the impediment; otherwise to the Roman Pontiff or to another having the faculty.

Sec. 2. If the postulation has not been sent within the prescribed time, it becomes null by that very fact and the electors for that occasion are deprived of the right of electing or postulating, unless they prove that they were detained by a just impediment from sending the postulation.

Sec. 3. Through postulation no right is acquired by the one postulated, and the Superior is permitted to reject it.

Sec. 4. The electors cannot revoke a postulation presented to the Superior unless the Superior consents.

Can. 182.

1983 Code correlation: 1983 CIC 183

Sec. 1. When the postulation has been rejected by the Superior, the right of electing returns to the college, unless the electors knowingly postulated one who is held by such an impediment from which dispensation cannot or usually does not occur; for then the provision belongs to the Superior.

Sec. 2. But if the postulation has been admitted, this is to be signified to the one postulated, who must respond according to the norm of can. 175.

Sec. 3. If he accepts it, full right in the office is immediately acquired by him.

CHAPTER II: Of the Loss of Ecclesiastical Offices

Can. 183.

1983 Code correlation: 1983 CIC 184

Sec. 1. An ecclesiastical office is lost by resignation, privation, removal, transfer, or the lapse of a predefined time.

Sec. 2. Once the right of the Superior by whom it had been granted is dissolved in any way, an ecclesiastical office is not lost, unless the law provides otherwise, or unless in the concession there is contained the clause: at our good pleasure, or another equivalent clause.

Can. 184. Anyone self-governing can resign an ecclesiastical office for a just cause, unless resignation has been forbidden to him by a special prohibition.

1983 Code correlation: 1983 CIC 187

Can. 185. A resignation made from grave fear unjustly inflicted, from fraud, substantial error, or simony is void by the law itself.

1983 Code correlation: 1983 CIC 188

Can. 186. In order that a resignation be valid, it must be made by the one resigning either in writing or orally before two witnesses, or even through a procurator furnished with a special mandate; and the written document of resignation is to be deposited in the Curia.

1983 Code correlation: 1983 CIC 189

Can. 187.

1983 Code correlation: 1983 CIC 189

Sec. 1. A resignation generally, in order to be valid, must be made to the one by whom it must be accepted, or, if it does not need acceptance, to the one from whom the cleric received the office or who holds his place.

Sec. 2. Therefore, if the office was conferred by confirmation, admission, or institution, the resignation must be made to the Superior to whom by ordinary law the confirmation, admission, or institution belongs.

Can. 188. By tacit resignation admitted by the law itself, any offices whatsoever become vacant by the fact itself and without any declaration, if the cleric:

1983 Code correlation: 1983 CIC 194

1. Has made religious profession, without prejudice, concerning benefices, to the prescription of can. 584.

2. Within the useful time established by law, or, if law is lacking, determined by the Ordinary, has neglected to approach the office with which he was provided.

3. Has accepted another ecclesiastical office incompatible with the former one and has obtained peaceful possession of it.

4. Has publicly defected from the Catholic faith.

5. Has contracted marriage, even merely civil marriage, as they say.

6. Contrary to the prescription of can. 141, Sec. 1, has given his name of his own accord to secular military service.

7. By his own authority and without just cause has put aside ecclesiastical dress, and, after being warned by the Ordinary, has not resumed it within a month from receiving the warning.

8. Has illegitimately deserted the residence by which he is bound, and, not being detained by a legitimate impediment, has neither obeyed nor responded within the suitable time predefined by the Ordinary to the Ordinary's warning received.

Can. 189.

1983 Code correlation: 1983 CIC 189

Sec. 1. Superiors are not to accept resignations without a just and proportionate cause.

Sec. 2. The local Ordinary is either to admit or reject a resignation within a month.

Can. 190.

1983 Code correlation: 1983 CIC 189

Sec. 1. An office, once resignation has been legitimately made and accepted, becomes vacant after the acceptance has been signified to the one resigning.

Sec. 2. The one resigning is to remain in office until he has received certain notice of the Superior's acceptance.

Can. 191.

1983 Code correlation: 1983 CIC 189

Sec. 1. Once resignation has been legitimately made, no further place is given for repentance, although the one resigning can obtain the office by another title.

Sec. 2. An accepted resignation is to be made known in due time to those who have some right in the provision of the office.

Can. 192.

1983 Code correlation: 1983 CIC 193, 196

Sec. 1. Privation of office is incurred either by the law itself or by the act of a legitimate Superior.

Sec. 2. If there is question of an irremovable office, the Ordinary cannot deprive a cleric of the same office except through a process according to the norm of law.

Sec. 3. If there is question of a removable office, privation can be decreed by the Ordinary for any just cause, by his prudent judgment, even apart from a delict, with natural equity observed; but he is in no way bound to follow a fixed manner of proceeding, without prejudice to the prescription of the canons concerning removable parishes. Privation, however, does not have effect until after it has been communicated by the Superior; and from the decree of the Ordinary recourse is given to the Apostolic See, but only in devolutive effect.

Can. 193.

1983 Code correlation: 1983 CIC 190

Sec. 1. Transfer from one ecclesiastical office to another can be carried out only by one who has the right both of accepting resignation and of removing from the first office and promoting to the other.

Sec. 2. For transfer, if it is made with the consent of the cleric, any just cause suffices; if against the will of the cleric, nearly the same cause and the same manner of proceeding are required as for privation, with the prescription of canons 2162-2167 remaining firm as regards the transfer of pastors.

Can. 194.

1983 Code correlation: 1983 CIC 191

Sec. 1. In transfer, the prior office becomes vacant when the cleric canonically takes possession of the other, unless something else has been provided by law or prescribed by a legitimate Superior.

Sec. 2. The one transferred receives the revenues of the prior office until he has occupied the other.

Can. 195. Those who elected, postulated, or presented a cleric to an office cannot deprive him of the office, or recall or remove him from it, or transfer him to another.

1983 Code correlation: NA

TITLE V: Of Ordinary and Delegated Power

Can. 196. The power of jurisdiction or governance which, by divine institution, exists in the Church, is one power of the external forum and another of the internal forum, or of conscience, whether sacramental or extra-sacramental.

1983 Code correlation: 1983 CIC 129-30

Can. 197.

1983 Code correlation: 1983 CIC 131

Sec. 1. Ordinary power of jurisdiction is that which is attached by the law itself to an office; delegated power, that which is committed to a person.

Sec. 2. Ordinary power can be either proper or vicarious.

Can. 198.

1983 Code correlation: 1983 CIC 134

Sec. 1. In law, by the name of Ordinary are understood, unless someone is expressly excepted, besides the Roman Pontiff, each for his own territory, the residential Bishop, the Abbot or Prelate nullius and their Vicar General, Administrator, Vicar and Prefect Apostolic, and likewise those who, when the aforesaid are lacking, meanwhile succeed in governance by prescription of law or by approved constitutions; for their own subjects, major Superiors in exempt clerical religions are also understood.

Sec. 2. By the name of local Ordinary, or Ordinaries of places, come all those listed, except religious Superiors.

Can. 199.

1983 Code correlation: 1983 CIC 137

Sec. 1. One who has ordinary power of jurisdiction can delegate it to another in whole or in part, unless something else is expressly provided by law.

Sec. 2. Even power of jurisdiction delegated by the Apostolic See can be subdelegated either for an act or even habitually, unless it was chosen for personal qualifications or subdelegation has been prohibited.

Sec. 3. Delegated power for the whole range of affairs, from one who below the Roman Pontiff has ordinary power, can be subdelegated in individual cases.

Sec. 4. In other cases, delegated power of jurisdiction can be subdelegated only by an expressly made concession; but delegated judges can subdelegate some non-jurisdictional matter even without express commission.

Sec. 5. No subdelegated power can be subdelegated again, unless this has been expressly granted.

Can. 200.

1983 Code correlation: 1983 CIC 131, 138

Sec. 1. Ordinary power of jurisdiction and power delegated for the whole range of affairs is to be interpreted broadly; any other power, strictly. Nevertheless, to one to whom power has been delegated are also understood to have been granted those things without which that same power could not be exercised.

Sec. 2. Upon the one who asserts that he is delegated lies the burden of proving the delegation.

Can. 201.

1983 Code correlation: 1983 CIC 91, 136

Sec. 1. Power of jurisdiction can be exercised directly only over subjects.

Sec. 2. Judicial power, whether ordinary or delegated, cannot be exercised for one's own advantage or outside the territory, without prejudice to the prescriptions of can. 401, Sec. 1, 881, Sec. 2, and 1637.

Sec. 3. Unless something else is established from the nature of things or from law, one can exercise voluntary, or non-judicial, power of jurisdiction even for one's own advantage, or while existing outside the territory, or over a subject absent from the territory.

Can. 202.

1983 Code correlation: NA

Sec. 1. An act of the power of jurisdiction, whether ordinary or delegated, conferred for the external forum is valid also for the internal forum, but not conversely.

Sec. 2. Power conferred for the internal forum can also be exercised in the extra-sacramental internal forum, unless the sacramental forum is required.

Sec. 3. If the forum for which the power is given has not been expressed, the power is understood to have been granted for both forums, unless something else is established from the very nature of the matter.

Can. 203.

1983 Code correlation: 1983 CIC 133

Sec. 1. A delegate who exceeds the limits of his mandate either concerning things or concerning persons does nothing.

Sec. 2. Nevertheless a delegate is not understood to have exceeded these limits if he carries out the things for which he has been delegated in a manner other than pleased the delegating person, unless the manner itself was prescribed by the delegating person as a condition.

Can. 204.

1983 Code correlation: 1983 CIC 139

Sec. 1. The fact that someone approaches the Superior, passing over the inferior, does not thereby suspend the voluntary power of the inferior, whether this power was ordinary or delegated.

Sec. 2. Nevertheless, the inferior is not to involve himself in a matter brought to the Superior, except for a grave and urgent cause; and in this case he is immediately to warn the Superior about the matter.

Can. 205.

1983 Code correlation: 1983 CIC 140

Sec. 1. If several have obtained delegated jurisdiction for the same matter, and it is doubtful whether the delegation was made in solidum or collegially, it is presumed to have been made in solidum in a voluntary matter, collegially in a judicial matter.

Sec. 2. When several have been delegated in solidum, the one who first took up the matter excludes the others from the same matter, unless afterwards he is impeded or does not wish to proceed further in the matter.

Sec. 3. When several have been delegated collegially, all must proceed together for the validity of the acts in handling the matter, unless something else has been provided in the mandate.

Can. 206. When several have been delegated successively, the one must handle the matter whose mandate is earlier and was not expressly abrogated by a later rescript.

1983 Code correlation: 1983 CIC 141

Can. 207.

1983 Code correlation: 1983 CIC 142

Sec. 1. Delegated power is extinguished when the mandate has been completed; when the time has elapsed or the number of cases for which it was granted has been exhausted; when the final cause of the delegation has ceased; by revocation of the delegating person directly communicated to the delegate, or by resignation of the delegate directly communicated to the delegating person and accepted by him; but not when the right of the delegating person is dissolved, except in the two cases mentioned in can. 61.

Sec. 2. But when power has been granted for the internal forum, an act placed through inadvertence after the time has elapsed or the number of cases has been exhausted is valid.

Sec. 3. When several have been delegated collegially, if one fails, the delegation of the others also expires, unless something else is established from the tenor of the delegation.

Can. 208. According to the norm of can. 183, Sec. 2, ordinary power is not extinguished when the right of the one granting the office to which it is attached is dissolved; but it ceases when the office is lost; it is suspended when a legitimate appeal has been interposed, unless perhaps the appeal is only in devolutive effect, without prejudice to the prescription of canons 2264 and 2284.

1983 Code correlation: 1983 CIC 143

Can. 209. In common error or in positive and probable doubt, whether of law or of fact, the Church supplies jurisdiction for both the external and internal forum.

1983 Code correlation: 1983 CIC 144

Can. 210. Power of order, whether attached to an office or committed to a person by a legitimate ecclesiastical Superior, cannot be entrusted to others, unless this has been expressly granted by law or by indult.

1983 Code correlation: NA

TITLE VI: Of the Reduction of Clerics to the Lay State

Can. 211.

1983 Code correlation: 1983 CIC 290

Sec. 1. Although sacred ordination, once validly received, never becomes void, nevertheless a major cleric is reduced to the lay state by rescript of the Holy See, by decree or sentence according to the norm of can. 214, and finally by the penalty of degradation.

Sec. 2. A minor cleric returns to the lay state not only by the fact itself on account of causes described in law, but also by his own will, after the local Ordinary has been warned, or by a decree of the same Ordinary issued for a just cause, if namely the Ordinary, all things considered, has prudently judged that the cleric cannot be promoted to sacred orders with the decorum of the clerical state.

Can. 212.

1983 Code correlation: 1983 CIC 293

Sec. 1. One constituted in minor orders who has returned to the lay state for any cause whatsoever, in order to be admitted again among clerics, requires the permission of the Ordinary of the diocese to which he was incardinated by ordination; this permission is not to be granted except after a diligent examination concerning life and morals, and a suitable trial, in the judgment of that Ordinary.

Sec. 2. But a major cleric who has returned to the lay state, in order to be admitted again among clerics, needs the permission of the Holy See.

Can. 213.

1983 Code correlation: 1983 CIC 291-92

Sec. 1. All who have legitimately been reduced or have returned from the clerical state to the lay state, by that very fact lose offices, benefices, clerical rights and privileges, and are forbidden to go about in ecclesiastical dress and to wear the tonsure.

Sec. 2. A major cleric, however, is held by the obligation of celibacy, without prejudice to the prescription of can. 214.

Can. 214.

1983 Code correlation: 1983 CIC 290, 1708-12

Sec. 1. A cleric who, compelled by grave fear, received a sacred order and afterwards, once the fear was removed, did not ratify the same ordination at least tacitly through exercise of the order, while nevertheless wishing by such an act to

subject himself to clerical obligations, is to be reduced to the lay state by a sentence of a judge, once the coercion and the defect of ratification have been legitimately proved, without any obligations of celibacy and of the canonical hours.

Sec. 2. The coercion and defect of ratification must be proved according to the norm of canons 1993-1998.

SECTION II: OF CLERICS IN PARTICULAR

Can. 215.

1983 Code correlation: 1983 CIC 368, 373, 381

Sec. 1. It belongs to the one supreme ecclesiastical power to erect, otherwise circumscribe, divide, unite, and suppress ecclesiastical provinces, dioceses, abbeys or prelatures nullius, apostolic vicariates, and apostolic prefectures.

Sec. 2. In law, under the name of diocese also comes an abbey or prelature nullius; and under the name of Bishop, an Abbot or Prelate nullius, unless something else is established from the nature of the matter or the context of the language.

Can. 216.

1983 Code correlation: 1983 CIC 374

Sec. 1. The territory of each diocese is to be divided into distinct territorial parts; moreover to each part its own particular church with a determined people is to be assigned, and its own particular rector, as the proper pastor of the same people, is to be placed over it for the necessary care of souls.

Sec. 2. In the same way, an apostolic vicariate and apostolic prefecture, where this can conveniently be done, are to be divided.

Sec. 3. The parts of a diocese mentioned in Sec. 1 are parishes; the parts of an apostolic vicariate and apostolic prefecture, if a particular rector has been assigned to them, are called quasi-parishes.

Sec. 4. Parishes cannot be constituted for diversity of language or nation of the faithful living in the same city or territory, nor merely familial or personal parishes, without a special apostolic indult; as regards those already constituted, nothing is to be changed without consulting the Apostolic See.

Can. 217.

1983 Code correlation: 1983 CIC 374

Sec. 1. A Bishop is to distribute his territory into regions or districts consisting of several parishes, which come under the name of forane vicariates, deaneries, archpresbyterates, and so forth.

Sec. 2. If this distribution, by reason of circumstances, seems impossible or inopportune, the Bishop is to consult the Holy See, unless provision has already been made by it.

TITLE VII: Of the Supreme Power and of Those Who by Ecclesiastical Law Share in It

CHAPTER I: Of the Roman Pontiff

Can. 218.

1983 Code correlation: 1983 CIC 331, 333

Sec. 1. The Roman Pontiff, successor of blessed Peter in the primacy, has not only the primacy of honor, but supreme and full power of jurisdiction over the universal Church, both in matters which pertain to faith and morals and in those which pertain to the discipline and governance of the Church spread throughout the whole world.

Sec. 2. This power is truly episcopal, ordinary, and immediate both over all and individual churches and over all and individual pastors and faithful, independent of any human authority.

Can. 219. The Roman Pontiff, legitimately elected, immediately from the acceptance of election obtains, by divine law, the full power of supreme jurisdiction.

1983 Code correlation: 1983 CIC 332

Can. 220. Matters of graver moment which are reserved to the Roman Pontiff alone, whether by their nature or by positive law, are called major causes.

1983 Code correlation: NA

Can. 221. If it happens that the Roman Pontiff resigns, for the validity of that resignation the acceptance of the Cardinals or of others is not necessary.

1983 Code correlation: 1983 CIC 332

CHAPTER II: Of an Ecumenical Council

Can. 222.

1983 Code correlation: 1983 CIC 338

Sec. 1. There cannot be an Ecumenical Council which has not been convoked by the Roman Pontiff.

Sec. 2. It belongs to the same Roman Pontiff to preside over an Ecumenical Council by himself or through others, to establish and designate the matters to be treated in it and the order to be observed, to transfer, suspend, or dissolve the Council itself, and to confirm its decrees.

Can. 223.

1983 Code correlation: 1983 CIC 339

Sec. 1. The following are called to a Council and have in it the right of deliberative vote:

1. Cardinals of the Holy Roman Church, even if they are not Bishops.

2. Patriarchs, Primates, Archbishops, and residential Bishops, even not yet consecrated.

3. Abbots or Prelates nullius.

4. The Abbot Primate, Abbot Superiors of monastic Congregations, and supreme Moderators of exempt clerical religions, but not of other religions, unless the decree of convocation provides otherwise.

Sec. 2. Titular Bishops also, called to a Council, obtain a deliberative vote, unless something else is expressly provided in the convocation.

Sec. 3. Theologians and experts in the sacred canons, perhaps invited to a Council, do not have a vote except consultative.

Can. 224.

1983 Code correlation: NA

Sec. 1. If anyone of those called to a Council according to the norm of can. 223, Sec. 1, detained by a just impediment, cannot be present at it, he is to send a procurator and prove the impediment.

Sec. 2. The procurator, if he was one of the Fathers of the Council, does not enjoy a double vote; if he was not, he can be present only at public sessions, but without a vote; when the Council has been completed, however, he has the right of signing its acts.

Can. 225. It is lawful for none of those who must be present at the Council to depart before the Council has been duly completed, unless the cause of departure has been learned and approved by the president of the Council and permission to leave has been obtained.

1983 Code correlation: NA

Can. 226. After questions have been proposed by the Roman Pontiff, the Fathers can add others, but only those previously approved by the president of the Council.

1983 Code correlation: 1983 CIC 338

Can. 227. Decrees of a Council do not have definitive binding force unless they have been confirmed by the Roman Pontiff and promulgated by his order.

1983 Code correlation: 1983 CIC 341

Can. 228.

1983 Code correlation: 1983 CIC 333

Sec. 1. An Ecumenical Council possesses supreme power over the universal Church.

Sec. 2. From a sentence of the Roman Pontiff no appeal is given to an Ecumenical Council.

Can. 229. If it happens that the Roman Pontiff dies during the celebration of a Council, by the law itself the Council is interrupted until the new Pontiff orders it to be resumed and continued.

1983 Code correlation: 1983 CIC 340

CHAPTER III: Of the Cardinals of the Holy Roman Church

Can. 230. The Cardinals of the Holy Roman Church constitute the Senate of the Roman Pontiff, and assist him in governing the Church as his principal counselors and helpers.

1983 Code correlation: 1983 CIC 349

Can. 231.

1983 Code correlation: 1983 CIC 350

Sec. 1. The Sacred College is divided into three orders: the episcopal, to which alone belong the six Cardinals set over the suburbicarian dioceses; the presbyteral, which consists of fifty Cardinals; and the diaconal, which consists of fourteen.

Sec. 2. To Cardinals of the presbyteral and diaconal orders there is assigned to each his own title or diaconia in the City by the Roman Pontiff.

Can. 232.

1983 Code correlation: 1983 CIC 351

Sec. 1. Cardinals are freely chosen by the Roman Pontiff from the whole world, men at least constituted in the order of the presbyterate, outstanding in doctrine, piety, and prudence in conducting affairs.

Sec. 2. The following are kept from the dignity of the cardinalate:

1. Illegitimates, even if they have been legitimated by subsequent marriage; likewise other irregulars or those impeded from sacred orders according to canonical sanctions, even if dispensation has been given to them by apostolic authority for orders and dignities, even episcopal dignity.

2. Those who have offspring, even received from a legitimate marriage, or a grandchild from that offspring.

3. Those who are joined in the first or second degree of consanguinity to any living Cardinal.

Can. 233.

1983 Code correlation: 1983 CIC 351

Sec. 1. Cardinals are created and published by the Roman Pontiff in Consistory, and thus created and published they obtain the right to the election of the Roman Pontiff and the privileges mentioned in can. 239.

Sec. 2. If, however, the Roman Pontiff has announced in Consistory the creation of someone while reserving the person's name to himself in pectore, the person so promoted meanwhile enjoys none of the rights or privileges of Cardinals; but after his name has been published by the Roman Pontiff, he enjoys them from publication, and the right of precedence from the reservation in pectore.

Can. 234. A promoted person absent from the Curia, when receiving the red biretta, must swear that within a year, unless he is detained by a legitimate impediment, he will approach the Supreme Pontiff.

1983 Code correlation: NA

Can. 235. Unless provision has been made otherwise by the Holy See in particular cases, by promotion to the sacred purple not only do all dignities, churches, and benefices which the promoted person possesses become vacant by the fact itself, but ecclesiastical pensions also are lost.

1983 Code correlation: NA

Can. 236.

1983 Code correlation: 1983 CIC 350

Sec. 1. By option made in Consistory and approved by the Supreme Pontiff, with priority of order and promotion observed, Cardinals from the presbyteral order can pass to another title, and Cardinals from the diaconal order to another diaconia and, if they have remained in the diaconal order for a full ten years, also to the presbyteral order.

Sec. 2. A Cardinal from the diaconal order, passing by option to the presbyteral order, obtains place before all those Cardinal priests who were assumed to the honor of the sacred purple after him.

Sec. 3. If a suburbicarian see is vacant, Cardinals from the presbyteral order who at the moment of vacancy were present in the Curia, or absent from it temporarily because of some business committed to them by the Roman Pontiff, can opt for it in Consistory, with priority of promotion observed.

Sec. 4. Cardinals to whom one of the suburbicarian churches has been assigned cannot opt for another; but when a Cardinal has reached the rank of Dean, he joins his own diocese with Ostia, which therefore is always joined with one or another suburbicarian diocese in the person of the Cardinal Dean.

Can. 237.

1983 Code correlation: 1983 CIC 352

Sec. 1. The Dean presides over the Sacred College of Cardinals, that is, the one older by promotion to some suburbicarian see; nevertheless he has no jurisdiction over the other Cardinals, but is held first among equals.

Sec. 2. When the deanery is vacant, by the law itself the Subdean succeeds, whether at the time of vacancy he is present in the Curia, or is staying in his own suburbicarian diocese, or is temporarily absent because of an office committed to him by the Roman Pontiff.

Can. 238.

1983 Code correlation: 1983 CIC 356

Sec. 1. Cardinals are bound by the obligation of residing in the Curia, and it is not lawful for them to depart from it without the permission of the Roman Pontiff, without prejudice to the prescription of Sec. 2 and Sec. 3 of this canon.

Sec. 2. This obligation also binds Cardinal Bishops of suburbicarian sees; but they do not need permission to go to the dioceses committed to them whenever they judge it opportune.

Sec. 3. Cardinals who are Bishops of a non-suburbicarian diocese are exempt from the law of residing in the Curia; but when they have come to the City, they are to approach the Supreme Pontiff, and they are not to depart from the City before they have obtained from him permission to leave.

Can. 239.

1983 Code correlation: 1983 CIC 355

Sec. 1. Besides other privileges which are enumerated under their own titles in this Code, all Cardinals from their promotion in Consistory enjoy the faculty:

1. Of hearing confessions everywhere in the world, even of religious of either sex, and of absolving from all sins and censures, even reserved ones, except only censures reserved to the Apostolic See in a most special manner and those attached to revelation of the secret of the Holy Office.

2. Of choosing for themselves and their households a priest for receiving confessions, who, if he lacks jurisdiction, obtains it by the law itself, even as regards sins and censures, also reserved ones, except only those censures mentioned in n. 1.

3. Of preaching the word of God everywhere.

4. Of celebrating, or permitting another to celebrate before them, one Mass on Thursday of major week and three Masses on the night of the Nativity of the Lord.

5. Of blessing everywhere, by the sign of the cross alone, with all the indulgences customarily granted by the Holy See, rosaries and other prayer chaplets, crosses, medals, statues, and scapulars approved by the Apostolic See, and of imposing them without the burden of inscription.

6. Of erecting, with one blessing, in churches and oratories even private ones and in other pious places, stations of the Way of the Cross with all indulgences which have been imparted to those performing this kind of pious exercise; and also of blessing, for the faithful who because of illness or another legitimate impediment cannot visit the sacred stations of the Way of the Cross, images of the Crucified with application of all indulgences attached by the Roman Pontiffs to the devout exercise of the same Way of the Cross.

7. Of celebrating upon a portable altar not only in the house of their own dwelling, but wherever they stay; and of permitting another Mass to be celebrated while they are present.

8. Of celebrating at sea, with due precautions employed.

9. Of celebrating Mass in all churches and oratories conforming to their own calendar.

10. Of enjoying a daily personal privileged altar.

11. Of gaining in their own chapels the indulgences for the acquisition of which the visitation of some church or public shrine of the city or place in which the Cardinals are actually staying is prescribed; their households also can enjoy this privilege.

12. Of blessing the people everywhere in the manner of Bishops; but in the City only in churches, pious places, and assemblies of the faithful.

13. Of wearing, in the manner of Bishops, the cross before the breast even over the mozzetta, and of using the miter and pastoral staff.

14. Of celebrating the sacred rite in any private chapel without prejudice to one who enjoys an indult.

15. Of performing pontifical functions with throne and baldachin in all churches outside the City, after the Ordinary has been forewarned, if the church is cathedral.

16. Of enjoying the honors customarily accorded to local Ordinaries wherever they go.

17. Of making proof in the external forum when testifying concerning a pontifical oracle.

18. Of enjoying a chapel exempt from visitation by the Ordinary.

19. Of freely disposing of benefice revenues even by testament, without prejudice to the prescription of can. 1298.

20. Of performing consecrations and blessings of churches, altars, sacred furnishings, Abbots, or other similar things, except the consecration of sacred oils if the Cardinal lacks the episcopal character, everywhere, with the things to be observed being observed, the prescription of can. 1157 remaining firm.

21. Of preceding all Prelates, even Patriarchs, indeed even Pontifical Legates, unless the Legate is a Cardinal residing in his own territory; but a Cardinal Legate a latere precedes all others outside the City.

22. Of conferring first tonsure and minor orders, provided that the one to be promoted has dimissorial letters of his own Ordinary.

23. Of administering the sacrament of confirmation, the burden of inscription of the name of the confirmed person according to the norm of law remaining firm.

24. Of granting indulgences of two hundred days, even to be gained as often as performed, in places or institutes and for persons of their jurisdiction or protection; likewise in other places, but to be gained by those present only, each time.

Sec. 2. The Cardinal Dean enjoys the privilege of ordaining and consecrating the elected Pontiff, if he needs ordination or episcopal consecration, and then he uses the pallium; this privilege, in the absence of the Cardinal Dean, belongs to the Subdean, and when he also is absent, to the older Cardinal Bishop of a suburbicarian see.

Sec. 3. Finally, the Cardinal Protodeacon imposes the pallia, in place of the Roman Pontiff, on Archbishops and Bishops enjoying the privilege, or on their procurators; and he announces the name of the newly elected Pontiff to the people.

Can. 240.

1983 Code correlation: 1983 CIC 357

Sec. 1. A Cardinal promoted to a suburbicarian see and canonically placed in possession of it is the true Bishop of his diocese, and in it he possesses that power which residential Bishops obtain in their own diocese.

Sec. 2. The other Cardinals, in their titles or diaconias, after they have taken canonical possession of them, can do all things which local Ordinaries can do in their churches, except the order of trials and any jurisdiction over the faithful, but with the power saved in those things which pertain to discipline, correction of morals, and service of the church.

Sec. 3. With throne and baldachin, a Cardinal of the presbyteral order can perform pontifical functions in his own title, and a Cardinal of the diaconal order can assist pontifically in his own diaconia, and no one else can do this there without the Cardinal's consent; but in other churches of the City Cardinals cannot use throne and baldachin without the permission of the Roman Pontiff.

Can. 241. While the Apostolic See is vacant, the Sacred College of Cardinals and the Roman Curia have no other power than that which is defined in the constitution of Pius X Vacante Sede Apostolica, Dec. 25, 1904.

1983 Code correlation: 1983 CIC 359

CHAPTER IV: Of the Roman Curia

Can. 242. The Roman Curia consists of the Sacred Congregations, Tribunals, and Offices, as they are enumerated and described below.

1983 Code correlation: 1983 CIC 360

Can. 243.

1983 Code correlation: NA

Sec. 1. In individual Congregations, Tribunals, and Offices discipline is to be observed and business is to be treated according to both general and particular norms which the Roman Pontiff has prescribed for them.

Sec. 2. All who belong to the Congregations, Tribunals, and Offices of the Roman Curia are bound to preserve secrecy within the limits and according to the manner determined by the discipline proper to each.

Can. 244.

1983 Code correlation: NA

Sec. 1. Nothing grave or extraordinary is to be done in the same Congregations, Tribunals, or Offices unless it has first been signified to the Roman Pontiff by their Moderators.

Sec. 2. Any graces and resolutions need pontifical approval, except those for which special faculties have been granted to the Moderators of the same Offices, Tribunals, and Congregations, and except the sentences of the Tribunal of the Sacred Roman Rota and of the Apostolic Signatura.

Can. 245. A controversy, if any arises, concerning competence among the Sacred Congregations, Tribunals, or Offices of the Roman Curia is settled by a group of Cardinals of the Holy Roman Church whom the Roman Pontiff will have designated on each occasion.

1983 Code correlation: NA

ARTICLE I: Of the Sacred Congregations

Can. 246. Over each Congregation presides a Cardinal Prefect, or, if the Roman Pontiff himself presides over it, a Cardinal Secretary directs it; to these are joined Cardinals whom the Pontiff judges should be assigned to them, together with other necessary ministers.

1983 Code correlation: NA

Can. 247.

1983 Code correlation: NA

Sec. 1. The Congregation of the Holy Office, over which the Supreme Pontiff himself presides, safeguards the doctrine of faith and morals.

Sec. 2. It judges concerning those delicts which are reserved to it according to its own proper law, with power of seeing these criminal causes not only in the grade of appeal from the tribunal of the local Ordinary, but also in first instance, if they have been brought directly to it.

Sec. 3. It alone has cognizance of those things which, whether directly or indirectly, in law or in fact, are concerned with the privilege, as they say, Pauline, and the matrimonial impediments of disparity of cult and mixed religion; likewise to it belongs the faculty of dispensing in these impediments. Therefore any question of this kind must be referred to this Congregation, which, however, can, if it so judges and the case bears it, remit the question to another Congregation or to the Tribunal of the Sacred Roman Rota.

Sec. 4. To the same Congregation belongs not only diligently to examine books brought to it, to prohibit them if it is opportune, and to grant dispensations, but also ex officio to inquire, by whatever more suitable way will be possible, what writings of any kind deserving condemnation are published among the people, and to recall to the memory of Ordinaries how religiously they are bound to take action against pernicious writings and to denounce them to the Holy See, according to the norm of can. 1397.

Sec. 5. It alone is competent concerning all those things which regard the eucharistic fast for priests celebrating Mass.

Can. 248.

1983 Code correlation: NA

Sec. 1. The Prefect of the Consistorial Congregation is the Roman Pontiff himself. Besides others, there belong to it ex officio the Cardinals Secretary of the Holy Office, Prefect of the Congregation of Seminaries and Universities of

Studies, and Secretary of State. Among its Consultors there are always the Assessor of the Holy Office, the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, and the Secretary of the Congregation of Seminaries and Universities of Studies.

Sec. 2. To this Congregation belongs not only to prepare matters to be done in Consistories, but furthermore, in places not subject to the Congregation of Propaganda Fide, to constitute new dioceses and provinces and both cathedral and collegiate chapters; to divide dioceses already constituted; to propose Bishops, Apostolic Administrators, Coadjutors, and Auxiliary Bishops to be constituted; to order canonical inquiries or processes concerning those to be promoted and diligently to weigh the acts; and to test their doctrine, without prejudice to the prescription of can. 255.

Sec. 3. On this Congregation depend all things which pertain to the constitution, preservation, and state of dioceses. Therefore it watches over whether the obligations by which Ordinaries are bound have been fulfilled or not; it takes cognizance of those things which have been reported in writing by Bishops concerning the state of their dioceses; it orders apostolic visitations and examines those which have been completed, in either case transmitting to the individual Congregations, for deliberation, those matters which pertain peculiarly to them.

Can. 249.

1983 Code correlation: NA

Sec. 1. To the Congregation concerning the discipline of the Sacraments is assigned the entire legislation concerning the discipline of the seven Sacraments, with the right of the Congregation of the Holy Office remaining intact concerning those things which are established in can. 247, and of the Congregation of Sacred Rites concerning the rites and ceremonies which must be observed in confecting, administering, and receiving the Sacraments.

Sec. 2. Therefore to that Congregation belong all those things which are customarily decreed and granted both in the discipline of marriage and in the discipline of the other Sacraments, and also in the celebration of the Eucharistic Sacrifice, except only those things which are reserved to other Congregations.

Sec. 3. It also and exclusively has cognizance concerning the fact of non-consummation of marriage and concerning the existence of causes for granting a dispensation, and also concerning all those things which are connected with these. It can, however, remit cognizance of all these things to the Sacred Roman Rota, if it has judged that expedient. Likewise questions concerning the validity of marriage can be referred to it; yet if they require a more accurate inquiry or investigation, it is to remit them to the competent tribunal. In the same way it belongs to it to see concerning obligations attached to major orders, and to examine questions concerning the validity itself of sacred ordination, or to remit them to the competent tribunal. And so forth concerning the other Sacraments.

Can. 250.

1983 Code correlation: NA

Sec. 1. To the Congregation of the Council is committed that part of business which refers to the universal discipline of the secular clergy and of the Christian people.

Sec. 2. Wherefore it is its part to take care that the precepts of Christian life are observed, with the faculty of opportunely dispensing the faithful from them; to regulate those things which regard pastors and canons, or which touch pious sodalities, pious unions, even if they depend on religious or have been erected in their churches or houses, pious legacies, pious works, Mass offerings, benefices or offices, ecclesiastical goods movable and immovable, diocesan taxes, fees of episcopal Curias, and other things of this kind. To the same Congregation is reserved the faculty of exempting from the conditions required for obtaining benefices whenever their conferral belongs to Ordinaries; of admitting to composition those who have occupied ecclesiastical goods, even goods belonging to religious; and of permitting the faithful to acquire ecclesiastical goods usurped by the civil power.

Sec. 3. It also sees concerning all those things which pertain to ecclesiastical immunity, and likewise concerning controversies about precedence, without prejudice to the right of the Congregation concerning religious members and of the Ceremonial Congregation.

Sec. 4. To the same Congregation belong all those things which refer to the celebration and review of Councils and to gatherings or conferences of Bishops, outside places which are subject to the Congregation of Propaganda Fide.

Sec. 5. This Congregation, moreover, is competent in all controversies concerning business committed to it which it has judged should be handled in the disciplinary line; the rest are to be referred to the competent tribunal.

Can. 251.

1983 Code correlation: NA

Sec. 1. The Congregation set over the affairs of religious members claims exclusively to itself those things which regard the governance, discipline, studies, goods, and privileges of religious members of either sex bound by either solemn or simple vows, and of those who, although without vows, nevertheless live in common in the manner of religious, and likewise of secular third Orders, with the right of the Congregation of Propaganda Fide remaining intact.

Sec. 2. Therefore, with questions to be treated in judicial order remitted to the competent tribunal, and always with the right of the Congregation of the Holy Office and of the Congregation of the Council remaining intact concerning business pertaining to them, this Congregation settles all questions of its competence in the disciplinary line; but if a question is between a religious member and a non-religious person, it can also, especially at the instance of a party, if it has judged it equitable, remit the same question to another Congregation or tribunal.

Sec. 3. Finally, to this Congregation is reserved the granting of dispensations from common law for religious members, the prescription of can. 247, Sec. 5, remaining firm.

Can. 252.

1983 Code correlation: NA

Sec. 1. The Congregation of Propaganda Fide presides over missions for preaching the Gospel and Catholic doctrine, constitutes and changes necessary ministers, and has the faculty of treating, doing, and executing all things necessary and opportune in this matter.

Sec. 2. It takes care of all those things which pertain to the celebration of Councils in places subject to it.

Sec. 3. Its jurisdiction is circumscribed to those regions where, the sacred hierarchy not yet having been constituted, the state of mission continues. To this Congregation are also subject regions which, although the hierarchy has been constituted there, still present something initial. Likewise subject to it are societies of ecclesiastics and Seminaries which have been founded exclusively for the end that missionaries for foreign missions be formed in them, especially as regards their rules, administration, and opportune concessions required for the sacred ordination of students.

Sec. 4. This Congregation, however, is bound to refer to the competent Congregations business which touches the faith, matrimonial causes, or general norms about the discipline of sacred rites to be handed down or interpreted.

Sec. 5. But as regards religious members, the same Congregation claims to itself whatever touches religious as missionaries, whether as individuals or taken together. Whatever touches religious as such, whether as individuals or taken together, it is to remit or leave to the Congregation set over the affairs of religious.

Can. 253.

1983 Code correlation: NA

Sec. 1. The Congregation of Sacred Rites has the right of seeing and establishing all those things which closely regard the sacred rites and ceremonies of the Latin Church, but not those things which more broadly are referred to sacred rites, of which kind are rights of precedence and other things of that sort, concerning which there is dispute either with judicial order observed or in the disciplinary line.

Sec. 2. It is therefore especially its part to watch that sacred rites and ceremonies are diligently observed in celebrating the Sacred [Sacrifice], in administering the Sacraments, in discharging the divine offices, and finally in all those things which regard the worship of the Latin Church; to grant opportune dispensations; to bestow insignia and privileges of honor, both personal and temporary and local and perpetual, which pertain to sacred rites or ceremonies; and to take care that abuses do not creep into these things.

Sec. 3. Finally it handles all those things which refer in any way to the beatification and canonization of Servants of God or to sacred relics.

Can. 254. To the Ceremonial Congregation belongs the regulation of ceremonies to be observed in the Pontifical Chapel and Court and of the sacred functions which the Cardinal Fathers perform outside the pontifical chapel; likewise the same Congregation has cognizance of questions concerning precedence both of the Cardinal Fathers and of Legates whom various Nations send to the Holy See.

1983 Code correlation: NA

Can. 255. To the Congregation for Extraordinary Ecclesiastical Affairs belongs the constituting or dividing of dioceses and the promoting of suitable men to vacant dioceses, whenever concerning these matters one must deal with civil Governments; in addition the Congregation applies itself to those matters which are subjected to its examination by the Supreme Pontiff through the Cardinal Secretary of State, especially from those which have something connected with civil laws and refer to agreements entered into with various Nations.

1983 Code correlation: NA

Can. 256.

1983 Code correlation: NA

Sec. 1. The Congregation of Seminaries and Universities of Studies watches over all things which pertain to the governance, discipline, temporal administration, and studies of Seminaries, with the right of the Congregation of Propaganda Fide remaining intact. To the same Congregation is likewise committed the regulation of governance and studies in which athenaea, or what they call Universities or Faculties, which depend on ecclesiastical authority, must be engaged, including those which are directed by members of some religious family. It weighs and approves new institutions; it grants the faculty of conferring academic degrees and hands down norms by which they must be conferred, and, where there is question of a man commended by singular doctrine, it can itself confer them.

Sec. 2. In this Sacred Congregation are numbered, among others, the Cardinal Secretary of the Consistorial Congregation, and among Consultors the Assessor of the same Congregation.

Can. 257.

1983 Code correlation: NA

Sec. 1. Over the Congregation for the Oriental Church presides the Roman Pontiff himself. To this Congregation are reserved all business of whatever kind which is referred either to persons, or to discipline, or to the rites of the oriental Churches, even if they are mixed, namely those which, by reason either of the matter or of persons, also touch Latins.

Sec. 2. Therefore for Churches of the oriental rite this Congregation possesses all faculties which the other Congregations obtain for Churches of the Latin rite, with the right of the Congregation of the Holy Office nevertheless remaining intact according to the norm of can. 247.

Sec. 3. This Congregation settles controversies by disciplinary way; but those which it has judged must be settled in judicial order it will remit to the tribunal which the Congregation itself will have designated.

ARTICLE II: Of the Tribunals of the Roman Curia

Can. 258.

1983 Code correlation: NA

Sec. 1. Over the Sacred Penitentiary is set the Cardinal Major Penitentiary. The jurisdiction of this tribunal is restricted to those things which regard the internal forum, even non-sacramental; wherefore this tribunal grants graces, absolutions, dispensations, commutations, sanations, and condonations for the internal forum alone; moreover it examines questions of conscience and settles them.

Sec. 2. It is also the part of the same tribunal to judge concerning all those things which look to the use and concession of indulgences, without prejudice to the right of the Holy Office to see those things which regard dogmatic doctrine concerning the same indulgences or concerning new prayers and devotions.

Can. 259. Causes requiring judicial order are conducted before the Sacred Roman Rota and before the Supreme Tribunal of the Apostolic Signatura within the limits and according to the norms handed down in canons 1598-1605, without prejudice to the right of the Congregation of the Holy Office and of the Congregation of Sacred Rites in causes proper to themselves.

1983 Code correlation: NA

ARTICLE III: Of the Offices of the Roman Curia

Can. 260.

1983 Code correlation: NA

Sec. 1. To the Apostolic Chancery, over which presides the Cardinal Chancellor of the Holy Roman Church, this is the proper function: to issue apostolic letters or bulls for the provision of consistorial benefices and offices, for the establishment of new provinces and dioceses and chapters, and for the carrying out of other greater business of the Church.

Sec. 2. These letters or bulls are not to be issued except by mandate of the Consistorial Congregation concerning business which looks to its competence, or by mandate of the Supreme Pontiff concerning other business, with the terms of the mandate itself observed in individual cases.

Can. 261. To the Apostolic Datary, which is moderated by the Cardinal Datary of the Holy Roman Church, it has been committed to take cognizance of the suitability of those to be promoted to non-consistorial benefices reserved to the Apostolic See; to prepare and issue apostolic letters for their conferral; to exempt, in conferring a benefice, from required conditions whenever its conferral does not belong to the Ordinary; and to care for the pensions and burdens which the Supreme Pontiff will have imposed in conferring the aforesaid benefices.

1983 Code correlation: NA

Can. 262. To the Apostolic Camera, over which presides the Cardinal Camerlengo of the Holy Roman Church, belongs the care and administration of the temporal goods and rights of the Holy See, especially at the time when it is vacant; and then the norms established in the constitution of Pius X Vacante Sede Apostolica, Dec. 25, 1904, are to be observed exactly.

1983 Code correlation: NA

Can. 263. The Office of the Secretariat of State, whose moderator is the Cardinal Secretary of State, consists of three parts in this order:

1983 Code correlation: NA

1. The first part, over which presides the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs, is occupied with business which must be submitted to the examination of that same Congregation according to the norm of can. 255, other matters being remitted to particular Congregations according to their different nature.

2. The second part, over which presides the Substitute, is engaged in ordinary business.

3. The Chancellor of Apostolic Briefs directs the third part, which is devoted to the dispatch of Briefs.

Can. 264. To the Secretariats of Briefs to Princes and of Latin Letters belongs the office of writing in Latin acts of the Supreme Pontiff committed to them by him.

1983 Code correlation: NA

CHAPTER V: Of Legates of the Roman Pontiff

Can. 265. The Roman Pontiff has the right, independent of civil power, of sending Legates, with or without ecclesiastical jurisdiction, into any part of the world.

1983 Code correlation: 1983 CIC 362

Can. 266. A Legate a latere is called a Cardinal who is sent by the Supreme Pontiff as another self with this title, and he can do only as much as has been entrusted to him by the Supreme Pontiff.

1983 Code correlation: 1983 CIC 358

Can. 267.

1983 Code correlation: 1983 CIC 364-65

Sec. 1. Legates who are sent with the title of Nuncio or Internuncio:

1. Foster, according to norms received from the Holy See, relations between the Apostolic See and the civil Governments among which they perform a stable legation.

2. In the territory assigned to them they must keep watch over the state of the Churches and make the Roman Pontiff more certain concerning the same.

3. Besides these two ordinary powers, they generally obtain other faculties, which nevertheless are all delegated.

Sec. 2. Those who are sent with the title of Apostolic Delegate have the one ordinary power mentioned in Sec. 1, n. 2, besides other delegated faculties committed to them by the Holy See.

Can. 268.

1983 Code correlation: 1983 CIC 367

Sec. 1. The office of Legates, with all faculties committed to them, does not expire when the Apostolic See is vacant, unless something else has been established in the pontifical letters.

Sec. 2. It ceases, however, when the mandate has been completed, by revocation intimated to them, or by resignation accepted by the Roman Pontiff.

Can. 269.

1983 Code correlation: 1983 CIC 364

Sec. 1. Legates are to leave to local Ordinaries the free exercise of their jurisdiction.

Sec. 2. Although perhaps they lack the episcopal character, nevertheless they precede all Ordinaries who are not marked with cardinalitial dignity.

Sec. 3. If they have been increased with the episcopal character, they can, without the permission of the Ordinaries, in all their churches except the cathedral, bless the people and perform the divine offices even in pontificals, also using the throne and staff.

Can. 270. To Bishops who, by reason of their see, are adorned with the title of Apostolic Legate, no special right belongs from this.

1983 Code correlation: NA

CHAPTER VI: Of Patriarchs, Primates, and Metropolitans

Can. 271. The title of Patriarch or Primate, besides the prerogative of honor and the right of precedence according to the norm of can. 280, carries with it no special jurisdiction, unless by particular law something else is established concerning some matters.

1983 Code correlation: 1983 CIC 438

Can. 272. Over an ecclesiastical province presides the Metropolitan or Archbishop; this dignity is joined with an episcopal see determined or approved by the Roman Pontiff.

1983 Code correlation: 1983 CIC 435

Can. 273. Without prejudice to the prescription of canons 275-280, the Metropolitan in his own diocese has the same obligations and the same rights which a Bishop has in his own.

1983 Code correlation: NA

Can. 274. In suffragan dioceses, however, a Metropolitan can only:

1983 Code correlation: 1983 CIC 436

1. Institute those presented by patrons to benefices, if the Suffragan, within the time established by law and not detained by a just impediment, has failed to do this.

2. Grant indulgences of one hundred days, just as in his own diocese.

3. Deputize a Capitular Vicar according to the norm of can. 432, Sec. 2.

4. Watch that faith and ecclesiastical discipline are accurately observed, and make the Roman Pontiff more certain concerning abuses.

5. Perform a canonical visitation, the cause having first been approved by the Apostolic See, if the Suffragan has neglected it; during the time of visitation he can preach, hear confessions even by absolving from cases reserved to the Bishop, inquire concerning the life and uprightness of clerics, denounce to their Ordinaries clerics marked by infamy so that they may punish them, and punish notorious crimes and manifest and notorious offenses perhaps inflicted both upon himself and upon his own with just penalties, censures not excluded.

6. In all churches, even exempt ones, after the local Ordinary has been forewarned if the church is cathedral, perform pontifical functions as a Bishop in his own territory, bless the people, and go forward with the cross carried before him, but not exercise other things which import jurisdiction.

7. Receive an appeal from definitive sentences or interlocutory sentences having the force of definitive ones, issued in suffragan Curias, according to the norm of can. 1594, Sec. 1.

8. Settle in first instance the controversies mentioned in can. 1572, Sec. 2.

Can. 275. The Metropolitan is bound by the obligation, within three months from consecration or, if he has already been consecrated, from canonical provision in Consistory, of seeking the pallium from the Roman Pontiff, personally or through a procurator; this signifies archiepiscopal power.

1983 Code correlation: 1983 CIC 437

Can. 276. Therefore, before the imposition of the pallium, with a special apostolic indult excluded, he would illicitly place acts either of metropolitan jurisdiction or of episcopal order in which, according to the norm of liturgical laws, the use of the pallium is required.

1983 Code correlation: NA

Can. 277. The Metropolitan can use the pallium within any church, even an exempt one, of his province in the solemnities of Masses, on the days designated in the Roman Pontifical and on others perhaps granted to him;

but in no way outside the province, even if the consent of the local Ordinary is added.

1983 Code correlation: 1983 CIC 437

Can. 278. If the Metropolitan loses the pallium or is transferred to another archiepiscopal see, he needs a new pallium.

1983 Code correlation: 1983 CIC 437

Can. 279. The pallium can neither be lent nor given, nor left to anyone at death; rather, all pallia which the Metropolitan has obtained must be buried with him.

1983 Code correlation: NA

Can. 280. A Patriarch precedes a Primate, a Primate an Archbishop, and the latter Bishops; without prejudice to the prescription of can. 347.

1983 Code correlation: NA

CHAPTER VII: Of Plenary and Provincial Councils

Can. 281. The Ordinaries of several ecclesiastical provinces can come together in a plenary Council, yet permission having been sought from the Roman Pontiff, who designates his Legate to convoke the Council and preside over it.

1983 Code correlation: 1983 CIC 439

Can. 282.

1983 Code correlation: 1983 CIC 443

Sec. 1. Besides the Apostolic Legate, Metropolitans, residential Bishops who can send in their place a Coadjutor or Auxiliary, Apostolic Administrators of dioceses, Abbots or Prelates nullius, Apostolic Vicars, Apostolic Prefects, and Capitular Vicars must assist at a plenary Council with deliberative vote.

Sec. 2. Titular Bishops also, living in the territory, if they are called to the Council by the Pontifical Legate according to received instructions, must be present and have deliberative suffrage, unless something else is expressly provided in the convocation.

Sec. 3. Other men from either clergy, perhaps invited to the Council, enjoy no vote except consultative.

Can. 283. In individual ecclesiastical provinces a provincial Council is to be celebrated at least every twentieth year.

1983 Code correlation: 1983 CIC 440

Can. 284. The Metropolitan, and when he is legitimately impeded or the archiepiscopal see is vacant, the Suffragan older by promotion to the suffragan church:

1983 Code correlation: 1983 CIC 442

1. Chooses the place for celebrating the Council within the territory of the province, after hearing all who must assist with deliberative vote; nevertheless, when just impediments cease, the metropolitan church is not to be neglected.

2. Convokes the Council and presides over it.

Can. 285. Bishops who are subject to no Metropolitan, Abbots or Prelates nullius, and Archbishops lacking Suffragans are to choose some nearer Metropolitan, unless perhaps they have already chosen one, once for all,

with the previous approval of the Apostolic See; they are to be present with others at his provincial Council, and they are to observe and see observed those things which will have been ordained there.

1983 Code correlation: NA

Can. 286.

1983 Code correlation: 1983 CIC 443

Sec. 1. Besides Bishops, Abbots or Prelates nullius, and Archbishops mentioned in can. 285, all Suffragans and the others mentioned in can. 282, Sec. 1, must be called to the provincial Council and must come together with deliberative vote.

Sec. 2. Titular Bishops who live in the province can be convoked by the president, with the consent of the greater part of those who are present with deliberative vote; and if they are convoked, they have deliberative vote, unless something else is provided in the convocation.

Sec. 3. Cathedral Chapters or diocesan consultors of any diocese whose Ordinary must be called according to the norm of Sec. 1 are to be invited to the Council, and, once invited, are to send two from the capitulars or consultors collegially designated, who nevertheless obtain only consultative vote.

Sec. 4. Major Superiors also of exempt clerical religions and of monastic Congregations who reside in the province are to be invited, and when invited must be present or make known to the Council the impediment by which they are detained; but to these, just as to other men from either clergy perhaps called to the Council, the vote is only consultative.

Can. 287.

1983 Code correlation: 1983 CIC 444

Sec. 1. Those who must be present at a plenary or provincial Council with deliberative vote, if they are detained by a just impediment, are to send a procurator and prove the impediment.

Sec. 2. The procurator, if he has been one of the Fathers who has deliberative vote, does not enjoy a double vote; if he has not been, he has only consultative vote.

Can. 288. In a Council, whether plenary or provincial, the president, having obtained the consent of the Fathers if it is a provincial Council, determines the order to be observed in examining questions, and opens, transfers, prorogues, and concludes the Council itself.

1983 Code correlation: 1983 CIC 442

Can. 289. Once a plenary or provincial Council has been begun, it is lawful for none of those who must be present to depart, unless for a just cause approved by the Pontifical Legate or by the Fathers of the provincial Council.

1983 Code correlation: NA

Can. 290. The Fathers gathered in a plenary or provincial Council are diligently to inquire and decree what things may seem opportune for each one's territory for the increase of faith, for moderating morals, for correcting abuses, for composing controversies, and for preserving or introducing one and the same discipline.

1983 Code correlation: 1983 CIC 445

Can. 291.

1983 Code correlation: 1983 CIC 446

Sec. 1. When a plenary or provincial Council has been completed, the president is to transmit all acts and decrees to the Holy See, and they are not to be promulgated before they have been weighed and reviewed by the Sacred

Congregation of the Council; the Fathers of the Council themselves are to designate both the manner of promulgating the decrees and the time at which the promulgated decrees begin to oblige.

Sec. 2. Promulgated decrees of a plenary and provincial Council oblige in the whole territory of each, nor can local Ordinaries dispense from them except in particular cases and for a just cause.

Can. 292.

1983 Code correlation: NA

Sec. 1. Unless provision has been made otherwise by the Apostolic See for particular places, the Metropolitan, and in his absence the older of the Suffragans according to the norm of can. 284, is to take care that local Ordinaries, at least every fifth year, come together at a fixed time at the place of the Metropolitan or another Bishop of the same province, so that, counsels having been compared, they may see what things must be done in the dioceses so that the good of religion may be promoted, and may prepare those things concerning which action will have to be taken in a future provincial Council.

Sec. 2. The Bishops also and others mentioned in can. 285 must be convoked and come together with the other Ordinaries.

Sec. 3. The same Ordinaries gathered together are to designate the seat of the next meeting.

CHAPTER VIII: Of Apostolic Vicars and Prefects

Can. 293.

1983 Code correlation: 1983 CIC 371

Sec. 1. Territories which have not been erected into dioceses are governed through Apostolic Vicars or Prefects; all of these are appointed by the Apostolic See alone.

Sec. 2. An Apostolic Vicar and Prefect take possession of their territory, the former by showing the apostolic letters, the latter the decree or patent letters of the Sacred Congregation of Propaganda Fide, personally or through a procurator, to the one who governs the territory according to the norm of can. 309.

Can. 294.

1983 Code correlation: 1983 CIC 381

Sec. 1. Apostolic Vicars and Prefects enjoy in their territory the same rights and faculties which residential Bishops possess in their own dioceses, unless the Apostolic See has reserved something.

Sec. 2. Even those who lack the episcopal character can, within the limits of their territory and while the office lasts, impart all blessings reserved to Bishops, with one pontifical blessing excepted; consecrate chalices, patens, and portable altars with sacred oils blessed by a Bishop; grant indulgences of fifty days; and confer confirmation, first tonsure, and minor orders according to the norm of can. 782, Sec. 3, and 957, Sec. 2.

Can. 295.

1983 Code correlation: NA

Sec. 1. Apostolic Vicars and Prefects can and must require from all missionaries, even religious, that they exhibit their patent letters or any other letters of their mission, destination, constitution, and deputation; and they can prohibit the exercise of any ecclesiastical ministry to those refusing to exhibit them.

Sec. 2. All missionaries, even regulars, are to seek from Apostolic Vicars and Prefects permission to exercise the sacred ministry; nevertheless they are not to deny it except to individuals and for a grave cause.

Can. 296.

1983 Code correlation: NA

Sec. 1. Even regular missionaries are subject to the jurisdiction, visitation, and correction of the Apostolic Vicar and Prefect in those things which pertain to the governance of missions, the care of souls, the administration of Sacraments, the direction of schools, offerings made with regard to the mission, and the fulfillment of pious wills in favor of the same mission.

Sec. 2. Although it is in no way lawful for Apostolic Vicars and Prefects, apart from cases foreseen in law, to involve themselves in religious discipline which depends on a religious Superior, nevertheless if a conflict arises concerning those matters mentioned in the preceding paragraph between the mandate of the Apostolic Vicar or Prefect and the mandate of the Superior, the former must prevail, without prejudice to the right of recourse in devolutive effect to the Holy See and without prejudice to particular statutes approved by the Apostolic See.

Can. 297. When priests from the secular clergy are lacking, Apostolic Vicars and Prefects can, after hearing their Superior, compel religious, even exempt religious, assigned to the vicariate or prefecture, to exercise the care of souls, with particular statutes approved by the Apostolic See likewise saved.

1983 Code correlation: NA

Can. 298. If any disagreements happen to arise in those things which pertain to the care of souls, whether among individual missionaries, or among different religious institutes, or between missionaries and any others, Apostolic Vicars and Prefects are to take care to settle them as soon as possible; where there is need, they are to decide questions of this kind, while the right of recourse to the Apostolic See remains intact, which does not suspend the effect of the decree.

1983 Code correlation: NA

Can. 299. Apostolic Vicars are bound by the obligation of visiting the Sacred Thresholds of the Blessed Apostles Peter and Paul by exactly the same law by which residential Bishops are bound according to the norm of can. 341; nevertheless, if something gravely prevents them from fulfilling this duty personally, they can satisfy it through a procurator, even one residing in the City.

1983 Code correlation: 1983 CIC 400

Can. 300.

1983 Code correlation: NA

Sec. 1. According to the norm of can. 340, Apostolic Vicars and Prefects are bound by the obligation of presenting to the Apostolic See, each concerning his own pastoral office, a full and accurate report, and concerning everything which in any way pertains to the state of the vicariate or prefecture, to the missionaries, to religious, to the discipline of the people, to attendance at schools, and finally to the salvation of the faithful committed to their care; this report must be written and signed both by the Vicar or Prefect himself and by at least one of the counselors mentioned in can. 302.

Sec. 2. Indeed, also at the end of each year they are to send to the Holy See a list or number of converts, of those baptized, and of the annual administration of Sacraments, together with other things more worthy of note.

Can. 301.

1983 Code correlation: NA

Sec. 1. They are to reside in the region committed to them, from which it is not lawful for them to be absent for a notable time without a grave and urgent cause, unless the Apostolic See has been consulted.

Sec. 2. Whenever there is need, they must visit the region entrusted to them personally or, if they have been legitimately impeded, through another, and in the visitation examine all those things which refer to faith, good morals, the administration of Sacraments, the preaching of the word of God, the observance of feast days, divine worship, the instruction of youth, and ecclesiastical discipline.

Can. 302. They are to constitute a Council from at least three of the older and more prudent missionaries, whose opinion they are to hear, at least by letter, in graver and more difficult affairs.

1983 Code correlation: 1983 CIC 495

Can. 303. As opportunity permits, they are to gather at least the principal missionaries, both religious and secular, of their own territory at least once a year, so that from the experience and counsel of individuals they can deduce what things should be ordered more perfectly.

1983 Code correlation: NA

Can. 304.

1983 Code correlation: NA

Sec. 1. Apostolic Vicars and Prefects also are equally bound, with account taken of places and persons, by the laws which are prescribed for Bishops concerning the establishing of an archive.

Sec. 2. Likewise the things prescribed in canons 281-291 concerning plenary and provincial Councils must be applied, with suitable adaptations, to plenary or regional and provincial Councils in regions subject to the Sacred Congregation of Propaganda Fide; the things prescribed in canons 356-362 concerning the diocesan Synod must be applied to the Synod of an apostolic vicariate; but there is no predefined time for the celebration of a provincial Council and Synod, and the canons of Councils, before they are promulgated, must be reviewed by the Sacred Congregation of Propaganda Fide.

Can. 305. They are to take most studious care, their conscience being gravely burdened, that approved clerics from indigenous Christians or inhabitants of their region be duly formed and initiated into the priesthood.

1983 Code correlation: NA

Can. 306. They must apply the sacrifice of the Mass for the peoples committed to them at least on the solemnities of the Nativity of the Lord, Epiphany, Easter, Ascension, Pentecost, the most holy Body of Christ, the Immaculate Conception and Assumption of the Blessed Virgin Mary, Saint Joseph her spouse, the Holy Apostles Peter and Paul, and All Saints, with the prescription of can. 339, Sec. 2 and following, observed.

1983 Code correlation: NA

Can. 307.

1983 Code correlation: NA

Sec. 1. It is not lawful for them, without consulting the Apostolic See, to grant missionaries sent by it permission to desert the vicariate or prefecture permanently, or to pass elsewhere, nor to expel them in any way.

Sec. 2. In a case of public scandal, however, they can, after hearing their Council and, if there is question of religious, after warning the Superior as far as possible, immediately remove the missionary, yet with the Apostolic See immediately made aware.

Can. 308. To Vicars and Prefects endowed with the episcopal character belong the honorific privileges which the law grants to titular Bishops; but if they lack the episcopal character, they have only, while the office lasts and in their own territory, the insignia and privileges of Protonotaries Apostolic of the number of participants.

1983 Code correlation: NA

Can. 309.

1983 Code correlation: 1983 CIC 420

Sec. 1. Vicars and Prefects, as soon as they have arrived in their territory, are to depute from one or the other clergy a suitable Pro-vicar or Pro-prefect, unless a Coadjutor with future succession has been given by the Holy See.

Sec. 2. A Pro-vicar or Pro-prefect has no power while the Vicar or Prefect is living, except that which has been committed to him by the same; but when the Vicar or Prefect fails, or when their jurisdiction is impeded according to the norm of can. 429, Sec. 1, he must assume the whole governance and remain in this office until the Holy See has provided otherwise.

Sec. 3. In the same way, a Pro-vicar or Pro-prefect who has succeeded the titleholder is immediately to depute an ecclesiastical man who, as above, may succeed him in office.

Sec. 4. If perhaps it happens that no one has been designated as administrator either by the titleholder or by the pro-titleholder, then the senior in the vicariate or prefecture, namely the one who is present in the territory and first exhibited his letters of destination there, is considered delegated by the Holy See to assume governance; and among several equally senior, the older by priesthood.

Can. 310.

1983 Code correlation: 1983 CIC 420

Sec. 1. Those to whom the care of a vicariate or prefecture has come according to the norm of can. 309 must as soon as possible make the Apostolic See more certain.

Sec. 2. Meanwhile they can use all faculties, whether ordinary according to the norm of can. 294, or delegated, with which the Vicar or Prefect was endowed, unless they had been committed because of personal skill.

Can. 311. One who has been placed over an apostolic vicariate or prefecture for a certain time must remain in governance with all faculties granted to him, even though the defined time has passed, until the successor has taken canonical possession of his office.

1983 Code correlation: NA

CHAPTER IX: Of Apostolic Administrators

Can. 312. The Supreme Pontiff sometimes, for grave and special causes, commits the governance of a canonically erected diocese, whether the see is full or vacant, to an Apostolic Administrator either perpetually or for a time.

1983 Code correlation: 1983 CIC 371

Can. 313.

1983 Code correlation: NA

Sec. 1. Any Apostolic Administrator, if he has been given to a diocese with the see full, enters into canonical possession of administration by showing the letters of his nomination both to the Bishop, if he is of sound mind and counsel and is staying in the diocese, and also to the Chapter, according to the norm of can. 334, Sec. 3.

Sec. 2. If the see has been vacant, or if the Bishop is not of sound mind and counsel, or is not residing in the diocese, the Apostolic Administrator takes possession in the manner of a Bishop according to the cited can. 334, Sec. 3.

Can. 314. The rights, duties, and privileges of an Apostolic Administrator are to be taken from the letters of his deputation, or, unless something else is expressly provided in them, from the prescription of the canons which follow.

1983 Code correlation: NA

Can. 315.

1983 Code correlation: NA

Sec. 1. An Apostolic Administrator constituted permanently enjoys the same rights and honors, and is bound by the same obligations, as a residential Bishop.

Sec. 2. If he has been given for a time:

1. He has the same rights and duties as a Capitular Vicar; but, with the see full, he can visit the diocese according to the path of law; nor is he bound by the obligation of applying Mass for the people, which burdens the Bishop.

2. As regards honorific privileges, the prescription of can. 308 is to have force; but to a Bishop who, transferred to another see, retains the administration of the former, all the honorific privileges of residential Bishops also belong in this administration.

Can. 316.

1983 Code correlation: NA

Sec. 1. If an Apostolic Administrator is placed over a diocese with the see full, the jurisdiction of the Bishop and of his Vicar General is suspended.

Sec. 2. Although the Apostolic Administrator is not subject to the authority of the Bishop, nevertheless he must not involve himself in causes which concern the Bishop himself, nor institute a trial or process against his Vicar General or take action concerning acts of past administration.

Can. 317. If the jurisdiction of the Apostolic Administrator has been impeded, or if the same Administrator has failed, the Apostolic See is to be warned immediately; and meanwhile, if the diocese is vacant or the Bishop is not self-governing, the prescriptions of can. 429 and following have force; otherwise the Bishop governs the diocese, unless the Apostolic See has provided something else.

1983 Code correlation: NA

Can. 318.

1983 Code correlation: NA

Sec. 1. The jurisdiction of an Apostolic Administrator does not cease by the death of the Roman Pontiff or of the Bishop.

Sec. 2. It ceases, however, when the Bishop of the vacant diocese has legitimately taken possession according to the norm of can. 334, Sec. 3.

CHAPTER X: Of Lower Prelates

Can. 319.

1983 Code correlation: 1983 CIC 370

Sec. 1. Prelates who preside over their own territory, separated from every diocese, with clergy and people, are called Abbots or Prelates nullius, namely of no diocese, according as their church enjoys abbatial dignity or simply prelatial dignity.

Sec. 2. An abbey or prelature nullius not consisting of at least three parishes is governed by singular law, and the things which the canons establish concerning abbeys or prelatures nullius are not applied to it.

Can. 320.

1983 Code correlation: NA

Sec. 1. Abbots or Prelates nullius are nominated and instituted by the Roman Pontiff, without prejudice to the right of election or presentation, if it legitimately belongs to anyone; in which case they must be confirmed or instituted by the same Roman Pontiff.

Sec. 2. Those to be assumed to an abbey or prelature nullius must be adorned with the same qualities which the law requires in Bishops.

Can. 321. If some college has the right of electing an Abbot or Prelate nullius, for a valid election there is required an absolutely greater number of votes, null votes having been removed, without prejudice to particular law which requires a greater number of votes.

1983 Code correlation: NA

Can. 322.

1983 Code correlation: NA

Sec. 1. An Abbot or Prelate nullius cannot under any title, either personally or through others, involve himself in the governance of the abbey or prelature before he has taken possession of the same, according to the norm of can. 334, Sec. 3.

Sec. 2. Abbots or Prelates nullius who, from apostolic prescription or from the constitutions of their own religion, must be blessed, are to receive the blessing from whichever Bishop they prefer within three months from receiving the apostolic letters, when a legitimate impediment has ceased.

Can. 323.

1983 Code correlation: NA

Sec. 1. An Abbot or Prelate nullius has the same ordinary powers and the same obligations, with the same sanctions, which belong to residential Bishops in their own diocese.

Sec. 2. If he is not adorned with episcopal character and has received the blessing, if he must receive it, besides the other functions described in can. 294, Sec. 2, he can also consecrate churches and immovable altars.

Sec. 3. As regards the constitution of a Vicar General, the prescriptions of canons 366-371 are to be observed.

Can. 324. The religious Chapter of an abbey or prelature nullius is governed by its own laws and constitutions; the secular Chapter, by common law.

1983 Code correlation: NA

Can. 325. An Abbot or Prelate nullius, although he lacks episcopal character, nevertheless uses in his own territory pontifical insignia with throne and baldachin and the right of celebrating divine offices there with pontifical rite; moreover he can also wear the pectoral cross, a ring with a gem, and a violet skullcap outside the territory.

1983 Code correlation: NA

Can. 326. If a secular prelature lacks a Chapter, consultors are to be chosen according to the norm of canons 423-428.

1983 Code correlation: NA

Can. 327.

1983 Code correlation: NA

Sec. 1. When an abbey or prelature nullius is vacant, if there is question of a religious abbey or prelature, the Chapter of religious succeeds, unless the constitutions provide otherwise; if of a secular one, the Chapter of canons succeeds; however, each Chapter must within eight days depute a Capitular Vicar according to the norm of can. 432 and following, who is to govern the abbey or prelature until the election of the new Abbot or Prelate.

Sec. 2. When an abbey or prelature is impeded, the prescription of can. 429 is to be observed.

Can. 328. Concerning the Familiars of the Roman Pontiff, whether they enjoy the title of prelate or not, one must stand by the privileges, rules, and traditions of the Pontifical Household.

1983 Code correlation: NA

TITLE VIII: Of Episcopal Power and of Those Who Share in It

CHAPTER I: Of Bishops

Can. 329.

1983 Code correlation: 1983 CIC 375, 377

Sec. 1. Bishops are successors of the Apostles and by divine institution are placed over particular churches, which they govern with ordinary power under the authority of the Roman Pontiff.

Sec. 2. The Roman Pontiff freely appoints them.

Sec. 3. If the right of electing a Bishop has been granted to some college, the prescription of can. 321 is to be observed.

Can. 330. Before anyone is assumed as Bishop, it must be established, according to the manner determined by the Apostolic See, that he is suitable.

1983 Code correlation: NA

Can. 331.

1983 Code correlation: 1983 CIC 378

Sec. 1. In order that one be considered suitable, he must be:

1. Born of legitimate marriage, but not legitimated even by subsequent marriage.

2. At least thirty years old.

3. Constituted for at least five years in the sacred order of the presbyterate.

4. Endowed with good morals, piety, zeal for souls, prudence, and the other qualities which render him fit to govern the diocese of which there is question.

5. Possessed of the degree of doctor or at least licentiate in sacred theology or canon law in some athenaeum or Institute of studies approved by the Holy See, or at least truly expert in those same disciplines; but if he belongs to some religion, he is to have from his major Superiors either a similar title or at least testimony of true expertise.

Sec. 2. Even one elected, presented, or in any way designated by those who enjoy a privilege granted by the Holy See of electing, presenting, or designating, must possess the aforesaid qualities.

Sec. 3. To judge whether anyone is suitable pertains only to the Apostolic See.

Can. 332.

1983 Code correlation: 1983 CIC 377, 380

Sec. 1. For anyone to be promoted to the episcopate, even one elected, presented, or designated also by a civil Government, canonical provision or institution is necessary, by which the Bishop of the vacant diocese is constituted; and this is given by the Roman Pontiff alone.

Sec. 2. Before canonical institution or provision, the candidate, besides the profession of faith mentioned in canons 1406-1408, is to give an oath of fidelity toward the Holy See according to the formula approved by the Apostolic See.

Can. 333. Unless he is prevented by a legitimate impediment, one promoted to the episcopate, even if he is a Cardinal of the Holy Roman Church, must, within three months from receiving the apostolic letters, receive

consecration, and within four months go to his diocese, without prejudice to the prescription of can. 238, Sec. 2.

1983 Code correlation: 1983 CIC 379, 382

Can. 334.

1983 Code correlation: 1983 CIC 381-82

Sec. 1. Residential Bishops are the ordinary and immediate pastors in the dioceses committed to them.

Sec. 2. Nevertheless they cannot involve themselves in the governance of the diocese, either personally or through others, nor under any title, unless they have first canonically taken possession of the same diocese; but if before their designation to the episcopate they had been appointed capitular vicars, officials, or economes, they can retain and exercise these offices even after designation.

Sec. 3. Residential Bishops take canonical possession of the diocese as soon as, in the diocese itself, either personally or through a procurator, they have shown the apostolic letters to the Chapter of the cathedral church, in the presence of the secretary of the Chapter or the chancellor of the Curia, who is to report the matter in the acts.

Can. 335.

1983 Code correlation: 1983 CIC 8, 391

Sec. 1. To them belongs the right and duty of governing the diocese both in spiritual and in temporal matters, with legislative, judicial, and coercive power to be exercised according to the norm of the sacred canons.

Sec. 2. Episcopal laws begin to oblige immediately from promulgation, unless something else is provided in them; the manner of promulgation, however, is determined by the Bishop himself.

Can. 336.

1983 Code correlation: 1983 CIC 392

Sec. 1. Bishops are to urge the observance of ecclesiastical laws; nor can they dispense in common law except according to the norm of can. 81.

Sec. 2. They are to watch lest abuses creep into ecclesiastical discipline, especially concerning the administration of Sacraments and Sacramentals, the worship of God and of the Saints, the preaching of the word of God, sacred indulgences, and the fulfillment of pious wills; and they are to take care that purity of faith and morals be preserved in the clergy and people, that the food of Christian doctrine be offered to the faithful, especially children and the unlearned, and that in schools of children and youth instruction be handed down according to the principles of the Catholic religion.

Sec. 3. Concerning the office of preaching, the prescription of can. 1327 is to be observed.

Can. 337.

1983 Code correlation: 1983 CIC 390

Sec. 1. A Bishop can exercise pontifical functions in the whole diocese, not even excepting exempt places; but not outside the diocese without the express or at least reasonably presumed consent of the local Ordinary, and, if there is question of an exempt church, with the consent of the religious Superior.

Sec. 2. To exercise pontifical functions in law is to perform sacred functions which by liturgical laws require pontifical insignia, that is, the staff and miter.

Sec. 3. A Bishop, granting permission to exercise pontifical functions in his territory, can also permit the use of throne with baldachin.

Can. 338.

1983 Code correlation: 1983 CIC 395

Sec. 1. Even if Bishops have a Coadjutor, they are bound by the law of personal residence in the diocese.

Sec. 2. Apart from the cause of the visitation of the Sacred Thresholds, Councils at which they must be present, or a civil office legitimately joined to their churches, they can be absent for a fair cause for no more than two or at most three months within a year, whether continuous or interrupted, provided that care has been taken lest from their absence the diocese suffer any detriment; nevertheless this time cannot be joined either with the time granted to them on the occasion of their promotion, or of the visitation of the Sacred Thresholds, or of assistance at a Council, or with the time of vacations of the following year.

Sec. 3. They are not to be absent from the cathedral church during the time of Advent and Lent, on the days of the Nativity, the Resurrection of the Lord, Pentecost, and Corpus Christi, unless for a grave and urgent cause.

Sec. 4. If they have been illegitimately absent from the diocese for more than six months, the Metropolitan is to denounce the Bishop to the Apostolic See according to the norm of can. 274, n. 4; the older resident Suffragan is to denounce the Metropolitan.

Can. 339.

1983 Code correlation: 1983 CIC 388

Sec. 1. They must also, after taking possession of the see, with every excuse of smallness of revenues or any other exception removed, apply Mass for the people committed to them on all Sundays and other feast days of precept, even suppressed ones.

Sec. 2. On the feast of the Nativity of the Lord, and if some feast of precept falls on a Sunday, it is sufficient that they apply one Mass for the people.

Sec. 3. If a feast is so transferred that on the day to which it is transferred not only is the office with the Mass of the transferred feast performed, but the obligations of hearing Mass and abstaining from servile works are also observed, the Mass for the people must be applied on the day to which; otherwise on the day from which.

Sec. 4. The Bishop must personally apply the Mass for the people on the days indicated above; if he is legitimately impeded from its celebration, he is to apply it on the fixed days through another; if he cannot do this either, as soon as possible he is to apply it on another day, either personally or through another.

Sec. 5. Although a Bishop governs two or more dioceses united equally principally, or besides his own diocese has another or others in administration, nevertheless he satisfies the obligation through the celebration and application of one Mass for the whole people committed to him.

Sec. 6. A Bishop who has not satisfied the obligation mentioned in the preceding paragraphs is to apply as soon as possible as many Masses for the people as he omitted.

Can. 340.

1983 Code correlation: 1983 CIC 399

Sec. 1. All Bishops are bound every five years to make a report to the Supreme Pontiff concerning the state of the diocese committed to them, according to the formula given by the Apostolic See.

Sec. 2. The five-year periods are fixed and common, and are computed from January 1, 1911; in the first year of the five-year period the Bishops of Italy, of the islands of Corsica, Sardinia, Sicily, Malta, and of the other smaller adjacent islands must present the report; in the second, the Bishops of Spain, Portugal, France, Belgium, Holland, England, Scotland, and Ireland, with the adjacent islands; in the third, the other Bishops of Europe, with the adjacent islands; in the fourth, the Bishops of all America and the adjacent islands; in the fifth, the Bishops of Africa, Asia, Australia, and the islands adjacent to these parts of the world.

Sec. 3. If the year assigned for presenting the report falls wholly or in part within the first two years from the beginning of governance of the diocese, the Bishop for that turn can abstain from composing and presenting the report.

Can. 341.

1983 Code correlation: 1983 CIC 400

Sec. 1. All and individual Bishops, in the year in which they are bound to present the report, are to go to the City, to venerate the tombs of the Blessed Apostles Peter and Paul, and to present themselves to the Roman Pontiff.

Sec. 2. But Bishops who are outside Europe are permitted to seek the City in alternate five-year periods, that is, every ten years.

Can. 342. A Bishop must satisfy the aforesaid obligation personally or through a Coadjutor, if he has one, or, for just causes to be approved by the Holy See, through a suitable priest who resides in the same Bishop's diocese.

1983 Code correlation: 1983 CIC 400

Can. 343.

1983 Code correlation: 1983 CIC 396

Sec. 1. For preserving sound and orthodox doctrine, protecting good morals, correcting evil ones, promoting peace, innocence, piety, and discipline in the people and clergy, and establishing other things according to the circumstances for the good of religion, Bishops are bound by the obligation of visiting the diocese every year, either wholly or in part, so that at least every five years they inspect the whole diocese, either personally or, if they have been legitimately impeded, through the Vicar General or another.

Sec. 2. It is lawful for the Bishop to associate with himself two clerics, even from the cathedral or collegiate Chapter, as companions and helpers of the visitation; and to choose those whom he prefers, any contrary privilege or custom whatsoever being reprobated.

Sec. 3. If a Bishop has gravely failed in the obligation mentioned in Sec. 1, the prescription of can. 274, nn. 4, 5, is to be observed.

Can. 344.

1983 Code correlation: 1983 CIC 397

Sec. 1. Persons, things, and pious places, even exempt ones, which are contained within the limits of the diocese, are subject to ordinary episcopal visitation, unless it can be proved that a special exemption from visitation had been granted to them by the Apostolic See.

Sec. 2. The Bishop can visit exempt religious only in the cases expressed in law.

Can. 345. The Visitator, in those things which regard the object and end of the visitation, must proceed in a paternal manner, and from his precepts and decrees recourse is given only in devolutive effect; but in other causes, even during the time of visitation, it is necessary that the Bishop proceed according to the norm of law.

1983 Code correlation: NA

Can. 346. Bishops are to strive to complete the pastoral visitation with due diligence, yet without useless delays; they are to take care lest by superfluous expenses they be burdensome or onerous to anyone, and lest by reason of the visitation they themselves or anyone of their people ask or receive gifts of any kind for themselves or their own, any contrary custom whatsoever being reprobated; concerning victuals to be supplied to them and their own, or procurations and expenses of the journey, the legitimate custom of places is to be observed.

1983 Code correlation: 1983 CIC 398

Can. 347. In his own territory the Bishop precedes all Archbishops and Bishops, except Cardinals, Pontifical Legates, and his own Metropolitan; outside the territory the norms handed down in can. 106 are to be observed.

1983 Code correlation: NA

Can. 348.

1983 Code correlation: NA

Sec. 1. Titular Bishops can exercise no power in their diocese, of which they do not even take possession.

Sec. 2. It is fitting from charity, though apart from obligation, that they sometimes apply the sacrifice of the Mass for their diocese.

Can. 349.

1983 Code correlation: NA

Sec. 1. From accepted authentic notice of completed canonical provision, Bishops, whether residential or titular:

1. Besides other privileges which are listed under their own titles, enjoy the privileges mentioned in can. 239, Sec. 1, nn. 7-12; and also n. 2, even as regards cases reserved to the local Ordinary; n. 3, with at least the presumed consent of the local Ordinary; n. 4, provided they are not bound to celebrate in the cathedral; nn. 5 and 6, with the rites prescribed by the Church nevertheless observed.

2. Have the right of wearing episcopal insignia according to the norm of liturgical laws.

Sec. 2. From taking possession, however, residential Bishops also have the right:

1. Of receiving the revenues of the episcopal mensa.

2. Of granting indulgences of fifty days in places of their jurisdiction.

3. Of erecting in all churches of their diocese a throne with baldachin.

CHAPTER II: Of Coadjutors and Auxiliaries of Bishops

Can. 350.

1983 Code correlation: 1983 CIC 403

Sec. 1. It belongs to the Roman Pontiff alone to constitute a Coadjutor for a Bishop.

Sec. 2. A Coadjutor is usually given to the person of the Bishop with the right of succession; but sometimes he is also given to the see.

Sec. 3. A Coadjutor given to the person of the Bishop without the right of succession is called by the special name Auxiliary.

Can. 351.

1983 Code correlation: 1983 CIC 405, 408

Sec. 1. The rights of a Coadjutor given to the person of the Bishop are to be taken from the apostolic letters by which he is constituted.

Sec. 2. Unless something else is provided in these letters, a Coadjutor who is given to a Bishop wholly incapable has all episcopal rights and duties; the others can do only as much as the Bishop has committed to them.

Sec. 3. Those things which the Coadjutor can and wishes to exercise, the Bishop is not habitually to delegate to another.

Sec. 4. A Coadjutor, not held by a just impediment, must, as often as he has been requested by the assisted Bishop, perform pontifical functions and other functions to which the Bishop himself would be bound.

Can. 352. A Coadjutor given to the see can exercise in the territory those things which are of the episcopal order, except sacred ordination; in other matters he can do only as much as has been committed to him by the Holy See or by the Bishop.

1983 Code correlation: NA

Can. 353.

1983 Code correlation: 1983 CIC 404

Sec. 1. For any Coadjutor to take canonical possession of his office, it is necessary that he show the apostolic letters to the Bishop.

Sec. 2. A Coadjutor with future succession and a Coadjutor given to the see must also show the same letters to the Chapter according to the norm of can. 334, Sec. 3.

Sec. 3. If the Bishop has fallen into such a state that he is incapable of eliciting a human act, the prescription of Sec. 1 being passed over, only the prescription of Sec. 2 is to be observed by all Coadjutors.

Can. 354. Any Coadjutor is bound by the obligation, as is the Bishop, of residing in the diocese, from which, outside vacation time, according to the norm of can. 338, it is not lawful for him to depart except for a brief time, with the assisted Bishop permitting.

1983 Code correlation: 1983 CIC 410

Can. 355.

1983 Code correlation: 1983 CIC 409

Sec. 1. A Coadjutor with the right of succession, when the episcopal see is vacant, immediately becomes the Ordinary of the diocese for which he had been constituted, provided he had legitimately taken possession according to the norm of can. 353.

Sec. 2. With the expiration of the Bishop's office, the office of Auxiliary expires, unless something else is provided in the apostolic letters.

Sec. 3. If a Coadjutor has been given to the see, his office continues even when the see is vacant.

CHAPTER III: Of the Diocesan Synod

Can. 356.

1983 Code correlation: 1983 CIC 460-61

Sec. 1. In each diocese a diocesan Synod is to be celebrated at least every tenth year, in which only those matters are to be treated which refer to the particular necessities or utilities of the clergy and people of the diocese.

Sec. 2. If a Bishop governs several dioceses united equally principally, or has one in title and another or others in perpetual administration, he can convoke one diocesan Synod only from all the dioceses.

Can. 357.

1983 Code correlation: 1983 CIC 462

Sec. 1. The Bishop convokes the diocesan Synod and presides over it, but not the Vicar General without a special mandate, nor the Capitular Vicar.

Sec. 2. It is to be celebrated in the cathedral church unless a reasonable cause suggests otherwise.

Can. 358.

1983 Code correlation: 1983 CIC 463

Sec. 1. To the Synod the following are to be called and must come:

1. The Vicar General.

2. The canons of the cathedral church or the diocesan consultors.

3. The rector of at least the major diocesan seminary.

4. The vicars forane.

5. A deputy of each collegiate church, to be elected by the Chapter of that church from its own body.

6. The pastors of the city in which the Synod is celebrated.

7. At least one pastor from each vicariate forane, to be elected by all who actually have care of souls there; moreover the elected pastor must provide for himself, for the time of absence, a substitute vicar according to the norm of can. 465, Sec. 4.

8. Abbots de regimine and one of the Superiors of each clerical religion who reside in the diocese, designated by the provincial Superior, unless the provincial house is in the diocese and the provincial Superior himself has preferred to be present.

Sec. 2. The Bishop, if he has judged it opportune, can call to the Synod also others and even all canons, pastors, religious Superiors, indeed even individual secular priests of his diocese, excepting however those who are necessary lest care of souls be lacking in the parishes; moreover those invited have the right of suffrage in all matters, just as the others, unless the Bishop has expressly provided otherwise in the invitation.

Can. 359.

1983 Code correlation: 1983 CIC 464

Sec. 1. Those who must come to the Synod, if they are held by a legitimate impediment, are not permitted to send a procurator who is present at the Synod in their name; but they are to make the Bishop more certain concerning the impediment.

Sec. 2. The Bishop can compel and punish the negligent with just penalties, unless there is question of exempt religious who are not pastors.

Can. 360.

1983 Code correlation: NA

Sec. 1. The Bishop, if it seems expedient to him, at an opportune time before the Synod, is to name one or more commissions from the clergy of the city and diocese, or groups of men who are to prepare the matters to be treated in the Synod.

Sec. 2. Before the sessions of the Synod the Bishop is to take care that a schema of decrees be handed to all who have been convoked and have come together.

Can. 361. All proposed questions, with the Bishop presiding either personally or through another, are to be subjected to the free discussion of those standing by in the preparatory sessions.

1983 Code correlation: 1983 CIC 465

Can. 362. The Bishop alone is the legislator in the Synod, the others having only a consultative vote; he alone signs the synodal constitutions; these, if they are promulgated in the Synod, begin by that very fact to oblige, unless something else is expressly provided.

1983 Code correlation: 1983 CIC 466

CHAPTER IV: Of the Diocesan Curia

Can. 363.

1983 Code correlation: 1983 CIC 469

Sec. 1. The diocesan Curia consists of those persons who give assistance in the governance of the whole diocese to the Bishop or to another who governs the diocese in place of the Bishop.

Sec. 2. Therefore to it belong the Vicar General, the officialis, the chancellor, the promoter of justice, the defender of the bond, synodal judges and examiners, pastor consultors, auditors, notaries, couriers, and apparitors.

Can. 364.

1983 Code correlation: 1983 CIC 470-71

Sec. 1. The nomination of those who exercise the aforesaid offices or duties is to be committed to writing, according to the norm of can. 159.

Sec. 2. Those nominated, moreover, must:

1. In the hands of the Bishop take an oath concerning faithfully exercising the duty, every acceptance of persons being put aside.

2. Treat the business pertaining to them under the authority of the Bishop according to the norm of law.

3. Preserve secrecy within the limits and according to the manner determined by law or by the Bishop.

Can. 365. Concerning the officialis, promoter of justice, defender of the bond, synodal judges, auditors, couriers, and apparitors, the prescriptions of canons 1573-1593 are to be observed; concerning the Vicar General, chancellor and other notaries, synodal examiners, and pastor consultors, the prescriptions of the canons which follow.

1983 Code correlation: 1983 CIC 472

ARTICLE I: Of the Vicar General

Can. 366.

1983 Code correlation: 1983 CIC 475, 477

Sec. 1. Whenever the right governance of the diocese requires it, a Vicar General is to be constituted by the Bishop, who is to assist him with ordinary power in the whole territory.

Sec. 2. The Vicar General is freely designated by the Bishop, who can remove him at will.

Sec. 3. Only one is to be constituted, unless either diversity of rites or the size of the diocese requires otherwise; but, when the Vicar General is absent or impeded, the Bishop can constitute another who supplies his place.

Can. 367.

1983 Code correlation: 1983 CIC 478

Sec. 1. The Vicar General is to be a priest from the secular clergy, not less than thirty years of age, a doctor or licentiate in theology and canon law, or at least truly expert in those disciplines, commended by sound doctrine, probity, prudence, and experience in conducting affairs.

Sec. 2. If the diocese has been committed to some religion, the Vicar General can be a member of that same religion.

Sec. 3. The office of Vicar General is not to be committed to the penitentiary canon, or to blood-relatives of the Bishop, especially in the first degree or in the second mixed with the first, or, necessity being excluded, to a pastor and the others having care of souls; but the Bishop is not prohibited from assuming a Vicar from the diocese itself.

Can. 368.

1983 Code correlation: 1983 CIC 479

Sec. 1. To the Vicar General, by force of office, there belongs in the whole diocese that jurisdiction in spiritual and temporal matters which pertains to the Bishop by ordinary law, except those things which the Bishop has reserved to himself, or which by law require a special mandate of the Bishop.

Sec. 2. Unless something else has been expressly provided, the Vicar General can execute apostolic rescripts which have been sent to the Bishop or to the preceding ruler of the diocese, and generally habitual faculties granted by the Holy See to the local Ordinary also pertain to him, according to the norm of can. 66.

Can. 369.

1983 Code correlation: 1983 CIC 480

Sec. 1. The Vicar General is to refer the principal acts of the Curia to the Bishop, and is to make him more certain concerning those things which have been done or are to be done for safeguarding discipline in the clergy and people.

Sec. 2. He is to beware lest he use his powers against the mind and will of his Bishop, with the prescription of can. 44, Sec. 2 remaining firm.

Can. 370.

1983 Code correlation: NA

Sec. 1. Even when the Bishop is present, the Vicar General publicly and privately has the right of precedence over all clerics of the diocese, not excluding dignities and canons of the cathedral church, even in choir and capitular acts, unless the cleric shines with episcopal character and the Vicar General lacks the same.

Sec. 2. If the Vicar General is a Bishop, he obtains all honorary privileges of titular Bishops; otherwise during the office he has only the privileges and insignia of a titular Protonotary Apostolic.

Can. 371. The jurisdiction of the Vicar General expires by his own resignation according to the norm of canons 183-191, or by revocation intimated to him by the Bishop, or by vacancy of the episcopal see; but it is suspended when episcopal jurisdiction is suspended.

1983 Code correlation: 1983 CIC 481

ARTICLE II: Of the Chancellor and Other Notaries and the Episcopal Archive

Can. 372.

1983 Code correlation: 1983 CIC 482

Sec. 1. In any Curia a chancellor is to be constituted by the Bishop, who is to be a priest, whose principal duty is to keep the acts of the Curia in the archive, to arrange them in chronological order, and to make an index table of them.

Sec. 2. When necessity demands, a helper can be given to him, whose name is vice-chancellor or vice-archivist.

Sec. 3. The chancellor is by that very fact a notary.

Can. 373.

1983 Code correlation: 1983 CIC 483, 485

Sec. 1. Besides the chancellor, the Bishop can also constitute other notaries, whose writing or signature makes public faith.

Sec. 2. The same persons can be constituted either for any acts, or for judicial acts only, or only for acts of a certain case or business to be prepared.

Sec. 3. If clerics are lacking, they can be taken from lay persons; but the notary in criminal cases of clerics must be a priest.

Sec. 4. The chancellor and other notaries must be of unimpaired reputation and above every suspicion.

Sec. 5. All can be removed or suspended by the one who constituted them, or by his successor or Superior, but not by the Capitular Vicar unless with the consent of the Chapter.

Can. 374.

1983 Code correlation: 1983 CIC 484

Sec. 1. The office of notaries is:

1. To draw up acts or instruments concerning dispositions, obligations, citations and judicial intimations, decrees, sentences, or other matters about which their work is required.

2. Faithfully to reduce to writing the things which are done, and to sign them with indication of place, day, month, and year.

3. To exhibit acts or instruments from the register to one legitimately requesting them, the things to be observed having been observed, and to declare copies of them conforming to the original.

Sec. 2. A notary cannot draw up acts except in the territory of that Bishop by whom he was chosen, or for the business for which he was legitimately constituted.

Can. 375.

1983 Code correlation: 1983 CIC 486

Sec. 1. Bishops are to erect in a safe and suitable place a diocesan archive or record-office, in which instruments and writings which regard diocesan business, both spiritual and temporal, are to be preserved suitably arranged and diligently locked.

Sec. 2. With all diligence and solicitude an inventory or catalogue is to be made of the documents which are contained in the archive, with a brief synopsis of each writing.

Can. 376.

1983 Code correlation: NA

Sec. 1. Each year, in the first two months, those writings which were completed in the preceding year or otherwise were neglected are to be added to the inventory or catalogue.

Sec. 2. Ordinaries are carefully to seek out papers and writings perhaps carried elsewhere and dispersed; and they are to apply any necessary remedies so that the same writings may be restored to the archive.

Can. 377.

1983 Code correlation: 1983 CIC 487

Sec. 1. The archive must be locked, and no one is permitted to enter it without the permission of the Bishop or the Vicar General and the chancellor.

Sec. 2. The chancellor alone is to have its key.

Can. 378.

1983 Code correlation: 1983 CIC 488

Sec. 1. It is not lawful to carry writings out of the archive without the consent of the Bishop or Vicar General, and the same are to be returned to their place after three days. The faculty of extending this time, however, is reserved to the Ordinary, but this extension is to be granted only moderately.

Sec. 2. Whoever carries some writing out of the archive is to leave with the chancellor a receipt signed by his own hand, signifying this very thing.

Can. 379.

1983 Code correlation: 1983 CIC 489-90

Sec. 1. Bishops are furthermore to have another secret archive, or at least in the common archive a cabinet or chest entirely closed and locked, which cannot be removed from the place. In it writings to be kept secret are to be guarded most cautiously; but each year as soon as possible the documents of criminal cases in matters of morals are to be

burned, in which the accused have departed life or which have been completed ten years earlier by a condemnatory sentence, a brief summary of the fact being retained with the text of the definitive sentence.

Sec. 2. Also of this secret archive or cabinet an inventory or catalogue is to be made according to the norm of can. 375, Sec. 2.

Sec. 3. This archive or cabinet is to be opened with two keys different from each other, of which one is kept with the Bishop or Apostolic Administrator, the other with the Vicar General or, in his absence, the chancellor of the Curia.

Sec. 4. The Bishop or Apostolic Administrator, after the other key has been reclaimed, alone by himself, with no one standing by, can open and inspect the secret archive or cabinet, when there is need; it is then to be closed again with both keys.

Can. 380. Immediately after taking possession, the Bishop is to designate a priest who, when the see is vacant or impeded, is to assume the key of the secret record-office or cabinet which had been with the Bishop.

1983 Code correlation: NA

Can. 381.

1983 Code correlation: NA

Sec. 1. Unless an Apostolic Administrator has been given to the diocese:

1. When the see is impeded according to the norm of can. 429, Sec. 1, the priest designated by the Bishop, if indeed the governance of the diocese is in the hands of an ecclesiastical man delegated by the Bishop, is to send the key to him; if it is in the hands of the Vicar General, he is to retain it himself.

2. But when the see is vacant or impeded according to the norm of the cited can. 429, Sec. 3, the same priest is to send the key to the Capitular Vicar immediately after his designation; moreover the Vicar General or chancellor must at the same time send the other key retained by him to the first dignity of the Chapter or to the diocesan consultor older in office.

Sec. 2. Before the keys have been sent to those to whom they must be handed according to the norm of Sec. 1, the Vicar General or chancellor and the priest designated by the Bishop as above are to seal the record-office or cabinet with the seals of the Curia.

Can. 382.

1983 Code correlation: 1983 CIC 490

Sec. 1. The record-office or cabinet is never to be opened nor are the seals to be removed from it, except in urgent necessity and by the Capitular Vicar himself in the presence of two canons or diocesan consultors, who are to watch lest any writing be taken from the record-office; but the Capitular Vicar alone can inspect the documents preserved in the record-office, with the same canons or consultors standing by, yet never remove them. Moreover the archive, after inspection, is to be sealed again with seals.

Sec. 2. When the new Bishop arrives, if the seals have been removed and the record-office or cabinet opened, the Capitular Vicar is to render an account of the urgent necessity by which he was moved to this.

Can. 383.

1983 Code correlation: 1983 CIC 491

Sec. 1. Bishops are to take care that inventories or catalogues also of the archives of cathedral, collegiate, and parochial churches, as well as confraternities and pious places, be made in two copies, of which one is to be kept in its own archive, the other in the episcopal archive, with the prescription of can. 470, Sec. 3, 1522, nn. 2, 3, 1523, n. 6 remaining firm.

Sec. 2. Original documents are not to be carried out from the aforesaid archives, except according to the norm of can. 378.

Can. 384.

1983 Code correlation: 1983 CIC 487, 491

Sec. 1. Documents which do not have to be preserved under secrecy in the archives of parishes and Curias may be inspected by anyone whose interest it is; likewise there is the power of asking that a legitimate copy of them be transcribed and handed to him at his own expense.

Sec. 2. The chancellors of Curias, pastors, and other keepers of archives, in communicating documents and in describing and handing over copies of them, are to observe the rules given by legitimate ecclesiastical authority, and in doubtful cases consult the local Ordinary.

ARTICLE III: Of Synodal Examiners and Pastor Consultors

Can. 385.

1983 Code correlation: NA

Sec. 1. In every diocese there are to be synodal examiners and pastor consultors, all of whom are to be constituted in the Synod, proposed by the Bishop, approved by the Synod.

Sec. 2. As many are to be chosen as the Bishop in his prudent judgment shall have judged necessary, yet not fewer than four nor more than twelve.

Can. 386.

1983 Code correlation: NA

Sec. 1. When examiners and pastor consultors have died in the intermediate time between one Synod and another, or have ceased from the duty for another reason, the Bishop is to substitute other pro-synodal ones with the counsel of the cathedral Chapter.

Sec. 2. The same rule is also to be observed in constituting examiners and pastor consultors whenever a Synod is not held.

Can. 387.

1983 Code correlation: NA

Sec. 1. Examiners and pastor consultors, whether constituted in the Synod or outside the Synod, fall from office after ten years from the beginning of the duty, or even sooner when a new Synod arrives; they can nevertheless bring to completion a business already begun and, with the things to be observed by law having been observed, be constituted again.

Sec. 2. Those who are constituted in place of examiners and pastor consultors who are lacking persist in office only as long as those for whom they were substituted would have persisted.

Can. 388. They cannot be removed by the Bishop except from a grave cause and with the counsel of the cathedral Chapter.

1983 Code correlation: NA

Can. 389.

1983 Code correlation: NA

Sec. 1. Synodal examiners are diligently to devote their work especially to holding tests for the provision of parishes, and also to the processes of which in can. 2147 and following.

Sec. 2. For holding tests for the ordination of clerics and the approval of priests who seek the faculty of hearing sacramental confessions or of holding sacred sermons, and for the examinations of which in can. 130, it is open to the Bishop to use either the work of synodal examiners or of others.

Can. 390. The same person can be an examiner and pastor consultor, but not in the same case.

1983 Code correlation: NA

CHAPTER V: Of Chapters of Canons

Can. 391.

1983 Code correlation: 1983 CIC 503

Sec. 1. A chapter of canons, whether cathedral or collegiate, is a college of clerics so instituted that it may exhibit more solemn worship to God in a church and, if there is question of a cathedral Chapter, may assist the Bishop, according to the norm of the sacred canons, as his senate and council, and, when the see is vacant, supply his place in the governance of the diocese.

Sec. 2. A collegiate Chapter is called distinguished or most distinguished if it enjoys this title by apostolic privilege or from immemorial time.

Can. 392. The institution or erection, alteration, and suppression of Chapters, both cathedral and collegiate, is reserved to the Apostolic See.

1983 Code correlation: 1983 CIC 504

Can. 393.

1983 Code correlation: 1983 CIC 507

Sec. 1. In any capitular church there are to be dignities and canons among whom various offices are distributed; there can also be other minor benefices in one or several grades.

Sec. 2. A Chapter consists of dignities and canons, unless, as regards dignities, something else is drawn from the capitular constitutions; but not of inferior beneficiaries or mansionarii, who furnish assistance to the canons.

Sec. 3. Canonries without attached emoluments are not to be instituted without a special concession of the Apostolic See.

Can. 394.

1983 Code correlation: NA

Sec. 1. In numbered Chapters there are to be as many prebendaries as there are prebends; in non-numbered Chapters, as many as the Bishop, having heard the Chapter, shall have judged can be decently sustained from the revenues.

Sec. 2. The erection of dignities is reserved to the Apostolic See; but it is in the power of the Bishop, with the Chapter consenting, to restore dignities perhaps extinct and to add to the prebends already existing in the Chapter others, whether canonical or beneficial.

Sec. 3. In cathedral churches and distinguished collegiate churches where the prebends are so slender, together with the daily distributions, that they are plainly unequal to sustaining the decorum of the canons, Bishops, having heard the Chapter and obtained the permission of the Holy See, may either unite some simple benefices to the prebends, or, if provision cannot be made in this way, with some prebends suppressed, with the consent of patrons if they are under lay right of patronage, the fruits and revenues of which are applied to the daily distributions of the remaining prebends, may reduce them to a smaller number, yet in such a way that as many remain as conveniently correspond to celebrating divine worship and to the dignity of the church.

Can. 395.

1983 Code correlation: NA

Sec. 1. In churches, both cathedral and collegiate, in which there are no daily distributions or they are so slender that they are likely to be neglected, Bishops are to separate a third part of the fruits, revenues, and offerings which are

received from the dignities, canonries, offices, and other benefices of that church, and convert them into daily distributions.

Sec. 2. If distributions cannot be introduced for any cause, the Bishop is to establish monetary fines upon negligent dignities, canons, and beneficiaries, which correspond to distributions and take their place.

Sec. 3. Distributions fall to the diligent, every collusion or remission being excluded; but if the dignities have revenues diverse and separate from the common mass or goods of the canons, distributions lost by them fall to the other dignities present, if there are any, otherwise to the fabric of the church, insofar as it needs them, or to another pious place at the Bishop's judgment.

Sec. 4. By each Chapter, according to its own statutes, one or more censors, or punctators, are to be named, who are daily to note those absent from the divine offices, having first taken before the Chapter or its president an oath concerning faithfully performing their duty; to these the Bishop can add another punctator; but if the punctators are absent, the senior of the canons who are present supplies their place.

Can. 396.

1983 Code correlation: NA

Sec. 1. The conferral of dignities, both in cathedral Chapters and in collegiate Chapters, is reserved to the Apostolic See.

Sec. 2. Option is prohibited, with contrary custom reprobated, but with the law of foundation preserved.

Sec. 3. At least the first dignity in a cathedral Chapter, insofar as it can be done and other things being equal, is to be strong in a doctoral degree in sacred theology or canon law.

Can. 397. Unless something else is provided in the capitular statutes, to the dignities and canons, according to the order of precedence, belongs the right and duty:

1983 Code correlation: NA

1. To supply the place of the Bishop in carrying out sacred functions on the more solemn festivities of the year.

2. To present the aspersory to the Bishop celebrating in pontificals at the entrance of the church, and to perform the office of assisting priest.

3. To administer the Sacraments to the same when he is bedridden; when he is dead, to discharge the due funeral rites.

4. To convoke the Chapter and preside over it, and to prescribe and order the things which refer to the direction of the choir, provided the dignity is from the body of the Chapter.

Can. 398.

1983 Code correlation: NA

Sec. 1. In no cathedral church is the office of canon theologian to be lacking and, where it can be done, that of canon penitentiary.

Sec. 2. Also in collegiate churches, especially distinguished ones, the office of canon theologian and penitentiary can be constituted.

Can. 399.

1983 Code correlation: NA

Sec. 1. The canon theologian and penitentiary are to be chosen who, in view of the quality of the place, are found more suitable for fulfilling their proper duties; but, other things being equal, doctors in sacred theology are to be preferred if there is question of a canon theologian, in sacred theology or canon law if of a penitentiary; moreover it is expedient that the canon penitentiary have completed the thirtieth year of age.

Sec. 2. The theological and penitentiary prebends are not to be conferred unless first there has been full certainty concerning the life, morals, and doctrine of the candidates, with the law of concursus preserved where it has been

established.

Sec. 3. The canon penitentiary is prohibited from at the same time undertaking or exercising another office in the diocese to which jurisdiction in the external forum is attached.

Can. 400.

1983 Code correlation: NA

Sec. 1. It belongs to the canon theologian, on the days and hours designated by the Bishop with the counsel of the Chapter, publicly to explain sacred Scripture in church; but the Bishop, if he judges it more useful, can commit to him other arguments of Catholic doctrine to be explained in church.

Sec. 2. The canon theologian is to fulfill his duty himself personally, or, if he has been impeded for more than six months, at his own expense through another priest to be deputed by the Bishop.

Sec. 3. The Bishop for a grave cause can commit to the canon theologian that, in place of lectures in church, he teach the sacred disciplines in the Seminary.

Can. 401.

1983 Code correlation: 1983 CIC 508

Sec. 1. The penitentiary canon, both of the cathedral church and of the collegiate church, obtains by law an ordinary power, which however he cannot delegate to others, of absolving even from sins and censures reserved to the Bishop, in the diocese also outsiders, and diocesan persons also outside the territory of the diocese.

Sec. 2. He must reside in the seat designated for him in the capitular church for hearing confessions at a time more opportune for the convenience of the faithful, in the judgment of the Bishop, and be present for those who approach to confess their sins, even during the time of the divine offices themselves.

Can. 402. If care of souls is attached to the Chapter, this is to be exercised by a parochial vicar according to the norm of can. 471.

1983 Code correlation: 1983 CIC 510

Can. 403. With dignities excepted, it pertains to the Bishop, having heard the Chapter, to confer all and individual benefices and canonries in both cathedral and collegiate churches, any contrary custom being reprobated and any contrary privilege revoked, but with a contrary law of foundation and the prescription of can. 1435 remaining firm.

1983 Code correlation: 1983 CIC 509

Can. 404.

1983 Code correlation: 1983 CIC 509

Sec. 1. The Bishop is to confer canonries upon priests outstanding in doctrine and integrity of life.

Sec. 2. In the conferral of canonries, other things being equal, account is to be taken of those who have been declared doctors in sacred theology or canon law in some athenaeum, or who have laudably exercised ecclesiastical ministry or teaching, with the prescription of can. 130, Sec. 2 remaining firm.

Can. 405.

1983 Code correlation: NA

Sec. 1. Dignities, canons, and beneficiaries, once legitimate possession of their benefice has been taken according to the norm of canons 1443-1445, immediately acquire according to their grade, besides their proper insignia and privileges, a stall in choir, the right of receiving fruits and distributions, and a voice in the chapter according to the norm of can. 411, Sec. 3.

Sec. 2. Concerning the profession of faith to be emitted by them before taking possession, the prescription of canons 1406-1408 is to be observed.

Can. 406.

1983 Code correlation: NA

Sec. 1. To the Bishop, but not to the Vicar General nor to the Capitular Vicar, belongs the right of naming canons of honor, whether diocesan or extra-diocesan, with the counsel of the Chapter to which the canon is to be ascribed, but the Bishop is to use this right rarely and cautiously.

Sec. 2. When about to name a priest of another diocese a canon of honor, the Bishop, besides the counsel of his Chapter, is to obtain the assent of the Ordinary to whom the one to be named is subject, under penalty of invalid nomination, and is to inform the same Ordinary of the insignia and privileges whose use the one to be named will henceforth have.

Sec. 3. Canons of honor residing outside the diocese in which they have been named are to be fewer in number by a third part than the titular canons.

Can. 407.

1983 Code correlation: NA

Sec. 1. Canons of honor of some basilica or collegiate church of the nourishing City can use privileges and insignia only within the bounds of that basilica or collegiate church and of its filial churches; but canons of honor of other churches outside the City are to use privileges and insignia only in the diocese where they have been named, but not outside the diocese, unless according to the norm of can. 409, Sec. 2.

Sec. 2. Canons of honor, besides insignia and privileges or honorific rights, also obtain a stall in choir.

Can. 408.

1983 Code correlation: NA

Sec. 1. The cathedral Chapter precedes a collegiate one, even a distinguished one, also in the collegiate church itself; a distinguished Chapter precedes a non-distinguished one; in the same Chapter, with peculiar statutes or legitimate customs preserved, dignities, preserving among themselves the order of precedence, precede canons; older canons, namely those who took possession earlier, precede later ones; titular canons precede honorary ones; honorary ones precede beneficiaries; but dignities or capitulars adorned with episcopal character precede all dignities and canons constituted only in the presbyteral order.

Sec. 2. In Chapters in which there are distinct presbyteral, diaconal, and subdiaconal prebends, precedence of order is to be observed; and in the same order, precedence of reception into the order, not into the Chapter.

Can. 409.

1983 Code correlation: NA

Sec. 1. In each church, both cathedral and collegiate, those who are constituted in episcopal dignity are to wear episcopal dress in choir; all the others, dignities, canons, and beneficiaries, are to wear the dress assigned to them in the bull of erection or granted by apostolic indult; otherwise they are considered as absent.

Sec. 2. They can use choral dress or special capitular insignia in the whole diocese in which the Chapter is, but, contrary custom being reprobated, not outside the diocese, unless they either accompany the Bishop or represent the Bishop or Chapter in Councils or other solemnities.

Can. 410.

1983 Code correlation: 1983 CIC 505

Sec. 1. Let each Chapter not lack its own statutes, to be religiously observed by all dignities, canons, and beneficiaries.

Sec. 2. Capitular statutes, established by a legitimate capitular act, are to be submitted to the Bishop for approval, without whose authority afterwards they can neither be abrogated nor changed.

Sec. 3. If, when the Bishop commands that statutes be made, the Chapter has neglected to provide this, after the sixth month from the intimation has elapsed, the Bishop himself is to make the same and impose them on the Chapter.

Can. 411.

1983 Code correlation: NA

Sec. 1. At the stated time and place the assembly of canons is to meet to act concerning the business of its church and Chapter; other meetings besides can be held whenever this seems expedient either to the Bishop, or to the president of the Chapter, or to the greater part of the canons.

Sec. 2. For holding an ordinary meeting no special convocation is necessary; this however is required for an extraordinary meeting, and is to be made according to the capitular statutes.

Sec. 3. In chapters canons have a voice, honorary canons being excluded, and dignities, if together with the canons they constitute the Chapter according to the norm of can. 393, Sec. 2.

Can. 412.

1983 Code correlation: NA

Sec. 1. Canons, whether of the cathedral church or of a collegiate church, invited by the Bishop when he solemnly celebrates Mass or exercises other pontifical functions, even in other churches of the city or suburb, must assist and serve him, provided that, in the Bishop's judgment, a sufficient number of canons and ministers remains in the church; and they are to accompany him as he goes to the cathedral church and returns, according to the norm of the Ceremonial of Bishops.

Sec. 2. The Bishop can assume and retain two from the Chapter, whether cathedral or collegiate, so that they may assist him in ecclesiastical ministry and in the service of the diocese.

Can. 413.

1983 Code correlation: NA

Sec. 1. Any Chapter is held by the obligation of duly performing the divine offices daily in choir, with the laws of foundation preserved.

Sec. 2. The divine office comprises the psalmody of the canonical hours and the celebration with chant of the conventual Mass, besides other Masses to be celebrated either according to the rubrics of the Missal or from pious foundations.

Sec. 3. It is lawful for the hebdomadary to celebrate the conventual Mass without chant when, in the church, with pontifical rite, the Bishop or another in place of the Bishop celebrates.

Can. 414. All and each who obtain a choral benefice are held to perform the divine offices in the choir itself on individual days, unless service by turn has been granted by the Apostolic See or by the laws of foundation.

1983 Code correlation: NA

Can. 415.

1983 Code correlation: 1983 CIC 510

Sec. 1. If a cathedral or collegiate church is at the same time parochial, the juridical relations between the Chapter and the pastor are governed by the norms which follow, unless either an indult of the Apostolic See or a particular agreement entered into at the erection of the parish and legitimately approved by the local Ordinary provides otherwise.

Sec. 2. To the pastor belongs:

1. To apply Mass for the people and, at the due time, to preach and teach the faithful Christian doctrine.

2. To guard the parochial books and draw attestations from them.

3. To perform the parochial functions of which in can. 462. To discharge due funeral rites, to be performed in the church according to the norm of law, not excluding the funeral Mass, belongs to the Chapter only in the case in which there is question of the funeral of some dignity, or canon, even honorary only, or beneficiary.

4. To perform other functions not strictly parochial which are customarily done in parishes, provided that the choral service is not impeded, and that the Chapter does not perform the same functions.

5. To collect alms for the good of the parishioners, to receive those offered directly or indirectly, to administer them and distribute them according to the will of those offering.

Sec. 3. To the Chapter belongs:

1. To guard the most holy Sacrament of the Eucharist; but the other key of the sacred ciborium must be kept with the pastor.

2. To watch that in functions performed by the pastor in the capitular church the liturgical laws are observed.

3. To have care of the church and administer its goods with pious legacies.

Sec. 4. Neither is the pastor to impede capitular functions and duties, nor the Chapter parochial functions and duties; but when a conflict has arisen, the local Ordinary is to settle the question, who above all must take care that catechetical instruction and explanation of the Gospel always be held at an hour more convenient for the faithful.

Sec. 5. Not only can the Chapter not impede the pastor in exercising parochial care, but in addition capitulars are to know that they are held from charity, especially if designated coadjutors are lacking, to devote assisting work to him, according to the manner to be determined by the local Ordinary.

Can. 416. In the capitular statutes a just norm is to be designated, according to which canons and beneficiaries in the service of the altar perform by turn both the office of celebrant and also the ministry of deacon and subdeacon, yet with dignities, the canon theologian, the penitentiary, and, if distinct prebends are held, canons of the presbyteral order excluded from this ministry.

1983 Code correlation: NA

Can. 417.

1983 Code correlation: NA

Sec. 1. The conventual Mass is to be applied for benefactors in general.

Sec. 2. A capitular detained by illness is not held to provide alms to the capitular priest who supplies his place in the celebration and application of the conventual Mass, unless the capitular statutes or particular custom provide otherwise.

Sec. 3. The custom can be observed of providing a stipend to the celebrant either from the accumulation of distributions or from the revenues of all prebends by contribution.

Can. 418.

1983 Code correlation: NA

Sec. 1. Contrary custom being reprobated, canons and beneficiaries bound to daily choir can individually be absent only three months in the year, whether continuous or interrupted, provided that the statutes of their own church or legitimate custom do not require longer service.

Sec. 2. Without legitimate cause and special permission of the Bishop it is not lawful to take vacation during the time of Lent and Advent, or on the principal solemnities of the year of which in can. 338, Sec. 3; nor is it permitted that capitulars beyond a third part be absent at one and the same time.

Sec. 3. During the time of vacations distributions of every kind are lost, notwithstanding remission made by other capitulars; but the revenues of the prebend are received, or two thirds parts of the distributions, if all the revenues of the prebends consist in distributions.

Can. 419.

1983 Code correlation: NA

Sec. 1. In churches in which not all attend choir at the same time, those who are bound to it cannot satisfy this obligation through another, except in particular cases, for a just and reasonable cause, and provided that the substitute at the same time is not bound to the service of choir, and is a canon in the same church if there is question of supplying the turn of a canon, a beneficiary if of a beneficiary; but those who are not bound to choir are not held by the obligation of residing in the place of the benefice during the days on which they are absent from choir.

Sec. 2. If anyone on the same day is pressed by the burden of both Masses, for the people and conventual, he himself is to celebrate and apply this latter personally, the former through another or personally on the following day.

Can. 420.

1983 Code correlation: NA

Sec. 1. They are excused from choir in such a way that they receive the fruits of the prebend and the daily distributions:

1. Jubilated capitulars according to the norm of can. 422, Sec. 2.

2. The canon theologian on individual days on which he performs his duty.

3. The canon penitentiary while during the time of choir he is free for hearing confessions.

4. A parochial vicar or another from the Chapter, whether pastor or coadjutor, deputed by the Bishop, while he is free for parochial offices.

5. Those who by illness or another physical impediment are prevented from assisting at choir.

6. Those who elsewhere perform a pontifical legation or actually serve the person of the Roman Pontiff.

7. Those who are occupied with pious exercises according to the norm of can. 126; by this indult, however, they are freed from choral service only once in the year.

8. Those going, together with the Bishop or in his stead, to visit the Thresholds of the Apostles.

9. Those who are sent by the Bishop or Chapter to an Ecumenical, plenary, or provincial Council, or to a diocesan Synod.

10. Those who, with the consent of the Chapter and the Bishop not opposing, are absent from choir because of the utility of the Chapter or of their own church.

11. Those who assist the Bishop performing sacred things according to the norm of can. 412, Sec. 1.

12. Those who accompany the Bishop in the visitation of the diocese or conduct the visitation itself in his name and by his mandate.

13. Those who devote work to preparing processes in the causes of which in can. 1999 and following, or who have been called as witnesses in these causes, for the days and hours on which they perform this office.

14. Pastor consultors, examiners, and synodal judges, while they perform their proper duty.

Sec. 2. But the distributions which are called among the present are received only by those who are enumerated in Sec. 1, nn. 7, 11, 13, unless the express will of the founders stands in the way.

Can. 421.

1983 Code correlation: NA

Sec. 1. They are excused from choir, but receive only the fruits of the prebend, not however the distributions:

1. Those who, with the permission of the local Ordinary, publicly teach sacred theology or canon law in schools recognized by the Church.

2. Those who devote work to the study of sacred theology or canon law in public schools approved by the Church, with the permission of the Ordinary.

3. The Capitular Vicar, the Vicar General, the officialis, and the chancellor, if they are from the body, while they are occupied with their duties.

4. Canons who serve the Bishop according to the norm of can. 412, Sec. 2.

Sec. 2. But if all the fruits of the prebend consist in distributions, or are so slender that they do not reach a third part of the distributions, then all those mentioned gain only two thirds parts of the distributions, accumulated from the fruits of the prebend and the distributions.

Can. 422.

1983 Code correlation: NA

Sec. 1. Those enjoying a prebend can obtain only from the Apostolic See an indult of emeritus, or, as they say, jubilation, after continuous and laudable service of choir for forty years in the same or distinct churches of the same city or at least diocese.

Sec. 2. The jubilated one, even if he does not reside in the place of the benefice, receives both the fruits of the prebend and distributions even among the present, unless the express will of the founders or offerers, the statutes of the church, or custom stand in the way.

Sec. 3. The right of option, if it belongs by the law of foundation, does not belong to a jubilated capitular.

CHAPTER VI: Of Diocesan Consultors

Can. 423. In those dioceses in which a cathedral Chapter of canons has not yet been able to be constituted or restored, diocesan consultors are to be instituted by the Bishop, with the peculiar prescriptions of the Apostolic See preserved; that is, priests commended by piety, morals, doctrine, and prudence.

1983 Code correlation: 1983 CIC 502

Can. 424. The Bishop names the consultors, with the prescription of can. 426 remaining firm.

1983 Code correlation: 1983 CIC 502

Can. 425.

1983 Code correlation: 1983 CIC 502

Sec. 1. Diocesan consultors are to be at least six in number; in dioceses where there are few priests, at least four; and all the same are to dwell in the episcopal city or in nearer places.

Sec. 2. Before they undertake a duty of this kind, they are to interpose an oath concerning faithfully carrying out the office without any acceptance of persons.

Can. 426.

1983 Code correlation: 1983 CIC 502

Sec. 1. The office of consultors is for three years.

Sec. 2. When the three years have elapsed, the Bishop is either to substitute others in their place, or confirm the same ones for another three years; and the same is to be observed in each three-year period.

Sec. 3. If, from any cause whatsoever, some consultor is lacking within the three years, the Bishop is to substitute another with the counsel of the other consultors, and he remains in office until the same three years are completed.

Sec. 4. But when it happens that the three years have expired while the episcopal see is vacant, the consultors remain in office until the arrival of the new Bishop, who within six months from possession begun must provide according to the norm of this canon.

Sec. 5. If, while the see is vacant, some consultor dies or resigns, the Capitular Vicar, with the consent of the other consultors, is to name another, who however, in order to function in the office when the see is full, needs the confirmation of the new Bishop.

Can. 427. The assembly of diocesan consultors supplies the place of the cathedral Chapter, as the Bishop's senate; therefore those things which the canons attribute to the cathedral Chapter for the governance of the diocese, whether when the see is full or when it is impeded or vacant, are also to be understood concerning the assembly of diocesan consultors.

1983 Code correlation: 1983 CIC 502

Can. 428. During their duty, consultors are not to be removed except for a just cause and with the counsel of the other consultors.

1983 Code correlation: NA

CHAPTER VII: Of an Impeded or Vacant See and of the Capitular Vicar

Can. 429.

1983 Code correlation: 1983 CIC 412-13, 415

Sec. 1. When the see has been so impeded through the captivity, relegation, exile, or incapacity of the Bishop that he himself cannot communicate with the diocesans even by letters, the governance of the diocese, unless the Holy See has provided otherwise, is to be in the hands of the Bishop's Vicar General or another ecclesiastical man delegated by the Bishop.

Sec. 2. In such a case, the Bishop can, for a grave cause, delegate several who are to succeed one another in the duty.

Sec. 3. If these are lacking, or, as was said above, impeded, the Chapter of the cathedral church is to constitute its own Vicar, who is to assume governance with the power of a Capitular Vicar.

Sec. 4. The one who has undertaken the diocese to be governed, as above, is as soon as possible to advise the Holy See concerning the impeded see and concerning the duty assumed.

Sec. 5. If the Bishop has fallen into excommunication, interdict, or suspension, the Metropolitan, or if he is lacking, or if there is question of the same, the older among the Suffragans, is immediately to have recourse to the Apostolic See so that it may provide; but if there is question of a diocese or prelature of which in can. 285, the Metropolitan who was legitimately elected is held by the obligation of having recourse.

Can. 430.

1983 Code correlation: 1983 CIC 416-18

Sec. 1. The episcopal see is vacant by the Bishop's death, resignation accepted by the Roman Pontiff, transfer, and privation intimated to the Bishop.

Sec. 2. Nevertheless, with the conferral of benefices or ecclesiastical offices excepted, all things have force which have been done by the Vicar General until he has received certain notice of the Bishop's death, or by the Bishop or Vicar General until certain notice of the aforesaid pontifical acts has reached them.

Sec. 3. From certain notice of transfer, within four months the Bishop must seek the diocese to which he has been transferred and assume canonical possession of it according to the norm of canons 333, 334; and from the day possession has been taken, the diocese from which he was transferred is fully vacant; meanwhile in the same diocese the Bishop:

1. Obtains the power of the Capitular Vicar and is held by the same obligations, any power of the Vicar General ceasing.

2. Preserves the honorific privileges of residential Bishops.

3. Receives the integral fruits of the episcopal mensa according to the norm of can. 194, Sec. 2.

Can. 431.

1983 Code correlation: 1983 CIC 419

Sec. 1. When the see is vacant, unless there is an Apostolic Administrator or provision has otherwise been made by the Holy See, the governance of the diocese devolves to the Chapter of the cathedral church.

Sec. 2. If anywhere, from a special disposition of the Holy See, an Archbishop or another Bishop designates the Administrator of the vacant diocese, this one has all and only those faculties which belong to a Capitular Vicar, subject to the same obligations and penalties.

Can. 432.

1983 Code correlation: 1983 CIC 421-22

Sec. 1. The Chapter of the cathedral church, when the see is vacant, within eight days from receiving notice of the vacancy, must constitute a Capitular Vicar who is to govern the diocese in its place and, if the duty of receiving fruits falls upon him, one or more faithful and diligent economes.

Sec. 2. If the Chapter within the prescribed time has deputed no Vicar or econome, for any cause whatsoever, the deputation devolves to the Metropolitan; but if the metropolitan church itself has been vacant, or the metropolitan and suffragan churches at the same time, to the older from among the suffragan Bishops.

Sec. 3. Also when a diocese, abbey, or prelature of which in can. 285 is vacant, if the Chapter within eight days has not named a Vicar or econome, the Metropolitan who was legitimately elected according to the norm of the cited canon is to constitute this one, unless in a religious abbey or prelature nullius provision is made otherwise according to the norm of the constitutions.

Sec. 4. The Chapter as quickly as possible concerning the death of the Bishop, and then the one elected as Capitular Vicar concerning his election, are to make the Apostolic See more certain.

Can. 433.

1983 Code correlation: 1983 CIC 423-24

Sec. 1. One Capitular Vicar is to be deputed, contrary custom being reprobated; otherwise the election is invalid.

Sec. 2. The constitution of the Capitular Vicar and of the econome must be made through a capitular act according to the norm of canons 160-182, with the peculiar norms of this Chapter preserved, and for its validity an absolutely greater number of votes is required, null votes having been removed.

Sec. 3. The same person can be deputed as Capitular Vicar and econome.

Can. 434.

1983 Code correlation: 1983 CIC 425

Sec. 1. A cleric cannot validly be deputed to the duty of Capitular Vicar who has not yet been promoted to the sacred order of the presbyterate, or has not completed the thirtieth year of age, or has been elected, nominated, or presented to the same vacant see.

Sec. 2. The Capitular Vicar is furthermore to be a doctor or licentiate in theology or canon law, or at least truly expert in those same disciplines; and in him integrity of morals, piety, and sound doctrine are to harmonize with praise of prudence.

Sec. 3. If the conditions prescribed in Sec. 1 have been put aside, the Metropolitan, or if the metropolitan church has been vacant, or there is question of the metropolitan Chapter itself, the older Bishop of the province, the truth of the matter having been recognized, is to depute a Vicar for that turn; moreover the acts of the one who had been elected by the Chapter are null by the law itself.

Can. 435.

1983 Code correlation: 1983 CIC 426-28

Sec. 1. Just as to the Chapter before the deputation of the Capitular Vicar, so thereafter to the Capitular Vicar passes the ordinary jurisdiction of the Bishop in spiritual and temporal matters, excepting those things which in law are expressly prohibited to the same.

Sec. 2. Therefore the Chapter and afterwards the Capitular Vicar can do all things which are enumerated in can. 368, Sec. 2; likewise they are strong in the faculty of permitting any Bishop to exercise pontifical functions in the diocese; indeed, if the Capitular Vicar is a Bishop, he himself can exercise the same, yet with the use of a throne with baldachin excluded.

Sec. 3. It is not lawful for the Capitular Vicar and the Chapter to do anything which could bring some prejudice either to the diocese or to episcopal rights; specifically, the Capitular Vicar and others, whether of the Chapter or outsiders, clerics or lay persons, by themselves or through another, are prohibited from subtracting, destroying, concealing, or altering any documents whatsoever of the episcopal Curia.

Can. 436. When the see is vacant, let nothing be innovated.

1983 Code correlation: 1983 CIC 428

Can. 437. In constituting a Vicar, the Chapter can retain for itself no part of jurisdiction, nor define beforehand a time for the duty to be carried out, nor set in advance any other restrictions.

1983 Code correlation: NA

Can. 438. The Capitular Vicar, after the profession of faith of which in canons 1406-1408 has been emitted, immediately obtains jurisdiction, without any confirmation being necessary.

1983 Code correlation: 1983 CIC 427

Can. 439. The same things which have been prescribed in can. 370 concerning the Vicar General are to be understood as said also concerning the Capitular Vicar.

1983 Code correlation: NA

Can. 440. The Capitular Vicar is held by the obligation of residing in the diocese and of applying Mass for the people according to the norm of canons 338, 339.

1983 Code correlation: 1983 CIC 429

Can. 441. Unless provision has otherwise been legitimately made:

1983 Code correlation: NA

1. The Capitular Vicar and the econome have the right to a suitable remuneration, designated in the provincial Council or customarily granted by received custom, to be taken from the revenues of the episcopal mensa or from other emoluments.

2. The other emoluments, during the time in which the episcopal see has been vacant, are to be reserved for the future Bishop for the necessities of the diocese, if they would have pertained to the Bishop when the church was not vacant.

Can. 442. The econome is to conduct the care and administration of ecclesiastical goods and revenues, under the authority, however, of the Capitular Vicar.

1983 Code correlation: NA

Can. 443.

1983 Code correlation: 1983 CIC 430

Sec. 1. The removal of the Capitular Vicar and of the econome is reserved to the Holy See; resignation is to be exhibited to the Chapter in authentic form, by which however it is not necessary that it be accepted in order to be valid; moreover the constitution of a new Vicar or econome after the resignation, death, or removal of the prior one pertains to the Chapter itself, to be made according to the norm of can. 432.

Sec. 2. Their duty furthermore ceases through possession begun by the new Bishop according to the norm of can. 334, Sec. 3.

Can. 444.

1983 Code correlation: NA

Sec. 1. The new Bishop must demand an account from the Chapter, from the Capitular Vicar, from the econome, and from other officials who were constituted while the see was vacant, of the offices, jurisdiction, administration, or duty of each of them, and must take action against those who have failed in their office or administration, even if, when accounts had been rendered, they had obtained absolution or release from the Chapter or from deputies of the Chapter.

Sec. 2. The same persons are to render account to the new Bishop of writings pertaining to the Church, if any have come to them.

CHAPTER VIII: Of Vicars Forane

Can. 445. A vicar forane is a priest who is placed by the Bishop over a forane vicariate, of which in can. 217.

1983 Code correlation: 1983 CIC 553

Can. 446.

1983 Code correlation: 1983 CIC 553-54

Sec. 1. For the duty of vicar forane, the Bishop is to choose a priest whom he shall have judged worthy, especially from among the rectors of parochial churches.

Sec. 2. A vicar forane can be removed at the will of the Bishop.

Can. 447.

1983 Code correlation: 1983 CIC 555

Sec. 1. To the vicar forane, besides the faculties which the provincial or diocesan Synod grants him and according to the norms legitimately established in that same Synod or to be established by the Bishop, belongs the right and duty of watching especially:

1. Whether the ecclesiastical men of his region or district lead life according to the norm of the sacred canons and diligently satisfy their offices, especially concerning the law of residence, the preaching of the divine word, the catechesis to be imparted to children and adults, and the obligation of assisting the sick.

2. Whether the decrees issued by the Bishop in the sacred visitation are carried out.

3. Whether due precautions are applied concerning the matter of the Eucharistic Sacrifice.

4. Whether the decorum and neatness of churches and of sacred furnishings, especially in the custody of the most holy Sacrament and in the celebration of Mass, are accurately observed; whether sacred functions are celebrated according to the prescriptions of sacred liturgy; whether ecclesiastical goods are diligently administered and the burdens attached to them, chiefly those of Masses, are duly fulfilled; whether the parochial books are rightly written and preserved.

Sec. 2. In order that he may be made more certain concerning all these things, the vicar forane must visit the parishes of his district at the times established by the Bishop.

Sec. 3. It also pertains to the vicar forane, as soon as he has heard that some pastor of his district is gravely ill, to take care that he not lack spiritual and material aids and an honorable funeral when he dies; and to take care that, while he is ill or dying, the books, documents, sacred furnishings, and other things which pertain to the church do not perish or be

carried away.

Can. 448.

1983 Code correlation: 1983 CIC 555

Sec. 1. The vicar forane must, on the days designated by the Bishop, convoke the presbyters of his own district to the meetings or conferences of which in can. 131 and preside over the same; but where several assemblies of this kind are held in various places of the district, he is to watch that they are duly celebrated.

Sec. 2. If he is not a pastor, he must reside in the territory of the vicariate or in another place not very distant, according to norms to be defined by the Bishop.

Can. 449. At least once a year the vicar forane must render an account of his own vicariate to the local Ordinary, setting forth not only those things which have been done well within the year, but also what evils have crept in, what scandals have arisen, what remedies have been applied for repairing them, and whatever he judges must be done to eradicate them root and branch.

1983 Code correlation: NA

Can. 450.

1983 Code correlation: NA

Sec. 1. The vicar forane is to have the proper seal of the vicariate.

Sec. 2. He precedes all pastors and other priests of his district.

CHAPTER IX: Of Pastors

Can. 451.

1983 Code correlation: 1983 CIC 516, 519, 569

Sec. 1. A pastor is a priest or moral person to whom a parish has been conferred in title, with care of souls to be exercised under the authority of the local Ordinary.

Sec. 2. To pastors are equated, with all parochial rights and obligations, and they come in law under the name of pastors:

1. Quasi-pastors, who govern quasi-parishes, of which in can. 216, Sec. 3.

2. Parochial vicars, if they are endowed with full parochial power.

Sec. 3. Concerning military chaplains, whether major or minor, the peculiar prescriptions of the Holy See are to be followed.

Can. 452.

1983 Code correlation: 1983 CIC 520

Sec. 1. Without an indult of the Apostolic See, a parish cannot be united by full right to a moral person, in such a way namely that the moral person itself is the pastor, according to the norm of can. 1423, Sec. 2.

Sec. 2. A moral person to whom a parish has been united by full right can retain only the habitual care of souls, with the prescription of can. 471 observed as regards actual care.

Can. 453.

1983 Code correlation: 1983 CIC 521

Sec. 1. For anyone to be validly assumed as pastor, he must be constituted in the sacred order of the presbyterate.

Sec. 2. He is furthermore to be endowed with good morals, doctrine, zeal for souls, prudence, and the other virtues and qualities which are required by common and particular law for governing the vacant parish with praise.

Can. 454.

1983 Code correlation: 1983 CIC 522, 538

Sec. 1. Those who are placed over the administration of a parish as its proper rectors must be stable in it; nevertheless this does not prevent all from being removable from it according to the norm of law.

Sec. 2. But not all pastors obtain the same stability; those who enjoy greater stability are usually called irremovable, those who enjoy lesser, removable.

Sec. 3. Irremovable parishes cannot be rendered removable without apostolic beneplacitum; removable ones can be declared irremovable by the Bishop, but not by the Capitular Vicar, with the counsel of the cathedral Chapter; new parishes which are erected are to be irremovable, unless the Bishop, in his prudent judgment, having considered the peculiar circumstances of places and persons and having heard the Chapter, shall have decreed that removability is more expedient.

Sec. 4. Quasi-parishes are all removable.

Sec. 5. Pastors belonging to a religious family are always, by reason of person, removable at the will both of the local Ordinary, the Superior having been advised, and of the Superior, the Ordinary having been advised, with equal right, the consent of the other not being required; neither is bound to open, much less prove, the cause of his judgment to the other, with recourse in devolutive effect to the Apostolic See preserved.

Can. 455.

1983 Code correlation: 1983 CIC 523, 525

Sec. 1. The right of naming and instituting pastors belongs to the local Ordinary, excepting parishes reserved to the Holy See, contrary custom being reprobated; but with the privilege of election or presentation preserved if it legitimately belongs to anyone.

Sec. 2. When the see is vacant or impeded according to the norm of can. 429, it pertains to the Capitular Vicar or another who governs the diocese:

1. To constitute parochial vicars according to the norm of canons 472-476.

2. To confirm election or accept presentation to a vacant parish, and to grant institution to the one elected or presented.

3. To confer parishes of free collation, if the see has been vacant for at least a year.

Sec. 3. None of these things belongs to the Vicar General without a special mandate, with the prescription of the cited can. 429, Sec. 1 preserved.

Can. 456. For parishes entrusted to religious, the Superior to whom this belongs from the constitutions presents a priest of his religion to the local Ordinary; the Ordinary grants institution to the same, with the prescription of can. 459, Sec. 2 observed.

1983 Code correlation: NA

Can. 457. The proper local Ordinary names quasi-pastors from the secular clergy, having heard the Council of which in can. 302.

1983 Code correlation: NA

Can. 458. The local Ordinary is to take care to provide for a vacant parish according to the norm of can. 155, unless peculiar circumstances of places and persons, in the prudent judgment of the Ordinary, suggest that conferral of the parochial title is to be deferred.

1983 Code correlation: NA

Can. 459.

1983 Code correlation: 1983 CIC 521, 524

Sec. 1. The local Ordinary, his conscience being gravely burdened, is held by the obligation of conferring the vacant parish on the one whom he shall have considered more suitable for governing it, without any acceptance of persons.

Sec. 2. In this judgment account must be taken not only of doctrine, but also of all those qualities which are required for duly governing the vacant parish.

Sec. 3. Therefore the local Ordinary:

1. Is not to omit taking from the Curia archive the documents, if there are any, which regard the cleric to be named, and prudently seeking information, even secret information if he has judged it opportune, also from places outside the diocese.

2. Is to keep before his eyes the prescription of can. 130, Sec. 2.

3. Is to subject the cleric to an examination concerning doctrine before himself and the synodal examiners; from this, with the consent of the same examiners, he can dispense if there is question of a priest commended by praise of theological doctrine.

Sec. 4. In regions in which provision of parishes is made by concursus, whether special according to the norm of the constitution of Benedict XIV Cum illud, 14 Dec. 1742, or general, this form is to be retained until the Apostolic See shall have decreed otherwise.

Can. 460.

1983 Code correlation: 1983 CIC 526

Sec. 1. A pastor, according to the norm of can. 156, is to have only one parish by title, unless there is question of parishes united equally principally.

Sec. 2. In the same parish there must be only one pastor who conducts the actual care of souls, contrary custom being reprobated and any contrary privilege revoked.

Can. 461. The pastor obtains care of souls from the moment possession has been taken according to the norm of canons 1443-1445; and before possession, or in the very act of taking possession, he must emit the profession of faith of which in can. 1406, Sec. 1, n. 7.

1983 Code correlation: 1983 CIC 527

Can. 462. The functions reserved to the pastor are, unless something else is provided by law:

1983 Code correlation: 1983 CIC 530

1. To confer baptism solemnly.

2. To carry the most holy Eucharist publicly to the sick in his own parish.

3. To carry the most holy Eucharist publicly or privately as Viaticum to the sick, and to strengthen those constituted in danger of death with extreme unction, with the prescription of can. 397, n. 3, 514, 848, Sec. 2, 938, Sec. 2 preserved.

4. To announce sacred ordinations and marriages to be entered; to assist at marriages; to impart the nuptial blessing.

5. To discharge due funeral rites according to the norm of can. 1216.

6. To bless homes according to the norm of the liturgical books on Holy Saturday or on another day according to the custom of places.

7. To bless the baptismal font on Holy Saturday, to lead a public procession outside the church, to impart blessings outside the church with pomp and solemnity, unless there is question of a capitular church and the Chapter performs these functions.

Can. 463.

1983 Code correlation: 1983 CIC 531

Sec. 1. The pastor has the right to the offerings which approved custom or legitimate assessment according to the norm of can. 1507, Sec. 1, assigns to him.

Sec. 2. If he demands greater ones, he is held to restitution.

Sec. 3. Although some parochial office has been fulfilled by another, the offerings nevertheless fall to the pastor, unless the contrary will of those offering is certainly established concerning the sum which exceeds the assessment.

Sec. 4. The pastor is not to deny gratuitous ministry to those who are not able to pay.

Can. 464.

1983 Code correlation: NA

Sec. 1. The pastor by office is held to exercise the care of souls toward all his parishioners who are not legitimately exempt.

Sec. 2. The Bishop can, for a just and grave cause, withdraw from the pastor's care religious families and pious houses which are in the territory of the parish and are not exempt by law.

Can. 465.

1983 Code correlation: 1983 CIC 533

Sec. 1. The pastor is held by the obligation of residing in the parochial house near his church; nevertheless the local Ordinary can for a just cause permit him to dwell elsewhere, provided the house is not so distant from the parochial church that the performance of parochial duties suffers some detriment from it.

Sec. 2. It is permitted to the same to be absent for at most two months within the year, whether continuous or interrupted, unless a grave cause, in the judgment of the Ordinary himself, either requires a longer absence or permits only a shorter one.

Sec. 3. The days on which the pastor is occupied with pious exercises according to the norm of can. 126 are not counted, once in the year, in the two months of vacations of which in Sec. 2.

Sec. 4. Whether the vacation time is continuous or interrupted, when absence will last beyond a week, the pastor, besides a legitimate cause, must have written permission of the Ordinary and leave in his place a substitute vicar to be approved by the same Ordinary; but if the pastor is religious, he furthermore needs the consent of the Superior and the substitute must be approved both by the Ordinary and by the Superior.

Sec. 5. If the pastor, from a sudden and grave cause, is compelled to depart and be absent beyond a week, as soon as possible he is to notify the Ordinary by letter, indicating to him the cause of departure and the supplying priest, and he is to stand by his mandates.

Sec. 6. Even for the time of a shorter absence, the pastor must provide for the necessities of the faithful, especially if peculiar circumstances of things demand it.

Can. 466.

1983 Code correlation: 1983 CIC 534

Sec. 1. The pastor is held by the obligation of applying Mass for the people according to the norm of can. 339, the quasi-pastor according to the norm of can. 306.

Sec. 2. A pastor who perhaps governs several parishes united equally principally, or besides his own parish has another or others in administration, must apply only one Mass for the peoples committed to him on the prescribed days.

Sec. 3. The local Ordinary can for a just cause permit the pastor to apply Mass for the people on another day than that on which he is bound by law.

Sec. 4. The pastor is to celebrate the Mass to be applied for the people in the parochial church, unless circumstances require or suggest that the Mass be celebrated elsewhere.

Sec. 5. A legitimately absent pastor can apply Mass for the people either himself personally in the place in which he is staying, or through the priest who takes his place in the parish.

Can. 467.

1983 Code correlation: 1983 CIC 528

Sec. 1. The pastor must celebrate the divine offices, administer the Sacraments to the faithful as often as they legitimately ask, know his sheep and prudently correct the erring, embrace the poor and wretched with paternal charity, and apply the greatest care in the Catholic instruction of children.

Sec. 2. The faithful are to be admonished that frequently, where this can conveniently be done, they should go to their parochial churches and there attend the divine offices and hear the word of God.

Can. 468.

1983 Code correlation: 1983 CIC 529

Sec. 1. With sedulous care and overflowing charity the pastor must assist the sick in his parish, especially those near death, carefully refreshing them with the Sacraments and commending their souls to God.

Sec. 2. The pastor or another priest who assists the sick has the faculty of granting them the apostolic blessing with plenary indulgence at the moment of death, according to the form handed down by approved liturgical books; he is not to omit imparting this blessing.

Can. 469. The pastor is diligently to watch lest anything contrary to faith and morals be handed down in his parish, especially in public and private schools, and he is to foster or institute works of charity, faith, and piety.

1983 Code correlation: 1983 CIC 528

Can. 470.

1983 Code correlation: 1983 CIC 535

Sec. 1. The pastor is to have parochial books, that is, the book of the baptized, of the confirmed, of marriages, of the dead; he is also to take care, according to his powers, to prepare accurately a book concerning the state of souls; and all these books, according to the use approved by the Church or prescribed by his own Ordinary, he is to write and diligently preserve.

Sec. 2. In the book of the baptized there is also to be noted whether the baptized person has received confirmation, has contracted marriage, with the prescription of can. 1107 preserved, has received the sacred order of subdiaconate, or has emitted solemn profession; and these annotations are always to be referred into documents of received baptism.

Sec. 3. At the end of any year the pastor is to transmit to the episcopal Curia an authentic copy of the parochial books, except the book concerning the state of souls.

Sec. 4. He is to use a parochial seal and have a record-office, or archive, in which the aforesaid books are to be kept together with letters of Bishops and other documents to be preserved by reason of necessity or usefulness; all these things, to be inspected by the Ordinary or his delegate at the time of visitation or at another opportune time, he is religiously to beware lest they come into the hands of outsiders.

CHAPTER X: Of Parochial Vicars

Can. 471.

1983 Code correlation: NA

Sec. 1. If a parish shall have been united by full right to a religious house, a capitular church, or another moral person, a vicar must be constituted who conducts the actual care of souls, with a suitable portion of the fruits assigned to him at the discretion of the Bishop.

Sec. 2. Excepting the case both of a legitimate privilege or custom, and of the endowment of a vicarage made by the Bishop with free nomination reserved to himself, the religious Superior, Chapter, or other moral person presents the vicar; but the local Ordinary, if he has found him suitable, with the prescription of can. 459 observed, is to institute him.

Sec. 3. If the vicar is a religious, he is removable as is a religious pastor of whom in can. 454, Sec. 5; all other vicars, on the part of the one presenting, are perpetual, but by the Ordinary can be removed after the manner of pastors, the one who presented having been notified.

Sec. 4. To the vicar exclusively belongs the whole care of souls with all the rights and obligations of pastors according to the norm of common law and according to approved diocesan statutes or laudable customs.

Can. 472. When a parish is vacant:

1983 Code correlation: 1983 CIC 539

1. The local Ordinary is to constitute in it as soon as possible a suitable vicar econome, with the consent of the Superior if there is question of a religious, who is to govern it during the time of vacancy, with a part of the fruits assigned to him for suitable support.

2. Before the constitution of the econome, unless provision has otherwise been made, the cooperator vicar meanwhile is to assume the governance of the parish; if there are several vicars, the first; if all are equal, the older in office; if vicars are lacking, the nearer pastor; if finally there is question of a parish entrusted to religious, the Superior of the house; but the local Ordinary, in Synod or outside Synod, is to determine in good time which parish is to be considered nearer to each parish.

3. The one who has assumed governance of the parish according to the norm of n. 2 must immediately make the local Ordinary more certain concerning the vacancy of the parish.

Can. 473.

1983 Code correlation: 1983 CIC 540

Sec. 1. A vicar econome enjoys the same rights and is bound by the same duties as a pastor in those things which regard the care of souls; nevertheless it is not lawful for him to do anything in the parish which could bring prejudice to the rights of the pastor or of the parochial benefice.

Sec. 2. The econome is to hand over to the new pastor or successor econome, in the presence of the vicar forane or another priest designated by the Ordinary, the key of the archive and the inventory of books and documents and of other things which pertain to the parish, and is to render an account of receipts and expenditures during the time of administration.

Can. 474. The substitute vicar who is constituted according to the norm of can. 465, Secs. 4, 5, and can. 1923, Sec. 2, holds the place of the pastor in all things which regard the care of souls, unless the local Ordinary or the pastor has excepted something.

1983 Code correlation: NA

Can. 475.

1983 Code correlation: NA

Sec. 1. If a pastor by reason of old age, defect of mind, inexperience, blindness, or another permanent cause has become unequal to carrying out his duties rightly, the local Ordinary is to give him an assistant vicar, presented by the Superior if there is question of a parish entrusted to religious, who is to supply his place, with a suitable portion of the fruits assigned to him, unless provision has otherwise been made.

Sec. 2. To the assistant, if he supplies the place of the pastor in all things, belong all the rights and offices proper to pastors, except the application of Mass for the people, which burdens the pastor; but if he supplies only in part, his rights and obligations are to be taken from the letters of deputation.

Sec. 3. If the pastor is self-possessed, the assistant must furnish his labor under the authority of the same according to the letters of the Ordinary.

Sec. 4. But if through an assistant vicar provision cannot be made for the good of souls, there is place for the removal of the pastor according to the norm of canons 2147-2161.

Can. 476.

1983 Code correlation: 1983 CIC 545, 547-48, 550

Sec. 1. If a pastor, because of the multitude of the people or other causes, cannot, in the judgment of the Ordinary, alone conduct suitable care of the parish, there is to be given to him one or more cooperator vicars, to whom suitable remuneration is to be assigned.

Sec. 2. Cooperator vicars can be constituted either for the whole parish or for a determined part of the parish.

Sec. 3. Not to the pastor, but to the local Ordinary, after the pastor has been heard, belongs the right of naming cooperator vicars from the secular clergy.

Sec. 4. The Superior to whom this belongs from the constitutions presents religious cooperator vicars, after the pastor has been heard, to the Ordinary, whose office it is to approve the same.

Sec. 5. A cooperator vicar is held by the obligation of residing in the parish according to diocesan statutes or laudable customs or the prescription of the Bishop; indeed the Ordinary is prudently to take care, according to the norm of can. 134, that he dwell in the same parochial house.

Sec. 6. His rights and obligations are to be taken from diocesan statutes, from the letters of the Ordinary, and from the commission of the pastor himself; but, unless something else is expressly provided, by reason of office he must supply the place of the pastor and assist him in the whole parochial ministry, except the application of Mass for the people.

Sec. 7. He is subject to the pastor, who is to instruct and direct him paternally in the care of souls, watch over him, and at least yearly report concerning him to the Ordinary.

Sec. 8. If not even through cooperator vicars can the spiritual good of the faithful be duly provided for, the Bishop is to provide according to the norm of can. 1427.

Can. 477.

1983 Code correlation: 1983 CIC 552

Sec. 1. Parochial vicars of whom in canons 472-476, if they are religious, can be removed according to the norm of can. 454, Sec. 5; otherwise at the will of the Bishop or Capitular Vicar, but not of the Vicar General without a special mandate.

Sec. 2. But if the vicarage is beneficial, the cooperator vicar can be removed by a process according to the norm of law, not only for the causes on account of which other pastors can be removed, but also if he has gravely failed in the subjection owed to the pastor in the exercise of his functions.

Can. 478.

1983 Code correlation: NA

Sec. 1. Just as the pastor of the cathedral church, so the parochial vicar of the cathedral Chapter precedes all other pastors or vicars of the diocese; but the right of precedence of economes is governed by the norms established in can. 106.

Sec. 2. Substitute and assistant vicars precede, while they remain in office, cooperator vicars; these precede other priests attached to the parochial church.

CHAPTER XI: Of Rectors of Churches

Can. 479.

1983 Code correlation: 1983 CIC 556

Sec. 1. Under the name of rectors of churches here come priests to whom the care of some church is entrusted, which is neither parochial nor capitular, nor attached to the house of a religious community that celebrates offices in the same.

Sec. 2. Concerning the chaplain of nuns, of members of a male lay religion, of a confraternity, or of another legitimate association, the prescriptions of particular canons are to be observed.

Can. 480.

1983 Code correlation: 1983 CIC 557

Sec. 1. Rectors of churches are freely named by the local Ordinary, with the right of electing or presenting preserved if it legitimately belongs to anyone; in which case it is for the Ordinary to approve the rector.

Sec. 2. Although the church pertains to some exempt religion, nevertheless the rector named by the Superior must be approved by the local Ordinary.

Sec. 3. If a church is joined with a Seminary or another college which is governed by clerics, the Superior of the Seminary or college is at the same time rector of the church, unless the local Ordinary has established otherwise.

Can. 481. In the church committed to him the rector cannot perform parochial functions.

1983 Code correlation: 1983 CIC 558

Can. 482. The rector of a church can celebrate divine offices, even solemn ones, there, with legitimate laws of foundation preserved and provided they do not harm the parochial ministry; but in doubt whether a detriment of this kind occurs or not, it is for the local Ordinary to decide the matter and prescribe opportune norms for avoiding it.

1983 Code correlation: 1983 CIC 559

Can. 483. If a church, in the judgment of the local Ordinary, is so distant from the parochial church that parishioners cannot without grave inconvenience go to the parochial church and there attend divine offices:

1983 Code correlation: 1983 CIC 560

1. The local Ordinary, even with grave penalties established, can command the rector to celebrate offices at hours more convenient for the people, to announce feast days and fasts to the faithful, and to hand on catechetical instruction and explanation of the Gospel.

2. The pastor can take from the same church the most holy Sacrament, perhaps reserved there according to the norm of can. 1265, for the sick.

Can. 484.

1983 Code correlation: 1983 CIC 561

Sec. 1. Without the at least presumed license of the rector or another legitimate Superior, it is lawful for no one to celebrate Mass in the church, administer Sacraments, or perform other sacred functions; but this license must be given or denied according to the norm of law.

Sec. 2. As regards sermons to be held in the church, the prescriptions of canons 1337-1342 are to be observed.

Can. 485. The rector of a church, under the authority of the local Ordinary and with legitimate statutes and acquired rights preserved, must take care or watch that divine offices are celebrated in orderly fashion in the church according to the prescriptions of the sacred canons, that burdens are faithfully fulfilled, goods duly administered, provision made for the preservation and decor of sacred furnishings and sacred buildings, and that nothing is done which in any way is repugnant to the sanctity of the place and to the reverence owed to the

house of God.

1983 Code correlation: 1983 CIC 562

Can. 486. The local Ordinary can remove the rector of a church at will from any just cause, even if he has been elected or presented by others; but if the rector was a religious, the prescription of can. 454, Sec. 5 is to be observed concerning his removal.

1983 Code correlation: 1983 CIC 563

PART SECOND: OF RELIGIOUS

Can. 487. The religious state, or stable manner of living in common, by which the faithful, besides the common precepts, also take up the evangelical counsels to be observed through vows of obedience, chastity, and poverty, is to be held in honor by all.

1983 Code correlation: 1983 CIC 573, 598, 607, 710, 731

Can. 488. In the canons which follow, there come under the name:

1983 Code correlation: 1983 CIC 573, 588-89, 591, 593, 607-8, 613, 620-21

1. Of a religion: a society approved by legitimate ecclesiastical authority, in which the members, according to the proper laws of that society itself, pronounce public vows, perpetual or temporary, yet to be renewed after the elapsed time, and thus tend toward evangelical perfection.

2. Of an Order: a religion in which solemn vows are pronounced; of a monastic Congregation: the union of several monasteries sui iuris joined among themselves under the same Superior; of an exempt religion: a religion, whether of solemn or simple vows, withdrawn from the jurisdiction of the local Ordinary; of a religious Congregation or simply of a Congregation: a religion in which only simple vows, whether perpetual or temporary, are emitted.

3. Of a religion of pontifical right: a religion which has obtained either approval or at least a decree of praise from the Apostolic See; of diocesan right: a religion which, erected by Ordinaries, has not yet obtained this decree of praise.

4. Of a clerical religion: a religion whose greater part of members are increased by the priesthood; otherwise it is lay.

5. Of a religious house: a house of any religion in general; of a regular house: a house of an Order; of a formed house: a religious house in which at least six professed religious dwell, of whom, if there is question of a clerical religion, at least four are priests.

6. Of a province: the union of several religious houses joined among themselves under the same Superior, constituting a part of the same religion.

7. Of religious: those who have pronounced vows in some religion; of religious of simple vows: those who are in a religious Congregation; of regulars: those who are in an Order; of sisters: religious women of simple vows; of nuns: religious women of solemn vows or, unless from the nature of the matter or from the context of speech something else is clear, religious women whose vows by institute are solemn, but for some places by prescription of the Apostolic See are simple.

8. Of major Superiors: the Abbot Primate, the Abbot Superior of a monastic Congregation, the Abbot of a monastery sui iuris, even one pertaining to a monastic Congregation, the supreme Moderator of a religion, the provincial Superior, their vicars, and others having power after the manner of provincials.

Can. 489. The rules and particular constitutions of individual religions, not contrary to the canons of this Code, retain their force; but those which are opposed to the same are abrogated.

1983 Code correlation: 1983 CIC 587

Can. 490. The things established concerning religious, although expressed in the masculine term, also hold by equal right concerning women, unless from the context of speech or from the nature of the matter something else is clear.

1983 Code correlation: 1983 CIC 606

Can. 491.

1983 Code correlation: NA

Sec. 1. Religious precede lay persons; clerical religions precede lay religions; canons regular precede monks; monks precede other regulars; regulars precede religious Congregations; Congregations of pontifical right precede Congregations of diocesan right; in the same kind the prescription of can. 106, n. 5 is to be observed.

Sec. 2. But the secular clergy precedes both lay persons and religious outside their churches and also in their churches, if there is question of a lay religion; moreover the cathedral or collegiate Chapter precedes the same everywhere.

TITLE IX: Of the Erection and Suppression of a Religion, Province, House

Can. 492.

1983 Code correlation: 1983 CIC 579, 594

Sec. 1. Bishops, but not the Capitular Vicar or Vicar General, can found religious Congregations; but they are not to found them or allow them to be founded without the Apostolic See having been consulted; but if there is question of tertiaries living in common, it is required besides that they be aggregated to their religion by the supreme Moderator of the first Order.

Sec. 2. A Congregation of diocesan right, although in the course of time it has been spread into several dioceses, nevertheless remains diocesan so long as it has lacked the testimony of pontifical approval or praise, plainly subject to the jurisdiction of Ordinaries according to the norm of law.

Sec. 3. Neither the name nor the habit of a religion already constituted can be assumed by those who do not legitimately belong to it or by a new religion.

Can. 493. Any religion, even one only of diocesan right, once legitimately founded, even if it consists of a single house, cannot be suppressed except by the Holy See, to which also it is reserved to determine concerning goods in the case, always however with the will of those offering preserved.

1983 Code correlation: 1983 CIC 584

Can. 494.

1983 Code correlation: 1983 CIC 580-82, 585, 593

Sec. 1. To divide a religion of pontifical right into provinces, to join already constituted provinces or otherwise circumscribe them, to found new ones or suppress founded ones, to separate monasteries sui iuris from a monastic Congregation and unite them to another, pertains to the Apostolic See alone.

Sec. 2. When a province has become extinct, to determine concerning its goods, with the laws of justice and the will of founders preserved, belongs, unless the constitutions provide otherwise, to the general Chapter or, outside the time of Chapter, to the general Moderator with his Council.

Can. 495.

1983 Code correlation: 1983 CIC 583, 594-95

Sec. 1. A religious Congregation of diocesan right cannot establish houses in another diocese unless both Ordinaries consent, both of the place where the principal house is and of the place to which it wishes to migrate; but the Ordinary of the place from which it departs is not to deny consent without a grave cause.

Sec. 2. If it happens to be propagated into other dioceses, it is not lawful for anything concerning its laws to be changed except by consent of the individual Ordinaries in whose dioceses it has houses, with those things preserved which, according to the norm of can. 492, Sec. 1, were subjected to the Apostolic See.

Can. 496. No religious house is to be erected unless it can prudently be judged that, either from its own revenues or from customary alms or in another way, provision will be made suitably for the dwelling and support of the members.

1983 Code correlation: 1983 CIC 610

Can. 497.

1983 Code correlation: 1983 CIC 609, 611-12

Sec. 1. For erecting an exempt religious house, whether formed or not formed, or a monastery of nuns, or any religious house in places subject to the Sacred Congregation for the Propagation of the Faith, there is required the beneplacitum of the Apostolic See and the consent of the local Ordinary given in writing; otherwise, the permission of the Ordinary is sufficient.

Sec. 2. Permission for constituting a new house carries with it, for clerical religions, the faculty of having a church or public oratory attached to the house, with the prescription of can. 1162, Sec. 4 preserved, and of performing sacred ministries, with those things to be observed by law observed; for all religions, of exercising pious works proper to the religion, with the conditions placed in the permission itself preserved.

Sec. 3. In order that a school, hospice, or building of similar character separated from the house, even an exempt one, be built and opened, the special written license of the Ordinary is necessary and sufficient.

Sec. 4. In order that an established house be converted to other uses, the same solemnities are required concerning which in Sec. 1, unless there is question of a conversion which, with the laws of foundation preserved, refers only to internal governance and religious discipline.

Can. 498. A religious house, whether formed or not formed, if it pertains to an exempt religion, cannot be suppressed without apostolic beneplacitum; if it pertains to a non-exempt Congregation of pontifical right, it can be suppressed by the supreme Moderator, with the local Ordinary consenting; if it pertains to a Congregation of diocesan right, by the authority of the local Ordinary alone, after the Moderator of the Congregation has been heard, with the prescription of can. 493 preserved if there is question of a single house, and with the right of recourse in suspensive effect to the Apostolic See preserved.

1983 Code correlation: 1983 CIC 616

TITLE X: Of the Governance of Religions

CHAPTER I: Of Superiors and Chapters

Can. 499.

1983 Code correlation: 1983 CIC 590

Sec. 1. All religious are subject to the Roman Pontiff as supreme Superior, whom they are bound to obey also by force of the vow of obedience.

Sec. 2. The Cardinal Protector of any religion, unless something else has been expressly provided in particular cases, has no jurisdiction over the religion or over individual members, nor can he involve himself in internal discipline and the administration of goods, but it is only his part to promote the good of the religion by counsel and patronage.

Can. 500.

1983 Code correlation: 1983 CIC 595, 614

Sec. 1. Religious are also subject to the local Ordinary, except those who have obtained from the Apostolic See the privilege of exemption, always with the power preserved which the law grants to local Ordinaries even over them.

Sec. 2. Nuns who are under the jurisdiction of regular Superiors from the prescription of the constitutions are subject to the local Ordinary only in cases expressed by law.

Sec. 3. No religion of men without a special apostolic indult can have religious Congregations of women subject to itself or retain to itself the care and direction of those religious women as specially commended.

Can. 501.

1983 Code correlation: 1983 CIC 596, 601, 608, 620, 631

Sec. 1. Superiors and Chapters, according to the norm of the constitutions and of common law, have dominative power over subjects; but in an exempt clerical religion, they have ecclesiastical jurisdiction both for the internal forum and for the external forum.

Sec. 2. It is strictly prohibited to any Superiors whatever to involve themselves in causes pertaining to the Holy Office.

Sec. 3. The Abbot Primate and Superior of a monastic Congregation do not have all power and jurisdiction which common law attributes to major Superiors, but their power and jurisdiction is to be taken from their proper constitutions and from the peculiar decrees of the Holy See, with the prescription of canons 655, 1594, Sec. 4 remaining firm.

Can. 502. The supreme Moderator of a religion obtains power over all provinces, houses, and members of the religion, to be exercised according to the constitutions; other Superiors enjoy that power within the limits of their office.

1983 Code correlation: 1983 CIC 617

Can. 503. Major Superiors in exempt clerical religions can constitute notaries, but only for the ecclesiastical affairs of their religion.

1983 Code correlation: NA

Can. 504. With the proper constitutions of any religion remaining firm, which may require more advanced age and other more important requisites, those are incapable of the office of major Superior who have not been professed in the same religion for at least ten years, to be computed from first profession, who were not born of legitimate marriage, and who have not completed forty years of age, if there is question of the supreme Moderator of the religion or of an Abbess in a monastery of nuns; thirty years, if there is question of other major Superiors.

1983 Code correlation: 1983 CIC 623

Can. 505. Major Superiors are to be temporary, unless the constitutions provide otherwise; but local minor Superiors are not to be constituted for a time beyond three years; when this has elapsed, they can be assumed again to the same office if the constitutions so provide, but not a third time immediately in the same religious house.

1983 Code correlation: 1983 CIC 624

Can. 506.

1983 Code correlation: 1983 CIC 625-26

Sec. 1. Before one comes to the election of major Superiors in religions of men, all and each from the Chapter are to promise by oath that they will elect those whom they shall have judged according to God ought to be elected.

Sec. 2. In monasteries of nuns, the local Ordinary or his delegate, with two priest scrutineers, presides over the assembly for electing the Abbess, without however entering the enclosure, if the nuns are subject to him; otherwise, the regular Superior; but even in this case the Ordinary must be notified in good time of the day and hour of election, at which he can assist, together with the regular Superior, by himself or through another, and, if he assists, preside.

Sec. 3. The ordinary confessors of the nuns themselves are not to be assumed as scrutineers.

Sec. 4. In Congregations of women, the local Ordinary in whose place the election is conducted presides, by himself or through another, over the election of the Superior General; to him, if there is question of Congregations of diocesan right, it is free, by office of conscience, to confirm or rescind the completed election.

Can. 507.

1983 Code correlation: 1983 CIC 626

Sec. 1. In elections which are made by Chapters, the common law of which in canons 160-182 is to be observed, besides the constitutions of each religion which are not contrary to it.

Sec. 2. All are to beware of the direct or indirect procuring of votes, both for themselves and for others.

Sec. 3. Postulation can be admitted only in an extraordinary case and provided it is not prohibited in the constitutions.

Can. 508. In his own house each Superior is to dwell and not depart from it except according to the norm of the constitutions.

1983 Code correlation: 1983 CIC 629

Can. 509.

1983 Code correlation: 1983 CIC 592

Sec. 1. Every Superior must promote among his subjects knowledge and execution of the decrees of the Holy See which regard religious.

Sec. 2. Local Superiors are to take care:

1. That at least once in the year, on fixed days, the proper constitutions be publicly read, and likewise the decrees which the Holy See prescribes to be publicly read.

2. That at least twice in the month, with the prescription of can. 565, Sec. 2 remaining firm, instruction of Christian catechesis be held for converts and domestics, accommodated to the condition of the hearers, and, especially in lay religions, a pious exhortation to all of the household.

Can. 510. The Abbot Primate, the Superior of a monastic Congregation, and the supreme Moderator of any religion of pontifical right must every fifth year, or more often if the constitutions so provide, send to the Holy See a report concerning the state of the religion by a document signed by himself with his Council and, if there is question of a Congregation of women, also by the local Ordinary in whose place the supreme Superior with her Council resides.

1983 Code correlation: 1983 CIC 592

Can. 511. The major Superiors of religions whom the constitutions designate for this office are to visit, at the times defined in the same, all houses subject to them, by themselves or through others if they have been legitimately impeded.

1983 Code correlation: 1983 CIC 628

Can. 512.

1983 Code correlation: 1983 CIC 595, 628

Sec. 1. The local Ordinary, by himself or through another, must visit every fifth year:

1. Each monastery of nuns which is immediately subject to him or to the Apostolic See.

2. Each house, whether of men or of women, of a Congregation of diocesan right.

Sec. 2. At the same time he must also visit:

1. Monasteries of nuns which are subject to regulars, concerning those things which regard the law of enclosure; indeed also concerning all other things, if the regular Superior has not visited them for five years.

2. Each house of a clerical Congregation of pontifical right, even exempt, in those things which pertain to the church, sacristy, public oratory, and seat for the sacrament of penance.

3. Each house of a lay Congregation of pontifical right, not only in those things of which in the preceding number, but also in other things which regard internal discipline, according however to the norm of can. 618, Sec. 2, n. 2.

Sec. 3. As regards the administration of goods, the prescriptions of canons 532-535 are to be observed.

Can. 513.

1983 Code correlation: 1983 CIC 628

Sec. 1. The visitor has the right and office of interrogating the religious whom he shall have judged it fitting and of knowing concerning those things which regard the visitation; moreover all religious are held by the obligation of responding according to truth, nor is it lawful for Superiors in any way to turn them away from this obligation or otherwise impede the purpose of the visitation.

Sec. 2. Against decrees of the visitor recourse is given only in devolutive effect, unless the visitor has proceeded in judicial order.

Can. 514.

1983 Code correlation: NA

Sec. 1. In every clerical religion, Superiors have the right and office, by themselves or through another, of ministering Eucharistic Viaticum and extreme unction to sick professed members, novices, and others dwelling day and night in the religious house by reason of service, education, hospitality, or infirm health.

Sec. 2. In a house of nuns the ordinary confessor, or the one who acts in his place, has the same right and office.

Sec. 3. In another lay religion this right and office belongs to the pastor of the place or to the chaplain whom the Ordinary shall have substituted for the pastor according to the norm of can. 464, Sec. 2.

Sec. 4. In funerals the prescription of canons 1221, 1230, Sec. 5 is to be observed.

Can. 515. Titles of dignities or offices which are merely honorific are prohibited; only, if the constitutions permit it, are titles of major offices tolerated, which religious have actually performed in their own religion.

1983 Code correlation: NA

Can. 516.

1983 Code correlation: 1983 CIC 627, 636

Sec. 1. The supreme Moderator of a religion or of a monastic Congregation, the provincial Superior, and the local Superior at least of a formed house are to have their counselors, whose consent or counsel they are to seek according to the norm of the constitutions and of the sacred canons.

Sec. 2. There are also to be economes for the administration of temporal goods: a general one who administers the goods of the whole religion, a provincial one who administers those of the province, and a local one who administers those of individual houses; all of whom are to perform their office under the direction of the Superior.

Sec. 3. The Superior himself cannot carry out the office of general and provincial econome; but the office of local econome, although better distinguished from the office of Superior, can nevertheless be combined with it if necessity requires this.

Sec. 4. If the constitutions are silent concerning the manner of electing economes, they are to be elected by the major Superior with the consent of his Council.

Can. 517.

1983 Code correlation: NA

Sec. 1. Any religion of men of pontifical right is to have a procurator general who, designated according to the constitutions, conducts the affairs of his own religion before the Holy See.

Sec. 2. Before the time prescribed in the constitutions expires, he is not to be removed without the Apostolic See having been consulted.

CHAPTER II: Of Confessors and Chaplains

Can. 518.

1983 Code correlation: 1983 CIC 630

Sec. 1. In individual houses of a clerical religion, several confessors legitimately approved are to be deputed according to the number of members, with the power, if there is question of an exempt religion, of absolving even from cases reserved in the religion.

Sec. 2. Religious Superiors having the power of hearing confessions can, with those things to be observed by law observed, hear the confessions of subjects who ask this from them spontaneously and of their own motion, but without a grave cause they are not to do this by way of habit.

Sec. 3. Superiors are to beware lest they themselves, by themselves or through another, induce any subject by force, fear, importunate persuasions, or any other means to confess sins before themselves.

Can. 519. With constitutions remaining firm which command or advise confession to be made at fixed times before determined confessors, if a religious, even an exempt one, for the quiet of his conscience approaches a confessor approved by the local Ordinary, even one not listed among those designated, the confession, any contrary privilege being revoked, is valid and licit, and the confessor can absolve the religious even from sins and censures reserved in the religion.

1983 Code correlation: NA

Can. 520.

1983 Code correlation: 1983 CIC 630

Sec. 1. To individual houses of religious women let only one ordinary confessor be given, who is to receive the sacramental confessions of the whole community, unless because of their great number or another just cause there is need of another or several.

Sec. 2. If some religious woman, for the quiet of her soul and for greater progress in the way of God, asks for some special confessor or spiritual director, the Ordinary is readily to grant him; he is nevertheless to watch lest abuses creep in from this concession; but if they have crept in, he is to eliminate them cautiously and prudently, with liberty of conscience preserved.

Can. 521.

1983 Code correlation: 1983 CIC 630

Sec. 1. To each community of religious women let there be given an extraordinary confessor who at least four times in the year comes to the religious house and to whom all the religious women must present themselves, at least to receive a blessing.

Sec. 2. Ordinaries of places in which communities of religious women exist are to designate several priests for individual houses, to whom those women can easily have recourse for the sacrament of penance in particular cases, without it being necessary to approach the Ordinary himself as often as needed.

Sec. 3. If some religious woman seeks one of those confessors, it is lawful for no Superior, neither by herself nor through others, neither directly nor indirectly, to inquire into the reason for the petition, to oppose the petition by words or deeds, or in any way to show that she bears it with displeasure.

Can. 522. If, notwithstanding the prescription of canons 520, 521, some religious woman, for the tranquility of her conscience, approaches a confessor approved by the local Ordinary for women, the confession made in any church or oratory, even semi-public, is valid and licit, any contrary privilege being revoked; nor can the Superior prohibit this or inquire into that matter, not even indirectly; and religious women are held to report nothing to the Superior.

1983 Code correlation: 1983 CIC 630

Can. 523. All religious women, when they are gravely ill, even though danger of death is absent, can summon any priest approved for receiving the confessions of women, even one not destined for religious, and, while the grave infirmity endures, confess to him as often as they wish; nor can the Superior prohibit them either directly or indirectly.

1983 Code correlation: 1983 CIC 630

Can. 524.

1983 Code correlation: 1983 CIC 630

Sec. 1. To the office of confessor of religious women, both ordinary and extraordinary, there are to be deputed priests, whether from the secular clergy or religious with the license of Superiors, outstanding in integrity of morals and prudence; furthermore they are to be forty years of age, unless a just cause, in the judgment of the Ordinary, requires otherwise, and they are to have no power over the same religious women in the external forum.

Sec. 2. An ordinary confessor cannot be named extraordinary, nor, except for the cases listed in can. 526, again be deputed ordinary in the same community, unless after a year from the completed office; but an extraordinary can immediately be named as ordinary.

Sec. 3. Confessors of religious women, both ordinary and extraordinary, are in no way to involve themselves in the internal or external governance of the community.

Can. 525. If a house of religious women is immediately subject to the Apostolic See or to the local Ordinary, the latter chooses priests for confessions, both ordinary and extraordinary; if it is subject to a regular Superior, this Superior presents confessors to the Ordinary, whose office it is to approve the same for hearing the confessions of those nuns and, if need be, to supply for the negligence of the Superior.

1983 Code correlation: 1983 CIC 630

Can. 526. The ordinary confessor of religious women is not to exercise his office beyond three years; nevertheless the Ordinary can confirm him for a second, indeed even for a third, three-year period, if either because of a scarcity of priests suitable for this office he cannot provide otherwise, or the greater part of the religious women, including those who in other affairs do not have the right of casting a vote, has agreed by secret votes to the confirmation of the same confessor; nevertheless for dissenters, if they wish, provision is to

be made otherwise.

1983 Code correlation: 1983 CIC 630

Can. 527. The local Ordinary, according to the norm of can. 880, can, for a grave cause, remove a confessor of religious women, whether ordinary or extraordinary, even if the monastery is subject to regulars and the priest for confessions himself is a regular; nor is he held to disclose the cause of removal to anyone, except to the Apostolic See if it is requested by it; moreover he must advise the regular Superior concerning the removal if the nuns are subject to regulars.

1983 Code correlation: 1983 CIC 630

Can. 528. Also in lay religions of men, according to the norm of can. 874, Sec. 1, 875, Sec. 2, an ordinary and extraordinary confessor is to be deputed; and if a religious asks for some special confessor, the Superior is to grant him, in no way inquiring into the reason for the petition nor showing that he bears it with displeasure.

1983 Code correlation: 1983 CIC 630

Can. 529. If there is question of non-exempt lay religions, it is for the local Ordinary to designate a priest for sacred rites and to approve one for sermons; if of exempt religions, the regular Superior designates those same priests and the Ordinary supplies for his negligence.

1983 Code correlation: 1983 CIC 567

Can. 530.

1983 Code correlation: 1983 CIC 630

Sec. 1. All religious Superiors are strictly forbidden to induce persons subject to them in any way to make a manifestation of conscience to themselves.

Sec. 2. Nevertheless subjects are not prohibited from being able freely and voluntarily to open their soul to Superiors; indeed it is expedient that they themselves approach Superiors with filial confidence, and to them, if they are priests, also set forth the doubts and anxieties of their conscience.

CHAPTER III: Of Temporal Goods and Their Administration

Can. 531. Not only a religion, but also a province and a house are capable of acquiring and possessing temporal goods with stable or funded revenues, unless their capacity is excluded or restricted in the rules and constitutions.

1983 Code correlation: 1983 CIC 634

Can. 532.

1983 Code correlation: 1983 CIC 635, 638

Sec. 1. Goods both of the religion and of the province and house are to be administered according to the norm of the constitutions.

Sec. 2. Expenses and juridic acts of ordinary administration are validly made, besides by Superiors, also by officials who are designated for this in the constitutions, within the limits of their office.

Can. 533.

1983 Code correlation: 1983 CIC 638

Sec. 1. For the placement of money also, the prescription of can. 532, Sec. 1 is to be observed; but they are held to obtain the previous consent of the local Ordinary:

1. The Superior of nuns and of a religion of diocesan right, for the placement of any money; indeed, if a monastery of nuns is subject to a regular Superior, his consent also is necessary.

2. The Superior in a religious Congregation of pontifical right, if the money constitutes the dowry of professed women, according to the norm of can. 549.

3. The Superior or female Superior of a house of a religious Congregation, if any funds have been assigned or left by legacy to the house to be expended in that very place for the worship of God or for beneficence.

4. Any religious, even an alumnus of a regular Order, if money has been given to a parish or mission, or to religious in view of a parish or mission.

Sec. 2. These same things are to be observed for any change of placement.

Can. 534.

1983 Code correlation: 1983 CIC 638

Sec. 1. With the prescription of can. 1531 remaining firm, if there is question of alienating precious things or other goods whose value exceeds the sum of thirty thousand francs or lire, or of contracting debts and obligations beyond the indicated sum, the contract lacks force unless apostolic beneplacitum has preceded; otherwise, the license, given in writing, of the Superior according to the norm of the constitutions, with the consent of his Chapter or Council manifested by secret votes, is required and suffices; but if there is question of nuns or sisters of diocesan right, the consent, furnished in writing, of the local Ordinary must necessarily be added, and also of the regular Superior if the monastery of nuns is subject to him.

Sec. 2. In the petitions for obtaining consent to contract debts or obligations, other debts or obligations must be expressed by which the moral person itself, the religion or province or house, is burdened up to that day; otherwise the permission obtained is invalid.

Can. 535.

1983 Code correlation: 1983 CIC 637

Sec. 1. In any monastery of nuns, even an exempt one:

1. An account of administration, to be required gratuitously, is to be rendered once in the year, or even more often if this is prescribed in the constitutions, by the Superior to the local Ordinary and likewise to the regular Superior if the monastery is subject to him.

2. If the account of administration is not approved by the Ordinary, he can apply opportune remedies, even by removing, if the matter demands it, the econome and other administrators; but if the monastery is subject to a regular Superior, the Ordinary is to advise him to make provision; but if he has neglected this, the Ordinary is to make provision by himself.

Sec. 2. In other religions of women, an account of the administration of goods which constitute dowries is to be rendered to the local Ordinary on the occasion of visitation and also more often if the Ordinary has judged this necessary.

Sec. 3. Let the local Ordinary furthermore have the right of knowing:

1. Concerning the economic accounts of a religious house of diocesan right.

2. Concerning the administration of funds and legacies of which in can. 533, Sec. 1, nn. 3, 4.

Can. 536.

1983 Code correlation: 1983 CIC 639

Sec. 1. If a moral person, whether religion, province, or house, has contracted debts and obligations even with the license of Superiors, it itself is held to answer for the same.

Sec. 2. If a regular has contracted with the license of Superiors, the moral person whose Superior gave the license must answer; if a religious of simple vows, he himself must answer, unless by license of the Superior he has conducted the

business of the religion.

Sec. 3. If a religious has contracted without any license of Superiors, he himself must answer, but not the religion or province or house.

Sec. 4. Nevertheless, let it always remain firm that an action can always be instituted against him into whose advantage something from the entered contract has turned.

Sec. 5. Religious Superiors are to beware lest they permit debts to be contracted, unless it is certainly established that from customary revenues the interest on the debt can be paid and the principal sum returned within a time not too long by legitimate amortization.

Can. 537. Gifts from the goods of a house, province, or religion are not permitted, unless by reason of alms or another just cause, by permission of the Superior and according to the norm of the constitutions.

1983 Code correlation: 1983 CIC 640

TITLE XI: Of Admission into Religion

Can. 538. Any Catholic can be admitted into a religion who is held by no legitimate impediment, is moved by right intention, and is suitable for bearing the burdens of the religion.

1983 Code correlation: 1983 CIC 597

CHAPTER I: Of Postulancy

Can. 539.

1983 Code correlation: 1983 CIC 597

Sec. 1. In religions with perpetual vows, all women and, if there is question of a religion of men, lay brothers, before they are admitted to the novitiate, are to carry out postulancy for at least six full months; but in religions with temporary vows, as regards the necessity and time of the postulancy, the constitutions are to be followed.

Sec. 2. The major Superior can prolong the prescribed time of postulancy, but not beyond another six-month period.

Can. 540.

1983 Code correlation: NA

Sec. 1. The postulancy must be carried out either in the house of novitiate or in another house of the religion in which discipline is accurately observed according to the constitutions under the special care of an approved religious.

Sec. 2. Postulants are to wear clothing that is modest and different from the clothing of novices.

Sec. 3. In monasteries of nuns, aspirants, while they carry out the postulancy, are held by the law of enclosure.

Can. 541. Postulants, before they begin the novitiate, are to devote themselves to spiritual exercises for at least eight full days; and, according to the prudent judgment of the confessor, they are to premise a general confession of their past life.

1983 Code correlation: NA

CHAPTER II: Of the Novitiate

ARTICLE I: Of the Requisites for Someone to Be Admitted to the Novitiate

Can. 542. With the prescription of canons 539-541 remaining firm, and other prescriptions in the proper constitutions of each religion,

1983 Code correlation: 1983 CIC 597, 642-45

1. The following are admitted invalidly to the novitiate:

Those who have adhered to a non-Catholic sect.

Those who do not have the age required for the novitiate.

Those who enter religion induced by force, grave fear, or fraud, or those whom the Superior, induced in the same way, receives.

A spouse, while marriage endures.

Those who are bound or have been bound by the bond of religious profession.

Those against whom a penalty is impending on account of a grave delict committed, concerning which they have been accused or can be accused.

A Bishop, whether residential or titular, even if he has only been designated by the Roman Pontiff.

Clerics who by institution of the Holy See are bound by oath to devote their work to the good of their diocese or of the missions, for the time during which the obligation of the oath endures.

2. The following are admitted illicitly, but validly:

Clerics constituted in sacred orders, without the local Ordinary having been consulted or with him contradicting, because their departure would fall into grave detriment of souls which otherwise could by no means be avoided.

Those burdened by debt who are not equal to paying; those liable to render an account or entangled in other secular affairs, from which the religion could fear lawsuits and troubles.

Children who must assist parents, that is, father or mother, grandfather or grandmother, constituted in grave necessity, and parents whose work is necessary for feeding or educating children.

Those destined for the priesthood in the religion, from which however they are removed by irregularity or another canonical impediment.

Orientals in Latin religions without permission given in writing by the Sacred Congregation for the Oriental Church.

Can. 543. The right of admitting to the novitiate and to subsequent religious profession, both temporary and perpetual, pertains to major Superiors with the vote of the Council or Chapter, according to the peculiar constitutions of each religion.

1983 Code correlation: 1983 CIC 641, 656, 658

Can. 544.

1983 Code correlation: 1983 CIC 645, 684

Sec. 1. In any religion all aspirants, before they are admitted, must exhibit testimony of received baptism and confirmation.

Sec. 2. Male aspirants must besides exhibit testimonial letters of the Ordinary of origin and of each place in which, after the completed fourteenth year of age, they have stayed beyond a morally continuous year, any contrary privilege being removed.

Sec. 3. If there is question of admitting those who have been in a Seminary, college, or postulancy or novitiate of another religion, testimonial letters are furthermore required, given for the different cases by the rector of the Seminary or college, after the local Ordinary has been heard, or by the major Superior of the religion.

Sec. 4. For clerics to be admitted, besides testimony of ordination, testimonial letters of the Ordinaries in whose dioceses after ordination they have dwelt beyond a morally continuous year suffice, with the prescription of Sec. 3 preserved.

Sec. 5. For a professed religious transferring to another religion by apostolic indult, testimony of the major Superior of the prior religion is sufficient.

Sec. 6. Besides these testimonies required by law, Superiors who have the right of enrolling aspirants into religion can also require other things which seem necessary or opportune to them for this end.

Sec. 7. Finally, women are not to be received unless accurate investigations have first been made concerning their character and morals, with the prescription of Sec. 3 remaining firm.

Can. 545.

1983 Code correlation: NA

Sec. 1. Those who must give testimonial letters by prescription of law are to give them not to the aspirants themselves, but to the religious Superiors, gratuitously within a three-month space from their requisition, closed with a seal and, if there is question of those who have been in a Seminary, college, or postulancy or novitiate of another religion, confirmed by the oath of the Superior.

Sec. 2. If for grave reasons they have judged that they cannot respond to them, they are to explain the causes to the Apostolic See within the same time.

Sec. 3. If they have replied that the aspirant is not sufficiently known to them, the religious Superior is to supply by another accurate investigation and a trustworthy report; but if they have replied nothing, the requesting Superior is to make the Holy See more certain concerning the response not received.

Sec. 4. In their testimonial letters, after they have instituted a diligent investigation, even through secret information, they must report, their conscience being gravely burdened concerning the truth of the things set forth, concerning the aspirant's birth, morals, talent, life, reputation, condition, and knowledge; whether he has been investigated, is bound by some censure, irregularity, or other canonical impediment, whether his own family needs his aid, and finally, if there is question of those who have been in a Seminary, college, or postulancy or novitiate of another religion, for what cause they were dismissed or departed spontaneously.

Can. 546. All who have received the aforesaid information are held by a strict obligation of preserving secrecy concerning the information had and the persons who handed it on.

1983 Code correlation: NA

Can. 547.

1983 Code correlation: NA

Sec. 1. In monasteries of nuns the postulant is to bring the dowry established in the constitutions or determined by legitimate custom.

Sec. 2. This dowry is to be handed over to the monastery before reception of the habit, or at least its handing over is to be rendered secure in a form valid by civil law.

Sec. 3. In religions of simple vows, as regards the dowry of religious women, the constitutions are to be followed.

Sec. 4. The prescribed dowry cannot be remitted in whole or in part without an indult of the Holy See, if there is question of a religion of pontifical right; without permission of the local Ordinary, if of a religion of diocesan right.

Can. 548. The dowry is irrevocably acquired by the monastery or religion through the death of the religious woman, although she had pronounced only temporary vows.

1983 Code correlation: NA

Can. 549. After the first profession of the religious woman, the dowry is to be placed by the Superior with her Council in safe, licit, and fruitful securities, with the consent of the local Ordinary and of the regular Superior if the house depends on him; moreover it is entirely prohibited that it be expended in any way before the death of the religious woman, not even for building a house or extinguishing debt.

1983 Code correlation: NA

Can. 550.

1983 Code correlation: NA

Sec. 1. Dowries are to be administered cautiously and integrally at the monastery or house of habitual residence of the supreme Moderatrix or provincial Superior.

Sec. 2. Ordinaries of places are to watch sedulously over the preservation of dowries of religious women; and especially in sacred visitation they are to demand an account concerning the same.

Can. 551.

1983 Code correlation: NA

Sec. 1. The dowry of a professed religious woman, whether of solemn vows or of simple vows, departing for any cause whatsoever, is to be restored entire without fruits already matured.

Sec. 2. But if a professed religious woman transfers to another religion by apostolic indult, during the novitiate the fruits are owed to this religion, with the prescription of can. 570, Sec. 1 preserved, and after new profession has been emitted, the dowry itself is owed to it; if to another monastery of the same Order, the dowry itself is owed to this monastery from the day of transfer.

Can. 552.

1983 Code correlation: NA

Sec. 1. The Superior of religious women, even exempt, must make the local Ordinary more certain, at least two months before, concerning the approaching admission to the novitiate and to profession, whether temporary or perpetual, whether solemn or simple.

Sec. 2. The local Ordinary or, he being absent or impeded, a priest deputed by him, at least thirty days before the novitiate and before profession, as above, is diligently and gratuitously to explore the will of the aspirant, not however entering the enclosure, whether she has been coerced or seduced, whether she knows what she is doing; and, if it has plainly been established concerning her pious and free will, then the aspirant can be admitted to the novitiate or the novice to profession.

ARTICLE II: Of the Instruction of Novices

Can. 553. The novitiate begins by reception of the habit, or in another manner prescribed in the constitutions.

1983 Code correlation: NA

Can. 554.

1983 Code correlation: 1983 CIC 647, 651

Sec. 1. A house of novitiate is to be erected according to the norm of the constitutions; but if there is question of a religion of pontifical right, for erecting it the permission of the Apostolic See is necessary.

Sec. 2. Several houses of novitiate in the same province, if the religion is divided into provinces, cannot be designated except for a grave cause and with a special apostolic indult.

Sec. 3. Superiors are not to place in a house of novitiate and studies except religious who are an example by zeal for regular observance.

Can. 555.

1983 Code correlation: 1983 CIC 643, 648

Sec. 1. Besides the other things which are enumerated in can. 543 for the validity of the novitiate, in order that the novitiate be valid, it must be carried out:

1. After at least the completed fifteenth year of age.

2. For an entire and continuous year.

3. In the house of novitiate.

Sec. 2. If a longer time is prescribed in the constitutions for the novitiate, that is not required for the validity of profession, unless something else is expressly said in the same constitutions.

Can. 556.

1983 Code correlation: 1983 CIC 647, 649

Sec. 1. The novitiate is interrupted, so that it must be begun anew and completed, if the novice, dismissed by the Superior, has gone out from the house, or has left the house without his permission not intending to return, or has remained outside the house, even intending to return, beyond thirty days, whether continuous or non-continuous, from any cause whatsoever, even with the permission of Superiors.

Sec. 2. If the novice has remained outside the precincts of the house beyond fifteen, but not beyond thirty days, even non-continuous, with permission of Superiors or compelled by force, under the obedience of the Superior, for the validity of the novitiate it is necessary and sufficient to supply the days spent in this way; if not beyond fifteen days, supplementation can be prescribed by Superiors, but is not necessary for validity.

Sec. 3. Superiors are not to grant permission of remaining outside the precincts of the novitiate except for a just and grave cause.

Sec. 4. If the novice is transferred by Superiors into another house of novitiate of the same religion, the novitiate is not interrupted.

Can. 557. The entire novitiate is to be carried out in the habit which the constitutions prescribe for novices, unless special circumstances of places demand otherwise.

1983 Code correlation: NA

Can. 558. In religions in which there are two classes of members, the novitiate carried out for one class does not have force for the other.

1983 Code correlation: NA

Can. 559.

1983 Code correlation: 1983 CIC 650-51

Sec. 1. A Master is to be placed over the instruction of novices, who is at least thirty-five years old, professed for at least ten years from first profession, conspicuous for prudence, charity, piety, and observance of the religion, and, if there is question of a clerical religion, constituted in the priesthood.

Sec. 2. If because of the number of novices or another just cause it has seemed expedient, a companion is to be joined to the Master of novices, immediately subject to him in those things which regard the governance of the novitiate, at least

thirty years old, professed for at least five years from first profession, with the other necessary and opportune qualities.

Sec. 3. Each must be free from all offices and burdens which could impede the care and governance of novices.

Can. 560. The Master of novices and his companion are to be chosen according to the norm of the constitutions, and if any time for the duration of the office is prescribed in these, during that time they are not to be removed without a just and grave cause; but the same persons can be chosen again.

1983 Code correlation: 1983 CIC 651

Can. 561.

1983 Code correlation: 1983 CIC 650, 652

Sec. 1. To the Master alone belongs the right and duty of providing for the instruction of novices, and to him alone pertains the governance of the novitiate, so that it is lawful for no one to involve himself in these things under any pretext, except the Superiors to whom this is permitted by the constitutions and the Visitators; but as regards the discipline of the whole house, the Master, just as the novices, is subject to the Superior.

Sec. 2. The novice is subject to the power of the Master and of the Superiors of the religion and is held to obey them.

Can. 562. The Master of novices is held by a grave obligation of applying every diligence so that his pupils may be diligently exercised in religious discipline, according to the constitutions, according to the norm of can. 565.

1983 Code correlation: 1983 CIC 652

Can. 563. Within the year of novitiate the Master, according to the norm of the constitutions, is to exhibit a report concerning the manner of acting of each pupil to the Chapter or major Superior.

1983 Code correlation: 1983 CIC 652

Can. 564.

1983 Code correlation: 1983 CIC 652

Sec. 1. The novitiate is to be separated, as far as possible, from that part of the house in which the professed dwell, so that, without a special cause and the permission of the Superior or Master, novices have no communication with the professed, nor the latter with the novices.

Sec. 2. A separate place is to be assigned to lay-brother novices.

Can. 565.

1983 Code correlation: 1983 CIC 652

Sec. 1. The year of novitiate, under the discipline of the Master, must have this purpose: that the mind of the pupil be formed by zeal for the rule and constitutions, by pious meditations and assiduous prayer, by learning thoroughly those things which pertain to vows and virtues, and by exercises opportune for radically extirpating the seeds of vices, for restraining movements of the soul, and for acquiring virtues.

Sec. 2. Lay brothers, moreover, are to be diligently instructed in Christian doctrine, by a special conference held for them at least once a week.

Sec. 3. In the year of novitiate, novices are not to be destined for giving sermons or hearing confessions or for exterior duties of the religion, nor are they to be occupied by set effort in studies of letters, sciences, or arts; but lay brothers in the religious house itself can perform the offices of lay brothers only so far (not however as primary officials) as they are not impeded from the exercises of the novitiate established for them.

Can. 566.

1983 Code correlation: NA

Sec. 1. Concerning the priest for confessions in novitiates of women, the prescriptions of canons 520-527 are to be observed.

Sec. 2. In religions of men, with the prescription of can. 519 preserved:

1. According to the number of novices, one or several ordinary confessors are to be had, with the prescription of can. 891 preserved.

2. The ordinary confessors, if there is question of a clerical religion, are to dwell in the house of novitiate itself; if of a lay religion, they are at least frequently to come to the house of novitiate to hear the confessions of the novices.

3. Besides the ordinary confessors, some confessors are to be designated whom the novices can freely approach in particular cases, and the Master is not to show that he bears this with difficulty.

4. At least four times in the year an extraordinary confessor is to be given to the novices, to whom all are to approach at least to receive a blessing.

Can. 567.

1983 Code correlation: NA

Sec. 1. Novices enjoy all privileges and spiritual graces granted to the religion; and if they are anticipated by death, they have the right to the same suffrages which are prescribed for the professed.

Sec. 2. During the novitiate they are not to be promoted to orders.

Can. 568. In the course of the novitiate, if a novice has in any way renounced or obligated his benefices or goods, the renunciation or obligation is not only illicit, but void by the law itself.

1983 Code correlation: NA

Can. 569.

1983 Code correlation: NA

Sec. 1. Before profession of simple vows, whether temporary or perpetual, the novice must, for the whole time during which he will be bound by simple vows, cede the administration of his goods to whomever he prefers and, unless the constitutions provide otherwise, freely dispose concerning their use and usufruct.

Sec. 2. This cession and disposition, if it was omitted because of lack of goods and these later supervene, or if it was made and afterwards other goods come by whatever title, is to be made or repeated according to the norms established in Sec. 1, notwithstanding simple profession already emitted.

Sec. 3. A novice in a religious Congregation, before profession of temporary vows, is freely to make a testament concerning present goods or goods perhaps to come to him.

Can. 570.

1983 Code correlation: NA

Sec. 1. Unless in the constitutions or by express agreement something to be paid for food and religious habit when entering postulancy or novitiate is provided, nothing can be required for the expenses of postulancy or novitiate.

Sec. 2. Those things which the aspirant brought and which have not been consumed by use, if he leaves the religion without profession having been emitted, are to be restored to him.

Can. 571.

1983 Code correlation: 1983 CIC 653

Sec. 1. A novice can freely leave the religion, or can be dismissed by Superiors or by the Chapter, according to the constitutions, for any just cause, without the Superior or Chapter being held to disclose the cause of dismissal to the

one dismissed.

Sec. 2. When the novitiate has been completed, if he is judged suitable, the novice is to be admitted to profession; otherwise he is to be dismissed; if doubt remains whether he is suitable, the time of probation can be prolonged by major Superiors, but not beyond six months.

Sec. 3. For vows to be pronounced, the novice is to premise spiritual exercises for at least eight full days.

CHAPTER III: Of Religious Profession

Can. 572.

1983 Code correlation: 1983 CIC 656, 658

Sec. 1. For the validity of any religious profession it is required that:

1. The one who is about to emit it have the legitimate age according to the norm of can. 573.

2. A legitimate Superior admit him to profession according to the constitutions.

3. A valid novitiate according to the norm of can. 555 have preceded.

4. The profession be emitted without force, grave fear, or fraud.

5. It be express.

6. It be received by a legitimate Superior according to the constitutions, personally or through another.

Sec. 2. For the validity of perpetual profession, whether solemn or simple, it is furthermore required that temporary simple profession according to the norm of can. 574 have preceded.

Can. 573. Anyone about to emit religious profession must have completed the sixteenth year of age, if there is question of temporary profession; the twenty-first, if of perpetual profession, whether solemn or simple.

1983 Code correlation: 1983 CIC 656, 658

Can. 574.

1983 Code correlation: 1983 CIC 655, 657

Sec. 1. In any Order, both of men and of women, and in any Congregation which has perpetual vows, after the completed novitiate the novice, in the novitiate house itself, must premise to perpetual vows, whether solemn or simple, with the prescription of can. 634 preserved, a profession of simple vows to last for a triennium, or for a longer time if the age required for perpetual profession lies farther away, unless the constitutions require annual professions.

Sec. 2. A legitimate Superior can prolong this time, after temporary profession has been renewed by the religious, but not beyond another triennium.

Can. 575.

1983 Code correlation: 1983 CIC 656-58, 688

Sec. 1. When the time of temporary profession has been completed, the religious, according to the norm of can. 637, is either to emit perpetual profession, solemn or simple according to the constitutions, or to return to the world; but even during the time of temporary profession he can, if he is not considered worthy to pronounce perpetual vows, be dismissed by the legitimate Superior according to the norm of can. 647.

Sec. 2. The vote of the Council or Chapter for the first temporary profession is deliberative; for the subsequent perpetual profession, solemn or simple, it is consultative only.

Can. 576.

1983 Code correlation: NA

Sec. 1. In emitting religious profession, the rite prescribed in the constitutions is to be observed.

Sec. 2. The document of emitted profession, signed by the professed himself and at least by the one before whom the profession was emitted, is to be preserved in the archive of the religion; and furthermore, if there is question of solemn profession, the Superior receiving it must make the professing person's pastor of baptism more certain concerning the same, according to the norm of can. 470, Sec. 2.

Can. 577.

1983 Code correlation: 1983 CIC 657

Sec. 1. When the time for which the vows were pronounced has elapsed, no delay is to be interposed in renewing the vows.

Sec. 2. Superiors, however, have the faculty, for a just cause, of permitting the renewal of temporary vows to be anticipated for some time, but not beyond a month.

Can. 578. Those professed with temporary vows, of whom in can. 574:

1983 Code correlation: NA

1. Enjoy the same indulgences, privileges, and spiritual graces with which those professed with solemn vows or those professed with perpetual simple vows rejoice; and if they are anticipated by death, they have the right to the same suffrages.

2. They are held by the same obligation of observing the rules and constitutions, but, where the obligation of choir is in force, they are not bound by the law of privately reciting the divine office, unless they are constituted in sacred orders or the constitutions expressly prescribe something else.

3. They lack active and passive voice, unless something else is expressly provided in the constitutions; but the time prescribed for enjoying active and passive voice, the constitutions being silent, is computed from first profession.

Can. 579. Simple profession, whether temporary or perpetual, renders acts contrary to the vows illicit, but not invalid, unless something else has been expressly provided; solemn profession, however, if they are capable of being invalidated, renders them also invalid.

1983 Code correlation: 1983 CIC 1088

Can. 580.

1983 Code correlation: NA

Sec. 1. Anyone professed with simple vows, whether perpetual or temporary, unless something else is provided in the constitutions, preserves ownership of his goods and the capacity of acquiring other goods, with those things preserved which are prescribed in can. 569.

Sec. 2. Whatever, however, he acquires by his own industry or in view of the religion, he acquires for the religion.

Sec. 3. The cession or disposition of which in can. 569, Sec. 2, the professed can change, not indeed by his own decision unless the constitutions allow it, but by permission of the supreme Moderator, or, if there is question of nuns, by permission of the local Ordinary and, if the monastery is subject to regulars, of the regular Superior, provided that the change, at least concerning a notable part of the goods, is not made in favor of the religion; but by departure from the religion such cession and disposition ceases to have force.

Can. 581.

1983 Code correlation: NA

Sec. 1. One professed with simple vows cannot validly renounce earlier, but within sixty days before solemn profession, with peculiar indults granted by the Holy See preserved, he must renounce all goods which he actually has, to whomever he prefers, under the condition of the profession to follow.

Sec. 2. Once profession has followed, all those things are immediately to be done which are necessary so that the renunciation may also obtain effect in civil law.

Can. 582. After solemn profession, likewise with peculiar indults of the Apostolic See preserved, all goods which in any way come to a regular:

1983 Code correlation: NA

1. In an Order capable of possessing, pass to the Order or province or house according to the constitutions.

2. In an incapable Order, are acquired by the Holy See in ownership.

Can. 583. To those professed with simple vows in religious Congregations it is not lawful:

1983 Code correlation: NA

1. By an act inter vivos to renounce the ownership of their goods by gratuitous title.

2. To change the testament made according to the norm of can. 569, Sec. 3, without permission of the Holy See, or, if the matter is urgent and time is not available for having recourse to it, without permission of the major Superior or, if even he cannot be approached, of the local Superior.

Can. 584. After a year from any religious profession emitted, parochial benefices become vacant; after three years, the rest.

1983 Code correlation: NA

Can. 585. One professed with perpetual vows, whether solemn or simple, loses by the law itself the proper diocese which he had in the world.

1983 Code correlation: NA

Can. 586.

1983 Code correlation: NA

Sec. 1. Religious profession invalid because of an external impediment does not convalidate through subsequent acts, but it is necessary either that it be sanated by the Apostolic See or that, with the nullity known and the impediment removed, it be legitimately emitted anew.

Sec. 2. But if it was invalid because of a merely internal defect of consent, once this has been supplied, it convalidates, provided that consent on the part of the religion has not been revoked.

Sec. 3. If there are grave arguments against the validity of religious profession and the religious refuses, for caution, either to renew the profession or to seek its sanation, the matter is to be referred to the Apostolic See.

TITLE XII: Of the Plan of Studies in Clerical Religions

Can. 587.

1983 Code correlation: 1983 CIC 659

Sec. 1. Every clerical religion is to have seats of studies approved by the general Chapter or by the Superiors, with the prescription of can. 554, Sec. 3 remaining firm.

Sec. 2. In the house of studies perfect common life is to flourish; otherwise the students cannot be promoted to orders.

Sec. 3. If the religion or province cannot have duly furnished houses of studies, or if those which it has are difficult to approach in the judgment of Superiors, religious students are to be sent either to a rightly ordered seat of studies of another province or religion, or to the schools of an episcopal Seminary, or to a public Catholic athenaeum.

Sec. 4. Religious who are sent far from their own house for the sake of studies are not permitted to dwell in private houses, but it is necessary that they betake themselves into some house of their religion, or, if this cannot be done, at some religious institute of men, or a Seminary or another pious house over which men of sacred order preside and which has been approved by ecclesiastical authority.

Can. 588.

1983 Code correlation: 1983 CIC 659

Sec. 1. Throughout the whole course of studies, religious are to be committed to the special care of the Prefect or Master of spirit, who is to form their souls for religious life by opportune admonitions, instructions, and exhortations.

Sec. 2. The Prefect or Master of spirit must be endowed with those qualities which are required in the Master of novices according to the norm of can. 559, Secs. 2, 3.

Sec. 3. Superiors, moreover, are to watch sedulously that those things which are prescribed in can. 595 for all religious are observed most perfectly in the house of studies.

Can. 589.

1983 Code correlation: 1983 CIC 659

Sec. 1. Religious duly instructed in the lower disciplines are diligently to apply themselves to the studies of philosophy for at least a biennium and of sacred theology for at least a quadriennium, adhering to the doctrine of St. Thomas according to the norm of can. 1366, Sec. 2, according to the instructions of the Apostolic See.

Sec. 2. During the time of studies, offices are not to be imposed on teachers and students which call them away from study or impede school in any way; but the supreme Moderator, and in particular cases other Superiors also, can according to their prudence exempt them from some acts of the community, even from choir, especially at night hours, whenever this seems necessary for cultivating studies.

Can. 590. Religious priests, excepting only those who for a grave cause have been exempted by major Superiors, or who teach sacred theology, canon law, or scholastic philosophy, after the completed curriculum of studies are to be examined yearly, at least for a quinquennium, by learned and grave fathers in various disciplines of sacred doctrine previously and opportunely designated.

1983 Code correlation: 1983 CIC 659, 661

Can. 591. In each at least formed house, at minimum once a month, there is to be held the solution of a moral and liturgical case, to which, if the Superior has judged it opportune, a discourse concerning a dogmatic matter and connected doctrines can be added; and all professed clerics who are devoting work to the study of sacred theology or have completed it and dwell in the house are held to be present, unless the constitutions provide otherwise.

1983 Code correlation: 1983 CIC 659, 661

TITLE XIII: Of the Obligations and Privileges of Religious

CHAPTER I: Of Obligations

Can. 592. All religious also are held by the common obligations of clerics of which in canons 124-142, unless from the context of speech or from the nature of the matter something else is clear.

1983 Code correlation: 1983 CIC 672, 699

Can. 593. All and each religious, Superiors equally as subjects, must not only faithfully and integrally observe the vows which they have pronounced, but also compose their life according to the rules and constitutions of their own religion and thus strive toward the perfection of their state.

1983 Code correlation: 1983 CIC 662

Can. 594.

1983 Code correlation: 1983 CIC 668

Sec. 1. In any religion, common life is to be accurately observed by all even in those things which pertain to food, clothing, and furnishings.

Sec. 2. Whatever is acquired by religious, even by Superiors, according to the norm of can. 580, Sec. 2, and can. 582, n. 1, is to be mixed with the goods of the house, province, or religion, and any money and all titles are to be deposited in the common chest.

Sec. 3. The furnishings of religious are to befit the poverty which they have professed.

Can. 595.

1983 Code correlation: 1983 CIC 663

Sec. 1. Superiors are to take care that all religious:

1. Each year devote themselves to spiritual exercises.

2. If not legitimately impeded, daily attend the Sacred [liturgy], devote themselves to mental prayer, and sedulously apply themselves to the other offices of piety which have been prescribed by the rules and constitutions.

3. Approach the sacrament of penance at least once a week.

Sec. 2. Superiors are to promote among their subjects frequent, even daily, reception of the most holy Body of Christ; moreover frequent, indeed even daily, access to the most holy Eucharist is to lie freely open to religious who are duly disposed.

Sec. 3. But if after the last sacramental confession a religious has been a grave scandal to the community or has perpetrated a grave and external fault, until he has again approached the sacrament of penance, the Superior can prohibit him from approaching holy communion.

Sec. 4. If there are any religions of vows, whether solemn or simple, in whose rules or constitutions or even calendars communions are found affixed or commanded on certain days, these norms have merely directive force.

Can. 596. All religious are to wear the proper habit of their religion both within and outside the house, unless a grave cause excuses, in the judgment of the major Superior or, when necessity urges, also of the local Superior.

1983 Code correlation: 1983 CIC 669

Can. 597.

1983 Code correlation: 1983 CIC 667

Sec. 1. In houses of regulars, whether of men or of women, canonically constituted, even not formed, papal enclosure is to be observed.

Sec. 2. By the law of papal enclosure there is affected the whole house which the regular community inhabits, with the gardens and grounds reserved for the access of the religious; excluded, besides the public church with the adjoining sacristy, also are the guest lodging for strangers, if it is present, and the parlor, which, as far as can be done, ought to be established near the door of the house.

Sec. 3. The parts subject to the law of enclosure are to be plainly indicated; moreover it will belong to the major Superior or to the general Chapter according to the constitutions, or, if there is question of a monastery of nuns, to the Bishop, accurately to prescribe the boundaries of enclosure or to change them for legitimate causes.

Can. 598.

1983 Code correlation: 1983 CIC 667

Sec. 1. Within the enclosure of regular men, women of whatever age, kind, or condition are not to be admitted under any pretext.

Sec. 2. Exempted from this law are the wives, with retinue, of those who actually hold supreme rule of peoples.

Can. 599.

1983 Code correlation: 1983 CIC 667

Sec. 1. If a house of regular men has attached to it a boarding school for internal students or other works proper to the religion, at least a separated part of the building, if this can be done, is to be reserved to the habitation of the religious, subject to the law of enclosure.

Sec. 2. Even into places outside enclosure reserved for external or internal students or for works proper to the religion, persons of the other sex are not to be admitted unless for an equitable cause and with permission of the Superior.

Can. 600. Within the enclosure of nuns no one, of whatever kind, condition, sex, or age, is to be admitted without permission of the Holy See, excepting the persons who follow:

1983 Code correlation: 1983 CIC 667

1. It is permitted to the local Ordinary or regular Superior, visiting a monastery of nuns according to the norm of can. 512, or to other Visitors delegated by them, to enter the enclosure only for the sake of inspection, with care taken that at least one cleric or religious man of mature age accompany them.

2. The confessor or the one who takes his place can, with due precautions, enter the enclosure to administer the Sacraments to the sick or to assist the dying.

3. Those who actually hold supreme rule of peoples and their wives with retinue can enter the enclosure; likewise Cardinals of the Holy Roman Church.

4. It belongs to the Abbess, with due precautions employed, to permit entrance to physicians, surgeons, and others whose work is necessary, after at least habitual approval has first been obtained from the local Ordinary; but if necessity urges and time is not available for seeking approval, this is presumed by law.

Can. 601.

1983 Code correlation: 1983 CIC 667

Sec. 1. To no nun is it lawful after profession to leave the monastery, even for a brief time, under any pretext, without a special indult of the Holy See, except in the case of imminent danger of death or of another most grave evil.

Sec. 2. This danger, if time is available, is to be recognized in writing by the local Ordinary.

Can. 602. The enclosure of a monastery of nuns must be so surrounded that, as far as can be done, there is no view into it or from it by external persons.

1983 Code correlation: 1983 CIC 667

Can. 603.

1983 Code correlation: 1983 CIC 667

Sec. 1. The enclosure of nuns, even of those subject to regulars, is under the vigilance of the local Ordinary, who can correct and coerce delinquents, regular men not excepted, also by penalties and censures.

Sec. 2. The custody of the enclosure of nuns subject to him is also committed to the regular Superior, who can also punish by penalties the nuns or other subjects of his own, if they have offended in this matter.

Can. 604.

1983 Code correlation: 1983 CIC 667

Sec. 1. Also in houses of religious Congregations, whether of pontifical or diocesan right, enclosure is to be observed, into which no one of the other sex is to be admitted, unless those of whom in can. 598, Sec. 2 and can. 600, and others whom Superiors shall have judged can be admitted for just and reasonable causes.

Sec. 2. The prescription of can. 599 is also to be applied to houses of religious Congregations, whether of men or of women.

Sec. 3. The Bishop, in peculiar circumstances and with grave causes intervening, can fortify this enclosure with censures, unless there is question of an exempt clerical religion; but he is always to take care that the same is duly observed and that whatever fault creeps into it is corrected.

Can. 605. All to whom custody of enclosure belongs are sedulously to watch lest, when outsiders visit, discipline be disturbed by useless conversation and the religious spirit suffer detriment.

1983 Code correlation: 1983 CIC 667

Can. 606.

1983 Code correlation: NA

Sec. 1. Religious Superiors are to take care that those things are accurately observed which are prescribed in their own constitutions, whether concerning the departure of subjects from cloisters or concerning strangers to be received or approached.

Sec. 2. It is not lawful for Superiors, with the prescriptions in canons 621-624 preserved, to permit subjects to live outside the house of their own religion, unless for a grave and just cause and for as brief a time as can be done according to the constitutions; moreover for an absence which exceeds six months, unless the cause of studies intervenes, permission of the Apostolic See is always required.

Can. 607. Abbesses and local Ordinaries are seriously to watch lest religious women, apart from a case of necessity, go outside the house singly.

1983 Code correlation: 1983 CIC 665

Can. 608.

1983 Code correlation: 1983 CIC 675

Sec. 1. Superiors are to take care that religious subjects designated by them, especially in the diocese in which they live, when their ministry is required by local Ordinaries or pastors to provide for the necessity of the people, whether within or outside their own churches or public oratories, willingly furnish it, with religious discipline preserved.

Sec. 2. In turn, local Ordinaries and pastors are willingly to use the work of religious, especially of those living in the diocese, in sacred ministry and especially in administering the sacrament of penance.

Can. 609.

1983 Code correlation: NA

Sec. 1. If the church at which a religious community resides is at the same time parochial, the prescription of can. 415 is to be observed, congruent things being referred to congruent things.

Sec. 2. In a church of religious women of vows, whether solemn or simple, a parish cannot be erected.

Sec. 3. Superiors are to watch lest the celebration of divine offices in their own churches bring harm to catechetical instruction or to the explanation of the Gospel to be handed on in the parochial church; moreover the judgment whether it brings harm or not belongs to the local Ordinary.

Can. 610.

1983 Code correlation: 1983 CIC 663

Sec. 1. In religions, whether of men or of women, which have the obligation of choir, in individual houses where there are at least four religious bound to choir and actually not legitimately impeded, and even fewer if the constitutions so provide, the divine office must daily be fulfilled in common according to the norm of the constitutions.

Sec. 2. A Mass also corresponding to the office of the day according to the rubrics must be celebrated daily in religions of men and also, as far as can be done, in religions of women.

Sec. 3. In the same religions, whether of men or of women, the solemnly professed who have been absent from choir must, conversi excepted, recite the canonical hours privately.

Can. 611. All religious, whether men or women, can freely send letters, subject to inspection by no one, to the Holy See and its Legate in the nation, to the Cardinal Protector, to their own major Superiors, to the Superior of the house if perhaps absent, to the local Ordinary to whom they are subject and, if there is question of nuns who are under the jurisdiction of regulars, also to the major Superiors of the Order; and from all these the aforesaid religious, men or women, can likewise receive letters to be inspected by no one.

1983 Code correlation: NA

Can. 612. Besides the prescription of can. 1345, if the local Ordinary, for a public cause, indicates the ringing of bells, certain prayers, or sacred solemnities, all religious, even exempt, must obey, with the constitutions and privileges of each one's religion preserved.

1983 Code correlation: 1983 CIC 678

CHAPTER II: Of Privileges

Can. 613.

1983 Code correlation: NA

Sec. 1. Any religion enjoys only those privileges which either are contained in this Code or have been directly granted to it by the Apostolic See, any communication being excluded for the future.

Sec. 2. The privileges by which a regular Order rejoices belong also to the nuns of the same Order, insofar as they are capable of them.

Can. 614. Religious, even lay religious and novices, enjoy the privileges of clerics of which in canons 119-123.

1983 Code correlation: NA

Can. 615. Regulars, novices not excluded, whether men or women, with their houses and churches, excepting those nuns who are not subject to regular Superiors, are exempt from the jurisdiction of the local Ordinary, except in cases expressed by law.

1983 Code correlation: 1983 CIC 591

Can. 616.

1983 Code correlation: NA

Sec. 1. Regulars living illegitimately outside the house, even under the pretext of going to Superiors, do not enjoy the privilege of exemption.

Sec. 2. If they commit an offense outside the house and are not punished by their own Superior after he has been warned, they can be punished by the local Ordinary, even if they departed from the house legitimately and have returned to the house.

Can. 617.

1983 Code correlation: 1983 CIC 679, 683

Sec. 1. If abuses have crept into the houses of regulars or of other exempt religious, or into their churches, and the Superior, after being warned, has neglected to provide, the local Ordinary is held by the obligation of immediately referring the matter to the Apostolic See.

Sec. 2. A house that is not formed remains under the peculiar vigilance of the local Ordinary, who, if abuses have crept in and have been a scandal to the faithful, can himself meanwhile provide by himself.

Can. 618.

1983 Code correlation: 1983 CIC 583, 586

Sec. 1. Religions of simple vows do not enjoy the privilege of exemption, unless it has been specially granted to them.

Sec. 2. Nevertheless, in religions of pontifical right, it is not lawful for the local Ordinary:

1. To change the constitutions in any way or to take cognizance of economic matters, with the prescription of canons 533-535 preserved.

2. To insert himself into internal governance and discipline, except in cases expressed in law; nevertheless in lay religions he can and must inquire whether discipline flourishes according to the norm of the constitutions, whether sound doctrine or probity of morals has suffered any detriment, whether there has been an offense against enclosure, whether the Sacraments are received with equitable and established frequency; and, if Superiors, warned perhaps about grave abuses, have not opportunely provided, he is to provide by himself; but if matters of greater importance occur which brook no delay, he is to decree at once, and refer the decree to the Holy See.

Can. 619. In all matters in which religious are subject to the local Ordinary, they can also be coerced by him with penalties.

1983 Code correlation: 1983 CIC 1320

Can. 620. Through an indult legitimately granted by the local Ordinary, the obligation of common law ceases also for all religious dwelling in the diocese, with the vows and proper constitutions of any religion preserved.

1983 Code correlation: NA

Can. 621.

1983 Code correlation: NA

Sec. 1. Regulars who by institute are called and are mendicants are able to seek alms in the diocese where their religious house is constituted by permission of their own Superiors alone; outside the diocese, however, they need besides the permission given in writing by the local Ordinary in whose place they desire to collect alms.

Sec. 2. Local Ordinaries, especially of neighboring dioceses, are not to deny or revoke this permission except for grave and urgent causes, if the religious house can in no way live from begging in the diocese alone in which it is constituted.

Can. 622.

1983 Code correlation: NA

Sec. 1. All other religious of Congregations of pontifical right, without a peculiar privilege of the Holy See, are prohibited from seeking alms; if they have obtained this privilege, they will besides need permission given in writing by the local Ordinary, unless it has been provided otherwise in the privilege itself.

Sec. 2. Religious of Congregations of diocesan right can in no way seek alms without permission given in writing both by the local Ordinary in whose place their house is situated and by the local Ordinary in whose place they desire to seek alms.

Sec. 3. To the religious of whom in Secs. 1 and 2 of this canon, local Ordinaries are not to grant permission of seeking alms, especially where there are convents of regulars mendicant in name and in fact, unless it is clear to them concerning the true necessity of the house or pious work, which cannot be met in another way; but if the necessity can be provided for by alms to be sought within the place or district or diocese in which the same dwell, they are not to grant broader permission.

Sec. 4. Without an authentic and recent rescript of the Sacred Congregation for the Oriental Church, Latin Ordinaries are neither to permit any Oriental of whatever order and dignity to collect money in their own territory, nor to send their own subject into Oriental dioceses for the same end.

Can. 623. It is not lawful for Superiors to commit the collecting of alms except to professed religious mature in age and soul, especially if there is question of women, but never to those who are still applying themselves to studies.

1983 Code correlation: NA

Can. 624. As regards the manner to be observed in seeking alms and the discipline to be kept by those questing, religious of either sex must stand by the instructions given by the Apostolic See concerning this matter.

1983 Code correlation: NA

Can. 625. Regular Abbots with governance, legitimately elected, must within three months from election receive blessing from the Bishop of the diocese in which the monastery is situated; after they have received the blessing, besides the power of conferring orders according to the norm of can. 964, n. 1, they enjoy the privileges of which in can. 325, excepting the violet skullcap.

1983 Code correlation: NA

CHAPTER III: Of the Obligations and Privileges of a Religious Promoted to Ecclesiastical Dignity or Governing a Parish

Can. 626.

1983 Code correlation: 1983 CIC 671

Sec. 1. A religious cannot, without the authority of the Apostolic See, be promoted to dignities, offices, or benefices which cannot be reconciled with the religious state.

Sec. 2. Having been legitimately elected by some college, he cannot assent to the election without permission of the Superior.

Sec. 3. If he is bound by a vow of not accepting dignities, a special dispensation of the Roman Pontiff is necessary.

Can. 627.

1983 Code correlation: 1983 CIC 705

Sec. 1. A religious, named Cardinal or Bishop, whether residential or titular, remains a religious, a participant in the privileges of his religion, bound by the vows and other obligations of his profession, excepting those which he himself prudently judges cannot be reconciled with his dignity, with the prescription of can. 628 preserved.

Sec. 2. Nevertheless he is exempted from the power of Superiors and, by force of the vow of obedience, remains subject to the Roman Pontiff alone.

Can. 628. A religious elevated to episcopal dignity or to another dignity outside his own religion:

1983 Code correlation: 1983 CIC 706

1. If through profession he has lost ownership of goods, he has the use, usufruct, and administration of the goods which come to him; but a residential Bishop, Vicar Apostolic, or Prefect Apostolic acquires ownership for the diocese, vicariate, or prefecture; the others, for the regular Order, according to the norm of can. 582, with the prescription of can. 239, Sec. 1, n. 19 preserved.

2. If through profession he has not lost ownership of goods, he recovers the use, usufruct, and administration of the goods which he had; those which later come to him, he fully acquires for himself.

3. In either case, however, concerning goods which come to him not in view of the person, he must dispose according to the will of those offering them.

Can. 629.

1983 Code correlation: 1983 CIC 707

Sec. 1. Having laid aside the cardinalate or episcopate, or having completed a function outside the religion committed to him by the Apostolic See, a religious is held to return to the religion.

Sec. 2. Nevertheless a Cardinal and Bishop who is a religious can choose any house of his religion in which he may live; but he lacks active and passive voice.

Can. 630.

1983 Code correlation: NA

Sec. 1. A religious who governs a parish, whether by title of pastor or by title of vicar, remains bound to the observance of vows and constitutions, insofar as this observance can stand together with the offices of his function.

Sec. 2. Therefore, in those things which pertain to religious discipline, he is subject to the Superior; hence it belongs to that Superior, and indeed exclusively in relation to the local Ordinary, to inquire into his manner of acting concerning all these things and, if the case calls for it, to correct him.

Sec. 3. Goods which come to him in view of the parish over which he is placed, he acquires for the parish itself; the rest he acquires after the manner of other religious.

Sec. 4. Notwithstanding the vow of poverty, it is lawful for him to accept or collect alms offered in any way for the good of parishioners, or for Catholic schools or pious places joined to the parish, and to administer those accepted or collected, and likewise, with the will of those offering preserved, to distribute them according to his prudent judgment, with the vigilance of his Superior always preserved; but to accept, retain with himself, collect, or administer alms for building, preserving, restoring, or adorning the parochial church belongs to the Superiors, if the church is of the religious community; otherwise, to the local Ordinary.

Can. 631.

1983 Code correlation: 1983 CIC 681-82

Sec. 1. The same religious pastor or vicar, although he exercises ministry in a house or place where the major religious Superiors have their ordinary seat, is immediately subject to the full jurisdiction, visitation, and correction of the local Ordinary, no otherwise than secular pastors, religious observance alone excepted.

Sec. 2. The local Ordinary, when he has found that he has failed in his function, can establish opportune decrees and impose merited penalties upon him; in this, nevertheless, the faculties of the Ordinary are by no means privative, but the Superior has cumulative right with him, yet in such a way that, if one thing happens to be decreed by the Superior and another by the Ordinary, the decree of the Ordinary must prevail.

Sec. 3. As regards the removal of a religious pastor or vicar from a parish, the prescription of can. 454, Sec. 5 is to be observed; and as regards temporal goods, the prescription of can. 533, Sec. 1, n. 4, and can. 535, Sec. 3, n. 2.

TITLE XIV: Of Transfer to Another Religion

Can. 632. A religious cannot transfer to another religion, even a stricter one, or from a monastery sui iuris to another, without the authority of the Apostolic See.

1983 Code correlation: 1983 CIC 684

Can. 633.

1983 Code correlation: 1983 CIC 684-85

Sec. 1. One transferring to another religion must make a novitiate; during it, while the vows remain, the particular rights and obligations which he had in the religion left behind remain suspended, and he himself is held by the obligation of obeying the Superiors of the new religion and the Master of novices himself, also by reason of the vow of obedience.

Sec. 2. If in the religion to which he has transferred he does not emit profession, he must return to the former religion, unless meanwhile the time of the vows has expired.

Sec. 3. One transferring to another monastery of the same Order neither makes a novitiate nor emits a new profession.

Can. 634. One solemnly professed or professed with perpetual simple vows, if he transfers to another religion with solemn or perpetual simple vows, after the novitiate, with the temporary profession of which in can. 574 omitted, is either to be admitted to solemn or perpetual simple profession, or to return to the former religion; nevertheless the Superior has the right of proving him longer, but not beyond a year from the completed novitiate.

1983 Code correlation: 1983 CIC 684

Can. 635. Those transferring to another monastery of the same religion, from the day of transfer, but to another religion, from the new profession emitted:

1983 Code correlation: 1983 CIC 684

1. Lose all rights and obligations of the prior religion or monastery and take up the rights and offices of the other.

2. The religion or monastery from which they come keeps the goods which had already been acquired for it by reason of the religious himself; as regards his dowry or its fruits and other personal goods, if the religious has any, the prescription of can. 551, Sec. 2 is to be observed; finally the new religion has the right, for the time of the novitiate, to a just compensation, if there is place for it according to the norm of can. 570, Sec. 1.

Can. 636. Solemnity of vows is extinguished by that very fact in one who legitimately pronounces simple vows in a religious Congregation according to the preceding canons, unless something else is expressly provided in the apostolic indult.

1983 Code correlation: 1983 CIC 685

TITLE XV: Of Departure from Religion

Can. 637. One professed with temporary vows, when the time of vows has been completed, can freely leave the religion; likewise the religion, for just and reasonable causes, can exclude the same from renewing temporary vows or from emitting perpetual profession, not however by reason of illness, unless it is certainly proved that it had been deceitfully kept back or concealed before profession.

1983 Code correlation: 1983 CIC 688-89

Can. 638. An indult of remaining outside the cloisters, whether temporary, that is, an indult of exclaustration, or perpetual, that is, an indult of secularization, the Apostolic See alone can give in religions of pontifical right; in religions of diocesan right, also the local Ordinary.

1983 Code correlation: 1983 CIC 686, 691

Can. 639. One who has obtained an indult of exclaustration from the Apostolic See remains bound by the vows and other obligations of his profession which can be reconciled with his state; nevertheless he must lay aside the external form of the religious habit; while the time of the indult endures he lacks active and passive voice, but enjoys the merely spiritual privileges of his religion, and is subject to the Ordinary of the territory where he dwells, in place of the Superiors of his own religion, also by reason of the vow of obedience.

1983 Code correlation: 1983 CIC 687

Can. 640.

1983 Code correlation: 1983 CIC 690, 692-93

Sec. 1. One who, having obtained an indult of secularization, leaves the religion:

1. Is separated from his religion, must lay aside the external form of its habit, and in Mass and canonical hours, in the use and dispensation of the Sacraments, is assimilated to seculars.

2. Freed from vows, he remains, with the burdens attached to a major order remaining firm, if he has been in sacred orders; he is not held by the obligation of reciting canonical hours by force of profession, nor is he bound by other rules and constitutions.

Sec. 2. If by apostolic indult he is again received into the religion, he renews the novitiate and profession and obtains a place among the professed from the day of the new profession.

Can. 641.

1983 Code correlation: 1983 CIC 693

Sec. 1. If a religious constituted in sacred orders has not lost his own diocese according to the norm of can. 585, he must, the vows not having been renewed or an indult of secularization having been obtained, return to his own diocese and be received by his own Ordinary; if he has lost it, he cannot exercise sacred orders outside the religion until he has found a Bishop who is a benevolent receiver, or the Apostolic See has provided otherwise.

Sec. 2. A Bishop can receive a religious either purely and simply or experimentally for a triennium: in the former case the religious is by that very fact incardinated in the diocese; in the latter, the Bishop can prolong the time of probation, yet not beyond another triennium; after this also has elapsed, the religious, unless he has earlier been dismissed, remains by that very fact incardinated in the diocese.

Can. 642.

1983 Code correlation: NA

Sec. 1. Any professed person who has returned to the world, although he is able, according to the norm of can. 641, to exercise sacred orders, is nevertheless prohibited without a new and special indult of the Holy See:

1. From any benefice in major or minor basilicas, and in cathedral churches.

2. From any teaching office and office in major and minor Seminaries or colleges in which clerics are educated, and likewise in Universities and Institutes which enjoy the apostolic privilege of conferring academic degrees.

3. From any office or function in episcopal Curias and in religious houses, whether of men or of women, even if there is question of diocesan Congregations.

Sec. 2. These things hold also concerning those who emitted temporary vows, or an oath of perseverance, or certain peculiar promises according to the norm of their constitutions, and were dispensed from the same, if they had been bound by them for six full years.

Can. 643.

1983 Code correlation: 1983 CIC 702

Sec. 1. Those who depart from a religion, after the time of temporary vows has been completed or an indult of secularization obtained, or who have been dismissed from the same, can reclaim nothing on account of any work performed for the religion.

Sec. 2. If, however, a religious woman was received without dowry and cannot provide for herself from her own goods, the religion must from charity give her those things which are required so that she may return home in a safe and suitable manner, and provide that, with natural equity preserved, she may be able to live honorably for some time, to be determined by mutual consent or, in case of disagreement, by the local Ordinary.

Can. 644.

1983 Code correlation: NA

Sec. 1. An apostate from religion is called one professed with perpetual vows, whether solemn or simple, who illegitimately goes out from a religious house with the intention of not returning, or who, although he went out legitimately, does not return with the intention that he may withdraw himself from religious obedience.

Sec. 2. The malicious intention of which in Sec. 1 is presumed by law if the religious has neither returned within a month nor manifested to the Superior an intention of returning.

Sec. 3. A fugitive is one who, without permission of Superiors, leaves a religious house with the intention of returning to the religion.

Can. 645.

1983 Code correlation: 1983 CIC 665

Sec. 1. An apostate and a fugitive are by no means released from the obligation of rule and vows and must return without delay to the religion.

Sec. 2. Superiors must solicitously seek them, and receive them if, moved by true repentance, they return; but the local Ordinary is cautiously to care for the return of an apostate or fugitive nun, and, if there is question of an exempt monastery, also the regular Superior.

TITLE XVI: Of the Dismissal of Religious

Can. 646.

1983 Code correlation: 1983 CIC 694-95

Sec. 1. By the fact itself the following religious are to be held as legitimately dismissed:

1. Public apostates from the Catholic faith.

2. A religious man who has taken flight with a woman; or a religious woman who has taken flight with a man.

3. Those attempting or contracting marriage or even, as they say, a civil bond.

Sec. 2. In these cases it suffices that the major Superior with his Chapter or Council according to the norm of the constitutions emit a declaration of the fact; moreover he is to take care to preserve the collected proofs of the fact in the records of the house.

CHAPTER I: Of the Dismissal of Religious Who Have Pronounced Temporary Vows

Can. 647.

1983 Code correlation: 1983 CIC 696, 698, 700, 702

Sec. 1. A professed person with temporary vows, whether in Orders or in Congregations of pontifical right, can be dismissed by the supreme Moderator of the religion or the Abbot of a monastery sui iuris with the consent of each one's Council manifested by secret votes, or, if there is question of nuns, by the local Ordinary and, if the monastery is

subject to regulars, the regular Superior, after the Abbess of the monastery with her Council has made attestation concerning the causes in writing; in Congregations of diocesan right, however, by the local Ordinary in whose place the religious house is situated, who nevertheless is not to use his right when Moderators are unaware or justly dissent.

Sec. 2. All these, their conscience being gravely burdened, cannot dismiss a religious unless those things which follow have been observed:

1. The causes of dismissal must be grave.

2. They can lie either on the part of the religion or on the part of the religious. Defect of religious spirit which is a scandal to others is a sufficient cause of dismissal if repeated admonition together with salutary penance has come to nothing, but not poor health, unless it is certainly clear that it had been deceitfully kept back or concealed before profession.

3. Although they must be certainly known to the dismissing Superior, nevertheless it is not necessary that they be proved by a formal trial. But they must always be manifested to the religious, with full permission of responding given to the same; and his responses are to be faithfully submitted to the dismissing Superior.

4. Against a decree of dismissal the religious has the faculty of recourse to the Apostolic See; and while recourse is pending, the dismissal has no juridic effect.

5. If there is question of women, the prescription of can. 643, Sec. 2 must be observed.

Can. 648. A religious dismissed according to the norm of can. 647 is by that very fact released from all religious vows, with the burdens attached to a major order preserved if he is in sacred orders, and with the prescription of can. 641, Sec. 1, 642 remaining firm; moreover a cleric constituted in minor orders is by that very fact reduced to the lay state.

1983 Code correlation: 1983 CIC 693, 701

CHAPTER II: Of the Dismissal of Religious Who Have Pronounced Perpetual Vows in a Non-exempt Clerical Religion or in a Lay Religion

Can. 649. In clerical non-exempt and lay religions of men, in order that one professed with perpetual vows can be dismissed, it is necessary that three offenses have preceded, with a double warning and defect of amendment according to the norm of canons 656-662.

1983 Code correlation: 1983 CIC 696-97

Can. 650.

1983 Code correlation: 1983 CIC 698-700

Sec. 1. If these things have been established, the supreme Moderator of the religion with his Council, all the circumstances of the fact having been weighed, is to deliberate whether there is place for dismissal.

Sec. 2. If the greater number of votes has stood for dismissal:

1. In a religion of diocesan right, the whole matter is to be referred to the local Ordinary in whose place the religious house of the professed is situated; it belongs to him to decree dismissal according to his prudent judgment, according to the norm of can. 647.

2. In a religion of pontifical right, the supreme Moderator of the religion himself is to issue the decree of dismissal; nevertheless, in order that it obtain its effect, it must be confirmed by the Apostolic See.

Sec. 3. The religious has the right of freely setting forth his reasons; and his responses are to be faithfully entered in the acts.

Can. 651.

1983 Code correlation: 1983 CIC 696, 698

Sec. 1. Also for dismissing professed religious women with perpetual vows, whether solemn or simple, grave external causes are required together with incorrigibility, an experiment having first been had in such a way that hope of repentance has vanished, in the judgment of the Abbess.

Sec. 2. The prescription of can. 650, Sec. 3 must also be observed in the dismissal of religious women.

Can. 652.

1983 Code correlation: 1983 CIC 699-700

Sec. 1. If there is question of religious women of diocesan right, it belongs to the local Ordinary in whose place the house of the professed sister is situated to weigh the causes of dismissal and issue the decree of dismissal.

Sec. 2. If of nuns, the local Ordinary is to transmit all the acts and documents to the Sacred Congregation with his own vote and that of the regular Superior, if the monastery is subject to regulars.

Sec. 3. If of other religious women of pontifical right, the supreme Moderatrix of the religion is likewise to refer the whole matter to the Sacred Congregation with all the acts and documents; moreover the Sacred Congregation, both in this and in the preceding case, will decree what it has judged more expedient, with the prescription of can. 643, Sec. 2 remaining firm.

Can. 653. In a case of grave external scandal or of most grave harm imminent to the community, a religious can immediately be sent back to the world by the major Superior with consent of his Council, or even, if there is danger in delay and time is not available for approaching the major Superior, by the local Superior with consent of his Council and of the local Ordinary, the religious habit being laid aside at once, yet in such a way that the matter is submitted without delay to judgment of the Holy See through the Ordinary himself or through the major Superior, if present.

1983 Code correlation: 1983 CIC 703

CHAPTER III: Of the Judicial Process in the Dismissal of Religious Who Have Pronounced Perpetual Vows, Whether Solemn or Simple, in an Exempt Clerical Religion

Can. 654. A man professed with solemn vows or with perpetual simple vows in an exempt clerical religion is not to be dismissed unless a process has been instituted, with the prescription of canons 646 and 668 preserved and any contrary privilege revoked.

1983 Code correlation: NA

Can. 655.

1983 Code correlation: 1983 CIC 699

Sec. 1. For rendering the sentence of dismissal, competent is the supreme Moderator of the religion or monastic Congregation with his Council or Chapter, which must consist of at least four religious; if any are lacking, in their place the president is to choose as many religious with the consent of the others who with him constitute the collegiate tribunal.

Sec. 2. The president, with the consent of the others, is to name a promoter of justice according to the norm of can. 1589, Sec. 2.

Can. 656. To come to the instructing of the process is not possible unless there have preceded:

1983 Code correlation: NA

1. Grave external offenses, whether against common law or against the special law of religious.

2. Warnings.

3. Defect of amendment.

Can. 657. The offenses must be at least three of the same species, or, if of different species, such that taken together they manifest a perverse will obstinate in evil, or one only permanent offense which from repeated warnings becomes virtually threefold.

1983 Code correlation: NA

Can. 658.

1983 Code correlation: NA

Sec. 1. For making a warning it is necessary either that the offense be notorious or that it is clear concerning the same from the extrajudicial confession of the accused or from other sufficient proofs which the preliminary inquiry has supplied.

Sec. 2. In carrying out the inquiry, the prescriptions of canons 1939 and following are to be observed, congruent things being referred to congruent things.

Can. 659. The warning must be made by the immediate major Superior himself or through another by his mandate; but the Superior is not to give the mandate unless after previous information of the fact according to the norm of can. 658, Sec. 1; moreover the mandate given for the first warning is valid also for the other.

1983 Code correlation: 1983 CIC 697

Can. 660. There must be two warnings, namely individual warnings for each of the first two offenses; but in continued or permanent offenses it is necessary that an entire space of at least three days intervene between the first and the other warning.

1983 Code correlation: 1983 CIC 697

Can. 661.

1983 Code correlation: 1983 CIC 697

Sec. 1. To the warnings the Superior is to add opportune exhortations and corrections, with penances and other penal remedies also prescribed, which are judged apt for the amendment of the accused and the reparation of scandal.

Sec. 2. Furthermore, the Superior is held to remove the accused from occasions of relapse, even by transfer, if necessary, to another house, where vigilance may be easier and the occasion of offending more remote.

Sec. 3. To each warning the threat of dismissal is to be added.

Can. 662. A religious is considered not to have amended himself if after the second warning he has committed a new offense or has permanently persisted in the same one; after the last warning at least six days must be awaited before progress is made to further steps.

1983 Code correlation: 1983 CIC 697

Can. 663. The immediate major Superior, after the warnings and corrections have come to nothing, is diligently to collect all the acts and documents and transmit them to the supreme Moderator; this latter, moreover, must hand them to the promoter of justice, who is to examine them and propose his conclusions.

1983 Code correlation: 1983 CIC 697

Can. 664.

1983 Code correlation: NA

Sec. 1. If the promoter of justice, to whom it is lawful also to carry out further inquiries which he has judged opportune, proposes an accusation, the process is to be instructed, with the prescriptions of the canons in Part One of Book Four observed, congruent things being referred to congruent things.

Sec. 2. From the process it must be clear concerning the offenses perpetrated, concerning the prior double warning, and concerning the defect of amendment.

Can. 665. The tribunal, having diligently weighed the allegations both of the promoter of justice and of the accused, if indeed it has judged that those things of which in can. 664, Sec. 2 are sufficiently proved, is to pronounce the sentence of dismissal.

1983 Code correlation: NA

Can. 666. The sentence cannot be committed to execution unless it has been confirmed by the Sacred Congregation; to it the president of the tribunal will take care to transmit both the sentence and all the acts of the process as soon as possible.

1983 Code correlation: 1983 CIC 700

Can. 667. For distant regions, even in ordinary cases, supreme Moderators with the consent of their Council or Chapter can entrust the faculty of dismissing to upright and prudent religious, who must be at least three, with the prescription of canons 663-666 remaining firm.

1983 Code correlation: NA

Can. 668. In the case of which in can. 653, a religious can immediately be sent back to the world by the major Superior, or, if there is danger in delay and time is not available for having recourse to the major Superior, also by the local Superior, with the consent of his Council, the religious habit being laid aside at once; but after the religious has been dismissed, immediately the process, if it has not yet been instituted, is to be instituted according to the norm of the preceding canons.

1983 Code correlation: 1983 CIC 703

CHAPTER IV: Of Dismissed Religious Who Have Pronounced Perpetual Vows

Can. 669.

1983 Code correlation: 1983 CIC 701

Sec. 1. A professed person who has emitted perpetual vows, having been dismissed from a religion, remains bound by religious vows, with constitutions or indults of the Apostolic See which provide otherwise preserved.

Sec. 2. If he is a cleric constituted in minor orders, by that very fact he is reduced to the lay state.

Can. 670. A cleric in sacred orders who has committed some offense of which in can. 646, or has been dismissed on account of an offense which by common law is punished by infamy of law or by deposition or degradation, is perpetually prohibited from wearing ecclesiastical habit.

1983 Code correlation: NA

Can. 671. But if he is dismissed on account of offenses lesser than those of which in can. 670:

1983 Code correlation: NA

1. By that very fact he remains suspended, until he has obtained absolution from the Holy See.

2. The Sacred Congregation, if it has judged this expedient, is to command the dismissed person that, clothed in the habit of the secular clergy, he dwell in a certain diocese, the causes for which he was dismissed having been indicated to the Ordinary.

3. If the dismissed person has not obeyed the precept of which in n. 2, the religion is held to nothing, and the dismissed person is by that very fact deprived of the right of wearing ecclesiastical habit.

4. The Ordinary of the diocese designated for his residence is to send the religious into a house of penance, or to commit him to the care and vigilance of a pious and prudent priest; and if the religious does not obey, the prescription of n. 3 is to be observed.

5. The religion, through the hands of the Ordinary of the place of residence, is to supply a charitable subsidy to the dismissed person for the necessities for the sustenance of life, unless he can provide for himself from elsewhere.

6. If the dismissed person does not conduct a manner of life worthy of an ecclesiastical man, after a year has passed or even earlier, in the judgment of the Ordinary, he is to be deprived of the charitable subsidy, cast out from the house of penance, and the right of wearing ecclesiastical habit is to be taken from him by the Ordinary himself, who is immediately to take care to send an opportune report both to the Apostolic See and to the religion.

7. But if the dismissed person during the aforesaid time has conducted himself so laudably that he can deservedly be held truly amended, the Ordinary will commend his prayers to the Holy See for absolution from the censure of suspension, and, after it has been obtained, is to permit him in his diocese, with opportune cautions and limitations employed, the celebration of Mass and also, according to his own judgment and prudence, another sacred ministry from which he may be able to live honorably; in which case the religion can interrupt the charitable subsidy. But if there is question of a deacon or subdeacon, the matter is to be referred to the Holy See.

Can. 672.

1983 Code correlation: 1983 CIC 701

Sec. 1. A dismissed person, not released from vows emitted in religion, is bound to return to the cloisters; and if for a triennium he has given proofs of full amendment, the religion is bound to receive him; but if grave reasons obstruct, whether on the part of the religion or on the part of the religious, the matter is to be submitted to the judgment of the Apostolic See.

Sec. 2. Whenever, however, the vows emitted in religion have ceased, if the dismissed person has found a Bishop who is a benevolent receiver, he is to remain under his jurisdiction and special vigilance, with the prescription of can. 642 preserved; otherwise the matter is to be referred to the Holy See.

TITLE XVII: Of Societies, Whether of Men or of Women, Living in Common Without Vows

Can. 673.

1983 Code correlation: 1983 CIC 731-32, 740, 588

Sec. 1. A society, whether of men or of women, in which the members imitate the manner of life of religious, dwelling in common under the governance of Superiors according to approved constitutions, but are not bound by the three customary public vows, is not properly a religion, nor are its members properly designated by the name of religious.

Sec. 2. A society of this sort is clerical or lay, of pontifical or diocesan right according to the norm of can. 488, nn. 3, 4.

Can. 674. Concerning the erection and suppression of a society and of its provinces or houses, the same things are valid which have been established concerning religious Congregations.

1983 Code correlation: 1983 CIC 579, 584-85, 732-33

Can. 675. Governance is determined in the constitutions of each society; but in all things canons 499-530 are to be observed, congruent things being referred to congruent things.

1983 Code correlation: 1983 CIC 734, 738

Can. 676.

1983 Code correlation: 1983 CIC 741

Sec. 1. A society and its provinces and houses are capable of acquiring and possessing temporal goods.

Sec. 2. The administration of goods is governed by the prescription of canons 532-537.

Sec. 3. Whatever comes to the members in view of the society is acquired for the same; other goods the members retain, acquire, and administer according to the constitutions.

Can. 677. In admitting candidates the constitutions are to be observed, with the prescription of can. 542 preserved.

1983 Code correlation: 1983 CIC 735

Can. 678. In those things which pertain to the plan of studies and to orders to be received, members are held by the same laws as secular clerics, with peculiar prescriptions given by the Holy See preserved.

1983 Code correlation: 1983 CIC 735-36

Can. 679.

1983 Code correlation: 1983 CIC 737, 739

Sec. 1. Members of a society, besides the obligations to which, as members, they are bound according to the constitutions, are held by the common obligations of clerics, unless from the nature of the matter or from the context of the language something else is clear, and likewise they must stand by the prescriptions of canons 595-612, unless the constitutions provide otherwise.

Sec. 2. They are to observe enclosure according to the norm of the constitutions under the vigilance of the local Ordinary.

Can. 680. The same members, even lay members, enjoy the privileges of clerics, of which in canons 119-123, and others directly granted to the society, but not the privileges of religious without a special indult.

1983 Code correlation: 1983 CIC 737

Can. 681. Besides the constitutions proper to each society, concerning transfer to another society or to some religion, or concerning the departure of members from a society even of pontifical right, the prescriptions of canons 632-635, 645 are to be observed, congruent things being referred to congruent things; concerning their dismissal, the prescriptions of canons 646-672.

1983 Code correlation: 1983 CIC 742-46

PART THREE: Of the Laity

Can. 682. The laity have the right of receiving from the clergy, according to the norm of ecclesiastical discipline, spiritual goods and above all the helps necessary for salvation.

1983 Code correlation: 1983 CIC 213

Can. 683. It is not lawful for lay persons to wear clerical habit, unless there is question either of students of Seminaries and other aspirants to orders of whom in can. 972, Sec. 2, or of lay persons legitimately assigned to

the service of the church, while they are within the same church or outside it have a part in some ecclesiastical ministry.

1983 Code correlation: NA

TITLE XVIII: Of Associations of the Faithful in General

Can. 684. The faithful are worthy of praise if they give their names to associations erected by the Church or at least commended by it; but they are to beware of associations that are secret, condemned, seditious, suspect, or that strive to withdraw themselves from the legitimate vigilance of the Church.

1983 Code correlation: 1983 CIC 298

Can. 685. Associations distinct from religions or societies of which in canons 487-681 can be constituted by the Church either for promoting a more perfect Christian life among the members, or for exercising some works of piety or charity, or finally for the increase of public worship.

1983 Code correlation: 1983 CIC 298

Can. 686.

1983 Code correlation: 1983 CIC 299, 312

Sec. 1. No association is recognized in the Church which has not been erected or at least approved by legitimate ecclesiastical authority.

Sec. 2. To erect or approve associations belongs, besides the Roman Pontiff, to the local Ordinary, excepting those for whose institution the right has been reserved to others by apostolic privilege.

Sec. 3. Although a granted privilege is proved, nevertheless always, unless something else has been provided in the privilege itself, the consent of the local Ordinary given in writing is required for the validity of erection; moreover consent furnished by the Ordinary for the erection of a religious house is valid also for erecting in the same house or in a church attached to it an association which is not constituted after the manner of an organic body and is proper to that religion.

Sec. 4. A Vicar General by a general mandate alone, and a Capitular Vicar, cannot erect associations or furnish consent for their erection or aggregation.

Sec. 5. Letters of erection are to be granted gratis by those who erect an association by apostolic privilege, with only the tax for necessary expenses excepted.

Can. 687. According to the norm of can. 100, associations of the faithful acquire juridic personhood in the Church only when they have obtained a formal decree of erection from a legitimate ecclesiastical Superior.

1983 Code correlation: 1983 CIC 313

Can. 688. An association is not to assume a title or name which savors of levity or absurd novelty, or expresses a form of devotion not approved by the Apostolic See.

1983 Code correlation: 1983 CIC 300

Can. 689.

1983 Code correlation: 1983 CIC 304, 314

Sec. 1. Each association is to have its own statutes, examined and approved by the Apostolic See or by the local Ordinary.

Sec. 2. Statutes which have not been confirmed by the Apostolic See always remain subject to the direction and correction of the local Ordinary.

Can. 690.

1983 Code correlation: 1983 CIC 305

Sec. 1. All associations, even those erected by the Apostolic See, unless a special privilege obstructs, are subject to the jurisdiction and vigilance of the local Ordinary, who has the right and duty of visiting them according to the norms of the sacred canons.

Sec. 2. Nevertheless associations which by force of apostolic privilege have been established by exempt religious in their own churches, local Ordinaries are not permitted to visit as regards those things which concern the internal discipline or spiritual direction of the association.

Can. 691.

1983 Code correlation: 1983 CIC 319

Sec. 1. A legitimately erected association, unless something else has expressly been provided, can possess and administer temporal goods under the authority of the local Ordinary, to whom it must render an account of administration at least each year, according to the norm of can. 1525, but by no means to the pastor, although it has been erected in his territory, unless the Ordinary himself has established otherwise.

Sec. 2. It can, according to the norm of the statutes, receive offerings and spend those received for the pious uses of the association itself, with the will of those offering always preserved.

Sec. 3. It is lawful for no association to collect alms unless either the statutes permit this or necessity demands it, and the consent of the local Ordinary is added and the form prescribed by the same is observed.

Sec. 4. For collecting alms outside the territory, permission of each Ordinary, given in writing, is required.

Sec. 5. An association is also to render an account to the local Ordinary of the faithful spending of offerings and alms.

Can. 692. To enjoy the rights, privileges, indulgences, and other spiritual graces of an association, it is necessary and sufficient that someone has been validly received into it according to the association's own statutes and has not been legitimately expelled from it.

1983 Code correlation: 1983 CIC 306

Can. 693.

1983 Code correlation: 1983 CIC 307, 316

Sec. 1. Non-Catholics and those enrolled in a condemned sect, or those notoriously bound by censure, and in general public sinners, cannot be validly received.

Sec. 2. The same person can be enrolled in several associations, with the prescription of can. 705 preserved.

Sec. 3. Absent persons are not to be enrolled in associations constituted after the manner of an organic body; those present, however, can be enrolled only knowingly and willingly.

Sec. 4. With the prescription of can. 704 preserved, religious can give their names to pious associations, excepting those whose laws, in the judgment of the Superiors, cannot be reconciled with observance of the rule and constitutions.

Can. 694.

1983 Code correlation: 1983 CIC 307

Sec. 1. Reception is to be done according to the norm of law and of the statutes of each association.

Sec. 2. But so that reception may be clear, inscription in the register of the association must absolutely be made; indeed this inscription, if the association has been erected as a moral person, is necessary for validity.

Can. 695. On the occasion of reception into an association, nothing is to be exacted directly or indirectly, except that which has been designated in legitimately approved statutes, or expressly permitted by the local

Ordinary, by reason of special circumstances, in favor of the association.

1983 Code correlation: NA

Can. 696.

1983 Code correlation: 1983 CIC 308, 316

Sec. 1. No one legitimately enrolled is to be dismissed from an association except for a just cause according to the norm of the statutes.

Sec. 2. Those who have fallen into the case of which in can. 693, Sec. 1 are to be removed, after a warning has been given, with the proper statutes observed and with the right of recourse to the Ordinary preserved.

Sec. 3. Even if nothing is expressly provided in the statutes, both the local Ordinary, as regards all associations, and the religious Superior, as regards associations erected by religious from an apostolic indult, can dismiss members.

Can. 697.

1983 Code correlation: 1983 CIC 309

Sec. 1. Legitimately erected associations have the right, according to the norm of the statutes and of the sacred canons, of holding assemblies, of issuing particular norms which concern the sodality itself, and of electing administrators of goods, officials, and ministers, with the prescription of can. 715 remaining firm.

Sec. 2. In those things which concern convocation to assemblies and elections, the common law, which is set forth in canons 161-182, and statutes not contrary to common law are to be observed.

Can. 698.

1983 Code correlation: 1983 CIC 317-18

Sec. 1. Unless an apostolic privilege expressly provides otherwise, the nomination of the moderator and chaplain belongs to the local Ordinary in associations erected or approved by him or by the Apostolic See, and in associations erected by religious by force of apostolic privilege outside their own churches; but in associations erected by religious in their own churches only the consent of the local Ordinary is required, if the moderator and chaplain are chosen by the Superior from the secular clergy.

Sec. 2. The moderator and chaplain can, during their office, bless the habit or insignia of the association, scapulars, etc., and impose them on those being enrolled; but as regards sermons, the prescriptions of canons 1337-1342 are to be observed.

Sec. 3. Those who nominated the moderator and chaplain, and their successors or Superiors, can revoke them for a just cause.

Sec. 4. The same person can be moderator and chaplain.

Can. 699.

1983 Code correlation: 1983 CIC 320

Sec. 1. For grave causes and with the right of recourse to the Apostolic See preserved, the local Ordinary can suppress not only an association erected by himself or by his predecessors, but also an association erected by religious from an apostolic indult with the consent of the local Ordinary.

Sec. 2. Associations erected by the Apostolic See itself, however, can be suppressed only by the same.

TITLE XIX: Of Associations of the Faithful in Particular

Can. 700. A threefold species of associations is distinguished in the Church: secular Third Orders, confraternities, and pious unions.

1983 Code correlation: NA

Can. 701.

1983 Code correlation: NA

Sec. 1. Among pious associations of lay persons, the order of precedence is that which follows, with the prescription of can. 106, nn. 5, 6 remaining firm:

1. Third Orders.

2. Archconfraternities.

3. Confraternities.

4. Primary pious unions.

5. Other pious unions.

Sec. 2. The confraternity of the Most Holy Sacrament, if there is question of a procession in which the Most Holy Sacrament is carried, precedes the archconfraternities themselves.

Sec. 3. All, however, have the right of precedence only when they advance collegially under their own cross or banner and with the habit or insignia of the association.

CHAPTER I: Of Secular Third Orders

Can. 702.

1983 Code correlation: NA

Sec. 1. Secular tertiaries are those who, in the world, under the direction of some Order, according to the spirit of the same, strive to contend toward Christian perfection in a manner suited to secular life, according to rules approved for them by the Apostolic See.

Sec. 2. If a secular Third Order is divided into several associations, each of these legitimately constituted is called a sodality of tertiaries.

Can. 703.

1983 Code correlation: NA

Sec. 1. With the privilege granted to some Orders remaining firm, no religion can join a Third Order to itself.

Sec. 2. Even with an apostolic privilege granted, religious Superiors can indeed enroll particular persons in a Third Order, but they cannot validly erect a sodality of tertiaries without the consent of the local Ordinary according to the norm of can. 686, Sec. 3.

Sec. 3. Nor can they grant to sodalities erected by themselves the use of particular garments, to be worn in public sacred functions, without the special permission of the same Ordinary.

Can. 704.

1983 Code correlation: NA

Sec. 1. One who has pronounced vows either in perpetuity or for a time in some religion cannot at the same time belong to any Third Order, even if he had been enrolled in the same previously.

Sec. 2. If, released from vows, he has returned to the world, the former enrollment revives.

Can. 705. No sodality of tertiaries, without an apostolic indult, can enroll members of another Third Order who remain in the same; nevertheless it is lawful for individual members, for a just cause, to transfer either from one Third Order to another, or from one sodality to another sodality of the same Third Order.

1983 Code correlation: NA

Can. 706. Tertiaries can, but are not bound to, be present collegially at public processions, funerals, and other ecclesiastical functions; but if they are present, it is necessary that they advance with their insignia under their own cross.

1983 Code correlation: NA

CHAPTER II: Of Confraternities and Pious Unions

Can. 707.

1983 Code correlation: NA

Sec. 1. Associations of the faithful which have been erected for the exercise of some work of piety or charity come under the name of pious unions; and if they are constituted after the manner of an organic body, they are called sodalities.

Sec. 2. Sodalities erected also for the increase of public worship are called by the special name confraternities.

Can. 708. Confraternities can be constituted only by a formal decree of erection; but for pious unions the approval of the Ordinary suffices, by which, once obtained, they, although they are not moral persons, are nevertheless capable of obtaining spiritual graces and especially indulgences.

1983 Code correlation: NA

Can. 709.

1983 Code correlation: NA

Sec. 1. Confreres cannot perform service at sacred functions unless they wear the habit or insignia of the confraternity.

Sec. 2. Women can be enrolled in confraternities only for gaining the indulgences and spiritual graces granted to the confreres.

Can. 710. The title or name of a confraternity or pious union is to be taken either from the attributes of God, or from the mysteries of the Christian religion, or from feasts of the Lord and of the Blessed Virgin Mary, or from the Saints, or from the pious work of the sodality itself.

1983 Code correlation: NA

Can. 711.

1983 Code correlation: NA

Sec. 1. Several confraternities or pious unions of the same title and purpose are not to be erected or approved in the same place, unless this has been specially granted to them or provided by law; but if there is question of large cities, this is lawful, provided that there intervenes between them a suitable distance, in the judgment of the local Ordinary.

Sec. 2. Local Ordinaries are to take care that in each parish confraternities of the Most Holy Sacrament and of Christian doctrine are established; these, legitimately erected, are by the law itself aggregated to the same Archconfraternities erected in Rome by the Cardinal Vicar of the City.

Can. 712.

1983 Code correlation: NA

Sec. 1. Confraternities or pious unions are not to be erected except in a church or public or at least semi-public oratory.

Sec. 2. They are not to be instituted in a cathedral or collegiate church without the consent of the Chapter.

Sec. 3. In churches or oratories of religious women, the local Ordinary can permit the erection of an association of women only, or of a pious union which is devoted only to prayers and enjoys only the communication of spiritual

graces.

Can. 713.

1983 Code correlation: NA

Sec. 1. Religious, with confraternities or pious unions erected by themselves, can and must communicate all and only those spiritual graces which in the faculties received from the Apostolic See are specifically and by name declared communicable, and these must be manifested to individuals in the act of erection, with the prescription of can. 919 preserved.

Sec. 2. Confraternities erected by the same are not permitted to assume a proper garment or insignia, which are to be worn in public processions and other sacred functions, without the special permission of the local Ordinary.

Can. 714. A confraternity is not to lay aside or change its proper habit or insignia without permission of the local Ordinary.

1983 Code correlation: NA

Can. 715.

1983 Code correlation: NA

Sec. 1. To preside over assemblies of confraternities, even those to be celebrated in churches and oratories of regulars, either personally or through a delegate, yet without the right of vote; to confirm worthy and suitable elected officials and ministers; to reject or remove the unworthy or unsuitable; and to correct and approve statutes or other ordinances, unless they have been approved by the Apostolic See, belongs to the local Ordinary.

Sec. 2. Concerning the celebration of extraordinary assemblies, a confraternity is to give timely notice to the local Ordinary or his delegate; otherwise the Ordinary has the right of preventing the assemblies or of wholly invalidating their decrees.

Can. 716.

1983 Code correlation: NA

Sec. 1. Confraternities and pious unions erected in their own churches can exercise non-parochial functions, with the things to be observed having been observed, independently of the pastor, provided they do not harm parochial ministry in the parochial church.

Sec. 2. The same is to be observed also in the case in which the parish has been erected in the church itself of the confraternity.

Sec. 3. In doubt whether the functions of a confraternity or pious union harm parochial ministry or not, the right of deciding belongs to the local Ordinary, and likewise that of establishing practical norms to be observed.

Can. 717.

1983 Code correlation: NA

Sec. 1. If they have been erected in churches not their own, they can perform their proper ecclesiastical functions only in the chapel or altar in which they have been erected, according to the norm of can. 716 and of particular statutes.

Sec. 2. The patrimony of a confraternity or pious union which has been erected in a church not its own, or whose church is at the same time a parochial church, must be separated from the goods of the fabric or community.

Can. 718. Confraternities are held to be present collegially with their own insignia and under their own banner at customary processions and at others which the local Ordinary has proclaimed, unless the Ordinary has prescribed otherwise.

1983 Code correlation: NA

Can. 719.

1983 Code correlation: NA

Sec. 1. With the consent of the local Ordinary, a confraternity or pious union can be transferred from one seat to another, unless transfer is prohibited by law or by statutes approved by the Apostolic See.

Sec. 2. Whenever there is question of transferring a confraternity or pious union reserved to some religion, the consent of the Superior is to be required.

CHAPTER III: Of Archconfraternities and Primary Unions

Can. 720. Sodalities which possess the right of aggregating to themselves other associations of the same species are called archsodalities, or archconfraternities, or primary pious unions, congregations, or societies.

1983 Code correlation: NA

Can. 721.

1983 Code correlation: NA

Sec. 1. No association can validly aggregate others to itself without an apostolic indult.

Sec. 2. An archconfraternity or primary union can aggregate to itself only those confraternities or pious unions which are of the same title and end, unless the apostolic indult provides otherwise.

Can. 722.

1983 Code correlation: NA

Sec. 1. Through aggregation are communicated all communicable indulgences, privileges, and other spiritual graces which have been granted directly and by name by the Apostolic See to the aggregating association or may be granted in the future, unless something else is provided in the apostolic indult.

Sec. 2. From this communication the aggregating association acquires no right over the aggregated association.

Can. 723. For the validity of aggregation it is required that:

1983 Code correlation: NA

1. The association has already been canonically erected and has not been aggregated to another archconfraternity or primary union.

2. It is done with the consent of the local Ordinary given in writing together with his testimonial letters.

3. The indulgences, privileges, and other spiritual graces which are communicated through aggregation are enumerated in a list, recognized by the Ordinary of the place in which the archconfraternity is situated and to be handed over to the aggregated society.

4. The aggregation is made according to the formula prescribed in the statutes and in perpetuity.

5. The letters of aggregation are issued entirely gratis and for no payment at all, even one spontaneously offered, excepting necessary expenses.

Can. 724. An archconfraternity or primary union can be transferred from one seat to another only by the Apostolic See.

1983 Code correlation: NA

Can. 725. The title of archsodality or archconfraternity or primary union, even only for the sake of honor, can be granted to an association by the Apostolic See alone.

1983 Code correlation: NA

Liber III: Of Things

BOOK THREE: Of Things

Can. 726. The things which are treated in this book, and which are so many means for attaining the end of the Church, are some spiritual, some temporal, and some mixed.

1983 Code correlation: NA

Can. 727.

1983 Code correlation: NA

Sec. 1. The deliberate will of buying or selling for a temporal price a thing intrinsically spiritual, for example, Sacraments, ecclesiastical jurisdiction, consecration, indulgences, etc., or a temporal thing joined to a spiritual thing in such a way that the temporal thing cannot in any way exist without the spiritual, for example, an ecclesiastical benefice, etc., or that the spiritual thing is the object, even partially, of the contract, for example, consecration in the sale of a consecrated chalice, is simony of divine law.

Sec. 2. But to give temporal things joined to spiritual things for temporal things joined to spiritual things, or spiritual things for spiritual things, or even temporal things for temporal things, if this is prohibited by the Church on account of the danger of irreverence toward spiritual things, is simony of ecclesiastical law.

Can. 728. When there is question of simony, buying-selling, exchange, etc., are to be understood broadly for any agreement, even one not brought to effect, even tacit, in which namely the simoniacal intention is not expressly manifested, but is gathered from the circumstances.

1983 Code correlation: NA

Can. 729. With the penalties established by law against simoniacs remaining firm, the simoniacal contract itself and, if simony is committed concerning benefices, offices, or dignities, the subsequent provision lack all force, even if the simony was committed by a third person, even without the knowledge of the person provided, provided that this is not done in fraud of the same person provided or while he is contradicting it. Wherefore:

1983 Code correlation: NA

1. Before any sentence of a judge, the thing simoniacally given and accepted, if it is capable of restitution and the reverence due to a spiritual thing does not obstruct, must be restored, and the benefice, office, or dignity resigned.

2. One simoniacally provided does not make the fruits his own; but if he has received them in good faith, it is permitted to the prudence of the judge or Ordinary to remit to him the fruits received wholly or in part.

Can. 730. Simony is not had when a temporal thing is given not for a spiritual thing, but on its occasion from a just title recognized by the sacred canons or by legitimate custom; likewise when a temporal thing is given for a temporal thing which as a subject has something spiritual joined to it, for example, a consecrated chalice, provided that the price is not increased on account of the joined spiritual thing.

1983 Code correlation: NA

PART ONE: Of the Sacraments

Can. 731.

1983 Code correlation: 1983 CIC 840, 844

Sec. 1. Since all the Sacraments of the New Law, instituted by Christ Our Lord, are the chief means of sanctification and salvation, the greatest diligence and reverence must be applied in administering and receiving them opportunely and rightly.

Sec. 2. It is forbidden to administer the Sacraments of the Church to heretics or schismatics, even those erring in good faith and asking for them, unless first, having rejected their errors, they have been reconciled to the Church.

Can. 732.

1983 Code correlation: 1983 CIC 845

Sec. 1. The Sacraments of baptism, confirmation, and order, which imprint a character, cannot be repeated.

Sec. 2. But if a prudent doubt exists whether they were in fact conferred or whether they were validly conferred, they are to be conferred again under condition.

Can. 733.

1983 Code correlation: 1983 CIC 845

Sec. 1. In confecting, administering, and receiving the Sacraments, the rites and ceremonies which are prescribed in the ritual books approved by the Church are to be observed accurately.

Sec. 2. Each person, moreover, is to follow his own rite, with the prescription of can. 851, Sec. 2, 866 preserved.

Can. 734.

1983 Code correlation: 1983 CIC 847

Sec. 1. The sacred oils which serve for administering certain Sacraments must have been blessed by the Bishop on the Thursday in the Supper of the Lord immediately preceding; nor are old oils to be used unless necessity urges.

Sec. 2. When the blessed oil is nearly failing, other unblessed olive oil is to be added, even repeatedly, yet in a smaller quantity.

Can. 735. The pastor must seek the sacred oils from his own Ordinary and carefully preserve them in the church in safe and decent custody under key; nor is he to keep them at home, unless because of necessity or another reasonable cause, with the permission of the Ordinary added.

1983 Code correlation: 1983 CIC 847, 1003

Can. 736. For the administration of the Sacraments the minister is to exact or seek nothing for any cause or occasion, either directly or indirectly, except the offerings of which in can. 1507, Sec. 1.

1983 Code correlation: 1983 CIC 848

TITLE I: Of Baptism

Can. 737.

1983 Code correlation: 1983 CIC 849

Sec. 1. Baptism, the gate and foundation of the Sacraments, necessary for all for salvation in fact or at least in desire, is not validly conferred except through washing with true and natural water together with the prescribed form of words.

Sec. 2. When it is administered with all the rites and ceremonies which are prescribed in the ritual books observed, it is called solemn; otherwise, non-solemn or private.

CHAPTER I: Of the Minister of Baptism

Can. 738.

1983 Code correlation: 1983 CIC 857, 861

Sec. 1. The ordinary minister of solemn baptism is a priest; but its conferral is reserved to the pastor or to another priest with the permission of that pastor or of the local Ordinary, which permission is legitimately presumed in a case of necessity.

Sec. 2. Even a traveler is to be solemnly baptized by his own pastor in his own parish, if this can be done easily and without delay; otherwise any pastor can solemnly baptize the traveler in his own territory.

Can. 739. In another territory it is lawful for no one, without due permission, to confer solemn baptism, not even upon inhabitants of his own place.

1983 Code correlation: 1983 CIC 862

Can. 740. Where parishes or quasi-parishes have not yet been constituted, account must be taken of particular statutes and received customs, so that it may be clear to which priest, besides the Ordinary, the right of baptizing belongs in the whole territory or in part of it.

1983 Code correlation: NA

Can. 741. The extraordinary minister of solemn baptism is a deacon; nevertheless he is not to use his power without the permission of the local Ordinary or pastor, to be granted for a just cause, which, where necessity urges, is legitimately presumed.

1983 Code correlation: 1983 CIC 61

Can. 742.

1983 Code correlation: 1983 CIC 861

Sec. 1. Non-solemn baptism, of which in can. 759, Sec. 1, can be administered by anyone, with due matter, form, and intention preserved; insofar as it can be done, however, two witnesses or at least one are to be used, by whom the conferral of baptism can be proved.

Sec. 2. If, however, a priest is present, he is to be preferred to a deacon, a deacon to a subdeacon, a cleric to a lay person, and a man to a woman, unless for the sake of modesty it is fitting that a woman rather than a man baptize, or unless the woman knows better the form and manner of baptizing.

Sec. 3. It is not lawful for a father or mother to baptize their own offspring, except in danger of death, when another who may baptize is not at hand.

Can. 743. The pastor is to take care that the faithful, especially midwives, physicians, and surgeons, thoroughly learn the correct manner of baptizing for a case of necessity.

1983 Code correlation: 1983 CIC 861

Can. 744. The baptism of adults, where it can conveniently be done, is to be referred to the local Ordinary, so that, if he wishes, it may be conferred more solemnly by him or by his delegate.

1983 Code correlation: 1983 CIC 863

CHAPTER II: Of the Subject of Baptism

Can. 745.

1983 Code correlation: 1983 CIC 852, 864

Sec. 1. The subject capable of baptism is every and only wayfaring human being, not yet baptized.

Sec. 2. When there is question of baptism:

1. By the name of little ones or infants, according to the norm of can. 88, Sec. 3, come those who have not yet attained the use of reason; and to these are also counted those insane from infancy, constituted in any age.

2. Adults, moreover, are reckoned those who enjoy the use of reason; and this is sufficient that each person by his own movement of soul may seek baptism and be admitted to it.

Can. 746.

1983 Code correlation: NA

Sec. 1. No one enclosed in the womb of the mother is to be baptized until there is probable hope that, having been duly brought forth, he can be baptized.

Sec. 2. If the infant has put forth the head and danger of death is imminent, he is to be baptized on the head; nor afterward, if he survives alive, is he to be baptized again under condition.

Sec. 3. If he has put forth another member, he is to be baptized on it under condition, if danger is imminent; but then, if once born he lives, he is again to be baptized under condition.

Sec. 4. If a pregnant mother has died, the fetus, extracted by those to whom it pertains, if it certainly lives, is to be baptized absolutely; if doubtfully, under condition.

Sec. 5. A fetus baptized in the womb must after birth be baptized again under condition.

Can. 747. Care is to be taken that all aborted fetuses, brought forth at whatever time, if they certainly live, are baptized absolutely; if doubtfully, under condition.

1983 Code correlation: 1983 CIC 871

Can. 748. Monsters and prodigies are always to be baptized at least under condition; but in doubt whether they are one human being or several, one is to be baptized absolutely, the others under condition.

1983 Code correlation: NA

Can. 749. Exposed and found infants, unless, after the matter has been diligently investigated, their baptism is clear, are to be baptized under condition.

1983 Code correlation: 1983 CIC 870

Can. 750.

1983 Code correlation: 1983 CIC 868

Sec. 1. The infant of unbelievers, even against the will of the parents, is licitly baptized when he is in such danger of life that it is prudently foreseen that he will die before he attains the use of reason.

Sec. 2. Outside danger of death, provided that provision has been made for his Catholic education, he is licitly baptized:

1. If the parents or guardians, or at least one of them, consent.

2. If the parents, that is, father, mother, grandfather, grandmother, or guardians, are lacking, or have lost the right over him, or can in no way exercise it.

Can. 751. Concerning the baptism of infants of two heretics or schismatics, or of two Catholics who have fallen into apostasy or heresy or schism, generally the norms established in the preceding canon are to be observed.

1983 Code correlation: 1983 CIC 868

Can. 752.

1983 Code correlation: 1983 CIC 851, 865

Sec. 1. An adult is not to be baptized unless he is knowing and willing and well instructed; moreover, he is to be admonished that he grieve for his sins.

Sec. 2. But in danger of death, if he cannot be instructed more diligently in the chief mysteries of the faith, it is sufficient, for conferring baptism, that in some way he show that he assents to the same and seriously promise that he will observe the commandments of the Christian religion.

Sec. 3. But if he cannot even seek baptism, yet either before or in the present state has manifested in some probable way the intention of receiving it, he is to be baptized under condition; if afterward he recovers and doubt concerning the value of the conferred baptism remains, baptism is again to be conferred under condition.

Can. 753.

1983 Code correlation: 1983 CIC 866

Sec. 1. It is fitting that both the priest who is about to baptize adults, and the adults themselves who are healthy, be fasting.

Sec. 2. Unless grave and urgent causes obstruct, a baptized adult is immediately to assist at the Sacrifice of the Mass and receive sacred communion.

Can. 754.

1983 Code correlation: 1983 CIC 852

Sec. 1. The insane and the furious are not to be baptized, unless they have been such from birth or before attaining the use of reason; and then they are to be baptized as infants.

Sec. 2. But if they have lucid intervals, while they are in possession of mind, they are to be baptized if they wish.

Sec. 3. They are also to be baptized, when danger of death is imminent, if, before they became insane, they showed a desire of receiving baptism.

Sec. 4. One who suffers from lethargy or frenzy is to be baptized only while awake and willing; but if danger of death threatens, the prescription of Sec. 3 is to be observed.

CHAPTER III: Of the Rites and Ceremonies of Baptism

Can. 755.

1983 Code correlation: NA

Sec. 1. Baptism is to be conferred solemnly, with the prescription of can. 759 preserved.

Sec. 2. The local Ordinary can, for a grave and reasonable cause, grant that the ceremonies prescribed for the baptism of infants be used in the baptism of adults.

Can. 756.

1983 Code correlation: 1983 CIC 111

Sec. 1. Offspring must be baptized in the rite of the parents.

Sec. 2. If one parent belongs to the Latin rite, the other to an Eastern rite, the offspring is to be baptized in the rite of the father, unless something else has been provided by special law.

Sec. 3. If only one parent is Catholic, the offspring is to be baptized in the rite of that one.

Can. 757.

1983 Code correlation: 1983 CIC 853

Sec. 1. In solemn baptism water blessed for this purpose is to be used.

Sec. 2. If the blessed water in the baptistery has been so diminished that it seems less than sufficient, other unblessed water is to be mixed in, even repeatedly, yet in a smaller quantity.

Sec. 3. But if it has been corrupted, or has flowed out, or has failed in any way, the pastor is to pour fresh water into the font, well cleansed and polished, and bless it according to the proper rite prescribed in his liturgical books.

Can. 758. Although baptism can validly be conferred either by infusion, or by immersion, or by sprinkling, nevertheless the first or the second mode, or a mixed mode from both, whichever is more in use, is to be retained, according to the approved ritual books of the different Churches.

1983 Code correlation: 1983 CIC 854

Can. 759.

1983 Code correlation: NA

Sec. 1. In danger of death it is lawful to confer baptism privately; and, if it is conferred by a minister who is neither priest nor deacon, only those things are to be placed which are necessary for the validity of baptism; if by a priest or deacon, the ceremonies which follow baptism are also to be observed, if time is available.

Sec. 2. Outside danger of death the local Ordinary cannot permit private baptism, unless there is question of heretics who in adult age are baptized under condition.

Sec. 3. The ceremonies, moreover, which for any reason have been omitted in the conferral of baptism, are to be supplied as soon as possible in a church, unless in the case of which in Sec. 2.

Can. 760. When baptism is repeated under condition, the ceremonies, if indeed they were omitted in the prior baptism, are to be supplied, with the prescription of can. 759, Sec. 3 preserved; but if they were used in the prior baptism, they can be repeated in the other or omitted.

1983 Code correlation: NA

Can. 761. Pastors are to take care that a Christian name is imposed on the one who is baptized; but if they cannot attain this, they are to add the name of some Saint to the name imposed by the parents, and enter both names in the book of the baptized.

1983 Code correlation: 1983 CIC 855

CHAPTER IV: Of Sponsors

Can. 762.

1983 Code correlation: 1983 CIC 872

Sec. 1. From the most ancient custom of the Church, no one is to be baptized solemnly unless he has, insofar as it can be done, his own sponsor.

Sec. 2. Even in private baptism a sponsor is to be used, if one can easily be had; if he was not present, he is to be used in supplying the ceremonies of baptism, but in this case he contracts no spiritual relationship.

Can. 763.

1983 Code correlation: NA

Sec. 1. When baptism is repeated under condition, the same sponsor, insofar as it can be done, is to be used who perhaps was present in the prior baptism; outside this case in conditional baptism a sponsor is not necessary.

Sec. 2. When baptism has been repeated under condition, neither the sponsor who was present at the prior baptism, nor the one who was present at the later, contracts spiritual relationship, unless the same sponsor was used in both baptisms.

Can. 764. Only one sponsor is to be used, even of a sex different from the person to be baptized, or at most one male and one female.

1983 Code correlation: 1983 CIC 873

Can. 765. In order that someone be a sponsor, it is required:

1983 Code correlation: 1983 CIC 874

1. That he be baptized, have attained the use of reason, and have the intention of carrying out this function.
2. That he belong to no heretical or schismatic sect, nor be excommunicated by condemnatory or declaratory sentence, or infamous with infamy of law, or excluded from legitimate acts, nor be a cleric deposed or degraded.
3. That he be neither the father nor mother nor spouse of the person to be baptized.
4. That he be designated by the person to be baptized himself or by his parents or guardians, or, if these are lacking, by the minister.
5. That in the act of baptism he physically hold or touch the person to be baptized by himself or through a proxy, or immediately lift or receive him from the sacred font or from the hands of the one baptizing.

Can. 766. But in order that someone be licitly admitted as sponsor, it is required:

1983 Code correlation: 1983 CIC 874

1. That he has reached the fourteenth year of his age, unless something else seems good to the minister for a just cause.
2. That he not be excommunicated on account of a notorious delict, or excluded from legitimate acts, or infamous with infamy of law, without however a sentence having intervened, nor be interdicted or otherwise publicly criminal or infamous with infamy of fact.
3. That he know the rudiments of the faith.
4. That he be a novice or professed member in no religion, unless necessity urges and the express permission of at least the local Superior is had.
5. That he not be constituted in sacred orders, unless the express permission of his own Ordinary is added.

Can. 767. In doubt whether someone can validly or licitly be admitted to the function of sponsor or not, the pastor, if time is available, is to consult the Ordinary.

1983 Code correlation: NA

Can. 768. From baptism only the one baptizing and the sponsor contract spiritual relationship with the baptized person.

1983 Code correlation: NA

Can. 769. It belongs to sponsors, from the function undertaken, to have their spiritual child perpetually commended to themselves, and in those things which pertain to instruction in the Christian life, to take diligent care that he show himself throughout his whole life such as they promised in the solemn ceremony that he would be.

1983 Code correlation: 1983 CIC 872

CHAPTER V: Of the Time and Place of Conferring Baptism

Can. 770. Infants are to be baptized as soon as possible; and pastors and preachers are frequently to remind the faithful concerning this grave obligation of theirs.

1983 Code correlation: 1983 CIC 867

Can. 771. Private baptism, when necessity urges, is to be administered at any time and place.

1983 Code correlation: NA

Can. 772. Even solemn baptism can be administered on any day; nevertheless it is fitting that the baptism of adults, according to the most ancient rite of the Church, be conferred, if it can conveniently be done, on the vigil of Easter and of Pentecost, especially in metropolitan or cathedral churches.

1983 Code correlation: 1983 CIC 856

Can. 773. The proper place for administering solemn baptism is the baptistery in a church or public oratory.

1983 Code correlation: 1983 CIC 857

Can. 774.

1983 Code correlation: 1983 CIC 858

Sec. 1. Every parochial church, any contrary statute, privilege, or custom being revoked and reprobated, is to have a baptismal font, with the legitimate cumulative right already acquired by other churches preserved.

Sec. 2. The local Ordinary can, for the convenience of the faithful, permit or command that a baptismal font be placed also in another church or public oratory within the boundaries of the parish.

Can. 775. If the person to be baptized cannot, on account of the distance of places or other circumstances, without grave inconvenience or danger, approach or be transferred to the parochial church or to another which enjoys the right of font, solemn baptism can and must be conferred by the pastor in the nearest church or public oratory within the boundaries of the parish, although these lack a baptismal font.

1983 Code correlation: 1983 CIC 859

Can. 776.

1983 Code correlation: 1983 CIC 860

Sec. 1. In private homes, however, solemn baptism must not be administered except in these circumstances:

1. If those to be baptized are children or grandchildren of those who actually hold supreme rule of peoples or have the right of succeeding to the throne, whenever they have duly requested it.

2. If the local Ordinary, according to his prudent judgment and conscience, has judged for a just and reasonable cause that this is to be granted in some extraordinary case.

Sec. 2. In the aforementioned cases baptism is to be conferred in the chapel of the house or at least in another decent place, and with baptismal water blessed in the customary manner.

CHAPTER VI: Of the Notation and Proof of Baptism Conferred

Can. 777.

1983 Code correlation: 1983 CIC 877

Sec. 1. Pastors must carefully and without any delay enter the names of those baptized in the baptismal book, with mention made of the minister, the parents and sponsors, and the place and day of the baptism conferred.

Sec. 2. But where there is question of illegitimate children, the name of the mother is to be inserted if her maternity is publicly clear, or she herself seeks this of her own accord in writing or before two witnesses; likewise the name of the father, provided that he himself of his own accord requests this from the pastor either in writing or before two witnesses, or is known from a public authentic document; in other cases the one born is to be inscribed as the child of

an unknown father or of unknown parents.

Can. 778. If baptism was administered neither by the proper pastor nor in his presence, the minister is to inform as soon as possible the proper pastor of the baptized person by reason of domicile concerning the baptism conferred.

1983 Code correlation: 1983 CIC 878

Can. 779. To prove the baptism conferred, if prejudice is done to no one, one witness beyond every exception is sufficient, or the oath of the baptized person himself, if he received baptism in adult age.

1983 Code correlation: 1983 CIC 876

TITLE II: Of Confirmation

Can. 780. The Sacrament of confirmation must be conferred through the imposition of the hand with anointing of chrism on the forehead and through the words prescribed in the pontifical books approved by the Church.

1983 Code correlation: 1983 CIC 880

Can. 781.

1983 Code correlation: 1983 CIC 880

Sec. 1. The chrism to be used in the Sacrament of confirmation must be consecrated by a Bishop, even if the sacrament is administered by a presbyter by law or by apostolic indult.

Sec. 2. The anointing, moreover, is not to be done by some instrument, but by the minister's own hand duly imposed upon the head of the one to be confirmed.

CHAPTER I: Of the Minister of Confirmation

Can. 782.

1983 Code correlation: 1983 CIC 882-83

Sec. 1. The ordinary minister of confirmation is only a Bishop.

Sec. 2. The extraordinary minister is a presbyter to whom this faculty has been granted either by common law or by a peculiar indult of the Apostolic See.

Sec. 3. Besides Cardinals of the Holy Roman Church according to the norm of can. 239, Sec. 1, n. 23, an Abbot or Prelate nullius, Vicar and Prefect Apostolic enjoy this faculty by the law itself; nevertheless they cannot validly use it except within the boundaries of their territory and only while their office endures.

Sec. 4. A presbyter of the Latin rite to whom, by force of indult, this faculty belongs validly confers confirmation only on faithful of his own rite, unless something else has expressly been provided in the indult.

Sec. 5. It is unlawful for presbyters of an Eastern rite, who enjoy the faculty or privilege of conferring confirmation together with baptism on infants of their own rite, to administer the same to infants of the Latin rite.

Can. 783.

1983 Code correlation: 1983 CIC 886

Sec. 1. A Bishop legitimately administers this sacrament in his own diocese even to outsiders, unless the express prohibition of their own Ordinary obstructs.

Sec. 2. In another diocese he needs the permission of the local Ordinary, at least reasonably presumed, unless there is question of his own subjects to whom he confers confirmation privately and without crozier and miter.

Can. 784. It is also lawful for a presbyter, if he is fortified by an apostolic local privilege, to confirm in the territory designated to him even outsiders, unless their Ordinaries have expressly forbidden this.

1983 Code correlation: 1983 CIC 887

Can. 785.

1983 Code correlation: 1983 CIC 885

Sec. 1. A Bishop is bound by the obligation of conferring this sacrament on subjects duly and reasonably seeking it, especially at the time of visitation of the diocese.

Sec. 2. A presbyter given an apostolic privilege is held by the same obligation toward those in whose favor the faculty has been granted.

Sec. 3. An Ordinary, impeded by a legitimate cause or lacking the power of confirming, must, insofar as it can be done, provide at least within each five-year period that this sacrament be administered to his subjects.

Sec. 4. If he has gravely neglected to administer the Sacrament of confirmation to his subjects by himself or through another, the prescription of can. 274, n. 4 is to be observed.

CHAPTER II: Of the Subject of Confirmation

Can. 786. One not washed with the waters of baptism cannot validly be confirmed; moreover, in order that someone be confirmed licitly and fruitfully, he must be constituted in the state of grace and, if he has the use of reason, be sufficiently instructed.

1983 Code correlation: 1983 CIC 889

Can. 787. Although this sacrament is not of the necessity of means for salvation, nevertheless it is lawful for no one, when the occasion has been offered, to neglect it; indeed pastors are to take care that the faithful approach it at the opportune time.

1983 Code correlation: 1983 CIC 890

Can. 788. Although in the Latin Church the administration of the sacrament of confirmation is fittingly deferred to about the seventh year of age, nevertheless it can be conferred even earlier, if the infant is constituted in danger of death, or if it seems expedient to the minister for just and grave causes.

1983 Code correlation: 1983 CIC 891

Can. 789. Those to be confirmed, if there are several, are to be present at the first imposition or extension of hands, nor are they to depart except when the rite has been completed.

1983 Code correlation: NA

CHAPTER III: Of the Time and Place of Conferring Confirmation

Can. 790. This sacrament can be conferred at any time; but it is especially fitting that it be administered in the week of Pentecost.

1983 Code correlation: 1983 CIC 881

Can. 791. Although the proper place for administering confirmation is a church, nevertheless for a cause which the minister judges just and reasonable, this sacrament can be conferred in any other decent place.

1983 Code correlation: 1983 CIC 881

Can. 792. A Bishop has the right, within the boundaries of his diocese, of administering confirmation also in exempt places.

1983 Code correlation: 1983 CIC 888

CHAPTER IV: Of Sponsors

Can. 793. From the most ancient custom of the Church, as in baptism, so also in confirmation, a sponsor is to be used, if one can be had.

1983 Code correlation: 1983 CIC 892

Can. 794.

1983 Code correlation: NA

Sec. 1. Let a sponsor present only one person to be confirmed, or two, unless something else seems good to the minister for a just cause.

Sec. 2. Let there also be one sponsor for each person to be confirmed.

Can. 795. In order that someone be a sponsor, it is necessary:

1983 Code correlation: 1983 CIC 893

1. That he himself also be confirmed, have attained the use of reason, and have the intention of carrying out this function.

2. That he be enrolled in no heretical or schismatic sect, nor marked by any of the penalties of which in can. 765, n. 2, through a declaratory or condemnatory sentence.

3. That he not be the father, mother, or spouse of the person to be confirmed.

4. That he be designated by the person to be confirmed or by his parents or guardians, or, if these are lacking or refuse, by the minister or by the pastor.

5. That in the very act of confirmation he physically touch the person to be confirmed by himself or through a proxy.

Can. 796. In order that someone be licitly admitted to the function of sponsor, it is necessary:

1983 Code correlation: 1983 CIC 893

1. That he be other than the baptismal sponsor, unless a reasonable cause, in the judgment of the minister, advises otherwise, or confirmation is legitimately conferred immediately after baptism.

2. That he be of the same sex as the person to be confirmed, unless something else seems good to the minister in particular cases for a reasonable cause.

3. That, in addition, the prescriptions of can. 766 be observed.

Can. 797. Also from valid confirmation there arises between the confirmed person and the sponsor a spiritual relationship, from which the sponsor is held by the obligation of having the confirmed person perpetually commended to himself and of caring for his Christian education.

1983 Code correlation: 1983 CIC 892

CHAPTER V: Of the Notation and Proof of Confirmation Conferred

Can. 798. The pastor is to inscribe the names of the minister, of those confirmed, of the parents and sponsors, and the day and place of confirmation in a special book, besides the notation in the book of the baptized of

which in can. 470, Sec. 2.

1983 Code correlation: 1983 CIC 895

Can. 799. If the proper pastor of the confirmed person was not present, the minister, either personally or through another, is to make him certain as soon as possible concerning the confirmation conferred.

1983 Code correlation: 1983 CIC 896

Can. 800. To prove confirmation conferred, provided that prejudice is done to no one, one witness beyond every exception is sufficient, or the oath of the confirmed person himself, unless the confirmed person was confirmed in infant age.

1983 Code correlation: 1983 CIC 894

TITLE III: Of the Most Holy Eucharist

Can. 801. In the most holy Eucharist, under the species of bread and wine, Christ the Lord Himself is contained, offered, and received.

1983 Code correlation: 1983 CIC 897-99

CHAPTER I: Of the Most Sacred Sacrifice of the Mass

ARTICLE I: Of the Priest Celebrating the Sacrifice of the Mass

Can. 802. The power of offering the sacrifice of the Mass belongs only to priests.

1983 Code correlation: 1983 CIC 900

Can. 803. It is not lawful for several priests to concelebrate, except in the Mass of the ordination of presbyters and in the Mass of the consecration of Bishops according to the Roman Pontifical.

1983 Code correlation: 1983 CIC 902

Can. 804.

1983 Code correlation: 1983 CIC 903

Sec. 1. A priest foreign to the church in which he asks to celebrate, presenting authentic and still valid commendatory letters of his Ordinary, if he is secular, or of his Superior, if religious, or of the Sacred Congregation for the Eastern Church, if he is of an Eastern rite, is to be admitted to the celebration of Mass, unless in the meantime it is established that he has committed something because of which he ought to be repelled from the celebration of Mass.

Sec. 2. If he lacks these letters, but his probity is especially clear to the rector of the church, he can be admitted; but if he is unknown to the rector, he can still be admitted once or twice, provided that, vested in ecclesiastical dress, he receives nothing by any title from the celebration from the church in which he offers, and signs his name, office, and diocese in a special book.

Sec. 3. Particular norms concerning this matter, given by the local Ordinary, with the prescriptions of this canon preserved, are to be observed by all, even exempt religious, unless there is question of admitting religious to celebrate in a church of their own religious institute.

Can. 805. All priests are held by the obligation of offering the Holy Sacrifice several times a year; moreover, the Bishop or religious Superior is to take care that the same at least on each Sunday and on other feasts of precept perform divine functions.

1983 Code correlation: 1983 CIC 904

Can. 806.

1983 Code correlation: 1983 CIC 905

Sec. 1. Except on the day of the Nativity of the Lord and the day of the Commemoration of all the faithful departed, on which there is the faculty of offering the Eucharistic Sacrifice three times, it is not lawful for a priest to celebrate several Masses in a day, unless by apostolic indult or by faculty granted by the local Ordinary.

Sec. 2. Nevertheless the Ordinary cannot impart this faculty unless, in his prudent judgment, because of a scarcity of priests on a feast day of precept, a notable part of the faithful cannot assist at Mass; nor is it in his power to permit more than two Masses to the same priest.

Can. 807. A priest conscious to himself of mortal sin, however much he may judge himself contrite, is not to dare to celebrate Mass without prior sacramental confession; but if, with availability of a confessor lacking and necessity urging, nevertheless having elicited an act of perfect contrition, he has celebrated, he is to confess as soon as possible.

1983 Code correlation: 1983 CIC 916

Can. 808. It is not lawful for a priest to celebrate unless the natural fast from midnight has been observed.

1983 Code correlation: 1983 CIC 919

Can. 809. It is permitted to apply Mass for any persons whatever, both living and also the deceased expiating their sins in the fire of purgatory, with the prescription of can. 2262, Sec. 2, n. 2 preserved.

1983 Code correlation: 1983 CIC 901

Can. 810. A priest is not to omit to dispose himself by pious prayers for the oblation of the Eucharistic Sacrifice, and, when it has been completed, to give thanks to God for so great a benefit.

1983 Code correlation: 1983 CIC 909

Can. 811.

1983 Code correlation: 1983 CIC 929

Sec. 1. A priest about to celebrate Mass is to wear suitable clothing which reaches to the ankles and the sacred vestments prescribed by the rubrics of his rite.

Sec. 2. Moreover, let him abstain from skullcap and ring, unless he is a Cardinal of the Holy Roman Church, a Bishop, or a blessed Abbot, or unless an apostolic indult permits him the use of them in celebrating Mass.

Can. 812. To no priest celebrating, except Bishops and other prelates enjoying the use of pontificals, is it lawful, by the sole cause of honor or solemnity, to have an assisting presbyter.

1983 Code correlation: NA

Can. 813.

1983 Code correlation: 1983 CIC 906

Sec. 1. A priest is not to celebrate Mass without a server who serves him and responds.

Sec. 2. The server serving Mass is not to be a woman, unless, with a man lacking, for a just cause, and under this law: that the woman respond from a distance and in no way approach the altar.

ARTICLE II: Of the Rites and Ceremonies of the Mass

Can. 814. The most sacred sacrifice of the Mass must be offered from bread and wine, with which a very small quantity of water is to be mixed.

1983 Code correlation: 1983 CIC 924

Can. 815.

1983 Code correlation: 1983 CIC 924

Sec. 1. The bread must be purely wheaten and recently made, so that there is no danger of corruption.

Sec. 2. The wine must be natural, from the fruit of the vine, and not corrupted.

Can. 816. In the celebration of Mass, a priest, according to his own rite, must use unleavened or leavened bread wherever he offers the Holy Sacrifice.

1983 Code correlation: 1983 CIC 926

Can. 817. It is a grave wrong, even when extreme necessity urges, to consecrate one matter without the other, or even both outside the celebration of Mass.

1983 Code correlation: 1983 CIC 927

Can. 818. Any contrary custom being reprobated, the celebrating priest is to observe accurately and devoutly the rubrics of his ritual books, and to beware lest he add other ceremonies or prayers by his own judgment.

1983 Code correlation: 1983 CIC 846

Can. 819. The sacrifice of the Mass is to be celebrated in the liturgical language of each person's rite approved by the Church.

1983 Code correlation: 1983 CIC 928

ARTICLE III: Of the Time and Place of Celebrating Mass

Can. 820. The sacrifice of the Mass can be celebrated on all days, except those which are excluded by the priest's own rite.

1983 Code correlation: 1983 CIC 931

Can. 821.

1983 Code correlation: 1983 CIC 931

Sec. 1. The beginning of the celebration of Mass is not to occur earlier than one hour before dawn or later than one hour after noon.

Sec. 2. On the night of the Nativity of the Lord, only the conventual or parochial Mass can be begun at midnight, but not another without apostolic indult.

Sec. 3. Nevertheless in all religious or pious houses having an oratory with the faculty of habitually reserving the most holy Eucharist, on the night of the Nativity of the Lord, one priest can celebrate three ritual Masses or, with what must be observed having been observed, only one Mass which may avail for all those present also for satisfaction of the precept, and can minister sacred communion to those asking.

Can. 822.

1983 Code correlation: 1983 CIC 932

Sec. 1. Mass is to be celebrated upon a consecrated altar and in a church or oratory consecrated or blessed according to the norm of law, with the prescription of can. 1196 preserved.

Sec. 2. The privilege of a portable altar is granted only either by law or by indult of the Apostolic See.

Sec. 3. This privilege is to be understood in such a way that it carries with itself the faculty of celebrating anywhere, yet in an honorable and decent place and upon a sacred stone, but not at sea.

Sec. 4. The local Ordinary or, if there is question of a house of an exempt religious institute, the major Superior, can grant permission of celebrating outside a church and oratory upon a sacred stone and in a decent place, but never in a bedroom, only for a just and reasonable cause, in some extraordinary case and by way of an act.

Can. 823.

1983 Code correlation: 1983 CIC 933

Sec. 1. It is not lawful to celebrate Mass in a temple of heretics or schismatics, even if formerly duly consecrated or blessed.

Sec. 2. When an altar of his own rite is lacking, it is lawful for a priest to celebrate in his own rite on a consecrated altar of another Catholic rite, but not upon the antimensia of the Greeks.

Sec. 3. On papal altars no one is to celebrate without apostolic indult.

ARTICLE IV: Of Alms or Stipends of Masses

Can. 824.

1983 Code correlation: 1983 CIC 945, 951

Sec. 1. According to the received and approved custom and institution of the Church, it is lawful for any priest celebrating and applying Mass to receive an alms-offering or stipend.

Sec. 2. But as often as he celebrates several times in a day, if he applies one Mass by a title of justice, the priest cannot, except on the day of the Nativity of the Lord, receive an alms-offering for another, except some remuneration by an extrinsic title.

Can. 825. It is never lawful:

1983 Code correlation: NA

1. To apply Mass to the intention of him who is going to ask the application, an alms-offering having been offered, but has not yet asked, and to retain the alms-offering afterward given for a Mass previously applied.

2. To receive an alms-offering for a Mass which is owed and applied by another title.

3. To accept a double alms-offering for the application of the same Mass.

4. To receive one alms-offering for the celebration alone, another for the application of the same Mass, unless it is certain that one stipend was offered for the celebration without application.

Can. 826.

1983 Code correlation: NA

Sec. 1. Stipends which are offered by the faithful for Masses, whether from their own devotion, as it were by hand, or from an obligation even perpetual made by a testator upon his own heirs, are called manual stipends.

Sec. 2. Stipends of founded Masses are called after the manner of manual stipends when they cannot be applied in their proper place, or by those who ought to apply them according to the tables of foundation, and therefore by law or by indult of the Holy See they must be handed over to other priests so that satisfaction may be made for them.

Sec. 3. Other stipends which are received from the revenues of foundations are called founded stipends or founded Masses.

Can. 827. Every kind whatsoever of business-dealing or trade is to be entirely kept away from the Mass stipend.

1983 Code correlation: 1983 CIC 947

Can. 828. As many Masses are to be celebrated and applied as stipends, even small ones, have been given and accepted.

1983 Code correlation: 1983 CIC 948

Can. 829. Although without fault of the one who is burdened by the obligation of celebrating, the alms-offerings of Masses already received have perished, the obligation does not cease.

1983 Code correlation: 1983 CIC 949

Can. 830. If someone has offered a sum of money for the application of Masses, not indicating their number, this number is to be reckoned according to the alms-offering of the place in which the offeror was residing, unless another intention of his must legitimately be presumed.

1983 Code correlation: 1983 CIC 950

Can. 831.

1983 Code correlation: 1983 CIC 952

Sec. 1. It belongs to the local Ordinary to define the manual stipend of Masses in his diocese by decree, issued, insofar as it can be done, in the diocesan Synod; nor is it lawful for a priest to demand a larger one.

Sec. 2. Where a decree of the Ordinary is lacking, the custom of the diocese is to be observed.

Sec. 3. Even religious, although exempt, must stand, concerning the manual stipend, by the decree of the local Ordinary or the custom of the diocese.

Can. 832. It is lawful for a priest to accept a stipend spontaneously offered in a greater amount for the application of Mass; and, unless the local Ordinary has prohibited it, even a lesser one.

1983 Code correlation: 1983 CIC 952

Can. 833. The offeror is presumed to have sought only the application of Mass; but if the offeror has expressly determined some circumstances to be observed in the celebration of Mass, the priest, accepting the alms-offering, must stand by his will.

1983 Code correlation: NA

Can. 834.

1983 Code correlation: NA

Sec. 1. Masses for the celebrating of which a time has been expressly prescribed by the offeror are to be celebrated entirely at that time.

Sec. 2. If the offeror has expressly prescribed no time for the celebration of manual Masses:

1. Masses offered for an urgent cause are to be celebrated as soon as possible within useful time.

2. In other cases Masses are to be celebrated within a moderate time, according to the greater or lesser number of Masses.

Sec. 3. But if the offeror has expressly left the time of celebration to the discretion of the priest, the priest can celebrate them at the time which is more pleasing to himself, with the prescription of can. 835 remaining firm.

Can. 835. It is lawful for no one to receive so many burdens of Masses to be celebrated by himself that he cannot satisfy them within a year.

1983 Code correlation: 1983 CIC 953

Can. 836. In churches in which, because of the particular devotion of the faithful, alms-offerings of Masses flow in such a way that all the Masses cannot be celebrated there in due time, the faithful are to be admonished, by a notice placed in an open and visible place, that the Masses offered will be celebrated either there, when it can conveniently be done, or elsewhere.

1983 Code correlation: 1983 CIC 954

Can. 837. One who has Masses to be celebrated by others is to distribute them as soon as possible, with the prescription of can. 841 remaining firm; but the legitimate time for celebrating them begins from the day on which the priest who is to celebrate received them, unless something else is established.

1983 Code correlation: 1983 CIC 955

Can. 838. Those who have a number of Masses concerning which it is lawful for them to dispose freely can assign them to priests acceptable to themselves, provided that it is well established to them that those priests are beyond every exception or commended by the testimony of their own Ordinary.

1983 Code correlation: 1983 CIC 955

Can. 839. Those who hand over to others to be celebrated Masses received from the faithful or in any way entrusted to their fidelity are held by the obligation until they have obtained testimony from the same persons of the obligation accepted and of the stipend received.

1983 Code correlation: 1983 CIC 955

Can. 840.

1983 Code correlation: 1983 CIC 955

Sec. 1. One who transmits manual Mass stipends to others must transmit the accepted stipends in full, unless either the offeror expressly permits something to be retained, or it is certain that the excess above the diocesan tax was given in view of the person.

Sec. 2. In Masses after the manner of manual stipends, unless the mind of the founder stands in the way, the excess is legitimately retained and it is sufficient to remit only the manual alms-offering of the diocese in which the Mass is celebrated, if a rich alms-offering takes the place in part of the endowment of the benefice or pious cause.

Can. 841.

1983 Code correlation: 1983 CIC 956

Sec. 1. All and each administrators of pious causes, or those obligated in any way to fulfill Mass burdens, whether ecclesiastics or lay persons, toward the end of each year, are to hand over to their Ordinaries, according to the manner to be defined by them, the Mass burdens for which satisfaction has not yet been made.

Sec. 2. This time, moreover, is to be understood in such a way that, in Masses after the manner of manual stipends, the obligation of depositing them runs from the end of that year within which the burdens ought to have been fulfilled; but in manual Masses, after a year from the day of the burden undertaken, with a different will of the offerors preserved.

Can. 842. The right and office of watching that Mass burdens are fulfilled belongs, in churches of seculars, to the local Ordinary; in churches of religious, to their Superiors.

1983 Code correlation: 1983 CIC 957

Can. 843.

1983 Code correlation: 1983 CIC 958

Sec. 1. Rectors of churches and of other pious places, whether secular or religious, in which alms-offerings of Masses are customarily received, are to have a special book in which they accurately note the number, intention, alms-offering, and celebration of Masses received.

Sec. 2. Ordinaries are held by the obligation of inspecting books of this kind at least every year, either personally or through others.

Can. 844.

1983 Code correlation: 1983 CIC 955

Sec. 1. Local Ordinaries also and religious Superiors who commit Masses to be celebrated to their own subjects or to others are quickly to enter in order in a book the Masses which they have accepted with their alms-offerings, and are to take care according to their powers that they are celebrated as soon as possible.

Sec. 2. Indeed all priests, whether secular or religious, must accurately note which Mass intentions each has received and to which he has made satisfaction.

CHAPTER II: Of the Most Holy Sacrament of the Eucharist

ARTICLE I: Of the Minister of Sacred Communion

Can. 845.

1983 Code correlation: 1983 CIC 910

Sec. 1. The ordinary minister of sacred communion is only a priest.

Sec. 2. The extraordinary minister is a deacon, with the permission of the local Ordinary or pastor, to be granted for a grave cause, which in a case of necessity is legitimately presumed.

Can. 846.

1983 Code correlation: NA

Sec. 1. Any priest can minister sacred communion within Mass and, if he celebrates privately, also immediately before and immediately after, with the prescription of can. 869 preserved.

Sec. 2. Even outside Mass any priest has the same faculty from at least the presumed permission of the rector of the church, if he is an outsider.

Can. 847. Sacred communion is to be carried publicly to the sick, unless a just and reasonable cause advises otherwise.

1983 Code correlation: NA

Can. 848.

1983 Code correlation: NA

Sec. 1. The right and office of carrying sacred communion publicly to the sick, even non-parishioners, outside the church, belongs to the pastor within his own territory.

Sec. 2. Other priests can do this only in a case of necessity or with at least the presumed permission of the same pastor or Ordinary.

Can. 849.

1983 Code correlation: NA

Sec. 1. Any priest can carry communion privately to the sick, with at least the presumed permission of the priest to whom custody of the Most Holy Sacrament has been committed.

Sec. 2. When sacred communion is ministered privately to the sick, the reverence and decency due to so great a sacrament are to be diligently provided for, with the norms prescribed by the Apostolic See observed.

Can. 850. To carry sacred communion by way of Viaticum, whether publicly or privately, to the sick belongs to the pastor according to the norm of can. 848, with the prescription of can. 397, n. 3 and can. 514, Secs. 1-3 preserved.

1983 Code correlation: 1983 CIC 911

Can. 851.

1983 Code correlation: 1983 CIC 926

Sec. 1. A priest is to distribute sacred communion with unleavened bread or leavened bread, according to his own rite.

Sec. 2. But where necessity urges and no priest of a different rite is present, it is lawful for an Eastern priest who uses leavened bread to minister the Eucharist in unleavened bread, and conversely for a Latin or Eastern priest who uses unleavened bread to minister in leavened bread; yet each must observe his own rite of ministering.

Can. 852. The Most Holy Eucharist is to be offered under the species of bread alone.

1983 Code correlation: 1983 CIC 925

ARTICLE II: Of the Subject of Sacred Communion

Can. 853. Any baptized person who is not prohibited by law can and must be admitted to sacred communion.

1983 Code correlation: 1983 CIC 912

Can. 854.

1983 Code correlation: 1983 CIC 913-14

Sec. 1. To children who, because of the weakness of age, do not yet have knowledge and taste of this sacrament, the Eucharist is not to be ministered.

Sec. 2. In danger of death, in order that the Most Holy Eucharist can and must be ministered to children, it is sufficient that they know how to distinguish the Body of Christ from common food and reverently adore it.

Sec. 3. Outside danger of death, a fuller knowledge of Christian doctrine and a more accurate preparation are deservedly required, namely that by which they, according to their capacity, understand at least the mysteries of faith necessary by necessity of means for salvation, and approach the Most Holy Eucharist devoutly according to the measure of their age.

Sec. 4. Concerning the sufficient disposition of children for first communion, let the judgment belong to their confessor and to their parents or those who are in the place of parents.

Sec. 5. Moreover it is the office of the pastor to watch, even by examination if he has prudently judged it opportune, lest children approach the sacred Synaxis before they have attained the use of reason or without sufficient disposition; and likewise to take care that those who have attained the use of reason and are sufficiently disposed be refreshed as soon as possible by this divine food.

Can. 855.

1983 Code correlation: 1983 CIC 915

Sec. 1. The publicly unworthy are to be kept away from the Eucharist, such as the excommunicated, the interdicted, and those manifestly infamous, unless their repentance and amendment are established and they have first made

satisfaction for public scandal.

Sec. 2. But occult sinners, if they seek secretly and he has recognized that they are not amended, the minister is to repel; not however if they seek publicly and he cannot pass them by without scandal.

Can. 856. No one whom consciousness of mortal sin burdens, however much he may judge himself contrite, is to approach sacred communion without prior sacramental confession; but if necessity urges and availability of a confessor is lacking to him, he is first to elicit an act of perfect contrition.

1983 Code correlation: 1983 CIC 916

Can. 857. It is lawful for no one to receive the Most Holy Eucharist who has already received it on the same day, except in the cases of which in can. 858, Sec. 1.

1983 Code correlation: 1983 CIC 917

Can. 858.

1983 Code correlation: 1983 CIC 919

Sec. 1. One who has not observed the natural fast from midnight cannot be admitted to the Most Holy Eucharist, unless danger of death urges, or necessity of preventing irreverence toward the sacrament.

Sec. 2. Nevertheless the sick who have already been confined to bed for a month without certain hope that they will recover quickly can, by the prudent counsel of the confessor, receive the Most Holy Eucharist once or twice in the week, even if they have previously taken some medicine or something by way of drink.

Can. 859.

1983 Code correlation: 1983 CIC 920

Sec. 1. Every faithful person of either sex, after he has arrived at the years of discretion, that is, at the use of reason, must receive the Sacrament of the Eucharist once a year, at least at Easter, unless perhaps, by the counsel of his own priest, for some reasonable cause, he has judged that he should abstain from receiving it for a time.

Sec. 2. Easter communion is to be made from Palm Sunday to Low Sunday; but it is lawful for local Ordinaries, if the circumstances of persons and places so demand, to anticipate this time even for all their faithful, yet not before the fourth Sunday of Lent, or to extend it, yet not beyond the feast of the Most Holy Trinity.

Sec. 3. It is to be recommended to the faithful that each satisfy this precept in his own parish; and those who have satisfied it in another parish are to take care to make their own pastor certain concerning the fulfilled precept.

Sec. 4. The precept of Easter communion still urges if someone, for any cause whatever, has not fulfilled it at the prescribed time.

Can. 860. The obligation of the precept of communion to be received, which burdens the prepubescent, also and especially falls back upon those who ought to have care of them, that is, upon parents, guardians, confessor, teachers, and pastor.

1983 Code correlation: NA

Can. 861. The precept of receiving communion is not satisfied by sacrilegious communion.

1983 Code correlation: NA

Can. 862. It is expedient that on Thursday of Holy Week all clerics, even priests who on that day abstain from offering the Holy Sacrifice, be refreshed by the Most Holy Body of Christ in the solemn or conventual Mass.

1983 Code correlation: NA

Can. 863. The faithful are to be encouraged that they be refreshed frequently, even daily, by Eucharistic bread according to the norms handed down in the decrees of the Apostolic See; and that those assisting at Mass, rightly disposed, communicate not only by spiritual affection, but also by sacramental reception of the Most Holy Eucharist.

1983 Code correlation: NA

Can. 864.

1983 Code correlation: 1983 CIC 921

Sec. 1. In danger of death, from whatever cause it proceeds, the faithful are held by the precept of receiving sacred communion.

Sec. 2. Even if they have been refreshed by sacred communion on the same day, it is nevertheless strongly to be recommended that, when brought into danger of life, they communicate again.

Sec. 3. While danger of death continues, Holy Viaticum, according to the prudent counsel of the confessor, may and fittingly should be administered several times, on distinct days.

Can. 865. Holy Viaticum is not to be deferred too long for the sick; and those who have the care of souls are to watch diligently that the sick are refreshed by it while fully in possession of themselves.

1983 Code correlation: 1983 CIC 922

Can. 866.

1983 Code correlation: 1983 CIC 923

Sec. 1. To all the faithful of whatever rite the faculty is given that, for the sake of piety, they may receive the Eucharistic Sacrament confected in any rite.

Sec. 2. Nevertheless it is to be recommended that the faithful satisfy the precept of Easter communion each in his own rite.

Sec. 3. Holy Viaticum is to be received by the dying in their own rite; but, when necessity urges, it is lawful to receive it in any rite.

ARTICLE III: Of the Time and Place in Which Sacred Communion Can Be Distributed

Can. 867.

1983 Code correlation: 1983 CIC 918, 931

Sec. 1. It is lawful to distribute the Most Holy Eucharist on all days.

Sec. 2. On Friday of Holy Week, however, it is lawful only to carry sacred Viaticum to the sick.

Sec. 3. On Holy Saturday sacred communion cannot be ministered to the faithful except during the solemnities of Masses, or continuously and immediately after these have been completed.

Sec. 4. Sacred communion is to be distributed only at those hours in which the sacrifice of the Mass can be offered, unless a reasonable cause advises otherwise.

Sec. 5. Sacred Viaticum, however, can be ministered at any hour of the day or night.

Can. 868. It is not lawful for a celebrating priest to distribute the Eucharist within Mass to the faithful so distant that he himself loses the altar from sight.

1983 Code correlation: 1983 CIC 932

Can. 869. Sacred communion can be distributed wherever it is lawful to celebrate Mass, even in a private oratory, unless the local Ordinary has prohibited this in particular cases for just causes.

1983 Code correlation: 1983 CIC 932

TITLE IV: Of Penance

Can. 870. In the sacrament of penance, through judicial absolution imparted by a legitimate minister, sins committed after baptism are remitted for the faithful person rightly disposed.

1983 Code correlation: 1983 CIC 959

CHAPTER I: Of the Minister of the Sacrament of Penance

Can. 871. The minister of this sacrament is only a priest.

1983 Code correlation: 1983 CIC 965

Can. 872. Besides the power of order, for the valid absolution of sins there is required in the minister the power of jurisdiction, whether ordinary or delegated, over the penitent.

1983 Code correlation: 1983 CIC 966

Can. 873.

1983 Code correlation: 1983 CIC 967-68

Sec. 1. Besides the Roman Pontiff, Cardinals of the Holy Roman Church possess ordinary jurisdiction for hearing confessions for the whole Church; for his own territory, each local Ordinary, and the pastor and others who are in the place of the pastor.

Sec. 2. The canon penitentiary, also of a collegiate church, according to the norm of can. 401, Sec. 1, and exempt religious Superiors for their subjects, according to the norm of the constitutions, also enjoy this same jurisdiction.

Sec. 3. This jurisdiction ceases by loss of office, according to the norm of can. 183, Sec. 1, and, after a condemnatory or declaratory sentence, by excommunication, suspension from office, and interdict.

Can. 874.

1983 Code correlation: 1983 CIC 969

Sec. 1. The local Ordinary in whose territory confessions are heard confers delegated jurisdiction for receiving the confessions of any persons, whether seculars or religious, upon priests both secular and religious, even exempt; religious priests, however, are not to use the same without at least the presumed permission of their Superior, with the prescription of can. 519 nevertheless remaining firm.

Sec. 2. Local Ordinaries are not habitually to grant jurisdiction for hearing confessions to religious who are not presented by their own Superior; but they are not to deny it without grave cause to those who are presented by their own Superior, with the prescription of can. 877 nevertheless remaining firm.

Can. 875.

1983 Code correlation: 1983 CIC 969

Sec. 1. In an exempt clerical religious institute, for receiving the confessions of professed members, novices, or others of whom in can. 514, Sec. 1, their own Superior also confers delegated jurisdiction according to the norm of the constitutions; it is lawful for him to grant it even to priests from the secular clergy or from another religious institute.

Sec. 2. In an exempt lay religious institute, the Superior proposes a confessor, who nevertheless must obtain jurisdiction from the local Ordinary in whose territory the religious house is found.

Can. 876.

1983 Code correlation: NA

Sec. 1. Any contrary particular law or privilege being revoked, priests, both secular and religious, of whatever grade or office, need peculiar jurisdiction for validly and licitly receiving the confessions of any religious women and novices, with the prescription of can. 239, Sec. 1, n. 1, 522, 523 preserved.

Sec. 2. The local Ordinary where the house of the religious women is situated confers this jurisdiction, according to the norm of can. 525.

Can. 877.

1983 Code correlation: 1983 CIC 970

Sec. 1. Neither local Ordinaries with respect to jurisdiction, nor religious Superiors with respect to jurisdiction or permission for hearing confessions, are to grant these except to those who have been found suitable by examination, unless there is question of a priest whose theological doctrine they have ascertained from elsewhere.

Sec. 2. If, after jurisdiction or permission has been granted, they prudently doubt whether a priest previously approved by them still continues to be suitable, they are to compel him to a new test of doctrine, even if there is question of a pastor or canon penitentiary.

Can. 878.

1983 Code correlation: 1983 CIC 972

Sec. 1. Delegated jurisdiction or permission for hearing confessions can be granted circumscribed by certain definite limits.

Sec. 2. Nevertheless local Ordinaries and religious Superiors are to beware lest, without a reasonable cause, they too greatly restrict jurisdiction or permission.

Can. 879.

1983 Code correlation: 1983 CIC 973

Sec. 1. For hearing confessions validly there is need of jurisdiction expressly granted in writing or by words.

Sec. 2. Nothing can be exacted for the granting of jurisdiction.

Can. 880.

1983 Code correlation: 1983 CIC 974

Sec. 1. The local Ordinary or religious Superior is not to revoke or suspend jurisdiction or permission for hearing confessions except for a grave cause.

Sec. 2. But for grave causes the Ordinary can also forbid to a pastor or penitentiary the function of confessor, with recourse in devolutive effect to the Apostolic See preserved.

Sec. 3. Nevertheless it is not lawful for a Bishop, without the Apostolic See having been consulted, if there is question of a formed house, to take away jurisdiction all at once from all confessors of some religious house.

Can. 881.

1983 Code correlation: NA

Sec. 1. All priests of either clergy approved for hearing confessions in some place, furnished with either ordinary or delegated jurisdiction, can also validly and licitly absolve wanderers and travelers from another diocese or parish who come to them, and likewise Catholics of any Eastern rite.

Sec. 2. Those who have ordinary power of absolving can absolve subjects everywhere on earth.

Can. 882. In danger of death all priests, although not approved for confessions, validly and licitly absolve any penitents whatever from any sins or censures whatever, however reserved and notorious, even if an approved priest is present, with the prescription of can. 884, 2252 preserved.

1983 Code correlation: 1983 CIC 976

Can. 883.

1983 Code correlation: NA

Sec. 1. All priests undertaking a sea journey, provided that they have duly received the faculty of hearing confessions either from their own Ordinary, or from the Ordinary of the port in which they board the ship, or even from the Ordinary of any intermediate port through which they pass on the journey, can, throughout the whole journey, receive on the ship the confessions of any faithful sailing with them, although the ship in the journey passes through or even stops for some time in various places subject to the jurisdiction of different Ordinaries.

Sec. 2. As often as the ship stops in the journey, they can receive the confessions both of the faithful who for any cause come to the ship, and of those who, when they themselves call briefly at land, ask to confess to them, and can validly and licitly absolve them even from cases reserved to the local Ordinary.

Can. 884. The absolution of an accomplice in a base sin is invalid, except in danger of death; and even in danger of death, outside a case of necessity, it is illicit on the part of the confessor according to the norm of the apostolic constitutions and especially of the constitution of Benedict XIV Sacramentum Poenitentiae, June 1, 1741.

1983 Code correlation: 1983 CIC 977

Can. 885. Although the prayers joined by the Church to the formula of absolution are not necessary for obtaining the absolution itself, nevertheless, unless there is a just cause, they are not to be omitted.

1983 Code correlation: NA

Can. 886. If the confessor cannot doubt concerning the dispositions of the penitent and the latter seeks absolution, absolution is neither to be denied nor deferred.

1983 Code correlation: 1983 CIC 980

Can. 887. According to the quality and number of sins and the condition of the penitent, the confessor is to impose salutary and suitable satisfactions; these the penitent must accept with a willing soul and fulfill personally by himself.

1983 Code correlation: 1983 CIC 981

Can. 888.

1983 Code correlation: 1983 CIC 978-79

Sec. 1. Let the priest remember that in hearing confessions he equally sustains the person of judge and physician, and has been constituted by God at once the minister of divine justice and mercy, so that he may provide for the divine honor and the salvation of souls.

Sec. 2. Let him beware entirely lest he inquire the name of an accomplice, lest he detain anyone with curious or useless questions, especially concerning the sixth precept of the Decalogue, and above all lest he imprudently question younger persons concerning things which they do not know.

Can. 889.

1983 Code correlation: 1983 CIC 983

Sec. 1. The sacramental seal is inviolable; wherefore the confessor is diligently to beware lest by word or sign or in any other way and for any cause he betray the sinner in any respect.

Sec. 2. The interpreter also and all others to whom knowledge of the confession has come in any way are likewise held by the obligation of preserving the sacramental seal.

Can. 890.

1983 Code correlation: 1983 CIC 984

Sec. 1. Use by the confessor of knowledge acquired from confession, with burden to the penitent, is entirely prohibited, even with any danger of revelation excluded.

Sec. 2. Both Superiors existing at the time, and confessors who later have been appointed Superiors, can in no way use for external governance the knowledge which they have had concerning sins in confession.

Can. 891. The master of novices and his associate, and the Superior of a Seminary or college, are not to hear the sacramental confessions of their pupils dwelling with them in the same house, unless the pupils spontaneously seek this in particular cases for a grave and urgent cause.

1983 Code correlation: 1983 CIC 985

Can. 892.

1983 Code correlation: 1983 CIC 986

Sec. 1. Pastors and others to whom the care of souls has been entrusted by force of office are held by a grave obligation of justice of hearing, either by themselves or through another, the confessions of the faithful committed to them, as often as these reasonably seek to be heard.

Sec. 2. When necessity urges, all confessors are held by the obligation from charity of hearing the confessions of the faithful, and in danger of death all priests.

CHAPTER II: Of the Reservation of Sins

Can. 893.

1983 Code correlation: NA

Sec. 1. Those who by ordinary law can grant the power of hearing confessions or impose censures can also, except the Vicar Capitular and the Vicar General without a special mandate, call back some cases to their own judgment, limiting the power of absolving for inferiors.

Sec. 2. This calling back is called reservation of cases.

Sec. 3. As regards the reservation of censures, the prescription of can. 2246, 2247 is to be observed.

Can. 894. The only sin reserved to the Holy See by reason of itself is false denunciation, by which an innocent priest is accused of the crime of solicitation before ecclesiastical judges.

1983 Code correlation: 1983 CIC 982

Can. 895. Local Ordinaries are not to reserve sins unless, the matter having been discussed in the diocesan Synod, or outside the Synod after the cathedral Chapter and some of the more prudent and more approved curators of souls of their diocese have been heard, the true necessity or utility of the reservation has been proved.

1983 Code correlation: NA

Can. 896. Among Superiors of an exempt clerical religious institute, one Superior general, and in monasteries sui iuris the Abbot, with the proper Council of each, can reserve sins of subjects as above, with the prescription of can. 518, Sec. 1, 519 remaining firm.

1983 Code correlation: NA

Can. 897. Cases to be reserved are to be altogether few, namely three or, at most, four, only from the graver and more atrocious external crimes specifically determined; and the reservation itself is not to remain in force longer than is necessary for rooting out some public ingrained vice and perhaps restoring collapsed Christian discipline.

1983 Code correlation: NA

Can. 898. Let all abstain entirely from reserving to themselves those sins which already are reserved to the Apostolic See even by reason of censure, and regularly also those to which a censure has been imposed by law, even if reserved to no one.

1983 Code correlation: NA

Can. 899.

1983 Code correlation: NA

Sec. 1. Once reservations have been established which they have judged truly necessary or useful, local Ordinaries are to take care that these be brought to the knowledge of subjects in the manner which seems better to them, and they are not to impart to anyone whatever and indiscriminately the faculty of absolving from reserved cases.

Sec. 2. But a faculty of absolving of this kind belongs by the law itself to the canon penitentiary according to the norm of can. 401, Sec. 1, and is to be imparted habitually at least to vicars forane, with added, especially in places of the diocese more remote from the episcopal see, the faculty of subdelegating, as often as necessary, the confessors of their district, if and when for some more urgent determined case they have recourse to them.

Sec. 3. By the law itself pastors, and others who in law are considered under the name of pastors, can absolve from cases which the Ordinaries have reserved to themselves in any way whatever, during the whole time useful for fulfilling the paschal precept; so also can individual missionaries at the time when missions to the people happen to be held.

Can. 900. Any reservation lacks all force:

1983 Code correlation: NA

1. When a confession is made either by the sick who cannot leave home, or by those betrothed for the sake of entering marriage.

2. As often as either the legitimate Superior has denied the faculty of absolving sought for some determined case, or, in the prudent judgment of the confessor, the faculty of absolving cannot be sought from the legitimate Superior without grave inconvenience of the penitent or without danger of violation of the sacramental seal.

3. Outside the territory of the one reserving, even if the penitent has departed from it only for the purpose of obtaining absolution.

CHAPTER III: Of the Subject of the Sacrament of Penance

Can. 901. One who after baptism has perpetrated mortal sins which have not yet been directly remitted through the keys of the Church must confess all of which, after diligent examination of himself, he has consciousness, and explain in confession the circumstances which change the species of the sin.

1983 Code correlation: 1983 CIC 988

Can. 902. Sins committed after baptism, whether mortal sins already directly remitted by the power of the keys, or venial sins, are sufficient, but not necessary, matter of the sacrament of penance.

1983 Code correlation: 1983 CIC 988

Can. 903. Those who cannot confess otherwise are not prohibited, if they wish, from confessing through an interpreter, abuses and scandals being guarded against, with the prescription of can. 889, Sec. 2 remaining firm.

1983 Code correlation: 1983 CIC 990

Can. 904. According to the norm of the apostolic constitutions and especially of the constitution of Benedict XIV Sacramentum Poenitentiae, June 1, 1741, the penitent must denounce within a month to the local Ordinary, or to the Sacred Congregation of the Holy Office, a priest guilty of the delict of solicitation in confession; and the confessor must, his conscience being gravely burdened, warn the penitent concerning this burden.

1983 Code correlation: NA

Can. 905. It is open to any faithful person to confess his sins to a legitimately approved confessor, even of another rite, whom he has preferred.

1983 Code correlation: 1983 CIC 991

Can. 906. Every faithful person of either sex, after he has reached the years of discretion, that is, the use of reason, is bound faithfully to confess all his sins at least once a year.

1983 Code correlation: 1983 CIC 989

Can. 907. One who makes a sacrilegious or voluntarily null confession does not satisfy the precept of confessing sins.

1983 Code correlation: NA

CHAPTER IV: Of the Place for Receiving Confessions

Can. 908. The proper place of sacramental confession is a church or public or semipublic oratory.

1983 Code correlation: 1983 CIC 964

Can. 909.

1983 Code correlation: 1983 CIC 964

Sec. 1. The confessional seat for hearing the confessions of women is always to be placed in an open and conspicuous place, and generally in a church or public or semipublic oratory destined for women.

Sec. 2. The confessional seat is to be furnished with a fixed and thinly perforated grate between the penitent and the confessor.

Can. 910.

1983 Code correlation: 1983 CIC 964

Sec. 1. The confessions of women are not to be heard outside the confessional seat, except from a cause of infirmity or another true necessity, and with the precautions which the local Ordinary has judged opportune applied.

Sec. 2. It is lawful to receive the confessions of men even in private buildings.

CHAPTER V: Of Indulgences

ARTICLE I: Of the Granting of Indulgences

Can. 911. Let all greatly esteem indulgences, that is, the remission before God of temporal punishment due for sins, already deleted as regards guilt, which ecclesiastical authority grants from the treasury of the Church for the living by way of absolution, for the dead by way of suffrage.

1983 Code correlation: 1983 CIC 992, 994

Can. 912. Besides the Roman Pontiff, to whom the dispensation of the whole spiritual treasury of the Church has been committed by Christ the Lord, only those can lavish indulgences by ordinary power to whom this has been expressly granted by law.

1983 Code correlation: 1983 CIC 995

Can. 913. Those inferior to the Roman Pontiff cannot:

1983 Code correlation: 1983 CIC 995

1. Commit to others the faculty of granting indulgences, unless this has expressly been granted to them by the Apostolic See by indult.

2. Grant indulgences applicable to the dead.

3. Add other indulgences to the same thing or act of piety or sodality to which indulgences have already been granted by the Apostolic See or by another, unless new conditions to be fulfilled are prescribed.

Can. 914. Bishops can impart the papal blessing with a plenary indulgence, according to the prescribed formula, each in his own diocese twice in the year, that is, on the solemn day of the Paschal Resurrection and on another solemn feast day to be designated by them, even if they have only assisted at the solemn Mass; Abbots or Prelates nullius, Vicars and Prefects Apostolic, even if they lack episcopal dignity, can do this in their territories on only one of the more solemn days in the year.

1983 Code correlation: NA

Can. 915. Regulars who have the privilege of imparting the papal blessing are held not only by the obligation of observing the prescribed formula, but cannot use this privilege except in their own churches and in the churches of nuns or tertiaries legitimately aggregated to their Order; not, however, on the same day and place on which the Bishop imparts it.

1983 Code correlation: NA

Can. 916. Bishops, Abbots or Prelates nullius, Vicars and Prefects Apostolic, and major Superiors of an exempt clerical religious institute can designate and declare one privileged daily perpetual altar, provided that another is not had, in their cathedral, abbatial, collegiate, conventual, parochial, and quasi-parochial churches, but not in public or semipublic oratories, unless they are united to a parochial church or subsidiary to the same.

1983 Code correlation: NA

Can. 917.

1983 Code correlation: NA

Sec. 1. On the day of the Commemoration of all the faithful departed, all Masses enjoy the privilege as if they were celebrated at a privileged altar.

Sec. 2. All altars of a church are privileged during those days on which the supplication of the Forty Hours is carried out in it.

Can. 918.

1983 Code correlation: NA

Sec. 1. In order that an altar be indicated as privileged, nothing else is to be inscribed except: privileged altar, perpetual or for a time, daily or not, according to the words of the grant.

Sec. 2. For Masses to be celebrated on a privileged altar, a greater alms-offering for the Mass cannot be exacted under pretext of the privilege.

Can. 919.

1983 Code correlation: NA

Sec. 1. New indulgences, even those granted to churches of regulars, which have not been promulgated at Rome, are not to be published without the local Ordinary having been consulted.

Sec. 2. In publishing books, booklets, etc., in which grants of indulgences for various prayers or pious works are reviewed, the prescription of can. 1388 is to be observed.

Can. 920. Those who have obtained from the Supreme Pontiff grants of indulgences for all the faithful are held by the obligation, under penalty of nullity of the grace obtained, of bringing authentic copies of those grants to the Sacred Penitentiary.

1983 Code correlation: NA

Can. 921.

1983 Code correlation: NA

Sec. 1. A plenary indulgence granted for feasts of Our Lord Jesus Christ or for feasts of the Blessed Virgin Mary is understood to be granted only for feasts which are found in the universal calendar.

Sec. 2. A plenary or partial indulgence granted for feasts of the Apostles is understood to be granted only for their natal feast.

Sec. 3. A plenary indulgence granted as daily, perpetual, or for a time to those visiting some church or public oratory is to be understood in such a way that it can be acquired by any faithful person on any day, but only once in a year, unless something else is expressly said in the decree.

Can. 922. Indulgences attached to feasts or sacred supplications, or to novena, seven-day, or three-day prayers which are carried out before or after the feast or even while its octave continues, are understood to be transferred to that day to which feasts of this kind are legitimately transferred, if the transferred feast has an office with Mass without solemnity and external celebration and the transfer is made perpetually, or if the solemnity and external celebration are transferred either for a time or perpetually.

1983 Code correlation: NA

Can. 923. To gain an indulgence fixed to some day, if a visit to a church or oratory is required, this can be done from noon of the preceding day up to midnight which closes the appointed day.

1983 Code correlation: NA

Can. 924.

1983 Code correlation: NA

Sec. 1. According to the norm of can. 75, indulgences attached to some church do not cease if the church is utterly destroyed and is again built within fifty years in the same or almost the same place and under the same title.

Sec. 2. Indulgences attached to rosaries or other things cease only when the rosaries or other things completely cease to be or are sold.

ARTICLE II: Of Acquiring Indulgences

Can. 925.

1983 Code correlation: 1983 CIC 996

Sec. 1. In order that someone be capable of gaining indulgences for himself, he must be baptized, not excommunicated, in the state of grace at least at the end of the prescribed works, and a subject of the one granting.

Sec. 2. But in order that a capable subject truly gain them, he must have at least the general intention of acquiring them and fulfill the enjoined works at the appointed time and in the due manner according to the tenor of the grant.

Can. 926. A plenary indulgence is understood to be granted in such a way that if someone cannot gain it fully, he nevertheless gains it partially according to the disposition which he has.

1983 Code correlation: NA

Can. 927. Unless something else appears from the tenor of the grant, indulgences granted by a Bishop can be gained both by subjects outside the territory and by travelers, wanderers, and all exempt persons dwelling in the territory.

1983 Code correlation: NA

Can. 928.

1983 Code correlation: NA

Sec. 1. A plenary indulgence, unless something else has been expressly provided, can be acquired only once in a day, even if the same prescribed work is performed several times.

Sec. 2. A partial indulgence, unless the contrary is expressly noted, can be gained several times in a day, the same work being repeated.

Can. 929. The faithful of either sex who, for the pursuit of perfection or for instruction or education or even for health, live a common life in houses lacking a church or public chapel, established with the consent of the Ordinaries, and likewise all persons dwelling there to minister to them, whenever for gaining indulgences a visit to some undetermined church or some undetermined public oratory is prescribed, can visit the chapel of their own house in which they can by law satisfy the obligation of hearing Mass, provided that they have duly performed the other enjoined works.

1983 Code correlation: NA

Can. 930. No one acquiring indulgences can apply them to others living in life; but all indulgences granted by the Roman Pontiff are applicable to souls detained in purgatory, unless something else is established.

1983 Code correlation: 1983 CIC 994

Can. 931.

1983 Code correlation: NA

Sec. 1. For gaining any indulgences whatever, confession perhaps required can be made within the eight days which immediately precede the day to which the indulgence was fixed; communion, moreover, on the vigil of the same day; and both also within the whole following octave.

Sec. 2. Likewise, for gaining indulgences granted for pious exercises extended over three days, a week, etc., confession and communion can also be made within the octave which immediately follows the completed exercise.

Sec. 3. The Christian faithful who are accustomed, unless legitimately impeded, either to approach the sacrament of penance at least twice in the month, or to receive holy communion daily in the state of grace and with a right and pious mind, although they abstain from it once or twice during the week, can obtain all indulgences, even without actual confession which otherwise would be necessary for gaining them, except indulgences either of an ordinary and extraordinary jubilee or after the manner of a jubilee.

Can. 932. By a work which one is obligated by law or precept to perform, an indulgence cannot be gained, unless something else is expressly said in its grant; nevertheless one who performs a work enjoined upon him as sacramental penance and perhaps enriched with indulgences can at the same time both satisfy the penance and gain the indulgences.

1983 Code correlation: NA

Can. 933. To one and the same thing or place several indulgences can be attached from various titles; but by one and the same work, to which indulgences are attached from various titles, several indulgences cannot be acquired, unless the required work is confession or communion, or unless something else has expressly been provided.

1983 Code correlation: NA

Can. 934.

1983 Code correlation: NA

Sec. 1. If, for gaining indulgences, prayer in general for the intention of the Supreme Pontiff is prescribed, merely mental prayer does not suffice; but vocal prayer can be chosen at the judgment of the faithful, unless some particular prayer is assigned.

Sec. 2. If a particular prayer has been assigned, indulgences can be acquired in whatever language the prayer is recited, provided that the faithfulness of the version is established from a declaration either of the Sacred Penitentiary or of one of the local Ordinaries where the language into which the prayer is translated is common; but the indulgences cease entirely because of any addition, subtraction, or interpolation.

Sec. 3. For the acquisition of indulgences it is sufficient to recite the prayer alternately with a companion, or to follow it mentally while it is recited by another.

Can. 935. Confessors can commute into other works the pious works enjoined for gaining indulgences for those who, detained by a legitimate impediment, cannot perform the same.

1983 Code correlation: NA

Can. 936. Mute persons can gain indulgences attached to public prayers if, together with the other faithful praying in the same place, they raise their mind and pious sentiments to God; and if there is question of private prayers, it is sufficient that they recall them mentally, or pour them forth by signs, or merely run through them with their eyes.

1983 Code correlation: NA

TITLE V: Of Extreme Unction

Can. 937. The sacrament of extreme unction must be conferred through sacred anointings, with olive oil duly blessed being used, and through the words prescribed in the ritual books approved by the Church.

1983 Code correlation: 1983 CIC 998

CHAPTER I: Of the Minister of Extreme Unction

Can. 938.

1983 Code correlation: 1983 CIC 1003

Sec. 1. Every priest and only a priest validly administers this sacrament.

Sec. 2. With the prescription of can. 397, n. 3, 514, Secs. 1-3 preserved, the ordinary minister is the pastor of the place in which the sick person dwells; but in a case of necessity, or with at least the reasonably presumed permission of the same pastor or local Ordinary, any other priest can minister this sacrament.

Can. 939. The ordinary minister is held by justice to administer this sacrament by himself personally or through another, and in a case of necessity any priest is so held by charity.

1983 Code correlation: NA

CHAPTER II: Of the Subject of Extreme Unction

Can. 940.

1983 Code correlation: 1983 CIC 1004

Sec. 1. Extreme unction cannot be given except to a faithful person who, after having attained the use of reason, is in danger of death because of infirmity or old age.

Sec. 2. In the same infirmity this sacrament cannot be repeated, unless the sick person after receiving the anointing recovered and fell into another danger of life.

Can. 941. When it is doubted whether the sick person has attained the use of reason, whether he is in fact in danger of death, or whether he is dead, this sacrament is to be ministered under condition.

1983 Code correlation: 1983 CIC 1005

Can. 942. This sacrament is not to be conferred on those who, impenitent, contumaciously persevere in manifest mortal sin; but if this is doubtful, it is to be conferred under condition.

1983 Code correlation: 1983 CIC 1007

Can. 943. Nevertheless it is to be given absolutely to sick persons who, when they were in possession of their mind, at least implicitly asked for it or would probably have asked for it, even if afterward they have lost sensation or the use of reason.

1983 Code correlation: 1983 CIC 1006

Can. 944. Although this sacrament of itself is not of the necessity of means for salvation, nevertheless it is lawful for no one to neglect it; and care must be taken with every zeal and diligence that the sick receive it while they are fully in possession of themselves.

1983 Code correlation: 1983 CIC 1001

CHAPTER III: Of the Rites and Ceremonies of Extreme Unction

Can. 945. The olive oil to be used in the sacrament of extreme unction must have been blessed for this purpose by a Bishop, or by a presbyter who has obtained from the Apostolic See the faculty of blessing it.

1983 Code correlation: 1983 CIC 999

Can. 946. The pastor is to keep the oil of the sick diligently in a silver or tin vessel, in a clean and decently adorned place, nor is he to retain it at home except according to the norm of can. 735.

1983 Code correlation: NA

Can. 947.

1983 Code correlation: 1983 CIC 1000

Sec. 1. The anointings are to be performed accurately with the words, order, and manner prescribed in the ritual books; but in a case of necessity one anointing in one sense, or more exactly on the forehead, with the prescribed shorter form is sufficient, with the obligation preserved of supplying the individual anointings when the danger has ceased.

Sec. 2. The anointing of the loins is always to be omitted.

Sec. 3. The anointing of the feet can be omitted for any reasonable cause.

Sec. 4. Outside a case of grave necessity, the anointings are to be made by the very hand of the minister and with no instrument employed.

TITLE VI: Of Order

Can. 948. Order, from the institution of Christ, distinguishes clerics from lay persons in the Church for the governance of the faithful and the ministry of divine worship.

1983 Code correlation: 1983 CIC 1008

Can. 949. In the canons which follow, by the name of major or sacred orders are understood the presbyterate, diaconate, and subdiaconate; by the name of minor orders, however, the acolythate, exorcistate, lectorate, and ostiariate.

1983 Code correlation: 1983 CIC 1009

Can. 950. In law the words: to ordain, order, ordination, sacred ordination, comprise, besides episcopal consecration, the orders enumerated in can. 949 and first tonsure itself, unless something else is drawn out from the nature of the thing or from the context of the words.

1983 Code correlation: NA

CHAPTER I: Of the Minister of Sacred Ordination

Can. 951. The ordinary minister of sacred ordination is a consecrated Bishop; the extraordinary minister is one who, although he lacks episcopal character, has received from law or from the Apostolic See by a peculiar indult the power of conferring certain orders.

1983 Code correlation: 1983 CIC 1012

Can. 952. It is lawful for no one to promote to a higher order one ordained by the Roman Pontiff without the faculty of the Apostolic See.

1983 Code correlation: NA

Can. 953. Episcopal consecration is reserved to the Roman Pontiff, so that it is lawful for no Bishop to consecrate anyone as Bishop unless first there is certainty concerning the pontifical mandate.

1983 Code correlation: 1983 CIC 1013

Can. 954. The consecrating Bishop must employ two other Bishops, who assist him in the consecration, unless a dispensation has been given by the Apostolic See concerning this matter.

1983 Code correlation: 1983 CIC 1014

Can. 955.

1983 Code correlation: 1983 CIC 1015

Sec. 1. Each one is to be ordained by his own Bishop or with the legitimate dimissorial letters of the same.

Sec. 2. The proper Bishop, not impeded by a just cause, is to ordain his subjects personally by himself; but he cannot licitly ordain a subject of an Eastern rite without an apostolic indult.

Can. 956. The proper Bishop, in what pertains to the ordination of seculars, is only the Bishop of the diocese in which the one to be promoted has domicile together with origin, or simple domicile without origin; but in this second case the one to be promoted must confirm by oath the intention of remaining perpetually in the diocese, unless there is question of promoting to orders a cleric who is already incardinated in the diocese through first tonsure, or of promoting a student who is destined to the service of another diocese according to the norm of can. 969, Sec. 2, or of promoting a professed religious of whom in can. 964, n. 4.

1983 Code correlation: 1983 CIC 1016

Can. 957.

1983 Code correlation: NA

Sec. 1. A Vicar and Prefect Apostolic, an Abbot or Prelate nullius, if they possess episcopal character, are equated with a diocesan Bishop in what pertains to ordination.

Sec. 2. If they lack episcopal character, they can nevertheless, in their own territory and only while the office endures, confer first tonsure and minor orders both on their own secular subjects according to the norm of can. 956, and on others who exhibit the dimissorial letters required by law; an ordination performed by them outside these limits is invalid.

Can. 958.

1983 Code correlation: 1983 CIC 1018

Sec. 1. Dimissorial letters for seculars can be given, so long as they retain jurisdiction in the territory, by:

1. The proper Bishop, after he has legitimately taken possession of his diocese according to the norm of can. 334, Sec. 3, although not yet consecrated.

2. The Vicar General, yet by special mandate of the Bishop.

3. With the consent of the Chapter, the Vicar Capitular after a year from the vacancy of the see; but within the year only to those constrained by reason of a benefice received or to be received, or by reason of some certain office for which, because of the necessity of the diocese, provision must be made without delay.

4. The Vicar and Prefect Apostolic, Abbot or Prelate nullius, although they lack episcopal character, even for major orders.

Sec. 2. The Vicar Capitular is not to grant dimissorial letters to those who were rejected by the Bishop.

Can. 959. One who can give dimissorial letters for receiving orders can also confer the same orders personally by himself, if he has the necessary power of order.

1983 Code correlation: 1983 CIC 1015

Can. 960.

1983 Code correlation: 1983 CIC 1020

Sec. 1. Dimissorial letters are not to be granted unless all the testimonials which are required by law according to the norm of canons 993-1000 have first been had.

Sec. 2. If after dimissorial letters have been given by the Ordinary new testimonials are necessary according to the norm of can. 994, Sec. 3, the outside Bishop is not to ordain before he has received them.

Sec. 3. But if the one to be promoted has spent in the very diocese of the ordaining Bishop time sufficient for contracting an impediment according to the norm of the aforesaid can. 994, this Bishop is to collect the testimonials directly.

Can. 961. Dimissorial letters can be sent by the proper Bishop, even by a suburbicarian Cardinal Bishop, to any Bishop having communion with the Apostolic See, except only, apart from apostolic indult, to a Bishop of a rite different from the rite of the one to be promoted.

1983 Code correlation: 1983 CIC 1021

Can. 962. Any Bishop, having accepted legitimate dimissorial letters, licitly ordains another's subject, provided that he himself can in no way doubt the genuine authenticity of the letters, with the prescription of can. 994, Sec. 3 preserved.

1983 Code correlation: 1983 CIC 1022

Can. 963. Dimissorial letters can be limited or revoked by the one granting them himself or by his successor, but once granted they are not extinguished when the right of the giver has been dissolved.

1983 Code correlation: 1983 CIC 1023

Can. 964. In what pertains to the ordination of religious:

1983 Code correlation: 1983 CIC 1019

1. A regular Abbot of governance, even without nullius territory, can confer first tonsure and minor orders, provided that the one to be promoted is subject to him by force of at least simple profession, and he himself is a presbyter and has legitimately received the abbatial blessing. Outside these limits, an ordination conferred by the same, any contrary privilege being revoked, is invalid, unless the one ordaining possesses episcopal character.

2. Exempt religious can licitly be ordained by no Bishop without the dimissorial letters of their own major Superior.

3. Superiors can grant dimissorial letters to professed members of simple vows, of whom in can. 574, only for first tonsure and minor orders.

4. The ordination of all other students of any religious institute is governed by the law of seculars, any indult granted to Superiors of giving dimissorial letters to those professed in temporary vows for major orders being revoked.

Can. 965. The Bishop to whom the religious Superior must send dimissorial letters is the Bishop of the diocese in which the religious house is situated, to whose family the one to be ordained belongs.

1983 Code correlation: NA

Can. 966.

1983 Code correlation: NA

Sec. 1. Only then can a religious Superior send dimissorial letters to another Bishop, when the diocesan Bishop has given permission, or is of a different rite, or is absent, or is not going to have an ordination at the next legitimate time according to the norm of can. 1006, Sec. 2, or finally when the diocese is vacant and it is not governed by one who possesses episcopal character.

Sec. 2. It is necessary that in each case this be clear to the Bishop who is to ordain from an authentic testimonial of the episcopal Curia.

Can. 967. Religious Superiors are to take care that they do not send a subject to be ordained to another religious house in fraud of the diocesan Bishop, or deliberately defer the granting of dimissorial letters to that time when the Bishop will be absent or will have no ordinations.

1983 Code correlation: NA

CHAPTER II: Of the Subject of Sacred Ordination

Can. 968.

1983 Code correlation: 1983 CIC 1024

Sec. 1. Only a baptized male validly receives sacred ordination; licitly, however, he receives it who, according to the norm of the sacred canons, in the judgment of his proper Ordinary, is furnished with the due qualities and is detained by no irregularity or other impediment.

Sec. 2. Those who are detained by an irregularity or other impediment, although it arises after ordination even without their own fault, are prohibited from exercising the orders received.

Can. 969.

1983 Code correlation: 1983 CIC 1025

Sec. 1. No one from the seculars is to be ordained who, in the judgment of his proper Bishop, is not necessary or useful to the churches of the diocese.

Sec. 2. Nevertheless a Bishop is not prohibited from promoting his own subject who in the future, with legitimate excardination and incardination having preceded, is destined to the service of another diocese.

Can. 970. The proper Bishop or major religious Superior can, for any canonical cause, even occult, also extrajudicially, forbid his clerics ascent to orders, with the right of recourse to the Holy See preserved, or even to the Moderator general if there is question of religious whose ascent a provincial Superior has forbidden.

1983 Code correlation: 1983 CIC 1030

Can. 971. It is a grave wrong to compel anyone in any way, for any reason whatever, to the clerical state, or to turn away from the same one who is canonically suitable.

1983 Code correlation: 1983 CIC 1026

Can. 972.

1983 Code correlation: 1983 CIC 235

Sec. 1. Care is to be taken that those aspiring to sacred orders be received in a Seminary from tender years; but all are bound to dwell there at least through the whole course of sacred theology, unless the Ordinary in particular cases, for a grave cause and with his conscience burdened, has dispensed.

Sec. 2. Those who aspire to orders and legitimately dwell outside the Seminary are to be commended to a pious and suitable priest, who is to watch over them and form them to piety.

ARTICLE I: Of the Requirements in the Subject of Sacred Ordination

Can. 973.

1983 Code correlation: 1983 CIC 1038

Sec. 1. First tonsure and orders are to be conferred only on those who have the intention of ascending to the presbyterate and whom it is lawful deservedly to conjecture will one day be worthy presbyters.

Sec. 2. Nevertheless an ordained man who refuses to receive higher orders can neither be compelled by the Bishop to receive them nor prohibited from the exercise of the orders received, unless he is detained by a canonical impediment or another grave cause, in the judgment of the Bishop, obstructs.

Sec. 3. A Bishop is to confer sacred orders on no one unless from positive arguments he is morally certain of his canonical suitability; otherwise he not only sins most gravely, but also commits himself to the danger of communicating in another's sins.

Can. 974.

1983 Code correlation: 1983 CIC 1029, 1033

Sec. 1. In order that someone can be licitly ordained, there are required:

1. Sacred confirmation received.

2. Morals congruent with the order to be received.

3. Canonical age.

4. Due knowledge.

5. Reception of the lower orders.

6. Observation of the interstices.

7. A canonical title, if there is question of major orders.

Sec. 2. As regards episcopal consecration, the prescription of can. 331 is to be observed.

Can. 975. The subdiaconate is not to be conferred before the completed twenty-first year; the diaconate before the completed twenty-second year; the presbyterate before the completed twenty-fourth year.

1983 Code correlation: 1983 CIC 1031

Can. 976.

1983 Code correlation: 1983 CIC 1032

Sec. 1. No one, whether secular or religious, is to be promoted to first tonsure before the theological course has been begun.

Sec. 2. With the prescription of can. 975 remaining firm, the subdiaconate is not to be conferred unless the third year of the theological course is ending; the diaconate, unless the fourth year has been begun; the presbyterate, unless after the middle of the same fourth year.

Sec. 3. The theological course must have been completed not privately, but in schools established for this purpose according to the plan of studies determined by can. 1365.

Can. 977. Orders are to be conferred step by step, so that ordinations by a leap are altogether prohibited.

1983 Code correlation: NA

Can. 978.

1983 Code correlation: NA

Sec. 1. In ordinations the interstices of time are to be observed, during which those promoted exercise themselves in the orders received, according to the prescription of the Bishop.

Sec. 2. The interstices between first tonsure and ostiariate, or between the individual minor orders, are committed to the prudent judgment of the Bishop; but an acolyte is not to be promoted to the subdiaconate, a subdeacon to the diaconate, or a deacon to the presbyterate, before the acolyte has spent at least one year, and the subdeacon and deacon at least three months, each in his own order, unless necessity or the utility of the Church, in the judgment of the

Bishop, demands something else.

Sec. 3. Nevertheless never, unless by peculiar permission of the Roman Pontiff, are minor orders to be conferred with the subdiaconate, or two sacred orders on one and the same day, any contrary custom being reprobated; indeed it is not lawful to confer first tonsure together with any one of the minor orders, nor all the minor orders together at one time.

Can. 979.

1983 Code correlation: NA

Sec. 1. For secular clerics the canonical title is the title of benefice, and, if this is lacking, of patrimony or pension.

Sec. 2. This title must be both truly secure for the whole life of the ordained man and truly sufficient for his fitting sustenance, according to norms to be given by the Ordinaries for the different necessities and circumstances of places and times.

Can. 980.

1983 Code correlation: NA

Sec. 1. One ordained in sacred orders, if he loses the title, is to provide another for himself, unless, in the judgment of the Bishop, provision has otherwise been made for his fitting sustenance.

Sec. 2. Those who, without apostolic indult, knowingly ordain their subject in sacred orders without a canonical title, or permit him to be ordained, must themselves and their successors provide the necessary support to the same needy person, until provision has otherwise been made for his fitting sustenance.

Sec. 3. If a Bishop has ordained someone without a canonical title with an agreement that the ordained man is not to seek support from him, this agreement lacks all force.

Can. 981.

1983 Code correlation: NA

Sec. 1. If not even one of the titles of which in can. 979, Sec. 1 is available, it can be supplied by the title of service of the diocese, and, in places subject to the Sacred Congregation of Propaganda Fide, by the title of mission, yet in such a way that the one to be ordained, with an oath interposed, devotes himself perpetually to the service of the diocese or mission under the authority of the local Ordinary for the time being.

Sec. 2. The Ordinary must confer on the presbyter whom he has promoted by the title of service of the church or mission a benefice, or office, or subsidy sufficient for his fitting sustenance.

Can. 982.

1983 Code correlation: NA

Sec. 1. For regulars the canonical title is solemn religious profession, or the title, as it is called, of poverty.

Sec. 2. For religious of perpetual simple vows it is the title of common table, of the Congregation, or another similar title, according to the norm of the constitutions.

Sec. 3. Other religious, even as regards the title of ordination, are governed by the law of seculars.

ARTICLE II: Of Irregularities and Other Impediments

Can. 983. No perpetual impediment which comes under the name of irregularity, whether from defect or from delict, is contracted except that which has been expressed in the canons which follow.

1983 Code correlation: 1983 CIC 1040

Can. 984. The following are irregular from defect:

1983 Code correlation: 1983 CIC 1041

1. The illegitimate, whether the illegitimacy is public or occult, unless they have been legitimated or have professed solemn vows.
2. Those defective in body who, because of weakness, cannot safely, or because of deformity, cannot decently, perform the ministry of the altar. Nevertheless, for impeding the exercise of an order legitimately received, a graver defect is required, nor on account of this defect are acts prohibited which can rightly be placed.
3. Those who are or have been epileptic, insane, or possessed by a demon; but if after orders received they have become such and it is certainly established that they are now free, the Ordinary can again permit his subjects the exercise of the orders received.
4. Bigamists, namely those who have contracted two or more valid marriages successively.
5. Those who are marked by infamy of law.
6. A judge who has passed a sentence of death.
7. Those who have taken up the office of executioner and their voluntary and immediate ministers in the execution of a capital sentence.

Can. 985. The following are irregular from delict:

1983 Code correlation: 1983 CIC 1041

1. Apostates from the faith, heretics, schismatics.
2. Those who, except in a case of extreme necessity, have allowed baptism to be conferred on themselves in any way by non-Catholics.
3. Those who have dared to attempt marriage or to place only the civil act, either while they themselves were bound by a matrimonial bond or sacred order or religious vows, even simple and temporary, or with a woman bound by the same vows or joined in a valid marriage.
4. Those who have perpetrated voluntary homicide or procured the abortion of a human fetus, the effect having followed, and all cooperators.
5. Those who have mutilated themselves or others, or have attempted to take their own life.
6. Clerics exercising the medical or surgical art forbidden to them, if death follows from it.
7. Those who place an act of order reserved to clerics constituted in sacred order, either lacking that order, or prohibited from its exercise by a canonical penalty, whether personal, medicinal or vindicative, or local.

Can. 986. These delicts do not produce irregularity unless they were grave sins, perpetrated after baptism, with the prescription of can. 985, n. 2 preserved, and likewise external, whether public or occult.

1983 Code correlation: NA

Can. 987. The following are simply impeded:

1983 Code correlation: 1983 CIC 1042

1. Children of non-Catholics, so long as the parents remain in their error.
2. Men having a wife.
3. Those who hold an office or administration forbidden to clerics, of which they must render accounts, until, the office and administration having been laid down and the accounts rendered, they have been made free.
4. Slaves in servitude properly so called, before liberty has been received.
5. Those who are bound by civil law to ordinary military service before they have completed it.
6. Neophytes, until, in the judgment of the Ordinary, they have been sufficiently tested.

7. Those who labor under infamy of fact, while it endures, in the judgment of the Ordinary.

Can. 988. Ignorance of irregularities, whether from delict or from defect, and of impediments does not excuse from the same.

1983 Code correlation: 1983 CIC 1045

Can. 989. Irregularities and impediments are multiplied from diverse causes of the same, but not from repetition of the same cause, unless there is question of irregularity from voluntary homicide.

1983 Code correlation: 1983 CIC 1046

Can. 990.

1983 Code correlation: 1983 CIC 1047-48

Sec. 1. It is permitted to Ordinaries, by themselves or through another, to dispense their subjects from all irregularities arising from occult delict, except that of which in can. 985, n. 4, or another brought to the judicial forum.

Sec. 2. The same faculty belongs to any confessor in more urgent occult cases in which the Ordinary cannot be approached and danger of grave harm or infamy threatens, but only for this: that the penitent may licitly exercise orders already received.

Can. 991.

1983 Code correlation: 1983 CIC 1049

Sec. 1. In petitions for dispensation from irregularities and impediments, all irregularities and impediments are to be indicated; otherwise a general dispensation will indeed be valid even for those withheld in good faith, except those which are excepted in can. 990, Sec. 1, but not for those withheld in bad faith.

Sec. 2. If there is question of irregularity from voluntary homicide, the number of delicts also must be expressed under penalty of nullity of the dispensation to be granted.

Sec. 3. A general dispensation for orders is valid also for major orders; and the person dispensed can obtain non-consistorial benefices, even those with care of souls, but he cannot be named a Cardinal of the Holy Roman Church, Bishop, Abbot or Prelate nullius, or major Superior in an exempt clerical religious institute.

Sec. 4. A dispensation granted in the non-sacramental internal forum is to be put in writing; and it must be recorded in the secret book of the Curia.

CHAPTER III: Of Those Things Which Must Precede Sacred Ordination

Can. 992. All, both seculars and religious, who are to be promoted to orders, by themselves personally or through others, are to disclose their intention at an opportune time before ordination to the Bishop or to another who acts in the Bishop's place in this matter.

1983 Code correlation: 1983 CIC 1036

Can. 993. Seculars, or religious who, as regards ordination, are governed by the law of seculars, who are to be promoted, are to bring:

1983 Code correlation: 1983 CIC 1050-51

1. A testimonial of the last ordination, or, if there is question of first tonsure, of baptism and confirmation received.

2. A testimonial concerning studies completed, required for the individual orders according to the norm of can. 976.

3. A testimonial of the rector of the Seminary, or of the priest to whom the candidate was commended outside the Seminary, concerning the good morals of the same candidate.

4. Testimonial letters of the Ordinary of the place in which the one to be promoted has dwelt for such time that he could have contracted a canonical impediment there.

5. Testimonials of the religious major Superior, if the one to be promoted is enrolled in some religious institute.

Can. 994.

1983 Code correlation: NA

Sec. 1. The time during which the one to be promoted could have contracted a canonical impediment is, regularly, for soldiers three months, for others six months after puberty; but the ordaining Bishop, according to his prudence, can require testimonial letters even on account of a shorter time of residence, and also on account of the time which preceded puberty.

Sec. 2. If the local Ordinary, neither by himself nor through others, has sufficiently known the one to be promoted so that he can testify that, during the time in which he dwelt in his territory, he contracted no canonical impediment, or if the one to be promoted has wandered through so many dioceses that it becomes impossible or too difficult to seek all the testimonial letters, the Ordinary is to provide at least through a supplementary oath to be furnished by the one to be promoted.

Sec. 3. If, after testimonial letters have been obtained and before ordination has been completed, the one to be promoted has again dwelt in the same territory for the aforesaid space of time, new testimonial letters of the local Ordinary are necessary.

Can. 995.

1983 Code correlation: 1983 CIC 1052

Sec. 1. A religious Superior also in his dimissorial letters must testify not only that the one to be promoted has emitted religious profession and is of the family of the religious house subject to him, but also concerning studies completed and concerning the other things required by law.

Sec. 2. The Bishop, having accepted these dimissorial letters, does not need other testimonial letters.

Can. 996.

1983 Code correlation: 1983 CIC 1028

Sec. 1. Each one to be promoted, whether secular or religious, must undergo a prior and diligent examination concerning the order itself to be received.

Sec. 2. Those to be promoted to sacred orders, moreover, are also to make trial in other treatises of sacred theology.

Sec. 3. It belongs to Bishops to determine by what method, before which examiners, and in which treatises of sacred theology those to be promoted must make trial.

Can. 997.

1983 Code correlation: 1983 CIC 1052

Sec. 1. This examination, whether for secular clerics or for religious, is received by the local Ordinary who ordains by proper right or gives dimissorial letters; nevertheless, for a just cause, he can also commit it to the Bishop who is to ordain, if that Bishop is willing to take up this burden.

Sec. 2. A Bishop ordaining another's subject, whether secular or religious, with legitimate dimissorial letters by which it is asserted that the candidate has been examined according to the norm of Sec. 1 and found suitable, can acquiesce in this attestation, but is not bound to do so; and if according to his conscience he judges that the candidate is not suitable, let him not promote him.

Can. 998.

1983 Code correlation: NA

Sec. 1. The names of those to be promoted to the individual sacred orders, except religious of perpetual vows, whether solemn or simple, are to be publicly announced in the parochial church of each candidate; but the Ordinary, according to his prudence, can both dispense from this publication for a just cause, command that it be carried out also in other churches, and substitute for the publication a public affixing at the doors of the church for some days, in which at least one feast day is included.

Sec. 2. The publication is to be made on a feast day of precept in church during the solemnities of Masses, or on another day and hour in which a greater attendance of the people is had in the church.

Sec. 3. If within six months the candidate has not been promoted, the publication is to be repeated, unless something else seems good to the Ordinary.

Can. 999. All the faithful are held by the obligation of revealing to the Ordinary or pastor impediments to sacred orders, if they know any, before sacred ordination.

1983 Code correlation: 1983 CIC 1043

Can. 1000.

1983 Code correlation: NA

Sec. 1. To the pastor who carries out the publication, and also to another if it seems expedient, the Ordinary is to commit that he diligently inquire from persons worthy of trust concerning the morals and life of those to be ordained, and transmit to the Curia testimonial letters referring to the investigation itself and the publication.

Sec. 2. The same Ordinary is not to omit making other inquiries, even private ones, if he has judged this necessary or opportune.

Can. 1001.

1983 Code correlation: 1983 CIC 1039

Sec. 1. Those who are to be promoted to first tonsure and minor orders are to be free for spiritual exercises for at least three full days; those, however, who are to be promoted to sacred orders, for at least six full days; but if some, within six months, are to be promoted to several major orders, the Ordinary can reduce the time of exercises for ordination to the diaconate, yet not below three full days.

Sec. 2. If, after the exercises have been completed, sacred ordination is deferred for any cause beyond six months, the exercises are to be repeated; otherwise the Ordinary is to judge whether they are to be repeated or not.

Sec. 3. Religious are to perform these spiritual exercises in their own house or in another according to the prudent judgment of the Superior; seculars, however, in the Seminary, or in another pious or religious house designated by the Bishop.

Sec. 4. The Bishop is to be made certain concerning the completed spiritual exercises by a testimonial of the Superior of the house in which they were completed; or, if there is question of religious, by the attestation of their own major Superior.

CHAPTER IV: Of the Rites and Ceremonies of Sacred Ordination

Can. 1002. In conferring any order, the minister is to observe exactly his own rites described in the Roman Pontifical or in other ritual books approved by the Church; for no reason is it lawful to omit or invert them.

1983 Code correlation: 1983 CIC 1009

Can. 1003. The Mass of ordination or of episcopal consecration must always be celebrated by the minister himself of the ordination or consecration.

1983 Code correlation: NA

Can. 1004. If someone, already promoted to certain orders in an Eastern rite, has obtained from the Apostolic See an indult of receiving higher orders in the Latin rite, he must first receive in the Latin rite the orders which he did not receive in the Eastern rite.

1983 Code correlation: NA

Can. 1005. All those promoted to major orders are held by the obligation of receiving holy communion in the Mass itself of ordination.

1983 Code correlation: NA

CHAPTER V: Of the Time and Place of Sacred Ordination

Can. 1006.

1983 Code correlation: 1983 CIC 1010

Sec. 1. Episcopal consecration must be conferred within the solemnities of Masses, on a Sunday or on the natal day of the Apostles.

Sec. 2. Ordinations in sacred orders are to be celebrated within the solemnities of Masses on the Saturdays of the Four Times, on the Saturday before Passion Sunday, and on Holy Saturday.

Sec. 3. Nevertheless, with a grave cause intervening, the Bishop can have them also on any Sunday or feast day of precept.

Sec. 4. First tonsure can be conferred on any day and hour; minor orders on individual Sundays and double feasts, yet in the morning.

Sec. 5. A custom contrary to the times of ordination prescribed in the preceding paragraphs is reprobated; these are also to be observed when a Bishop of the Latin rite, by apostolic indult, ordains a cleric of the Eastern rite, or the reverse.

Can. 1007. As often as ordination is to be repeated or some rite supplied, whether absolutely or under condition, this can be done even outside the times and secretly.

1983 Code correlation: NA

Can. 1008. A Bishop outside his own territory, without the permission of the local Ordinary, cannot confer orders in the conferral of which pontificals are exercised, with the prescription of can. 239, Sec. 1, n. 15 preserved.

1983 Code correlation: 1983 CIC 1017

Can. 1009.

1983 Code correlation: 1983 CIC 1011

Sec. 1. General ordinations are to be celebrated publicly in the cathedral church, the canons of the church having been called and being present; but if in another place of the diocese, the clergy of the place being present, the more worthy church, insofar as it can be done, is to be approached.

Sec. 2. But the Bishop is not prohibited, when a just cause persuades, from having particular ordinations also in other churches and likewise in the oratory of the episcopal house, or of the Seminary, or of a religious house.

Sec. 3. First tonsure and minor orders can be conferred even in private oratories.

CHAPTER VI: Of the Notation and Testimonial of Completed Ordination

Can. 1010.

1983 Code correlation: 1983 CIC 1053

Sec. 1. When ordination has been completed, the names of each of the ordained and of the ordaining minister, and the place and day of ordination, are to be noted in a special book diligently kept in the Curia of the place of ordination, and all documents of the individual ordinations are to be preserved accurately.

Sec. 2. To each ordained person there is to be given an authentic testimonial of the ordination received; and if they have been promoted by an outside Bishop with dimissorial letters, they are to exhibit it to their own Ordinary for the notation of the ordination in a special book to be preserved in the archive.

Can. 1011. Moreover, the local Ordinary, if there is question of those ordained from the secular clergy, or the major Superior, if of religious ordained with his dimissorial letters, is to transmit notice of the celebrated ordination of each subdeacon to the pastor of baptism, who is to note this in his book of the baptized according to the norm of can. 470, Sec. 2.

1983 Code correlation: 1983 CIC 1054

TITLE VII: Of Marriage

Can. 1012.

1983 Code correlation: 1983 CIC 1055

Sec. 1. Christ the Lord raised the matrimonial contract itself among the baptized to the dignity of a sacrament.

Sec. 2. Therefore among the baptized a valid matrimonial contract cannot stand without being by that very fact a sacrament.

Can. 1013.

1983 Code correlation: 1983 CIC 1056

Sec. 1. The primary end of marriage is the procreation and education of offspring; the secondary end is mutual help and a remedy of concupiscence.

Sec. 2. The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a peculiar firmness by reason of the sacrament.

Can. 1014. Marriage enjoys the favor of law; wherefore in doubt one must stand for the validity of marriage until the contrary is proved, with the prescription of can. 1127 preserved.

1983 Code correlation: 1983 CIC 1060

Can. 1015.

1983 Code correlation: 1983 CIC 1061

Sec. 1. A valid marriage of the baptized is called ratified if it has not yet been completed by consummation; ratified and consummated, if between the spouses there has taken place the conjugal act to which by its nature the matrimonial contract is ordered and by which the spouses become one flesh.

Sec. 2. Once marriage has been celebrated, if the spouses have cohabited together, consummation is presumed until the contrary is proved.

Sec. 3. A marriage validly celebrated between non-baptized persons is called legitimate.

Sec. 4. An invalid marriage is called putative if it was celebrated in good faith by at least one party, until each party becomes certain of its nullity.

Can. 1016. The marriage of baptized persons is governed not only by divine law, but also by canon law, with the competence of the civil power concerning the merely civil effects of the same marriage preserved.

1983 Code correlation: 1983 CIC 1059

Can. 1017.

1983 Code correlation: 1983 CIC 1062

Sec. 1. A promise of marriage, whether unilateral or bilateral, that is, betrothal, is invalid for both forums unless it has been made through a writing signed by the parties and either by the pastor or local Ordinary, or by at least two witnesses.

Sec. 2. If both parties or either party does not know how or is unable to write, for validity this is to be noted in the writing itself and another witness is to be added, who with the pastor or local Ordinary or the two witnesses of whom in Sec. 1 signs the writing.

Sec. 3. But from a promise of marriage, although it is valid and no just cause excuses from fulfilling it, no action is given for seeking the celebration of marriage; nevertheless one is given for reparation of damages, if any is owed.

Can. 1018. The pastor is not to omit prudently instructing the people concerning the sacrament of marriage and its impediments.

1983 Code correlation: 1983 CIC 1063

CHAPTER I: Of Those Things Which Must Precede the Celebration of Marriage, and Especially of Matrimonial Publications

Can. 1019.

1983 Code correlation: 1983 CIC 1066, 1068

Sec. 1. Before marriage is celebrated, it must be clear that nothing stands in the way of its valid and licit celebration.

Sec. 2. In danger of death, if other proofs cannot be had, the sworn affirmation of the contracting parties that they have been baptized and are detained by no impediment is sufficient, unless contrary indications are present.

Can. 1020.

1983 Code correlation: 1983 CIC 1064, 1067

Sec. 1. The pastor who has the right of assisting at marriage is, at an opportune time beforehand, to investigate diligently whether anything stands in the way of contracting the marriage.

Sec. 2. He is also to question both the groom and the bride separately and cautiously, whether they are detained by any impediment, whether they freely give consent, especially the woman, and whether they are sufficiently instructed in Christian doctrine, unless this last questioning appears useless on account of the quality of the persons.

Sec. 3. It belongs to the local Ordinary to give particular norms for an investigation of this kind by the pastor.

Can. 1021.

1983 Code correlation: 1983 CIC 1065

Sec. 1. Unless baptism was conferred in his own territory, the pastor is to require a testimonial of baptism from each party, or only from the Catholic party if there is question of a marriage to be contracted with a dispensation from the impediment of disparity of cult.

Sec. 2. Catholics who have not yet received the sacrament of confirmation are to receive it before they are admitted to marriage, if they can do this without grave inconvenience.

Can. 1022. It is to be announced publicly by the pastor between whom marriage is to be contracted.

1983 Code correlation: NA

Can. 1023.

1983 Code correlation: 1983 CIC 1067

Sec. 1. Publications of marriages must be made by the proper pastor.

Sec. 2. If a party has dwelt in another place for six months after having attained puberty, the pastor is to explain the matter to the Ordinary, who according to his prudence is either to require publications to be made there, or to prescribe that other proofs or conjectures concerning freedom of status be collected.

Sec. 3. If there is any suspicion concerning a contracted impediment, the pastor, even for a shorter residence, is to consult the Ordinary, who is not to permit the marriage unless first the suspicion is removed according to the norm of Sec. 2.

Can. 1024. Publications are to be made on three continuous Sundays and other feasts of precept in church during the solemnities of Masses, or during other divine offices to which the people come in frequency.

1983 Code correlation: 1983 CIC 1067

Can. 1025. The local Ordinary can, for his territory, substitute for the publications a public affixing, at the doors of the parochial church or of another church, of the names of the contracting parties for the space of at least eight days, yet in such a way that, in this space, two feast days of precept are included.

1983 Code correlation: 1983 CIC 1067

Can. 1026. Publications are not to be made for marriages which are contracted with a dispensation from the impediment of disparity of cult or of mixed religion, unless the local Ordinary, according to his prudence and scandal being removed, has judged it opportune to permit them, provided that apostolic dispensation has preceded and mention of the religion of the non-Catholic party is omitted.

1983 Code correlation: 1983 CIC 1067

Can. 1027. All the faithful are bound to reveal impediments, if they know any, to the pastor or local Ordinary before the celebration of marriage.

1983 Code correlation: 1983 CIC 1069

Can. 1028.

1983 Code correlation: 1983 CIC 1067

Sec. 1. The proper local Ordinary, according to his prudent judgment, can for a legitimate cause dispense from publications to be made even in another diocese.

Sec. 2. If there are several proper Ordinaries, that one has the right of dispensing in whose diocese the marriage is celebrated; but if the marriage is entered into outside the proper dioceses, any proper Ordinary can dispense.

Can. 1029. If another pastor has carried out the investigation or publications, concerning their outcome he is immediately to make certain, by authentic document, the pastor who must assist at the marriage.

1983 Code correlation: 1983 CIC 1070

Can. 1030.

1983 Code correlation: NA

Sec. 1. The investigations and publications having been completed, the pastor is not to assist at the marriage before he has received all necessary documents, and moreover before three days have run from the last publication, unless a reasonable cause asks otherwise.

Sec. 2. If within six months the marriage has not been contracted, the publications are to be repeated, unless something else seems good to the local Ordinary.

Can. 1031.

1983 Code correlation: NA

Sec. 1. When a doubt has arisen concerning the existence of some impediment:

1. The pastor is to investigate the matter more accurately, by questioning under oath at least two witnesses worthy of faith, provided there is no question of an impediment from whose knowledge infamy would arise for the parties, and, if it is necessary, also the parties themselves.

2. He is to carry out or complete the publications, if the doubt arose before the publications were begun or completed.

3. He is not to assist at the marriage without consulting the Ordinary, if he has prudently judged that the doubt still remains.

Sec. 2. When a certain impediment has been detected:

1. If the impediment is occult, the pastor is to carry out or finish the publications, and refer the matter, withholding the names, to the local Ordinary or to the Sacred Penitentiary.

2. If it is public and is detected before the publications have been begun, the pastor is not to proceed further until the impediment is removed, even if he knows that a dispensation has been obtained only for the forum of conscience; if it is detected after the first or second publication, the pastor is to complete the publications and refer the matter to the Ordinary.

Sec. 3. Finally, if no impediment has been detected, neither doubtful nor certain, the pastor, the publications having been completed, is to admit the parties to the celebration of marriage.

Can. 1032. Except in a case of necessity, the pastor is never to assist at the marriage of wanderers of whom in can. 91, unless, the matter having been referred to the local Ordinary or to a priest delegated by him, he has obtained permission to assist.

1983 Code correlation: 1983 CIC 1071

Can. 1033. The pastor is not to omit, according to the diverse condition of persons, teaching spouses the sanctity of the sacrament of marriage, the mutual obligations of spouses, and the obligations of parents toward offspring; and he is to exhort them vehemently that before the celebration of marriage they diligently confess their sins and piously receive the most holy Eucharist.

1983 Code correlation: 1983 CIC 1063

Can. 1034. The pastor is gravely to exhort minor children under family authority not to enter marriage when the parents are unaware or reasonably unwilling; but if they refuse, he is not to assist at their marriage unless the local Ordinary has first been consulted.

1983 Code correlation: 1983 CIC 1072

CHAPTER II: Of Impediments in General

Can. 1035. All can contract marriage who are not prohibited by law.

1983 Code correlation: 1983 CIC 1058

Can. 1036.

1983 Code correlation: 1983 CIC 1073

Sec. 1. An impeding impediment contains a grave prohibition of contracting marriage; nevertheless, if marriage is contracted notwithstanding the impediment, it is not rendered invalid.

Sec. 2. A diriment impediment both gravely prohibits the marriage to be contracted, and prevents it from being contracted validly.

Sec. 3. Although the impediment exists on only one side, nevertheless it renders the marriage either illicit or invalid.

Can. 1037. An impediment is considered public which can be proved in the external forum; otherwise it is occult.

1983 Code correlation: 1983 CIC 1074

Can. 1038.

1983 Code correlation: 1983 CIC 1075

Sec. 1. It belongs only to the supreme ecclesiastical authority to declare authentically when divine law impedes or invalidates marriage.

Sec. 2. To the same supreme authority exclusively belongs the right of establishing for the baptized, by way of law, whether universal or particular, other impediments impeding or diriment for marriage.

Can. 1039.

1983 Code correlation: 1983 CIC 1077

Sec. 1. Local Ordinaries can forbid marriages in a particular case to all actually dwelling in their territory and to their subjects even outside the limits of their territory, but only for a time, for a just cause and while it endures.

Sec. 2. Only the Apostolic See can add an invalidating clause to a prohibition.

Can. 1040. Besides the Roman Pontiff, no one can abrogate impediments of ecclesiastical law, whether impeding or diriment, or derogate from them; likewise no one can dispense in the same, unless this power has been granted by common law or by special indult from the Apostolic See.

1983 Code correlation: 1983 CIC 1078

Can. 1041. A custom introducing a new impediment or contrary to existing impediments is reprobated.

1983 Code correlation: 1983 CIC 1076

Can. 1042.

1983 Code correlation: NA

Sec. 1. Some impediments are of lesser degree, others of greater degree.

Sec. 2. Impediments of lesser degree are:

1. Consanguinity in the third degree of the collateral line.

2. Affinity in the second degree of the collateral line.

3. Public propriety in the second degree.

4. Spiritual relationship.

5. Crime from adultery with a promise or attempted marriage, even by a merely civil act.

Sec. 3. All other impediments are of greater degree.

Can. 1043. When danger of death urges, local Ordinaries, for providing for conscience and, if the case warrants, for the legitimation of offspring, can dispense their own subjects dwelling anywhere and all actually staying in their own territory, both concerning the form to be observed in the celebration of marriage and concerning all and individual impediments of ecclesiastical law, whether public or occult, even multiple, except impediments arising from the sacred order of the presbyterate and from affinity in the direct line when the marriage has been consummated, scandal being removed, and, if a dispensation is granted concerning disparity of cult or mixed religion, the customary cautions having been furnished.

1983 Code correlation: 1983 CIC 1079

Can. 1044. In the same circumstances of things of which in can. 1043, and only for cases in which not even the local Ordinary can be approached, the same faculty of dispensing is possessed both by the pastor, by the priest who assists at the marriage according to the norm of can. 1098, n. 2, and by the confessor, but this latter only for the internal forum in the act of sacramental confession.

1983 Code correlation: 1983 CIC 1079

Can. 1045.

1983 Code correlation: 1983 CIC 1080

Sec. 1. Local Ordinaries can, under the clauses established at the end of can. 1043, grant a dispensation concerning all impediments of which in the cited can. 1043, as often as an impediment is detected when everything is already prepared for the wedding, and the marriage cannot be deferred, without probable danger of grave evil, until a dispensation is obtained from the Holy See.

Sec. 2. This faculty is valid also for the convalidation of a marriage already contracted, if the same danger exists in delay and there is not time for recourse to the Holy See.

Sec. 3. In the same circumstances of things, all those of whom in can. 1044 enjoy the same faculty, but only for occult cases in which not even the local Ordinary can be approached, or only with danger of violation of the secret.

Can. 1046. The pastor or priest of whom in can. 1044 is immediately to make the local Ordinary certain concerning a dispensation granted for the external forum; and it is to be noted in the book of marriages.

1983 Code correlation: 1983 CIC 1081

Can. 1047. Unless a rescript of the Sacred Penitentiary bears otherwise, a dispensation granted in the non-sacramental internal forum concerning an occult impediment is to be noted diligently in a book to be preserved in the secret archive of the Curia of which in can. 379, nor is another dispensation for the external forum necessary, even if later the occult impediment becomes public; but it is necessary if the dispensation had been granted only in the sacramental internal forum.

1983 Code correlation: 1983 CIC 1082

Can. 1048. If a petition for dispensation has been sent to the Holy See, local Ordinaries are not to use their faculties, if they have any, except according to the norm of can. 204, Sec. 2.

1983 Code correlation: NA

Can. 1049.

1983 Code correlation: NA

Sec. 1. In marriages either contracted or to be contracted, one who enjoys a general indult of dispensing concerning some certain impediment can, unless something else is expressly prescribed in the indult itself, dispense concerning it even if the same impediment is multiple.

Sec. 2. One who has a general indult of dispensing concerning several impediments of diverse species, whether diriment or impeding, can dispense concerning the same impediments, even public ones, occurring in one and the same case.

Can. 1050. If at any time, with an impediment or public impediments concerning which someone can dispense from indult, another impediment concurs concerning which he cannot dispense, the Apostolic See must be approached for all; if, however, the impediment or impediments concerning which he can dispense are discovered after the dispensation has been obtained from the Holy See, he will be able to use his faculties.

1983 Code correlation: NA

Can. 1051. Through a dispensation granted concerning a diriment impediment, whether from ordinary power or from delegated power by general indult, but not by rescript in particular cases, the legitimation of offspring is also granted by that very fact, if any has already been born or conceived from those with whom the dispensation is given, except however adulterine and sacrilegious offspring.

1983 Code correlation: NA

Can. 1052. A dispensation from the impediment of consanguinity or affinity, granted in some degree of impediment, is valid, although an error concerning the degree has slipped into the petition or into the grant, provided that the degree really existing is lower; or although another impediment of the same species in an equal or lower degree has been kept silent.

1983 Code correlation: NA

Can. 1053. A dispensation given by the Holy See concerning a ratified and non-consummated marriage, or permission given for passage to other nuptials on account of the presumed death of the spouse, always carries with itself a dispensation from an impediment arising from adultery with a promise or attempted marriage, if any is needed, but by no means a dispensation from the impediment of which in can. 1075, nn. 2, 3.

1983 Code correlation: NA

Can. 1054. A dispensation granted from a lesser impediment is invalidated by no defect either of obreption or subreption, even if the one final cause set forth in the petitions was false.

1983 Code correlation: NA

Can. 1055. Dispensations concerning public impediments committed to the Ordinary of the petitioners are to be executed by the Ordinary who gave the testimonial letters or transmitted the petitions to the Apostolic See, even if the spouses, at the time when execution must be given to the dispensation, have left the domicile or quasi-domicile of that diocese and departed into another diocese, no longer to return, yet with the Ordinary of the place in which they desire to contract marriage being notified.

1983 Code correlation: NA

Can. 1056. Except for some modest payment under the title of chancery expenses in dispensations for non-poor persons, local Ordinaries or their officials, any contrary custom being reprobated, cannot exact any emolument on the occasion of a granted dispensation, unless this faculty has expressly been given to them by the Holy See; and if they have exacted it, they are bound to restitution.

1983 Code correlation: NA

Can. 1057. Those who grant a dispensation from power delegated by the Apostolic See are to make express mention of the pontifical indult in the same dispensation.

1983 Code correlation: NA

CHAPTER III: Of Impeding Impediments

Can. 1058.

1983 Code correlation: NA

Sec. 1. A simple vow of virginity, of perfect chastity, of not marrying, of receiving sacred orders, and of embracing the religious state impedes marriage.

Sec. 2. No simple vow invalidates marriage, unless invalidation has been established for some persons by a special prescription of the Apostolic See.

Can. 1059. In those regions where by civil law legal relationship arising from adoption renders nuptials illicit, by canon law also marriage is illicit.

1983 Code correlation: NA

Can. 1060. Everywhere the Church most severely prohibits marriage from being entered into between two baptized persons, of whom one is Catholic and the other is enrolled in a heretical or schismatic sect; but if danger of perversion of the Catholic spouse and of the offspring is present, the union is forbidden even by divine law itself.

1983 Code correlation: 1983 CIC 1124

Can. 1061.

1983 Code correlation: 1983 CIC 1125

Sec. 1. The Church does not dispense concerning the impediment of mixed religion unless:

1. Just and grave causes urge.

2. The non-Catholic spouse has furnished a caution concerning removing from the Catholic spouse the danger of perversion, and each spouse concerning all the offspring to be baptized and educated only as Catholic.

3. Moral certitude is had concerning the fulfillment of the cautions.

Sec. 2. The cautions are regularly to be required in writing.

Can. 1062. The Catholic spouse is held by the obligation of prudently caring for the conversion of the non-Catholic spouse.

1983 Code correlation: NA

Can. 1063.

1983 Code correlation: 1983 CIC 1127

Sec. 1. Although a dispensation concerning the impediment of mixed religion has been obtained from the Church, the spouses cannot, either before or after marriage entered before the Church, also approach, whether by themselves or through a proxy, a non-Catholic minister as one devoted to sacred things, for giving or renewing matrimonial consent.

Sec. 2. If the pastor certainly knows that the spouses will violate or already have violated this law, he is not to assist at their marriage, unless for most grave causes, scandal having been removed and the Ordinary first consulted.

Sec. 3. Nevertheless it is not disapproved that, when civil law commands, the spouses present themselves also before a non-Catholic minister functioning only in the office of a civil official, and that only for completing the civil act, for the sake of civil effects.

Can. 1064. Ordinaries and other pastors of souls:

1983 Code correlation: NA

1. Are to deter the faithful from mixed nuptials as much as they can.

2. If they cannot impede them, they are to take care with all zeal that they are not contracted against the laws of God and of the Church.

3. After mixed nuptials have been celebrated, whether in their own territory or in another, they are sedulously to watch that the spouses faithfully fulfill the promises made.

4. Those assisting at marriage are to observe the prescription of can. 1102.

Can. 1065.

1983 Code correlation: 1983 CIC 1071

Sec. 1. The faithful are also to be deterred from contracting marriage with those who notoriously have either cast off the Catholic faith, although they have not gone over to a non-Catholic sect, or are enrolled in societies condemned by the Church.

Sec. 2. The pastor is not to assist at the aforesaid nuptials unless the Ordinary has been consulted; after all the circumstances of the matter have been inspected, he can permit the pastor to be present at the marriage, provided that a grave cause urges and, according to his prudent judgment, the Ordinary judges that sufficient provision has been made for the Catholic education of all the offspring and for the removal of the danger of perversion of the other spouse.

Can. 1066. If a public sinner or one notoriously bound by censure has first refused to approach sacramental confession or to be reconciled with the Church, the pastor is not to assist at his marriage, unless a grave cause urges, concerning which, if it can be done, he is to consult the Ordinary.

1983 Code correlation: 1983 CIC 1071

CHAPTER IV: Of Diriment Impediments

Can. 1067.

1983 Code correlation: 1983 CIC 1072, 1083

Sec. 1. A man before the completed sixteenth year of age, and likewise a woman before the completed fourteenth year, cannot enter a valid marriage.

Sec. 2. Although a marriage contracted after the aforesaid age is valid, nevertheless pastors of souls are to take care to turn young persons away from it before the age at which, according to the received customs of the region, marriage is usually entered.

Can. 1068.

1983 Code correlation: 1983 CIC 1084

Sec. 1. Antecedent and perpetual impotence, whether on the part of the man or on the part of the woman, whether known to the other or not, whether absolute or relative, invalidates marriage by the very law of nature.

Sec. 2. If the impediment of impotence is doubtful, whether by doubt of law or by doubt of fact, marriage is not to be impeded.

Sec. 3. Sterility neither invalidates nor impedes marriage.

Can. 1069.

1983 Code correlation: 1983 CIC 1085

Sec. 1. One who is held by the bond of a prior marriage, although not consummated, invalidly attempts marriage, with the privilege of the faith preserved.

Sec. 2. Although the prior marriage is invalid or dissolved from any cause whatever, it is not for that reason lawful to contract another before the nullity or dissolution of the prior marriage has been legitimately and certainly established.

Can. 1070.

1983 Code correlation: 1983 CIC 1086

Sec. 1. A marriage contracted by a non-baptized person with a person baptized in the Catholic Church or converted to the same from heresy or schism is null.

Sec. 2. If at the time the marriage was contracted a party was commonly held as baptized, or his baptism was doubtful, one must stand, according to the norm of can. 1014, for the validity of the marriage until it is certainly proved that one party was baptized and the other was not baptized.

Can. 1071. Those things which are prescribed concerning mixed nuptials in canons 1060-1064 must also be applied to marriages to which the impediment of disparity of cult is opposed.

1983 Code correlation: 1983 CIC 1129

Can. 1072. Clerics constituted in sacred orders invalidly attempt marriage.

1983 Code correlation: 1983 CIC 1087

Can. 1073. Likewise religious who have professed solemn vows invalidly attempt marriage, or those who have professed simple vows to which, by special prescription of the Apostolic See, the force of invalidating nuptials has been added.

1983 Code correlation: 1983 CIC 1088

Can. 1074.

1983 Code correlation: 1983 CIC 1089

Sec. 1. Between a male abductor and a woman abducted with marriage in view, as long as she remains in the power of the abductor, no marriage can stand.

Sec. 2. But if the abducted woman, separated from the abductor and established in a safe and free place, has consented to have him as husband, the impediment ceases.

Sec. 3. As regards the nullity of marriage, violent retention of a woman is held equal to abduction, namely when a man, with marriage in view, violently detains a woman in the place where she dwells or to which she has freely come.

Can. 1075. They cannot validly contract marriage:

1983 Code correlation: 1983 CIC 1090

1. Those who, while the same legitimate marriage endures, have consummated adultery between themselves and mutually given faith to each other concerning entering marriage, or have attempted marriage itself, even by a merely civil act.

2. Those who, likewise while the same legitimate marriage endures, have consummated adultery between themselves and one of them has perpetrated spouse-murder.

3. Those who by mutual physical or moral action, even without adultery, have brought death upon a spouse.

Can. 1076.

1983 Code correlation: 1983 CIC 1091

Sec. 1. In the direct line of consanguinity marriage is invalid between all ascendants and descendants, both legitimate and natural.

Sec. 2. In the collateral line it is invalid up to the third degree inclusive, yet in such a way that the impediment of marriage is multiplied only as often as the common stock is multiplied.

Sec. 3. Marriage is never to be permitted if any doubt underlies whether the parties are consanguineous in some degree of the direct line or in the first degree of the collateral line.

Can. 1077.

1983 Code correlation: 1983 CIC 1092

Sec. 1. Affinity in the direct line invalidates marriage in any degree; in the collateral line up to the second degree inclusive.

Sec. 2. The impediment of affinity is multiplied:

1. As often as the impediment of consanguinity from which it proceeds is multiplied.

2. By marriage repeated successively with a blood-relative of the deceased spouse.

Can. 1078. The impediment of public propriety arises from an invalid marriage, whether consummated or not, and from public or notorious concubinage; and it invalidates nuptials in the first and second degree of the direct line between the man and the blood-relatives of the woman, and vice versa.

1983 Code correlation: 1983 CIC 1040, 1076

Can. 1079. Only that spiritual relationship of which in can. 768 invalidates marriage.

1983 Code correlation: NA

Can. 1080. Those who by civil law are held incapable of entering nuptials between themselves on account of legal relationship arising from adoption cannot, by force of canon law, validly contract marriage between themselves.

1983 Code correlation: 1983 CIC 1094

CHAPTER V: Of Matrimonial Consent

Can. 1081.

1983 Code correlation: 1983 CIC 1057

Sec. 1. The consent of the parties, legitimately manifested between persons capable by law, makes marriage; it can be supplied by no human power.

Sec. 2. Matrimonial consent is an act of the will by which each party hands over and accepts the perpetual and exclusive right over the body, ordered to acts of themselves apt for the generation of offspring.

Can. 1082.

1983 Code correlation: 1983 CIC 1096

Sec. 1. In order that matrimonial consent can be had, it is necessary that the contracting parties at least not be ignorant that marriage is a permanent society between a man and a woman for procreating children.

Sec. 2. This ignorance is not presumed after puberty.

Can. 1083.

1983 Code correlation: 1983 CIC 1097

Sec. 1. Error concerning the person renders marriage invalid.

Sec. 2. Error concerning a quality of the person, even if it gives cause to the contract, invalidates marriage only:

1. If the error of quality redounds into error of the person.

2. If a free person contracts marriage with a person whom he thinks free, when on the contrary the person is a slave, in servitude properly so called.

Can. 1084. Simple error concerning the unity or indissolubility of marriage, or its sacramental dignity, even if it gives cause to the contract, does not vitiate matrimonial consent.

1983 Code correlation: 1983 CIC 1099

Can. 1085. Knowledge or opinion of the nullity of marriage does not necessarily exclude matrimonial consent.

1983 Code correlation: 1983 CIC 1100

Can. 1086.

1983 Code correlation: 1983 CIC 1101

Sec. 1. Internal consent of mind is always presumed conformable to the words or signs employed in celebrating marriage.

Sec. 2. But if either or both parties by a positive act of the will exclude marriage itself, or every right to the conjugal act, or some essential property of marriage, the party contracts invalidly.

Can. 1087.

1983 Code correlation: 1983 CIC 1103

Sec. 1. A marriage entered because of force or grave fear imposed from outside and unjustly, from which one is compelled to choose marriage in order to free himself, is also invalid.

Sec. 2. No other fear, even if it gives cause to the contract, brings with itself the nullity of marriage.

Can. 1088.

1983 Code correlation: 1983 CIC 1104

Sec. 1. To contract marriage validly it is necessary that the contracting parties be present, either personally by themselves or through a proxy.

Sec. 2. The spouses are to express matrimonial consent by words; nor is it lawful for them to employ equivalent signs if they can speak.

Can. 1089.

1983 Code correlation: 1983 CIC 1105

Sec. 1. With diocesan statutes added above remaining firm, in order that marriage be entered validly through a proxy, there is required a special mandate for contracting with a certain person, signed by the mandating party and either by the pastor or Ordinary of the place in which the mandate is made, or by a priest delegated by either, or by at least two witnesses.

Sec. 2. If the mandating party does not know how to write, this is to be noted in the mandate itself and another witness is to be added who himself also signs the writing; otherwise the mandate is invalid.

Sec. 3. If, before the proxy has contracted in the name of the mandating party, the latter has revoked the mandate or fallen into insanity, the marriage is invalid, although either the proxy or the other contracting party has been ignorant of these things.

Sec. 4. In order that the marriage be valid, the proxy must perform his function personally by himself.

Can. 1090. Marriage can also be contracted through an interpreter.

1983 Code correlation: 1983 CIC 1106

Can. 1091. The pastor is not to assist at a marriage to be contracted through a proxy or through an interpreter unless a just cause is present and it is in no way lawful to doubt the authenticity of the mandate or the fidelity of the interpreter, with the permission of the Ordinary having been had, if time permits.

1983 Code correlation: 1983 CIC 1071

Can. 1092. A condition once added and not revoked:

1983 Code correlation: 1983 CIC 1102

1. If it concerns the future and is necessary or impossible or shameful, but not against the substance of marriage, is to be held as not added.

2. If it concerns the future and is against the substance of marriage, it renders the marriage invalid.

3. If it concerns the future and is licit, it suspends the value of the marriage.

4. If it concerns the past or the present, the marriage will be valid or not according as that which underlies the condition exists or not.

Can. 1093. Although marriage has been entered invalidly by reason of an impediment, the consent furnished is presumed to persevere until its revocation has been established.

1983 Code correlation: 1983 CIC 1107

CHAPTER VI: Of the Form of the Celebration of Marriage

Can. 1094. Only those marriages are valid which are contracted before the pastor, or the local Ordinary, or a priest delegated by either, and at least two witnesses, yet according to the rules expressed in the canons which follow, and with the exceptions of which in canons 1098, 1099 preserved.

1983 Code correlation: 1983 CIC 1108

Can. 1095.

1983 Code correlation: 1983 CIC 1109-11

Sec. 1. The pastor and the local Ordinary validly assist at marriage:

1. Only from the day of canonical possession of the benefice obtained according to the norm of can. 334, Sec. 3, 1444, Sec. 1, or of office begun, unless by sentence they have been excommunicated, interdicted, or suspended from office, or declared such.

2. Only within the limits of their territory; in which they validly assist at marriages not only of their subjects, but even of non-subjects.

3. Provided that, constrained neither by force nor grave fear, they ask for and receive the consent of the contracting parties.

Sec. 2. The pastor and local Ordinary who can validly assist at marriage can also give permission to another priest that he validly assist at marriage within the limits of their territory.

Can. 1096.

1983 Code correlation: 1983 CIC 1111, 1113

Sec. 1. Permission of assisting at marriage granted according to the norm of can. 1095, Sec. 2, must be given expressly to a determined priest for a determined marriage, any general delegations being excluded, unless there is question of

assistant vicars for the parish to which they are attached; otherwise it is invalid.

Sec. 2. The pastor or local Ordinary is not to grant permission unless all things which law establishes for proving freedom of status have been completed.

Can. 1097.

1983 Code correlation: 1983 CIC 1114-1115

Sec. 1. But the pastor or local Ordinary licitly assist at marriage:

1. When the free status of the contracting parties has been legitimately established for them according to the norm of law.

2. When, in addition, the domicile or quasi-domicile or monthly residence, or, if there is question of a wanderer, the actual residence of either contracting party in the place of the marriage, has been established.

3. When, if the conditions of which in n. 2 are lacking, the permission of the pastor or Ordinary of the domicile or quasi-domicile or monthly residence of either contracting party has been had, unless either there is question of wanderers actually traveling, who nowhere have a fixed seat of residence, or a grave necessity intervenes which excuses from seeking permission.

Sec. 2. In any case let it be held as a rule that marriage is celebrated before the pastor of the bride, unless a just cause excuses; marriages of Catholics of mixed rite, however, unless something else has been provided by particular law, are to be celebrated in the rite of the man and before his pastor.

Sec. 3. A pastor who assists at marriage without the permission required by law does not make the stole offerings his own, and is to remit them to the proper pastor of the contracting parties.

Can. 1098. If the pastor or Ordinary or delegated priest who would assist at marriage according to the norm of canons 1095, 1096 cannot be had or approached without grave inconvenience:

1983 Code correlation: 1983 CIC 1116

1. In danger of death, a marriage contracted before witnesses alone is valid and licit; and also outside danger of death, provided that it is prudently foreseen that this condition of things will last for a month.

2. In either case, if another priest is at hand who can be present, he must be called and, together with the witnesses, assist at the marriage, with the validity of the union before witnesses alone preserved.

Can. 1099.

1983 Code correlation: 1983 CIC 1117, 1127

Sec. 1. The following are held to observing the form established above:

1. All baptized in the Catholic Church and those converted to her from heresy or schism, although either these or those afterward defected from her, as often as they enter marriage among themselves.

2. The same persons of whom above, if they contract marriage with non-Catholics, whether baptized or not baptized, even after a dispensation has been obtained from the impediment of mixed religion or disparity of cult.

3. Easterners, if they contract with Latins bound to this form.

Sec. 2. With the prescription of Sec. 1, n. 1 remaining firm, non-Catholics, whether baptized or not baptized, if they contract among themselves, are nowhere held to observing the Catholic form of marriage; likewise those born of non-Catholics, although baptized in the Catholic Church, who from infancy have grown up in heresy or schism or infidelity or without any religion, as often as they contract with a non-Catholic party.

Can. 1100. Outside a case of necessity, in the celebration of marriage the rites prescribed in ritual books approved by the Church or received by laudable customs are to be observed.

1983 Code correlation: 1983 CIC 1119

Can. 1101.

1983 Code correlation: NA

Sec. 1. The pastor is to take care that the spouses receive the solemn blessing, which can be given to them even after they have lived long in marriage, but only in Mass, with the special rubric observed and except during forbidden time.

Sec. 2. Only that priest, personally by himself or through another, can give the solemn blessing who can validly and licitly assist at marriage.

Can. 1102.

1983 Code correlation: NA

Sec. 1. In marriages between a Catholic party and a non-Catholic party, the questions concerning consent must be made according to the prescription of can. 1095, Sec. 1, n. 3.

Sec. 2. But all sacred rites are prohibited; but if graver evils are foreseen from this prohibition, the Ordinary can permit some of the customary ecclesiastical ceremonies, always excluding the celebration of Mass.

Can. 1103.

1983 Code correlation: 1983 CIC 1121-22

Sec. 1. When marriage has been celebrated, the pastor or the one who acts in his place is, as soon as possible, to write in the book of marriages the names of the spouses and witnesses, the place and day of the celebrated marriage, and other things according to the manner prescribed in the ritual books and by his own Ordinary; and this although another priest, delegated either by him or by the Ordinary, assisted at the marriage.

Sec. 2. Moreover, according to the norm of can. 470, Sec. 2, the pastor is also to note in the book of the baptized that the spouse contracted marriage on such a day in his parish. But if the spouse was baptized elsewhere, the pastor of the marriage is to transmit notice of the contract entered, either personally or through the episcopal Curia, to the pastor of baptism, so that the marriage may be entered in the book of the baptized.

Sec. 3. As often as marriage is contracted according to the norm of can. 1098, the priest, if he assisted at it, otherwise the witnesses, are held in solidum with the contracting parties to take care that the union entered be noted as soon as possible in the prescribed books.

CHAPTER VII: Of Marriage of Conscience

Can. 1104. Only from a most grave and most urgent cause, and by the local Ordinary himself, excluding the Vicar General without a special mandate, can it be permitted that a marriage of conscience be entered, that is, that marriage be celebrated with the denunciations omitted and secretly, according to the norm of the canons which follow.

1983 Code correlation: 1983 CIC 1130

Can. 1105. Permission for the celebration of a marriage of conscience carries with itself the promise and grave obligation of observing secrecy on the part of the assisting priest, the witnesses, the Ordinary and his successors, and also of the other spouse when the other does not consent to disclosure.

1983 Code correlation: 1983 CIC 1131

Can. 1106. The obligation of this promise on the part of the Ordinary does not extend to a case in which either some scandal or grave injury toward the sanctity of marriage threatens from the observance of secrecy, or the parents do not take care that children received from such a marriage be baptized, or they take care that they are to be baptized with false names expressed, without meanwhile providing to the Ordinary within thirty days notice of the offspring received and baptized with a sincere indication of the parents, or they neglect the

Christian education of the children.

1983 Code correlation: 1983 CIC 1132

Can. 1107. A marriage of conscience is not to be noted in the customary book of marriages and of the baptized, but in a special book to be preserved in the secret archive of the Curia, of which in can. 379.

1983 Code correlation: 1983 CIC 1133

CHAPTER VIII: Of the Time and Place of the Celebration of Marriage

Can. 1108.

1983 Code correlation: NA

Sec. 1. Marriage can be contracted at any time of the year.

Sec. 2. Only the solemn blessing of nuptials is forbidden from the first Sunday of Advent up to the day of the Nativity of the Lord inclusive, and from Ash Wednesday up to Easter Sunday inclusive.

Sec. 3. Nevertheless local Ordinaries can, with liturgical laws preserved, permit it even in the aforesaid times from a just cause, after warning the spouses that they abstain from excessive pomp.

Can. 1109.

1983 Code correlation: 1983 CIC 1118

Sec. 1. Marriage between Catholics is to be celebrated in the parish church; but in another church or oratory, whether public or semi-public, it can be celebrated only by permission of the local Ordinary or pastor.

Sec. 2. Local Ordinaries can permit marriage to be celebrated in private houses only in some extraordinary case and with a just and reasonable cause always acceding; but in churches or oratories either of a Seminary or of religious women, Ordinaries are not to permit this unless necessity urges and suitable precautions have been employed.

Sec. 3. Marriages between a Catholic party and a non-Catholic party are to be celebrated outside a church; but if the Ordinary prudently judges that this cannot be observed without graver evils arising, it is committed to his prudent judgment to dispense in this matter, with the prescription of can. 1102, Sec. 2, nevertheless remaining firm.

CHAPTER IX: Of the Effects of Marriage

Can. 1110. From a valid marriage there arises between spouses a bond by its nature perpetual and exclusive; Christian marriage, moreover, confers grace on spouses who do not place an obstacle.

1983 Code correlation: 1983 CIC 1134

Can. 1111. To each spouse from the very beginning of marriage there belongs an equal right and duty as regards the acts proper to conjugal life.

1983 Code correlation: 1983 CIC 1135

Can. 1112. Unless something else has been provided by special law, the wife, as regards canonical effects, becomes a participant in the status of the husband.

1983 Code correlation: NA

Can. 1113. Parents are held by a most grave obligation to take care, according to their strength, for the education of offspring, both religious and moral and also physical and civil, and also to provide for their temporal good.

1983 Code correlation: 1983 CIC 1136

Can. 1114. Children conceived or born from a valid or putative marriage are legitimate, unless, because of solemn religious profession or sacred order received by the parents, use of the marriage previously contracted had been prohibited at the time of conception.

1983 Code correlation: 1983 CIC 1137

Can. 1115.

1983 Code correlation: 1983 CIC 1138

Sec. 1. The father is he whom lawful nuptials show, unless the contrary is proved by evident arguments.

Sec. 2. Children are presumed legitimate who were born at least after six months from the day of the celebrated marriage, or within ten months from the day of dissolved conjugal life.

Can. 1116. Through the subsequent marriage of the parents, whether true or putative, whether newly contracted or convalidated, even not consummated, the offspring is made legitimate, provided that the parents existed capable of contracting marriage between themselves at the time of conception, or pregnancy, or birth.

1983 Code correlation: 1983 CIC 1139

Can. 1117. Children legitimated through subsequent marriage, as regards canonical effects, are equated in all things with legitimate children, unless something else has been expressly provided.

1983 Code correlation: 1983 CIC 1140

CHAPTER X: Of the Separation of Spouses

ARTICLE I: Of the Dissolution of the Bond

Can. 1118. A valid, ratified, and consummated marriage can be dissolved by no human power and by no cause, except death.

1983 Code correlation: 1983 CIC 1141

Can. 1119. A non-consummated marriage between baptized persons or between a baptized party and a non-baptized party is dissolved both by the law itself through solemn religious profession, and through a dispensation granted by the Apostolic See from a just cause, with both parties asking or one party, even if the other is unwilling.

1983 Code correlation: 1983 CIC 1142

Can. 1120.

1983 Code correlation: 1983 CIC 1143

Sec. 1. A legitimate marriage between non-baptized persons, although consummated, is dissolved in favor of the faith by the Pauline privilege.

Sec. 2. This privilege does not obtain in a marriage entered between a baptized party and a non-baptized party with a dispensation from the impediment of disparity of cult.

Can. 1121.

1983 Code correlation: 1983 CIC 1144

Sec. 1. Before the spouse converted and baptized validly contracts a new marriage, he must, with the prescription of can. 1125 preserved, interpellate the non-baptized party:

1. Whether the latter also wishes to be converted and receive baptism.

2. Whether at least the latter wishes to cohabit peacefully with him without insult to the Creator.

Sec. 2. These interpellations must always be made, unless the Apostolic See has declared otherwise.

Can. 1122.

1983 Code correlation: 1983 CIC 1145

Sec. 1. The interpellations are to be made ordinarily in at least summary and extrajudicial form, by the authority of the Ordinary of the converted spouse; by this Ordinary there are also to be granted to the unbelieving spouse, if indeed he has sought them, delays for deliberating, yet with him warned that, the delays having passed uselessly, the response will be presumed negative.

Sec. 2. Interpellations also made privately by the converted party himself are valid, indeed they are also licit, if the form prescribed above cannot be observed; nevertheless in this case, for the external forum, they must be established by at least two witnesses or by another legitimate mode of proof.

Can. 1123. If the interpellations have been omitted by declaration of the Apostolic See, or if the unbeliever has responded negatively to them expressly or tacitly, the baptized party has the right of contracting new nuptials with a Catholic person, unless after baptism he himself has given the non-baptized party a just cause for departing.

1983 Code correlation: 1983 CIC 1146

Can. 1124. The faithful spouse, although after receiving baptism he has again lived matrimonially with the unbelieving party, nevertheless does not lose the right of celebrating new nuptials with a Catholic person, and therefore can use this right if the unbelieving spouse, with will changed, afterward departs without a just cause, or no longer cohabits peacefully without insult to the Creator.

1983 Code correlation: NA

Can. 1125. Those things which regard marriage in the constitutions of Paul III, Altitudo, 1 June 1537; of St. Pius V, Romani Pontificis, 2 Aug. 1571; of Gregory XIII, Populis, 25 Jan. 1585, and which were written for particular places, are extended also to other regions in the same circumstances.

1983 Code correlation: 1983 CIC 1148-49

Can. 1126. The bond of the prior union, contracted in infidelity, is dissolved only then, when the faithful party has in reality validly entered new nuptials.

1983 Code correlation: NA

Can. 1127. In a doubtful matter the privilege of the faith enjoys the favor of law.

1983 Code correlation: 1983 CIC 1150

ARTICLE II: Of the Separation of Bed, Table, and Dwelling

Can. 1128. Spouses must preserve the communion of conjugal life, unless a just cause excuses them.

1983 Code correlation: 1983 CIC 1151

Can. 1129.

1983 Code correlation: 1983 CIC 1152

Sec. 1. Because of the adultery of a spouse, the other spouse, the bond remaining, has the right of dissolving, even in perpetuity, the communion of life, unless he consented to the crime, or gave cause for it, or expressly or tacitly condoned it, or also himself committed the same crime.

Sec. 2. Tacit condonation is had if the innocent spouse, after he has been made more certain of the crime of adultery, has freely lived with the other spouse with marital affection; but it is presumed unless within six months he has expelled or abandoned the adulterous spouse, or has made a legitimate accusation.

Can. 1130. The innocent spouse, whether he has departed legitimately by sentence of a judge or by his own authority, is never held by any obligation of admitting the adulterous spouse again to the partnership of life; he can, however, admit or recall the same, unless with his consent the latter has taken up a state contrary to marriage.

1983 Code correlation: 1983 CIC 1152

Can. 1131.

1983 Code correlation: 1983 CIC 1153

Sec. 1. If one spouse has given his name to a non-Catholic sect; if he has educated the offspring non-Catholically; if he leads a criminal and ignominious life; if he creates grave danger, whether of soul or of body, for the other; if by cruelties he renders common life too difficult: these and other things of this kind are for the other spouse so many legitimate causes of departing, by authority of the local Ordinary, and also by his own authority, if they are certainly established and there is danger in delay.

Sec. 2. In all these cases, when the cause of separation ceases, the custom of life is to be restored; but if separation has been pronounced by the Ordinary for a certain or uncertain time, the innocent spouse is not obliged to this, unless by decree of the Ordinary or when the time has elapsed.

Can. 1132. Once separation has been instituted, the children are to be educated with the innocent spouse; and if one of the spouses is non-Catholic, with the Catholic spouse, unless in either case the Ordinary, for the good of the children themselves and with their Catholic education always preserved, has decreed otherwise.

1983 Code correlation: 1983 CIC 1154

CHAPTER XI: Of the Convalidation of Marriage

ARTICLE I: Of Simple Convalidation

Can. 1133.

1983 Code correlation: 1983 CIC 1156

Sec. 1. To convalidate a marriage invalid because of a diriment impediment, it is required that the impediment cease or be dispensed, and that at least the party conscious of the impediment renew consent.

Sec. 2. This renewal is required by ecclesiastical law for validity, even if in the beginning both parties furnished consent and did not afterward revoke it.

Can. 1134. The renewal of consent must be a new act of the will toward the marriage which is established to have been null from the beginning.

1983 Code correlation: 1983 CIC 1157

Can. 1135.

1983 Code correlation: 1983 CIC 1158

Sec. 1. If the impediment is public, consent is to be renewed by both parties in the form prescribed by law.

Sec. 2. If it is occult and known to both parties, it is enough that consent be renewed by both parties privately and secretly.

Sec. 3. If it is occult and unknown to one party, it is enough that only the party conscious of the impediment renew consent privately and secretly, provided that the other perseveres in the consent furnished.

Can. 1136.

1983 Code correlation: 1983 CIC 1159

Sec. 1. A marriage invalid because of defect of consent is convalidated if the party who had not consented now consents, provided that the consent furnished by the other party perseveres.

Sec. 2. If the defect of consent was merely internal, it is enough that the party who had not consented consent interiorly.

Sec. 3. If it was also external, it is necessary also to manifest the consent exteriorly, either in the form prescribed by law if the defect was public, or in another private and secret mode if it was occult.

Can. 1137. A marriage null because of defect of form, in order that it become valid, must be contracted anew in legitimate form.

1983 Code correlation: 1983 CIC 1160

ARTICLE II: Of Sanation in the Root

Can. 1138.

1983 Code correlation: 1983 CIC 1161, 1164

Sec. 1. Sanation in the root of a marriage is its convalidation, carrying with itself, besides the dispensation or cessation of the impediment, a dispensation from the law concerning renewing consent, and retrotraction, by fiction of law, concerning canonical effects, to the past.

Sec. 2. Convalidation takes place from the moment of the concession of the grace; but retrotraction is understood to have been made to the beginning of the marriage, unless something else is expressly provided.

Sec. 3. Dispensation from the law concerning renewing consent can also be granted with only one or both parties unaware.

Can. 1139.

1983 Code correlation: 1983 CIC 1163

Sec. 1. Any marriage entered with the naturally sufficient consent of both parties, but juridically inefficacious because of a diriment impediment of ecclesiastical law or because of defect of legitimate form, can be sanated in the root, provided that consent perseveres.

Sec. 2. But a marriage contracted with an impediment of natural or divine law, even if afterward the impediment has ceased, the Church does not sanate in the root, not even from the moment of the cessation of the impediment.

Can. 1140.

1983 Code correlation: 1983 CIC 1162

Sec. 1. If consent is lacking in both parties or in either party, the marriage cannot be sanated in the root, whether consent was lacking from the beginning or, having been furnished from the beginning, was afterward revoked.

Sec. 2. But if consent was indeed lacking from the beginning, but afterward was furnished, sanation can be granted from the moment of the consent furnished.

Can. 1141. Sanation in the root can be granted only by the Apostolic See.

1983 Code correlation: 1983 CIC 1165

CHAPTER XII: Of Second Nuptials

Can. 1142. Although chaste widowhood is more honorable, nevertheless second and further nuptials are valid and licit, with the prescription of can. 1069, Sec. 2 remaining firm.

1983 Code correlation: NA

Can. 1143. A woman to whom the solemn blessing has once been given cannot receive it again in subsequent nuptials.

1983 Code correlation: NA

TITLE VIII: Of Sacramentals

Can. 1144. Sacramentals are things or actions which the Church, in some imitation of the Sacraments, is accustomed to use for obtaining from her impetration effects especially spiritual.

1983 Code correlation: 1983 CIC 1166

Can. 1145. The Apostolic See alone can constitute new Sacramentals or authentically interpret received ones, or abolish or change some of them.

1983 Code correlation: 1983 CIC 1167

Can. 1146. The legitimate minister of Sacramentals is a cleric to whom power for this has been conferred and who has not been prohibited by competent ecclesiastical authority from exercising the same.

1983 Code correlation: 1983 CIC 1168

Can. 1147.

1983 Code correlation: 1983 CIC 1169

Sec. 1. No one who lacks episcopal character can validly perform consecrations, unless either by law or by apostolic indult this is permitted to him.

Sec. 2. Any presbyter can impart blessings, except those which are reserved to the Roman Pontiff or to Bishops or to others.

Sec. 3. A reserved blessing which is given by a presbyter without the necessary permission is illicit, but valid, unless in the reservation the Apostolic See has expressed otherwise.

Sec. 4. Deacons and lectors can validly and licitly give only those blessings which are expressly permitted to them by law.

Can. 1148.

1983 Code correlation: 1983 CIC 1167

Sec. 1. In confecting or administering Sacramentals, the rites approved by the Church are to be observed accurately.

Sec. 2. Consecrations and blessings, whether constitutive or invocative, are invalid if the formula prescribed by the Church has not been used.

Can. 1149. Blessings, to be imparted especially to Catholics, can also be given to catechumens, indeed, unless a prohibition of the Church obstructs, even to non-Catholics, for obtaining the light of faith or, together with it, health of body.

1983 Code correlation: 1983 CIC 1170

Can. 1150. Consecrated things, or things blessed by a constitutive blessing, are to be treated reverently and not applied to profane or improper use, even if they are in the ownership of private persons.

1983 Code correlation: 1983 CIC 1171

Can. 1151.

1983 Code correlation: 1983 CIC 1172

Sec. 1. No one, endowed with the power of exorcizing, can legitimately pronounce exorcisms over the possessed unless he has obtained from the Ordinary a peculiar and express permission.

Sec. 2. This permission is to be granted by the Ordinary only to a priest endowed with piety, prudence, and integrity of life; and he is not to proceed to exorcisms unless after diligent and prudent investigation he has found that the one to be exorcized is truly possessed by a demon.

Can. 1152. Exorcisms can be made by legitimate ministers not only over the faithful and catechumens, but also over non-Catholics or excommunicates.

1983 Code correlation: NA

Can. 1153. The ministers of exorcisms which occur in baptism and in consecrations or blessings are the same as those who are the legitimate ministers of those sacred rites.

1983 Code correlation: NA

PART TWO: Of Sacred Places and Times

SECTION I: Of Sacred Places

Can. 1154. Sacred places are those which are deputed to divine worship or to the burial of the faithful by the consecration or blessing which approved liturgical books prescribe for this.

1983 Code correlation: 1983 CIC 1205

Can. 1155.

1983 Code correlation: 1983 CIC 1206

Sec. 1. The consecration of any place, although belonging to regulars, pertains to the Ordinary of the territory in which the place itself is found, provided that the Ordinary is marked by episcopal character, but not to the Vicar General without a special mandate, with the right of Cardinals of the Holy Roman Church to consecrate the church and altars of their title remaining firm.

Sec. 2. The Ordinary of the territory, although he lacks episcopal character, can give permission to any Bishop of the same rite to perform consecrations in his territory.

Can. 1156. The right of blessing a sacred place, if this belongs to the secular clergy or to a non-exempt religion, or to a lay one, pertains to the Ordinary of the territory in which the place is found; if to an exempt clerical religion, to the major Superior; but either can delegate another priest for this.

1983 Code correlation: 1983 CIC 1207

Can. 1157. Notwithstanding any privilege, no one can consecrate or bless a sacred place without the consent of the Ordinary.

1983 Code correlation: NA

Can. 1158. Concerning a consecration or blessing that has been performed, a document is to be drawn up, of which one copy is to be preserved in the episcopal Curia, the other in the archive of the church.

1983 Code correlation: 1983 CIC 1208

Can. 1159.

1983 Code correlation: 1983 CIC 1209

Sec. 1. The consecration or blessing of any place, provided that no harm is done to anyone, is sufficiently proved even by one witness above every exception.

Sec. 2. If it is legitimately established concerning it, neither the consecration nor the blessing can be repeated; in doubt, however, it is to be performed as a precaution.

Can. 1160. Sacred places are exempt from the jurisdiction of civil authority, and in them the legitimate authority of the Church freely exercises its jurisdiction.

1983 Code correlation: 1983 CIC 1213

TITLE IX: Of Churches

Can. 1161. By the name of church is understood a sacred building dedicated to divine worship, especially for this end, that it be for the use of all the Christian faithful for publicly exercising divine worship.

1983 Code correlation: 1983 CIC 1214

Can. 1162.

1983 Code correlation: 1983 CIC 1215

Sec. 1. No church is to be built without the express consent of the local Ordinary given in writing, which, however, the Vicar General cannot furnish without a special mandate.

Sec. 2. The Ordinary is not to furnish consent unless he has prudently foreseen that the necessities will not be lacking for the building and preservation of the new church, for the support of ministers, and for the other expenses of worship.

Sec. 3. Lest a new church bring detriment to the others already existing, not compensated by greater spiritual utility of the faithful, the Ordinary, before he furnishes consent, must hear the rectors of neighboring churches whose interest it is, with the prescription of can. 1676 remaining firm.

Sec. 4. Even religious members, although they have obtained from the local Ordinary consent for establishing a new house in the diocese or city, nevertheless before they build a church or public oratory in a certain and determined place, must obtain the permission of the local Ordinary.

Can. 1163. To bless and place the primary stone of a church pertains to those of whom in can. 1156.

1983 Code correlation: NA

Can. 1164.

1983 Code correlation: 1983 CIC 1216

Sec. 1. Ordinaries are to take care, with the counsel also of experts having been heard if there is need, that in the building or repair of churches the forms received from Christian tradition and the laws of sacred art be observed.

Sec. 2. In a church no entrance or window is to be opened to the houses of lay persons; and places, if there are any, beneath the pavement of the church or above the church are not to be applied to merely profane use.

Can. 1165.

1983 Code correlation: 1983 CIC 1217

Sec. 1. Divine offices cannot be celebrated in a new church before the same has been dedicated to divine worship either by solemn consecration or at least by blessing.

Sec. 2. If it is prudently foreseen that the church will be converted to profane uses, the Ordinary is not to furnish consent for its building, or at least, if by chance it has been built, he is neither to consecrate nor bless it.

Sec. 3. Cathedral churches are to be dedicated by solemn consecration and, as far as can be done, collegiate, conventual, and parochial churches.

Sec. 4. A church of wood or iron or another metal can be blessed, but not consecrated.

Sec. 5. An altar can be consecrated even without the consecration of the church; but together with the church at least the major altar must be consecrated, or a secondary altar if the major one has already been consecrated.

Can. 1166.

1983 Code correlation: NA

Sec. 1. The consecration of churches, although it can be done on any day, is nevertheless more fittingly performed on Sundays or other feasts of precept.

Sec. 2. The consecrating Bishop and those who seek that a church be consecrated to them are to fast during the day which precedes the consecration.

Sec. 3. When a church or altar is consecrated, the consecrating Bishop, although he lacks jurisdiction in the territory, grants an indulgence of one year to those visiting the church or altar on the very day of consecration; on the anniversary day, however, of fifty days if he is a Bishop, one hundred if an Archbishop, two hundred if a Cardinal of the Holy Roman Church.

Can. 1167. The feast of the consecration of a church is to be celebrated each year according to the norm of liturgical laws.

1983 Code correlation: NA

Can. 1168.

1983 Code correlation: 1983 CIC 1218

Sec. 1. Each consecrated or blessed church is to have its own title; once the dedication of the church has been performed, it cannot be changed.

Sec. 2. The feast of the title is also to be celebrated each year according to the norms of liturgical laws.

Sec. 3. Churches cannot be dedicated to Blesseds without an indult of the Apostolic See.

Can. 1169.

1983 Code correlation: NA

Sec. 1. It is fitting that each church have bells, by which the faithful are invited to divine offices and other acts of religion.

Sec. 2. The bells of churches also must be consecrated or blessed according to the rites handed down in approved liturgical books.

Sec. 3. Their use is subject solely to ecclesiastical authority.

Sec. 4. With the conditions preserved, approved by the Ordinary, attached by those who perhaps gave the bell to the church, a blessed bell cannot be applied to merely profane uses, unless from a cause of necessity or from permission of the Ordinary or finally from legitimate custom.

Sec. 5. As regards the consecration or blessing of bells, the prescription of can. 1155, 1156 is to be observed.

Can. 1170. A church does not lose its consecration or blessing unless it has been wholly destroyed, or the greater part of the walls has collapsed, or it has been reduced to profane uses by the local Ordinary, according to the norm of can. 1187.

1983 Code correlation: 1983 CIC 1212

Can. 1171. In a sacred building legitimately dedicated, all ecclesiastical rites can be performed, with parochial rights, privileges, and legitimate customs preserved; moreover the Ordinary, especially as to the hours of sacred rites, can for a just cause determine them in advance, provided that there is not question of a church which belongs to an exempt religion, with the prescription of can. 609, Sec. 3 remaining firm.

1983 Code correlation: 1983 CIC 1219

Can. 1172.

1983 Code correlation: 1983 CIC 1211

Sec. 1. A church is violated only by the acts listed below, provided that they are certain, notorious, and placed in the church itself:

1. By the delict of homicide.

2. By an injurious and grave shedding of blood.

3. By impious or sordid uses to which the church has been devoted.

4. By the burial of an infidel or of an excommunicate after a declaratory or condemnatory sentence.

Sec. 2. When a church has been violated, the cemetery, although contiguous, is not for that reason judged violated, and vice versa.

Can. 1173.

1983 Code correlation: 1983 CIC 1211

Sec. 1. In a violated church, before it is reconciled, it is forbidden to celebrate divine offices, administer Sacraments, or bury the dead.

Sec. 2. If the violation occurs during the time of divine offices, these are immediately to cease; if before the Canon of the Mass or after communion, the Mass is to be dismissed; otherwise the priest is to continue the Mass up to communion.

Can. 1174.

1983 Code correlation: NA

Sec. 1. A violated church is to be reconciled as quickly as it can be, according to the rites described in approved liturgical books.

Sec. 2. If it is doubted whether a church has been violated, it can be reconciled as a precaution.

Can. 1175. A church violated because of the burial of an excommunicate or infidel is not to be reconciled before the corpse is removed from there, if the removal can be done without grave inconvenience.

1983 Code correlation: NA

Can. 1176.

1983 Code correlation: NA

Sec. 1. The rector of the same church, or any priest with at least the presumed consent of the rector, can reconcile a blessed church.

Sec. 2. The valid reconciliation of a consecrated church pertains to those of whom in can. 1156.

Sec. 3. Nevertheless in a case of grave and urgent necessity, if the Ordinary cannot be approached, it is lawful for the rector of a consecrated church to reconcile the same, after the Ordinary has afterward been made more certain.

Can. 1177. The reconciliation of a blessed church can be done with common lustral water; but the reconciliation of a consecrated church is to be done with water blessed for this according to liturgical laws; this, however, not only Bishops but also presbyters who reconcile the church can bless.

1983 Code correlation: NA

Can. 1178. All to whom it pertains are to take care that in churches that cleanliness be preserved which befits the house of God; from the same are to be kept away commercial dealings and markets, although held for a pious end; and generally whatever is discordant with the sanctity of the place.

1983 Code correlation: 1983 CIC 1220

Can. 1179. A church enjoys the right of asylum, so that accused persons who have fled to it are not to be extracted from there, unless necessity urges, without the assent of the Ordinary, or at least of the rector of the church.

1983 Code correlation: NA

Can. 1180. No church can be decorated with the title of basilica unless by apostolic concession or immemorial custom; moreover the privileges of each are gathered from either source.

1983 Code correlation: NA

Can. 1181. Entrance into a church for sacred rites is to be entirely gratuitous, any contrary custom whatever being reprobated.

1983 Code correlation: 1983 CIC 1221

Can. 1182.

1983 Code correlation: NA

Sec. 1. With the prescription of can. 1519-1528 remaining firm, the administration of goods which are destined for repairing and decorating the church and for exercising divine worship in the same pertains, unless something else is established from a special title or legitimate custom, to the Bishop with the Chapter if there is question of a cathedral church; to the Chapter of the collegiate church if of a collegiate church; to the rector if of another church.

Sec. 2. The pastor or missionary also administers offerings made for the advantage of the parish or mission, or of a church situated within the limits of the parish or mission, unless there is question of a church having its own administration, distinct from the administration of the parish or mission, or unless particular law or legitimate custom bears otherwise.

Sec. 3. The pastor, missionary, rector of a secular church, whether he is secular or religious, must administer offerings of this kind according to the norm of the sacred canons, and render an account concerning them to the local Ordinary according to the norm of can. 1525.

Can. 1183.

1983 Code correlation: NA

Sec. 1. If others also, whether clerics or lay persons, are co-opted into the administration of the goods of some church, all the same together with the ecclesiastical administrator, of whom in can. 1182, or the one acting in his place, and with him presiding, constitute the Council of the fabric of the church.

Sec. 2. Members of this Council, unless it has been legitimately constituted otherwise, are nominated by the Ordinary or his delegate and can be removed by the same for a grave cause.

Can. 1184. The Council of the fabric must take care for the right administration of the goods of the church, with the prescription of can. 1522, 1523 observed; but in no way is it to insert itself into all those things which pertain to the spiritual function, especially:

1983 Code correlation: NA

1. Into the exercise of worship in the church.

2. Into the manner and time of ringing the bells and into the care of protecting order in the church and in the cemetery.

3. Into defining the manner by which collections, announcements, and other acts pertaining in any way to divine worship and the adornment of the church can be made in the church.

4. Into the material disposition of altars, of the table for the distribution of the Most Holy Eucharist, of the chair or pulpit from which words are made to the people, of organs, of the place assigned to singers, of seats, benches, boxes for receiving offerings, and of other things which pertain to the exercise of religious worship.

5. Into the admission or rejection of sacred utensils and of other things which are destined either for use, or for worship, or for adornment in the church or sacristy.

6. Into the writing, disposition, and custody of parochial books and of other documents which pertain to the parish archive.

Can. 1185. The sacristan, singers, director of the organ, choir boys, bell-ringer, grave-diggers, and the other servants are nominated, depend, and are dismissed by the rector of the church alone, with legitimate customs and agreements and the authority of the Ordinary preserved.

1983 Code correlation: NA

Can. 1186. With peculiar and legitimate customs and agreements preserved, and with firm obligation which pertains to someone even from the constitution of civil law:

1983 Code correlation: NA

1. The burden of repairing a cathedral church falls in the order which follows:

On the goods of the fabric, with that part preserved which is necessary for celebrating divine worship and for the ordinary administration of the church.

On the Bishop and canons in proportion to revenues, after those things necessary for honorable support have been deducted.

On the diocesans, whom nevertheless the local Ordinary is to induce to furnish the necessary expenses according to their strength, more by persuasion than by coercion.

2. The burden of repairing a parochial church falls in the order which follows:

On the goods of the fabric of the church, as above.

On the patron.

On those who receive any fruits proceeding from the church, according to a tax in proportion to revenues to be established by the Ordinary.

On the parishioners, whom nevertheless the local Ordinary, as above, is rather to exhort than compel.

3. These things are to be observed with due proportion also as regards other churches.

Can. 1187. If any church can in no way be applied to divine worship and all approaches to repairing it have been cut off, it can be reduced by the local Ordinary to a profane but not sordid use, and the burdens with the revenues and the title of the parish, if the church is parochial, are to be transferred by the same Ordinary to another church.

1983 Code correlation: 1983 CIC 1222, 1238

TITLE X: Of Oratories

Can. 1188.

1983 Code correlation: 1983 CIC 1223

Sec. 1. An oratory is a place destined for divine worship, yet not chiefly for this end, that it be for the use of the whole people of the faithful for publicly cultivating religion.

Sec. 2. An oratory, moreover, is:

1. Public, if it has been erected chiefly for the advantage of some college or even of private persons, yet in such a way that all the faithful, at least at the time of divine offices, have a legitimately proved right of approaching it.

2. Semi-public, if it has been erected for the advantage of some community or group of the faithful gathering there, and it is not free for anyone whatever to approach it.

3. Private or domestic, if it has been erected in private houses for the advantage of only some family or private person.

Can. 1189. Oratories of Cardinals of the Holy Roman Church and of Bishops, whether residential or titular, although private, nevertheless enjoy all rights and privileges by which semi-public oratories rejoice.

1983 Code correlation: 1983 CIC 1227

Can. 1190. Little chapels in a cemetery, erected by families or private persons for their burial, are private oratories.

1983 Code correlation: NA

Can. 1191.

1983 Code correlation: NA

Sec. 1. Public oratories are governed by the same law as churches.

Sec. 2. Wherefore in a public oratory, provided that by authority of the Ordinary it has been perpetually dedicated to the public worship of God by blessing or consecration, according to the norm of can. 1155, 1156, all sacred functions can be celebrated, with the contrary prescription of the rubrics preserved.

Can. 1192.

1983 Code correlation: 1983 CIC 1224

Sec. 1. Semi-public oratories cannot be erected without the permission of the Ordinary.

Sec. 2. The Ordinary is not to grant this permission unless first, personally or through another ecclesiastical man, he has visited the oratory and found it decently furnished.

Sec. 3. Once permission has been given, the oratory cannot be converted to profane uses without the authority of the same Ordinary.

Sec. 4. In colleges or boarding schools for educating youth, in gymnasia, lyceums, fortresses, military garrisons, prisons, hospitals, etc., besides the principal oratory, other smaller ones are not to be erected unless, in the judgment of the Ordinary, necessity or great utility demands it.

Can. 1193. In semi-public oratories legitimately erected, all divine offices or ecclesiastical functions can be celebrated, unless the rubrics obstruct or the Ordinary has excepted something.

1983 Code correlation: 1983 CIC 1225

Can. 1194. In private cemetery chapels, of which in can. 1190, the local Ordinary can habitually permit even the celebration of several Masses; in other domestic oratories, only one Mass, by way of act, in some extraordinary case, from a just and reasonable cause; but the Ordinary is not to lavish these permissions except according to the norm of can. 1192, Sec. 2.

1983 Code correlation: 1983 CIC 1228

Can. 1195.

1983 Code correlation: 1983 CIC 1228

Sec. 1. In domestic oratories by indult of the Apostolic See, unless something else is expressly provided in the same indult, after the Ordinary has visited and approved the oratory according to the norm of can. 1192, Sec. 2, one Mass can be celebrated, and that a read Mass, on individual days, excepting the more solemn feasts; but other ecclesiastical functions are not to be done there.

Sec. 2. The Ordinary, however, provided that just and reasonable causes are present, different from those on account of which the indult was granted, can permit by way of act the celebration of Mass even on more solemn feasts.

Can. 1196.

1983 Code correlation: 1983 CIC 1229

Sec. 1. Domestic oratories can be neither consecrated nor blessed in the manner of churches.

Sec. 2. Although domestic and semi-public oratories are endowed with the common blessing of places or houses, or with no blessing, nevertheless they must be reserved for divine worship alone and free from all domestic uses.

TITLE XI: Of Altars

Can. 1197.

1983 Code correlation: 1983 CIC 1235

Sec. 1. In the liturgical sense there is understood:

1. By the name of immovable or fixed altar, the upper table together with the supports consecrated with the same by way of one thing.

2. By the name of movable or portable altar, a stone, for the most part small, which alone is consecrated, and which is also called a portable altar or sacred stone; or the same stone with a support which nevertheless was not consecrated together with the same.

Sec. 2. In a consecrated church at least one altar, especially the major one, must be immovable; but in a blessed church all altars can be movable.

Can. 1198.

1983 Code correlation: 1983 CIC 1236-37

Sec. 1. Both the table of an immovable altar and a sacred stone are to consist of one natural stone, whole and not friable.

Sec. 2. In an immovable altar the stone slab or table must extend to the whole altar and suitably adhere to the support; moreover the support is to be of stone, or at least the sides or small columns by which the table is sustained are to be of stone.

Sec. 3. The sacred stone is to be so broad that it holds at least the host and the greater part of the chalice.

Sec. 4. Both in an immovable altar and in a sacred stone there is to be, according to the norm of liturgical laws, a sepulcher containing relics of Saints, closed with stone.

Can. 1199.

1983 Code correlation: 1983 CIC 1237

Sec. 1. In order that the sacrifice of the Mass can be celebrated upon it, an altar must be consecrated according to liturgical laws; that is, either the whole altar, if there is question of an immovable one, or only the portable altar, if of a movable one.

Sec. 2. All Bishops can consecrate portable altars, with peculiar privileges preserved; but as regards immovable altars, the prescription of can. 1155 is to be observed.

Sec. 3. The consecration of an immovable altar, which is done without the dedication of a church, although it can be done on any day, nevertheless it is more fitting that it be done on a Sunday or another feast of precept.

Can. 1200.

1983 Code correlation: 1983 CIC 1238

Sec. 1. An immovable altar loses consecration if the slab or table is separated from the support, even for a moment of time; in this case the Ordinary can permit a presbyter to perform again the consecration of the altar with a shorter rite and formula.

Sec. 2. Both an immovable altar and a sacred stone lose consecration:

1. If they are broken enormously, whether by reason of the quantity of the fracture or by reason of the place of the anointing.

2. If the relics are removed, or the cover of the sepulcher is broken or removed, except in the case in which the Bishop himself or his delegate removes the cover for fastening or repairing or replacing it, or for visiting the relics.

Sec. 3. A slight fracture of the cover does not induce execration, and any priest can fasten a small crack with cement.

Sec. 4. The execration of a church does not carry with itself the execration of altars, whether immovable or movable; and vice versa.

Can. 1201.

1983 Code correlation: NA

Sec. 1. As a church, so also any altar of a church, at least an immovable one, is to have its own title.

Sec. 2. The primary title of the major altar must be the same as the title of the church.

Sec. 3. By permission of the Ordinary, the title of a movable altar can indeed be changed, but not the title of an immovable altar.

Sec. 4. Altars cannot be dedicated to Blesseds, even in churches and oratories to which their office and Mass have been granted, without an indult of the Apostolic See.

Can. 1202.

1983 Code correlation: 1983 CIC 1239

Sec. 1. An altar, both immovable and movable, must be reserved for divine offices alone and especially for the celebration of Mass, any profane use being entirely excluded.

Sec. 2. Beneath the altar no corpse is to be hidden; corpses, moreover, which perhaps are buried near the altar are to be distant from it by a space of at least one meter; otherwise it is not lawful to celebrate Mass on the altar until the corpse is removed.

TITLE XII: Of Ecclesiastical Burial

Can. 1203.

1983 Code correlation: 1983 CIC 1176

Sec. 1. The bodies of the faithful departed are to be buried, their cremation being reprobated.

Sec. 2. If anyone in any way has ordered that his body be cremated, it is illicit to execute this will; if it has been added to a contract, testament, or any other act, it is to be held as not added.

Can. 1204. Ecclesiastical burial consists in the transfer of the corpse to the church, the obsequies celebrated over it in the same, and its deposition in a place legitimately deputed for burying the faithful departed.

1983 Code correlation: NA

CHAPTER I: Of Cemeteries

Can. 1205.

1983 Code correlation: 1983 CIC 1242

Sec. 1. The corpses of the faithful are to be buried in a cemetery which, according to the rites handed down in approved liturgical books, is blessed, whether by a solemn or a simple blessing given by those of whom in can. 1155, 1156.

Sec. 2. Corpses are not to be buried in churches, unless there is question of the corpses of residential Bishops, of Abbots or Prelates nullius to be buried in their own church, or of the Roman Pontiff, royal persons, or Cardinals of the Holy Roman Church.

Can. 1206.

1983 Code correlation: 1983 CIC 1240

Sec. 1. It is the right of the Catholic Church to possess her own cemeteries.

Sec. 2. Wherever this right of the Church is violated and there is no hope that the violation be repaired, local Ordinaries are to take care that cemeteries belonging to civil society be blessed, if those who are usually buried in them are for the greater part Catholics, or at least that Catholics have a space in them, and this blessed, reserved for themselves.

Sec. 3. If not even this can be obtained, as often as need arises individual graves are to be blessed according to the rites handed down in approved liturgical books.

Can. 1207. The things which the canons prescribe concerning the interdict, violation, and reconciliation of churches are also to be applied to cemeteries.

1983 Code correlation: NA

Can. 1208.

1983 Code correlation: 1983 CIC 1241

Sec. 1. Each parish is to have its own cemetery, unless one common to several has been legitimately constituted by the local Ordinary.

Sec. 2. Exempt religious can have their own cemetery, distinct from the common cemetery.

Sec. 3. It can also be permitted by the local Ordinary to other moral persons or private families to have a special tomb, placed outside the common cemetery and blessed after the manner of a cemetery.

Can. 1209.

1983 Code correlation: NA

Sec. 1. Both in parochial cemeteries, by written permission of the local Ordinary or his delegate, and in the proper cemetery of another moral person, by written permission of the Superior, the faithful can construct particular tombs for themselves and their own; these also, with the consent of the same Ordinary or Superior, they can alienate.

Sec. 2. Tombs of priests and clerics, where it can be done, are to be separate from tombs of lay persons and situated in a more fitting place; furthermore, where it will have been convenient, some are to be prepared for priests, others for ministers of the Church of inferior order.

Sec. 3. Even the little bodies of infants, insofar as it can conveniently be done, are to have special burial niches and sepultures separated from others.

Can. 1210. Any cemetery is to be suitably enclosed on all sides and cautiously guarded.

1983 Code correlation: NA

Can. 1211. Local Ordinaries, pastors, and Superiors to whom it pertains are to beware lest in cemeteries epitaphs, funeral eulogies, and adornments of monuments bear anything before themselves discordant with the Catholic religion and piety.

1983 Code correlation: NA

Can. 1212. Besides a blessed cemetery, another place, if it can be had, is likewise to be enclosed and guarded, where those are to be buried to whom ecclesiastical burial is not granted.

1983 Code correlation: NA

Can. 1213. No body is to be buried, especially if death has been sudden, unless after a suitable interval of time, which is sufficient for removing entirely every doubt concerning true death.

1983 Code correlation: NA

Can. 1214.

1983 Code correlation: NA

Sec. 1. It is not lawful to exhume any corpse anywhere committed to perpetual ecclesiastical burial, unless by permission of the Ordinary.

Sec. 2. The Ordinary is never to grant permission if the corpse cannot certainly be distinguished from other bodies.

CHAPTER II: Of the Transfer of the Corpse to the Church, the Funeral, and Deposition

Can. 1215. Unless a grave cause obstructs, the corpses of the faithful, before they are buried, are to be transferred from the place in which they are found to the church, where the funeral, that is, the whole order of

obsequies which is described in approved liturgical books, is to be fulfilled.

1983 Code correlation: NA

Can. 1216.

1983 Code correlation: 1983 CIC 1177

Sec. 1. The church to which the corpse must be transferred for the funeral, by ordinary law, is the church of the deceased's own parish, unless the deceased has legitimately chosen another church of funeral.

Sec. 2. If the deceased had several proper parishes, the church of funeral is the church of the parish in whose territory he died.

Can. 1217. In doubt concerning the right of another church, the right of the proper parochial church must always prevail.

1983 Code correlation: 1983 CIC 1177

Can. 1218.

1983 Code correlation: NA

Sec. 1. Although death has happened outside one's own parish, nevertheless the corpse is to be transferred for the funeral to the church of the proper parish which is nearer, if it can be carried to it conveniently by a foot journey; otherwise to the church of the parish in which death occurred.

Sec. 2. It belongs to the Ordinary, for his territory, after the peculiar circumstances have been inspected, to designate the distance and other circumstances which render the transfer of the corpse to the church of funeral or to the place of burial inconvenient; and if the parishes belong to different dioceses, the designation of the Ordinary of the diocese in which the deceased passed his last day is attended to.

Sec. 3. Although transfer to the church of funeral or to the place of burial is inconvenient, nevertheless it is always intact for the family, heirs, or others whose interest it is, to carry the corpse there, with the expenses of transfer having been undertaken.

Can. 1219.

1983 Code correlation: 1983 CIC 1178

Sec. 1. If a Cardinal of the Holy Roman Church has died in the City, the body is to be transferred, for the sake of the funeral, to the church which the Roman Pontiff has designated; but if outside the City, to the more distinguished church of the city or place where death occurred, unless the Cardinal has chosen another.

Sec. 2. When a residential Bishop, even one increased with cardinalitial dignity, or an Abbot or Prelate nullius, has died, the body, for the sake of the funeral, must be transferred to the cathedral, abbatial, or prelatic church, if this can conveniently be done; otherwise, to the more distinguished church of the city or place, unless in either case the deceased has chosen another church.

Can. 1220. Residential beneficiaries are to be transferred to the church of their benefice, unless they have chosen another church of funeral for themselves.

1983 Code correlation: 1983 CIC 1179

Can. 1221.

1983 Code correlation: NA

Sec. 1. Professed religious and novices, when they have died, are to be transferred, for the sake of the funeral, to the church or oratory of their house or at least of their religion, unless novices have chosen another church for their funeral; moreover the right of lifting the corpse and leading it to the church conducting the funeral always pertains to the religious Superior.

Sec. 2. If they die far from the house, so that they cannot conveniently be carried to the church of their house or at least of their religion, they are to be buried from the church of the parish where they die, unless the novice has chosen another church for the funeral, and with the right of Superiors preserved, of which in can. 1218, Sec. 3.

Sec. 3. The things said of novices in Sec. 1, 2 are also valid concerning servants actually serving and stably dwelling within the enclosure of the house; who nevertheless, if they have died outside the religious house, are to be buried according to the norm of can. 1216-1218.

Can. 1222. As regards the deceased who were dwelling in a house even of regulars or in a college by reason of hospitality, education, or infirmity, and the deceased in a hospital, one must stand by canons 1216-1218, unless it is established concerning particular law or privilege; but as regards those who die in a Seminary, the prescription of can. 1368 is to be observed.

1983 Code correlation: NA

Can. 1223.

1983 Code correlation: 1983 CIC 1180

Sec. 1. It is permitted to all, unless they are expressly prohibited by law, to choose the church of their funeral or the cemetery of burial.

Sec. 2. A wife and pubescent children are entirely immune in this choice from marital or paternal power.

Can. 1224. The following are prohibited from choosing the church of funeral or the cemetery of burial:

1983 Code correlation: NA

1. Impuberes; but for an impubescent son or daughter, even after their death, the parents or guardian can make this choice.

2. Professed religious of any grade or dignity, but not if they are Bishops.

Can. 1225. In order that the choice of a church of funeral be valid, it is necessary that it fall either upon a parochial church, or upon a church of regulars, but not of nuns, unless there is question of women who, for the sake of service, education, infirmity, or hospitality, were staying within the enclosure of the same monastery not precariously; or upon a church of the right of patronage, if there is question of the patron; or upon another church endowed with the right of conducting funerals.

1983 Code correlation: NA

Can. 1226.

1983 Code correlation: NA

Sec. 1. Anyone can choose the church of funeral or the cemetery of burial personally or through another to whom he has given a legitimate mandate; and it is permitted to prove the choice made or the concession of the mandate by any legitimate manner.

Sec. 2. If the choice is made through another, this person can fulfill his mandate even after the death of the one mandating.

Can. 1227. Religious and secular clerics are strictly forbidden to induce anyone by vow, oath, or pledged faith, or otherwise by promising, to choose the funeral at their churches or burial at their cemetery, or not to change a choice made; but if it has been done contrary to this, the choice is null.

1983 Code correlation: NA

Can. 1228.

1983 Code correlation: 1983 CIC 1180

Sec. 1. If burial has been chosen in a cemetery different from the cemetery of the deceased's own parish, the corpse is to be buried in that cemetery, provided that nothing obstructs on the part of those on whom the cemetery depends.

Sec. 2. When burial has been chosen in the cemetery of religious, in order that the corpse can be buried there, the consent of the religious Superior is required and suffices, according to the norm of the constitutions of each religion.

Can. 1229.

1983 Code correlation: NA

Sec. 1. If someone possessing the sepulcher of ancestors in some cemetery has died, with burial not chosen elsewhere, he is to be buried in the same, if he can conveniently be carried there, with the prescription of can. 1218, Sec. 3 preserved.

Sec. 2. For a wife the sepulcher of the husband is attended to, and, if she had several husbands, the sepulcher of the last.

Sec. 3. If there are several sepulchers of ancestors or of the husband, the family or heirs of the deceased are to choose the place of burial.

Can. 1230.

1983 Code correlation: NA

Sec. 1. The proper pastor of the deceased has not only the right but also the duty, except in a grave case of necessity, of lifting the corpse personally or through another, accompanying it to his parish church, and there fulfilling the obsequies, with the prescription of can. 1216, Sec. 2 remaining firm.

Sec. 2. But if death has occurred in the place of another parish, and the corpse can conveniently be carried to the church of the proper parish, it belongs to the proper pastor, after the pastor of the place has been forewarned, to lift it, accompany it to his church, and there perform the obsequies.

Sec. 3. If the church of funeral is a regular church or another church exempt from the jurisdiction of the pastor, the pastor, under the cross of the church conducting the funeral, lifts the corpse and leads it to the church; but the rector of the church celebrates the obsequies.

Sec. 4. But if the church of funeral is not exempt from the jurisdiction of the pastor, the celebration of the obsequies, with a peculiar privilege preserved, pertains not to the rector of the church conducting the funeral, but to the pastor in whose territory the church is situated, provided that the deceased was subject to the pastor.

Sec. 5. Other religious women are to carry religious women and novices who died in a religious house to the threshold of the enclosure; and thence, if there is question of religious women not subject to the jurisdiction of the pastor, the chaplain leads them to the church or oratory of the proper religious house and performs the obsequies; if of other religious women, the prescription of Sec. 1 is valid; but as regards religious women who died outside the house, the general prescriptions of the canons are to be observed.

Sec. 6. When a Cardinal of the Holy Roman Church or a Bishop has died outside the City in an episcopal city, the prescription of can. 397, n. 3 is to be observed.

Sec. 7. If the corpse is sent to a place where neither did the deceased have his own parish, nor had a church of funeral been legitimately chosen, the right of lifting the corpse, performing the obsequies if they are to be performed, and leading the corpse to burial pertains to the cathedral church of the same place; if this is lacking, to the church of the parish in which the cemetery is situated, unless the custom of the place or diocesan statutes bear otherwise.

Can. 1231.

1983 Code correlation: NA

Sec. 1. When the obsequies in the church have been completed, the corpse is to be entombed according to the norm of the liturgical books in the cemetery of the church of funeral, with the prescriptions of can. 1228, 1229 preserved.

Sec. 2. The one who performed the obsequies in the church has not only the right, but also the duty, except in a grave case of necessity, of accompanying the corpse to the place of burial personally or through another priest.

Can. 1232.

1983 Code correlation: NA

Sec. 1. A priest who accompanies the corpse to the church of funeral or to the place of burial can freely pass, also with stole and elevated cross, through the territory of another parish or diocese, even without the permission of the pastor or Ordinary.

Sec. 2. If the corpse is to be entombed in a cemetery to which it cannot conveniently be carried, the pastor or rector of the church of funeral cannot claim for himself the right of accompanying it outside the limits of the city or place.

Can. 1233.

1983 Code correlation: NA

Sec. 1. A pastor cannot, without a just and grave cause approved by the Ordinary, exclude secular clerics, religious, and pious sodalities which the family or heirs wish to call to lead the corpse to the church of funeral and to burial, and to assist at the funeral; nevertheless the clerics attached to the church itself must be invited by the family or heirs before all others.

Sec. 2. Societies or insignia manifestly hostile to the Catholic religion are never to be admitted.

Sec. 3. Those accompanying the corpse are bound to comply with the pastor concerning the procession of the funeral, with the rights of precedence of each one preserved.

Sec. 4. Clerics are not to carry the corpse of a lay person, of whatever kind or dignity he may have been.

Can. 1234.

1983 Code correlation: 1983 CIC 1181

Sec. 1. Local Ordinaries, if there does not exist one, are to prepare for their territory an index of funeral fees or alms, with the counsel of the cathedral Chapter and, if they judge it opportune, of the vicars forane of the diocese and the pastors of the episcopal city, with legitimate particular customs and all circumstances of persons and places attended to; and in it they are to determine moderately for diverse cases the rights of individuals, so that any occasion of contentions and scandal may be removed.

Sec. 2. If several classes are enumerated in the index, it is free for those whose interest it is to choose the class.

Can. 1235.

1983 Code correlation: 1983 CIC 1181

Sec. 1. It is strictly prohibited that anyone, on account of burial or obsequies or an anniversary of the dead, exact anything beyond that which is established in the diocesan index of fees.

Sec. 2. The poor are to be given funeral rites and buried entirely gratuitously and decently, with the obsequies prescribed according to liturgical laws and diocesan statutes.

Can. 1236.

1983 Code correlation: NA

Sec. 1. With particular law preserved, as often as a faithful person is not given funeral rites in his own parochial church, the parochial portion is owed to the proper pastor of the deceased, except in the case in which the corpse cannot conveniently be carried to the church of the proper parish.

Sec. 2. If someone has several proper parishes to which the corpse could conveniently be brought, and he is given funeral rites elsewhere, the parochial portion is to be divided among all the proper pastors.

Can. 1237.

1983 Code correlation: NA

Sec. 1. The parochial portion must be deducted from all and only the emoluments which are established for the funeral and entombment in the diocesan fee.

Sec. 2. If for any cause whatever the first solemn funeral office is not done immediately, but is done within a completed month from the day of entombment, although on this day the lesser public offices were not lacking, nevertheless the parochial portion is owed also from the emoluments of this funeral.

Sec. 3. The quantity of the parochial portion is to be determined in the diocesan fee; and if the parochial church and the church conducting the funeral pertain to different dioceses, the quantity of the parochial portion is attended to according to the fee of the church conducting the funeral.

Can. 1238. When the entombment has been completed, the minister is to write in the book of the dead the name and age of the deceased, the name of the parents or spouse, the time of death, who ministered and which Sacraments, and the place and time of entombment.

1983 Code correlation: 1983 CIC 1182

CHAPTER III: Of Those to Whom Ecclesiastical Burial Is to Be Granted or Denied

Can. 1239.

1983 Code correlation: 1983 CIC 1176, 1183

Sec. 1. Those who have died without baptism are not to be admitted to ecclesiastical burial.

Sec. 2. Catechumens who die without baptism through no fault of their own are to be counted among the baptized.

Sec. 3. All baptized persons are to be endowed with ecclesiastical burial, unless they are expressly deprived of the same by law.

Can. 1240.

1983 Code correlation: 1983 CIC 1184

Sec. 1. The following are deprived of ecclesiastical burial, unless before death they have given some signs of penitence:

1. Notorious apostates from the Christian faith, or those notoriously attached to a heretical or schismatic sect, or to a masonic sect or other societies of the same kind.

2. Excommunicated or interdicted persons after a condemnatory or declaratory sentence.

3. Those who killed themselves by deliberate counsel.

4. Those dead in a duel or from a wound received from it.

5. Those who ordered that their body be handed over to cremation.

6. Other public and manifest sinners.

Sec. 2. If in the aforesaid cases some doubt occurs, the Ordinary is to be consulted if time permits; if doubt remains, the corpse is to be handed over to ecclesiastical burial, yet in such a way that scandal is removed.

Can. 1241. When someone has been excluded from ecclesiastical burial, there are also to be denied both any funeral Mass, even anniversary Mass, and other public funeral offices.

1983 Code correlation: 1983 CIC 1185

Can. 1242. If it can be done without grave inconvenience, the corpse of an excommunicate to be avoided, who against the statutes of the canons obtained burial in a sacred place, is to be exhumed, with the prescription of

can. 1214, Sec. 1 observed, and placed back in the profane place of which in can. 1212.

1983 Code correlation: NA

SECTION II: Of Sacred Times

Can. 1243. Sacred times are feast days; and days of abstinence and fast are counted among them.

1983 Code correlation: NA

Can. 1244.

1983 Code correlation: 1983 CIC 1044

Sec. 1. It belongs to the supreme ecclesiastical authority alone to constitute, transfer, and abolish feast days, and likewise days of abstinence and fast, common to the universal Church.

Sec. 2. Local Ordinaries can, by way only of an act, impose peculiar feast days or days of abstinence and fast on their dioceses or places.

Can. 1245.

1983 Code correlation: 1983 CIC 1245

Sec. 1. Not only local Ordinaries, but also pastors, in individual cases and from a just cause, can dispense individual faithful subject to them and individual families, even outside the territory, and in their territory also travelers, from the common law concerning the observance of feasts and likewise concerning the observance of abstinence and fast, or even of both.

Sec. 2. Ordinaries, from a peculiar cause of a great concourse of people or of public health, can also dispense the whole diocese or place from fasting and from abstinence, or even from both laws at the same time.

Sec. 3. In an exempt clerical religion, Superiors have the same power of dispensing after the manner of a pastor, as regards the persons of whom in can. 514, Sec. 1.

Can. 1246. The reckoning of a feast day, and likewise of a day of abstinence and fast, is to be made from midnight up to midnight, with the prescription of can. 923 preserved.

1983 Code correlation: NA

TITLE XIII: Of Feast Days

Can. 1247.

1983 Code correlation: 1983 CIC 1246

Sec. 1. Feast days under precept in the universal Church are only: all and each Sunday, the feasts of the Nativity, Circumcision, Epiphany, Ascension, and Most Holy Body of Christ, the Immaculate Conception and Assumption of Mary the nourishing Mother of God, Saint Joseph her spouse, the Blessed Apostles Peter and Paul, and finally All Saints.

Sec. 2. Feast days of Patrons are not subject to ecclesiastical precept; however local Ordinaries can transfer the external solemnity to the next following Sunday.

Sec. 3. If somewhere some feast from those enumerated has legitimately been abolished or transferred, let nothing be innovated without the Apostolic See having been consulted.

Can. 1248. On feast days of precept Mass is to be heard; and one is to abstain from servile works, forensic acts, and likewise, unless legitimate customs or peculiar indults bear otherwise, from public trade, markets, and other

public buyings and sellings.

1983 Code correlation: 1983 CIC 1247

Can. 1249. One satisfies the law of hearing the Sacred rite who is present at Mass in whatever Catholic rite it is celebrated, under the open sky or in any church or public or semi-public oratory and in private cemetery chapels of which in can. 1190, but not in other private oratories, unless this privilege has been granted by the Apostolic See.

1983 Code correlation: 1983 CIC 1248

TITLE XIV: Of Abstinence and Fast

Can. 1250. The law of abstinence forbids eating meat and broth from meat, but not eggs, dairy foods, and any condiments even from the fat of animals.

1983 Code correlation: NA

Can. 1251.

1983 Code correlation: NA

Sec. 1. The law of fast prescribes that only one meal a day be had; but it does not forbid taking something of food in the morning and evening, with the approved custom of places concerning the quantity and quality of foods nevertheless observed.

Sec. 2. Nor is it forbidden to mix meats and fish in the same refection; nor to exchange the evening refection with lunch.

Can. 1252.

1983 Code correlation: 1983 CIC 1251

Sec. 1. The law of abstinence alone is to be observed on every Friday.

Sec. 2. The law of abstinence and fast together is to be observed on Ash Wednesday, Fridays and Saturdays of Lent and the Ember Days, the vigils of Pentecost, of the God-bearer assumed into heaven, of All Saints, and of the Nativity of the Lord.

Sec. 3. The law of fast alone is to be observed on all the remaining days of Lent.

Sec. 4. On Sundays or feasts of precept the law of abstinence, or of abstinence and fast, or only of fast ceases, except during the time of Lent; nor are vigils anticipated; likewise it ceases on Holy Saturday after midday.

Can. 1253. By these canons nothing is changed concerning particular indults, concerning vows of any physical or moral person, concerning constitutions and rules of any religion or approved institute, whether of men or women living in common even without vows.

1983 Code correlation: NA

Can. 1254.

1983 Code correlation: 1983 CIC 1252

Sec. 1. All who have completed the seventh year of age are held by the law of abstinence.

Sec. 2. All are bound by the law of fast from the completed twenty-first year of age to the begun sixtieth.

PART THREE: Of Divine Worship

Can. 1255.

1983 Code correlation: NA

Sec. 1. The worship of latria is owed to the Most Holy Trinity, to the individual Persons of the same, to Christ the Lord, even under the sacramental species; the worship of hyperdulia to the Blessed Virgin Mary; the worship of dulia to others reigning with Christ in heaven.

Sec. 2. To sacred relics also and images are owed veneration and worship relative to the person to whom the relics and images are referred.

Can. 1256. Worship, if it is rendered in the name of the Church by persons legitimately deputed for this and through acts from the institution of the Church to be exhibited only to God, the Saints, and the Blesseds, is called public; if less, private.

1983 Code correlation: 1983 CIC 834

Can. 1257. It belongs to the Apostolic See alone both to order the sacred liturgy and to approve liturgical books.

1983 Code correlation: 1983 CIC 838

Can. 1258.

1983 Code correlation: 1983 CIC 844

Sec. 1. It is not licit for the faithful in any way actively to assist or have a part in the sacred rites of non-Catholics.

Sec. 2. Passive or merely material presence can be tolerated, for the sake of civil office or honor, for a grave reason to be approved by the Bishop in a case of doubt, at the funerals, nuptials, and similar solemnities of non-Catholics, provided that danger of perversion and scandal is absent.

Can. 1259.

1983 Code correlation: 1983 CIC 839

Sec. 1. Prayers and exercises of piety are not to be permitted in churches or oratories without review and express permission of the local Ordinary, who in more difficult cases is to subject the whole matter to the Apostolic See.

Sec. 2. The local Ordinary cannot approve new litanies to be recited publicly.

Can. 1260. Ministers of the Church in exercising worship must depend solely on ecclesiastical Superiors.

1983 Code correlation: NA

Can. 1261.

1983 Code correlation: 1983 CIC 838

Sec. 1. Local Ordinaries are to watch that the prescriptions of the sacred canons concerning divine worship are sedulously observed, and especially that no superstitious practice be introduced into divine worship, whether public or private, or into the daily life of the faithful, or that anything be admitted alien from the faith or discordant with ecclesiastical tradition or bearing the appearance of shameful gain.

Sec. 2. If the local Ordinary has made laws for his territory in this matter, all religious also, even exempt, are held by the obligation of observing them; and the Ordinary can visit their churches or public oratories for this end.

Can. 1262.

1983 Code correlation: NA

Sec. 1. It is to be desired that, congruently with ancient discipline, women be separated from men in church.

Sec. 2. Men in church or outside church, while they assist at sacred rites, are to be with uncovered head, unless the approved customs of peoples or peculiar circumstances of things bear otherwise; women, however, with head covered

and modestly dressed, especially when they approach the table of the Lord.

Can. 1263.

1983 Code correlation: NA

Sec. 1. For magistrates, according to their dignity and grade, there can be a distinct place in church, according to the norm of liturgical laws.

Sec. 2. Without the express consent of the local Ordinary no faithful person is to have a place in church reserved for himself and his own; moreover the Ordinary is not to furnish consent unless the convenience of the other faithful has been sufficiently consulted.

Sec. 3. In concessions made there is always present the tacit condition that the Ordinary can, from a just cause, revoke the concession, notwithstanding any passage of time.

Can. 1264.

1983 Code correlation: NA

Sec. 1. Music in which, whether by organ or other instruments or by singing, something lascivious or impure is mixed, is to be entirely kept away from churches; and the liturgical laws concerning sacred music are to be observed.

Sec. 2. Religious women, if it is lawful for them, according to the norm of their constitutions or liturgical laws and with permission of the local Ordinary, to sing in their own church or public oratory, are to sing from such a place where they cannot be seen by the people.

TITLE XV: Of the Custody and Worship of the Most Holy Eucharist

Can. 1265.

1983 Code correlation: 1983 CIC 934-35

Sec. 1. The Most Holy Eucharist, provided that someone is present who has care of it and regularly a priest celebrates Mass in the sacred place at least once a week:

1. Must be kept in the cathedral church, in the principal church of an Abbey or Prelature nullius, of a Vicariate and Apostolic Prefecture, in any parochial or quasi-parochial church, and in the church annexed to the house of exempt religious, whether of men or women.

2. Can be kept, by permission of the local Ordinary, in a collegiate church and in the principal oratory, whether public or semi-public, both of a pious or religious house and of an ecclesiastical college which is governed by secular clerics or by religious.

Sec. 2. In order that it can be kept in other churches or oratories, an apostolic indult is necessary; the local Ordinary can grant this permission only to a church or public oratory from a just cause and by way of act.

Sec. 3. It is lawful for no one to retain the Most Holy Eucharist with himself or carry it with himself on a journey.

Can. 1266. Churches in which the Most Holy Eucharist is reserved, especially parochial churches, are to be open to the faithful every day for at least some hours.

1983 Code correlation: 1983 CIC 937

Can. 1267. With any contrary privilege revoked, in the religious or pious house itself the Most Holy Eucharist cannot be kept except either in the church or in the principal oratory; nor among nuns within the choir or the enclosures of the monastery.

1983 Code correlation: 1983 CIC 936

Can. 1268.

1983 Code correlation: 1983 CIC 938

Sec. 1. The Most Holy Eucharist cannot be kept continuously or habitually except on only one altar of the same church.

Sec. 2. Let it be kept in the most excellent and noble place of the church and therefore regularly on the major altar, unless another place seems more convenient and more becoming for the veneration and worship of so great a sacrament, with the prescription of liturgical laws observed as regards the last days of Holy Week.

Sec. 3. But in cathedral, collegiate, or conventual churches in which choral functions are to be performed at the major altar, lest an impediment be brought to ecclesiastical offices, it is opportune that the Most Holy Eucharist regularly not be kept on the major altar, but in another chapel or altar.

Sec. 4. Let rectors of churches take care that the altar on which the Most Holy Sacrament is reserved be adorned before all others, so that by its very furnishing it may move the piety and devotion of the faithful more greatly.

Can. 1269.

1983 Code correlation: 1983 CIC 938

Sec. 1. The Most Holy Eucharist must be kept in an immovable tabernacle placed in the middle part of the altar.

Sec. 2. Let the tabernacle be skillfully constructed, solidly closed on every side, decently adorned according to the norm of liturgical laws, empty of every other thing, and guarded so diligently that the danger of any sacrilegious profanation is warded off.

Sec. 3. When some grave cause urges, approved by the local Ordinary, it is not forbidden that the Most Holy Eucharist be reserved at night outside the altar, yet upon a corporal, in a safer and decent place, with the prescription of can. 1271 observed.

Sec. 4. The key of the tabernacle in which the Most Holy Sacrament is reserved must be guarded most diligently, the conscience of the priest who has care of the church or oratory being gravely burdened.

Can. 1270. Consecrated particles, in that number which can be sufficient for the communion of the sick and of the other faithful, are to be perpetually preserved in a pyx of solid and decent material, clean and well closed with its cover, covered with a white silk veil and, as far as the matter permits, adorned.

1983 Code correlation: 1983 CIC 939

Can. 1271. Before the tabernacle in which the Most Holy Sacrament is reserved, at least one lamp is to shine continually day and night, to be fed with olive oil or beeswax; but where olive oil cannot be had, it is permitted to the prudence of the local Ordinary that it be exchanged for other oils, vegetable oils as far as possible.

1983 Code correlation: 1983 CIC 940

Can. 1272. Consecrated hosts, whether for the communion of the faithful or for the exposition of the Most Holy Sacrament, are to be fresh and frequently renewed, the old ones duly consumed, so that there be no danger of corruption, with the instructions which the local Ordinary will have given concerning this matter carefully observed.

1983 Code correlation: 1983 CIC 939

Can. 1273. Those who devote themselves to the religious instruction of the faithful are to omit nothing so that they excite piety toward the Most Holy Eucharist in their souls, and especially exhort them that, not only on Sundays and feasts of precept, but also on weekdays within the week, they frequently, as far as it can be done, assist at the sacrifice of the Mass and visit the Most Holy Sacrament.

1983 Code correlation: 1983 CIC 898

Can. 1274.

1983 Code correlation: 1983 CIC 941, 943

Sec. 1. In churches or oratories to which it has been given to reserve the Most Holy Eucharist, private exposition, or exposition with the pyx, can be made from any just cause without the permission of the Ordinary; but public exposition, or exposition with the monstrance, can be made on the feast day of Corpus Christi and within the octave in all churches during the solemnities of Masses and at Vespers; at other times, however, only from a just and grave cause, especially a public one, and with the permission of the local Ordinary, even though the church belongs to an exempt religion.

Sec. 2. The minister of exposition and reposition of the Most Holy Sacrament is a priest or deacon; but the minister of Eucharistic Benediction is only a priest, nor can a deacon impart it, except in the case in which, according to the norm of can. 845, Sec. 2, he has brought Viaticum to the sick person.

Can. 1275. The Supplication of the Forty Hours is to be held every year, with the greatest solemnity with which it can be done, in all parochial churches and other churches in which the Most Holy Sacrament is habitually reserved, on days appointed with the consent of the local Ordinary; and if somewhere, because of peculiar circumstances of things, it cannot be done without grave inconvenience and with the reverence due to so great a sacrament, let the local Ordinary take care that at least for some continuous hours, on fixed days, the Most Holy Sacrament be exposed with a more solemn rite.

1983 Code correlation: 1983 CIC 942

TITLE XVI: Of the Worship of the Saints, Sacred Images, and Relics

Can. 1276. It is good and useful to invoke suppliantly the Servants of God reigning together with Christ and to venerate their relics and images; but before the others let all the faithful pursue the Most Blessed Virgin Mary with filial devotion.

1983 Code correlation: 1983 CIC 1186

Can. 1277.

1983 Code correlation: 1983 CIC 1187

Sec. 1. It is lawful to venerate with public worship only those Servants of God who by the authority of the Church have been numbered among the Saints or Blesseds.

Sec. 2. To those canonically enrolled in the catalogue of the Saints the worship of dulia is owed; Saints can be honored everywhere and by any act of this kind of worship; but Blesseds cannot, except in the place and manner which the Roman Pontiff will have granted.

Can. 1278. Laudably also, with the things to be observed observed, Saints of nations, dioceses, provinces, confraternities, religious families, and other places and moral persons are chosen and, with the confirmation of the Apostolic See acceding, are constituted Patrons; not likewise Blesseds, without a peculiar indult of the same Apostolic See.

1983 Code correlation: NA

Can. 1279.

1983 Code correlation: 1983 CIC 1188

Sec. 1. It is lawful for no one in churches, even exempt ones, or in other sacred places to place, or to take care that there be placed, any unusual image, unless it has been approved by the local Ordinary.

Sec. 2. Moreover, the Ordinary is not to approve sacred images to be exposed publicly for the veneration of the faithful which do not agree with the approved usage of the Church.

Sec. 3. Let the Ordinary never allow in churches or other sacred places images of false dogma to be exhibited, or images which do not bear before themselves due decency and propriety, or which furnish to the unlearned an occasion of dangerous error.

Sec. 4. If images exposed to public veneration are solemnly blessed, this blessing is reserved to the Ordinary, who nevertheless can commit it to any priest.

Can. 1280. Precious images, that is, those outstanding by antiquity, art, or worship, exposed in churches or public oratories for the veneration of the faithful, if at any time they need repair, are never to be restored without the consent of the Ordinary given in writing; before granting permission, he is to consult prudent and expert men.

1983 Code correlation: 1983 CIC 1189

Can. 1281.

1983 Code correlation: 1983 CIC 1190

Sec. 1. Notable relics or precious images, and likewise other relics or images which are honored in some church by great veneration of the people, cannot validly be alienated or perpetually transferred into another church without the permission of the Apostolic See.

Sec. 2. Notable relics of Saints or Blesseds are the body, head, arm, forearm, heart, tongue, hand, leg, or that part of the body in which the martyr suffered, provided that it is whole and not small.

Can. 1282.

1983 Code correlation: NA

Sec. 1. Notable relics of Saints or Blesseds cannot be reserved in private buildings or oratories without the express permission of the local Ordinary.

Sec. 2. Relics not notable can be kept with due honor even in private homes and piously carried by the faithful.

Can. 1283.

1983 Code correlation: NA

Sec. 1. Only those relics can be honored with public worship in churches, although exempt ones, whose genuineness is established by an authentic document of some Cardinal of the Holy Roman Church, or of the local Ordinary, or of another ecclesiastical man to whom the faculty of authenticating has been granted by apostolic indult.

Sec. 2. The Vicar General cannot, without a special mandate, declare relics authentic.

Can. 1284. Local Ordinaries are prudently to remove from the worship of the faithful a relic which they know certainly not to be authentic.

1983 Code correlation: NA

Can. 1285.

1983 Code correlation: NA

Sec. 1. Sacred relics whose documents of authenticity have perished because of civil disturbances or because of any other case are not to be exposed to public veneration unless a judgment of the local Ordinary precedes, but not of the Vicar General without a special mandate.

Sec. 2. Ancient relics, however, are to be retained in that veneration in which they have been up to now, unless in some peculiar case it is established by certain arguments that they are false or supposititious.

Can. 1286. Local Ordinaries are not to allow, especially in sacred sermons, books, newspapers, or commentaries destined for fostering piety, questions concerning the authenticity of sacred relics to be stirred up from mere conjectures, from merely probable arguments, or from prejudiced opinions, especially in words savoring of mockery or contempt.

1983 Code correlation: NA

Can. 1287.

1983 Code correlation: NA

Sec. 1. Relics, when they are exposed, must be enclosed and sealed in cases or capsules.

Sec. 2. Relics of the Most Holy Cross are never to be exhibited for public veneration in the same case with relics of Saints, but are to have their own separate case.

Sec. 3. Relics of Blesseds, without a peculiar indult, are not to be carried around in processions, nor exposed in churches, except where their office and Mass are celebrated by concession of the Apostolic See.

Can. 1288. Relics of the Most Holy Cross which a Bishop perhaps bears in a pectoral cross pass, upon his death, to the cathedral church, to be transmitted to the successor Bishop; and if the deceased had presided over several dioceses, they pass to the cathedral church of the diocese in whose territory he passed his last day, or, if he died outside the diocese, to that from which he last departed.

1983 Code correlation: NA

Can. 1289.

1983 Code correlation: 1983 CIC 1190

Sec. 1. It is forbidden as sacrilegious to sell sacred relics; and therefore local Ordinaries, vicars forane, pastors, and others having care of souls are carefully to beware lest sacred relics, especially of the Most Holy Cross, especially on the occasion of inheritances or the alienation of a mass of goods, be sold, or pass into the hands of non-Catholics.

Sec. 2. Rectors of churches and the others to whom it pertains are carefully to watch lest sacred relics be profaned in any way, or perish through human negligence, or be kept less decently.

TITLE XVII: Of Sacred Processions

Can. 1290.

1983 Code correlation: NA

Sec. 1. By the name of sacred processions are signified solemn supplications which are made by the faithful people, with the clergy as leader, going in order from a sacred place to a sacred place, for exciting the piety of the faithful, for commemorating the benefits of God and giving thanks to Him, and for imploring divine help.

Sec. 2. Ordinary processions are those which are made on fixed days through the year according to the norm of liturgical books or the customs of churches; extraordinary processions are those which, for other public causes, are appointed on other days.

Can. 1291.

1983 Code correlation: 1983 CIC 944

Sec. 1. Unless an immemorial custom bears otherwise, or the circumstances of places, in the prudent judgment of the Bishop, require another thing, on the feast day of Corpus Christi only one solemn procession through public ways must be made in one and the same place from the more worthy church, and all clerics, religious families of men, even exempt ones, and confraternities of lay persons must be present at it, regulars excepted who live perpetually in stricter enclosure or are distant from the city by more than three thousand paces.

Sec. 2. Other parishes and churches, even regular ones, can within the octave conduct their own processions outside the bounds of the church; but where there are several churches, it belongs to the local Ordinary to set beforehand the days, hours, and ways by which each procession is to conduct its own.

Can. 1292. The local Ordinary, having heard the cathedral Chapter, can from a public cause appoint extraordinary processions; at these, as also at ordinary and customary ones, all those of whom in can. 1291, Sec. 1 must be present.

1983 Code correlation: 1983 CIC 944

Can. 1293. Religious, even exempt ones, cannot lead processions outside their churches and cloisters without the permission of the local Ordinary, with the prescription of can. 1291, Sec. 2 preserved.

1983 Code correlation: NA

Can. 1294.

1983 Code correlation: NA

Sec. 1. A pastor or anyone else cannot introduce new processions or transfer or abolish customary ones without the permission of the local Ordinary.

Sec. 2. All clerics attached to the same church must be present at processions proper to some church.

Can. 1295. Let Ordinaries take care that sacred processions, bad practices having been rooted out if there are any, proceed in order and be carried out by all with that modesty and reverence which especially befits pious and religious acts of this kind.

1983 Code correlation: 1983 CIC 944

TITLE XVIII: Of Sacred Furnishings

Can. 1296.

1983 Code correlation: NA

Sec. 1. Sacred furnishings, especially those which, according to the norm of liturgical laws, must be blessed or consecrated and which are employed in public worship, are to be carefully guarded in the sacristy of the church or another safe and decent place, and are not to be employed for profane uses.

Sec. 2. According to the norm of can. 1522, Secs. 2, 3, an inventory of all sacred furnishings is to be made and accurately preserved.

Sec. 3. Concerning the material and form of sacred furnishings, liturgical prescriptions, ecclesiastical tradition, and, in the better manner in which it can be done, also the laws of sacred art are to be observed.

Can. 1297. Unless otherwise provided, those who by office are held to repair the church according to the norm of can. 1186 must also provide for it the sacred furnishings necessary for worship.

1983 Code correlation: NA

Can. 1298.

1983 Code correlation: NA

Sec. 1. Of a deceased Cardinal of the Holy Roman Church who had domicile in the City, although he was a suburbicarian Bishop or an Abbot nullius, any sacred furnishing, except rings and pectoral crosses even with sacred relics, and all other things stably destined for divine worship, with no account had of the quality and nature of the revenues by which they were acquired, pass to the pontifical sacristy, unless the Cardinal gave them or left them by

testament to some church or public oratory, or pious place, or to some ecclesiastical or religious person.

Sec. 2. It is to be desired that a Cardinal who wishes to use a faculty of this kind prefer, at least in part, those churches which he had obtained in title, administration, or commendam.

Can. 1299.

1983 Code correlation: NA

Sec. 1. The sacred furnishings of a deceased residential Bishop, even if he had shone with cardinalitial dignity, pass to the cathedral church, except rings and pectoral crosses even with sacred relics, with the prescription of can. 1288 preserved, and all those utensils of whatever kind which it is legitimately proved were acquired by the deceased Bishop from goods not belonging to the church itself and are not established to have passed into the ownership of the church.

Sec. 2. If at any time a Bishop has governed two or more dioceses successively, or at the same time has presided over two or more dioceses united or granted in perpetual administration, having their own and distinct cathedral churches, the sacred utensils which are established to have been acquired from the revenues of only one diocese pass to the cathedral church of the same; otherwise they must be divided, in equal parts, among the individual cathedral churches, provided that the revenues of the dioceses are not divided, but perpetually constitute one episcopal table; but if the revenues are divided and separate, the division is to be made among the individual cathedral churches in proportion to the fruits which the Bishop received in the individual dioceses and the time during which he presided over them.

Sec. 3. The Bishop is held by the obligation of making an inventory of sacred utensils in authentic form, in which, according to the truth of the matter, he is to express when they were acquired, and distinctly describe if he acquired any not from the revenues and proceeds of the church, but from his own goods or from a donation made to him; otherwise all are presumed to have been acquired from the revenues of the church.

Can. 1300. The things prescribed in can. 1299 are to be applied also to a cleric who has obtained in some church a secular or religious benefice.

1983 Code correlation: NA

Can. 1301.

1983 Code correlation: NA

Sec. 1. A Cardinal of the Holy Roman Church, a residential Bishop, and other beneficiary clerics are held by the obligation of taking care by testament or by another instrument valid in the form of civil law that the canonical prescriptions of which in can. 1298-1300 receive due effect also in the civil forum.

Sec. 2. Wherefore, in due time and in a form valid by civil law, let them designate a person of unimpaired reputation according to the norm of can. 380, who, when their death has arrived, is to take possession not only of the sacred furnishings, but also of books, documents, and other things which pertain to the church and are found in their house, and remit them to the one to whom they are owed.

Can. 1302. Rectors of churches and others to whom the care of sacred furnishings has been entrusted must carefully provide for their preservation and decorum.

1983 Code correlation: NA

Can. 1303.

1983 Code correlation: NA

Sec. 1. The cathedral church must furnish gratuitously to the Bishop the sacred furnishings and other things which are necessary for the sacrifice of the Mass or for other pontifical functions, even when he celebrates privately, not only in the cathedral church, but also in other churches of the city or suburb.

Sec. 2. If some church labors under poverty, the Ordinary can permit that a moderate stipend be exacted from priests who celebrate there for their own convenience, on account of the utensils and other things necessary for the sacrifice of the Mass.

Sec. 3. It belongs to the Bishop, but not to the Vicar Capitular or Vicar General without a special mandate, to define the same stipend, and it is lawful for no one, even religious although exempt, to exact a greater one.

Sec. 4. Let the Bishop define a stipend of this kind for the whole diocese in the diocesan Synod, if it can be done, or outside the Synod, having heard the Chapter.

Can. 1304. The following can impart the blessing of that sacred furnishing which, according to the norm of liturgical laws, must be blessed before it is employed for its proper use:

1983 Code correlation: NA

1. Cardinals of the Holy Roman Church and all Bishops.

2. Local Ordinaries, lacking episcopal character, for churches and oratories of their own territory.

3. A pastor for churches and oratories situated in the territory of his parish, and rectors of churches for their own churches.

4. Priests delegated by the local Ordinary, within the limits of the delegation and of the jurisdiction of the one delegating.

5. Religious Superiors, and priests of the same religion delegated by them, for their own churches and oratories and for the churches of nuns subject to them.

Can. 1305.

1983 Code correlation: NA

Sec. 1. Blessed or consecrated sacred furnishings lose their blessing or consecration:

1. If they have undergone such injuries or changes that they have lost their former form and are no longer considered suitable for their own uses.

2. If they have been employed for indecorous uses or exposed to public sale.

Sec. 2. A chalice and paten do not lose consecration because of the wearing away or renewal of the gilding, with the grave obligation, however, in the former case, of gilding them again.

Can. 1306.

1983 Code correlation: NA

Sec. 1. Care must be taken lest the chalice with the paten, and, before washing, purificators, palls, and corporals which were used in the sacrifice of the Mass, be touched except by clerics or by those who have custody of them.

Sec. 2. Purificators, palls, and corporals used in the sacrifice of the Mass are not to be handed over to be washed by lay persons, even religious, unless they have first been washed by a cleric constituted in major orders; moreover the water of the first washing is to be sent into the sacrarium or, if this is lacking, into fire.

TITLE XIX: Of a Vow and an Oath

CHAPTER I: Of a Vow

Can. 1307.

1983 Code correlation: 1983 CIC 1191

Sec. 1. A vow, that is, a deliberate and free promise made to God concerning a possible and better good, must be fulfilled from the virtue of religion.

Sec. 2. Unless they are prohibited by law, all who possess congruent use of reason are capable of a vow.

Sec. 3. A vow emitted through grave and unjust fear is null by the law itself.

Can. 1308.

1983 Code correlation: 1983 CIC 1192

Sec. 1. A vow is public if it is accepted in the name of the Church by a legitimate ecclesiastical Superior; otherwise, private.

Sec. 2. Solemn, if it has been recognized by the Church as such; otherwise, simple.

Sec. 3. Reserved, whose dispensation the Apostolic See alone can grant.

Sec. 4. Personal, by which the action of the one vowing is promised; real, by which some thing is promised; mixed, which participates in the nature of the personal and the real.

Can. 1309. Private vows reserved to the Apostolic See are only the vow of perfect and perpetual chastity and the vow of entering a religion of solemn vows, which will have been emitted absolutely and after the completion of the eighteenth year of age.

1983 Code correlation: NA

Can. 1310.

1983 Code correlation: 1983 CIC 1193

Sec. 1. A vow, by reason of itself, obliges only the one emitting it.

Sec. 2. The obligation of a real vow passes to heirs, likewise the obligation of a mixed vow for the part by which it is real.

Can. 1311. A vow ceases by lapse of the time appointed for ending the obligation, by a substantial change of the promised matter, by failure of the condition on which the vow depends or of its same final cause, by irritation, dispensation, or commutation.

1983 Code correlation: 1983 CIC 1194

Can. 1312.

1983 Code correlation: 1983 CIC 1195

Sec. 1. One who legitimately exercises dominative power over the will of the one vowing can render his vows invalid validly and, from a just cause, also licitly, so that in no case does the obligation afterwards revive.

Sec. 2. One who has power not indeed over the will of the one vowing, but over the matter of the vow, can suspend the obligation of the vow for as long as fulfillment of the vow brings prejudice to him.

Can. 1313. The following can dispense non-reserved vows from a just cause, provided that the dispensation does not injure a right acquired by others:

1983 Code correlation: 1983 CIC 1196

1. The local Ordinary, as regards all his subjects and also travelers.

2. The Superior of an exempt clerical religion, as regards the persons who are enumerated in can. 514, Sec. 1.

3. Those to whom the power of dispensing will have been delegated by the Apostolic See.

Can. 1314. The work promised by a non-reserved vow can be commuted by the one vowing himself into a better or equal good; but into a lesser good by him to whom there belongs the power of dispensing in vows according to the norm of can. 1313.

1983 Code correlation: 1983 CIC 1197

Can. 1315. Vows emitted before religious profession are suspended as long as the one vowing remains in religion.

1983 Code correlation: 1983 CIC 1198

CHAPTER II: Of an Oath

Can. 1316.

1983 Code correlation: 1983 CIC 1199

Sec. 1. An oath, that is, the invocation of the divine Name as witness of the truth, cannot be furnished except in truth, in judgment, and in justice.

Sec. 2. An oath which the canons require or admit cannot validly be furnished through a procurator.

Can. 1317.

1983 Code correlation: 1983 CIC 1200

Sec. 1. One who freely swears that he will do something is held by a peculiar obligation of religion to fulfill what he has confirmed by oath.

Sec. 2. An oath extorted by force or grave fear is valid, but can be relaxed by an ecclesiastical Superior.

Sec. 3. An oath furnished neither by force nor by deceit, by which someone renounces a private good or favor conceded to him by law, is to be observed as often as it does not verge upon the loss of eternal salvation.

Can. 1318.

1983 Code correlation: 1983 CIC 1201

Sec. 1. A promissory oath follows the nature and conditions of the act to which it is added.

Sec. 2. If an oath is added to an act directly verging upon the harm of others or upon the prejudice of the public good or of eternal salvation, the act obtains no firmness from it.

Can. 1319. The obligation induced by a promissory oath ceases:

1983 Code correlation: 1983 CIC 1202

1. If it is remitted by him for whose advantage the oath had been emitted.

2. If the thing sworn is substantially changed, or, with circumstances changed, becomes either evil or wholly indifferent, or finally impedes a greater good.

3. When the final cause or condition under which perhaps the oath was given is lacking.

4. By irritation, dispensation, or commutation, according to the norm of can. 1320.

Can. 1320. Those who can irritate, dispense, or commute a vow have the same power and by the same reason concerning a promissory oath; but if dispensation from the oath verges upon prejudice to others who refuse to remit the obligation, the Apostolic See alone can dispense the oath on account of the necessity or utility of the Church.

1983 Code correlation: 1983 CIC 1203

Can. 1321. An oath is to be interpreted strictly according to law and according to the intention of the one swearing, or, if he acts deceitfully, according to the intention of him to whom the oath is sworn.

1983 Code correlation: 1983 CIC 1204

PART FOUR: Of the Ecclesiastical Magisterium

Can. 1322.

1983 Code correlation: 1983 CIC 747

Sec. 1. Christ the Lord entrusted the deposit of faith to the Church, so that she, with the Holy Spirit continually assisting, might guard revealed doctrine holily and expound it faithfully.

Sec. 2. The Church, independently of any civil power, has the right and office of teaching evangelical doctrine to all nations; moreover all are held by divine law to learn this doctrine duly and to embrace the true Church of God.

Can. 1323.

1983 Code correlation: 1983 CIC 749-50

Sec. 1. Those things are to be believed with divine and Catholic faith, all of which are contained in the written or handed-down word of God and are proposed by the Church, whether by solemn judgment or by the ordinary and universal magisterium, as to be believed as divinely revealed.

Sec. 2. To pronounce a solemn judgment of this kind is proper both to an Ecumenical Council and to the Roman Pontiff speaking ex cathedra.

Sec. 3. No matter is understood to have been declared or dogmatically defined unless this has been manifestly established.

Can. 1324. It is not enough to avoid heretical depravity, but one must also diligently flee those errors which more or less approach it; wherefore all must also observe the constitutions and decrees by which perverse opinions of this kind have been proscribed and prohibited by the Holy See.

1983 Code correlation: 1983 CIC 754

Can. 1325.

1983 Code correlation: 1983 CIC 209, 751, 755

Sec. 1. The faithful of Christ are held to profess the faith openly as often as their silence, evasion, or manner of acting would carry with it an implicit denial of faith, contempt of religion, injury to God, or scandal of neighbor.

Sec. 2. After baptism has been received, if someone, retaining the Christian name, pertinaciously denies or doubts some truth from among those to be believed by divine and Catholic faith, he is a heretic; if he totally withdraws from the Christian faith, an apostate; if finally he refuses to be subject to the Supreme Pontiff or refuses to communicate with the members of the Church subject to him, he is a schismatic.

Sec. 3. Let Catholics beware lest they have disputations or conferences, especially public ones, with non-Catholics, without permission of the Holy See or, if the case is urgent, of the local Ordinary.

Can. 1326. Bishops also, although individually or even gathered in particular Councils they do not possess infallibility of teaching, nevertheless, under the authority of the Roman Pontiff, are true doctors or teachers of the faithful committed to their care.

1983 Code correlation: 1983 CIC 753

TITLE XX: Of the Preaching of the Divine Word

Can. 1327.

1983 Code correlation: 1983 CIC 756-57

Sec. 1. The office of preaching the Catholic faith has been committed chiefly to the Roman Pontiff for the universal Church, and to Bishops for their dioceses.

Sec. 2. Bishops are held by the office of preaching the Gospel personally by themselves, unless they are prohibited by a legitimate impediment; and besides pastors, they must also take other suitable men as helpers for salutarily executing the office of preaching of this kind.

Can. 1328. It is lawful for no one to exercise the ministry of preaching unless he has received a mission from a legitimate Superior, by a faculty peculiarly given or by an office conferred to which, from the sacred canons, the office of preaching inheres.

1983 Code correlation: 1983 CIC 757-59, 764-66

CHAPTER I: Of Catechetical Instruction

Can. 1329. It is the proper and most grave office, especially of pastors of souls, to take care of the catechetical instruction of the Christian people.

1983 Code correlation: 1983 CIC 773

Can. 1330. The pastor must:

1983 Code correlation: 1983 CIC 777

1. At set times, by instruction continuing through several days, prepare children each year for rightly receiving the sacraments of penance and confirmation.

2. With entirely peculiar zeal, especially, if nothing obstructs, in the time of Lent, so instruct children that they may holily take for the first time the Holy Things from the altar.

Can. 1331. Besides the instruction of children of which in can. 1330, the pastor is not to omit cultivating more richly and more perfectly by catechism the children who have recently received first communion.

1983 Code correlation: 1983 CIC 777

Can. 1332. On Sundays and other feasts of precept, at that hour which in his judgment is more suitable for the attendance of the people, the pastor must moreover explain the catechism to the adult faithful, in speech accommodated to their capacity.

1983 Code correlation: 1983 CIC 777

Can. 1333.

1983 Code correlation: 1983 CIC 776

Sec. 1. In the religious instruction of children, the pastor can, indeed, if he is legitimately impeded, must employ the assistance of clerics living in the territory of the parish, or even, if necessary, of pious lay persons, especially those who have been enrolled in a pious sodality of Christian doctrine or another similar one erected in the parish.

Sec. 2. Let priests and other clerics, detained by no legitimate impediment, be helpers to their own pastor in this most holy work, even under penalties to be inflicted by the Ordinary.

Can. 1334. If, in the judgment of the local Ordinary, the help of religious is necessary for the catechetical instruction of the people, religious Superiors, even exempt ones, requested by the same Ordinary, are held, personally or through their religious subjects, without detriment however to regular discipline, to hand that

instruction on to the people, especially in their own churches.

1983 Code correlation: 1983 CIC 776, 778

Can. 1335. Not only parents and others who hold the place of parents, but masters also and sponsors are bound by the obligation of taking care that all subject or entrusted to them be educated in catechetical instruction.

1983 Code correlation: 1983 CIC 774

Can. 1336. It belongs to the local Ordinary to issue in his diocese all things which pertain to instructing the people in Christian doctrine; and even exempt religious, whenever they teach non-exempt persons, are held to observe the same things.

1983 Code correlation: 1983 CIC 775

CHAPTER II: Of Sacred Sermons

Can. 1337. To clerics from the secular clergy and also to non-exempt religious, the local Ordinary alone grants the faculty of preaching for his territory.

1983 Code correlation: 1983 CIC 764

Can. 1338.

1983 Code correlation: 1983 CIC 765

Sec. 1. If the sermon is to be held only for exempt religious or others of whom in can. 514, Sec. 1, the Superior of those religious gives the faculty of preaching in a clerical religion according to the constitutions; in this case he can grant it also to those who are from the secular clergy or from another religion, provided that they have been judged suitable by their own Ordinary or Superior.

Sec. 2. If the sermon is to be held for others, or even for nuns subject to regulars, the local Ordinary of the place in which the sermon will be given imparts the faculty also to exempt religious; moreover, the preacher, about to speak to exempt nuns, additionally needs the permission of the regular Superior.

Sec. 3. But the local Ordinary gives the faculty of preaching among members of a lay religion, although exempt; but the preacher cannot use the faculty without the assent of the religious Superior.

Can. 1339.

1983 Code correlation: 1983 CIC 764

Sec. 1. Let local Ordinaries not deny, without grave cause, the faculty of preaching to religious who are presented by their own Superior, nor revoke the one granted, especially all at once for all the priests of a religious house, with the prescription of can. 1340 nevertheless remaining firm.

Sec. 2. For religious preachers, in order that it be lawful to use the faculty received, there is need moreover of the permission of their Superior.

Can. 1340.

1983 Code correlation: 1983 CIC 764

Sec. 1. Their conscience being gravely burdened, the local Ordinary or religious Superior is not to grant to anyone the faculty or permission of preaching unless it is first established concerning his good morals and sufficient doctrine by examination according to the norm of can. 877, Sec. 1.

Sec. 2. If, after the faculty or permission has been granted, they discover that the necessary qualities are lacking in the preacher, they must revoke it; in doubt concerning doctrine, they must shake off the doubt by certain arguments, even by a new examination if there is need.

Sec. 3. Because of a revoked faculty or permission of preaching, recourse is given, but not in suspensive effect.

Can. 1341.

1983 Code correlation: 1983 CIC 764

Sec. 1. Extern priests, whether secular or religious, are not to be invited to preach unless permission has first been obtained from the local Ordinary in whose place the sermon is to be held; moreover this Ordinary, unless he has their suitability known from elsewhere, is not to grant permission unless he has first had from the proper Ordinary of the same a good testimonial concerning the preacher's doctrine, piety, and morals; and that Ordinary, his conscience being gravely burdened, is held to answer according to the truth.

Sec. 2. The pastor must seek permission in due time if there is question of a parochial church or another church subject to the same; the rector of the church, if of a church not subject to the authority of the pastor; the first dignity, with the consent of the Chapter, if of a capitular church; the moderator or chaplain of a confraternity, if of the church proper to that confraternity.

Sec. 3. If a parochial church is at the same time capitular or proper to a confraternity, let him seek permission who by law performs the sacred functions.

Can. 1342.

1983 Code correlation: 1983 CIC 764, 766

Sec. 1. Let the faculty of preaching be made to priests or deacons alone, but not to other clerics, unless from a reasonable cause, in the judgment of the Ordinary and in individual cases.

Sec. 2. All lay persons, even religious, are forbidden to preach in church.

Can. 1343.

1983 Code correlation: 1983 CIC 763

Sec. 1. Local Ordinaries have the right of preaching in any church of their territory, although exempt.

Sec. 2. Unless there is question of great cities, a Bishop can also prohibit words from being made to the faithful in other churches of the same place at the time at which either he himself has a sermon or he takes care that one is to be held before himself, from a public and extraordinary cause, with the faithful convoked.

Can. 1344.

1983 Code correlation: 1983 CIC 767

Sec. 1. On Sundays and the other feasts of precept through the year, it is the proper office of each pastor to announce the word of God to the people, with the customary homily, especially within the Mass in which the attendance of the people is usually greater.

Sec. 2. The pastor cannot habitually satisfy this obligation through another, unless because of a just cause approved by the Ordinary.

Sec. 3. The Ordinary can permit that on certain more solemn feasts or even, from a just cause, on some Sundays, the sermon be omitted.

Can. 1345. It is to be desired that in Masses which, with the faithful standing by, are celebrated on feast days of precept in all churches or public oratories, a brief explanation of the Gospel or of some part of Christian doctrine be made; but if the local Ordinary has ordered this, with opportune instructions given, not only priests from the secular clergy, but also religious, even exempt ones, are held by this law in their own churches.

1983 Code correlation: 1983 CIC 767

Can. 1346.

1983 Code correlation: 1983 CIC 767

Sec. 1. Let local Ordinaries take care that during the time of Lent, and likewise, if it will have seemed expedient, during the time of Advent, sacred sermons be held more frequently for the faithful in cathedral and parochial churches.

Sec. 2. Canons and others of the Chapter are held to be present at this sermon, if it is held in their own church immediately after choir, unless they are detained by a just impediment; and the Ordinary can compel them to this, even with penalties applied.

Can. 1347.

1983 Code correlation: 1983 CIC 768

Sec. 1. In sacred sermons there are first to be set forth those things which the faithful must believe and do for salvation.

Sec. 2. Preachers of the divine word are to abstain from profane or abstruse arguments exceeding the common capacity of the hearers; and let them exercise the evangelical ministry not in persuasive words of human wisdom, not in the profane display and allurement of vain and ambitious eloquence, but in showing of spirit and power, preaching not themselves, but Christ crucified.

Sec. 3. If, may it be absent, a preacher disseminates errors or scandals, the prescription of can. 2317 is to be observed; if heresies, action is moreover to be taken against him according to the norm of law.

Can. 1348. The faithful are diligently to be admonished and exhorted that they frequently be present at sacred sermons.

1983 Code correlation: NA

CHAPTER III: Of Sacred Missions

Can. 1349.

1983 Code correlation: 1983 CIC 770

Sec. 1. Let Ordinaries watch that at least every tenth year pastors take care that the sacred mission, as they call it, be held for the flock committed to them.

Sec. 2. A pastor, even a religious one, in arranging these missions must stand by the mandates of the local Ordinary.

Can. 1350.

1983 Code correlation: 1983 CIC 771

Sec. 1. Local Ordinaries and pastors are to have non-Catholics living in their dioceses and parishes commended to themselves in the Lord.

Sec. 2. In other territories the whole care of missions among non-Catholics is reserved uniquely to the Apostolic See.

Can. 1351. No unwilling person is to be compelled to embrace the Catholic faith.

1983 Code correlation: 1983 CIC 748

TITLE XXI: Of Seminaries

Can. 1352. The Church has the proper and exclusive right of instructing those who desire to devote themselves to ecclesiastical ministries.

1983 Code correlation: 1983 CIC 232

Can. 1353. Let priests, especially pastors, give effort that boys who show signs of an ecclesiastical vocation be kept by peculiar cares from the contagions of the world, be formed to piety, be imbued with the first studies of letters, and that the seed of divine vocation in them be fostered.

1983 Code correlation: 1983 CIC 233

Can. 1354.

1983 Code correlation: 1983 CIC 234, 237

Sec. 1. Each diocese is to have, in a convenient place chosen by the Bishop, a Seminary or college in which, according to the measure of faculties and the extent of the diocese, a certain number of adolescents is to be instructed for the clerical state.

Sec. 2. Care is to be taken that, especially in larger dioceses, two Seminaries be constituted, namely a minor one for boys to be imbued with the knowledge of letters, and a major one for students devoting themselves to philosophy and theology.

Sec. 3. If a diocesan Seminary cannot be constituted, or if in a constituted Seminary fitting instruction, especially in philosophical and theological disciplines, is desired, the Bishop is to send the students to another Seminary, unless an interdiocesan or regional Seminary has been constituted by apostolic authority.

Can. 1355. For the constitution of the Seminary and the support of the students, if proper revenues are lacking, the Bishop can:

1983 Code correlation: 1983 CIC 264

1. Order pastors and other rectors of churches, even exempt ones, at set times to seek alms in the church for this end.

2. Impose a tribute or tax in his diocese.

3. If these things do not suffice, assign some simple benefices to the Seminary.

Can. 1356.

1983 Code correlation: 1983 CIC 264

Sec. 1. Subject to the tax for the Seminary, any appeal being removed, any contrary custom reprobated, and any contrary privilege abrogated, are the episcopal mensa, all benefices, even regular ones or those of the right of patronage, parishes or quasi-parishes, although they have no other revenues besides the offerings of the faithful, a hospital house erected by ecclesiastical authority, canonically erected sodalities and church fabrics if they have their own revenues, and any religious house, even exempt, unless it lives by alms alone or in it there is actually held a college of students or teachers for promoting the common good of the Church.

Sec. 2. This tax must be general and of the same proportion for all, greater or lesser according to the necessity of the Seminary, but not exceeding yearly five-hundredth parts (5 percent) of taxable revenue, to be diminished as the revenues of the Seminary are increased.

Sec. 3. The revenue subject to the tax is that which remains in the year after burdens and necessary expenses have been deducted; nor in this revenue should daily distributions be computed, or, if all the fruits of the benefice consist in distributions, a third part of the same; nor the offerings of the faithful, nor, if all revenues of the parish come together from offerings of the faithful, a third part of the same.

Can. 1357.

1983 Code correlation: 1983 CIC 243, 259

Sec. 1. It belongs to the Bishop to decide all and individual things which seem necessary and opportune for the right administration, governance, and progress of the diocesan Seminary, and to take care that they are faithfully observed, with the prescriptions issued by the Holy See for peculiar cases preserved.

Sec. 2. Let the Bishop especially strive to visit the Seminary frequently in person, to watch carefully over the instruction which is handed on to the students, whether literary and scientific or ecclesiastical, and to acquire for himself fuller knowledge concerning the character, piety, vocation, and progress of the students, especially on the occasion of sacred ordinations.

Sec. 3. Each Seminary is to have its own laws approved by the Bishop, in which both those who in the same Seminary are instructed for the hope of the Church and those who expend their labor in the instruction of these are to be taught what they should do and what they should observe.

Sec. 4. The whole governance and administration of an interdiocesan or regional Seminary is governed by norms established by the Holy See.

Can. 1358. Care is to be taken that in any Seminary there be present a rector for discipline, teachers for instruction, an economist distinct from the rector for taking care of household affairs, at least two ordinary confessors, and a director of spirit.

1983 Code correlation: 1983 CIC 239

Can. 1359.

1983 Code correlation: NA

Sec. 1. In diocesan Seminaries two groups of deputies are to be constituted, one for discipline, the other for the administration of temporal goods.

Sec. 2. Each group of deputies consists of two priests, chosen by the Bishop after the Chapter has been heard; but the Vicar General, members of the Bishop's household, the rector of the Seminary, the economist, and ordinary confessors are excluded.

Sec. 3. The office of deputies lasts for six years, nor are those chosen to be removed without grave cause; but they can be chosen again.

Sec. 4. The Bishop must seek the counsel of the deputies in affairs of greater importance.

Can. 1360.

1983 Code correlation: 1983 CIC 260

Sec. 1. With the prescription of can. 891 remaining firm, for the office of rector, director of spirit, confessors, and teachers of the Seminary, priests are to be chosen who are outstanding not only in doctrine, but also in virtues and prudence, and who can benefit the students by word and example.

Sec. 2. All must obey the rector of the Seminary in fulfilling their own duties.

Can. 1361.

1983 Code correlation: 1983 CIC 240

Sec. 1. Besides ordinary confessors, other confessors are to be designated to whom the students can freely approach.

Sec. 2. If these confessors live outside the Seminary and a student asks that one of them be called, the rector is to summon him, in no way inquiring the reason for the petition nor showing that he bears it badly; if they live in the Seminary, the student can freely approach them, with the discipline of the Seminary preserved.

Sec. 3. When there is question of admitting a student to orders or expelling one from the Seminary, the vote of confessors is never to be sought.

Can. 1362. Revenues of a legacy for instructing clerics can be assigned to students duly received into either a major or minor Seminary, although they have not yet been initiated by clerical tonsure, unless another thing is expressly provided in the documents of foundation.

1983 Code correlation: NA

Can. 1363.

1983 Code correlation: 1983 CIC 241

Sec. 1. No one is to be admitted by the Ordinary into the Seminary except legitimate sons whose character and will bring hope that they will serve fruitfully in ecclesiastical ministries perpetually.

Sec. 2. Before they are received, they must exhibit documents concerning legitimacy of birth, concerning baptism and confirmation received, and concerning life and morals.

Sec. 3. Those dismissed from other Seminaries or from some religion are not to be admitted unless first the Bishop, even secretly, has requested information from Superiors or others concerning the cause of dismissal, and concerning the morals, character, and temperament of those dismissed, and has certainly found out that there is nothing in them which is less fitting to the priestly state; Superiors must supply this information, conformed to the truth, their conscience being gravely burdened.

Can. 1364. In the lower schools of the Seminary:

1983 Code correlation: 1983 CIC 234, 249

1. Religious discipline is to hold the principal place, which, in a manner accommodated to the temperament and age of each one, is to be explained most diligently.

2. Let students accurately learn languages, especially Latin and their native language.

3. In the other disciplines, that instruction is to be handed on which is suitable to the common culture of all and to the state of clerics in the region where the students must exercise sacred ministry.

Can. 1365.

1983 Code correlation: 1983 CIC 250, 252, 256

Sec. 1. Let the students devote themselves to rational philosophy with related disciplines for at least a complete two years.

Sec. 2. The theological course is to be contained in at least a complete four years, and besides dogmatic and moral theology, must especially embrace the study of sacred Scripture, ecclesiastical history, canon law, liturgy, sacred eloquence, and ecclesiastical chant.

Sec. 3. Let there also be lectures concerning pastoral theology, with practical exercises added, especially concerning the manner of handing on catechism to children or others, hearing confessions, visiting the sick, and assisting the dying.

Can. 1366.

1983 Code correlation: 1983 CIC 253

Sec. 1. For the office of teaching in philosophical, theological, and juridic disciplines, all else being equal, in the judgment of the Bishop and the deputies of the Seminary, those are to be preferred who have obtained a doctoral laurea in a university of studies or Faculty recognized by the Holy See, or, if there is question of religious, who have a similar testimonial from their major Superiors.

Sec. 2. Let professors treat studies of rational philosophy and theology, and the instruction of students in these disciplines, entirely according to the method, doctrine, and principles of the Angelic Doctor, and let them hold these things sacredly.

Sec. 3. Care is to be taken that at least for sacred Scripture, dogmatic theology, moral theology, and ecclesiastical history there be just as many distinct teachers.

Can. 1367. Let Bishops take care that students of the Seminary:

1983 Code correlation: 1983 CIC 246

1. Recite morning and evening prayers in common each day, devote some time to mental prayer, and be present at the sacrifice of the Mass.

2. At least once a week approach the sacrament of penance and frequently, with the piety that is fitting, refresh themselves with the Eucharistic bread.

3. On Sundays and feast days, be present at the solemnities of Masses and Vespers, serve the altar, and perform the sacred ceremonies, especially in the cathedral church, if this, in the judgment of the Bishop, can be done without detriment to discipline and studies.

4. Each year devote themselves for several continuous days to spiritual exercises.

5. At least once a week be present at instruction concerning spiritual things, which is to be closed with a pious exhortation.

Can. 1368. Let the Seminary be exempt from parochial jurisdiction; and for all who are in the Seminary, let the rector of the Seminary or his delegate perform the office of pastor, except in matrimonial matter and with the prescription of can. 891 remaining firm, unless in certain Seminaries it has been otherwise constituted by the Apostolic See.

1983 Code correlation: 1983 CIC 262

Can. 1369.

1983 Code correlation: 1983 CIC 261

Sec. 1. Let the rector of the Seminary and all other moderators under his authority take care that the students observe exactly the statutes approved by the Bishop and the plan of studies, and be imbued with a truly ecclesiastical spirit.

Sec. 2. Let them more often hand on to them the laws of true and Christian courtesy, and by their own example stir them up to cultivate those laws; moreover let them exhort them to observe continually hygienic precepts, cleanliness of clothing and body, and a certain courtesy in conversing joined with modesty and gravity.

Sec. 3. Let them carefully watch that teachers duly perform their office.

Can. 1370. As often as students for any cause live outside the Seminary, the prescription of can. 972, Sec. 2 is to be observed.

1983 Code correlation: 1983 CIC 235

Can. 1371. Let the unruly, incorrigible, seditious be dismissed from the Seminary, and those who by reason of morals and character do not seem suitable for the ecclesiastical state; likewise those who advance so little in studies that hope does not shine forth that they will obtain sufficient doctrine; but especially let those be dismissed at once who perhaps have offended against good morals or faith.

1983 Code correlation: NA

TITLE XXII: Of Schools

Can. 1372.

1983 Code correlation: 1983 CIC 793

Sec. 1. All the faithful are to be instructed from childhood in such a way that not only is nothing handed on to them which is opposed to the Catholic religion and uprightness of morals, but religious and moral instruction holds the principal place.

Sec. 2. Not only parents according to the norm of can. 1113, but also all who hold their place, have the right and most grave office of taking care of the Christian education of children.

Can. 1373.

1983 Code correlation: 1983 CIC 804

Sec. 1. In any elementary school, religious instruction is to be handed on to children according to their age.

Sec. 2. Youth who attend middle or higher schools are to be cultivated with fuller doctrine of religion, and local Ordinaries are to take care that this be done by priests outstanding in zeal and doctrine.

Can. 1374. Catholic children are not to attend non-Catholic, neutral, or mixed schools, namely those which are open also to non-Catholics. It belongs only to the local Ordinary to decide, according to the norm of the instructions of the Apostolic See, in what circumstances and with what cautions applied, so that the danger of perversion may be avoided, it can be tolerated that those schools be attended.

1983 Code correlation: 1983 CIC 793, 797-98

Can. 1375. The Church has the right of founding schools of any discipline, not only elementary schools, but also middle and higher schools.

1983 Code correlation: 1983 CIC 800

Can. 1376.

1983 Code correlation: 1983 CIC 816

Sec. 1. The canonical constitution of a Catholic University of studies or Faculty is reserved to the Apostolic See.

Sec. 2. A Catholic University or Faculty, even one entrusted to any religious families whatever, must have its statutes approved by the Apostolic See.

Can. 1377. No one can confer academic degrees which have canonical effects in the Church, unless by faculty granted by the Apostolic See.

1983 Code correlation: 1983 CIC 817

Can. 1378. It is the right of doctors duly created to wear, outside sacred functions, even a ring with a gem and the doctoral biretta, with the prescription of the sacred canons moreover remaining firm, which establish that in the conferral of certain ecclesiastical offices and benefices, all else being equal, in the judgment of the Ordinary, those are to be preferred who have obtained the laurea or licentiate.

1983 Code correlation: NA

Can. 1379.

1983 Code correlation: 1983 CIC 800, 802, 809

Sec. 1. If Catholic schools according to the norm of can. 1373, whether elementary or middle, are lacking, care is to be taken, especially by local Ordinaries, that they be founded.

Sec. 2. Likewise, if public universities of studies are not imbued with Catholic doctrine and sense, it is to be desired that a Catholic University be founded in the nation or region.

Sec. 3. Let the faithful not omit to contribute helping labor according to their strength for founding and sustaining Catholic schools.

Can. 1380. It is to be desired that local Ordinaries, according to their prudence, send clerics outstanding in piety and talent to schools of some University or Faculty founded or approved by the Church, so that there they may complete studies especially of philosophy, theology, and canon law, and obtain academic degrees.

1983 Code correlation: 1983 CIC 819

Can. 1381.

1983 Code correlation: 1983 CIC 803, 805-6, 810

Sec. 1. The religious instruction of youth in any schools whatever is subject to the authority and inspection of the Church.

Sec. 2. Local Ordinaries have the right and office of watching lest in any schools of their territory anything be handed on or done against faith or good morals.

Sec. 3. They likewise have the right of approving teachers and books of religion; and likewise, for the cause of religion and morals, of requiring that both teachers and books be removed.

Can. 1382. Local Ordinaries, either personally by themselves or through others, can also visit any schools, oratories, recreatories, patronages, etc., in those things which regard religious and moral instruction; from this visitation the schools of any religious are not exempt, unless there is question of internal schools for professed members of an exempt religion.

1983 Code correlation: 1983 CIC 806

Can. 1383. In the religious instruction of students of some college, the prescription of can. 891 is to be observed.

1983 Code correlation: 1983 CIC 985

TITLE XXIII: Of the Previous Censorship of Books and Their Prohibition

Can. 1384.

1983 Code correlation: 1983 CIC 823-24

Sec. 1. The Church has the right of requiring that the faithful not publish books which she by her own judgment has not previously reviewed, and of prohibiting, from a just cause, books published by any persons whatever.

Sec. 2. The things prescribed under this title concerning books are to be applied to daily publications, periodicals, and any other published writings, unless another thing is established.

CHAPTER I: Of the Previous Censorship of Books

Can. 1385.

1983 Code correlation: 1983 CIC 824-25, 827

Sec. 1. Unless ecclesiastical censorship has preceded, the following are not to be published, even by lay persons:

1. Books of sacred Scriptures or annotations and commentaries on the same.

2. Books which regard the divine Scriptures, sacred theology, ecclesiastical history, canon law, natural theology, ethics, or other religious and moral disciplines of this kind; books and booklets of prayers, devotion, or doctrine and instruction, religious, moral, ascetical, mystical, and other things of this kind, although they seem to conduce to fostering piety; and generally writings in which there is anything which particularly concerns religion and uprightness of morals.

3. Sacred images to be printed in any manner, whether they have prayers joined, or are published without them.

Sec. 2. Permission to publish the books and images of which in Sec. 1 can be given either by the proper local Ordinary of the author, or by the Ordinary of the place in which the books or images are made public, or by the Ordinary of the place in which they are printed, yet in such a way that, if one of these Ordinaries has denied permission, the author cannot seek it from another Ordinary unless he has made him certain concerning the permission denied by the other.

Sec. 3. Religious, moreover, must beforehand also obtain the permission of their major Superior.

Can. 1386.

1983 Code correlation: 1983 CIC 831

Sec. 1. Secular clerics are forbidden, without the consent of their Ordinaries, and religious, moreover, without the permission of their major Superior and of the local Ordinary, to publish even books which treat of profane matters, and to write in, or moderate, newspapers, sheets, or periodical booklets.

Sec. 2. In newspapers, sheets, or periodical booklets which are accustomed to attack the Catholic religion or good morals, not even Catholic lay persons are to write anything, unless a just and reasonable cause urges, approved by the local Ordinary.

Can. 1387. The things which in any way pertain to causes of beatifications and canonizations of the Servants of God cannot be published without the permission of the Sacred Congregation of Rites.

1983 Code correlation: NA

Can. 1388.

1983 Code correlation: NA

Sec. 1. All books of indulgences, summaries, booklets, sheets, etc., in which their concessions are contained, are not to be published without the permission of the local Ordinary.

Sec. 2. Moreover, the express permission of the Apostolic See is required so that it may be lawful to publish in print, in any language whatever, both an authentic collection of prayers and pious works to which the Apostolic See has attached indulgences, and a list of apostolic indulgences, and a summary of indulgences either collected before but never approved, or now for the first time to be collected from diverse concessions.

Can. 1389. Collections of decrees of the Roman Congregations cannot be published again unless permission has first been obtained and the conditions prescribed by the Moderators of each Congregation have been observed.

1983 Code correlation: 1983 CIC 828

Can. 1390. In publishing liturgical books and their parts, and likewise litanies approved by the Holy See, it must be established by the attestation of the local Ordinary in whose place they are printed or made public that they agree with the approved editions.

1983 Code correlation: 1983 CIC 826

Can. 1391. Versions of the sacred Scriptures into the vernacular language cannot be printed unless they have been approved by the Apostolic See, or unless they are published under the vigilance of the Bishops and with annotations chiefly excerpted from the holy Fathers of the Church and from learned and Catholic writers.

1983 Code correlation: 1983 CIC 825, 827

Can. 1392.

1983 Code correlation: 1983 CIC 829

Sec. 1. The approval of the original text of some work does not support translations of the same into another language nor other editions; wherefore both translations and new editions of an approved work must be fortified by a new approval.

Sec. 2. Excerpts from periodicals, chapters published separately, are not considered new editions and therefore do not need a new approval.

Can. 1393.

1983 Code correlation: 1983 CIC 830

Sec. 1. In all episcopal Curias let there be censors from office, who are to examine things to be published.

Sec. 2. Examiners, in performing their office, all acceptance of persons having been laid aside, are to have before their eyes only the dogmas of the Church and the common doctrine of Catholics which is contained in the decrees of general Councils or the constitutions or prescriptions of the Apostolic See and in the consensus of approved doctors.

Sec. 3. Censors are to be chosen from either clergy, commended by age, learning, and prudence, who in approving and disapproving doctrines go by a middle, safe way.

Sec. 4. The censor must give his opinion in writing. If it is favorable, the Ordinary is to make the power of publishing, to which nevertheless the judgment of the censor is to be prefixed, with his name inscribed. Only in extraordinary circumstances and very rarely, by the prudent judgment of the Ordinary, can mention of the censor be omitted.

Sec. 5. The name of the censor is never to be made known to authors before he has issued a favorable opinion.

Can. 1394.

1983 Code correlation: 1983 CIC 830

Sec. 1. The permission by which the Ordinary makes the power of publishing is to be granted in writing, to be printed at the beginning or end of the book, sheet, or image, with the name of the one granting it expressly stated and likewise the place and time of the concession.

Sec. 2. But if it seems that permission is to be denied, unless a grave cause demands otherwise, the reasons are to be indicated to the author requesting it.

CHAPTER II: Of the Prohibition of Books

Can. 1395.

1983 Code correlation: NA

Sec. 1. The right and office of prohibiting books from a just cause belongs not only to the supreme ecclesiastical authority for the universal Church, but also, for their subjects, to particular Councils and local Ordinaries.

Sec. 2. From this prohibition recourse is given to the Holy See, but not in suspensive effect.

Sec. 3. Even the Abbot of a monastery of its own law and the supreme Moderator of an exempt clerical religion, with his Chapter or Council, can prohibit books to their subjects from a just cause; and the same, if there is danger in delay, can be done by other major Superiors with their own Council, under this law however, that they refer the matter as quickly as possible to the supreme Moderator.

Can. 1396. Books condemned by the Apostolic See are to be considered prohibited everywhere and into whatever language they may be translated.

1983 Code correlation: NA

Can. 1397.

1983 Code correlation: NA

Sec. 1. It belongs to all the faithful, especially clerics and those constituted in ecclesiastical dignity and those who excel in doctrine, to refer books which they have judged pernicious to local Ordinaries or to the Apostolic See; moreover this pertains by a peculiar title to Legates of the Holy See, local Ordinaries, and Rectors of Catholic Universities.

Sec. 2. It is expedient that in the denunciation of bad books not only the title of the book be indicated, but also, as far as can be done, the causes be set forth why the book is thought to be prohibited.

Sec. 3. For those to whom the denunciation is referred, let it be a sacred duty to keep secret the names of those denouncing.

Sec. 4. Local Ordinaries, personally or, where there is need, through suitable priests, are to watch over books which are published or stand for sale in their own territory.

Sec. 5. Books which require a more subtle examination, or concerning which the sentence of the supreme authority seems to be required for obtaining a salutary effect, Ordinaries are to refer to the judgment of the Apostolic See.

Can. 1398.

1983 Code correlation: NA

Sec. 1. The prohibition of books brings about this, that without due permission the book can neither be published, nor read, nor retained, nor sold, nor translated into another language, nor in any way communicated to others.

Sec. 2. A book prohibited in any way cannot again be published, unless, corrections having been made, he who had prohibited the book, or his Superior or successor, has given permission.

Can. 1399. By the law itself the following are prohibited:

1983 Code correlation: NA

1. Editions of the original text and of ancient Catholic versions of sacred Scripture, even of the Oriental Church, published by any non-Catholics whatever; and likewise versions of the same into any language, made or published by the same.

2. Books of any writers whatever, defending heresy or schism, or striving in any way to overturn the very foundations of religion.

3. Books which, by deliberate work, attack religion or good morals.

4. Books of any non-Catholics whatever which professedly treat of religion, unless it is established that nothing contrary to the Catholic faith is contained in them.

5. Books of which in can. 1385, Sec. 1, n. 1 and can. 1391; likewise from those of which in the cited can. 1385, Sec. 1, n. 2, books and booklets which narrate new apparitions, revelations, visions, prophecies, miracles, or which introduce new devotions, even under the pretext that they are private, if they have been published without the prescriptions of the canons being observed.

6. Books which attack or deride any of the Catholic dogmas, which defend errors proscribed by the Apostolic See, which detract from divine worship, which strive to overturn ecclesiastical discipline, and which by deliberate work afflict the ecclesiastical hierarchy, or the clerical or religious state, with reproaches.

7. Books which teach or commend superstition of any kind, sorceries, divination, magic, evocation of spirits, and other things of this kind.

8. Books which establish duel or suicide or divorce as lawful, or which, treating of masonic sects or other societies of the same kind, contend that they are useful and not pernicious to the Church and civil society.

9. Books which professedly treat, narrate, or teach lascivious or obscene matters.

10. Editions of liturgical books approved by the Apostolic See, in which anything has been changed in such a way that they do not agree with authentic editions approved by the Holy See.

11. Books by which apocryphal indulgences or indulgences proscribed or revoked by the Holy See are divulged.

12. Images printed in any way of Our Lord Jesus Christ, of the Blessed Virgin Mary, of the Angels and Saints or of other Servants of God, which are alien from the sense and decrees of the Church.

Can. 1400. The use of books of which in can. 1399, n. 1, and of books published contrary to the prescription of can. 1391, is permitted only to those who in any way give effort to theological or biblical studies, provided that the same books have been published faithfully and integrally and that dogmas of the Catholic faith are not attacked in their prolegomena or annotations.

1983 Code correlation: NA

Can. 1401. Cardinals of the Holy Roman Church, Bishops, even titular ones, and other Ordinaries, with necessary cautions applied, are not bound by the ecclesiastical prohibition of books.

1983 Code correlation: NA

Can. 1402.

1983 Code correlation: NA

Sec. 1. Ordinaries are able to grant to their subjects permission, as regards books prohibited by the law itself or by decree of the Apostolic See, only for individual books and only in urgent cases.

Sec. 2. But if they have obtained from the Apostolic See a general faculty of permitting their subjects to retain and read proscribed books, they are to grant it only with selection and from a just and reasonable cause.

Can. 1403.

1983 Code correlation: NA

Sec. 1. Those who have obtained the apostolic faculty of reading and retaining prohibited books cannot for that reason read and retain any books proscribed by their own Ordinaries, unless in the apostolic indult express power has been given to them to read and retain books condemned by anyone whatever.

Sec. 2. Moreover they are held by grave precept to guard prohibited books in such a way that these do not come into the hands of others.

Can. 1404. Sellers of books are not to sell, lend, or retain books treating professedly of obscene matters; they are not to have the other prohibited books for sale unless they have obtained due permission from the Apostolic See, nor are they to sell them to anyone unless they can prudently judge that they are sought legitimately by the buyer.

1983 Code correlation: NA

Can. 1405.

1983 Code correlation: NA

Sec. 1. Permission obtained from anyone in no way exempts someone from the prohibition of natural law of reading books which present to him a proximate spiritual danger.

Sec. 2. Local Ordinaries and others having care of souls are opportunely to admonish the faithful concerning the danger and harm of reading bad books, especially prohibited ones.

TITLE XXIV: Of the Profession of Faith

Can. 1406.

1983 Code correlation: 1983 CIC 833

Sec. 1. The following are held by the obligation of emitting the profession of faith, according to the formula approved by the Apostolic See:

1. Before the president or his delegate, those who are present at an Ecumenical or particular Council or diocesan Synod with either consultative or deliberative vote; the president, however, before the same Council or Synod.

2. Before the Dean of the Sacred College, the Cardinals first in the order of presbyters and deacons, and the Camerarius of the Holy Roman Church, those promoted to cardinalitial dignity.

3. Before a delegate from the Apostolic See, those promoted to an episcopal see, even a non-residential one, or to the governance of an Abbey or Prelature nullius, of an Apostolic Vicariate, or of an Apostolic Prefecture.

4. Before the cathedral Chapter, the Vicar Capitular.

5. Before the local Ordinary or his delegate and before the Chapter, those who have been promoted to a dignity or canonry.

6. Before the local Ordinary or his delegate and before the other consultors, those assumed to the office of diocesan consultors.

7. Before the local Ordinary or his delegate, the Vicar General, pastors, and those for whom provision has been made concerning any benefices, even manual ones, having care of souls; the rector and professors of sacred theology, canon law, and philosophy in Seminaries, at the beginning of any scholastic year or at least at the beginning of the duty undertaken; all to be promoted to the order of subdiaconate; censors of books, of whom in can. 1393; priests destined for hearing confessions and sacred preachers, before they are endowed with the faculty of exercising those duties.

8. Before the Ordinary or his delegate, the Rector of a University or Faculty; but before the Rector of the University or Faculty or his delegate, all professors in a canonically erected University or Faculty, at the beginning of each scholastic year or at least at the beginning of the duty undertaken; and likewise those who, after a test has been made, are endowed with academic degrees.

9. Before the Chapter or Superior who nominated them, or their delegate, Superiors in clerical religions.

Sec. 2. Those who, the former one having been dismissed, obtain another office or benefice or dignity even of the same species, must again emit the profession of faith according to the norm of this canon.

Can. 1407. One who emits the profession of faith through a procurator or before a lay person does not satisfy the obligation of emitting the profession of faith.

1983 Code correlation: 1983 CIC 833

Can. 1408. Any custom against the canons of this title is reprobated.

1983 Code correlation: NA

PART FIVE: Of Benefices and Other Non-Collegial Ecclesiastical Institutes

TITLE XXV: Of Ecclesiastical Benefices

Can. 1409. An ecclesiastical benefice is a juridic entity constituted or erected in perpetuity by competent ecclesiastical authority, consisting of a sacred office and the right of receiving revenues from the endowment attached to the office.

1983 Code correlation: NA

Can. 1410. The endowment of a benefice is constituted either by goods whose ownership is in the hands of the juridic entity itself, or by certain and due payments of some family or moral person, or by certain and voluntary offerings of the faithful which pertain to the rector of the benefice, or by rights, as they are called, of the stole within the limits of diocesan taxation or legitimate custom, or by choral distributions, a third part of the same being excluded, if all the revenues of the benefice consist in choral distributions.

1983 Code correlation: NA

Can. 1411. Ecclesiastical benefices are called:

1983 Code correlation: NA

1. Consistorial, those which are accustomed to be conferred in Consistory; the rest non-consistorial.

2. Secular or religious, according as they pertain to secular clerics alone or religious clerics alone; moreover, all benefices erected outside churches or houses of religious are presumed, in doubt, to be secular.

3. Double or residential, or simple or non-residential, according as, besides the beneficial office, they have, or do not have, attached the obligation of residing.

4. Manual, temporary or removable, or perpetual or irremovable, according as they are conferred revocably or in perpetuity.

5. Curate or non-curate, according as they have care of souls attached or not.

Can. 1412. Although they bear some likeness with benefices, nevertheless in law the following do not come under the name of benefice:

1983 Code correlation: NA

1. Parochial vicarages not erected in perpetuity.

2. Lay chaplaincies, namely those which have not been erected by competent ecclesiastical authority.

3. Coadjutorships with or without future succession.

4. Personal pensions.

5. Temporary commenda, that is, the concession of revenues of some church or monastery made to someone in such a way that, when he is lacking, the revenues themselves return to the church or monastery.

Can. 1413.

1983 Code correlation: NA

Sec. 1. Unless another thing appears, the canons which follow must be understood concerning only non-consistorial benefices properly so called.

Sec. 2. Canons 147-195 are also applied to beneficial offices or benefices.

CHAPTER I: Of the Constitution or Erection of Benefices

Can. 1414.

1983 Code correlation: NA

Sec. 1. The Apostolic See alone erects consistorial benefices.

Sec. 2. Besides the Roman Pontiff, Ordinaries, each in his own territory, can erect non-consistorial benefices, with the prescription of can. 394, Sec. 2 preserved.

Sec. 3. However, Vicars General cannot erect benefices except by a peculiar mandate.

Sec. 4. A Cardinal also can erect non-curate benefices in his own title or diaconia, unless the church belongs to an exempt clerical religion.

Can. 1415.

1983 Code correlation: NA

Sec. 1. Benefices are not to be erected unless it is established that they have a stable and congruent endowment, from which revenues are perpetually received according to the norm of can. 1410.

Sec. 2. If the endowment is constituted in counted money, the Ordinary, after the diocesan Council of administration of which in can. 1520 has been heard, must take care that it is placed as soon as possible in safe and fruitful funds or securities.

Sec. 3. Nevertheless it is not prohibited, where a congruent endowment cannot be constituted, to erect parishes or quasi-parishes, if he prudently foresees that the necessary things will not be lacking from elsewhere.

Can. 1416. Before the erection of a benefice, those whose interest it is, if there are any, are to be called and heard.

1983 Code correlation: NA

Can. 1417.

1983 Code correlation: NA

Sec. 1. At the threshold of the foundation, the founder can, with the consent of the Ordinary, add conditions contrary even to common law, provided that they are honorable and do not conflict with the nature of the benefice.

Sec. 2. Conditions once admitted cannot validly be suppressed or changed by the local Ordinary, unless there is question of changes favorable to the Church and the consent of the founder himself accedes, or, if there is question of the right of patronage, of the patron.

Can. 1418. The erection of benefices is to be made by a legitimate instrument, in which the place where the benefice is erected is defined, and the endowment of the benefice and the rights and burdens of the beneficiary are described.

1983 Code correlation: NA

CHAPTER II: Of the Union, Translation, Division, Dismemberment, Conversion, and Suppression of Benefices

Can. 1419. The union of benefices is:

1983 Code correlation: NA

1. Extinctive, when either from two or more suppressed benefices a new and single benefice is effected, or one or several are so united to another that they cease to be.

2. Equally principal, when the united benefices remain as they are, and neither is subjected to the other.

3. Less principal, or by subjection or accession, when the benefices remain, but one or several are subjected to another as accessory to the principal.

Can. 1420.

1983 Code correlation: NA

Sec. 1. In extinctive union, to the benefice which emerges or remains belong all the rights and burdens of the extinguished ones, and, if they cannot be composed among themselves, the better and more favorable ones.

Sec. 2. In equally principal union, any benefice preserves its nature, rights, and burdens, but by force of the union completed, the titles of the united benefices must be conferred on one and the same cleric.

Sec. 3. In less principal union, the accessory benefice follows the principal, so that the cleric who obtains the principal thereby also obtains the accessory and must fulfill the burdens of both.

Can. 1421. Translation of a benefice is had when the seat of the benefice is led from one place to another; division, when from one two or more benefices are made; dismemberment, when part of the territory or goods of some benefice is taken away from the same and assigned to another benefice or pious cause or ecclesiastical institute; conversion, when a benefice is changed into another species; suppression, when it is entirely extinguished.

1983 Code correlation: NA

Can. 1422. Extinctive union of benefices, their suppression, or dismemberment which is made by subtracting beneficial goods without a new benefice being erected; equally or less principal union of a religious benefice with a secular one and conversely; likewise any translation, division, and dismemberment of a religious benefice are reserved to the Apostolic See alone.

1983 Code correlation: NA

Can. 1423.

1983 Code correlation: NA

Sec. 1. Local Ordinaries, but not the Vicar Capitular, nor the Vicar General without a special mandate, can, on account of the necessity of the Church or great and evident utility, equally or less principally unite any parochial churches among themselves or with a non-curate benefice, yet in such a way that, in the second case, if the union is made less principal, the non-curate benefice is accessory.

Sec. 2. They cannot, however, unite a parish with a capitular or episcopal mensa, with monasteries, churches of religious, or another moral person, nor with dignities and benefices of a cathedral or collegiate church; but they can unite it with a cathedral or collegiate church which is situated in the territory of the parish, in such a way that the revenues of the parish yield to the advantage of that church, a congruent portion being left to the pastor or vicar.

Sec. 3. Union of benefices by local Ordinaries cannot be made except in perpetuity.

Can. 1424. Ordinaries can never unite any benefices, whether curate or non-curate, to the detriment of those who actually obtain the same, against their will; nor a benefice of the right of patronage with a benefice of free collation without the consent of the patrons; nor benefices of one diocese with benefices of another diocese, even if both dioceses, equally principally united, are governed by one Bishop; nor exempt benefices or benefices reserved to the Apostolic See with any others.

1983 Code correlation: NA

Can. 1425.

1983 Code correlation: NA

Sec. 1. If by the Apostolic See a parish is united to a religious house as regards temporal things only, the religious house becomes participant only in the fruits of the parish, and the religious Superior must present to the local Ordinary a priest from the secular clergy to be instituted in the same, with a congruent portion assigned.

Sec. 2. But if by full right, the parish becomes religious, and the Superior can nominate a priest from his religion for exercising the care of souls; but it belongs to the local Ordinary to approve and institute him, and he himself must be subject to the Ordinary's jurisdiction, correction, and visitation in those things which pertain to the care of souls, according to the norm of can. 631.

Can. 1426. For the canonical causes of which in can. 1423, Sec. 1, Ordinaries can also transfer the seat of a secular parochial benefice from one place to another place of the same parish; but other benefices, only when the church in which they had been founded has collapsed and cannot be restored, they can transfer to mother churches or other churches of the same or neighboring places, with altars or chapels erected, if this can be done, under the same invocations, together with all the emoluments and burdens attached to the prior church.

1983 Code correlation: NA

Can. 1427.

1983 Code correlation: NA

Sec. 1. Ordinaries can also, from a just and canonical cause, divide any parishes, even against the will of their rectors and without the consent of the people, by erecting a perpetual vicarage or a new parish, or dismember their territory.

Sec. 2. The canonical cause so that division or dismemberment of a parish can be made is only this: if either there is great difficulty of access to the parochial church, or there is an excessive multitude of parishioners, whose spiritual good cannot be provided for according to the norm of can. 476, Sec. 1.

Sec. 3. In dividing a parish, the Ordinary must assign to the perpetual vicarage or newly erected parish a congruent portion, with the prescription of can. 1500 observed; and this, unless it can be had from elsewhere, must be taken from revenues in any way pertaining to the mother church, provided sufficient revenues remain to the same mother church.

Sec. 4. If a perpetual vicarage or new parish is endowed from the revenues of the church from which it is divided, it must render honor to the mother church in the manner and limits to be pre-established by the Ordinary; he is forbidden, however, to reserve the baptismal font to the mother church itself.

Sec. 5. When a parish which by right belongs to some religion has been divided, the perpetual vicarage or newly erected parish is not religious; likewise, when a parish of the right of patronage has been divided, the new parish is of free collation.

Can. 1428.

1983 Code correlation: NA

Sec. 1. Local Ordinaries are not to make unions, translations, divisions, or dismemberments of benefices except by an authentic writing, after the cathedral Chapter and those, if there are any, whose interest it is, especially the rectors of churches, have been heard.

Sec. 2. A union, translation, division, or dismemberment made without a canonical cause is invalid.

Sec. 3. Against the decree of an Ordinary uniting, transferring, dividing, or dismembering benefices, recourse to the Holy See is given only in devolutive effect.

Can. 1429.

1983 Code correlation: NA

Sec. 1. Local Ordinaries cannot impose on any benefices perpetual or temporary pensions which last for the life of the pensioner, but they can, when they confer a benefice, from a just cause to be expressed in the very act of collation, impose on the same temporary pensions which last for the life of the beneficiary, with a congruent portion preserved to him.

Sec. 2. On parochial benefices, however, they cannot impose pensions except for the advantage of the pastor or vicar of the same parish departing from office; and these pensions are not to exceed a third part of the revenue of the parish, any expenses and uncertain revenues having been deducted.

Sec. 3. Pensions imposed on benefices, whether by the Roman Pontiff or by other collators, cease at the death of the pensioner, who nevertheless cannot alienate them unless this has been expressly granted.

Can. 1430.

1983 Code correlation: NA

Sec. 1. Curate benefices cannot be converted by Ordinaries into non-curate ones, nor religious benefices into secular ones, nor secular benefices into religious ones.

Sec. 2. On the contrary, simple benefices can be converted by local Ordinaries into curate ones, provided that conditions expressed by the founder do not obstruct.

CHAPTER III: Of the Conferral of Benefices

Can. 1431. The right of conferring benefices in the whole Church and of reserving their collation to himself belongs to the Roman Pontiff.

1983 Code correlation: NA

Can. 1432.

1983 Code correlation: NA

Sec. 1. For the collation of vacant benefices, a Cardinal in his own title or diaconia and the local Ordinary in his own territory have a claim founded in law.

Sec. 2. A Vicar General cannot confer benefices without a special mandate; but a Vicar Capitular cannot confer vacant parishes except according to the norm of can. 455, Sec. 2, n. 3, nor other perpetual benefices of free collation.

Sec. 3. If within six months from having certain notice of the vacancy the Ordinary has not conferred the benefice, its collation devolves to the Apostolic See, with the prescription of can. 458 preserved.

Can. 1433. Coadjutors in benefices, with or without future succession, can be constituted by the Apostolic See alone, with the prescription of can. 475, 476 nevertheless preserved.

1983 Code correlation: NA

Can. 1434. Benefices reserved to the Apostolic See are invalidly conferred by inferiors.

1983 Code correlation: NA

Can. 1435.

1983 Code correlation: NA

Sec. 1. Besides all consistorial benefices and all dignities of cathedral and collegiate churches according to the norm of can. 396, Sec. 1, only the benefices which are mentioned below are reserved to the Apostolic See, even when it is vacant:

1. All benefices, even curate ones, which have become vacant through the death, promotion, resignation, or transfer of Cardinals of the Holy Roman Church, Legates of the Roman Pontiff, major officials of the Sacred Congregations, Tribunals, and Offices of the Roman Curia, and members of the Family, even only of honor, of the Supreme Pontiff, at the time of the vacancy of the benefice.

2. Those which, founded outside the Roman Curia, have become vacant through the death of the beneficiary in the City itself.

3. Those which have been conferred invalidly by reason of the vice of simony.

4. Finally, benefices to which the Roman Pontiff, by himself or through a delegate, has applied his hand in the following ways: if he has declared the election to the benefice invalid, or has forbidden the electors to proceed to an election; if he has admitted a resignation; if he has promoted, transferred, or deprived the beneficiary of the benefice; if he has given the benefice in commendam.

Sec. 2. But manual benefices or benefices of lay or mixed right of patronage are never reserved unless this is expressly said.

Sec. 3. As regards the collation of benefices which have been founded at Rome, the special laws in force concerning them are to be observed.

Can. 1436. An ecclesiastical benefice cannot validly be conferred on a cleric against his will and not expressly accepting the provision.

1983 Code correlation: NA

Can. 1437. No one can confer a benefice on himself.

1983 Code correlation: NA

Can. 1438. All secular benefices must be conferred for the life of the beneficiary, unless the law of foundation, immemorial custom, or a peculiar indult provides otherwise.

1983 Code correlation: NA

Can. 1439.

1983 Code correlation: NA

Sec. 1. No cleric is capable of accepting and retaining, whether in title or in perpetual commendam, several incompatible benefices, according to the norm of can. 156.

Sec. 2. Incompatible are not only two benefices whose whole burdens the same beneficiary cannot fulfill at the same time by himself, but also two benefices of which either one suffices for his decent support.

Can. 1440. Ecclesiastical benefices are to be conferred without diminution, with the prescription of can. 1429, Sec. 1, 2 preserved.

1983 Code correlation: NA

Can. 1441. Deductions from fruits, compensations, and payments to be made by a cleric in the act of provision, which yield to the collator, patron, or others, are rejected as simoniacal.

1983 Code correlation: NA

Can. 1442. Secular benefices are to be conferred only on clerics from the secular clergy; religious benefices on members of that religion to which the benefices pertain.

1983 Code correlation: NA

Can. 1443.

1983 Code correlation: NA

Sec. 1. No one is to take possession of a benefice conferred on him either by his own authority or without having emitted the profession of faith, if there is question of benefices for which this profession of faith has been prescribed.

Sec. 2. If there is question of non-consistorial benefices, mission into possession, or corporeal institution, belongs to the local Ordinary, who can delegate another ecclesiastical man for this.

Can. 1444.

1983 Code correlation: NA

Sec. 1. Mission into possession of a benefice is to be made according to the manner prescribed by particular law or received by legitimate custom, unless for a just cause the Ordinary has expressly dispensed in writing from that manner or rite; in which case this dispensation takes the place of possession taken.

Sec. 2. The local Ordinary is to determine beforehand the time within which possession of the benefice must be taken; when this has passed uselessly, unless a just impediment has obstructed, he is to declare the benefice vacant according to the norm of can. 188, n. 2.

Can. 1445. Possession of a benefice can also be taken through a procurator having a special mandate.

1983 Code correlation: NA

Can. 1446. If a cleric who possesses a benefice has proved that he was in peaceful possession of the same benefice in good faith for a whole three years, even perhaps with an invalid title, provided simony is absent, he obtains the benefice by legitimate prescription.

1983 Code correlation: NA

Can. 1447. He who seeks a benefice peacefully possessed by another, which he contends to be vacant in a certain way, must express in the supplicatory libellus the name of the possessor, the time of possession, and the special cause from which it is established that no right in that benefice belongs to the possessor; moreover the benefice cannot be conferred on the petitioner unless first the cause in the petitory action has been decided according to the norm of law.

1983 Code correlation: NA

CHAPTER IV: Of the Right of Patronage

Can. 1448. The right of patronage is the sum of privileges, with certain burdens, which by concession of the Church belongs to Catholic founders of a church, chapel, or benefice, or also to those who have title from them.

1983 Code correlation: NA

Can. 1449. The right of patronage is:

1983 Code correlation: NA

1. Real or personal, according as it inheres in some thing or directly regards a person.

2. Ecclesiastical, lay, or mixed, according as the title by which one enjoys the right of patronage is ecclesiastical, lay, or mixed.

3. Hereditary, familial, gentilitial, or mixed, according as it passes to heirs, or to those who are of the family or clan of the founder, or to those who are at the same time heirs and of the family or clan of the founder.

Can. 1450.

1983 Code correlation: NA

Sec. 1. No right of patronage can validly be constituted in the future by any title.

Sec. 2. The local Ordinary, however, can:

1. Grant, either for a time or even in perpetuity, spiritual suffrages proportioned to their liberality to the faithful who have built churches or founded benefices in whole or in part.

2. Admit the foundation of a benefice with this condition added, that the benefice for the first time be conferred on the cleric founder or on another cleric designated by the founder.

Can. 1451.

1983 Code correlation: NA

Sec. 1. Local Ordinaries are to take care that patrons accept, in place of the right of patronage which they enjoy or at least in place of the right of presenting, spiritual suffrages, even perpetual ones, for themselves and their own.

Sec. 2. If patrons are unwilling to do this, their right of patronage is governed by the canons which follow.

Can. 1452. Popular elections and presentations to benefices, even parochial ones, wherever they are in force, can only be tolerated if the people select a cleric from among three designated by the local Ordinary.

1983 Code correlation: NA

Can. 1453.

1983 Code correlation: NA

Sec. 1. A personal right of patronage cannot validly be transmitted to unbelievers, public apostates, heretics, schismatics, those enrolled in secret societies condemned by the Church, nor to any excommunicated persons after a declaratory or condemnatory sentence.

Sec. 2. In order that a personal right of patronage can validly be transmitted to others, the consent of the Ordinary given in writing is required, with the laws of foundation and likewise the prescription of can. 1470, Sec. 1, n. 4 preserved.

Sec. 3. If a thing to which a real right of patronage inheres passes to some person of whom in Sec. 1, the right of patronage remains suspended.

Can. 1454. No right of patronage is to be admitted unless it is proved by authentic documents or other legitimate proofs.

1983 Code correlation: NA

Can. 1455. The privileges of patrons are:

1983 Code correlation: NA

1. Presenting a cleric to a vacant church or vacant benefice.

2. With the execution of burdens and the decent support of the beneficiary preserved, obtaining support in equity from the revenues of the church or benefice, if any remain over, whenever the patron has been reduced to want through no fault of his own, even if he himself has renounced the right of patronage for the advantage of the Church, or a pension has been reserved to the patron himself at the threshold of the foundation which does not suffice for alleviating his want.

3. Having, if the legitimate customs of the places so provide, the coat of arms of the clan or family in the church of his patronage, precedence before other lay persons in processions or similar functions, and a more dignified seat in the church, but outside the presbytery and without a baldachin.

Can. 1456. A wife exercises the right of patronage by herself, minors through parents or guardians; but if the parents or guardians are non-Catholics, the right of patronage remains suspended in the meantime.

1983 Code correlation: NA

Can. 1457. Presentation, no just impediment obstructing, whether there is question of lay patronage or of ecclesiastical and mixed patronage, must be made, unless a shorter time has been prescribed by the law of foundation or legitimate custom, at least within four months from the day on which he to whom the right of instituting belongs has made the patron certain concerning the vacancy of the benefice and concerning the priests who were approved in the concursus, if there is question of a benefice which must be conferred through concursus.

1983 Code correlation: NA

Can. 1458.

1983 Code correlation: NA

Sec. 1. If presentation has not been made within the prescribed time, the church or benefice for that case becomes of free collation.

Sec. 2. But if a lawsuit, which cannot be resolved within the useful time, arises either concerning the right of presenting between the Ordinary and the patron or among the patrons themselves, or concerning the right of preference among those presented, the collation is suspended until the end of the controversy, and in the meantime, if there is need, the Ordinary is to place an oeconomus over the church or vacant benefice.

Can. 1459.

1983 Code correlation: NA

Sec. 1. If several individual persons are patrons, they can come to agreement among themselves concerning alternate presentations, both for themselves and for their successors.

Sec. 2. But in order that this agreement be valid, the consent of the Ordinary given in writing must accede; nevertheless, once given, it cannot validly be revoked by the same Ordinary or his successors against the will of the patrons.

Can. 1460.

1983 Code correlation: NA

Sec. 1. If the right of patronage is exercised collegially, he is considered presented who has obtained the greater number of votes, according to the norm of can. 101, Sec. 1; but if, two scrutinies having been conducted without effect, in the third scrutiny several have a greater number of votes than the rest, but equal among themselves, all of them are considered presented.

Sec. 2. If the right of patronage rests with individual persons who have not agreed among themselves concerning alternate presentations, he is considered presented who has obtained at least the relatively greater number of votes; and if several have the same number of votes, greater than the others, all are considered presented.

Sec. 3. He who obtains the right of patronage from diverse titles has as many votes in the presentation as he has titles.

Sec. 4. Any patron, before the presentation is accepted, can present not only one but several, both all at once and also successively, within the prescribed time however, provided he does not exclude those whom he has presented earlier.

Can. 1461. No one can present himself nor accede to other patrons so that he may complete for himself the number of votes necessary for presentation.

1983 Code correlation: NA

Can. 1462. If provision must be made for a church or benefice by concursus, the patron, even a lay person, cannot present anyone except a cleric legitimately approved from the concursus.

1983 Code correlation: NA

Can. 1463. The person presented must be suitable, that is, on the day of the presentation or at least of the acceptance, furnished with all qualities which are required by common or particular law or by the law of foundation.

1983 Code correlation: NA

Can. 1464.

1983 Code correlation: NA

Sec. 1. Presentation must be made to the local Ordinary, whose part it is to judge whether the person presented is suitable.

Sec. 2. To form his judgment, the Ordinary must, according to the norm of can. 149, inquire diligently concerning the person presented and take opportune information, even secret information if there is need.

Sec. 3. The Ordinary is not compelled to disclose to the patron the reasons why he cannot admit the person presented.

Can. 1465.

1983 Code correlation: NA

Sec. 1. If the one presented has been found not suitable, the patron, provided that the useful time for presenting has not elapsed by his negligence, can present another within the time of which in can. 1457; but if not even this one has been found suitable, the church or benefice for that case becomes of free collation, unless the patron or the one presented has interposed recourse from the judgment of the Ordinary to the Apostolic See within ten days from the notification of refusal; while this is pending, the collation is suspended until the end of the controversy, and in the meantime, if there is need, the Ordinary is to place an oeconomus over the church or vacant benefice.

Sec. 2. A presentation infected with the stain of simony is by the law itself invalid, and renders invalid even an institution perhaps following it.

Can. 1466.

1983 Code correlation: NA

Sec. 1. One legitimately presented and found suitable, after the presentation has been accepted, has the right to canonical institution.

Sec. 2. The right of granting canonical institution is proper to the local Ordinary, but not to the Vicar General without a special mandate.

Sec. 3. If several have been presented and all are suitable, the Ordinary chooses him whom he has judged more suitable in the Lord.

Can. 1467. Canonical institution for any benefice, even a non-curate one, must be given, no just impediment obstructing, within two months from the time when the presentation was made.

1983 Code correlation: NA

Can. 1468. If the one presented has resigned or died before canonical institution, the patron again has the right of presenting.

1983 Code correlation: NA

Can. 1469.

1983 Code correlation: NA

Sec. 1. The burdens or offices of patrons are:

1. To warn the local Ordinary if they have seen the goods of the church or benefice being squandered, yet without mixing themselves in the administration of those goods.

2. To build again a collapsed church or to make in it the repairs necessary in the judgment of the Ordinary, if they have the right of patronage by title of building, and unless the burden of building the church again or repairing it falls upon others according to the norm of can. 1186.

3. To supplement the revenues, if the right of patronage comes from title of endowment, when the revenues of the church or benefice have so failed that divine worship can no longer be exercised decently in the church or the benefice can no longer be conferred.

Sec. 2. If the church has collapsed or needs necessary repairs, or if the revenues have failed according to the norm of Sec. 1, nn. 2, 3, the right of patronage meanwhile lies inactive.

Sec. 3. If the patron, within the time to be determined beforehand by the Ordinary under penalty of cessation of patronage, has built the church again or restored it or increased the revenues, the right of patronage revives; otherwise it ceases by the law itself and without any declaration.

Can. 1470.

1983 Code correlation: NA

Sec. 1. Besides the case of which in can. 1469, Sec. 3, the right of patronage is extinguished:

1. If the patron has renounced his right; nevertheless his renunciation can be made entirely or in part, but it can never bring harm to other co-patrons, if there are any.

2. If the Holy See has revoked the right of patronage or has suppressed the church itself or the benefice in perpetuity.

3. If it has been legitimately prescribed against the right of patronage.

4. If the thing to which the right of patronage inheres perishes, or the family, clan, or line to which it is reserved according to the documents of foundation is extinguished; in this latter case the right of patronage neither becomes hereditary, nor will the Ordinary be able validly to permit a donation of the right of patronage to be made to another.

5. If, with the patron consenting, the church or benefice is united to another of free collation, or the church becomes elective or regular.

6. If the patron has attempted to transfer the right of patronage simoniacally to another; if he has lapsed into apostasy, heresy, or schism; if he has unjustly usurped or detains the goods and rights of the church or benefice; if by himself or through others he has killed or mutilated the rector or another cleric assigned to the service of the church or the beneficiary.

Sec. 2. On account of the crimes of which in Sec. 1, n. 6, only the guilty patron loses the right of patronage and, on account of the last-mentioned offense, his heirs also.

Sec. 3. In order that patrons be considered to have lost the right of patronage from the offenses enumerated in Sec. 1, n. 6, a declaratory sentence is required and suffices.

Sec. 4. Those bound by censure or infamy of law after a condemnatory or declaratory sentence, as long as the censure or infamy continues, cannot exercise the right of patronage or use its privileges.

Can. 1471. If the Apostolic See, whether in concordats or outside concordats, has granted to someone an indult of presenting to a vacant church or vacant benefice, the right of patronage does not arise from this, and the privilege of presentation must undergo strict interpretation from the tenor of the indult.

1983 Code correlation: NA

CHAPTER V: Of the Rights and Obligations of Beneficiaries

Can. 1472. Any beneficiary, after he has legitimately taken possession of the benefice, enjoys all rights, both temporal and spiritual, which are attached to the benefice.

1983 Code correlation: NA

Can. 1473. Although the beneficiary has other non-beneficial goods, he can freely use and enjoy the beneficial fruits which are necessary for his decent support; but he is held by the obligation of expending the surplus for the poor or for pious causes, with the prescription of can. 239, Sec. 1, n. 19 preserved.

1983 Code correlation: NA

Can. 1474. If the reception of some order is required for obtaining a benefice, the beneficiary must already have received such order before the collation of the benefice.

1983 Code correlation: NA

Can. 1475.

1983 Code correlation: NA

Sec. 1. The beneficiary is held faithfully to fulfill the particular burdens attached to the benefice and, in addition, to recite the canonical hours daily.

Sec. 2. If, detained by no legitimate impediment, he has not satisfied the obligation of reciting the canonical hours, he does not make the fruits his own in proportion to the omission, and he is to hand them over to the fabric of the church or to the diocesan Seminary, or distribute them to the poor.

Can. 1476.

1983 Code correlation: NA

Sec. 1. The beneficiary must administer the goods pertaining to his benefice as curator of the benefice, according to the norm of law.

Sec. 2. If he has been negligent or in fault in another way, he must make reparation to the benefice for the damages, and is to be compelled by the local Ordinary to compensate them; and, if he is a pastor, he can be removed from the parish according to the norm of can. 2147 and following.

Can. 1477.

1983 Code correlation: NA

Sec. 1. Expenses connected in the ordinary way with the administration of beneficial goods and the perception of fruits are to be borne by the beneficiary.

Sec. 2. Expenses for extraordinary repairs of the beneficial house are to be borne by those upon whom the burden of repairing the beneficial church falls, unless the documents of foundation or legitimate agreements and customs provide otherwise.

Sec. 3. Minor repairs which fall upon him, the beneficiary is to complete as soon as possible, lest the necessity of greater repairs arise.

Can. 1478. The local Ordinary is held by the obligation of watching, also through vicars forane, that beneficial goods are preserved and rightly administered.

1983 Code correlation: NA

Can. 1479. In leasing beneficial goods, payments anticipated beyond six months are prohibited without the permission of the local Ordinary, who in extraordinary cases is to take care by suitable prescriptions lest such leasing turn to the harm of the pious place or of successors in the benefice.

1983 Code correlation: NA

Can. 1480. The annual revenues of a benefice are to be distributed between the successor and the predecessor or his heirs, in case of death, according to the proportion of the time in which each served the benefice, all proceeds and burdens of the current year having been computed, unless legitimate custom or particular statutes duly approved have introduced another manner of just composition.

1983 Code correlation: NA

Can. 1481. Expenses of whatever kind having been deducted and with the prescription of can. 472, n. 1 preserved, the fruits of a vacant benefice accrue for one half to the endowment of the benefice or to the common fund, and for the other half yield to the fabric of the church or to the sacristy, with legitimate custom preserved by which all the fruits are expended for the common good of the diocese.

1983 Code correlation: NA

Can. 1482. As regards the half-annate, as it is called, where it is in force, let it be retained, and let the particular statutes and laudable customs in force concerning it in each region be observed.

1983 Code correlation: NA

Can. 1483.

1983 Code correlation: NA

Sec. 1. The goods of the episcopal mensa are to be diligently administered by the Bishop.

Sec. 2. The episcopal house is to be kept in good repair and, if there is need, restored and repaired at the expense of the same mensa, whenever burdens of this kind do not fall upon others from a particular title.

Sec. 3. Bishops are also to take care that, after an accurate inventory has been made, all utensils or movable goods perhaps assigned to the episcopal house and constituted in the ownership of the mensa are transmitted to the successor wholly and securely.

CHAPTER VI: Of the Resignation and Exchange of Benefices

Can. 1484. The Ordinary is not to admit the resignation of a benefice made by a cleric constituted in major orders, unless it is established that he has from elsewhere the things necessary for decent support, and with the prescription of can. 584 remaining firm.

1983 Code correlation: NA

Can. 1485. The resignation of a benefice by title of which the cleric was ordained is invalid unless express mention is made that the cleric had been promoted by title of that benefice and, with the consent of the Ordinary, had substituted another legitimate title of ordination for it.

1983 Code correlation: NA

Can. 1486. The Ordinary cannot admit the resignation of benefices in favor of others or under some condition which touches the provision of the benefice itself or the expenditure of revenues, except in the case in which the benefice is litigious and the resignation is made by one or the other of the litigants in favor of the other.

1983 Code correlation: NA

Can. 1487.

1983 Code correlation: NA

Sec. 1. The exchange of two benefices cannot be made validly unless on account of the necessity or utility of the Church or for another just cause, without detriment to others, with the consent of the patron, if there is question of a benefice of the right of patronage, and of the local Ordinary, but not of the Vicar General without a special mandate, nor of the Vicar Capitular, and with the prescription of can. 186 observed.

Sec. 2. The Ordinary is to grant or deny consent within a month; and the exchange is valid from the moment of consent granted by the Ordinary.

Sec. 3. The exchange of benefices cannot be admitted by the Ordinary if both benefices or either one is reserved to the Apostolic See.

Can. 1488.

1983 Code correlation: NA

Sec. 1. If the benefices to be exchanged are unequal, they cannot be compensated by reservation of fruits or by the payment of money or of any thing estimable by price.

Sec. 2. An exchange cannot be made between more than two beneficiaries.

TITLE XXVI: Of Other Non-Collegial Ecclesiastical Institutes

Can. 1489.

1983 Code correlation: NA

Sec. 1. Hospitals, orphanages, and other similar institutes destined for works of religion or of charity, whether spiritual or temporal, can be erected by the local Ordinary and constituted as a juridic person in the Church by his decree.

Sec. 2. The local Ordinary is not to approve these institutes unless the end of the foundation is truly useful, and such an endowment has been constituted as, all things considered, suffices or is prudently foreseen to be sufficient for attaining

that end.

Sec. 3. It belongs to the rector of each institute to administer the goods of the same, according to the norms of the document of foundation; he, moreover, is held by the same obligations and enjoys the same rights as administrators of other ecclesiastical goods.

Can. 1490.

1983 Code correlation: NA

Sec. 1. In the documents of foundation the pious founder is accurately to describe the whole constitution of the institute, its end, endowment, administration and governance, the use of revenues, and the succession to the goods in the case of extinction of the institute itself.

Sec. 2. Documents of this kind must be made in two copies, of which one is to be placed in the archive of the institute, the other in the archive of the Curia.

Can. 1491.

1983 Code correlation: NA

Sec. 1. The local Ordinary can and must visit all institutes of this kind, even those erected as a moral person and exempt in any way.

Sec. 2. Indeed, although they have not been erected as a moral person and have been entrusted to a religious house, if there is question of a religious house of diocesan right, they are wholly subject to the jurisdiction of the local Ordinary; if of a religious house of pontifical right, they are subject to episcopal vigilance as regards religious instruction, uprightness of morals, exercises of piety, and the administration of sacred things.

Can. 1492.

1983 Code correlation: NA

Sec. 1. Even if by foundation, prescription, or apostolic privilege a pious institute has been exempted from the jurisdiction and visitation of the local Ordinary, nevertheless the Ordinary has the right of requiring the rendering of accounts, any contrary custom being reprobated.

Sec. 2. If the founder wishes the administrators not to be held to render an account to the local Ordinary, the foundation is not to be accepted.

Can. 1493. The local Ordinary is to watch that the pious wills of the faithful, expressed in the foundation of these institutes, are fully observed.

1983 Code correlation: NA

Can. 1494. Without permission of the Apostolic See, these institutes cannot be suppressed, united, or converted to uses foreign to the foundation, unless another thing is provided in the documents of foundation.

1983 Code correlation: NA

PART SIX: Of the Temporal Goods of the Church

Can. 1495.

1983 Code correlation: 1983 CIC 1255

Sec. 1. The Catholic Church and the Apostolic See have the native right, freely and independently of civil power, of acquiring, retaining, and administering temporal goods for pursuing their own proper ends.

Sec. 2. Individual churches also and other moral persons which have been erected as juridic persons by ecclesiastical authority have the right, according to the norm of the sacred canons, of acquiring, retaining, and administering

temporal goods.

Can. 1496. The Church also has the right, independent of civil power, of requiring from the faithful those things which are necessary for divine worship, for the decent support of clerics and other ministers, and for the remaining ends proper to her.

1983 Code correlation: 1983 CIC 1260

Can. 1497.

1983 Code correlation: 1983 CIC 1257

Sec. 1. Temporal goods, whether corporeal, both immovable and movable, or incorporeal, which belong either to the universal Church and to the Apostolic See or to another moral person in the Church, are ecclesiastical goods.

Sec. 2. They are called sacred which by consecration or blessing are destined for divine worship; precious, those which have notable value by reason of art or history or material.

Can. 1498. In the canons which follow, by the name of Church is signified not only the universal Church or the Apostolic See, but also any moral person in the Church, unless from the context of the speech or from the nature of the matter another thing appears.

1983 Code correlation: 1983 CIC 1258

TITLE XXVII: Of Acquiring Ecclesiastical Goods

Can. 1499.

1983 Code correlation: 1983 CIC 1256, 1259

Sec. 1. The Church can acquire temporal goods by all just modes of natural or positive law by which this is permitted to others.

Sec. 2. The ownership of goods, under the supreme authority of the Apostolic See, belongs to that moral person which has legitimately acquired the same goods.

Can. 1500. When the territory of an ecclesiastical moral person has been divided in such a way that either a part of it is united to another moral person, or a distinct moral person is erected for the dismembered part, even the common goods which had been destined for the advantage of the whole territory, and the debt which had been contracted for the whole territory, must be divided by the ecclesiastical authority to whom the division belongs, with due proportion according to what is good and equitable, with the wills of pious founders or donors, legitimately acquired rights, and particular laws by which the moral person is governed preserved.

1983 Code correlation: 1983 CIC 122

Can. 1501. When an ecclesiastical moral person has been extinguished, its goods become those of the immediately superior ecclesiastical moral person, always with the wills of founders or donors, legitimately acquired rights, and particular laws by which the extinct moral person was governed preserved.

1983 Code correlation: NA

Can. 1502. As regards the payment of tithes and first fruits, particular statutes and laudable customs in each region are to be observed.

1983 Code correlation: NA

Can. 1503. With the prescriptions of can. 621-624 preserved, private persons, clerics as well as lay persons, are forbidden, without the permission of the Apostolic See or of their own Ordinary and of the local Ordinary, given in writing, to collect alms for any pious or ecclesiastical institute or end.

1983 Code correlation: 1983 CIC 1265

Can. 1504. All churches or benefices subject to the jurisdiction of the Bishop, and likewise confraternities of lay persons, must each year, as a sign of subjection, pay to the Bishop the cathedraticum, or a moderate tax to be determined according to the norm of can. 1507, Sec. 1, unless it has already been determined by ancient custom.

1983 Code correlation: NA

Can. 1505. The local Ordinary, besides the tax for the Seminary of which in can. 1355, 1356, or the beneficial pension of which in can. 1429, can, when a special necessity of the diocese impels, impose an extraordinary and moderate exaction on all beneficiaries, whether secular or religious.

1983 Code correlation: 1983 CIC 1263

Can. 1506. Another tax for the good of the diocese or for a patron can be imposed on churches, benefices, and other ecclesiastical institutes, even though subject to him, by the Ordinary only in the act of foundation or consecration; but no tax can be imposed upon alms for Masses, whether manual or founded.

1983 Code correlation: 1983 CIC 1263

Can. 1507.

1983 Code correlation: 1983 CIC 1264

Sec. 1. With the prescription of can. 1056 and can. 1234 preserved, to determine beforehand the taxes to be paid in the whole ecclesiastical province for various acts of voluntary jurisdiction, or for the execution of rescripts of the Apostolic See, or on the occasion of the ministration of Sacraments or Sacramentals, belongs to the provincial Council or to the meeting of the Bishops of the province; but a determination of this kind has no force unless it has first been approved by the Apostolic See.

Sec. 2. As regards taxes for judicial acts, the prescription of can. 1909 is to be observed.

Can. 1508. Prescription, as a mode of acquiring and of freeing oneself, as it exists in the civil legislation of the respective nation, the Church receives for ecclesiastical goods, with the prescription of the canons which follow preserved.

1983 Code correlation: 1983 CIC 1268

Can. 1509. The following are not subject to prescription:

1983 Code correlation: 1983 CIC 199

1. Things which are of divine law, whether natural or positive.

2. Things which can be obtained by apostolic privilege alone.

3. Spiritual rights of which lay persons are not capable, if there is question of prescription for the advantage of lay persons.

4. The certain and undoubted boundaries of ecclesiastical provinces, dioceses, parishes, apostolic vicariates, apostolic prefectures, abbeys, or prelatures nullius.

5. Alms and burdens of Masses.

6. An ecclesiastical benefice without title.

7. The right of visitation and obedience, so that subjects could be visited by no Prelate and would now be subject to no Prelate.

8. The payment of the cathedraticum.

Can. 1510.

1983 Code correlation: 1983 CIC 1269

Sec. 1. Sacred things which are in the ownership of private persons can be acquired by prescription by private persons, who nevertheless cannot employ them for profane uses; but if they have lost consecration or blessing, they can be freely acquired even for profane uses, but not sordid ones.

Sec. 2. Sacred things which are not in the ownership of private persons can be prescribed, not by a private person, but by an ecclesiastical moral person against another ecclesiastical moral person.

Can. 1511.

1983 Code correlation: 1983 CIC 1270

Sec. 1. Immovable things, precious movable things, rights, and actions, whether personal or real, which pertain to the Apostolic See, are prescribed by the space of one hundred years.

Sec. 2. Those which pertain to another ecclesiastical moral person, by the space of thirty years.

Can. 1512. No prescription is valid unless it rests on good faith, not only at the beginning of possession, but throughout the whole time of possession required for prescription.

1983 Code correlation: 1983 CIC 198

Can. 1513.

1983 Code correlation: 1983 CIC 1299

Sec. 1. He who by natural and ecclesiastical law can freely dispose of his goods can leave goods to pious causes, whether by an act among the living or by an act on account of death.

Sec. 2. In last wills for the good of the Church, the solemnities of civil law are to be observed, if this can be done; if these have been omitted, the heirs are to be admonished that they fulfill the will of the testator.

Can. 1514. The wills of the faithful donating or leaving their faculties to pious causes, whether by an act among the living or by an act on account of death, are to be fulfilled most diligently also concerning the manner of administration and expenditure of the goods, with the prescription of can. 1515, Sec. 3 preserved.

1983 Code correlation: 1983 CIC 1300

Can. 1515.

1983 Code correlation: 1983 CIC 1301

Sec. 1. Ordinaries are the executors of all pious wills, both on account of death and among the living.

Sec. 2. By this right Ordinaries can and must watch, even through visitation, that pious wills are fulfilled; and other delegated executors, after they have discharged the office, must render an account to them.

Sec. 3. Clauses contrary to this right of Ordinaries, attached to last wills, are to be considered as not added.

Can. 1516.

1983 Code correlation: 1983 CIC 1302

Sec. 1. A cleric or religious who has fiduciary accepted goods for pious causes, whether by an act among the living or by testament, must make the Ordinary certain concerning his trust, and indicate to him all goods of this kind, whether movable or immovable, with the burdens attached; but if the donor has expressly and entirely forbidden this, he is not

to accept the trust.

Sec. 2. The Ordinary must require that fiduciary goods be placed in safety and watch over the execution of the pious will according to the norm of can. 1515.

Sec. 3. For fiduciary goods committed to some religious, if indeed the goods have been assigned for helping churches, inhabitants, or pious causes of the place or diocese, the Ordinary of whom in Sec. 1, 2 is the local Ordinary; otherwise, he is the proper Ordinary of that religious.

Can. 1517.

1983 Code correlation: 1983 CIC 1308

Sec. 1. Reduction, moderation, and commutation of last wills, which must be done only from a just and necessary cause, are reserved to the Apostolic See, unless the founder has expressly granted this power also to the local Ordinary.

Sec. 2. But if the execution of imposed burdens, on account of diminished revenues or another cause, with no fault of the administrators, has become impossible, then the Ordinary also, after those whose interest it is have been heard, and with the will of the founder preserved in the better way in which this can be done, will be able equitably to diminish the same burdens, except the reduction of Masses, which always belongs uniquely to the Apostolic See.

TITLE XXVIII: Of Administering Ecclesiastical Goods

Can. 1518. The Roman Pontiff is the supreme administrator and dispenser of all ecclesiastical goods.

1983 Code correlation: 1983 CIC 1273

Can. 1519.

1983 Code correlation: 1983 CIC 1276

Sec. 1. It belongs to the local Ordinary carefully to watch over the administration of all ecclesiastical goods which are in his territory and have not been withdrawn from his jurisdiction, with legitimate prescriptions preserved which grant stronger rights to him.

Sec. 2. Having regard for rights, legitimate customs, and circumstances, Ordinaries, by opportune publication of particular instructions within the limits of common law, are to take care that the whole business of administering ecclesiastical goods is ordered.

Can. 1520.

1983 Code correlation: 1983 CIC 492, 1277

Sec. 1. For this office to be rightly performed, every Ordinary in his episcopal city is to establish a Council, which consists of the president, who is the Ordinary himself, and two or more suitable men, expert also in civil law insofar as can be done, to be chosen by the Ordinary himself after the Chapter has been heard, unless provision has already legitimately been made by law or particular custom in another equivalent manner.

Sec. 2. Apart from an apostolic indult, those are excluded from the office of administrator who are joined with the local Ordinary in the first or second degree of consanguinity or affinity.

Sec. 3. The local Ordinary is not to omit hearing the Council of administration in administrative acts of greater moment; nevertheless the members of this Council have only a consultative vote, unless their consent is required by common law in specially expressed cases or from the documents of foundation.

Sec. 4. The members of this Council are to emit an oath before the Ordinary concerning fulfilling the office well and faithfully.

Can. 1521.

1983 Code correlation: 1983 CIC 1279, 1282

Sec. 1. Besides this diocesan Council of administration, the local Ordinary is to assume prudent, suitable men of good testimony into the administration of goods which pertain to some church or pious place and from law or the documents of foundation do not have their own administrator, to whom, after three years have elapsed, he is to substitute others, unless the circumstances of places suggest another thing.

Sec. 2. But if certain parts in the administration of ecclesiastical goods belong to lay persons either from a legitimate title of foundation or erection or from the will of the local Ordinary, nevertheless the whole administration is to be made in the name of the Church, and with the right of the Ordinary to visit, to require accounts, and to prescribe the manner of administration preserved.

Can. 1522. Before administrators of ecclesiastical goods, of whom in can. 1521, enter upon their office:

1983 Code correlation: 1983 CIC 1283

1. They must guarantee by oath before the local Ordinary or vicar forane that they will administer well and faithfully.

2. An accurate and distinct inventory is to be made, to be signed by all, of immovable things, precious movable things, and other things, with description and valuation of the same; or an inventory made before is to be accepted, with the things which meanwhile have been lost or acquired noted.

3. One copy of this inventory is to be preserved in the records of the administration, the other in the archive of the Curia; and in each any change which the patrimony happens to undergo is to be noted.

Can. 1523. Administrators of ecclesiastical goods are held to fulfill their office with the diligence of a good head of a family; and therefore they must:

1983 Code correlation: 1983 CIC 1284

1. Watch lest ecclesiastical goods entrusted to their care perish in any way or suffer detriment.

2. Observe the prescriptions of both canon and civil law, or those which have been imposed by the founder or donor or legitimate authority.

3. Accurately and at the just time demand the revenues and proceeds of goods, and keep those collected in a safe place and expend them according to the mind of the founder or the established laws or norms.

4. With the consent of the Ordinary, invest the money of the church which remains after expenses and can usefully be placed, for the advantage of the same church.

5. Have well-ordered books of receipts and expenses.

6. Properly arrange documents and instruments by which the rights of the church in goods are supported, and keep them in the archive of the church or in a suitable and apt chest; moreover, where this can conveniently be done, deposit authentic copies of them in the archive or chest of the Curia.

Can. 1524. All, and especially clerics, religious, and administrators of ecclesiastical things, in the hiring of works must assign to workers a decent and just wage; take care that they have time for piety for a suitable space of time; in no way draw them away from domestic care and the practice of thrift, nor impose on them more work than their strength can bear, nor that kind which conflicts with age and sex.

1983 Code correlation: 1983 CIC 1286

Can. 1525.

1983 Code correlation: 1983 CIC 1207

Sec. 1. Contrary custom being reprobated, administrators, both ecclesiastical and lay, of any church, even cathedral, or of a pious place canonically erected, or of a confraternity, are held each year by the office of rendering an account of administration to the local Ordinary.

Sec. 2. But if by particular law the account must be rendered to others designated for this, then the local Ordinary also or his delegate is to be admitted with them, under this law, that releases made otherwise in no way benefit the administrators themselves.

Can. 1526. Administrators are not to initiate or contest a lawsuit in the name of the church unless they have obtained permission given in writing by the local Ordinary, or at least, if the matter is urgent, by the vicar forane, who must immediately make the Ordinary certain concerning the permission granted.

1983 Code correlation: 1983 CIC 1288

Can. 1527.

1983 Code correlation: 1983 CIC 1281

Sec. 1. Unless they have first obtained from the local Ordinary a faculty to be given in writing, administrators invalidly place acts which exceed the limits and manner of ordinary administration.

Sec. 2. The Church is not held to answer for contracts entered into by administrators without the permission of the competent Superior, except when and insofar as it has turned to her advantage.

Can. 1528. Although they are not held to administration by title of benefice or ecclesiastical office, administrators who by their own judgment lay down an office expressly or tacitly accepted so that damage comes to the church therefrom are held to restitution.

1983 Code correlation: 1983 CIC 1289

TITLE XXIX: Of Contracts

Can. 1529. The same things which civil law in a territory establishes concerning contracts, both in general and in species, whether named or unnamed, and concerning payments, are to be observed in canon law in ecclesiastical matter with the same effects, unless they are contrary to divine law or another thing is provided by canon law.

1983 Code correlation: 1983 CIC 1290

Can. 1530.

1983 Code correlation: 1983 CIC 1291-93

Sec. 1. With the prescription of can. 1281, Sec. 1 preserved, for alienating ecclesiastical things, immovable or movable, which can be preserved by being kept, there is required:

1. An appraisal of the thing made in writing by upright experts.

2. A just cause, that is, urgent necessity, or evident utility of the Church, or piety.

3. Permission of the legitimate Superior, without which alienation is invalid.

Sec. 2. Other opportune cautions, to be prescribed by the Superior himself according to diverse circumstances, are not to be omitted, so that harm to the Church may be avoided.

Can. 1531.

1983 Code correlation: 1983 CIC 1294

Sec. 1. A thing must not be alienated for a lower price than what is indicated in the appraisal.

Sec. 2. Alienation is to be made through public bidding or at least made known, unless circumstances suggest another thing; and the thing is to be granted to him who, all things considered, has offered more.

Sec. 3. Money received from alienation is to be placed cautiously, safely, and usefully for the advantage of the Church.

Can. 1532.

1983 Code correlation: 1983 CIC 1293

Sec. 1. The legitimate Superior of whom in can. 1530, Sec. 1, n. 3, is the Apostolic See, if there is question:

1. Of precious things.

2. Of things which exceed the value of thirty thousand lire or francs.

Sec. 2. But if there is question of things which do not exceed the value of one thousand lire or francs, it is the local Ordinary, after the Council of administration has been heard, unless the thing is of very small moment, and with the consent of those whose interest it is.

Sec. 3. Finally, if there is question of things whose price is contained between one thousand lire and thirty thousand lire or francs, it is the local Ordinary, provided that the consent has acceded both of the cathedral Chapter, of the Council of administration, and of those whose interest it is.

Sec. 4. If there is question of alienating a divisible thing, in petitioning permission or consent for alienation the parts previously alienated must be expressed; otherwise the permission is invalid.

Can. 1533. The solemnities according to the norm of can. 1530-1532 are required not only in alienation properly so called, but also in any contract by which the condition of the Church could become worse.

1983 Code correlation: 1983 CIC 1295

Can. 1534.

1983 Code correlation: 1983 CIC 1296

Sec. 1. A personal action belongs to the Church against him who has alienated ecclesiastical goods without the due solemnities and against his heirs; a real action, however, if the alienation was null, against any possessor, with the right of the buyer against the one badly alienating preserved.

Sec. 2. Against the invalid alienation of ecclesiastical things there can act he who alienated the thing, his Superior, the successor of either in office, and finally any cleric ascribed to that church which has suffered harm.

Can. 1535. Prelates and rectors are not to presume to make donations from the movable goods of their churches, except small and moderate ones according to legitimate custom of the place, unless a just cause of remuneration, or piety, or Christian charity intervenes; otherwise the donation can be revoked by successors.

1983 Code correlation: 1983 CIC 1285

Can. 1536.

1983 Code correlation: 1983 CIC 1267

Sec. 1. Unless the contrary is proved, it is to be presumed that those things which are donated to rectors of churches, even of religious, are donated to the church.

Sec. 2. A donation made to a church cannot be repudiated by its rector or Superior without the permission of the Ordinary.

Sec. 3. When a donation has been illegitimately repudiated, by reason of damages which have arisen therefrom, an action is given for restitution in integrum or indemnity.

Sec. 4. A donation made to a church and legitimately accepted by the same cannot be revoked on account of the ungrateful disposition of the Prelate or rector.

Can. 1537. Sacred things are not to be lent for a use which is repugnant to their nature.

1983 Code correlation: 1983 CIC 1171

Can. 1538.

1983 Code correlation: NA

Sec. 1. If goods of the church, a legitimate cause intervening, are to be pledged or obligated under the name of mortgage, or if there is question of contracting debt, the legitimate Superior who must give permission according to the norm of can. 1532 is to require that beforehand all whose interest it is be heard, and take care that the debt be paid as soon as this can be done.

Sec. 2. For this cause annual installments are to be determined beforehand by the same Ordinary, which are destined for extinguishing the debt.

Can. 1539.

1983 Code correlation: NA

Sec. 1. In the sale or exchange of sacred things, no account of consecration or blessing is to be had in the appraisal of the price.

Sec. 2. Administrators can exchange titles to bearer, as they are called, for other titles more or at least equally safe and fruitful, with any species of commerce or trading excluded, and with the consent of the Ordinary, the diocesan Council of administration, and others whose interest it is.

Can. 1540. Immovable goods of a church are not to be sold or leased to their own administrators and those joined to them in the first or second degree of consanguinity or affinity without the special permission of the local Ordinary.

1983 Code correlation: 1983 CIC 1298

Can. 1541.

1983 Code correlation: 1983 CIC 1297

Sec. 1. Contracts for leasing some ecclesiastical land are not to be made except according to the norm of can. 1531, Sec. 2; and in them conditions are always to be added concerning boundaries to be kept, good cultivation, the rent duly to be paid, and opportune security for fulfilling the conditions.

Sec. 2. For the lease of ecclesiastical goods, with the prescription of can. 1479 observed:

1. If the value exceeds thirty thousand lire or francs and the lease is beyond nine years, apostolic beneplacitum is required; if the lease is not beyond nine years, the prescription of can. 1532, Sec. 3 must be observed.

2. If the value is contained between one thousand lire and thirty thousand lire or francs and the lease is beyond nine years, the prescription of the same can. 1532, Sec. 3 must be observed; if the lease is not beyond nine years, the prescription of the same can. 1532, Sec. 2.

3. If the value does not exceed one thousand lire or francs and the lease is beyond nine years, the same prescription of can. 1532, Sec. 2 must be observed; if the lease is not beyond nine years, it can be made by legitimate administrators, after the Ordinary has been notified.

Can. 1542.

1983 Code correlation: NA

Sec. 1. In the emphyteusis of ecclesiastical goods, the emphyteuta cannot redeem the rent without the permission of the legitimate ecclesiastical Superior of whom in can. 1532; but if he has redeemed it, he must give to the church at least that amount of money which corresponds to the rent.

Sec. 2. From the emphyteuta suitable security is to be required for payment of the rent and fulfillment of the conditions; in the instrument itself of the emphyteutic agreement the ecclesiastical forum is to be established as arbiter for resolving controversies perhaps arising between the parties, and it is to be expressly declared that improvements yield to the land.

Can. 1543. If a fungible thing is given to someone in such a way that it becomes his and afterward as much of the same kind is to be restored, no profit can be received by reason of the contract itself; but in the furnishing of a fungible thing it is not of itself illicit to stipulate concerning legal profit, unless it is established that it is immoderate, or even concerning greater profit, if a just and proportionate title supports it.

1983 Code correlation: NA

TITLE XXX: Of Pious Foundations

Can. 1544.

1983 Code correlation: 1983 CIC 1303

Sec. 1. By the name of pious foundations are signified temporal goods given in any way to some moral person in the Church, with the burden in perpetuity or for a long time of celebrating some Masses from the annual revenues, or fulfilling other predefined ecclesiastical functions, or performing some works of piety and charity.

Sec. 2. A foundation, legitimately accepted, assumes the nature of a synallagmatic contract: I give so that you may do.

Can. 1545. It belongs to the local Ordinary to prescribe norms concerning the quantity of endowment below which a pious foundation cannot be admitted and concerning its fruits to be rightly distributed.

1983 Code correlation: 1983 CIC 1304

Can. 1546.

1983 Code correlation: 1983 CIC 1304

Sec. 1. In order that foundations of this kind can be accepted by a moral person, the consent of the local Ordinary, given in writing, is required; he is not to provide it before he has legitimately ascertained that the moral person can satisfy both the new burden to be undertaken and the old burdens already undertaken; and he is especially to take care that the revenues correspond entirely to the attached burdens according to the custom of each diocese.

Sec. 2. In the acceptance, constitution, and administration of a foundation, the patron of the church has no right.

Can. 1547. Money and movable goods assigned by name of endowment are immediately to be deposited in a safe place to be designated by the same Ordinary, for this end: that the same money or the price of the movable goods be preserved and, as soon as possible, be placed cautiously and usefully, according to the prudent judgment of the same Ordinary, after both those whose interest it is and the diocesan Council of administration have been heard, for the advantage of the same foundation, with express and individual mention of the burden.

1983 Code correlation: 1983 CIC 1305

Can. 1548.

1983 Code correlation: 1983 CIC 1306

Sec. 1. Foundations, even those made by living voice, are to be consigned in writing.

Sec. 2. One copy of the documents is to be safely preserved in the archive of the Curia, the other in the archive of the moral person to which the foundation pertains.

Can. 1549.

1983 Code correlation: 1983 CIC 1307

Sec. 1. With the prescriptions of can. 1514-1517 and can. 1525 observed, in any church a tablet of the burdens incumbent from pious foundations is to be made, which is to be preserved by the rector in a safe place.

Sec. 2. Likewise, besides the book of which in can. 843, Sec. 1, another book is to be kept and preserved by the rector, in which each perpetual and temporary burden, and their fulfillment and alms, are to be noted, so that an exact account

concerning all these things may be rendered to the local Ordinary.

Can. 1550. If there is question of pious foundations in churches, even parochial ones, of exempt religious, the rights and offices of the local Ordinary, of which in can. 1545-1549, belong exclusively to the major Superior.

1983 Code correlation: NA

Can. 1551.

1983 Code correlation: 1983 CIC 1308

Sec. 1. The reduction of burdens which weigh upon pious foundations is reserved to the Apostolic See alone, unless another thing is expressly provided in the documents of foundation, and with the prescription of can. 1517, Sec. 2 preserved.

Sec. 2. An indult of reducing founded Masses is not extended either to other Masses due from contract or to other works of the pious foundation.

Sec. 3. But a general indult of reducing the burdens of pious foundations is to be understood thus, unless another thing is established: that the holder of the indult reduce other burdens rather than Masses.

Liber IV: Of Processes

BOOK FOUR: Of Processes

PART ONE: Of Trials

Can. 1552.

1983 Code correlation: 1983 CIC 1400

Sec. 1. By the name of ecclesiastical trial is understood the legitimate discussion and definition, before an ecclesiastical tribunal, of a controversy in a matter concerning which the Church has the right of taking cognizance.

Sec. 2. The object of a trial is:

1. The rights of physical or moral persons to be pursued or vindicated, or juridical facts of the same persons to be declared; and then the trial is contentious.

2. Offenses in order to a penalty to be inflicted or declared; and then the trial is criminal.

Can. 1553.

1983 Code correlation: 1983 CIC 1401

Sec. 1. By her own and exclusive right the Church takes cognizance:

1. Of causes which regard spiritual things and things attached to spiritual things.

2. Of the violation of ecclesiastical laws and of all things in which there is the reason of sin, as regards the definition of fault and the imposition of ecclesiastical penalties.

3. Of all causes, whether contentious or criminal, which regard persons enjoying the privilege of forum according to the norm of can. 120, 614, 680.

Sec. 2. In causes in which both the Church and the civil power are equally competent, and which are called of mixed forum, there is place for prevention.

Can. 1554. An actor who brings causes of mixed forum, which have been brought before an ecclesiastical judge, to a secular forum to be judged can be punished with suitable penalties according to the norm of can. 2222 and is deprived of the right of acting in the ecclesiastical forum against the same person concerning the same matter and connected causes.

1983 Code correlation: NA

Can. 1555.

1983 Code correlation: 1983 CIC 1402

Sec. 1. The tribunal of the Congregation of the Holy Office proceeds according to its own manner and institution and retains its own proper custom; and also inferior tribunals, in causes which pertain to the tribunal of the Holy Office, must follow the norms handed on by the same.

Sec. 2. The other tribunals must observe the prescriptions of the canons which follow.

Sec. 3. In a trial for the dismissal of religious, the prescriptions of can. 654-668 are to be observed.

SECTION I: Of Trials in General

TITLE I: Of the Competent Forum

Can. 1556. The First See is judged by no one.

1983 Code correlation: 1983 CIC 1404

Can. 1557.

1983 Code correlation: 1983 CIC 1405

Sec. 1. The right of judging belongs only to the Roman Pontiff himself:

1. Those who hold the supreme rulership of peoples, and their sons and daughters, and those to whom there is the right of succeeding next in rulership.

2. Cardinal Fathers.

3. Legates of the Apostolic See, and in criminal cases Bishops, even titular ones.

Sec. 2. But to the tribunals of the Apostolic See it is reserved to judge:

1. Residential Bishops in contentious cases, with the prescription of can. 1572, Sec. 2 preserved.

2. Dioceses or other ecclesiastical moral persons which do not have a Superior below the Roman Pontiff, such as exempt religions, monastic Congregations, etc.

Sec. 3. Other causes which the Roman Pontiff has called to his own judgment are seen by the judge whom the Roman Pontiff himself has designated.

Can. 1558. In the causes of which in can. 1556, 1557, the incompetence of other judges is absolute.

1983 Code correlation: 1983 CIC 1406

Can. 1559.

1983 Code correlation: 1983 CIC 1407

Sec. 1. No one can be convened in first instance except before an ecclesiastical judge who is competent by one of the titles which are determined in can. 1560-1568.

Sec. 2. The incompetence of a judge to whom none of these titles supports is called relative.

Sec. 3. The actor follows the forum of the defendant; but if the defendant has multiple forums, the choice of forum is granted to the actor.

Can. 1560. The following have a necessary forum:

1983 Code correlation: 1983 CIC 1413

1. Actions concerning spoliation, before the Ordinary of the place where the thing is situated.

2. Causes regarding a benefice, even a non-residential one, before the Ordinary of the place of the benefice.

3. Causes which turn on administration, before the Ordinary of the place where the administration was carried out.

4. Causes which regard inheritances or pious legacies, before the Ordinary of the place of the testator's domicile, unless there is question of the mere execution of the legacy, which must be considered according to the ordinary norms of competence.

Can. 1561.

1983 Code correlation: 1983 CIC 1408

Sec. 1. By reason of domicile or quasi-domicile, anyone can be convened before the local Ordinary.

Sec. 2. But the Ordinary of domicile or quasi-domicile has jurisdiction over a subject, even an absent one.

Can. 1562.

1983 Code correlation: NA

Sec. 1. One who is a traveler in the City, although for a short time, can be cited in the City itself as in his own domicile; but he has the right of calling back home, that is, of asking that he be remitted to his proper Ordinary.

Sec. 2. One who dwells in the City for a year has the right of declining the forum of the Ordinary and insisting that he be cited before the tribunals of the City.

Can. 1563. A vagrant has his proper forum in the place where he actually dwells; a religious, in the place of his own house.

1983 Code correlation: 1983 CIC 1409

Can. 1564. By reason of the thing situated, a party can be convened before the Ordinary of the place where the litigated thing is situated, whenever the action is directed toward the thing.

1983 Code correlation: 1983 CIC 1410

Can. 1565.

1983 Code correlation: 1983 CIC 1411

Sec. 1. By reason of contract, a party can be convened before the Ordinary of the place in which the contract was entered into or must be fulfilled.

Sec. 2. But in the act of contract it is permitted to the contracting parties, for the sake of declaring, urging, or fulfilling the obligation, to choose a place in which even absent persons can be cited and convened.

Can. 1566.

1983 Code correlation: 1983 CIC 1412

Sec. 1. By reason of delict, the defendant obtains a forum in the place of the committed delict.

Sec. 2. Although after the delict the defendant has departed from the place, the judge of the place has the right of citing him to appear and of issuing sentence against him.

Can. 1567. By reason of connection or continence, causes connected among themselves must be heard by one and the same judge, unless the prescription of law obstructs.

1983 Code correlation: 1983 CIC 1414

Can. 1568. By reason of prevention, when two or more judges are equally competent, the right of taking cognizance of the cause belongs to the one who first legitimately convened the defendant by citation.

1983 Code correlation: 1983 CIC 1415

TITLE II: Of the Various Grades and Species of Tribunals

Can. 1569.

1983 Code correlation: 1983 CIC 1417

Sec. 1. On account of the primacy of the Roman Pontiff, it is open to any member of the faithful in the whole Catholic world to refer his cause, whether contentious or criminal, in any grade of trial and in any state of the litigation, to the Holy See to be heard, or to introduce it before the same.

Sec. 2. Nevertheless recourse interposed to the Apostolic See does not suspend, except in a case of appeal, the exercise of jurisdiction in the judge who has already begun to hear the cause; and therefore he can pursue the trial up to definitive sentence, unless it has been established that the Apostolic See has called the cause to itself.

Can. 1570.

1983 Code correlation: 1983 CIC 1418

Sec. 1. Excepting causes reserved to the Apostolic See or called to the same, all others are heard by diverse tribunals, of which in can. 1572 and following.

Sec. 2. Nevertheless any tribunal, as regards examination or citation of parties and witnesses, inspection of documents or of the controverted thing, intimation of decrees, and other things of this kind, has the right of calling another tribunal to aid, which must observe the norms prescribed by law for individual acts.

Can. 1571. He who has seen a cause in one grade of trial cannot judge the same cause in another.

1983 Code correlation: 1983 CIC 1447

CHAPTER I: Of the Ordinary Tribunal of First Instance

ARTICLE I: Of the Judge

Can. 1572.

1983 Code correlation: 1983 CIC 1419

Sec. 1. In each diocese and for all causes not expressly excepted by law, the judge of first instance is the local Ordinary, who can exercise judicial power either personally by himself or through others, according however to the canons which follow.

Sec. 2. But if there is question of the rights or temporal goods of the Bishop or of the episcopal mensa or diocesan Curia, the controversy to be resolved is to be referred either, with the Bishop consenting, to the diocesan collegial tribunal which consists of the officialis and the two older synodal judges, or to the immediately superior judge.

Can. 1573.

1983 Code correlation: 1983 CIC 1420, 1422

Sec. 1. Every Bishop is held to choose an officialis with ordinary power of judging, distinct from the Vicar General, unless the smallness of the diocese or paucity of affairs suggests that this office be committed to the Vicar General himself.

Sec. 2. The officialis constitutes one tribunal with the Bishop of the place; but he cannot judge causes which the Bishop reserves to himself.

Sec. 3. Assistants can be given to the officialis, to whom the name is vice-officiales.

Sec. 4. Both the officialis and vice-officiales must be priests, of whole reputation, doctors in canon law or otherwise expert, not less than thirty years old.

Sec. 5. They are removable at the will of the Bishop; when the see is vacant, they do not cease from office, nor can they be removed by the Vicar Capitular; but when the new Bishop arrives, they need confirmation.

Sec. 6. He who is Vicar General and also officialis, when the see is vacant, ceases indeed from the office of Vicar, but not from the office of officialis.

Sec. 7. If the officialis is chosen as Vicar Capitular, he himself names a new officialis.

Can. 1574.

1983 Code correlation: 1983 CIC 1421-22

Sec. 1. In any diocese, presbyters of proven life and expert in canon law, even extra-diocesan ones, not more than twelve, are to be chosen so that, by power delegated by the Bishop, they may have part in judging lawsuits; to these let the name be synodal judges, or pro-synodal judges if they are constituted outside the Synod.

Sec. 2. As regards their election, substitution, cessation, or removal from office, the prescriptions of can. 385-388 are to be observed.

Sec. 3. Under the name of synodal judges in law also come pro-synodal judges.

Can. 1575. A single judge in any trial can join to himself two consulting assessors; nevertheless he must choose them from the synodal judges.

1983 Code correlation: 1983 CIC 1424

Can. 1576.

1983 Code correlation: 1983 CIC 1425

Sec. 1. Contrary custom being reprobated and any contrary privilege revoked:

1. Contentious causes concerning the bond of sacred ordination and of marriage, or concerning the rights or temporal goods of a cathedral church; and likewise criminal causes in which the matter is about privation of an irremovable benefice or about imposing or declaring excommunication, are reserved to a collegial tribunal of three judges.

2. But causes in which there is question of delicts which carry the penalty of deposition, perpetual privation of ecclesiastical habit, or degradation, are reserved to a tribunal of five judges.

Sec. 2. The local Ordinary can commit the cognizance also of other causes to a collegial tribunal of three or five judges, and he should do this especially when there is question of causes which, with attention to the circumstances of time, place, and persons and to the matter of the trial, seem more difficult and of greater moment.

Sec. 3. The Ordinary is to choose by turn, from among the synodal judges, two or four judges who together with the president constitute the collegial tribunal, unless in his prudence he has judged otherwise opportune.

Can. 1577.

1983 Code correlation: 1983 CIC 1426

Sec. 1. A collegial tribunal must proceed collegially and render sentences according to the greater part of the votes.

Sec. 2. The officialis or vice-officialis presides over the same; his part is to direct the process and decree the things necessary for the administration of justice in the case being conducted.

Can. 1578. Excepting the causes of which in can. 1572, Sec. 2, the Bishop can always preside over the tribunal personally by himself; but it is greatly expedient that he leave causes, especially criminal and contentious causes of grave moment, to be judged by the ordinary tribunal, over which the officialis or vice-officialis presides.

1983 Code correlation: NA

Can. 1579.

1983 Code correlation: 1983 CIC 1427

Sec. 1. If the controversy is between exempt religious of the same clerical religion, the judge of first instance, unless another thing is provided in the constitutions, is the provincial Superior, or, if the monastery is of its own right, the local Abbot.

Sec. 2. With a different prescription of the constitutions preserved, if a contentious matter is conducted between two provinces, in first instance the supreme Moderator of the religion will judge personally by himself or through a delegate; if between two monasteries, the supreme Moderator of the monastic Congregation.

Sec. 3. Finally, if a controversy arises between religious physical or moral persons of diverse religions, or even between religious of the same non-exempt or lay religion, or between a religious and a secular cleric or lay person, the judge of first instance is the local Ordinary.

ARTICLE II: Of Auditors and Relators

Can. 1580.

1983 Code correlation: 1983 CIC 1428

Sec. 1. The Ordinary can constitute one or more auditors, or instructors of the acts, either stably or for some certain cause.

Sec. 2. The judge can choose an auditor only for the cause which he is hearing, unless the Ordinary has already provided.

Can. 1581. Auditors for the diocesan tribunal, insofar as can be done, are to be chosen from the synodal judges; for the tribunal of religious, however, they must always be chosen from members of the same religion according to the norm of the constitutions.

1983 Code correlation: 1983 CIC 1428

Can. 1582. It belongs to them to cite and hear witnesses and to instruct other judicial acts according to the tenor of the mandate, but not to render a definitive sentence.

1983 Code correlation: 1983 CIC 1428

Can. 1583. An auditor can be removed from office at any moment of the litigation by him who chose him, yet for a just cause and without prejudice to the parties.

1983 Code correlation: NA

Can. 1584. The president of a collegial tribunal must designate one of the judges of the college as ponens or relator, who is to report on the cause in the meeting of judges and reduce the sentences to writing; and the same president can substitute another for him from a just cause.

1983 Code correlation: 1983 CIC 1429

ARTICLE III: Of the Notary, the Promoter of Justice, and the Defender of the Bond

Can. 1585.

1983 Code correlation: 1983 CIC 1437

Sec. 1. A notary must be present at any process, who performs the office of actuary; so much so that acts are to be considered null if they have not been written by the hand of the actuary or at least signed by him.

Sec. 2. Wherefore the judge, before he begins to hear the cause, must assume as actuary one from the legitimately constituted notaries, unless the Ordinary himself has already designated someone for that cause.

Can. 1586. In the diocese there is to be constituted a promoter of justice and a defender of the bond; the former for causes, both contentious ones in which the public good, in the judgment of the Ordinary, can be called into danger, and criminal ones; the latter for causes in which there is question of the bond of sacred ordination or marriage.

1983 Code correlation: 1983 CIC 1430, 1432

Can. 1587.

1983 Code correlation: 1983 CIC 1433

Sec. 1. In causes in which their presence is required, if the promoter of justice or defender of the bond has not been cited, the acts are invalid, unless they, although not cited, were really present.

Sec. 2. If, having been legitimately cited, they were not present at some acts, the acts indeed are valid, but afterward must absolutely be submitted to their examination, so that they can observe and propose all those things, either orally or in writing, which they have judged necessary or opportune.

Can. 1588.

1983 Code correlation: 1983 CIC 1436

Sec. 1. The same person can hold the office of promoter of justice and defender of the bond, unless the multiplicity of affairs and causes prohibits this.

Sec. 2. The promoter and defender can be constituted both for the totality of causes and for individual causes.

Can. 1589.

1983 Code correlation: 1983 CIC 1435

Sec. 1. It belongs to the Ordinary to choose the promoter of justice and defender of the bond, who are to be priests of whole reputation, doctors in canon law or otherwise expert, and proven in prudence and zeal for justice.

Sec. 2. In the tribunal of religious, the promoter of justice is moreover to be a member of the same religion.

Can. 1590.

1983 Code correlation: 1983 CIC 1436

Sec. 1. The promoter of justice and defender of the bond chosen for the totality of causes do not cease from office when the episcopal see is vacant, nor can they be removed by the Vicar Capitular; but when the new Prelate arrives, they need confirmation.

Sec. 2. Nevertheless, a just cause intervening, the Bishop can remove them.

ARTICLE IV: Of Couriers and Apparitors

Can. 1591.

1983 Code correlation: NA

Sec. 1. For intimating judicial acts, unless there is another approved custom of the tribunal, couriers are to be constituted either for all causes or for a particular cause; likewise apparitors for carrying out the execution of sentences and decrees of the judge, when he commits it.

Sec. 2. The same person can discharge both offices.

Can. 1592. Let them themselves be lay persons, unless prudence in some cause suggests that ecclesiastics be assumed for this function; but as regards their nomination, suspension, and revocation, the same rules are to be observed which are established for notaries in can. 373.

1983 Code correlation: NA

Can. 1593. Acts which these persons have made have public faith.

1983 Code correlation: NA

CHAPTER II: Of the Ordinary Tribunal of Second Instance

Can. 1594.

1983 Code correlation: 1983 CIC 1438

Sec. 1. From the tribunal of a suffragan Bishop appeal is made to the Metropolitan.

Sec. 2. From causes handled in first instance before the Metropolitan, appeal is made to the local Ordinary whom the Metropolitan himself, with the Apostolic See approving, has designated once for all.

Sec. 3. For causes first conducted before an Archbishop who lacks suffragans, or before a local Ordinary immediately subject to the Apostolic See, appeal is made to the Metropolitan of whom in can. 285.

Sec. 4. Among exempt religious, for all causes conducted before the provincial Superior, the tribunal of second instance is with the supreme Moderator; for causes conducted before the local Abbot, with the supreme Moderator of the monastic Congregation; but for causes of which in can. 1579, Sec. 3, the prescription of Secs. 1, 2, 3 of this canon is to be observed.

Can. 1595. The tribunal of appeal must be constituted in the same manner as the tribunal of first instance; and the same rules, adapted to the matter, are to be observed in the discussion of the cause.

1983 Code correlation: 1983 CIC 1441

Can. 1596. If a cause was heard collegially in first instance, also in the grade of appeal it must be defined collegially and not by a smaller number of judges.

1983 Code correlation: 1983 CIC 1441

CHAPTER III: Of the Ordinary Tribunals of the Apostolic See

Can. 1597. The Roman Pontiff, for the whole Catholic world, according to the norm of can. 1569, is the supreme judge, who gives judgment either himself personally, or through tribunals constituted by himself, or through judges delegated by himself.

1983 Code correlation: 1983 CIC 1442

ARTICLE I: Of the Sacred Roman Rota

Can. 1598.

1983 Code correlation: 1983 CIC 1443

Sec. 1. The ordinary tribunal constituted by the Holy See for receiving appeals is the Sacred Roman Rota, which is a collegial tribunal consisting of a fixed number of Auditors, over whom presides the Dean, who is first among equals.

Sec. 2. These must be priests furnished with a doctoral degree at least in both laws.

Sec. 3. The election of Auditors is reserved to the Roman Pontiff.

Sec. 4. The Sacred Rota gives judgment either through individual turns of three Auditors, or with all seeing the matter, unless for some cause the Supreme Pontiff establishes otherwise.

Can. 1599.

1983 Code correlation: 1983 CIC 1444

Sec. 1. The Sacred Rota judges:

1. In second instance, causes which have been judged in first grade by the tribunals of any Ordinaries whatever and are brought to the Holy See by legitimate appeal.

2. In last instance, causes already heard by the Sacred Rota itself and by any other tribunals in second or further instance, which have not passed into a judged matter.

Sec. 2. This tribunal judges also in first instance the causes of which in can. 1557, Sec. 2, or others which the Roman Pontiff, either by his own motion or at the instance of the parties, has called to his own tribunal and committed to the Sacred Rota; and these, unless otherwise provided in the rescript of commission, the Sacred Rota judges also in second and third instance by means of turns succeeding one another.

Can. 1600. Greater causes are entirely excluded from the ambit of competence of this tribunal.

1983 Code correlation: NA

Can. 1601. Against decrees of Ordinaries there is no appeal or recourse to the Sacred Rota; but Sacred Congregations take cognizance exclusively of recourses of this kind.

1983 Code correlation: 1983 CIC 1400, 1445

ARTICLE II: Of the Apostolic Signatura

Can. 1602. The Supreme Tribunal of the Apostolic Signatura consists of some Cardinals of the Holy Roman Church, one of whom performs the office of Prefect.

1983 Code correlation: NA

Can. 1603.

1983 Code correlation: 1983 CIC 1445

Sec. 1. The Apostolic Signatura sees by ordinary power:

1. Concerning violation of secrecy, and concerning damages inflicted by Auditors of the Sacred Rota because they placed a null or unjust act.

2. Concerning an exception of suspicion against some Auditor of the Sacred Rota.

3. Concerning a complaint of nullity against a rotal sentence.

4. Concerning a petition for restitution in integrum against a rotal sentence which has passed into a judged matter.

5. Concerning recourses against rotal sentences in matrimonial causes which the Sacred Rota refused to admit to a new examination.

6. Concerning a conflict of competence which happens to arise among inferior tribunals, according to the norm of can. 1612, Sec. 2.

Sec. 2. It sees by delegated power concerning petitions presented by supplicatory libelli to the Most Holy One for obtaining the commission of a cause before the Sacred Rota.

Can. 1604.

1983 Code correlation: NA

Sec. 1. In a criminal cause, of which in can. 1603, Sec. 1, n. 1, if perhaps there is place for a judgment of appeal, this is obtained before the Supreme Tribunal itself.

Sec. 2. In a case of suspicion, the Apostolic Signatura defines whether there is place for the recusation of the Auditor or not; when this has been done, it remits the trial to the Sacred Rota so that, according to its ordinary rules, it may proceed, the Auditor against whom the exception was moved remaining in his turn or being excluded.

Sec. 3. In a case of complaint of nullity or restitution in integrum or recourse of which in can. 1603, Sec. 1, nn. 3, 4, 5, it judges only this: whether the rotal sentence is null, whether there is place for restitution, or whether the recourse is to be admitted; and, nullity having been declared or restitution having been granted or the recourse having been admitted, it remits the cause to the Sacred Rota, unless the Most Holy One has provided otherwise.

Sec. 4. In the examination of supplicatory libelli, the Signatura, having obtained opportune information and having heard those whose interest it is, decrees whether the prayers are to be granted or not.

Can. 1605.

1983 Code correlation: NA

Sec. 1. Sentences of the Supreme Tribunal of the Signatura have their force, although they do not contain the reasons in fact and in law.

Sec. 2. Nevertheless, either at the instance of a party or from office, if the matter demands it, the Supreme Tribunal can decree that the aforesaid reasons be set forth according to the rules proper to the Tribunal.

CHAPTER IV: Of the Delegated Tribunal

Can. 1606. Delegated judges are held to observe the rules established in can. 199-207, 209.

1983 Code correlation: NA

Can. 1607.

1983 Code correlation: NA

Sec. 1. A judge delegated by the Holy See can use the ministers constituted in the Curia of the diocese in which he must judge; but he can also choose and assume any others whom he prefers, unless another thing is provided in the rescript of delegation.

Sec. 2. Judges delegated by local Ordinaries, however, must use the ministers of the diocesan Curia, unless in some particular case the Bishop has decreed that his own and extraordinary ministers are to be constituted because of a grave cause.

TITLE III: Of Discipline to Be Observed in Tribunals

CHAPTER I: Of the Office of Judges and Ministers of the Tribunal

Can. 1608. A competent judge is not to refuse his ministry to a party legitimately requiring it, with the prescription of can. 1625, Sec. 1 remaining firm.

1983 Code correlation: NA

Can. 1609.

1983 Code correlation: NA

Sec. 1. Before a judge draws anyone to his tribunal and sits to judge, he is to see whether he himself is competent or not.

Sec. 2. And in the same way, before he admits someone to act, he is held to know whether that person can stand in judgment by right.

Sec. 3. It is not necessary, however, that these things be reported in the acts.

Can. 1610.

1983 Code correlation: 1983 CIC 1460

Sec. 1. If an exception is proposed against the competence of the judge, the judge himself must see concerning this matter.

Sec. 2. In the case of an exception concerning relative incompetence, if the judge pronounces himself competent, his decision does not admit appeal.

Sec. 3. But if the judge declares himself incompetent, the party who considers himself aggrieved can within the space of ten days interpose appeal to the superior tribunal.

Can. 1611. A judge recognizing himself to be absolutely incompetent at any stage of the cause is held to declare his incompetence.

1983 Code correlation: 1983 CIC 1461

Can. 1612.

1983 Code correlation: 1983 CIC 1416

Sec. 1. If among two or more judges a controversy arises as to which of them is competent for some business, the matter is to be defined by the immediately superior tribunal.

Sec. 2. But if the judges among whom a conflict of competence exists are subject to distinct superior tribunals, the definition of the controversy is reserved to the superior tribunal of that judge before whom the action was first promoted; if they do not have a superior tribunal, the conflict is to be settled either by the Legate of the Holy See, if one is present, or by the Apostolic Signatura.

Can. 1613.

1983 Code correlation: 1983 CIC 1448

Sec. 1. A judge is not to undertake hearing a cause in which, by reason of consanguinity or affinity in any grade of the direct line and in the first and second grade of the collateral line, or by reason of tutelage and curatorship, intimacy of life, great enmity, or gain to be made or loss to be avoided, something concerns him, or in which he previously acted as advocate or procurator.

Sec. 2. In the same circumstances the promoter of justice and defender of the bond must abstain from their office.

Can. 1614.

1983 Code correlation: 1983 CIC 1449

Sec. 1. When a judge, although competent, is recusated by a party as suspect, this exception, if proposed against a delegated judge who is sole in the cause or against the college or the greater part of the delegated judges, is to be defined by the delegating authority; if against one or another of several delegated judges, even the president of the college, by the other delegated and non-suspect judges; if against an Auditor of the Sacred Rota, by the Apostolic Signatura according to the norm of can. 1603, Sec. 1, n. 2; if against an officialis, by the Bishop; if against an auditor, by the principal judge.

Sec. 2. If the Ordinary himself is judge and an exception of suspicion is opposed against him, either he is to abstain from judging or he is to commit the question of suspicion to be defined by the immediately superior judge.

Sec. 3. If an exception of suspicion is opposed against the promoter of justice, the defender of the bond, or other administrators of the tribunal, the president sees concerning this exception in a collegial tribunal, or the judge himself, if he is sole.

Can. 1615.

1983 Code correlation: 1983 CIC 1450

Sec. 1. If a sole judge, or some or even all judges who constitute a collegial tribunal, are declared suspect, the persons must be changed, but not the grade of trial.

Sec. 2. It belongs to the Ordinary to substitute, in place of the judges who have been declared suspect, others immune from suspicion.

Sec. 3. But if the Ordinary himself has been declared suspect, the immediately superior judge is to do the same.

Can. 1616. An exception of suspicion is to be defined most expeditiously, the parties, the promoter of justice, or the defender of the bond having been heard, if they are involved and suspicion does not fall upon them.

1983 Code correlation: 1983 CIC 1451

Can. 1617. As regards the time at which exceptions of incompetence and suspicion are to be proposed, the prescription of can. 1628 is to be observed.

1983 Code correlation: NA

Can. 1618. In a business which concerns private persons only, the judge can proceed only at the instance of a party; but in delicts, and in those things which regard the public good of the Church or the salvation of souls, also from office.

1983 Code correlation: 1983 CIC 1452

Can. 1619.

1983 Code correlation: 1983 CIC 1452

Sec. 1. If the actor does not bring forth proofs which he could bring forth for his matter, or the defendant does not oppose exceptions competent to himself, the judge is not to supply them.

Sec. 2. But if the matter concerns either the public good or the salvation of souls, he can and must supply them.

Can. 1620. Judges and tribunals are to take care that as quickly as possible, with justice preserved, all causes are finished, and that in the tribunal of first instance they are not prolonged beyond two years, and in the tribunal of second instance beyond one year.

1983 Code correlation: 1983 CIC 1453

Can. 1621.

1983 Code correlation: 1983 CIC 1454

Sec. 1. Excepting a Bishop who exercises judicial power personally, all who constitute a tribunal or bring assistance to it must render an oath concerning the office to be fulfilled rightly and faithfully before the Ordinary or before the judge by whom they were chosen, or before an ecclesiastical man delegated by either; and this from the beginning of the office undertaken, if they are stable, or before the cause is conducted, if they have been constituted for some particular cause.

Sec. 2. Even a judge delegated by the Apostolic See or an ordinary judge in an exempt clerical religion is held to render the same oath when the tribunal is first constituted, the notary of that tribunal being present, who is to draw up an act concerning the oath rendered.

Can. 1622.

1983 Code correlation: NA

Sec. 1. Whenever an oath is rendered either by judges or administrators of the tribunal, or by parties, witnesses, or experts, it must always be emitted with the invocation of the divine Name having been premised, and by priests indeed with the breast touched, but by the other faithful, with the book of the Gospels touched.

Sec. 2. The judge receiving a party, witness, or expert to the oath is regularly to admonish him both concerning the sanctity of the act and concerning the most grave delict which violators of an oath admit, and also concerning the penalties to which those who falsely affirm under oath in judgment become liable.

Sec. 3. The oath must be rendered according to the formula approved by the judge before the same judge or his delegate, with both parties or either party being present if they wish to be present at the rendering of the oath.

Can. 1623.

1983 Code correlation: 1983 CIC 1455

Sec. 1. In a criminal trial always, but in a contentious one if from the revelation of some procedural act prejudice could come to the parties, judges and assistants of the tribunal are held to official secrecy.

Sec. 2. They are also always held to preserving inviolable secrecy concerning the discussion which is held in a collegial tribunal before sentence is rendered, and also concerning the various votes and opinions brought forth there.

Sec. 3. Indeed, whenever the nature of the cause or proofs is such that from publication of the acts or proofs the reputation of others is endangered, or occasion is furnished for dissensions, or scandal or another inconvenience of that kind arises, the judge can bind witnesses, experts, parties, and their advocates or procurators by oath to keeping secrecy.

Can. 1624. The judge and all administrators of the tribunal are prohibited from accepting any gifts on the occasion of conducting the trial.

1983 Code correlation: 1983 CIC 1456

Can. 1625.

1983 Code correlation: 1983 CIC 1457

Sec. 1. Judges who, although they are certainly and evidently competent, refuse to render justice, or who rashly declare themselves competent, or who from culpable negligence or fraud place a null or unjust act to the detriment of others or inflict other damage on litigants, are liable for damages and can be punished by the local Ordinary or, if there is question of a Bishop, by the Apostolic See, at the instance of a party or even from office, with suitable penalties according to the gravity of the fault, not excluding privation of office.

Sec. 2. Judges who have presumed to violate the law of secrecy or communicate secret acts with others in any way whatever are to be punished with a monetary fine and other penalties, not excluding privation of office, according to the diverse gravity of the offense, with peculiar statutes preserved by which graver penalties may be prescribed.

Sec. 3. The same sanctions bind officials and assistants of the tribunal if, as above, they have failed in their office; all of whom the judge also can punish.

Can. 1626. When the judge foresees that the actor will probably despise the ecclesiastical sentence if perhaps it is contrary to him, and that for this reason the rights of the defendant will not be sufficiently consulted, he can, at the instance of the same defendant or even from office, compel the actor to furnish a suitable security for observing the ecclesiastical sentence.

1983 Code correlation: NA

CHAPTER II: Of the Order of Cognitions

Can. 1627. Judges and tribunals are held to hear causes brought before them in that order in which they were proposed, unless some one of them requires speedy expedition before the others, which indeed is to be established by a peculiar decree by the judge or by the tribunal.

1983 Code correlation: 1983 CIC 1458

Can. 1628.

1983 Code correlation: 1983 CIC 1459

Sec. 1. Dilatory exceptions, especially those which regard persons and the manner of trial, are to be proposed and heard before the joinder of issue, unless they first emerge after issue has already been joined, or a party affirms by oath that they became known to him only then.

Sec. 2. Nevertheless an exception concerning the absolute incompetence of the judge can be opposed by the parties in any state and grade of the cause.

Sec. 3. Likewise the exception of excommunication can be opposed in any state and grade of trial, provided it is before definitive sentence; indeed, if there is question of excommunicated persons to be avoided, or of tolerated persons against whom a condemnatory or declaratory sentence has been rendered, they must always be excluded from office.

Can. 1629.

1983 Code correlation: 1983 CIC 1462

Sec. 1. Peremptory exceptions which are called of a finished lawsuit, such as the exception of a judged matter, transaction, etc., must be proposed and heard before the joinder of issue; he who has opposed them later is not to be rejected, but is to be condemned in expenses, unless he proves that he did not maliciously delay the opposition.

Sec. 2. Other peremptory exceptions must be proposed after issue has been joined, and are to be treated in their own time according to the rules concerning incidental questions.

Can. 1630.

1983 Code correlation: 1983 CIC 1463

Sec. 1. Reconventional actions can preferably be proposed immediately after the joinder of issue, usefully at any moment of the trial, yet before sentence.

Sec. 2. They are to be heard together with the conventional action, that is, in an equal grade with it, unless it is necessary to hear them separately or the judge has judged it more opportune.

Can. 1631. Questions concerning security to be furnished for judicial expenses or concerning the concession of gratuitous advocacy, which had been sought immediately from the beginning, and other things of this kind are regularly to be seen before the joinder of issue.

1983 Code correlation: 1983 CIC 1464

Can. 1632. Whenever, after the principal controversy has been proposed, a prejudicial question arises, that is, one of such a kind that the solution of the principal question depends on its solution, that question must be heard by the judge before all else.

1983 Code correlation: NA

Can. 1633.

1983 Code correlation: NA

Sec. 1. If incidental questions arise from the principal controversy, those whose solution prepares the way for the solution of others are to be heard first.

Sec. 2. But if they cohere with one another by no logical connection, those which were proposed earlier by either party are to be defined first.

Sec. 3. If a question concerning spoliation arises incidentally, this must be settled before all else.

CHAPTER III: Of Delays and Fatal Terms

Can. 1634.

1983 Code correlation: 1983 CIC 1465

Sec. 1. Those things which are called the fatalia of law, that is, terms constituted by law for extinguishing rights, cannot be prorogued.

Sec. 2. Judicial and conventional terms, however, before their lapse, can be prorogued by the judge, with a just cause intervening, the parties having been heard or petitioning.

Sec. 3. Nevertheless the judge is to beware lest the lawsuit become too long-lasting from prorogation.

Can. 1635. If a day appointed for a judicial act is a feast day, and in the decree of the judge it is not expressly said that the tribunal will nevertheless be open for hearing causes, the term is understood to be prorogued to the first following non-feast day.

1983 Code correlation: 1983 CIC 1467

CHAPTER IV: Of the Place and Time of Judgment

Can. 1636. Although the Bishop has the right of erecting a tribunal in any place of his diocese which is not exempt, nevertheless he is to establish, at his own see, a hall which is to be the ordinary place of judgments; and there an image of the Crucified is to stand forth, and a book of the Gospels is to be present.

1983 Code correlation: 1983 CIC 1468

Can. 1637. A judge expelled by force from his territory or impeded from exercising jurisdiction there can exercise his jurisdiction outside the territory and render sentence, with the local Ordinary nevertheless having been made more certain concerning this matter.

1983 Code correlation: 1983 CIC 1469

Can. 1638.

1983 Code correlation: 1983 CIC 1468

Sec. 1. In each diocese the Ordinary is to take care that, by public decree, days and hours be defined, opportune according to the circumstances of place and times, on which the tribunal can regularly be approached and the administration of justice be demanded from it.

Sec. 2. Nevertheless, for a just cause, and whenever there is danger in delay, it is lawful for the faithful at any time to invoke the ministry of the judge for the protection of their own right or of the public good.

Can. 1639.

1983 Code correlation: NA

Sec. 1. Feast days of precept and the last three days of Holy Week are to be held as ferial; and on them it is forbidden to intimate citations, to hold hearings, to examine parties and witnesses, to assume proofs, to render, denounce, and execute decrees and sentences, unless necessity, Christian charity, or the public good demands otherwise.

Sec. 2. But it belongs to the judge in individual cases to determine and denounce whether and what acts must be completed on the above-mentioned days.

CHAPTER V: Of Persons To Be Admitted to Judicial Discussion and of the Manner of Making and Preserving Acts

Can. 1640.

1983 Code correlation: 1983 CIC 1470

Sec. 1. While causes are conducted before the tribunal, strangers are to be kept from the hall, and only those persons are to be present whom the judge has judged necessary for expediting the process.

Sec. 2. All those assisting at the trial who gravely fail in the reverence and obedience owed to the tribunal can be recalled to duty by the judge, even immediately and on the spot if someone sins in this while the tribunal is sitting, also by censures or other suitable penalties; advocates and procurators, moreover, can also be deprived of the right of treating other causes before ecclesiastical tribunals.

Can. 1641. If a person ignorant of the language of the place intervenes in some procedural act and the judges and parties do not understand the proper language of this person, a sworn interpreter is to be employed, designated by the judge, against whom neither party has proposed a legitimate exception.

1983 Code correlation: 1983 CIC 1471

Can. 1642.

1983 Code correlation: 1983 CIC 1472

Sec. 1. Judicial acts, both those which regard the merit of the question, or acts of the cause, for example sentences and proofs of every kind, and those which pertain to the form of proceeding, or acts of the process, for example citations, intimations, etc., must be reduced to writing.

Sec. 2. Unless a just cause persuades otherwise, insofar as this can be done, they are to be written in the Latin language; but the interrogations and responses of witnesses, and other similar things, must be made in the vernacular language.

Can. 1643.

1983 Code correlation: 1983 CIC 1472-73

Sec. 1. The individual sheets of the process are to be numbered; and the signature of the actuary with the seal of the tribunal is to be placed on each sheet.

Sec. 2. When individual acts have been completed or interrupted or remitted to another session, the signature of the actuary and of the judge or president of the tribunal is to be placed.

Sec. 3. Whenever in judicial acts the signature of parties or witnesses is required, if the party or witness cannot or will not make it, this is to be noted in the acts themselves, and at the same time the judge and actuary are to attest that the act itself was read word for word to the party or witness, and that the party or witness either could not or would not sign.

Can. 1644.

1983 Code correlation: 1983 CIC 1474

Sec. 1. In case of appeal, copies of the acts, written according to the norm of can. 1642, 1643 and bound into a fascicle, with an index of all acts and documents and with the attestation of the actuary or chancellor concerning their faithful transcription and integrity, are to be sent to the higher tribunal; if copies cannot be transcribed without grave inconvenience, the original acts themselves are to be sent with opportune precautions.

Sec. 2. If they must be sent to a place where the vernacular language is not known, the acts themselves are to be translated into the Latin language, precautions being employed so that the faithful translation is established.

Sec. 3. If the acts have not been made in the required form and script, they can be rejected by the higher judge; in which case those to whom fault is imputable are bound to make and send the acts again at their own expense.

Can. 1645.

1983 Code correlation: 1983 CIC 1475

Sec. 1. When the judgment has been completed, documents must be restored to the parties, unless in criminal matters, with the public good so requiring, the judge has judged that something must be retained.

Sec. 2. All documents which remain with the tribunal are to be deposited in the archive of the Curia, whether public or secret, according as their nature requires.

Sec. 3. Notaries, actuaries, and the chancellor are prohibited from handing over a copy of judicial acts and documents which have been acquired for the process without a mandate of the judge.

Sec. 4. Anonymous letters which contribute nothing to the merit of the cause, and also signed letters which are certainly calumnious, are to be destroyed.

TITLE IV: Of the Parties in a Cause

CHAPTER I: Of the Actor and the Defendant

Can. 1646. Anyone can act in judgment, unless he is prohibited by the sacred canons; but a defendant legitimately convened must respond.

1983 Code correlation: 1983 CIC 1476

Can. 1647. Although the actor or defendant has constituted a procurator or advocate, he is nevertheless always bound to be present personally in judgment according to the prescription of law or of the judge.

1983 Code correlation: 1983 CIC 1477

Can. 1648.

1983 Code correlation: 1983 CIC 1478

Sec. 1. For minors and those who are destitute of the use of reason, their parents, tutors, or curators are bound to act and respond.

Sec. 2. If the judge thinks that their rights are in conflict with the rights of the parents or tutors or curators, or that they are so far distant from the parents or tutors or curators that it is either not at all or only with difficulty possible to use them, then they are to stand in judgment through a curator given by the judge.

Sec. 3. But in spiritual causes and in causes connected with spiritual things, if minors have attained the use of reason, they can act and respond without the consent of the father or tutor; and indeed, if they have completed the age of fourteen years, even by themselves; otherwise through a tutor given by the Ordinary, or even through a procurator constituted by themselves with the authority of the Ordinary.

Can. 1649. In the name of those of whom in can. 100, Sec. 3, the rector or administrator stands in judgment, with the prescription of can. 1653 remaining firm; but in a conflict of their rights with the rights of the rector or administrator, a procurator designated by the Ordinary stands.

1983 Code correlation: 1983 CIC 1480

Can. 1650. Those interdicted from goods, and those who are of less firm mind, can stand in judgment by themselves only so that they may respond concerning their own delicts, or according to the prescription of the judge; in other matters they must act and respond through their curators.

1983 Code correlation: 1983 CIC 1478

Can. 1651.

1983 Code correlation: 1983 CIC 1479

Sec. 1. In order that a curator given to someone by civil authority be admitted by an ecclesiastical judge, the consent of the proper Ordinary of the one to whom he has been given must accede.

Sec. 2. The Ordinary can also constitute another curator for the ecclesiastical forum, if, all things having been maturely weighed, he has prudently judged that this must be established.

Can. 1652. Religious do not have the person of standing in judgment without the consent of Superiors, except in the cases which follow:

1983 Code correlation: NA

1. If there is question of vindicating against the religion rights acquired for themselves from profession.

2. If they legitimately dwell outside the cloister and the protection of their rights urges.

3. If they wish to institute a denunciation against the Superior himself.

Can. 1653.

1983 Code correlation: 1983 CIC 1480

Sec. 1. Local Ordinaries can stand in judgment in the name of a cathedral church or episcopal mensa; but, so that they may act licitly, they must hear the cathedral Chapter or Council of administration, or have their consent or counsel, whenever the sum of money in danger is one for the alienation of which, according to the norm of can. 1532, the consent or counsel of the same is required.

Sec. 2. All beneficiaries can act or respond in judgment in the name of the benefice; nevertheless, so that they may do this licitly, they must observe the prescription of can. 1526.

Sec. 3. Prelates and Superiors of Chapters, sodalities, and any colleges whatsoever cannot stand in judgment in the name of each one's own community without the consent of the same according to the norm of the statutes.

Sec. 4. Against those of whom in Secs. 1-3, if they have acted in judgment without the prescribed consent or counsel, the pious cause or community has the right to reparation of damages.

Sec. 5. In a case of defect or negligence of the one who performs the office of administrator, the local Ordinary himself can stand in judgment, by himself or through another, in the name of moral persons which are under his jurisdiction.

Sec. 6. Religious Superiors cannot stand in judgment in the name of their community, except according to the norm of the constitutions.

Can. 1654.

1983 Code correlation: NA

Sec. 1. Excommunicated persons to be avoided, or tolerated persons after a declaratory or condemnatory sentence, are permitted to act by themselves only to impugn the justice or legitimacy of the excommunication itself; through a procurator, to avert any other prejudice of their soul; in the remaining matters they are repelled from acting.

Sec. 2. Other excommunicated persons generally can stand in judgment.

CHAPTER II: Of Procurators ad lites and Advocates

Can. 1655.

1983 Code correlation: 1983 CIC 1481

Sec. 1. In a criminal judgment the accused must always have an advocate either chosen by himself or given by the judge.

Sec. 2. Also in a contentious judgment, if there is question of minors or of a judgment in which the public good is involved, the judge is to assign ex officio a defender to a party lacking one, or, if the case bears it, add one also to a party who has another.

Sec. 3. Apart from these cases, a party can freely constitute an advocate and procurator, but he can also act and respond in judgment by himself, unless the judge has considered the ministry of a procurator or advocate necessary.

Sec. 4. But a Bishop, whenever he is in a cause, is to constitute someone who bears his person under the name of procurator.

Can. 1656.

1983 Code correlation: 1983 CIC 1482

Sec. 1. Each person can choose a single procurator, who cannot substitute another for himself unless express faculty has been given to him.

Sec. 2. But if, with a just cause suggesting it, several are deputed by the same person, they are to be constituted so that there is place for prevention among them.

Sec. 3. Several advocates, however, can be constituted at the same time.

Sec. 4. The same person can exercise both offices, of procurator and of advocate, even in the same cause and for the same client.

Can. 1657.

1983 Code correlation: 1983 CIC 1483

Sec. 1. A procurator and advocate must be Catholics, of major age, and of good reputation; a non-Catholic is not admitted except by exception and from necessity.

Sec. 2. An advocate must moreover be a doctor or otherwise truly expert, at least in canon law.

Sec. 3. A religious can be admitted, unless something else is provided in the constitutions, only in causes in which the advantage of his religion is involved, yet with the license of the Superior.

Can. 1658.

1983 Code correlation: 1983 CIC 1483

Sec. 1. Anyone can be freely chosen and deputed as procurator by a party, provided he is suitable according to the preceding canon, without there being need for the approval of the Ordinary to have preceded.

Sec. 2. But an advocate, in order to be admitted to patronage, needs the approval of the Ordinary, which may be either general for all causes or special for a certain cause.

Sec. 3. In a judgment before a delegate of the Holy See, it belongs to the delegate himself to approve and admit the advocate whom the party has shown that he wishes to use.

Sec. 4. The procurator and advocate, in causes which according to the norm of can. 1579, Secs. 1, 2 are conducted in the tribunal of a religion, are to be chosen from the same religion and, before undertaking patronage, approved by him who performs the part of judge in the cause; but in causes which according to the norm of the same canon Sec. 3 are treated before the tribunal of the local Ordinary, one outside the religion can also be admitted.

Can. 1659.

1983 Code correlation: 1983 CIC 1484

Sec. 1. A procurator is not to be admitted by the judge before he has deposited at the tribunal a special mandate for lawsuits in writing, even at the foot of the citation itself, furnished with the signature of the mandating person, and referring to the place, day, month, and year.

Sec. 2. But if the mandating person does not know how to write, it is necessary that this very thing be established from the writing, and that the pastor or notary of the Curia or two witnesses sign the mandate in place of the mandating person.

Can. 1660. The mandate of procuration must be preserved in the acts of the cause.

1983 Code correlation: 1983 CIC 1484

Can. 1661. An advocate, in order to undertake the patronage of a cause, must have from the party or from the judge a commission after the manner of a procuratorial mandate, concerning which there must be proof in the

acts.

1983 Code correlation: 1983 CIC 1484

Can. 1662. Unless he has had a special mandate, the procurator cannot renounce the action, the instance, or judicial acts, nor transact, make an agreement, compromise into arbiters, defer or refer an oath, and generally do those things for which the law requires a special mandate.

1983 Code correlation: 1983 CIC 1485

Can. 1663. Both the procurator and the advocate can be repelled by the judge, by a decree given, either from office or at the instance of a party, yet for a just cause.

1983 Code correlation: 1983 CIC 1487

Can. 1664.

1983 Code correlation: 1983 CIC 1486

Sec. 1. Advocates and procurators can be removed by the one by whom they were constituted, with the obligation of paying the honoraria owed to them saved; but in order that the removal obtain effect, it is necessary that it be intimated to them, and, if the joinder of issue has already occurred, that the judge and adverse party be made more certain concerning the removal.

Sec. 2. Once definitive sentence has been issued, the right and office of appealing, if the mandating person does not refuse, remains with the procurator.

Can. 1665.

1983 Code correlation: 1983 CIC 1488

Sec. 1. Each is forbidden to buy the lawsuit, or to make an agreement for himself concerning an immoderate profit or a vindicated part of the litigated thing.

Sec. 2. If they have done these things, the agreement is null, and they can be fined with a monetary penalty by the judge or by the Ordinary; the advocate moreover can both be suspended from office, and also, if he is a recidivist, be removed and deprived of title.

Can. 1666. Advocates and procurators who, because of gifts or promises or any other reason, have betrayed their office are to be repelled from office and, besides reparation of damages, are to be punished with a monetary fine or other suitable penalties.

1983 Code correlation: 1983 CIC 1489

TITLE V: Of Actions and Exceptions

Can. 1667. Every right is fortified not only by an action, unless something else has been expressly provided, but also by an exception, which always belongs and is by its nature perpetual.

1983 Code correlation: 1983 CIC 1491-92

Can. 1668.

1983 Code correlation: NA

Sec. 1. One who acts by a title supported by the authority of law for vindicating a thing for himself, or for pursuing his right in judgment, contends by an action which is called petitory.

Sec. 2. But if he seeks possession of a thing or quasi-possession of a right, his action is called possessory.

Can. 1669.

1983 Code correlation: 1983 CIC 1493

Sec. 1. An actor can convene a defendant by several actions at the same time, provided they do not conflict with one another, whether concerning the same thing or diverse things, if they do not exceed the competence of the tribunal approached.

Sec. 2. The defendant is not prohibited from using several exceptions, even contrary ones.

Can. 1670.

1983 Code correlation: NA

Sec. 1. The actor can in one instance cumulate possessory and petitory actions, unless an exception of spoliation is opposed from the other side.

Sec. 2. Likewise it is lawful for the defendant convened in the petitory to reconvene the actor in the possessory; and vice versa, unless the matter is about spoliation.

Can. 1671.

1983 Code correlation: NA

Sec. 1. Likewise it is lawful for the actor, before conclusion has occurred in the cause, to go back from the instituted petitory judgment to the possessory one of acquiring or recovering possession.

Sec. 2. Indeed, from a just cause the judge can permit this return even after conclusion in the cause, but before definitive sentence.

Sec. 3. It belongs to the judge, with attention to the allegations of the parties, either to define both questions by one sentence, or to satisfy first one, then the other, according as it seems to him more expedient for the swifter and fuller protection of rights.

Can. 1672.

1983 Code correlation: 1983 CIC 1496

Sec. 1. One who has shown that he has a right over some thing detained by another and that damage is imminent to him unless the thing itself is entrusted to custody has the right of obtaining from the judge the sequestration of the same thing.

Sec. 2. In similar circumstances of things he can obtain that the exercise of a right be inhibited to someone.

Sec. 3. The sequestration of a thing and the inhibition of the exercise of a right can be decreed by the judge from office, especially at the instance of the promoter of justice or the defender of the bond, whenever the public good seems to demand it.

Can. 1673.

1983 Code correlation: 1983 CIC 1497

Sec. 1. For the security of a credit also, sequestration of a thing is admitted, provided that the right of the creditor is clearly established and the norm of which in can. 1923, Sec. 1 is observed.

Sec. 2. Sequestration extends also to things of the debtor which are found with other persons by reason of deposit or by any other title.

Can. 1674. Sequestration of a thing and suspension of the exercise of a right can in no way be decreed if the damage which is feared can be repaired otherwise and suitable security is offered concerning its repair.

1983 Code correlation: 1983 CIC 1498

Can. 1675.

1983 Code correlation: NA

Sec. 1. For the custody of a thing subject to sequestration, a suitable person, with the parties proposing, is to be designated by the judge, who is called the sequester; if the parties disagree among themselves, the judge is to choose the sequester from office.

Sec. 2. The sequester, in guarding, caring for, and preserving the thing, must employ no less diligence than he employs for his own things, and afterward he is bound to return it, with all that belongs to it, to the one whom the judge has decreed.

Sec. 3. The judge is to decree a suitable wage for the sequester, if he asks it.

CHAPTER II: Of Actions from Notice of New Work and Threatened Damage

Can. 1676.

1983 Code correlation: NA

Sec. 1. One who fears that damage will come to his thing from some new work can notify the judge of it so that the work may be interrupted until the rights of each party are defined by the sentence of the judge.

Sec. 2. The one to whom the prohibition has been intimated must immediately cease from the work; but, provided that he gives suitable security that he will restore all things to their former state if, when the judgment has been completed, he departs defeated, he can obtain from the judge the continuation of the same work.

Sec. 3. For demonstrating his right, two months are prescribed for the one notifying of new work; these can be prorogued or reduced by the judge from a just and necessary cause, the other party having been heard.

Can. 1677. If an old work is changed in great part, let there be the same right as has been established concerning new work in can. 1676.

1983 Code correlation: NA

Can. 1678. One who fears that grave damage is imminent to his thing from another's building which threatens ruin, from a tree, or from any other thing whatsoever, has an action concerning threatened damage for obtaining the removal of the danger, or security concerning damage either to be averted or to be compensated if perhaps it occurs.

1983 Code correlation: NA

CHAPTER III: Of Actions on Account of Nullity of Acts

Can. 1679. If an act or contract is null by the law itself, there is given to him whose interest it is an action for obtaining from the judge a declaration of nullity.

1983 Code correlation: NA

Can. 1680.

1983 Code correlation: 1983 CIC 124

Sec. 1. Nullity of an act is had only when those things are lacking in it which essentially constitute the act itself, or when solemnities or conditions required by the sacred canons under penalty of nullity are wanting.

Sec. 2. The nullity of some act does not import the nullity of acts which precede or follow and do not depend on the act.

Can. 1681. One who placed an act infected by the defect of nullity is bound concerning damages and expenses toward the injured party.

1983 Code correlation: 1983 CIC 128

Can. 1682. The nullity of an act cannot be declared by the judge from office unless either it is publicly of interest, or there is question of the poor, or of minors or others who are considered by the right of minors.

1983 Code correlation: NA

Can. 1683. An inferior judge cannot see concerning confirmation added by the Roman Pontiff to an act or instrument, unless a mandate of the Apostolic See has preceded.

1983 Code correlation: 1983 CIC 1405

CHAPTER IV: Of Rescissory Actions and Restitution in Integrum

Can. 1684.

1983 Code correlation: NA

Sec. 1. If someone, moved by grave fear unjustly inflicted, or circumvented by fraud, has placed an act or entered a contract which is not null by the law itself, he can, once fear or fraud has been proved, obtain the rescission of the act or contract by the action which is called rescissory.

Sec. 2. By the same action, within a two-year period, one can use it who has suffered grave lesion beyond half from error in a contract.

Can. 1685. This action can be instituted:

1983 Code correlation: NA

1. Against him who brought in the fear or perpetrated the fraud, although he carried out such things not for his own advantage but for the advantage of another.

2. Against any possessor, whether of bad faith or even of good faith, who possesses things extorted by fear or fraud, with the right of recourse saved against anyone up to the author himself of the fear or fraud.

Can. 1686. If the one who brought in the fear or perpetrated the fraud urges the execution of the act or contract, the exception of fear or fraud belongs to the injured or deceived party.

1983 Code correlation: NA

Can. 1687.

1983 Code correlation: NA

Sec. 1. To minors or those enjoying the right of minors who have been gravely injured, and to their heirs and successors, for repairing the lesion from a valid but rescindable business or act, besides other ordinary remedies, there is available the extraordinary remedy of restitution in integrum.

Sec. 2. This benefit is granted also to those of major age whom a rescissory action or another ordinary remedy fails, provided they have proved that a just cause is present and that the lesion is not to be imputed to themselves.

Can. 1688.

1983 Code correlation: NA

Sec. 1. Restitution in integrum must be sought from the ordinary judge who is competent with respect to the one against whom it is sought, within four years to be computed from attained majority, if there is question of minors; from the day the lesion was made and the impediment ceased, if there is question of those of major age or of moral persons.

Sec. 2. To minors or those enjoying the right of minors, restitution can be granted by the judge even from office, the promoter of justice having been heard or at his instance.

Can. 1689. Restitution in integrum effects this, that all things are recalled to their former state, that is, restored to the state in which they were before the lesion, with the rights saved which others in good faith acquired before the restitution was sought.

1983 Code correlation: NA

CHAPTER V: Of Mutual Petitions or Reconventional Actions

Can. 1690.

1983 Code correlation: 1983 CIC 1494

Sec. 1. An action which the defendant institutes before the same judge in the same judgment against the actor for removing or diminishing his petition is called reconvention.

Sec. 2. Reconvention of reconvention is not admitted.

Can. 1691. A reconventional action can have place in all contentious causes, with causes of spoliation excepted; in criminal causes, however, it is not admitted except according to the norm of can. 2218, Sec. 3.

1983 Code correlation: NA

Can. 1692. It is to be proposed to the judge before whom the principal action has been instituted, although delegated for one cause only or otherwise incompetent, unless he is absolutely incompetent.

1983 Code correlation: 1983 CIC 1495

CHAPTER VI: Of Possessory Actions or Remedies

Can. 1693. One who is fortified by a legitimate title for obtaining possession of some thing, or for obtaining the exercise of some right, can petition that he be placed into possession of the thing or into the exercise of the right.

1983 Code correlation: 1983 CIC 1500

Can. 1694. Not only possession, but also simple detention, furnishes, according to the norm of the canons which follow, a possessory action or exception.

1983 Code correlation: 1983 CIC 1500

Can. 1695.

1983 Code correlation: 1983 CIC 1500

Sec. 1. One who has remained for a full year in possession of a thing or in quasi-possession of a right, if he suffers disturbance preventing him from retaining his possession or quasi-possession, has an action for retaining possession.

Sec. 2. This action is not admitted except within a year from the disturbance inflicted, against the author of the disturbance, so that he may desist from the disturbances.

Can. 1696.

1983 Code correlation: 1983 CIC 1500

Sec. 1. Even one who possesses by force, secretly, or by sufferance can use an action for retaining possession against any disturber whatever, but not against the person from whom he himself seized the thing by force or secretly, or received it by sufferance.

Sec. 2. In causes which regard the public good, the promoter of justice has the right of opposing the defect of possession against one who possesses by force, secretly, or by sufferance.

Can. 1697.

1983 Code correlation: 1983 CIC 1500

Sec. 1. If a controversy arises between two persons as to which of them possesses, he is to be preferred in possession who within the year exercised more frequent and stronger acts of possession.

Sec. 2. In doubt, the judge is to attribute possession pro indiviso to each party.

Sec. 3. If the nature of the thing or right, or the danger of contentions and quarrels, does not permit possession meanwhile to be attributed pro indiviso to the litigants, the judge is to order the thing to be deposited with a sequester, or the quasi-possession of the right to be suspended, until the outcome of the petitory judgment.

Can. 1698.

1983 Code correlation: 1983 CIC 1500

Sec. 1. One who has been cast out by force or secretly in any way from possession of a thing or quasi-possession of a right has, against any author of spoliation or detainer of the thing, an action for recovering possession or concerning spoliation, and an exception of spoliation.

Sec. 2. This action is not admitted after a year has passed from when the one suffering spoliation had notice of the thing; the exception, on the contrary, is perpetual.

Can. 1699.

1983 Code correlation: 1983 CIC 1500

Sec. 1. One despoiled, excepting against the spoiler and proving the spoliation, is not bound to respond unless he has first been restored into his possession.

Sec. 2. In order that the despoiled one be restored into possession, he must prove nothing else except the spoliation itself.

Sec. 3. But if in the restitution of the thing or of the exercise of the right some danger occurs, for example of cruelties, when a husband seeks the restoration of conjugal companionship against his wife, the judge, at the instance of a party or of the promoter of justice, according to the diverse circumstances of persons and causes, is to decree either that the restitution be suspended, or that the thing or person be guarded with a sequester, until the cause is defined by a petitory judgment.

Can. 1700. Possessory judgments are to be completed with only the adverse party cited in judgments of retaining or recovering possession; but with all those whose interest it is cited in judgments of acquiring possession.

1983 Code correlation: 1983 CIC 1500

CHAPTER VII: Of the Extinction of Actions

Can. 1701. In contentious matters, actions both real and personal are extinguished by prescription according to the norm of can. 1508-1512; but actions concerning the status of persons are never extinguished.

1983 Code correlation: 1983 CIC 1492

Can. 1702. Every criminal action is extinguished by the death of the accused, by condonation of legitimate power, and by lapse of the useful time for proposing the criminal action.

1983 Code correlation: NA

Can. 1703. With the prescription of can. 1555, Sec. 1 concerning delicts reserved to the Sacred Congregation of the Holy Office remaining firm, the useful time for proposing a criminal action is three years, unless there is question:

1983 Code correlation: 1983 CIC 1362

1. Of an action for injuries, which is extinguished in one year.

2. Of an action on account of delicts qualified against the sixth and seventh divine precept, which is extinguished in five years.

3. Of actions on account of simony or homicide, against which a criminal action endures for ten years.

Can. 1704. Once a criminal action has been removed by prescription:

1983 Code correlation: NA

1. A contentious action, perhaps arisen from the delict, for repairing damages is not by that very fact removed.

2. The Ordinary can still use the remedies established in can. 2222, Sec. 2.

Can. 1705.

1983 Code correlation: 1983 CIC 1363

Sec. 1. Prescription in contentious matters runs from the time when the action first could be proposed by law; in criminal matters, from the day the delict was perpetrated.

Sec. 2. If the delict has a successive course, as they call it, prescription does not run except from the day on which the course of the delict ceased.

Sec. 3. In a habitual or continued delict, prescription does not run except after the last act; and one convened on account of some criminal act not prescribed is bound concerning older acts which are connected with the same act, even if, taken individually, they would be excluded by prescription.

TITLE VI: Of the Introduction of a Cause

CHAPTER I: Of the Libellus Introducing Litigation

Can. 1706. One who wishes to convene someone must present a libellus to the competent judge, in which the object of the controversy is proposed, and the ministry of the judge is requested for pursuing the rights brought forward.

1983 Code correlation: 1983 CIC 1502

Can. 1707.

1983 Code correlation: 1983 CIC 1503

Sec. 1. One who does not know how to write, or is legitimately impeded from presenting a libellus, can propose his petition orally before the tribunal.

Sec. 2. Likewise in causes of easier investigation and lesser moment, and therefore to be expedited quickly, the admission of a petition made orally to himself is left to the judgment of the judge.

Sec. 3. In each case, however, the judge is to order a notary to reduce the act to writing, which is to be read to the actor and approved by him.

Can. 1708. The libellus by which litigation is introduced must:

1983 Code correlation: 1983 CIC 1504

1. Express before which judge the cause is introduced, what is sought, and from whom it is sought.

2. Indicate, at least generally, by what right the actor is supported for proving those things which are alleged and asserted.

3. Be signed by the actor or his procurator, with the day, month, and year added, and also the place in which the actor or his procurator lives, or has said that he resides for the sake of receiving the acts.

Can. 1709.

1983 Code correlation: 1983 CIC 1505

Sec. 1. The judge or tribunal, after he has seen both that the matter belongs to his competence and that the actor has a legitimate person for standing in judgment, must as quickly as possible either admit or reject the libellus, with the causes of rejection added in this latter case.

Sec. 2. If by decree of the judge the libellus has been rejected because of defects which can be emended, the actor can again present to the same judge a new libellus duly made; but if the judge rejects the emended libellus, he must explain the reasons for the new rejection.

Sec. 3. Against rejection of the libellus it always remains open to the party, within the useful time of ten days, to interpose recourse to the higher tribunal; by which, the party and the promoter of justice or defender of the bond having been heard, the question of rejection is to be defined most expeditiously.

Can. 1710. If the judge within a continuous month from the libellus having been presented has not issued a decree by which he admits or rejects the libellus according to the norm of can. 1709, the party whose interest it is can insist that the judge perform his office; but if nevertheless the judge is silent, after five days have elapsed from the instance made, he can interpose recourse to the local Ordinary, if the judge himself is not he, or to the higher tribunal, so that either the judge may be compelled to define the cause or another be substituted in his place.

1983 Code correlation: 1983 CIC 1506

CHAPTER II: Of Citation and Notification of Judicial Acts

Can. 1711.

1983 Code correlation: 1983 CIC 1507

Sec. 1. Once the libellus or oral petition has been admitted, there is place for a calling into court, or citation, of the other party.

Sec. 2. But if the litigating parties present themselves spontaneously before the judge to conduct the cause, there is no need of citation, but the actuary is to signify in the acts that the parties were present at the judgment spontaneously.

Can. 1712.

1983 Code correlation: 1983 CIC 1508

Sec. 1. Citation is made by the judge and is inscribed on or joined to the libellus introducing litigation.

Sec. 2. It is notified to the defendant, and, if there are several, to each one.

Sec. 3. It must moreover be made known to the actor, so that on the established day and hour he too may present himself before the judge.

Can. 1713. If litigation is moved against one who does not have free administration of the things about which discussion is had, citation is to be notified to the one who is bound to undertake judgment in his name according to the norm of can. 1648-1654.

1983 Code correlation: 1983 CIC 1508

Can. 1714. Every citation is peremptory; nor is it necessary that it be repeated, except in the case of which in can. 1845, Sec. 2.

1983 Code correlation: NA

Can. 1715.

1983 Code correlation: 1983 CIC 1508

Sec. 1. Citation is to be notified by a notice, which is to express the precept of the judge made to the party convened to appear, that is, before which judge, for what cause indicated at least in general words, by which actor, the defendant, duly designated by name and surname, is convened; and also it is clearly to indicate the place and time, that is, the year, month, day, and hour fixed for appearing.

Sec. 2. The citation, furnished with the seal of the tribunal, must be signed by the judge or by his auditor and by the notary.

Can. 1716. Citation is to be made in a double notice, of which one is sent to the defendant convened, the other is preserved in the acts.

1983 Code correlation: NA

Can. 1717.

1983 Code correlation: NA

Sec. 1. The notice of citation, if it can be done, is to be handed by the courier of the Curia to the one convened himself, wherever he is found.

Sec. 2. For this purpose the courier can even enter the boundaries of another diocese, if the judge has judged this expedient and has mandated it to the same courier.

Sec. 3. If the courier has not found the person convened in the place where he is staying, he can leave the citation notice with someone of his family or service, if this person is prepared to receive it and promises that he will hand the accepted notice to the defendant convened as soon as possible; otherwise he is to refer it to the judge, so that it may be transmitted according to the norm of can. 1719, 1720.

Can. 1718. A defendant who refuses to receive the citation notice is to be held legitimately cited.

1983 Code correlation: 1983 CIC 1510

Can. 1719. If because of distance or another cause the citation notice can be handed to the defendant convened only with difficulty by the courier, it can, by order of the judge, be transmitted through public postal carriers, provided it is registered and with a receipt of reception, or in another way which according to the laws and conditions of places is safest.

1983 Code correlation: 1983 CIC 1509

Can. 1720.

1983 Code correlation: NA

Sec. 1. Whenever, after diligent inquiry has been completed, it is still unknown where the defendant is staying, there is place for citation by edict.

Sec. 2. This is done by the courier affixing the notice of citation, in the manner of an edict, to the doors of the Curia for a time to be determined by the prudent judgment of the judge and by inserting it in some public newspaper; but if both cannot be done, either one will suffice.

Can. 1721.

1983 Code correlation: NA

Sec. 1. When the courier leaves the notice of citation in the hand of the defendant convened, he must sign it, with the day and hour noted on which it was handed to the defendant.

Sec. 2. He is to do the same if he leaves it in the hands of someone of the family or service of the defendant convened, with the name of the person to whom he handed the notice moreover added.

Sec. 3. If citation is made by edict, the courier is to sign at the foot of the edict on what day and hour the edict was affixed to the doors of the Curia and how long it remained affixed.

Sec. 4. If the defendant refuses reception of the notice, the courier is to send the notice itself, signed and with the day and hour of refusal added, back to the judge.

Can. 1722.

1983 Code correlation: 1983 CIC 1509

Sec. 1. The courier is to report to the judge those things which he carried out in writings signed by his own hand, which are to be preserved in the acts.

Sec. 2. If citation is transmitted through the office of postal carriers, the proof of the same office is to be preserved in the acts.

Can. 1723. If the citation notice does not report those things which are prescribed in can. 1715 or has not been legitimately intimated, both the citation and the acts of the process are of no moment.

1983 Code correlation: 1983 CIC 1511

Can. 1724. The rules established above for citation of the defendant are also to be accommodated and applied to the other acts of the judgment, according to their different nature, as to notification of decrees or sentences and other things of this kind.

1983 Code correlation: 1983 CIC 1509

Can. 1725. When citation has been legitimately completed or the parties have come spontaneously into judgment:

1983 Code correlation: 1983 CIC 1512

1. The matter ceases to be intact.

2. The cause becomes proper to that judge or tribunal before whom the action was instituted.

3. In a delegated judge, jurisdiction is made firm so that it does not expire when the right of the delegating one is resolved.

4. Prescription is interrupted, unless something else is provided, according to the norm of can. 1508.

5. Litigation begins to be pending; and therefore immediately the principle has place: while litigation is pending, nothing is to be changed.

TITLE VII: Of the Joinder of Issue

Can. 1726. The object or matter of the judgment is constituted by the joinder of issue itself, or the formal contradiction of the defendant to the petition of the actor, made with the intention of litigating before the judge.

1983 Code correlation: 1983 CIC 1513

Can. 1727. For the joinder of issue no solemnity is necessary, but it suffices that, when the parties appear before the judge or his delegate, the petition of the actor and the contradiction of the defendant are inserted in the acts, from which it is established concerning what matter is at issue, or what are the terms of the controversy.

1983 Code correlation: 1983 CIC 1513

Can. 1728. Yet in more involved causes, in which the petition of the actor is neither clear nor simple or the contradiction of the defendant abounds in difficulties, the judge, from office or at the instance of the actor or defendant, is to cite the parties for duly defining the articles of the controversy, that is, for agreeing upon the doubts of the cause, as it is said.

1983 Code correlation: 1983 CIC 1513

Can. 1729.

1983 Code correlation: 1983 CIC 1513-14

Sec. 1. If on the day appointed for agreeing upon the doubts, the party called into court does not appear and does not allege a just excuse for absence, he is to be declared contumacious, and the formula of doubts is to be established from office, with the party who was present requesting it. But this is immediately to be made known from office to the contumacious party, so that he can propose whatever exceptions he wishes against the formula of doubts or articles and purge himself of contumacy, within the time which seems suitable to the judge.

Sec. 2. When the parties are present and agree in the formula of doubts or articles, if the judge, as far as concerns himself, has thought that nothing must be excepted, mention of this fact is to be made in the decree by which the formula is confirmed.

Sec. 3. But if the parties disagree or their conclusions are not approved by the judge, the judge himself is to settle the controversy by decree.

Sec. 4. Once the formula of doubts or articles has been established, it cannot be changed except by a new decree, from a grave cause, at the instance of a party, or of the promoter of justice, or of the defender of the bond, either both parties or one party having been heard and his reasons having been weighed.

Can. 1730. Before the joinder of issue has taken place, the judge is not to proceed to the reception of witnesses or other proofs, except in a case of contumacy, or unless it is necessary to receive the deposition of witnesses lest, because of the probable death of the witness, his departure, or another just cause, it cannot afterward be received, or can be received only with difficulty.

1983 Code correlation: 1983 CIC 1529

Can. 1731. Once issue has been joined:

1983 Code correlation: 1983 CIC 1514-16

1. It is not lawful for the actor to change the libellus unless, with the defendant consenting, the judge, from just causes, thinks the change must be admitted, with compensation of damages and expenses always saved to the defendant, if any is owed. The libellus is not considered changed if the mode of proof is narrowed or changed; if either the petition or accessories of the petition are diminished; if factual circumstances previously put in the libellus are so illustrated, completed, or emended that the object of controversy remains the same; if in place of the thing a price, interest, or something equivalent is sought.

2. The judge is to prescribe a suitable time for the parties for proposing and completing proofs; this indeed he can prorogue at his own judgment when the parties insist, provided that the litigation is not prolonged beyond what is equitable.

3. The possessor of another's thing ceases to be of good faith; wherefore one condemned to restore the thing is bound to restore not only the thing itself, but also the fruits of the thing from the time of the joinder of issue, and moreover to repair damages, if any have followed.

TITLE VIII: Of the Instance of Litigation

Can. 1732. The beginning of the instance occurs by the joinder of issue; its end, however, occurs by all the ways by which judgment is terminated, but even before that it can not only be interrupted but also ended, whether by peremption or by renunciation.

1983 Code correlation: 1983 CIC 1517

Can. 1733. If a litigating party dies, changes status, or ceases from the office by reason of which he acts:

1983 Code correlation: 1983 CIC 1518

1. If the cause has not yet been concluded, the instance is interrupted until the heir of the deceased or the successor renews the litigation.

2. If the cause has been concluded, the instance is not interrupted, but the judge must proceed to further things, the procurator having been cited if one is present, otherwise the heir or successor of the deceased.

Can. 1734. If it is controverted to which of the litigating clerics the right to a benefice belongs, and one, while litigation is pending, dies or renounces the benefice, the instance is not interrupted, but the promoter of justice pursues it against the survivor, who contends for the liberty of the benefice or church, unless the benefice is of the free conferral of the Ordinary and he prefers to adjudge the cause as lost to the survivor.

1983 Code correlation: NA

Can. 1735. When a procurator or curator ceases from his office, the instance remains interrupted so long as the party or those to whom it belongs have named a new procurator or curator, or have declared that they wish to act personally in the future.

1983 Code correlation: 1983 CIC 1519

Can. 1736. If no procedural act, without some impediment obstructing, is placed in the tribunal of first instance for two years or in the grade of appeal for one year, the instance is perempted, and in the latter case the sentence attacked by appeal passes into a judged matter.

1983 Code correlation: 1983 CIC 1520

Can. 1737. Peremption obtains by the law itself and against all, also minors and others equated to minors, and it must even be excepted from office, with the right of recourse for indemnity saved against tutors, administrators, and procurators who have not proved that they lacked fault.

1983 Code correlation: 1983 CIC 1521

Can. 1738. Peremption extinguishes the acts of the process, but not the acts of the cause; indeed these can have force even in another instance, provided that it occurs between the same persons and concerning the same thing; but as regards outsiders, they obtain no other force except that of documents.

1983 Code correlation: 1983 CIC 1522

Can. 1739. In a case of peremption, each one of the litigants is to bear those expenses of the perempted judgment which he has made.

1983 Code correlation: 1983 CIC 1523

Can. 1740.

1983 Code correlation: 1983 CIC 1524

Sec. 1. In any state and grade of the judgment the actor can renounce the instance; likewise both actor and defendant can renounce the acts of the process, either all or only some of them.

Sec. 2. In order that renunciation be valid, it must be carried out in writing and must be signed by the party or by his procurator, furnished however with a special mandate, communicated to the other party, and accepted by him, or at least not impugned, and admitted by the judge.

Can. 1741. Once admitted, for the acts which have been renounced, it produces the same effects as peremption of the instance; and it obliges the one renouncing to pay the expenses of the acts which were renounced.

1983 Code correlation: 1983 CIC 1525

TITLE IX: Of Interrogations To Be Made to the Parties in Judgment

Can. 1742.

1983 Code correlation: 1983 CIC 1530

Sec. 1. To elicit the truth of a fact which it is publicly of interest be placed beyond doubt, the judge must interrogate the parties.

Sec. 2. In other cases he can interrogate one of the contestants not only at the instance of the other party, but also from office, whenever there is question of illustrating a proof brought forward.

Sec. 3. Interrogation of the parties can be made by the judge at any stage of the judgment before conclusion in the cause; after conclusion in the cause the prescription of can. 1861 is to be observed.

Can. 1743.

1983 Code correlation: 1983 CIC 1531

Sec. 1. The parties are bound to respond to the judge legitimately interrogating them and to confess the truth, unless there is question of a delict committed by themselves.

Sec. 2. If a party legitimately interrogated refuses to respond, it belongs to the judge to estimate how much this refusal is to be valued, whether it is just or to be equated with confession or not.

Sec. 3. A party who must respond, if he has illegitimately refused to respond or if after he has responded he is found mendacious, is to be punished, for a time to be defined by the judge according to the circumstances of things, by removal from legitimate ecclesiastical acts; and if before the response he had rendered an oath concerning telling the truth, a lay person is to be punished by personal interdict, a cleric by suspension.

Can. 1744. The judge cannot defer an oath concerning telling the truth to the accused in criminal causes; in contentious causes, whenever the public good is involved in the cause, he must exact it from the parties; in other causes, he can exact it according to his prudence.

1983 Code correlation: 1983 CIC 1532, 1728

Can. 1745.

1983 Code correlation: 1983 CIC 1533-34

Sec. 1. Both actor and defendant mutually, and also the promoter of justice and defender of the bond, can exhibit to the judge articles, or questions, concerning which the party is to be interrogated, and which are commonly called positions.

Sec. 2. In drafting, admitting, and proposing positions to the party, the rules established in can. 1773-1781 are to be observed proportionally.

Can. 1746. For rendering an oath or responding to interrogations, the parties must present themselves personally before the judge, except those of whom in can. 1770, Sec. 2, nn. 1, 2.

1983 Code correlation: NA

TITLE X: Of Proofs

Can. 1747. The following do not need proof:

1983 Code correlation: 1983 CIC 1526

1. Notorious facts, according to the norm of can. 2197, nn. 2, 3.

2. Things which are presumed by the law itself.

3. Facts asserted by one of the contestants and admitted by the other, unless proof is nevertheless required by law or by the judge.

Can. 1748.

1983 Code correlation: 1983 CIC 1526

Sec. 1. The burden of proving rests upon him who asserts.

Sec. 2. When the actor does not prove, the defendant is absolved.

Can. 1749. Proofs which seem to be requested for linking delays to the judgment, such as examination of a witness far distant, or whose domicile is unknown, or cognizance of a document which cannot be had quickly, the judge is not to admit, unless these proofs seem necessary because the others are lacking or are not sufficient.

1983 Code correlation: NA

CHAPTER I: Of the Confession of the Parties

Can. 1750. An assertion concerning some fact, in writing or orally, made by one party against himself and for the adversary before the judge, whether spontaneously or when the judge interrogates, is called a judicial confession.

1983 Code correlation: 1983 CIC 1535

Can. 1751. If there is question of some private business and the public good is not involved in the cause, the judicial confession of one party, provided it is made freely and deliberately, relieves the other from the burden of proving.

1983 Code correlation: 1983 CIC 1536

Can. 1752. A party who has confessed something in judgment cannot come against his own confession, unless either he does this immediately, or proves that the confession itself either lacks the conditions expressed in can. 1750 or is to be ascribed to an error of fact.

1983 Code correlation: 1983 CIC 1538

Can. 1753. A confession, whether in writing or orally, made to the adversary himself or to others outside judgment, is called extrajudicial; and when it has been brought into judgment, it belongs to the judge, all

circumstances of things having been weighed, to estimate how much it is to be valued.

1983 Code correlation: 1983 CIC 1537

CHAPTER II: Of Witnesses and Attestations

Can. 1754. Proof by witnesses is admitted in any causes whatsoever, yet under the moderation of the judge, according to the manner defined beforehand in the canons which follow.

1983 Code correlation: 1983 CIC 1547

Can. 1755.

1983 Code correlation: 1983 CIC 1548

Sec. 1. Witnesses must respond to the judge legitimately interrogating them and confess the truth.

Sec. 2. With the prescription of can. 1757, Sec. 3, n. 2 saved, the following are exempted from this obligation:

1. Pastors and other priests as regards those things which have been manifested to them by reason of the sacred ministry outside sacramental confession; magistrates of states, physicians, midwives, advocates, notaries, and others who are bound to official secrecy even by reason of counsel given, as regards business subject to this secrecy.

2. Those who from their own testimony fear that infamy, dangerous vexations, or other very grave evils will come to themselves or to blood relatives or affines in any degree of the direct line and in the first degree of the collateral line.

Sec. 3. Witnesses who knowingly affirm what is false or conceal what is true to the judge legitimately interrogating them are to be punished according to the norm of can. 1743, Sec. 3; and all who have presumed by gifts, promises, or any other way to induce a witness or expert to give false testimony or to conceal the truth are to be punished with the same penalty.

ARTICLE I: Who Can Be Witnesses

Can. 1756. All can be witnesses, unless they are expressly repelled by law, either wholly or in part.

1983 Code correlation: 1983 CIC 1549

Can. 1757.

1983 Code correlation: 1983 CIC 1550

Sec. 1. Impubescent persons and the weak of mind are repelled as not suitable for giving testimony.

Sec. 2. As suspect:

1. Excommunicated persons, perjurers, and infamous persons, after a declaratory or condemnatory sentence.

2. Those who are so low in morals that they are not held worthy of faith.

3. Public and grave enemies of a party.

Sec. 3. As incapable:

1. Those who are parties in the cause, or act in place of the parties, such as a tutor in the cause of a ward, a Superior or administrator in the cause of his community or pious cause, in whose name he stands in judgment, the judge or his assistants, an advocate, and others who assist or have assisted the parties in the same cause.

2. Priests, as regards all those things which have become known to them from sacramental confession, even if they have been released from the bond of the seal; indeed things heard by anyone and in any way on the occasion of confession cannot be received even as an indication of truth.

3. A spouse in the cause of his or her spouse, a blood relative and affine in the cause of a blood relative or affine, in any degree of the direct line and in the first degree of the collateral line, unless there is question of causes which regard the

civil or religious status of a person, knowledge of which cannot be had from elsewhere, and the public good requires that it be had.

Can. 1758. Those not suitable and suspect can be heard by decree of the judge, by which it is declared expedient; but their testimony will have value only as an indication and aid of proof, and generally they are to be heard without oath.

1983 Code correlation: NA

ARTICLE II: By Whom, How, and How Many Witnesses Can Be Introduced, and Who Can Be Excluded

Can. 1759.

1983 Code correlation: 1983 CIC 1551

Sec. 1. Witnesses are introduced by the parties.

Sec. 2. They can also be introduced by the promoter of justice and defender of the bond, if this is of interest to the cause.

Sec. 3. But the judge himself, whenever there is question of minors or others who are equated to minors, and generally whenever the public good requires it, can introduce witnesses from office.

Sec. 4. The party who introduced a witness can renounce his examination; but the adversary can request that, notwithstanding this renunciation, the witness be subjected to examination.

Can. 1760.

1983 Code correlation: NA

Sec. 1. If someone appears spontaneously for the sake of rendering testimony, the judge can admit or repel his testimony according as he has judged expedient.

Sec. 2. But he must repel a witness who has offered himself spontaneously when he seems to appear for the purpose of linking delays to the judgment or of injuring justice and truth in any way.

Can. 1761.

1983 Code correlation: 1983 CIC 1552

Sec. 1. When proof by witnesses is requested, their names and domicile are to be indicated to the tribunal; moreover positions or articles of arguments are to be exhibited, concerning which the witnesses are to be interrogated.

Sec. 2. If not even within the peremptory day prescribed by the judge has obedience been given, the request is considered deserted.

Can. 1762. The judge has the right and obligation of restraining an excessive multitude of witnesses.

1983 Code correlation: 1983 CIC 1553

Can. 1763. The parties must make known to each other the names of witnesses before their examination is begun, or, if this cannot be done without grave difficulty in the prudent estimation of the judge, at least before the publication of the testimonies.

1983 Code correlation: 1983 CIC 1554

Can. 1764.

1983 Code correlation: 1983 CIC 1555

Sec. 1. Witnesses must be excluded from office if it is clearly established to the judge that they are prohibited from giving testimony, with the prescription of can. 1758 saved.

Sec. 2. But also, when the adversary requests it, witnesses are to be excluded if a just cause of exclusion is shown, which exclusion is called reprobation of the person of the witness.

Sec. 3. A party cannot reprobate the person of a witness whom he himself introduced, unless a new cause of reprobation has supervened, although he can reprobate his statements.

Sec. 4. Reprobation of a witness must be made within three days after the names of witnesses have been communicated with the party; nor is it admitted afterward, unless it is shown by the party, or at least affirmed by oath, that the defect of the witness was not known to him earlier.

Sec. 5. The judge, however, is to reserve the discussion of reprobation to the end of the litigation, unless a presumption of law stands against the witness, or the defect is notorious, or can be proved immediately and easily, or cannot be proved later.

Can. 1765. Citation of witnesses is made by the ministry of the judge, with a decree intervening, and must be intimated to the witnesses according to the norm of can. 1715-1723.

1983 Code correlation: 1983 CIC 1556

Can. 1766.

1983 Code correlation: 1983 CIC 1557

Sec. 1. A witness duly cited must obey or make known to the judge the cause of his absence.

Sec. 2. A disobedient witness, namely one who without legitimate cause did not appear, or, although he appeared, refused to respond or to render the oath or to sign the attestation, can be coerced by the judge with suitable penalties and moreover fined according to the measure of the damage which comes to the parties from his disobedience.

ARTICLE III: Of the Oath of Witnesses

Can. 1767.

1983 Code correlation: 1983 CIC 1562

Sec. 1. Before he gives testimony, a witness must render an oath concerning telling the whole and sole truth, with the prescription of can. 1758 saved.

Sec. 2. The parties or their procurators can be present at the rendering of the oath of witnesses, with the prescription of can. 1763 saved.

Sec. 3. If there is question of the merely private right of the parties, the oath can be remitted to witnesses, with both parties consenting.

Sec. 4. But even when the oath is not exacted from a witness, the judge is to admonish the witness concerning the grave obligation by which he is always bound of telling the truth.

Can. 1768. Witnesses, although they have rendered an oath concerning telling the truth, can nevertheless, according to the prudent judgment of the judge, when the examination has been completed, be compelled to an oath concerning the truth of the things said, whether concerning all the articles of the positions or only some, whenever the gravity of the business and the circumstances of the testimony given seem to demand it.

1983 Code correlation: NA

Can. 1769. Witnesses can also be compelled by oath to preserve secrecy concerning the questions proposed and the responses given to the questions, until the acts and allegations become public; indeed even perpetually

according to the norm of can. 1623, Sec. 3.

1983 Code correlation: NA

ARTICLE IV: Of the Examination of Witnesses

Can. 1770.

1983 Code correlation: 1983 CIC 1558

Sec. 1. Witnesses are to be subjected to examination at the very seat of the tribunal.

Sec. 2. From this general rule are excepted:

1. Cardinals of the Holy Roman Church, Bishops, and illustrious persons who by the law of their state are exempt from the obligation of appearing before a judge for the sake of testifying; all these can themselves choose the place where they testify, concerning which they must make the judge more certain.

2. Those who because of illness or another impediment of body or mind, or condition of life, such as nuns, cannot approach the seat of the tribunal; they are to be heard at home.

3. Those dwelling outside the diocese who cannot return into the diocese and approach the seat of the tribunal without grave inconvenience; they are to be heard by the tribunal of the place in which they are staying according to the norm of can. 1570, Sec. 2, according to the interrogations and instructions transmitted by the judge of the cause.

4. Those who indeed are staying in the diocese, but in places so distant from the seat of the tribunal that without grave expenses they can neither approach the judge themselves nor be approached by the judge. In this case the judge must depute some nearer priest, worthy and suitable, so that, with the assistance of someone who performs the office of actuary, he may complete the examination of these witnesses, the questions to be asked being likewise transmitted to him and opportune instructions being given.

Can. 1771. The parties cannot be present at the examination of witnesses unless the judge has judged that they are to be admitted.

1983 Code correlation: 1983 CIC 1559

Can. 1772.

1983 Code correlation: 1983 CIC 1560

Sec. 1. Witnesses are to be examined individually and separately.

Sec. 2. Nevertheless it is left to the prudent judgment of the judge, after testimonies have been given, to bring witnesses together among themselves or with a party, or, as it is commonly said, to confront them.

Sec. 3. This can be done if all these things occur at the same time, namely:

1. If witnesses disagree among themselves or with a party in a grave matter touching the substance of the cause.

2. If no other easier way for detecting the truth is available.

3. If there is no danger of scandal or dissensions to be feared from the comparison.

Can. 1773.

1983 Code correlation: 1983 CIC 1561

Sec. 1. The examination is made by the judge, or by his delegate or auditor, whom a notary must assist.

Sec. 2. In the examination, questions are to be put to the witnesses by no one other than the judge or the one who holds the place of the judge. Therefore if the parties, or the promoter of justice, or the defender of the bond are present at the examination and have new questions to be asked of the witness, they must propose these not to the witness, but to the judge or the one holding his place, so that he himself may put them.

Can. 1774. The witness must first be interrogated not only concerning the general circumstances of the person, that is, concerning name, surname, origin, age, religion, condition, and domicile, but also concerning what relationship he has with the parties in the cause; then questions which regard the cause itself are to be put, and it is to be asked whence and how he has known those things which he asserts.

1983 Code correlation: 1983 CIC 1563

Can. 1775. Let the questions be brief, not embracing many things at the same time, not captious, not deceitful, not suggesting the response, removed from any offense, and pertinent to the cause which is being conducted.

1983 Code correlation: 1983 CIC 1564

Can. 1776.

1983 Code correlation: 1983 CIC 1565

Sec. 1. Questions are not to be communicated beforehand with the witnesses.

Sec. 2. Nevertheless, if the things which are to be testified are so removed from memory that unless they are first recalled they cannot be affirmed certainly, the judge can warn the witness beforehand about some matters, if he judges that this can be done without danger.

Can. 1777. Witnesses are to give testimony orally and not read a writing, unless there is question of calculation and accounts; for then they can consult notes which they have brought with them.

1983 Code correlation: 1983 CIC 1566

Can. 1778. The response is to be reduced to writing immediately by the actuary, not only as regards the substance, but also as regards the very words of the testimony given, unless the judge, with attention to the smallness of the cause, has enough that the substance alone of the deposition be reported.

1983 Code correlation: 1983 CIC 1567

Can. 1779. The actuary is to make mention in the acts concerning the oath rendered, remitted, or refused, concerning the presence of the parties and others, concerning questions added from office, and generally concerning all noteworthy things which perhaps occurred while the witnesses were being examined.

1983 Code correlation: 1983 CIC 1568

Can. 1780.

1983 Code correlation: 1983 CIC 1569

Sec. 1. Before the witness departs from the hearing room, the things which the actuary reduced to writing concerning those matters which he himself testified by living voice must be read to him, with the faculty given to the same witness of adding, suppressing, correcting, and varying.

Sec. 2. Finally the witness, the judge, and the notary must sign the act.

Can. 1781. Witnesses, although already examined, can, at the request of a party or from office, before the acts or testimonies become public, be called again to examination if the judge considers it necessary or useful, provided however that every danger of collusion or corruption is absent.

1983 Code correlation: 1983 CIC 1570

ARTICLE V: Of the Publication of Testimonies and Their Reprobation

Can. 1782.

1983 Code correlation: NA

Sec. 1. When the parties or their procurators were not present at the examination, testimonies can, immediately after the examination of all witnesses has been completed, be published by decree of the judge.

Sec. 2. But the judge can defer the publication of testimonies to the time when the remaining heads of proofs have been completed, if he judges this useful to the matter.

Can. 1783. After the publication of testimonies:

1983 Code correlation: NA

1. The faculty of reprobating the person of a witness ceases, except the case of which in can. 1764, Sec. 4.

2. But there is a right of reprobating witnesses either as regards the manner of examination, namely when rules of law neglected in carrying out the examination are objected, or as regards the testimonies themselves, namely when testimonies are impugned concerning falsity, variation, contradiction, obscurity, defect of knowledge, and similar things.

Can. 1784. The judge is to reject reprobation by his decree if he notices that it rests on a futile foundation or was made for delaying the judgment.

1983 Code correlation: NA

Can. 1785. If the judgment of reprobation is admitted, the judge is to prescribe a brief term to the party requesting for proving the reprobation, and then he is to proceed as in other incidental causes.

1983 Code correlation: NA

Can. 1786. After the testimonies have been published, witnesses already heard are not to be interrogated again concerning the same articles, nor are new witnesses to be admitted, except cautiously and from a grave reason in causes which never pass into a judged matter; from a most grave reason in other causes; and in any case with every danger of fraud and subornation removed, the other party having been heard, and the vote of the promoter of justice or defender of the bond having been required, if these are present in the judgment; all which things the judge is to define by his decree.

1983 Code correlation: NA

ARTICLE VI: Of the Indemnity of Witnesses

Can. 1787.

1983 Code correlation: 1983 CIC 1571

Sec. 1. A witness has the right of asking compensation for expenses which he sustained by reason of travel and staying in the place of the judgment, and a suitable indemnity for the interruption of his business or work.

Sec. 2. It belongs to the judge, the party and witness having been heard, and also experts if there is need, to tax the indemnity and expenses to be paid to the witness.

Can. 1788. If within the peremptory term prescribed by the judge the suitable quantity of money of which in can. 1909, Sec. 2 has not been deposited by the one who wishes to introduce witnesses, he is considered to have renounced the examination of the witnesses.

1983 Code correlation: NA

ARTICLE VII: Of the Credibility of Testimonies

Can. 1789. In estimating testimonies the judge is to have before his eyes:

1983 Code correlation: 1983 CIC 1572

1. What is the condition of the person, what his honesty is, and whether the witness shines with some dignity.

2. Whether he testifies from his own knowledge, especially from his own sight and hearing, or from belief, from report, or from hearing from others.

3. Whether the witness is constant and firmly coherent with himself; or whether he is variable, uncertain, or wavering.

4. Finally, whether he has co-witnesses of the testimony, or is singular.

Can. 1790. If witnesses disagree among themselves, the judge is to weigh whether the testimonies given by them are mutually opposed, or are merely diverse or supporting.

1983 Code correlation: NA

Can. 1791.

1983 Code correlation: 1983 CIC 1573

Sec. 1. The deposition of one witness does not make full proof, unless he is a qualified witness who deposes concerning things done from office.

Sec. 2. If under the faith of an oath two or three persons, above every exception and firmly coherent with one another, testify in judgment from their own knowledge concerning some thing or fact, sufficient proof is had; unless in some cause the judge, because of the very great gravity of the business or because of indications which introduce some doubt concerning the truth of the matter asserted, considers fuller proof necessary.

CHAPTER III: Of Experts

Can. 1792. The work of experts is to be used whenever, by the prescription of law or of the judge, their examination and opinion are required for proving some fact or for discerning the true nature of some thing.

1983 Code correlation: 1983 CIC 1574

Can. 1793.

1983 Code correlation: 1983 CIC 1575

Sec. 1. It belongs to the judge to choose or designate experts.

Sec. 2. In merely private causes the judge can make this designation at the request of both parties or even of either party, with the other nevertheless consenting; but in causes concerning the public good, after the promoter of justice or defender of the bond has been heard.

Sec. 3. It is left to the prudent judgment of the judge to choose one or several experts according to the nature of the cause and the difficulty of the matter, unless the law itself predetermines the number of experts.

Can. 1794. It belongs to experts to conform their expertise to the laws of truth and justice, neither affirming what is false nor concealing what is true; if they offend in this, they are to be punished according to the norm of can. 1743, Sec. 3.

1983 Code correlation: NA

Can. 1795.

1983 Code correlation: NA

Sec. 1. For the office of expert, other things being equal, those are to be chosen who have been proved suitable by the authority of a competent magistrate.

Sec. 2. Those who are excluded from giving testimony according to the norm of can. 1757 cannot be assumed even to the office of experts.

Can. 1796.

1983 Code correlation: 1983 CIC 1576

Sec. 1. Experts also can be recusated for the same causes for which witnesses can be.

Sec. 2. The judge is to declare by his decree whether the recusation is to be admitted or not; and, the recusation having been admitted, he is to substitute another in place of the recusated expert.

Can. 1797.

1983 Code correlation: NA

Sec. 1. Experts are considered to undertake the office entrusted to them by rendering an oath concerning faithfully fulfilling the office.

Sec. 2. The parties can not only be present at the rendering of the oath, but also at the execution of the office entrusted to the expert, unless the nature of the matter or propriety requires otherwise, or the law or judge establishes otherwise.

Can. 1798. After the oath has been rendered, if the experts have not obeyed the mandate within the predefined time or without just cause avoid the execution, they are held liable for damages.

1983 Code correlation: NA

Can. 1799.

1983 Code correlation: 1983 CIC 1577

Sec. 1. The judge, with attention to those things which perhaps may be brought forward by the litigants, is to define by his decree all and individual heads around which the work of the experts must be occupied.

Sec. 2. The time within which the examination must be completed and the opinion brought forth, if it seems necessary or opportune to the judge, can be predefined by the judge himself and also, after the parties have been heard, prolonged.

Can. 1800.

1983 Code correlation: NA

Sec. 1. If there is doubt who wrote some writing, besides the writing subject to question the judge is to assign to the experts, with the parties proposing them, writings with which that writing must be compared and collated.

Sec. 2. If the parties disagree concerning the writings which are to be compared among themselves, the judge is to select, for the sake of comparison, those which the party himself has otherwise recognized, or which the one accused as author of the controversial writing wrote as a public person and which are kept in archives or another public record office; or his signatures which, by the faith of a notary or public person, it is established were written before them.

Sec. 3. But if the writings designated by the parties and by the judge for comparison do not suffice for investigation in the judgment of the experts, and the person to whom the controversial writing is attributed is alive, the judge, at the instance of a party or even from office, is to cite him, so that with his own hand before the judge or his delegate he may write whatever the experts, the judge himself, or his delegate are about to dictate.

Sec. 4. Refusal to write, when a legitimate cause of refusal has not been proved, is held as a confession of the genuineness of the controversial writing to the prejudice of the one refusing.

Can. 1801.

1983 Code correlation: 1983 CIC 1578

Sec. 1. Experts can bring forth their opinion either in writing or orally before the judge; but if it is brought forth orally, it must immediately be reduced to writing by the notary and signed by the experts.

Sec. 2. An expert, however, especially if he has brought forth his opinion in writing, can be summoned by the judge so that he may supply explanations which seem further necessary.

Sec. 3. Experts must indicate clearly by what way and reasoning they proceeded in fulfilling the office entrusted to them and on what principal arguments the opinion brought forth by them rests.

Can. 1802. Let each expert prepare his own report distinct from the others, unless, with the law not contradicting, the judge orders one report to be made and signed by the individual experts; but if this is done, differences of opinions, if there have been any, are to be noted diligently.

1983 Code correlation: 1983 CIC 1578

Can. 1803.

1983 Code correlation: NA

Sec. 1. If experts disagree among themselves, it is permitted to the judge either to seek the vote of a more expert person concerning the reports made by the first experts, or to employ new experts from the beginning.

Sec. 2. The judge has the same faculty whenever, after their election, the experts have fallen under suspicion or have been found unequal and not suitable for the office.

Can. 1804.

1983 Code correlation: 1983 CIC 1579

Sec. 1. The judge is to weigh attentively not only the conclusions of the experts, even if concordant, but also the other circumstances of the cause.

Sec. 2. When he renders the reasons for deciding, he must express by what arguments he was moved either to admit or to reject the conclusions of the experts.

Can. 1805. The judge must tax the expenses and honoraria of the experts from what is good and equitable, keeping before his eyes the custom received in each place, with the right of recourse preserved according to the norm of can. 1913, Sec. 1.

1983 Code correlation: 1983 CIC 1580

CHAPTER IV: Of Access and Judicial Inspection

Can. 1806. If the judge considers it necessary to go to the place of controversy and inspect the controverted thing itself, he is to prescribe this by decree, by which, after the parties have been heard, he is to describe summarily those things which must be done in the access.

1983 Code correlation: 1983 CIC 1582

Can. 1807. The judge can carry out the inspection either personally by himself or through an auditor or delegated judge.

1983 Code correlation: NA

Can. 1808.

1983 Code correlation: NA

Sec. 1. The judge, inspecting the thing or place, can employ experts, if their work seems necessary or useful.

Sec. 2. If experts are employed, the things prescribed in can. 1793-1805 are to be observed insofar as possible.

Can. 1809. If it seems to the judge that the danger of quarrel or disturbance must be feared, he can prohibit the parties or their advocates from being present at the judicial inspection.

1983 Code correlation: NA

Can. 1810. The judge can subject witnesses, either summoned from office or duly produced by the parties before the inspection, to examination in the judicial access itself, if this seems expedient for fuller proof or for removing doubts because of which the inspection had to be decreed.

1983 Code correlation: NA

Can. 1811.

1983 Code correlation: 1983 CIC 1583

Sec. 1. The notary is to take diligent care that it is established from the acts on what day and hour the inspection was made, what persons were present, and what things, during the inspection, were either said or carried out or decreed by the judge.

Sec. 2. Both the judge and the notary are to sign the instruments of the completed inspection.

CHAPTER V: Of Proof by Instruments

ARTICLE I: Of the Nature and Credibility of Instruments

Can. 1812. In any kind of judgment proof by documents, both public and private, is admitted.

1983 Code correlation: 1983 CIC 1539

Can. 1813.

1983 Code correlation: 1983 CIC 1540

Sec. 1. The principal public ecclesiastical documents are these:

1. Acts of the Supreme Pontiff and of the Roman Curia and of Ordinaries, drawn up in authentic form in the exercise of their offices, and likewise authentic attestations concerning the same acts given by them or by their notaries.

2. Instruments prepared by ecclesiastical notaries.

3. Ecclesiastical judicial acts.

4. Entries of baptism, confirmation, ordination, religious profession, marriage, and death, which are had in the registers of the Curia or parish or religion, and written attestations taken from the same and prepared by pastors, or Ordinaries, or ecclesiastical notaries, or authentic copies of them.

Sec. 2. Civil public documents are those which according to the laws of each place are considered such by law.

Sec. 3. Letters, contracts, testaments, and any writings prepared by private persons are held in the number of private documents.

Can. 1814. Public documents, whether ecclesiastical or civil, are presumed genuine until the contrary is proved by evident arguments.

1983 Code correlation: NA

Can. 1815. Recognition or impugnment of a writing can be proposed in judgment both incidentally and after the manner of a principal cause.

1983 Code correlation: NA

Can. 1816. Public documents make faith concerning those things which are affirmed in them directly and principally.

1983 Code correlation: 1983 CIC 1541

Can. 1817. A private document, whether acknowledged by a party or recognized by the judge, proves against the author or signer and those having the cause from them, just as a confession made outside judgment; but of itself it does not have the force of proving against outsiders.

1983 Code correlation: 1983 CIC 1542

Can. 1818. If documents are shown to have been affected by erasure, correction, interpolation, or another defect, it belongs to the judge to estimate whether and how much documents of this kind are to be valued.

1983 Code correlation: 1983 CIC 1543

ARTICLE II: Of the Production of Documents and the Action for Exhibiting Them

Can. 1819. Documents do not have the force of proving in judgment unless they are originals or exhibited in an authentic copy and deposited with the chancery of the tribunal, except documents which are of public law, such as laws duly promulgated.

1983 Code correlation: 1983 CIC 1544

Can. 1820. Documents are to be exhibited in authentic form and deposited in judgment, so that they can be examined by the judge and by the adversary.

1983 Code correlation: 1983 CIC 1544

Can. 1821.

1983 Code correlation: NA

Sec. 1. If a doubt is raised whether a copy has been faithfully transcribed or not, the judge, at the instance of a party or even from office, can decree that the document itself be exhibited from which the copy was taken.

Sec. 2. If this can be done either not at all or only with very great difficulty, the judge can delegate an auditor or request the local Ordinary for the examination and collation of the document, prescribing concerning what articles and in what manner the collation must be made; but each party can be present at the collation.

Can. 1822. Common documents, or those which concern a common business, such as testaments and instruments which regard successions, partitions of goods, contracts, and other things of this kind concerning which there is a lawsuit between the parties, any one of the litigants can petition that they be exhibited in law by that party who is said to possess them.

1983 Code correlation: 1983 CIC 1545

Can. 1823.

1983 Code correlation: 1983 CIC 1546

Sec. 1. Nevertheless no one is held to exhibit documents, even common ones, which cannot be communicated without danger of harm according to the norm of can. 1755, Sec. 2, n. 2, or without danger of violation of secrecy to be preserved.

Sec. 2. Nevertheless, if at least some particle of the document which it is of interest to produce can be described and exhibited in copy without the mentioned inconveniences, the judge can decree that the same be exhibited.

Can. 1824.

1983 Code correlation: NA

Sec. 1. If a party refuses to exhibit a document to be produced by law, which he is said to possess, the judge, at the request of the other party and after the promoter of justice or defender of the bond has been heard if there is need, is to establish by interlocutory sentence whether and how the exhibition of the same document is to be made.

Sec. 2. If the party refuses to obey, it belongs to the judge to estimate how much this refusal is to be valued.

Sec. 3. But if the party denies that the document is with him, the judge can subject him to examination and compel him to render an oath concerning this matter.

CHAPTER VI: Of Presumptions

Can. 1825.

1983 Code correlation: 1983 CIC 1584

Sec. 1. A presumption is a probable conjecture of an uncertain thing; and it is either of law, which is established by the law itself, or of man, which is conjectured by the judge.

Sec. 2. A presumption of law is either simply of law or of law and by law.

Can. 1826. Against a presumption simply of law both direct and indirect proof is admitted; against a presumption of law and by law, only indirect proof, that is, against the fact which is the foundation of the presumption.

1983 Code correlation: NA

Can. 1827. One who has a presumption of law for himself is freed from the burden of proving, which falls back upon the adverse party; if that party does not prove, sentence must be rendered in favor of the party for whom the presumption stands.

1983 Code correlation: 1983 CIC 1585

Can. 1828. The judge is not to conjecture presumptions which are not established by law, unless from a certain and determinate fact which directly coheres with that concerning which there is controversy.

1983 Code correlation: 1983 CIC 1586

CHAPTER VII: Of the Oath of the Parties

Can. 1829. If only semiplenary proof is had and no other aids of proof now remain, and the judge either orders or admits an oath for supplying proofs, this oath is called supplementary.

1983 Code correlation: NA

Can. 1830.

1983 Code correlation: NA

Sec. 1. There is especially place for this oath when circumstances which regard the civil or religious status of a person cannot be learned otherwise.

Sec. 2. But the judge is to abstain from the same both in criminal causes and in contentious causes, if it concerns a right or thing of great price, or a fact of too great moment, or if the right, thing, or fact is not proper to the person to whom the oath would have to be deferred.

Sec. 3. This oath can be deferred either from office, or at the instance of the other party, or of the promoter of justice, or of the defender of the bond, if they are present in the judgment.

Sec. 4. Regularly it is to be deferred to the one who has fuller proofs.

Sec. 5. Nevertheless it belongs to the judge to define by decree whether and when the circumstances concur because of which the supplementary oath must be deferred.

Can. 1831.

1983 Code correlation: NA

Sec. 1. The party to whom a supplementary oath is deferred in matters which do not pertain to his civil or religious status can, for a just cause, refuse it or refer it back to the adversary.

Sec. 2. How much this refusal is to be valued, whether it is just or rather to be equated with confession, belongs to the judge to estimate.

Sec. 3. A supplementary oath rendered by one party can be impugned by the other.

Can. 1832. If the right to reparation of damage is established, but the quantity of the damage cannot be estimated certainly, the judge can defer to the party who has suffered the damage the oath which is called estimatory.

1983 Code correlation: NA

Can. 1833. In deferring the estimatory oath these things are to be observed:

1983 Code correlation: NA

1. The judge is to ask from the party who has suffered the damage that, under the sanctity of an oath, he designate the things taken from him or lost by fraud, and express their price and value according to his probable estimation.

2. If the assessment seems excessive to the judge, he is to reduce it to equity, keeping before his eyes all indications and arguments approved by use, also employing experts if there is need, so that truth and justice may be better consulted.

Can. 1834.

1983 Code correlation: NA

Sec. 1. Not only before a lawsuit has been begun can the parties agree that the controversy be settled by transaction through an oath to be rendered by either one, but also while the lawsuit is pending and at any moment and state of it, one party can, with the judge approving, defer an oath to the other, on this condition: that the question, whether principal or incidental, be considered decided according to the oath.

Sec. 2. An oath of this kind is called decisory.

Can. 1835. A decisory oath cannot be deferred unless:

1983 Code correlation: NA

1. It concerns a matter in which cession and transaction are admitted, and which, for the persons of the litigants, is not of too great moment or price.

2. By one who can cede or transact.

3. To one who is able to cede or transact, and who likewise does not have full proof for himself.

4. Concerning mere knowledge of a fact, or concerning a fact which is proper to the one to whom the oath is deferred.

Can. 1836.

1983 Code correlation: NA

Sec. 1. This oath can be revoked by the party by whom it was deferred until it has been rendered, and can be accepted and rendered by the other party, or not, or referred back to the adversary.

Sec. 2. Once the oath has been rendered, the question is finished according to the sworn formula, just as if a judicial cession or transaction had intervened.

Sec. 3. If the oath is refused and is not referred back to the adversary, it belongs to the judge to estimate how much the refusal is to be valued, whether it rests on just causes or rather is to be equated with confession.

Sec. 4. If it is referred back to the adversary, he must render it; otherwise the cause falls.

Sec. 5. In order that the oath can be referred back to the adversary, it is necessary that the same conditions concur which are required for deferring it, and that the same ministry of the judge intervene.

TITLE XI: Of Incidental Causes

Can. 1837. An incidental cause is had whenever, after judgment has been begun at least by citation, a question is proposed by one of the parties, or by the promoter of justice or defender of the bond if they are present in the judgment, which, although it is not expressly contained in the libellus by which the litigation is introduced, nevertheless so pertains to the cause that it generally must be resolved before the principal question.

1983 Code correlation: 1983 CIC 1587

Can. 1838. An incidental cause is proposed either orally or by libellus, with the bond which exists between it and the principal cause indicated, and with the rules established in can. 1706-1725 observed insofar as this can be done.

1983 Code correlation: 1983 CIC 1588

Can. 1839. Once the libellus or verbal petition has been received, and the parties having been heard, and, if there is need, the promoter of justice or defender of the bond, the judge is to deliberate with himself whether the proposed incidental question is futile and raised only to delay the principal judgment; and likewise whether the incidental cause is of such a nature and coheres by such a bond with the principal cause that it must be resolved before it. If the matter is so, he is to admit the libellus or instance; otherwise he is to reject it by his decree.

1983 Code correlation: 1983 CIC 1589

Can. 1840.

1983 Code correlation: 1983 CIC 1589-90

Sec. 1. Whether the incidental question which is raised must be defined with the judicial form observed, or by mere decree, the judge is to estimate with attention to the quality and gravity of the matter.

Sec. 2. If the incidental cause must be defined judicially, the rules which obtain in ordinary trials are to be observed insofar as this can be done; nevertheless the judge is to take care that the terms of delays be as brief as possible.

Sec. 3. In the decree by which, without the judicial form being observed, he either rejects or defines the incidental question, the judge is to set forth briefly the reasons on which he relies, in law and in fact.

Can. 1841. Before the principal cause is finished, the judge can, with a just cause intervening, correct or revoke an interlocutory sentence either of himself, after the parties have been heard, or at the instance of one party after the other party has been heard, and with the vote of the promoter of justice or defender of the bond always required, if they are present.

1983 Code correlation: 1983 CIC 1591

CHAPTER I: Of Contumacy

Can. 1842. A cited defendant who without just cause appears neither personally by himself nor through a procurator can be declared contumacious.

1983 Code correlation: 1983 CIC 1592

Can. 1843.

1983 Code correlation: 1983 CIC 1592

Sec. 1. Nevertheless the judge cannot declare the defendant contumacious unless it has first been established:

1. That the citation, legitimately made, reached the knowledge of the defendant in useful time or at least ought to have reached it.

2. That the defendant neglected to bring an excuse for absence or did not bring a just one.

Sec. 2. These things can be proved either by a new citation made to the defendant so that he may excuse his contumacy, if he can, or in another way.

Can. 1844.

1983 Code correlation: 1983 CIC 1592

Sec. 1. At the instance of a party or of the promoter of justice or defender of the bond, if they are present in the judgment, the judge can declare the contumacy of the defendant, and when it has been declared, proceed, with the things to be observed having been observed, up to definitive sentence and its execution.

Sec. 2. If the proceeding goes to definitive sentence, when the litigation has not been joined, the sentence must regard only the things petitioned in the libellus; if the litigation has been joined, the object itself of the joinder of issue.

Can. 1845.

1983 Code correlation: NA

Sec. 1. But the judge can also threaten ecclesiastical penalties to break the contumacy of the defendant.

Sec. 2. But if he wishes to do this, the citation of the defendant must be repeated, with threat of penalties; and then it is not permitted either to declare contumacy or, after it has been declared, to inflict penalties, unless it is proved that this second citation also lacked its effect.

Can. 1846. The conclusions and proofs, if any he brings, of a defendant withdrawing from contumacy and presenting himself in judgment before the definition of the cause are to be admitted; but the judge is to take care that the judgment not be protracted in bad faith into longer and unnecessary delays.

1983 Code correlation: 1983 CIC 1593

Can. 1847. But after sentence has been rendered, the contumacious person can petition from the very judge who rendered it the benefit of restitution in integrum for appealing, yet not beyond three months from the intimation of the sentence itself, unless there is question of causes which do not pass into a judged matter.

1983 Code correlation: 1983 CIC 1593

Can. 1848. The rules handed down above also have place when the defendant, although he obeyed the first citation, nevertheless afterward, in the progress of the judgment, becomes contumacious.

1983 Code correlation: NA

Can. 1849. If on the day and hour when the defendant, according to the prescription of the citation, first presents himself before the judge, the actor is not present and has brought no excuse or an insufficient excuse for absence, the judge is to cite him again at the instance of the defendant; and if the actor does not obey the new citation or afterward neglects to begin the judgment or to pursue one begun, at the instance of the defendant or of the promoter of justice or defender of the bond, he is to be declared contumacious by the judge, with the same rules which were handed down above for the contumacy of the defendant being observed.

1983 Code correlation: 1983 CIC 1594

Can. 1850.

1983 Code correlation: NA

Sec. 1. The contumacy of the actor declared by the judge peremptes the same actor's right of pursuing his instance.

Sec. 2. Nevertheless the promoter of justice or defender of the bond is permitted to make the instance his own and to pursue it whenever the public good seems to demand this.

Sec. 3. The defendant, however, thereafter has the right of petitioning either that he may freely depart from the judgment, or that all things done up to that point be held as nothing, or that he himself be definitively absolved from the petition of the actor, or that the judgment, even with the actor absent, be brought to an end.

Can. 1851.

1983 Code correlation: 1983 CIC 1595

Sec. 1. One who has been declared contumacious and has not purged his contumacy, whether he is actor or defendant, is to be condemned both to the expenses of the lawsuit which were made because of his contumacy and also, if there is need, to indemnity to be furnished to the other party.

Sec. 2. If both the actor and the defendant are contumacious, they are held for the expenses of the lawsuit in solidum.

CHAPTER II: Of the Intervention of a Third Party in the Cause

Can. 1852.

1983 Code correlation: 1983 CIC 1596

Sec. 1. One whose interest it is can be admitted to intervene in the cause in any instance of the lawsuit.

Sec. 2. But in order to be admitted, before conclusion in the cause he must exhibit to the judge a libellus in which he briefly teaches the judge concerning the right of intervening.

Sec. 3. One who intervenes in a cause is to be admitted in that state in which the cause is found, with a brief and peremptory term assigned to him for exhibiting his proofs, if the cause has arrived at the probatory period.

Can. 1853. If the intervention of a third party appears necessary, the judge, at the instance of a party or even from office, must order the intervention in the cause.

1983 Code correlation: 1983 CIC 1597

CHAPTER III: Of Attempted Acts While a Lawsuit Is Pending

Can. 1854. An attempted act is whatever, while a lawsuit is pending, either one party against the other, or the judge himself against either or both parties, innovates while a party dissents and to his prejudice; whether the innovation regards the matter of the lawsuit, with the prescription of can. 1672, 1673 nevertheless saved, or regards the terms assigned to the parties by law or by the judge for placing certain judicial acts.

1983 Code correlation: NA

Can. 1855.

1983 Code correlation: NA

Sec. 1. Attempted acts are null by the law itself.

Sec. 2. Therefore to the party injured by the attempted act there belongs an action for obtaining a declaration of nullity.

Sec. 3. This action must be instituted before the very judge of the principal cause; but if because of the attempted act the injured party holds the judge suspect, he can oppose the exception of suspicion, in which one must proceed according to the norm of can. 1615.

Can. 1856.

1983 Code correlation: NA

Sec. 1. While the question concerning an attempted act is pending, the course of the principal cause is regularly suspended; but if it seems more opportune to the judge, the question concerning the attempted act can be treated and resolved together with the principal cause.

Sec. 2. Questions concerning attempted acts are to be treated most expeditiously and defined by decree of the judge, after the parties and the promoter of justice or defender of the bond have been heard, if these are present in the judgment.

Can. 1857.

1983 Code correlation: NA

Sec. 1. When the attempted act has been demonstrated, the judge must decree its revocation or purgation.

Sec. 2. But if the attempted act was perpetrated by force or fraud, the one who committed it is also held concerning damages toward the injured party.

TITLE XII: Of the Publication of the Process, of Conclusion in the Cause, and of Discussion of the Cause

Can. 1858. Before the discussion of the cause and sentence, all proofs which are in the acts and which have still remained secret are to be published.

1983 Code correlation: 1983 CIC 1598

Can. 1859. Once the faculty of inspecting the processual acts and of requesting a copy of them has been granted to the parties and their advocates, publication of the process is understood to have been made.

1983 Code correlation: 1983 CIC 1598

Can. 1860.

1983 Code correlation: 1983 CIC 1599

Sec. 1. When all things which pertain to producing proofs have been completed, one must come to conclusion in the cause.

Sec. 2. This conclusion is had whenever either the parties interrogated by the judge declare that they have nothing else to be brought forward, or the useful time prescribed by the judge for proposing proofs has elapsed, or the judge declares that he has the cause sufficiently instructed.

Sec. 3. Concerning the completed conclusion in the cause, in whatever way it has occurred, the judge is to issue a decree.

Can. 1861.

1983 Code correlation: 1983 CIC 1600

Sec. 1. After conclusion in the cause, new proofs are inhibited, unless there is question of causes which never pass into a judged matter, or of documents now found for the first time, or of witnesses who earlier because of a legitimate impediment could not be introduced in useful time.

Sec. 2. If he thinks that new proofs must be admitted, the judge is to decree this after the other party has been heard, to whom he is to grant suitable time so that he can learn the new proofs and defend himself; otherwise the judgment is of no moment.

Can. 1862.

1983 Code correlation: 1983 CIC 1601

Sec. 1. Once conclusion in the cause has been made, the judge, according to his prudent judgment, is to prescribe to the parties a suitable space of time for exhibiting their defenses or allegations, whether by themselves or through an advocate.

Sec. 2. This term can be prolonged by the judge at the instance of one party, after the other has been heard; or even shortened, with both consenting.

Can. 1863.

1983 Code correlation: 1983 CIC 1602

Sec. 1. The defense is to be prepared in writing, and regularly to be written in as many copies as there are judges, so that individual copies can be distributed to the individual judges.

Sec. 2. But a copy must also be handed to the promoter of justice and defender of the bond, if they are present in the judgment; moreover the parties must exchange copies among themselves.

Sec. 3. The president of the tribunal, whenever according to his prudent judgment he thinks it necessary and notices that it can be done without excessive burden to the parties, can mandate that the defense be printed together with the principal documents to be joined in a fascicle which contains a summary of the acts and documents.

Sec. 4. In this case he is to order that nothing be printed unless the manuscript has first been exhibited and permission for publishing it obtained; moreover he is to take diligent care concerning secrecy, if any must be preserved in the cause.

Can. 1864. It belongs to the judge, and in a collegial tribunal to the president, to moderate according to his prudence the excessive extension of defenses, unless provision has been made concerning this by a particular law of the tribunal.

1983 Code correlation: 1983 CIC 1602

Can. 1865.

1983 Code correlation: 1983 CIC 1603

Sec. 1. Once the writings of the defenses have been communicated mutually between the parties, it is permitted to each party to exhibit responses within the brief time prescribed by the judge, with the rules and cautions of which in can. 1863, 1864 observed.

Sec. 2. Let this right belong to the parties one time only, unless because of a grave cause it seems to the judge that it must be granted again; then, however, a grant made to one party is considered also to have been given to the other.

Can. 1866.

1983 Code correlation: 1983 CIC 1604-5

Sec. 1. Oral informations, as they are called, by which namely advocates strive to instruct the judge concerning circumstances of law and fact regarding the cause, are prohibited.

Sec. 2. Nevertheless moderate disputation before the judge sitting for the tribunal is admitted for illustrating something, if, with either or both parties petitioning, the judge considers it useful and admits it.

Sec. 3. To obtain the disputation, the parties must exhibit in writing the heads of questions to be discussed with the other party, expressed in few words; but it belongs to the judge to communicate these with the parties on both sides, and to assign the day and hour for the disputation and to moderate the disputation itself.

Sec. 4. Let one of the notaries of the tribunal assist at the disputation for this purpose: that, if the judge prescribes or a party petitions and the judge consents, he can immediately report in writing, according to the path of law, concerning the things debated, confessed, or concluded.

Can. 1867. In contentious causes, if the parties neglect to prepare a defense for themselves in useful time, or commit themselves to the knowledge and conscience of the judge, the judge, if from the acts and proofs he has the matter plainly seen, will be able at once to pronounce sentence.

1983 Code correlation: 1983 CIC 1606

TITLE XIII: Of Sentence

Can. 1868.

1983 Code correlation: 1983 CIC 1607, 1617

Sec. 1. The legitimate pronouncement by which the judge defines a cause proposed by litigants and treated in a judicial manner is a sentence; and it is called interlocutory if it settles an incidental cause, definitive if it settles the principal cause.

Sec. 2. The other pronouncements of the judge are called decrees.

Can. 1869.

1983 Code correlation: 1983 CIC 1608

Sec. 1. For the pronouncement of any sentence, moral certitude concerning the matter to be defined by the sentence is required in the mind of the judge.

Sec. 2. The judge must draw this certitude from the acts and proofs.

Sec. 3. The judge must estimate the proofs from his conscience, unless the law expressly establishes something concerning the efficacy of some proof.

Sec. 4. A judge who has not been able to form this certitude for himself is to pronounce that the right of the actor is not established and dismiss the defendant, unless there is question of a favorable cause, in which case pronouncement is to be made for it, and with the prescription of can. 1697, Sec. 2 saved.

Can. 1870. Sentence must be rendered by the judge when the discussion of the cause has been completed; and if the cause is more involved and more difficult by the mass of contentions or documents, a suitable interval of time can be interposed.

1983 Code correlation: NA

Can. 1871.

1983 Code correlation: 1983 CIC 1609

Sec. 1. In a collegial tribunal, the president of the college is to establish on what day and hour the judges are to come together to deliberate; and unless a particular cause persuades otherwise, the meeting is to be held in the very seat of the tribunal.

Sec. 2. On the day assigned for the meeting, the individual judges will bring their written conclusions on the merit of the cause, and the reasons, both in fact and in law, by which they have come to their conclusion; these conclusions are to be added to the acts of the cause, to be kept secret.

Sec. 3. When the conclusions of the individual judges have been brought forth in order, according to precedence, yet so that the beginning is always made by the ponens or relator of the cause, a moderate discussion is to be held under the guidance of the president of the tribunal, especially so that what must be established in the dispositive part of the sentence may be settled.

Sec. 4. In the discussion, however, it is permitted to each one to depart from his former conclusion.

Sec. 5. But if in the first discussion the judges are unwilling or unable to come to this sentence, the decision can be deferred to a new meeting, which however must not be postponed beyond a week.

Can. 1872. If there is a single judge, it belongs to him alone to draw up the sentence; but in a collegial tribunal the prescription of can. 1584 is to be observed.

1983 Code correlation: 1983 CIC 1610

Can. 1873.

1983 Code correlation: 1983 CIC 1610-11

Sec. 1. The sentence must:

1. Define the controversy conducted before the tribunal; that is, absolve or condemn the defendant as regards the petitions or accusations brought forth against him, with a suitable response given to each doubt, or article of the controversy.

2. Determine, at least insofar as it is lawful and the matter permits, what the condemned party must give, do, furnish, or suffer, or from what he must abstain; and likewise in what manner, place, or time the obligation must be fulfilled.

3. Contain the reasons or motives, as they are called, both in fact and in law, on which the dispositive part of the sentence rests.

4. Establish concerning the expenses of the lawsuit.

Sec. 2. In a collegial tribunal the motives are to be taken by the drafter from those things which the individual judges brought forward in the discussion, unless it has been predefined by the greater part of the judges themselves what motives are to be brought forth.

Can. 1874.

1983 Code correlation: 1983 CIC 1612

Sec. 1. The sentence must be rendered with the divine Name always invoked at the beginning.

Sec. 2. Then it must express in order who the judge or tribunal is; who the actor, defendant, procurator are, with names and domicile duly designated; the promoter of justice, and the defender of the bond, if they have had a part in the judgment.

Sec. 3. Afterward it must report briefly the species of fact together with the conclusions of the parties.

Sec. 4. After these things let there follow the dispositive part of the sentence, with the reasons on which it rests having been premised.

Sec. 5. Let it be closed with the indication of the day and place in which it was drawn up and with the signature of the judge, or of all the judges if there were several, and of the notary.

Can. 1875. The rules placed above have place especially in bringing forth a definitive sentence; but they are also applied, insofar as the different matter permits, in bringing forth an interlocutory sentence.

1983 Code correlation: 1983 CIC 1613

Can. 1876. A sentence, drawn up in this manner, is to be published as soon as possible.

1983 Code correlation: 1983 CIC 1614

Can. 1877. Publication of the sentence can be made in three ways: either by citing the parties to hear the reading of the sentence solemnly made by the judge sitting for the tribunal; or by denouncing to the parties that the sentence is in the chancery of the tribunal, and that faculty is given to them to read the same and request a copy of it; or finally, where the practice is in force, by transmitting a copy of the sentence to the parties through public carriers according to the norm of can. 1719.

1983 Code correlation: 1983 CIC 1509, 1615

TITLE XIV: Of Remedies of Law Against a Sentence

Can. 1878.

1983 Code correlation: 1983 CIC 1616

Sec. 1. If there is question of a material error which has occurred either in transcribing the dispositive part of the sentence or in reporting facts or petitions of the parties or in placing calculations, the judge himself has the power to correct the error.

Sec. 2. The judge is to come to this correction by issuing a decree at the instance of a party, unless the other party objects.

Sec. 3. If the other party objects, the incidental question is to be defined by decree according to the norm of can. 1840, Sec. 3; and the decree is to be reported at the foot of the corrected sentence.

CHAPTER I: Of Appeal

Can. 1879. The party who thinks himself burdened by some sentence, and likewise the promoter of justice and defender of the bond in causes in which they were involved, have the right of appealing from the sentence, that is, of making recourse from the inferior judge who rendered the sentence to the superior, with the prescription of can. 1880 saved.

1983 Code correlation: 1983 CIC 1628

Can. 1880. There is no place for appeal:

1983 Code correlation: 1983 CIC 1629

1. From a sentence of the Supreme Pontiff himself or of the Apostolic Signatura.

2. From a sentence of a judge who has been delegated by the Holy See to hear a cause with the clause removing appeal.

3. From a sentence affected by the defect of nullity.

4. From a sentence which has passed into a judged matter.

5. From a definitive sentence which rests on the decisory oath of the lawsuit.

6. From a decree of the judge or from an interlocutory sentence which does not have the force of a definitive sentence, unless it is joined with an appeal from the definitive sentence.

7. From a sentence in a cause for which the law provides that the matter is to be defined most expeditiously.

8. From a sentence against a contumacious person who has not purged himself from contumacy.

9. From a sentence rendered against one who in writing expressly declared that he renounced appeal.

Can. 1881. Appeal must be interposed before the judge by whom the sentence was pronounced within ten days from notice of publication of the sentence.

1983 Code correlation: 1983 CIC 1630

Can. 1882.

1983 Code correlation: 1983 CIC 1630

Sec. 1. Appeal can be made orally before the judge sitting for the tribunal, if the sentence is read publicly, and immediately it must be reduced to writing by the actuary.

Sec. 2. Otherwise it must be made in writing, with the case of which in can. 1707 saved.

Can. 1883. Appeal must be prosecuted before the judge to whom it is directed within a month from its interposition, unless the judge from whom appeal is taken has furnished the party a longer time for prosecuting it.

1983 Code correlation: 1983 CIC 1663

Can. 1884.

1983 Code correlation: 1983 CIC 1634

Sec. 1. To prosecute an appeal it is required and sufficient that the party invoke the ministry of the superior judge for the correction of the impugned sentence, with a copy of this sentence and of the appellate libellus which he had exhibited to the inferior judge attached.

Sec. 2. But if the party cannot obtain a copy of the impugned sentence from the tribunal from which appeal is taken within the useful time, meanwhile the terms do not run, and the impediment must be signified to the judge of appeal, who is to bind the judge from whom appeal is taken by precept to satisfy his office as soon as possible.

Can. 1885.

1983 Code correlation: NA

Sec. 1. If the case of which in can. 1733 has occurred within the time useful for appealing, but before appeal has been interposed, the sentence must be denounced to those whose interest it is, and the terms established by law are understood to be granted to them, to be computed from the day of denunciation.

Sec. 2. If it has occurred after appeal has been made, the interposed appeal is to be denounced to the same persons, in whose favor the useful time for prosecuting the appeal begins to run anew from the day of denunciation.

Can. 1886. When the fatal terms of appeal have elapsed uselessly, whether before the judge from whom appeal is taken or before the judge to whom appeal is made, the appeal is considered deserted.

1983 Code correlation: 1983 CIC 1635

Can. 1887.

1983 Code correlation: 1983 CIC 1637

Sec. 1. An appeal made by the actor also profits the defendant, and conversely.

Sec. 2. If it is interposed by one party concerning some head of the sentence, the adverse party, even if the fatal terms of appeal have passed, can appeal incidentally concerning other heads; and he can do this even under the condition of withdrawing if the prior party has withdrawn from the instance.

Sec. 3. If the sentence contains several heads, and the appellant impugns only certain heads, the remaining heads are considered excluded; if he has determined no head, the appeal is presumed to have been made against all heads.

Can. 1888. If one of several co-defendants or actors impugns the sentence, the impugnment is considered to have been made by all whenever the thing petitioned is indivisible or the obligation is solidary; but he alone who appealed must sustain the judicial expenses, if the judge of appeal has confirmed the first sentence.

1983 Code correlation: 1983 CIC 1637

Can. 1889.

1983 Code correlation: 1983 CIC 1638

Sec. 1. An appeal in suspensive suspends the execution of the appealed sentence, and therefore the principle remains in its force: while the lawsuit is pending, let nothing be innovated; but an appeal only in devolutive does not suspend execution of the sentence, although the lawsuit still remains pending concerning the merit of the cause.

Sec. 2. Every appeal is in suspensive, unless another thing is expressly provided in law, with the prescription of can. 1917, Sec. 2 remaining firm.

Can. 1890. Once appeal has been interposed, the tribunal from which appeal is taken must transmit to the judge to whom appeal is made an authentic copy of the acts of the cause, or the original acts of the cause themselves, according to the norm of can. 1644.

1983 Code correlation: 1983 CIC 1634

Can. 1891.

1983 Code correlation: 1983 CIC 1639

Sec. 1. In the grade of appeal a new cause of petition cannot be admitted, not even by way of useful cumulation; and therefore joinder of issue in that grade can concern only whether the prior sentence is to be confirmed or reformed, either wholly or in part.

Sec. 2. But when new documents and new proofs have been exhibited, the cause can be instructed, with the rules handed down in can. 1786, 1861 observed.

CHAPTER II: Of the Complaint of Nullity Against a Sentence

Can. 1892. A sentence labors under the defect of insanable nullity when:

1983 Code correlation: 1983 CIC 1620

1. It was rendered by an absolutely incompetent judge or, in a collegial tribunal, by a number of judges not legitimate against the prescription of can. 1576, Sec. 1.

2. It was rendered between parties of whom at least one does not have the person for standing in judgment.

3. Someone acted in the name of another without a legitimate mandate.

Can. 1893. The nullity of which in can. 1892 can be proposed by way of exception forever, but by way of action before the judge who rendered the sentence within thirty years from the day of publication of the sentence.

1983 Code correlation: 1983 CIC 1621

Can. 1894. A sentence labors under the defect of sanable nullity when:

1983 Code correlation: 1983 CIC 1622

1. Legitimate citation was lacking.

2. It is destitute of motives or reasons for deciding, with the prescription of can. 1605 saved.

3. It lacks the signatures prescribed by law.

4. It does not report the indication of the year, month, day, and place in which it was pronounced.

Can. 1895. A complaint of nullity in the cases of which in can. 1894 can be proposed either together with appeal within ten days, or separately and only as a complaint within three months from the day of publication of the sentence before the judge who rendered the sentence.

1983 Code correlation: 1983 CIC 1623-25

Can. 1896. If a party fears that the judge who rendered the sentence impugned by complaint of nullity has a preoccupied mind and therefore rightly considers him suspect, he can demand that another judge, but in the same seat of judgment, be substituted in his place according to the norm of can. 1615.

1983 Code correlation: 1983 CIC 1624

Can. 1897.

1983 Code correlation: 1983 CIC 1626

Sec. 1. Not only the parties who think themselves burdened, but also the promoter of justice or defender of the bond, whenever they were involved in the judgment, can interpose a complaint of nullity.

Sec. 2. Indeed the judge himself can from office retract and amend a null sentence rendered by himself within the terms established above for acting.

CHAPTER III: Of Opposition of a Third Party

Can. 1898. If the prescription of a definitive sentence offends the rights of others, these have the extraordinary remedy which is called opposition of a third party, by force of which those who fear injury to their rights from the sentence can impugn the sentence itself before its execution and oppose themselves to it.

1983 Code correlation: NA

Can. 1899.

1983 Code correlation: NA

Sec. 1. Opposition can be made at the choice of the recurring person, either by petitioning revision of the sentence by the very judge who rendered it, or by appealing to the superior judge.

Sec. 2. In either case the opponent must prove that his right has truly been injured or probably will be injured.

Sec. 3. But the injury must arise from the sentence itself insofar as either it itself is the cause of the injury, or, if it is committed to execution, it will affect the opponent with grave prejudice.

Sec. 4. If neither is proved, the judge, notwithstanding the opposition of the third party, is to decree the execution of the sentence.

Can. 1900. Once the instance has been admitted, if the opponent wishes to act in the grade of appeal, he is held to the laws established for appeal; if before the very judge who rendered the sentence, the rules given for incidental causes are to be observed.

1983 Code correlation: NA

Can. 1901. When the cause has been won by the opponent, the sentence rendered previously must be changed by the judge according to the instance of the opponent.

1983 Code correlation: NA

TITLE XV: Of Judged Matter and of Restitution in Integrum

Can. 1902. A judged matter is had:

1983 Code correlation: 1983 CIC 1641

1. By a double conforming sentence.

2. By a sentence not appealed within the useful time; or one which, although appealed before the judge from whom appeal is taken, was deserted before the judge to whom appeal is made.

3. By a single definitive sentence from which appeal is not given according to the norm of can. 1880.

Can. 1903. Causes concerning the status of persons never pass into a judged matter; but from a double conforming sentence in these causes it follows that a further proposition must not be admitted unless new and likewise grave arguments or documents have been brought forth.

1983 Code correlation: 1983 CIC 1643-44

Can. 1904.

1983 Code correlation: 1983 CIC 1642

Sec. 1. A judged matter is held true and just by a presumption of law and by law, and cannot be impugned directly.

Sec. 2. It makes law between the parties and gives an exception for impeding the new introduction of the same cause.

Can. 1905.

1983 Code correlation: 1983 CIC 1645

Sec. 1. Against a sentence against which the ordinary remedy of appeal or complaint of nullity is not available, there is given the extraordinary remedy of restitution in integrum within the limits of can. 1687, 1688, provided that the evident injustice of the judged matter is manifestly established.

Sec. 2. But injustice is not considered manifestly established unless:

1. The sentence rests on documents which afterward were detected to be false.

2. Documents afterward were discovered which peremptorily prove new facts requiring a contrary decision.

3. The sentence was brought forth from the fraud of a party to the damage of the other.

4. A prescription of law was evidently neglected.

Can. 1906. For granting restitution in integrum, the competent judge is the judge who rendered the sentence, unless it is petitioned because of a prescription of law neglected by the judge; in that case the tribunal of appeal grants it.

1983 Code correlation: 1983 CIC 1646

Can. 1907.

1983 Code correlation: 1983 CIC 1647

Sec. 1. A petition for restitution in integrum suspends the execution of a sentence not yet begun.

Sec. 2. If, however, there is a suspicion from probable indications that the petition was made to weave delays for execution, the judge can decree that the sentence be committed to execution, yet with a suitable caution assigned to the one petitioning restitution so that, if he is restored in integrum, he may be made indemnified.

TITLE XVI: Of Judicial Expenses and Gratuitous Patronage

CHAPTER I: Of Judicial Expenses

Can. 1908. In contentious causes the parties can be compelled to pay something by title of judicial expenses, unless they are exempted from this burden according to the norm of can. 1914-1916.

1983 Code correlation: 1983 CIC 1649

Can. 1909.

1983 Code correlation: 1983 CIC 1649

Sec. 1. It belongs to the Provincial Council or the meeting of Bishops to establish a schedule and rule of taxes, in which it is predefined what the parties owe for judicial expenses; what compensation for the work of advocates and procurators is to be paid by the parties; what measure of payment there is for translations and transcriptions, for examining these and making faith concerning their fidelity, and likewise for copying documents from the archive.

Sec. 2. The judge, however, according to his prudent judgment, can demand that the money due for judicial expenses, for the indemnity of witnesses, and for the honoraria of experts be deposited beforehand at the chancery of the tribunal by the party who petitions or, if the judge acts from office, by the actor, or at least that suitable caution be furnished that the money will be paid afterward.

Can. 1910.

1983 Code correlation: 1983 CIC 1649

Sec. 1. The defeated party is regularly held to restore judicial expenses to the victor both in the principal cause and in the incidental cause.

Sec. 2. If the actor or defendant has litigated rashly, he must also be condemned to reparation of damages.

Can. 1911. If the actor or defendant has only partially succumbed, or the lawsuit was conducted between blood relatives or affines, or a question very difficult was treated, or for any other just and grave cause, the judge according to his prudent judgment can compensate the expenses between the litigants wholly or in part; and he must express this in the very tenor of the sentence.

1983 Code correlation: 1983 CIC 1649

Can. 1912. If there are several in the cause who deserve condemnation to expenses, the judge is to condemn them in solidum if there is question of a solidary obligation; otherwise pro rata.

1983 Code correlation: 1983 CIC 1649

Can. 1913.

1983 Code correlation: 1983 CIC 1649

Sec. 1. From a pronouncement concerning expenses there is not given a distinct appeal; but the party who thinks himself burdened can make opposition within ten days before the same judge, who will be able to take cognizance of this matter anew and amend and moderate the taxation.

Sec. 2. Appeal from a sentence concerning the principal cause carries with it appeal from the pronouncement concerning expenses.

CHAPTER II: Of Gratuitous Patronage, or Diminution of Judicial Expenses

Can. 1914. The poor, if they are wholly unequal to sustaining judicial expenses, have the right to gratuitous patronage; if only in part, to diminution of expenses.

1983 Code correlation: 1983 CIC 1649

Can. 1915.

1983 Code correlation: 1983 CIC 1649

Sec. 1. One who wishes to obtain exemption from expenses or diminution of them must petition it from the judge, a supplicatory libellus having been given and documents having been brought by which what the condition of the petitioner is and what abundance of his family property is may be shown; moreover he must prove that he is not conducting a futile or rash cause.

Sec. 2. The judge is neither to admit nor reject the petition unless, if there is need, information, even secret information, has been required by which he can have the state of the family property of the petitioner himself ascertained, and the promoter of justice has been heard; indeed he can also revoke what has been granted if in the course of the process he has found that the asserted poverty is not present.

Can. 1916.

1983 Code correlation: 1983 CIC 1649

Sec. 1. For the gratuitous patronage of the poor, the judge in individual causes is to choose someone from the advocates approved in his forum, who cannot withdraw himself from fulfilling this office unless for a cause approved by the judge; otherwise he can be punished by the judge with a suitable penalty, even suspension from office.

Sec. 2. If advocates are lacking, the judge is to ask the local Ordinary to designate another suitable person, if there is need, to undertake the patronage of the poor person.

TITLE XVII: Of Execution of Sentence

Can. 1917.

1983 Code correlation: 1983 CIC 1650

Sec. 1. A sentence which has passed into a judged matter can be committed to execution.

Sec. 2. Nevertheless the judge can order provisional execution of a sentence which has not yet passed into a judged matter:

1. If there is question of provisions or prestations ordered for necessary sustenance.

2. If another grave necessity urges, yet so that, provisional execution having been granted, by cautions, suretyships, or pledges enough provision has been made for the indemnity of the other party in the case in which the execution must be revoked.

Can. 1918. There will not be place for execution before the executory decree of the judge is had, by which namely it is declared that the sentence itself must be committed to execution; this decree, according to the diverse nature of causes, is either included in the very tenor of the sentence or issued separately.

1983 Code correlation: 1983 CIC 1651

Can. 1919. If the execution of a sentence requires a prior rendering of accounts, an incidental cause is had, to be decided, with the things to be observed by law being observed, by that very judge who rendered the sentence to be committed to execution.

1983 Code correlation: 1983 CIC 1652

Can. 1920.

1983 Code correlation: 1983 CIC 1653

Sec. 1. The Ordinary of the place in which the sentence of first grade was rendered must commit the sentence to execution, either personally by himself or through another.

Sec. 2. But if he refuses or neglects this, at the instance of the party whose interest it is or even from office, execution pertains to the judge of appeal.

Sec. 3. Among religious, execution of the sentence pertains to the Superior who rendered the definitive sentence or delegated the judge.

Can. 1921.

1983 Code correlation: 1983 CIC 1654

Sec. 1. The executor, unless something has been permitted to his judgment in the very tenor of the sentence, must commit the sentence itself to execution according to the obvious sense of the words.

Sec. 2. It is permitted to him to see concerning exceptions about the manner and force of execution, but not concerning the merit of the cause; but if he has learned from elsewhere that the sentence is manifestly unjust, he is to abstain from execution and remit the party to the one who committed the execution.

Can. 1922.

1983 Code correlation: 1983 CIC 1655

Sec. 1. As regards real actions, once some thing has been adjudged to the actor, it is to be handed over to the actor as soon as the judged matter is had.

Sec. 2. But as regards personal actions, when the defendant has been condemned to furnish a movable thing, or to pay money, or to give or do something else, four months are granted for fulfilling the obligation.

Sec. 3. The judge can reduce or prolong the prescribed term, yet so that it is neither shortened below two months nor exceeds six months.

Can. 1923.

1983 Code correlation: NA

Sec. 1. In carrying out execution the executor is to take care that the condemned person be harmed as little as possible, and for that reason he is to begin execution by selling off things which are less necessary to him, always preserving those things which serve his food or industry; and if there is question of a cleric, his honorable sustenance is to be preserved according to the norm of can. 122.

Sec. 2. The judge is not to proceed to the execution of privation of a benefice against a cleric who has approached the Holy See; but if there is question of a benefice to which care of souls is attached, the Ordinary is to provide through designation of a substitute vicar.

Can. 1924. The executor is first to use warnings and precepts toward the reluctant person; but he is not to come to spiritual penalties and censures unless from necessity and by steps.

1983 Code correlation: NA

SECTION II: Of Particular Norms To Be Observed in Certain Trials

TITLE XVIII: Of Ways of Avoiding a Contentious Trial

CHAPTER I: Of Transaction

Can. 1925.

1983 Code correlation: 1983 CIC 1446, 1713

Sec. 1. Since it is greatly to be desired that lawsuits among the faithful be avoided, the judge is to employ exhortations so that, when some contentious controversy which regards their private good is proposed to him to be settled by

judicial form, the lawsuit may be composed by transaction, if some hope of concord shines forth.

Sec. 2. The judge will be able to satisfy this office either before the parties are called into judgment, or when they have first stood in judgment, or finally at whatever time he has considered that this can be attempted both more efficaciously and more opportunely.

Sec. 3. Nevertheless it befits the dignity of one judging that he not personally by himself, at least regularly, undertake this business to be treated, but that he commit it to some priest, especially from the synodal judges.

Can. 1926. In transaction, the norms established by the civil laws of the place in which the transaction is entered into are to be observed, unless they are opposed to divine or ecclesiastical law and with the prescription of the canons which follow saved.

1983 Code correlation: 1983 CIC 1714

Can. 1927.

1983 Code correlation: 1983 CIC 1715

Sec. 1. Transaction cannot validly be made either in a criminal cause, or in a contentious cause in which there is question either of dissolving a marriage, or of a benefice matter when the very title of the benefice is disputed, unless legitimate authority accedes; nor concerning spiritual things whenever payment of a temporal thing intervenes.

Sec. 2. But if a question is made concerning ecclesiastical temporal goods and those things which, although attached to spiritual things, nevertheless can be considered separately from spiritual things, transaction can be made, with the solemnities established by law for alienation of ecclesiastical things nevertheless observed if the matter demands it.

Can. 1928.

1983 Code correlation: NA

Sec. 1. The effect of a transaction brought happily to its end is called composition or concord.

Sec. 2. Unless another thing has been expressly provided, each party is to pay half of the expenses which the transaction required.

CHAPTER II: Of Compromise into Arbitrators

Can. 1929. To avoid judicial contentions, the parties can also enter into a convention by which the controversy is committed to the judgment of one or several who, according to the norm of law, settle the question, or treat and transact the business from what is good and equitable; the former are called by the proper name arbiters, the latter arbitrators.

1983 Code correlation: 1983 CIC 1713

Can. 1930. The prescriptions of can. 1926, 1927 are also to be applied to compromise into arbiters.

1983 Code correlation: 1983 CIC 1714-15

Can. 1931. Lay persons in ecclesiastical causes, excommunicated persons, and infamous persons after a declaratory or condemnatory sentence are prohibited from validly discharging the office of arbiter; religious, however, are not to undertake the office of arbiter without permission of the Superior.

1983 Code correlation: NA

Can. 1932. If the parties do not wish to consent either to transaction or to compromise into arbiters or arbitrators, the controversy will have to be settled through a formal trial according to the norm of the First Section.

1983 Code correlation: NA

TITLE XIX: Of Criminal Judgment

Can. 1933.

1983 Code correlation: 1983 CIC 1342, 1720

Sec. 1. Delicts which fall under criminal judgment are public delicts.

Sec. 2. Delicts to be punished by penal sanctions of which in can. 2168-2194 are excepted.

Sec. 3. In delicts of mixed forum Ordinaries regularly are not to proceed when the defendant is a lay person and the civil magistrate, taking action against the defendant, sufficiently consults the public good.

Sec. 4. Penance, a penal remedy, excommunication, suspension, and interdict, provided the delict is certain, can also be inflicted by way of precept outside judgment.

CHAPTER I: Of the Accusatory Action and Denunciation

Can. 1934. The criminal action or accusation is reserved to the promoter of justice alone, all others being excluded.

1983 Code correlation: 1983 CIC 1721

Can. 1935.

1983 Code correlation: NA

Sec. 1. Nevertheless any one of the faithful can always denounce the delict of another to petition satisfaction or to have damage to himself repaired, or also from zeal for justice for the reparation of some scandal or evil.

Sec. 2. Indeed the obligation of denunciation urges whenever someone is compelled to it either by law or by a particular legitimate precept, or by the natural law itself because of danger to faith or religion or another imminent public evil.

Can. 1936. Denunciation must be made in writings signed by the denouncer, or orally to the local Ordinary, or chancellor of the Curia, or vicars forane, or pastors; by these, however, if it was made by living voice, it is to be consigned to writings and immediately deferred to the Ordinary.

1983 Code correlation: NA

Can. 1937. One who denounces a delict must supply aids to the promoter of justice for the proof of the same delict.

1983 Code correlation: NA

Can. 1938.

1983 Code correlation: NA

Sec. 1. In a cause of injuries or defamation, in order that a criminal action be instituted, a prior denunciation or complaint of the injured party is required.

Sec. 2. But if there is question of a grave injury or defamation brought upon a cleric or religious, especially one constituted in dignity, or which a cleric or religious has brought upon another, a criminal action can also be instituted from office.

CHAPTER II: Of Inquisition

Can. 1939.

1983 Code correlation: 1983 CIC 1717

Sec. 1. If the delict is neither notorious nor entirely certain, but has become known either from rumor and public reputation, or from denunciation, or from complaint of damage, or from a general inquisition made by the Ordinary, or in any other way, before someone is cited to respond concerning the delict, a special inquisition must be premised so that it may be established whether and on what foundation the imputation rests.

Sec. 2. This rule has place whether there is question of inflicting a vindicative penalty or censure, or of rendering a declaratory sentence of a penalty or censure into which someone has fallen.

Can. 1940. This inquisition, although it can be carried out by the local Ordinary himself, nevertheless by the general rule is to be committed to one from the synodal judges, unless for a particular reason it seems to the same Ordinary that it should be committed to another.

1983 Code correlation: 1983 CIC 1717

Can. 1941.

1983 Code correlation: 1983 CIC 1717

Sec. 1. The inquisitor is to be delegated not for the totality of causes, but each time and for one cause.

Sec. 2. The inquisitor is held to the same obligations by which ordinary judges are held, and especially must render an oath concerning preserving secrecy and faithfully fulfilling the office and abstain from receiving gifts according to the norm of can. 1621-1624.

Sec. 3. The inquisitor cannot act as judge in the same cause.

Can. 1942.

1983 Code correlation: 1983 CIC 1718

Sec. 1. It is committed to the prudent judgment of the Ordinary to establish when the arguments which are at hand suffice for instituting an inquisition.

Sec. 2. Denunciations which come from a manifest enemy, or from a vile and unworthy person, or anonymous denunciations lacking those circumstances and those other elements which perhaps render the accusation probable, are to be considered as nothing.

Can. 1943. The inquisition must always be secret and conducted most cautiously, lest the rumor of the delict be spread and lest anyone's good name be called into danger.

1983 Code correlation: 1983 CIC 1717

Can. 1944.

1983 Code correlation: NA

Sec. 1. To achieve his end the inquisitor can summon to himself and interrogate under oath of telling the truth and preserving secrecy some persons whom he considers informed concerning the matter.

Sec. 2. In their examination the inquisitor is to observe, insofar as can be done and the nature of the inquisition permits, the rules established in can. 1770-1781.

Can. 1945. Before he closes the inquisition, the inquisitor can seek the counsel of the promoter of justice whenever he has fallen into some difficulty, and communicate the acts with him.

1983 Code correlation: NA

Can. 1946.

1983 Code correlation: 1983 CIC 1718-19

Sec. 1. When the inquisition has been completed, the inquisitor, his vote having been added, is to report all things to the Ordinary.

Sec. 2. The Ordinary, or by his special mandate the officialis, is to order by his decree that:

1. If it appears that the denunciation is destitute of solid foundation, this is to be declared in the acts and the acts themselves are to be placed in the secret archive of the Curia.

2. If indications of crime are had, but not yet sufficient for instituting an accusatory action, the acts are to be preserved in the same archive, and meanwhile the morals of the accused are to be watched; he, according to the prudent judgment of the Ordinary, will opportunely be heard concerning the matter and, if the case requires, warned according to the norm of can. 2307.

3. If finally arguments certain or at least probable and sufficient for instituting an accusation are at hand, the defendant is to be cited to appear and one is to proceed to further things according to the norm of the canons which follow.

CHAPTER III: Of the Correction of the Delinquent

Can. 1947. If the defendant, having been interrogated, confesses the delict, the Ordinary, in place of a criminal judgment, is to use judicial correction if there is place for it.

1983 Code correlation: NA

Can. 1948. Judicial correction cannot have place:

1983 Code correlation: NA

1. In delicts which carry the penalty of excommunication reserved in a most special or special manner to the Apostolic See, or of privation of benefice, infamy, deposition, or degradation.

2. When there is question of rendering a declaratory sentence of a vindicative penalty or censure into which someone has fallen.

3. When the Ordinary considers that it is not sufficient for reparation of scandal and restitution of justice.

Can. 1949.

1983 Code correlation: NA

Sec. 1. There can be place for correction once and again, but not a third time against the same defendant.

Sec. 2. Wherefore if after the second correction the defendant commits the same delict, a criminal judgment must be instructed or one already begun must be continued according to the norm of can. 1954 and following.

Can. 1950. Within the limits of can. 1947, 1948 correction can be used by the Ordinary not only before a step is made to formal judgment, but also after it has begun before conclusion in the cause; and then indeed the judgment is suspended, unless nevertheless it must be prosecuted because the correction has turned out in vain.

1983 Code correlation: NA

Can. 1951.

1983 Code correlation: NA

Sec. 1. Correction can also be used when a complaint of damage from the delict has been interposed.

Sec. 2. In this case the Ordinary can, from what is good and equitable and with the parties consenting, see and settle the question concerning damage.

Sec. 3. But if he has judged that the question concerning damage can be defined with difficulty from what is good and equitable, it is permitted to him, the solution of this question having been remitted to the judicial order, to consult by

correction the reparation of scandal and the amendment of the delinquent.

Can. 1952.

1983 Code correlation: NA

Sec. 1. Judicial correction, besides salutary warnings, must generally have joined to it certain opportune remedies, or the prescription of penances or pious works, which can serve for the public reparation of injured justice or scandal.

Sec. 2. The salutary remedies, penances, and pious works to be prescribed to the defendant must be milder and lighter than those which in a criminal judgment could and should be inflicted upon him by a condemnatory sentence.

Can. 1953. Correction is considered to have been employed uselessly if the defendant does not accept the remedies, penances, and pious works prescribed to him, or, having accepted them, does not execute them.

1983 Code correlation: NA

CHAPTER IV: Of the Instruction of the Criminal Process and of the Constitution of the Defendant

Can. 1954. If judicial correction is either insufficient for reparation of scandal and restitution of justice, or cannot be employed because the defendant denies the delict, or has been employed uselessly, the Bishop, or the officialis by his special mandate, is to command that the acts of the inquisition be handed over to the promoter of justice.

1983 Code correlation: 1983 CIC 1721

Can. 1955. The promoter is immediately to prepare the libellus of accusation and exhibit it to the judge according to the norms established in the First Section.

1983 Code correlation: NA

Can. 1956. In graver delicts, if the Ordinary considers that, with offense of the faithful, the accused person ministers in sacred things or discharges some spiritual ecclesiastical or pious office or publicly approaches Holy Communion, he can, after the promoter of justice has been heard, prohibit him from sacred ministry, from the exercise of those offices, or even from public participation in Holy Communion according to the norm of can. 2222, Sec. 2.

1983 Code correlation: 1983 CIC 1722

Can. 1957. Likewise, if the judge considers that the accused can strike fear into witnesses or suborn them, or in another way impede the course of justice, he can, after the promoter of justice has been heard, command by his decree that he temporarily leave a town or certain parish, or even that he withdraw to a predefined place and remain there under special vigilance.

1983 Code correlation: 1983 CIC 1722

Can. 1958. The decrees of which in can. 1956, 1957 cannot be rendered unless the defendant has been cited and appears or is contumacious, whether after his first hearing or constitution, or afterward in the course of the process; and against the same decrees no remedy of law is given.

1983 Code correlation: 1983 CIC 1722

Can. 1959. In the remaining matters the rules handed down in the First Section of this Book are to be observed, and in the infliction of penalties the sanctions established in Book Five.

1983 Code correlation: 1983 CIC 1728

TITLE XX: Of Matrimonial Causes

CHAPTER I: Of the Competent Forum

Can. 1960. Matrimonial causes between baptized persons pertain by proper and exclusive right to the ecclesiastical judge.

1983 Code correlation: 1983 CIC 1671

Can. 1961. Causes concerning merely civil effects of marriage, if they are conducted principally, pertain to the civil magistrate according to the norm of can. 1016; but if incidentally and accessorily, they can also be known and defined by the ecclesiastical judge from his proper power.

1983 Code correlation: 1983 CIC 1672

Can. 1962. Matrimonial causes pertaining to those persons of whom in can. 1557, Sec. 1, n. 1, that Sacred Congregation or that Tribunal or that special Commission will exclusively know, to which the Supreme Pontiff has delegated them in each case; causes of dispensation concerning a ratified and non-consummated marriage, the Sacred Congregation of the Discipline of the Sacraments; but causes which refer to the Pauline privilege, the Sacred Congregation of the Holy Office.

1983 Code correlation: 1983 CIC 1698

Can. 1963.

1983 Code correlation: 1983 CIC 1681, 1699

Sec. 1. Wherefore no inferior judge can instruct a process in causes of dispensation concerning a ratified marriage unless the Apostolic See has given him faculty.

Sec. 2. If, however, a competent judge by his own authority has conducted a judgment concerning a null marriage from the head of impotence and from it proof has emerged not of impotence but of a marriage not yet consummated, all the acts are to be transmitted to the Sacred Congregation, which will be able to use them for rendering a sentence concerning the ratified and non-consummated marriage.

Can. 1964. In other matrimonial causes the competent judge is the judge of the place in which the marriage was celebrated or in which the convened party, or, if one party is non-Catholic, the Catholic party, has domicile or quasi-domicile.

1983 Code correlation: 1983 CIC 1673

Can. 1965. If a marriage is accused from defect of consent, the judge is to take care before all things that by opportune warnings he induce the party whose consent is affirmed to be lacking to renew consent; if from defect of substantial form or from a diriment impediment which can and usually is dispensed, he is to strive to induce the parties to renew consent in legitimate form or to petition dispensation.

1983 Code correlation: 1983 CIC 1676

CHAPTER II: Of Constituting the Tribunal

Can. 1966. With the prescription of can. 1576, Sec. 1, n. 1 remaining firm, there is a single instructing judge in the inquisition for dispensation concerning a ratified and non-consummated marriage.

1983 Code correlation: 1983 CIC 1700

Can. 1967. Whether there is question of the nullity of marriage, or of proving non-consummation and the causes for dispensing concerning the ratified marriage, the defender of the matrimonial bond must be cited according to the norm of can. 1586.

1983 Code correlation: 1983 CIC 1701

Can. 1968. It belongs to the defender of the bond:

1983 Code correlation: 1983 CIC 1432, 1678

1. To be present at the examination of the parties, witnesses, and experts; to exhibit to the judge closed and sealed interrogatories, to be opened by the judge in the act of examination and proposed to the parties or witnesses; and to suggest to the judge new interrogations emerging from the examination.

2. To weigh the articles proposed by the parties and, insofar as there is need, to contradict them; to inspect documents exhibited by the parties.

3. To write and allege observations against the nullity of marriage and proofs for the validity or for the consummation of the marriage, and to bring forward all things which he has considered useful for defending the marriage.

Can. 1969. Let the defender of the bond have the right:

1983 Code correlation: 1983 CIC 1678

1. Always and at any moment of the cause to inspect the acts of the process, even if not yet published; to demand new terms for completing writings, to be prolonged by the prudent judgment of the judge.

2. To be informed concerning all proofs or allegations in such a way that he can use the faculty of contradicting.

3. To petition that other witnesses be introduced or the same witnesses again be subjected to examination, even when the process has been completed or published, and to issue new observations.

4. To require that other acts which he himself has suggested be prepared, unless the tribunal by unanimous vote dissents.

CHAPTER III: Of the Right of Accusing a Marriage and of Petitioning Dispensation concerning the Ratified Marriage

Can. 1970. A collegial tribunal can know or define no matrimonial cause unless a regular accusation or a petition made by law has preceded.

1983 Code correlation: NA

Can. 1971.

1983 Code correlation: 1983 CIC 1674

Sec. 1. Able to accuse are:

1. Spouses, in all causes of separation and nullity, unless they themselves were the cause of the impediment.

2. The promoter of justice in impediments public by their nature.

Sec. 2. All others, even blood relatives, do not have the right of accusing marriages, but only of denouncing the nullity of a marriage to the Ordinary or promoter of justice.

Can. 1972. A marriage which, while both spouses are living, has not been accused, after the death of either or both spouses is presumed to have been valid in such a way that proof against this presumption is not admitted, unless a question arises incidentally.

1983 Code correlation: 1983 CIC 1675

Can. 1973. Spouses alone have the right of petitioning dispensation concerning a ratified and non-consummated marriage.

1983 Code correlation: 1983 CIC 1697

CHAPTER IV: Of Proofs

ARTICLE I: Of Witnesses

Can. 1974. Blood relatives and affines of whom in can. 1757, Sec. 3, n. 3, are held as able witnesses in the causes of their relatives.

1983 Code correlation: NA

Can. 1975.

1983 Code correlation: NA

Sec. 1. In causes of impotence or non-consummation, unless concerning impotence or non-consummation it is otherwise certainly established, each spouse must introduce witnesses, who are called of the seventh hand, joined to himself by blood or affinity, or otherwise neighbors of good reputation, or otherwise informed concerning the matter, who can swear concerning the probity of the spouses themselves, and especially concerning their truthfulness regarding the matter brought into controversy; to whom the judge, according to the norm of can. 1759, Sec. 3, can join other witnesses from office.

Sec. 2. Testimony of the seventh hand is an argument of credibility which adds strength to the depositions of the spouses; but it does not obtain the force of full proof unless it is supported by other aids or arguments.

ARTICLE II: Of Bodily Inspection

Can. 1976. In causes of impotence or non-consummation, inspection of the body of both spouses or of either spouse to be made by experts is required, unless from the circumstances it is evidently useless.

1983 Code correlation: 1983 CIC 1680

Can. 1977. In choosing experts, besides the norms given in can. 1792-1805, the prescriptions of the canons which follow are to be observed.

1983 Code correlation: NA

Can. 1978. Let those not be admitted to the office of expert who have privately inspected the spouses concerning the fact on which the petition for declaration of nullity or non-consummation rests; nevertheless it is permitted to introduce them as witnesses.

1983 Code correlation: NA

Can. 1979.

1983 Code correlation: NA

Sec. 1. For inspecting the man, two medical experts must be deputed from office.

Sec. 2. But for inspecting the woman, two midwives who have legitimate testimony of expertise are to be designated from office; unless the woman has preferred to be inspected by two physicians likewise designated from office, or the Ordinary has held this necessary.

Sec. 3. The bodily inspection of the woman must be made with the rules of Christian modesty fully observed and with an honorable matron, to be designated from office, always standing by.

Can. 1980.

1983 Code correlation: NA

Sec. 1. The midwives or experts must carry out the inspection of the woman separately, each one by himself or herself.

Sec. 2. The individual physicians or midwives are to prepare individual reports, to be handed in within the term predefined by the judge.

Sec. 3. The judge can subject the reports prepared by the midwives to the examination of some medical expert, if he has considered this opportune.

Can. 1981. When the report has been completed, the experts, midwives, and matron, separately each one, are to be interrogated by the judge according to the articles previously prepared by the defender of the bond, to which they are to respond after rendering an oath.

1983 Code correlation: NA

Can. 1982. Also in causes of defect of consent because of insanity, the vote of experts is to be required; they are to examine the infirm person, if the case requires, or his acts which introduce suspicion of insanity, according to the precepts of the art; moreover experts who previously visited the infirm person must be heard as witnesses.

1983 Code correlation: 1983 CIC 1680

CHAPTER V: Of the Publication of the Process, Conclusion in the Cause, and Sentence

Can. 1983.

1983 Code correlation: NA

Sec. 1. Once the process has been published, it is still lawful for the parties to introduce new witnesses, according nevertheless to the norm of can. 1786, concerning different articles.

Sec. 2. But if witnesses already examined must be heard again concerning the same articles previously proposed, the prescription of can. 1781 is to be observed, the right of the defender of the bond to propose opportune exceptions remaining intact.

Can. 1984.

1983 Code correlation: NA

Sec. 1. The defender of the bond has the right that in alleging, petitioning, and responding, both in writings and in oral defense, he be heard last.

Sec. 2. Wherefore the tribunal is not to come to definitive sentence unless the defender of the bond, having first been interrogated, has declared that nothing to be brought forward or investigated remains to him.

Sec. 3. But if before the day of judgment predefined by the judge the defender has brought forward nothing, he is presumed to have nothing now to be brought forward.

Can. 1985. In causes which pertain to dispensation of a ratified and non-consummated marriage, the instructing judge is to come neither to publication of the process nor to sentence concerning the non-consummation itself and the causes for dispensing, but is to transmit all the acts together with the written vote of the Bishop and of the defender of the bond to the Apostolic See.

1983 Code correlation: 1983 CIC 1703-5

CHAPTER VI: Of Appeals

Can. 1986. From the first sentence which has declared the nullity of marriage, the defender of the bond must, within legitimate time, make recourse to the higher tribunal; and if he neglects to fulfill his office, he is to be compelled by authority of the judge.

1983 Code correlation: 1983 CIC 1682

Can. 1987. After a second sentence which has confirmed the nullity of marriage, if the defender of the bond in the grade of appeal according to his conscience has not believed that appeal should be made, the spouses have the right, ten days having elapsed from denunciation of the sentence, of contracting new nuptials.

1983 Code correlation: 1983 CIC 1684

Can. 1988. When the nullity of marriage has been decreed, the Ordinary of the place must take care that mention of it be made in the registers of baptisms and marriages, where the celebration of the marriage is found consigned.

1983 Code correlation: 1983 CIC 1685

Can. 1989. Since sentences in matrimonial causes never pass into a judged matter, the causes themselves, if new arguments are at hand, can always be retried, with the prescription of can. 1903 remaining firm.

1983 Code correlation: NA

CHAPTER VII: Of Cases Excepted from the Rules Handed Down Thus Far

Can. 1990. When from a certain and authentic document, which is subject to no contradiction or exception, it has been established concerning the existence of the impediment of disparity of cult, order, solemn vow of chastity, bond, consanguinity, affinity, or spiritual relationship, and at the same time with equal certitude it has appeared that dispensation concerning these impediments was not given, in these cases, the solemnities recounted thus far having been omitted, the Ordinary, the parties having been cited, will be able to declare the nullity of the marriage, with the intervention nevertheless of the defender of the bond.

1983 Code correlation: 1983 CIC 1686

Can. 1991. Against this declaration the defender of the bond, if he has prudently considered that the impediments of which in can. 1990 are not certain or that dispensation concerning them probably intervened, is held to make recourse to the judge of second instance, to whom the acts are to be transmitted and who is to be warned in writing that there is question of an excepted case.

1983 Code correlation: 1983 CIC 1687

Can. 1992. The judge of the other instance, with the intervention of the defender of the bond alone, will decree in the same manner of which in can. 1990 whether the sentence is to be confirmed, or rather whether one must

proceed in the cause according to the ordinary course of law; in which case he remits it to the tribunal of first instance.

1983 Code correlation: 1983 CIC 1688

TITLE XXI: Of Causes against Sacred Ordination

Can. 1993.

1983 Code correlation: 1983 CIC 1709-10

Sec. 1. In causes in which obligations contracted from sacred ordination or the validity itself of sacred ordination are impugned, the libellus must be sent to the Sacred Congregation of the Discipline of the Sacraments or, if ordination is impugned because of a substantial defect of the sacred rite, to the Sacred Congregation of the Holy Office; and the Sacred Congregation defines whether the cause is to be treated in judicial order or by the path of discipline.

Sec. 2. If the first, the Sacred Congregation remits the cause to the tribunal of the diocese which was proper to the cleric at the time of sacred ordination, or, if sacred ordination is impugned because of a substantial defect of the sacred rite, to the tribunal of the diocese in which the ordination was performed; but for the grades of appeal the prescription of can. 1594-1601 is to be stood by.

Sec. 3. If the second, the Sacred Congregation itself resolves the question, after an informative process has first been carried out by the tribunal of the competent Curia.

Can. 1994.

1983 Code correlation: 1983 CIC 1708

Sec. 1. The cleric equally as well as the Ordinary to whom the cleric is subject or in whose diocese he was ordained is able to accuse the validity of sacred ordination.

Sec. 2. Only the cleric who thinks that he has not contracted from sacred ordination the obligations attached to the order can petition a declaration of nullity of the burdens.

Can. 1995. All those things which are said both in the First Section of this Part and in the special title concerning process in matrimonial causes must also be observed, with congruous things referred to congruous things, in causes against sacred ordination.

1983 Code correlation: 1983 CIC 1710

Can. 1996. The defender of the bond of sacred ordination enjoys the same rights and is held to the same offices by which the defender of the matrimonial bond is bound.

1983 Code correlation: 1983 CIC 1711

Can. 1997. Although the action has been instituted not concerning the nullity itself of sacred ordination, but only concerning obligations arising from the sacred ordination itself, nevertheless the cleric is to be prohibited, as a precaution, from the exercise of orders.

1983 Code correlation: 1983 CIC 1709

Can. 1998.

1983 Code correlation: 1983 CIC 1712

Sec. 1. For a cleric to be free from the obligations which flow from the bond of ordination, two conforming sentences are required.

Sec. 2. As regards appeal, in these causes the prescriptions of can. 1986-1989 concerning matrimonial causes are to be observed.

PART TWO: Of the Causes of Beatification of Servants of God and Canonization of the Blessed

Can. 1999.

1983 Code correlation: 1983 CIC 1403

Sec. 1. Causes of beatification of Servants of God and canonization of the Blessed are reserved to the judgment of the Holy See alone.

Sec. 2. According to the norm of can. 253, Sec. 3, only the Sacred Congregation of Rites is competent in these causes.

Sec. 3. Local Ordinaries, by their own right, can do only those things which in the canons that follow are expressly entrusted to them.

Can. 2000.

1983 Code correlation: NA

Sec. 1. Causes of this kind can proceed by a twofold way, namely either the ordinary way of non-cult or the extraordinary way of an excepted case or cult.

Sec. 2. One proceeds by the ordinary way when, before one comes to discussion concerning virtues, it is intended to be proved that no public cult was offered to the Servant of God or, if at some time it was offered by abuse, that it was removed; but by the extraordinary way when it is intended to be proved that some Servant of God is in possession of public and ecclesiastical cult.

Can. 2001.

1983 Code correlation: NA

Sec. 1. Causes of martyrs, whether they proceed by the ordinary way or by the extraordinary way, are not to be cumulated, but each one is to be treated individually, unless there is question of martyrs who suffered in the same persecution and in the same place.

Sec. 2. This must also be extended to the distinct processes and discussions which are prescribed to be made in these causes from the introduction of the cause up to the end.

Can. 2002. In the canons which follow, by the name of Ordinary is not understood the Vicar General, unless he has had a special mandate.

1983 Code correlation: NA

TITLE XXII: Of Certain Persons Who Have a Part in These Processes

CHAPTER I: Of the Actor and Postulator

Can. 2003.

1983 Code correlation: NA

Sec. 1. Any faithful person or legitimate group of the Christian faithful has the right of petitioning that a cause be instructed before the competent tribunal.

Sec. 2. If the petition has been admitted by the legitimate and competent authority of the Church, by that very fact the petitioner has the right of legitimately promoting the cause and bringing it to conclusion.

Sec. 3. The local Ordinary can instruct a cause of beatification either from office or at the instance of a party.

Can. 2004.

1983 Code correlation: NA

Sec. 1. The actor can act either by himself or through a procurator legitimately constituted for this; women only through a procurator.

Sec. 2. He who treats the cause before the competent tribunal is called the postulator.

Sec. 3. The postulator, whether he acts in his own name or in another's name, must be a priest, either secular or religious, having a fixed seat in the City.

Can. 2005. Individual postulators are admitted for individual causes; nor does the right belong to anyone other than the postulator of the cause of substituting for himself, by legitimate mandate, others who are called vice-postulators.

1983 Code correlation: NA

Can. 2006.

1983 Code correlation: NA

Sec. 1. Both the postulator and the vice-postulators, if they conduct the cause by mandate of another, before they are admitted to exercising their office, must exhibit the mandate to the tribunal.

Sec. 2. The mandate of the postulator is to be drawn up according to the norm of can. 1659 and is not considered legitimate unless it has been admitted by the Sacred Congregation and inscribed in its acts; but the mandate of the vice-postulators must be recognized and admitted by the tribunal in which they exercise their office.

Can. 2007. To the office of postulator it belongs:

1983 Code correlation: NA

1. To conduct the cause before competent judges.

2. To make necessary expenses; but money collected from the faithful for expenses of the cause must be administered according to the norm of the instructions of the Apostolic See.

3. To exhibit the names of witnesses and documents to the tribunal.

4. To prepare and exhibit to the promoter of the faith the articles concerning which witnesses must be interrogated in the processes.

Can. 2008. The mandate of the postulator, if the postulator acts in the name of another, has an end for the same causes by which, according to the norm of law, the mandate of other procurators is extinguished.

1983 Code correlation: NA

CHAPTER II: Of the Cardinal Relator, Promoters of the Faith, and Subpromoters

Can. 2009.

1983 Code correlation: NA

Sec. 1. In causes which are conducted before the Sacred Congregation, one of the Cardinal Fathers enrolled in the same Congregation, designated by the Roman Pontiff, is to act as relator or ponens.

Sec. 2. His office is to devote special study to the cause entrusted to him and to report in the plenary or ordinary congregation all those things which seem to make either in favor of the cause or against it.

Can. 2010.

1983 Code correlation: NA

Sec. 1. For the protection of the law, the promoter of the faith must have a part in any process, who must always be cited according to the norm of can. 1587.

Sec. 2. The promoter of the faith before the Sacred Congregation is called the Promoter General of the Faith, and the Assessor of the Sacred Congregation who assists him is called the Sub-promoter General of the Faith.

Can. 2011.

1983 Code correlation: NA

Sec. 1. A promoter of the faith, outside the Sacred Congregation, can be constituted either for all causes or for some particular cause.

Sec. 2. The Promoter General of the Faith and Sub-promoter General are chosen by the Roman Pontiff; the promoter of the faith before the tribunal of Ordinaries, if indeed there is question of an apostolic process, is nominated by the Promoter General and then has the name of sub-promoter; otherwise he is to be named by the Ordinary before the edict of which in can. 2043.

Can. 2012.

1983 Code correlation: NA

Sec. 1. It belongs to the promoter of the faith to compose sober, merely historical interrogatories, which do not tend to elicit some certain response from the one interrogated, and which are apt for uncovering the truth even concerning the articles proposed by the postulator, and to exhibit them to the judges under obligation of secrecy.

Sec. 2. It is moreover for the same promoter to insist that witnesses be cited from office and to promote opportune exceptions; but the judge can call witnesses from office, even when the promoter of the faith does not insist or refuses, after nevertheless having warned him.

CHAPTER III: Of the Notary, Chancellor, and Advocates

Can. 2013.

1983 Code correlation: NA

Sec. 1. A notary or actuary must assist at processes, whether apostolic or to be instructed by the local Ordinary by his own right.

Sec. 2. The notary before the Sacred Congregation must be from the number of participating Protonotaries.

Can. 2014. Religious cannot validly discharge the office of notary, except from necessity; but in causes of their own religion they are always excluded.

1983 Code correlation: NA

Can. 2015. In processes instructed by the local Ordinary outside the City, the notary himself of the Curia can discharge the office of notary; in the City the Protonotary of the Sacred Congregation is to discharge the office of notary, and, he being absent, the notary of the Vicariate of the City.

1983 Code correlation: NA

Can. 2016. An assistant or, as they say, adjunct can be given to the notary, who may furnish him help in comparing transcripts with the original acts, and copies with documents which are transcribed from autographs preserved in libraries, archives, etc.

1983 Code correlation: NA

Can. 2017. The adjunct notary and the chancellor of the Sacred Congregation must be priests, of whole reputation and above every exception; but the chancellor is moreover to be furnished with a degree in canon law.

1983 Code correlation: NA

Can. 2018. Advocates and procurators in causes of beatification and canonization before the Sacred Congregation must be possessed of a degree in canon law and at least a licentiate in sacred theology, and they must have made a traineeship with some one of the advocates of the same Sacred Congregation or with the Sub-promoter General of the Faith himself; for advocates moreover a legitimate title of rotal advocate is required.

1983 Code correlation: NA

TITLE XXIII: Of Proofs to Be Used in These Processes

CHAPTER I: Of Proofs in General

Can. 2019. In these causes proofs must be entirely full; nor are any others to be admitted, except those which are drawn from witnesses and from documents.

1983 Code correlation: NA

Can. 2020.

1983 Code correlation: NA

Sec. 1. To prove that cult was never offered to a Servant of God, at least four witnesses are necessary.

Sec. 2. To prove the fame of virtues, martyrdom, and miracles, at least eight witnesses are required, who can be singular with the singularity, as they say, of support; moreover at least two witnesses are to be called from office.

Sec. 3. To prove virtues or martyrdom, eyewitnesses and co-witnesses are required; historical monuments can furnish only support.

Sec. 4. If in the apostolic process there are witnesses from hearing from those seeing, and in the informative process eyewitnesses, all these can be joined in the line of proof.

Sec. 5. But if in the informative process there are eyewitnesses and in the apostolic process witnesses only from hearing of hearing, these have the force of support, more or less grave according to the prudent estimation of the judges; and then only can one proceed to further matters, that is, to the disputation of miracles, when from the conjunction of all these witnesses there is such proof as would make faith and authority for a prudent man about to judge concerning a grave matter.

Sec. 6. Nevertheless, in ancient causes proceeding by the way of non-cult, in which eyewitnesses or witnesses from hearing from those seeing are lacking, and in causes proceeding by the way of an excepted case, virtues and martyrdom can be proved through witnesses from hearing and from public fame, which constitutes an annulated, as they say, tradition from hearing, and through contemporaneous documents or monuments recognized as authentic.

Sec. 7. Finally, miracles must always be proved through eyewitnesses and co-witnesses.

Can. 2021. Immemorial cult is proved through authentic monuments, which precede by a space of one hundred years the Urbanian constitution promulgated in the year 1634, or were published while that century endured, provided that they report facts which happened at least one hundred years before, together with the never-interrupted tradition of the people.

1983 Code correlation: NA

Can. 2022. Cult of very long time permitted by the Apostolic See is proved through contemporaneous documents.

1983 Code correlation: NA

CHAPTER II: Of Witnesses and Experts

Can. 2023. In processes of beatification, all the Christian faithful, with the prescription of can. 2027, Sec. 2, n. 1 preserved, are held, though not called, to bring to the knowledge of the Church those things which seem to them to make against the virtue or miracles or martyrdom of the Servant of God.

1983 Code correlation: NA

Can. 2024. As witnesses to be called first by the promoter of the faith, even if not introduced by the postulator, are all those who had familiarity or customary association with the Servant of God.

1983 Code correlation: NA

Can. 2025.

1983 Code correlation: NA

Sec. 1. All those of whom in can. 2023, 2024, unless they already knew themselves to have been introduced as witnesses, must give letters to their proper Ordinary, in which they briefly explain whether they had customary association with the Servant of God, or know some particular fact to be disclosed and what that is; but the Ordinary is to take care that these letters be transmitted to the promoter of the faith.

Sec. 2. Religious men or women are to transmit letters of this kind, closed with a seal, immediately and directly to the Ordinary or promoter of the faith, or hand them to the confessor, who is to take care that they are brought as soon as possible to the Ordinary or promoter of the faith.

Sec. 3. The illiterate are to explain the matter to the parish priest, who is to report it to the Ordinary or promoter of the faith.

Can. 2026. Religious Superiors are held by grave obligation of taking care that all subjects who ought to do so approach to depose, whom nevertheless they are to impel neither directly nor indirectly to testify in one sense rather than in another.

1983 Code correlation: NA

Can. 2027.

1983 Code correlation: NA

Sec. 1. Blood relatives, affines, familiars, and also heretics and infidels are admitted as witnesses.

Sec. 2. The following cannot be admitted:

1. The confessor according to the norm of can. 1757, Sec. 3, n. 2.

2. The postulator, advocate, or procurator in the cause, while holding the office; but if they have entirely given up the office, they are admitted, but can furnish only support.

3. Those who at some time have discharged the office of judge in the cause.

Can. 2028.

1983 Code correlation: NA

Sec. 1. Physicians from the treatment, whoever they may be, when there is question of miracles, are to be introduced as witnesses.

Sec. 2. But if they have refused to present themselves to the tribunal, the judge is to take care that at least they prepare a written and sworn report concerning the illness and its course, to be inserted in the acts, or that their opinion be received through an intermediary person, then to be subjected to examination.

Can. 2029. Witnesses in their testimony must render the cause of their own knowledge concerning those things which they assert; otherwise their testimony is to be made of no account.

1983 Code correlation: NA

Can. 2030. To prove the fame of sanctity or martyrdom of a Servant of God who belonged to some religion, at least half the witnesses must be outsiders.

1983 Code correlation: NA

Can. 2031. When the work of experts is necessary:

1983 Code correlation: NA

1. Let the experts be at least two, of whom one is unknown to the other, with the prescription of n. 4 preserved.

2. Let them be deputed by the tribunal through the greater part of the votes, after the promoter of the faith has been heard, or, if they must furnish their work before the Sacred Congregation, by the Cardinal Ponens, after the Promoter General of the Faith has been heard; but those who have discharged the office of witness in the cause must always be excluded.

3. Let the postulator not be made more certain who the experts are who have been designated; and let the experts themselves keep secret concerning their designation.

4. Let the experts individually come separately to the expert examination, unless for a just cause the judge, with the promoter of the faith assenting, permits them to institute the expert examination together.

5. Let the individuals hand in the report of the expert examination prepared by themselves in writing; but afterward let them be interrogated separately, even if they prepared the expert examination together.

CHAPTER III: Of Documents to Be Inserted in the Process

Can. 2032.

1983 Code correlation: NA

Sec. 1. The documents upon which the postulator relies must be exhibited entire to the tribunal.

Sec. 2. But the tribunal can also demand from the postulator other documents which seem to the same tribunal to contribute to uncovering the truth.

Can. 2033.

1983 Code correlation: NA

Sec. 1. Extrajudicial testimonies consigned in writing, whether by those whom the postulator has caused to be interrogated in the process concerning the virtues and martyrdom of the Servant of God, or by others whom the postulator has proposed to be interrogated, even if they are brought forward in the processes, nevertheless cannot be counted among the documents which have probative force in the judgment concerning the sanctity or martyrdom of the Servant of God.

Sec. 2. Nor do funeral praises and necrologies written or published in print immediately after the death of the Servant of God constitute legitimate proof.

Sec. 3. Much less do testimonies of men, however illustrious, concerning the virtues and works of the Servant of God, handed down in writing while he was still living, not spontaneously but at the prayers of friends.

Can. 2034. Those who exhibit documents must declare their origin and authenticity.

1983 Code correlation: NA

Can. 2035.

1983 Code correlation: NA

Sec. 1. Histories do not have the force of documents unless they rest upon documents exhibited in the process.

Sec. 2. If men of great authority have used these documents and approved them, their testimony must be brought forward only to confirm the authenticity and authority of the documents.

Can. 2036.

1983 Code correlation: NA

Sec. 1. Historical documents, whether handwritten or printed in type, by which the postulator intends to prove the virtues of the Servant of God or the antiquity of the cult offered to the same and its uninterrupted continuation, are to be inserted in the process and transmitted with it to the Sacred Congregation and examined by expert men.

Sec. 2. But if any of these is kept in a library or archive, from which it cannot be brought out, a written or photographically reproduced copy of it is to be exhibited with a testimony rendered in writing by the notary of the tribunal concerning its authenticity.

Sec. 3. If not even this can be done, the matter is to be referred to the Sacred Congregation, which is to designate experts so that they may inspect those things where they are preserved.

TITLE XXIV: Of the Process of Beatification of Servants of God by the Way of Non-Cult

Can. 2037.

1983 Code correlation: NA

Sec. 1. The persons who have a part in the process, whether it is to be instructed by local Ordinaries by their own right or by delegates of the Apostolic See, namely judges, the promoter of the faith and sub-promoters, the notary and adjunct, must, at the beginning of each process, according to the formula prescribed by the Sacred Congregation, take an oath concerning the office to be faithfully fulfilled, concerning secrecy to be observed up to the publication of the process, and concerning gifts of any kind not to be accepted.

Sec. 2. The Ordinary, even if he does not act the parts of judge, is nevertheless held to take an oath concerning secrecy to be observed.

Sec. 3. Besides the oath concerning secrecy to be observed, witnesses, no one excepted or dispensed, must moreover swear concerning the truth to be spoken before they are interrogated, and concerning the truth of what has been said after interrogation has been made; experts, interpreters, revisers, and the scribe must swear concerning the office to be well fulfilled before they carry out expert examination, translation from one language into another, revision, or transcription; and concerning the office well fulfilled after the expert examination, translation, transcription, or revision has been completed. The courier or messenger also is to take an oath concerning the office to be faithfully discharged.

Sec. 4. Postulators and vice-postulators must take the oath of calumny, that is, they are to swear that they will speak the truth throughout the whole process and use no fraud.

Sec. 5. Before the Sacred Congregation, as regards the oath, its own law is to be observed.

CHAPTER I: Of Processes to Be Instructed by the Local Ordinary by His Own Right

Can. 2038.

1983 Code correlation: NA

Sec. 1. For the introduction of a cause of beatification of a Servant of God to be obtained from the Apostolic See, it must first be juridically established concerning the purity of doctrine in his writings, concerning his fame of sanctity, virtues and miracles or martyrdom, concerning the absence of any obstacle which seems peremptory; but afterward concerning public cult not offered to him.

Sec. 2. Wherefore, at the prayers of the postulator, the Ordinary, if he has judged that the petition is to be admitted, must:

1. Search out the writings of the Servant of God.

2. Instruct the informative process concerning the fame of sanctity, virtues in general or martyrdom, the cause of martyrdom, and miracles.

3. Instruct the process concerning non-cult.

Can. 2039.

1983 Code correlation: NA

Sec. 1. For these things the Ordinary of the place in which the Servant of God died his last day, or miracles happened, is competent; who nevertheless must not instruct the judgment himself by himself, if he is of the family of the Servant of God.

Sec. 2. When an ancient process concerning the fame of sanctity or martyrdom exists, completed thirty years before, but the cause, before it obtained legitimate introduction from the Apostolic See, was interrupted for any cause whatever, it belongs to the same Ordinaries or their successors to prepare an informative process concerning the continuation of the fame of sanctity or martyrdom.

Can. 2040.

1983 Code correlation: NA

Sec. 1. The tribunal must consist of a president, who is the Ordinary himself by himself or through a priest delegated for this, and in this latter case of two other judges to be chosen by the same Ordinary from among the synodal judges.

Sec. 2. The Ordinary by decree is to designate the president of the tribunal, whether he reserves this office to himself, or names a delegate with two other judges; and by the same decree he is to name the promoter of the faith and the notary.

Can. 2041.

1983 Code correlation: NA

Sec. 1. Sessions of the tribunal for receiving the oath and for the examination of witnesses are to be held by day, insofar as can be done, and in a sacred place.

Sec. 2. After each session the acts of the cause must be closed and sealed with the judge's seal, not to be opened except in the following session, after the judge has recognized that the seal is whole and intact; if the seal is not found whole and intact, the judge is to refer the matter to the Sacred Congregation.

ARTICLE I: Of the Search for the Writings of the Servant of God

Can. 2042. By the name of writings come not only unpublished works of the Servant of God, but also those which have already been printed in type; likewise sermons, letters, diaries, autobiographies, finally whatever either he himself by himself, or by another's hand, has written.

1983 Code correlation: NA

Can. 2043.

1983 Code correlation: NA

Sec. 1. The Ordinary, by a public edict to be published in individual parishes, if this can be done, or by another more opportune manner, is to order the writings of the Servant of God to be brought to the tribunal by all with whom they exist, and is to recall to memory and urge the prescriptions of can. 2023-2025.

Sec. 2. But if there is question of the cause of a Servant of God belonging to some religion, the edict must moreover be published in individual houses of the same religion; and Superiors are held by grave obligation of taking care that this publication be made, with express mention made of the prescription of can. 2025, Sec. 2, and likewise that all subjects who have writings send them in.

Sec. 3. It is the office of the promoter of the faith to insist that the edict be published also in other places where there is hope that someone will be found who has some writing in his possession.

Can. 2044.

1983 Code correlation: NA

Sec. 1. The Ordinary is to search diligently for the writings of the Servant of God, not only at the instance of the postulator but also from office.

Sec. 2. When writings are found in another diocese, the judge is to ask the Ordinary of that diocese that he search for them according to the norm of law and transmit them to him together with the acts.

Can. 2045.

1983 Code correlation: NA

Sec. 1. If any of the possessors wish to retain the autographs, the notary himself is to take care that an authentic copy of these be prepared, to be transmitted to the Sacred Congregation together with the process.

Sec. 2. As regards writings kept in a library or archive, the prescription of can. 2036, Secs. 2, 3 is to be stood by.

Can. 2046. The notary is diligently to describe both the number and quality of the writings and all the acts of the search for them; which acts must moreover be subscribed by the Ordinary or by his delegate and the promoter of the faith and fortified with the seal of the Ordinary.

1983 Code correlation: NA

Can. 2047.

1983 Code correlation: NA

Sec. 1. The postulator is to emit an oath before the Ordinary concerning the search for writings to be diligently made by him, and afterward concerning the same diligently completed.

Sec. 2. If there is question of a Servant of God who was a woman and belonged to some religion, the supreme Moderatrix of the religion or the Abbess of the monastery is likewise to take an oath that she has carried out a diligent search for writings, has handed over all writings of the Servant of God which she possessed, and that it is not established to her that any of her subjects or other persons still retain writings of the same Servant of God.

Can. 2048. If there is question of the cause of some martyr, the search for writings can also be made after the commission of introduction of the cause before the Sacred Congregation has been signed, according to instructions to be given concerning that matter by the Promoter General of the Faith.

1983 Code correlation: NA

ARTICLE II: Of the Informative Process

Can. 2049. The informative process is instructed by the Ordinaries; and if it has not been begun within thirty years from the death of the Servant of God, so that one can proceed to further matters, it must be proved that no fraud or deceit or culpable negligence was present in the case.

1983 Code correlation: NA

Can. 2050.

1983 Code correlation: NA

Sec. 1. In the examination of witnesses concerning the fame of sanctity, martyrdom, and miracles, the prescriptions of can. 2019, 2020 are to be observed.

Sec. 2. It is not necessary that it be established in species concerning virtues, martyrdom, or miracles, but it suffices that fame be proved in general, spontaneous, not procured by art or human diligence, arisen from honorable and weighty persons, continuous, increased from day to day, and vigorous in the present among the greater part of the people.

Sec. 3. After general questions have been placed first according to the norm of can. 1774, the question is first to be proposed to the witnesses by the judge: namely, what concerning the life, virtues, miracles, or martyrdom of the Servant of God has come to their knowledge, and how they knew these things, and whether they know that there is public fame concerning the same; and then they are to be interrogated on the interrogatories prepared by the promoter of the faith and on the articles exhibited by the postulator.

Can. 2051. The informative process cannot be completed unless first the promoter of the faith has weighed all letters remitted to him, of which in can. 2025, and it has been established to him that those of whom in can. 2023-2025 have been examined.

1983 Code correlation: NA

Can. 2052. When the tribunal has judged that all proofs, whether through examination of witnesses or through exhibition of documents, have been collected, and that all writings of the Servant of God which could be had are in the acts, after the promoter of the faith has been heard, it is to warn the postulator that, if he has others, he is to offer them within a certain space of time, which having elapsed, an end is imposed on the process.

1983 Code correlation: NA

Can. 2053. With the judge ordering and the promoter of the faith not contradicting, the notary is to publish the process; this is to be handed over to the scribe designated by the tribunal to be transcribed.

1983 Code correlation: NA

Can. 2054. The copy of the process, or, as they say, the transcript, like the archetypal acts, is to be transcribed by hand.

1983 Code correlation: NA

Can. 2055. Once the transcript has been completed, its collation with the archetype is to be made by the notary and by his adjunct, in the presence of one of the judges and the promoter of the faith; this collation having been completed, to prove the authenticity of the transcript, both the notary and the judge and the promoter of the faith are to strengthen the transcript by their signature and seal.

1983 Code correlation: NA

Can. 2056.

1983 Code correlation: NA

Sec. 1. Once the collation has been completed, the archetype is closed and fortified with seals, to be diligently preserved in the archive of the Curia and never opened without permission of the Apostolic See.

Sec. 2. But the transcript is closed and sealed with the seal of the Ordinary, and concerning this matter the notary prepares an instrument in duplicate, one to be transmitted to Rome, the other to be preserved in the archive of the Curia.

ARTICLE III: Of the Process concerning Non-Cult

Can. 2057. Besides witnesses introduced by the postulator, the tribunal is to introduce two others from office and interrogate all whether public cult was ever offered to the Servant of God.

1983 Code correlation: NA

Can. 2058. The tribunal is moreover to go to and diligently inspect the tomb of the Servant of God, the room in which he lived or died, and any other places where someone may rightly suspect that signs of cult are present.

1983 Code correlation: NA

Can. 2059. If in the course of the process there are held to be not light indications of cult meanwhile offered to the Servant of God, it is the office of the promoter of the faith to insist that further inquiry concerning this matter be carried out.

1983 Code correlation: NA

Can. 2060. The tribunal must define by sentence whether cult was offered to the Servant of God, or not.

1983 Code correlation: NA

ARTICLE IV: Of the Transmission of the Process of the Writings of the Servant of God, of the Informative Process, and of Non-Cult to the Sacred Congregation

Can. 2061. As soon as the Ordinary has completed the search for writings, he is to send them to Rome together with the little process of diligences, that is, with the juridical relation of the diligences which he used in searching for the writings.

1983 Code correlation: NA

Can. 2062. If after the search for writings of the Servant of God other writings are found in the course of the cause, they must at once be transmitted to the Sacred Congregation, nor can one proceed to further matters unless they have first been reviewed.

1983 Code correlation: NA

Can. 2063.

1983 Code correlation: NA

Sec. 1. The Ordinary is to hand over the transcript of the informative process to the postulator, to be transmitted to the Sacred Congregation.

Sec. 2. Together with the transcript he is also to send letters both of the judges to the Sacred Congregation and of the promoter of the faith to the Promoter General of the Faith, so that the Sacred Congregation may be made more certain both concerning the faith to be given to the witnesses and concerning all the acts legitimately completed.

Sec. 3. The Ordinary is also to transmit a description of the form of the seal with which he sealed the transcript, or a specimen of the same seal.

Can. 2064. Likewise the Ordinary is to transmit the completed process concerning non-cult to the Sacred Congregation through the postulator.

1983 Code correlation: NA

CHAPTER II: Of the Introduction of the Cause before the Sacred Congregation

ARTICLE I: Of the Revision of Writings

Can. 2065. As soon as the writings of the Servant of God have been transmitted to Rome, they indeed are to be subjected to examination; but the Sacred Congregation must opportunely investigate whether, besides those exhibited, there also exist other writings of the Servant of God, whether kept by private persons or consigned in public archives.

1983 Code correlation: NA

Can. 2066.

1983 Code correlation: NA

Sec. 1. Revisers of writings in individual causes are to be chosen by the Cardinal Ponens, after the Promoter General of the Faith has been heard; and their names are to be kept secret.

Sec. 2. For this office priests are to be enrolled who are furnished with at least a degree in theology or, if they are religious, with an equivalent title.

Can. 2067.

1983 Code correlation: NA

Sec. 1. The writings of the Servant of God are to be handed over by the secretary to the revisers enrolled for this office, so that the examination of individual writings may be made by two revisers, of whom one is unknown to the other.

Sec. 2. There is no obstacle, if the number of writings of the Servant of God is huge, to their being divided into several parts, each one of which is handed over to distinct revisers.

Can. 2068.

1983 Code correlation: NA

Sec. 1. The judgment of the revisers must report whether in the writings anything is had which is opposed to faith and good morals, and must teach in a certain general manner what character, what habits of virtues or defects appear from the writings to have been proper to the Servant of God.

Sec. 2. The revisers are to bring forth this judgment in writing, supported by arguments and reasons.

Can. 2069. If at any time the judgments of the revisers disagree, a third reviser is to be designated according to the norm of can. 2066, who is to fulfill his office in the same manner.

1983 Code correlation: NA

Can. 2070. The Promoter General of the Faith is to propose to the Cardinal Fathers, for discussion, objections drawn from the writings of the Servant of God and from the judgment of the revisers, if he has any.

1983 Code correlation: NA

Can. 2071. If it has been certainly demonstrated that something not altogether consonant with the faith is contained in the writings of the Servant of God, or if something is had which in the present can be an offense to the faithful, the Roman Pontiff, after the vote of the Cardinal Fathers has been heard and all the circumstances of the case weighed, decides whether one can proceed to further matters.

1983 Code correlation: NA

Can. 2072. A favorable judgment of the Roman Pontiff does not carry with it approval of the writings, nor does it prevent the Promoter General of the Faith and the consultors from being able or bound, in the discussion of the virtues, to propose objections drawn from the writings of the Servant of God.

1983 Code correlation: NA

ARTICLE II: Of the Discussion of the Informative Process

Can. 2073. The informative process prepared by the Ordinary and transmitted to Rome, after the integrity of the seals has been recognized by the Protonotary of the Sacred Congregation, if nothing obstructs, with the special decree of the Roman Pontiff acceding, is to be opened before the Cardinal Prefect of the Sacred Congregation, who commits it to the chancellor to be transcribed.

1983 Code correlation: NA

Can. 2074. The Cardinal Ponens is to take care that, if there is need, a translation of the process be made in the City through an approved interpreter, which afterward is to be subjected to the examination of a reviser.

1983 Code correlation: NA

Can. 2075. The transcript of the process sent by the Ordinary is to be preserved in the archive of the Sacred Congregation; and a copy of it, recognized by the chancellor according to the prescription of law, is to be handed to the postulator.

1983 Code correlation: NA

Can. 2076.

1983 Code correlation: NA

Sec. 1. The advocate and procurator are to prepare a summary of the transcript or, if there are several, of all the transcripts, and the information which is to be attached to the summary.

Sec. 2. To the summary must be added the attestation of the Sub-promoter General of the Faith testifying that the summary itself agrees with the acts exhibited to the Sacred Congregation.

Can. 2077. Postulatory letters, by which persons more notable in dignity, whether ecclesiastical or civil, or moral persons ask from the Supreme Pontiff that a hand be applied to the cause of beatification of some Servant of God, are usefully exhibited, provided that they have been given spontaneously and from proper knowledge.

1983 Code correlation: NA

Can. 2078. If, the writings having been weighed, it has been decreed that one can proceed to further matters, the Promoter General of the Faith is to draw up his objections against the introduction of the cause, to which the advocate of the cause is to respond.

1983 Code correlation: NA

Can. 2079.

1983 Code correlation: NA

Sec. 1. The Promoter General of the Faith is to place before the objections to be prepared by himself for the introduction of the cause a sober and clear synopsis which exhibits the life of the Servant of God.

Sec. 2. For writing this synopsis he is to employ not only the documents related in the summary, but also others, if there are any, to be consulted opportunely.

Can. 2080. Objections and responses are to be drawn up briefly and clearly, almost by a scholastic method, according to the old customs of the Sacred Congregation.

1983 Code correlation: NA

Can. 2081. Oral informations are prohibited not only to the judges but also to all those who must cast a vote, both in that judgment and in the others which are to follow.

1983 Code correlation: NA

Can. 2082. The judgment concerning the value of the informative process instructed by the Ordinary, concerning the fame of sanctity or martyrdom, and concerning the absence of any peremptory obstacle, is brought forth by the Cardinal Fathers in ordinary meetings, with the Cardinal Ponens reporting and proposing the doubt: whether the commission of introduction of the cause is to be signed in the case and for the effect of which there is question.

1983 Code correlation: NA

Can. 2083.

1983 Code correlation: NA

Sec. 1. If the judgment of the Cardinal Fathers has been favorable, it is to be proposed to the Most Holy One that he sign, if it pleases him, the commission of introduction of the cause.

Sec. 2. If the Most Holy One has signed the commission, the Secretary of the Sacred Congregation is to prepare a decree concerning this matter and make it public.

Can. 2084.

1983 Code correlation: NA

Sec. 1. Once the decree of introduction of the cause has been issued, the Ordinaries can do nothing further concerning it without the express permission of the Sacred Congregation.

Sec. 2. It is prohibited that a Servant of God whose cause has only been introduced be adorned with the title venerable; and let postulators beware lest, on the occasion of the introduction of the cause, anything be done in honor of the Servant of God which savors of public cult.

ARTICLE III: Of the Discussion of the Process concerning Non-Cult

Can. 2085. Once the commission of introduction of the cause has been signed, the doubt whether the sentence concerning non-cult pronounced by the Ordinary is to be confirmed must be discussed by the Cardinal Fathers in particular ordinary meetings. If the sentence of the Cardinal Fathers has declared that cult was offered, by the judgment of the same Fathers, all circumstances having been considered, the cause is to be suspended until all signs of prohibited cult have been removed, and this obedience has been furnished for a certain time to be established by the Fathers themselves.

1983 Code correlation: NA

Can. 2086.

1983 Code correlation: NA

Sec. 1. If the Ordinary has not yet prepared the process concerning non-cult before the introduction of the cause, one must come to that process by apostolic authority.

Sec. 2. To this end the Promoter General of the Faith is to draw up interrogatories which, together with the remissorial letters of which in can. 2087 and following, are dispatched by the Sacred Congregation to the judges designated by it.

Sec. 3. When there is question of martyrs, in whose cause the Ordinary omitted instructing the process concerning non-cult before the introduction of the cause, to the remissorial letters for preparing the process concerning martyrdom and the cause of martyrdom is to be added a commission for collecting proofs concerning non-cult, together with particular interrogatories proposed by the Promoter General of the Faith.

CHAPTER III: Of Apostolic Processes

ARTICLE I: Of Instructing the Apostolic Process

Can. 2087.

1983 Code correlation: NA

Sec. 1. Once the decree concerning non-cult has been issued, remissorial letters, as they call them, are to be obtained from the Supreme Pontiff and dispatched by the Cardinal Prefect for instructing the apostolic process both concerning the fame of sanctity, miracles, or martyrdom, and concerning virtues and miracles in species, or concerning martyrdom and its cause.

Sec. 2. These two processes are to be made distinctly; but the first can be omitted if it seems neither necessary nor opportune to the Cardinal Prefect and the Promoter General of the Faith to inquire again concerning the continuation of the fame.

Sec. 3. Once the commission has been signed and the decree concerning non-cult has not yet been issued, if there is danger that certain eyewitnesses meanwhile may fail, remissorial letters are to be granted at once for instructing the apostolic process concerning virtues and miracles in species or concerning martyrdom and its cause, lest the proofs perish.

Can. 2088.

1983 Code correlation: NA

Sec. 1. Remissorial letters are to be given to at least five judges constituted in ecclesiastical dignity, if this can be done.

Sec. 2. If the Ordinary has been chosen among the judges, he himself acts as president; otherwise the president is designated by the Sacred Congregation itself; but it is expedient that at least the president not be the same one who presided in the informative process.

Sec. 3. If there is question of a process concerning miracles, at least one expert is moreover to be named, who is to be present at the sessions of the tribunal and can ask the judge that he propose necessary interrogations to the witnesses for attaining greater clarity of words and things.

Can. 2089. To the remissorial letters are to be added particular letters of the Promoter General of the Faith, by which he designates two sub-promoters who are to be present at the process in his name.

1983 Code correlation: NA

Can. 2090. The interrogatories are to be prepared by the Promoter General of the Faith concerning the objections argued in the introduction of the cause and concerning the testimonies received in the informative process according to the norm of can. 2050, and likewise concerning extrajudicial informations which he has

judged must be sought out, with the work of an expert also employed, if there is question of miracles.

1983 Code correlation: NA

Can. 2091.

1983 Code correlation: NA

Sec. 1. The remissorial letters are to be handed to the postulator of the cause, who is to take care that they are transmitted to the delegated president of the tribunal.

Sec. 2. At the same time, to one of the sub-promoters are to be sent the interrogatories, closed and not to be opened except in the act of examination, concerning which the witnesses who will be introduced are to be interrogated.

Can. 2092. The delegated judges, before they make a beginning of discharging the office, are to show the letters of delegation to the Ordinary, who must furnish to the same the help of his authority.

1983 Code correlation: NA

Can. 2093.

1983 Code correlation: NA

Sec. 1. Once the remissorial letters have been received, the president of the tribunal is to take care to convoke the tribunal as quickly as possible and never delay this convocation beyond three months, unless a just impediment intervenes, concerning which nevertheless he is not to omit warning the Sacred Congregation within the same time.

Sec. 2. The tribunal in the first session itself is to choose a notary, his adjunct, an expert if the case requires, and a courier; and the notary of the Curia is to make attestation concerning an election of this kind.

Can. 2094. Although all to whom the remissorial letters were given can be present at individual sessions of the apostolic process, nevertheless for validity it suffices that there be present the president with two judges or, with him consenting and absent, three other judges, and likewise one of the sub-promoters of the faith, the notary or adjunct.

1983 Code correlation: NA

Can. 2095. The process must be completed at least within two years, to be computed from the day of the opening of the letters; this two-year period having elapsed, since the process cannot be continued without permission of the Apostolic See, the Sacred Congregation is to be warned concerning the impediments on account of which the apostolic mandate was not brought to conclusion.

1983 Code correlation: NA

Can. 2096. Before the apostolic process concerning virtues in species is completed, a juridical recognition of the remains of the Servant of God is to be made by the tribunal according to the prescriptions of the remissorial letters.

1983 Code correlation: NA

Can. 2097.

1983 Code correlation: NA

Sec. 1. In the transcription, collation, and transmission to Rome of the copy of the original acts, those things are to be observed which above in can. 2054-2056, 2063 are prescribed for the informative process.

Sec. 2. The process is to be exhibited, opened, and transcribed before the Sacred Congregation according to the norm of can. 2073-2075.

ARTICLE II: Of Judging the Validity of the Apostolic Process

Can. 2098. Once the apostolic process has been remitted to the Sacred Congregation, first of all it must be established concerning the validity of the same process, and at the same time the validity of the informative process is to be recalled to examination.

1983 Code correlation: NA

Can. 2099. Wherefore before discussion, a position is to be prepared by the advocate of the cause, which consists of:

1983 Code correlation: NA

1. An information by which, the documents necessary for the matter contained in the process having been produced, it is demonstrated that all things in it were carried out according to the norm of law.

2. Observations of the Promoter General of the Faith against validity, with the responses of the advocate, each drawn up according to the norm of can. 2080.

Can. 2100.

1983 Code correlation: NA

Sec. 1. For judging the validity of the process, a congregation is to be held, with the Cardinal Prefect of the Sacred Congregation, the Cardinal Ponens, and three other Cardinals of the same Sacred Congregation chosen by the Roman Pontiff himself present, and also the Secretary, the Apostolic Protonotary, the Promoter General of the Faith, and the Sub-promoter.

Sec. 2. In the congregation, with the Cardinal Ponens reporting, the aforesaid prelates bring forth their vote; and the Promoter General of the Faith proposes objections, if he has any.

Sec. 3. All these things having been discussed, the Cardinal Fathers are to render judgment; and if it has been favorable and confirmed by the Supreme Pontiff, a decree concerning the validity of the process is to be made.

ARTICLE III: Of the Judgment concerning the Heroicity of Virtues in Species or concerning Martyrdom and Its Cause

Can. 2101. The discussion of virtues is not to be begun before fifty years from the death of the Servant of God.

1983 Code correlation: NA

Can. 2102. In three congregations there is discussion concerning the heroicness of the virtues of the Servant of God or concerning his martyrdom and its cause; namely in the antepreparatory, preparatory, and general congregations.

1983 Code correlation: NA

Can. 2103.

1983 Code correlation: NA

Sec. 1. The official prelates and consultors bring forth their votes in writing in any congregation.

Sec. 2. After all the prelates and consultors have brought forth their vote both in the antepreparatory congregation and in the preparatory congregation, individuals will be able again to declare, before the congregation is dismissed, that they recede from the vote already cast.

Sec. 3. The conclusions of the votes of individuals are to be committed to writing by the Secretary and kept secret; but the written votes themselves are to be handed to the Promoter General of the Faith.

Can. 2104. In causes of confessors the doubt must be discussed: whether it is established concerning the theological virtues, Faith, Hope, Charity both toward God and toward neighbor, and also concerning the cardinal virtues, Prudence, Justice, Temperance, Fortitude, and their annexed virtues in heroic degree in the case and for the effect of which there is question; but in causes of martyrs: whether it is established concerning martyrdom and its cause and concerning signs or miracles in the case and for the effect of which there is question.

1983 Code correlation: NA

Can. 2105. The antepreparatory congregation is held before the Cardinal Ponens together with the official prelates and consultors.

1983 Code correlation: NA

Can. 2106. For the antepreparatory congregation a position is to be prepared which consists of:

1983 Code correlation: NA

1. A summary drawn from the original process, which is to be prepared in such a way that testimonies and documents are produced entire.

2. A writing of the advocate, by which from the things said in the summary the life and heroicness of the virtues of the Servant of God, or martyrdom and its cause, are briefly illustrated, with those things wholly and most diligently distinguished which are brought forward as arguments for proof and those which are brought forward rather as a support and aid of proof.

3. The synopsis of the Promoter General of the Faith of which in can. 2079.

4. Observations of the Promoter General of the Faith and responses of the advocate.

5. Votes which were written by the revisers concerning the writings of the Servant of God.

Can. 2107. Let no step be made from the antepreparatory congregation to the preparatory when two of the three parts of those present have brought forth a negative vote, unless, the matter having been brought by the Cardinal Prefect to the Roman Pontiff, he has judged that another thing should be done.

1983 Code correlation: NA

Can. 2108. The preparatory congregation is held by all the Cardinal Fathers of the Sacred Congregation, with the official prelates and consultors assisting.

1983 Code correlation: NA

Can. 2109. The position for the preparatory congregation is to be put together from:

1983 Code correlation: NA

1. Difficulties of the Promoter General of the Faith.

2. Difficulties which were proposed by the consultors in their votes, if they seem not to be despised to the Promoter General.

3. Responses of the advocate.

4. Recently discovered documents, whether for the cause or against the cause, with additional summaries, whether for impugnation or for defense.

Can. 2110.

1983 Code correlation: NA

Sec. 1. In the preparatory congregation the Cardinal Fathers, after the consultors have been heard, decree whether one can proceed to further matters.

Sec. 2. To the Secretary and to the Promoter General of the Faith, even if they have not been asked, it is always permitted to interject so that both the question may become clearer and the facts may be illustrated.

Can. 2111. After the discussion, the matter is to be referred to the Supreme Pontiff by the Cardinal Prefect, who is to make the Most Holy One more certain not only concerning the outcome of the discussion, but also concerning the chief reasons which have been brought forward on this side and that.

1983 Code correlation: NA

Can. 2112. The general congregation is held before the Most Holy One, with the Cardinal Fathers of the Sacred Congregation, the official prelates, and the consultors assisting.

1983 Code correlation: NA

Can. 2113. For the general congregation a newest position is prepared according to the norm of can. 2109, to which is to be added a brief relation prepared from office of all those things which have been done thus far in the cause, namely the agreed fact.

1983 Code correlation: NA

Can. 2114. In the general congregation the judgment whether it is established concerning the heroicness of the virtues of the Servant of God or concerning martyrdom and its cause is reserved to the Supreme Pontiff himself; but the consultors, official prelates, and Cardinal Fathers cast only a consultative vote.

1983 Code correlation: NA

Can. 2115.

1983 Code correlation: NA

Sec. 1. At the command of the Most Holy One, a decree is to be drawn up by the Secretary of the Sacred Congregation, by which, in the name of the Supreme Pontiff, it is authentically declared that all the virtues of the Servant of God in heroic degree, or martyrdom, have been well proved; which decree is to be published at the time and in the manner to be prescribed by the Most Holy One.

Sec. 2. Once this decree has been published, the Servant of God can be called venerable; yet this title imports no permission of public cult.

ARTICLE IV: Of the Judgment concerning the Miracles of the Servant of God in Species

Can. 2116.

1983 Code correlation: NA

Sec. 1. Besides heroicness of virtues or martyrdom, miracles performed by his intercession are required for the beatification of a Servant of God.

Sec. 2. But if there is question of a martyr and it is evidently established concerning martyrdom and the cause of martyrdom considered both materially and formally, but miracles are lacking, it belongs to the Sacred Congregation to decide whether signs in the case suffice and, if these are lacking, whether supplication is to be made to the Most Holy One for dispensation from signs in the case.

Can. 2117. For the beatification of Servants of God only two miracles are required if eyewitnesses in both the informative and apostolic processes have prepared proof of the virtues, or if witnesses examined in the apostolic process were at least from hearing from those seeing; three, if the witnesses were eyewitnesses in the informative process and from hearing of hearing in the apostolic process; four, if in both processes concerning virtues it was established through witnesses of tradition alone and through documents.

1983 Code correlation: NA

Can. 2118.

1983 Code correlation: NA

Sec. 1. For the proof of miracles two experts are to be introduced from office at the beginning of the discussion; and if both have been concordant in rejecting the miracle, one is not to proceed to further matters.

Sec. 2. Since very often in the discussion of miracles there is question of judging a healing from some disease, the experts must be more celebrated in medical or surgical matters; indeed, when it can be done, those are to be chosen who are furnished with singular expertise in diagnosing and treating the diseases of which there is question in the proposed miracle.

Can. 2119. The votes of the experts, written briefly but clearly and supported by reasons, are to contain these two things, namely:

1983 Code correlation: NA

1. Whether, if there is question of a healing, he who is said to have obtained it must truly be held healthy.

2. Whether the fact proposed as a miracle can be explained by the laws of nature, or not.

Can. 2120. Miracles are to be discussed in three congregations in exactly the same manner which above was established for heroicness of virtues; but never are more than two miracles to be subjected to discussion in one and the same congregation, except the general congregation before the Most Holy One.

1983 Code correlation: NA

Can. 2121. The position for the antepreparatory congregation must consist of:

1983 Code correlation: NA

1. Information written by the advocate.

2. A summary of the depositions of the witnesses.

3. Two votes which have been written concerning each of the miracles for the truth by experts.

4. Objections of the Promoter General of the Faith.

5. Responses of the advocate.

Can. 2122.

1983 Code correlation: NA

Sec. 1. For the preparatory congregation the position is to be put together as was established in can. 2109, with the vote of the experts added according to the norm of Sec. 2.

Sec. 2. If in the antepreparatory congregation two experts were concordant in affirming the miracle, then only one expert is to be designated for the preparatory congregation; if only one expert stood for the miracle, then two new experts are to be named from office.

Sec. 3. The Cardinal Fathers of the same Sacred Congregation always have the right to designate more experts than are prescribed, if they have judged this necessary in the case.

Sec. 4. Nevertheless it is permitted to the advocate of the cause to employ the help of some expert in preparing his responses, with the vote, as they say, for opportunity excluded.

Can. 2123. For the general congregation the prescriptions of can. 2113, 2114 are to be observed.

1983 Code correlation: NA

Can. 2124.

1983 Code correlation: NA

Sec. 1. After the decree of approval of miracles, a new discussion must be made before the Supreme Pontiff concerning the doubt: Whether one can proceed safely to the beatification of the Servant of God.

Sec. 2. Concerning this, after the opinion of the consultors and Cardinal Fathers has been heard, the Pontiff decrees, who, when he wishes, orders a decree concerning this matter to be prepared and promulgated.

TITLE XXV: Of the Process of Beatification of Servants of God by the Way of Cult or an Excepted Case

Can. 2125.

1983 Code correlation: NA

Sec. 1. For Servants of God who after the pontificate of Alexander III and before the time fixed by the Urbanian constitution had cult by tolerance, positive approval of the Roman Pontiff can be petitioned.

Sec. 2. But for this a process according to the norm of the canons which follow is required.

Can. 2126. The Ordinary competent to instruct this process is the Ordinary of the place where cult is offered or documents of cult are found, with the right of prevention preserved if there are several Ordinaries of this kind.

1983 Code correlation: NA

Can. 2127. At the prayers of the postulator the Ordinary must:

1983 Code correlation: NA

1. Search out the writings of the Servant of God.

2. Instruct a process concerning the fame of sanctity of life, virtues or martyrdom, and miracles, by which response is made to the questions: whether in the place there is constant and common fame and persuasion concerning the holy life on earth of the Servant of God or concerning his martyrdom and the cause of martyrdom and also concerning miracles performed at his intercession; whether in the same place at present the cult of the Servant of God himself flourishes and by what observances the Servant of God is honored.

Can. 2128. All these things having been transmitted to the Sacred Congregation according to the norm of can. 2061-2063, the doubt: Whether the commission of introduction of the cause is to be signed, is subjected to the discussion of the Cardinal Fathers in ordinary congregation, with the Cardinal Ponens reporting.

1983 Code correlation: NA

Can. 2129. Once the commission has been signed, remissorial letters are to be dispatched to the men designated by the Sacred Congregation itself, so that the apostolic process may be instructed according to the path of law concerning the excepted case and a sentence may be rendered by the delegated judge.

1983 Code correlation: NA

Can. 2130. From the process there must be proved both the beginning of the cult and its uninterrupted continuation up to the sentence of the delegated judge.

1983 Code correlation: NA

Can. 2131. Once the process has been transmitted to the Sacred Congregation and opened, and the position has been prepared by the advocate of the cause with the observations of the Promoter General of the Faith and the responses of the patron himself, in ordinary congregation the doubt is to be proposed: Whether the sentence of the delegated judge is to be confirmed, or whether it is so established concerning the excepted case that one can proceed to further matters.

1983 Code correlation: NA

Can. 2132. Confirmation of the sentence of the delegated judge on the part of the Roman Pontiff has only this force: that it proves the fact of immemorial cult offered to the Servant of God and persevering up to the sentence.

1983 Code correlation: NA

Can. 2133. If the sentence concerning the excepted case has been favorable and approved by the Supreme Pontiff, remissorial letters are to be dispatched for preparing a process concerning virtues or concerning martyrdom and its cause according to the diversity of causes; and the prescriptions of can. 2087-2115 are to be observed.

1983 Code correlation: NA

Can. 2134. Once the decree concerning the fact of immemorial cult and concerning heroicness of virtues or martyrdom has been issued, the Servant of God is to be held equivalently beatified, if confirmation of the same cult by decree of the Roman Pontiff has acceded.

1983 Code correlation: NA

Can. 2135. To Servants of God equivalently beatified there can be granted the same acts of public cult by which the formally beatified are accustomed to be honored.

1983 Code correlation: NA

TITLE XXVI: Of the Canonization of the Blessed

Can. 2136. No one can petition for the canonization of someone or obtain from the Sacred Congregation certain acts of cult in his honor unless it has first been established that the Servant of God of whom there is question has been enrolled among the Blessed either formally or equivalently.

1983 Code correlation: NA

Can. 2137.

1983 Code correlation: NA

Sec. 1. So that it may be established to the Sacred Congregation concerning formal or equivalent beatification in the case, an authentic document must be exhibited.

Sec. 2. If a document of this kind is not had, a legitimate process is to be instituted to prove the fact of positive permission of cult on the part of the Roman Pontiff.

Sec. 3. Once the process has been completed, a sentence to be subjected to the approval of the Roman Pontiff is to be issued in ordinary congregation.

Can. 2138.

1983 Code correlation: NA

Sec. 1. For the canonization of the Blessed who have been formally beatified, approval of two miracles is required, which have supervened after formal beatification.

Sec. 2. But for the canonization of the Blessed who have been equivalently beatified, approval of three miracles is required, which were performed after equivalent beatification.

Can. 2139.

1983 Code correlation: NA

Sec. 1. When some miracle is said to have been performed at the intercession of some Blessed, the Sacred Congregation, at the instance of the postulator, issues a decree, if this has pleased the Most Holy One, concerning resuming the cause and instructing new processes according to the norms handed down in the preceding canons.

Sec. 2. The validity of the processes having been proved, the discussion concerning new miracles is governed by the same laws which were established above in can. 2116-2124.

Can. 2140. After all these things, the Roman Pontiff, after hearing the votes of the Cardinal Fathers and consultors, if and when he has judged it opportune, renders a decree by which he decrees that one can safely proceed to the solemn canonization of the Blessed.

1983 Code correlation: NA

Can. 2141. The solemn canonization of the Blessed, after it has been decreed in Consistory, is made with the rites and solemnities received in the Roman Curia observed.

1983 Code correlation: NA

PART THREE: Of the Manner of Proceeding in Certain Affairs to Be Dispatched or Penal Sanctions to Be Applied

Can. 2142. In the processes of which below, a notary is always to be employed, who is to consign in writing acts which must be subscribed by all and preserved in the archive.

1983 Code correlation: NA

Can. 2143.

1983 Code correlation: NA

Sec. 1. As often as warnings are prescribed, these must be made either orally before the chancellor or another official of the Curia or two witnesses, or through letters according to the norm of can. 1719.

Sec. 2. An authentic document of the warning carried out and of its tenor is to be preserved in the acts.

Sec. 3. He who prevents the warning from reaching himself is to be held as warned.

Can. 2144.

1983 Code correlation: NA

Sec. 1. Examiners and consultors and the notary must, an oath having been interposed from the beginning of the process, observe secrecy concerning all things which by reason of their office they know, and especially concerning hidden documents, discussions held in council, the number and motives of votes.

Sec. 2. If they have by no means obeyed this prescription, they must not only be removed from office, but can also be punished by the Ordinary, with those things to be observed having been observed, with another condign penalty; and

moreover they are held to repair damages, if any have followed from this.

Can. 2145.

1983 Code correlation: NA

Sec. 1. In these processes one must proceed summarily; but it is not prohibited that two or three witnesses, whether summoned from office or introduced by a party, be heard, unless the Ordinary, after the pastor-consultors or examiners have been heard, has considered that the parties are introducing them to weave delays.

Sec. 2. Witnesses and experts, unless sworn, are not to be admitted.

Can. 2146.

1983 Code correlation: 1983 CIC 1747, 1752

Sec. 1. From a definitive decree there is given one remedy of law, that is, recourse to the Apostolic See.

Sec. 2. In this case all acts of the process are to be transmitted to the Holy See.

Sec. 3. While recourse is pending, the Ordinary cannot validly confer stably on another the parish or benefice of which the cleric has been deprived.

TITLE XXVII: Of the Manner of Proceeding in the Removal of Irremovable Pastors

Can. 2147.

1983 Code correlation: 1983 CIC 1740-41

Sec. 1. An irremovable pastor can be removed from his parish for a cause which renders his ministry harmful or at least ineffective, even short of grave fault of his own.

Sec. 2. These causes are especially those which follow:

1. Lack of skill or permanent infirmity of mind or body, which renders the pastor unequal to duly discharging his duties, if, in the judgment of the Ordinary, provision for the good of souls cannot be made through an assistant vicar according to the norm of can. 475.

2. Hatred of the people, although unjust and not universal, provided that it is such as impedes the useful ministry of the pastor, and it is foreseen that it will not cease shortly.

3. Loss of good reputation among upright and weighty men, whether this arises from the pastor's light manner of living, or from an old crime of his which, recently detected, is now exempt from penalty by reason of prescription, or from the deed of familiars and blood relatives with whom the pastor lives, unless by their departure provision has been made sufficiently for the pastor's good fame.

4. A probable hidden crime, imputed to the pastor, from which the Ordinary prudently foresees that great offense of the faithful could arise in the future.

5. Bad administration of temporal things with grave damage to the church or benefice, whenever a remedy cannot be brought to this evil either by taking administration away from the pastor or in another way, although otherwise the pastor usefully exercises the spiritual ministry.

Can. 2148.

1983 Code correlation: 1983 CIC 1742

Sec. 1. As often as, in the prudent judgment of the Ordinary, a pastor seems to have fallen into one of the causes of which in can. 2147, the Ordinary himself, after two examiners have been heard and the truth and gravity of the cause have been discussed with them, is to invite the pastor in writing or orally to make resignation of the parish within a certain time, unless there is question of a pastor laboring under defect of mind.

Sec. 2. The invitation, so that the acts may be valid, must contain the cause which moves the Ordinary and the arguments on which it rests.

Can. 2149.

1983 Code correlation: 1983 CIC 1744

Sec. 1. If the pastor within the appointed days neither resigns nor petitions delay nor attacks the causes invoked for removal, the Ordinary, after it has been established both that the invitation to resign, duly made, became known to the pastor and that he was not legitimately impeded from responding, is to remove him at once from the parish, without being held to the prescription of can. 2154.

Sec. 2. But if it is not established concerning the two circumstances indicated above, the Ordinary is to provide opportunely either by repeating the invitation to resign or by proroguing the useful time for responding.

Can. 2150.

1983 Code correlation: 1983 CIC 1743

Sec. 1. If the pastor resigns the parish, the Ordinary is to declare the parish vacant by the resignation.

Sec. 2. But the pastor, in place of the cause invoked by the Ordinary, can bring forward another for resigning less troublesome or less grave to himself, provided that it is true and honorable, e.g., that he may comply with the desires of the Ordinary.

Sec. 3. Resignation can be made not only purely and simply, but also under condition, provided that this condition can be legitimately accepted by the Ordinary and is actually accepted, and with the prescription of can. 186 remaining firm.

Can. 2151. If the pastor wishes to attack the cause adduced in the invitation, he can petition delay for bringing forward proofs, which the Ordinary can grant according to his prudent judgment, provided that it is not going to yield to the detriment of souls.

1983 Code correlation: 1983 CIC 1745

Can. 2152.

1983 Code correlation: 1983 CIC 1745

Sec. 1. The Ordinary, so that he may act validly, after the same examiners of whom in can. 2148, Sec. 1 have been heard, is to weigh, approve, or reject the reasons adduced by the pastor against the invitation.

Sec. 2. The decision, whether it has been affirmative or negative, is to be signified to the pastor by decree.

Can. 2153.

1983 Code correlation: 1983 CIC 1745

Sec. 1. Against a decree of removal the pastor can within ten days interpose recourse before the same Ordinary, who, lest he act invalidly, must, after two pastor-consultors have been heard, examine, approve, or reject new allegations to be produced by the same pastor within ten days from the interposed recourse, together with the reasons first brought forward.

Sec. 2. The pastor can introduce those witnesses according to the norm of can. 2145, Sec. 1 whom he has proved that he could not introduce the first time.

Sec. 3. Let the decision be made known to the pastor by decree.

Can. 2154.

1983 Code correlation: 1983 CIC 1746

Sec. 1. Once the pastor has been removed, the Ordinary, the examiners or pastor-consultors who had a part in decreeing the removal having been called into counsel, is to provide as best he can either by transfer to another parish or by assignment of another office or benefice, if he is suitable for these, or by pension, as the case bears and circumstances permit.

Sec. 2. Other things being equal, in provision favor is to be shown more to one resigning than to one removed.

Can. 2155. The Ordinary can dispatch the business of the new provision of the removed pastor either by the decree of removal itself or afterward, yet as soon as possible.

1983 Code correlation: NA

Can. 2156.

1983 Code correlation: 1983 CIC 1747

Sec. 1. A priest removed from a parish must as soon as possible leave free the parochial house and hand over all things which pertain to the parish to the new pastor or to an administrator deputed meanwhile by the Ordinary.

Sec. 2. But if there is question of an infirm man who cannot without inconvenience be transferred elsewhere from the parochial house, the Ordinary is to leave to him its use, even exclusive, while the same necessity lasts.

TITLE XXVIII: Of the Manner of Proceeding in the Removal of Removable Pastors

Can. 2157.

1983 Code correlation: 1983 CIC 1740, 1742

Sec. 1. A removable pastor also can be removed from his parish for a just and grave cause according to the norm of can. 2147.

Sec. 2. As regards religious pastors, the prescription of can. 454, Sec. 5 is to be observed.

Can. 2158. If the Ordinary has considered that some one of these causes is present, let him warn the pastor paternally and exhort him to resign the parish, indicating the cause which renders his parochial ministry harmful or at least ineffective to the faithful.

1983 Code correlation: 1983 CIC 1742

Can. 2159. With the prescription of can. 2149 remaining firm, if the pastor refuses, let him render reasons in writing, which the Ordinary, so that he may proceed validly, must weigh together with two examiners.

1983 Code correlation: 1983 CIC 1745

Can. 2160. If, after the examiners have been heard, the Ordinary has judged that the reasons brought forward are not legitimate, let him repeat paternal exhortations to the pastor, with removal threatened if within a congruous defined time he does not spontaneously leave the parish.

1983 Code correlation: NA

Can. 2161.

1983 Code correlation: 1983 CIC 1744-47

Sec. 1. The predefined time having expired, which he can prorogue according to his prudence, the Ordinary is to issue the decree of removal.

Sec. 2. But he is held to provide for a resigning or removed pastor according to the norm of can. 2154-2156.

TITLE XXIX: Of the Manner of Proceeding in the Transfer of Pastors

Can. 2162. If the good of souls demands that a pastor be transferred from his parish, which he usefully rules, to another parish, the Ordinary is to propose the transfer to him and persuade him that he consent to it for love of God and of souls.

1983 Code correlation: 1983 CIC 1748

Can. 2163.

1983 Code correlation: NA

Sec. 1. The Ordinary cannot transfer an irremovable pastor against his will, unless he has obtained special faculties from the Apostolic See.

Sec. 2. But a removable pastor, if the parish to which he is to be transferred is not of an excessively inferior order, can be transferred even against his will, with the prescriptions of the canons which follow nevertheless observed.

Can. 2164. If the pastor does not obey the counsel and persuasions of the Ordinary, let him explain the reasons in writing.

1983 Code correlation: 1983 CIC 1749

Can. 2165. The Ordinary, if, notwithstanding the causes brought forward, he judges that one must not recede from the proposal, must, so that he may act validly, hear two pastor-consultors concerning the same causes, and with the same weigh the circumstances in which both the parish from which and the parish to which are situated, and the reasons which persuade the usefulness or necessity of the transfer.

1983 Code correlation: 1983 CIC 1750

Can. 2166. If, after the pastor-consultors have been heard, the Ordinary thinks the transfer must be carried out, let him repeat paternal exhortations so that the pastor comply with the will of his Superior.

1983 Code correlation: 1983 CIC 1750

Can. 2167.

1983 Code correlation: 1983 CIC 1751

Sec. 1. These things having been done, if the pastor still refuses and the Ordinary still thinks the transfer must be made, let him command the pastor that within a certain time he betake himself to the new parish, signifying to him in writing that, once the predefined time has elapsed, the parish which he holds at present will be vacant by the fact itself.

Sec. 2. This time having passed uselessly, let him declare the parish vacant.

TITLE XXX: Of the Manner of Proceeding against Non-Resident Clerics

Can. 2168.

1983 Code correlation: NA

Sec. 1. The Ordinary is to warn a pastor, canon, or other cleric who neglects the law of residence by which he is bound by reason of a benefice, and meanwhile, if there is question of a pastor, at his expense he is to provide that the salvation of souls suffer no detriment.

Sec. 2. In the warning the Ordinary is to recall the penalties which non-resident clerics incur and likewise the prescription of can. 188, n. 8, and signify to the cleric that within a congruous time to be defined by the same Ordinary he restore residence.

Can. 2169. If within the appointed term the cleric neither restores residence nor brings forward causes of absence, the Ordinary, with the prescription of can. 2149 observed, is to declare the parish or other benefice

vacant.

1983 Code correlation: NA

Can. 2170. If the cleric restores residence, the Ordinary not only must, if the absence was illegitimate, inflict on him privation of fruits for the time of absence of which in can. 2381, but can also, if the case bears, punish him suitably according to the gravity of the fault.

1983 Code correlation: NA

Can. 2171. If the cleric does not restore residence but brings forward causes of absence, the Ordinary, two examiners having been called and opportune investigations having been instituted if there is need, must see whether the causes are legitimate.

1983 Code correlation: NA

Can. 2172. If, after the examiners have been heard, the Ordinary thinks the causes adduced are not legitimate, again let him set for the cleric a term within which he must return, with privation of fruits for the time of absence always preserved.

1983 Code correlation: NA

Can. 2173. If a removable pastor has not returned within the prescribed time, the Ordinary can immediately proceed to privation of the parish; if he has returned, let the Ordinary give him a precept not to depart again without his written permission under penalty of privation of the parish to be incurred by the fact itself.

1983 Code correlation: NA

Can. 2174.

1983 Code correlation: NA

Sec. 1. If a cleric who obtains an irremovable benefice does not restore residence but alleges new deductions, the Ordinary is to recall them to examination with the same examiners according to the norm of can. 2171.

Sec. 2. If not even these have been held legitimate, any other deductions being disregarded, the Ordinary is to command the cleric that within the prescribed or again-to-be-prescribed time he return under penalty of privation of the benefice to be incurred by the fact itself.

Sec. 3. If he does not return, the Ordinary is to declare him deprived of the benefice; if he returns, let the Ordinary give the same precept of which in can. 2173.

Can. 2175. In neither case is the Ordinary to declare the benefice vacant unless, after weighing together with the examiners the reasons for departure which the cleric may perhaps have alleged, it has been established that the permission of the same Ordinary in writing could have been sought by the same cleric.

1983 Code correlation: NA

TITLE XXXI: Of the Manner of Proceeding against Concubinary Clerics

Can. 2176. The Ordinary is to warn a cleric who, against the prescription of can. 133, has a suspect woman with him or frequents her in any way, that he dismiss her or abstain from frequenting her, with the penalties established in can. 2359 against concubinary clerics threatened.

1983 Code correlation: NA

Can. 2177. If the cleric neither obeys the precept nor responds, the Ordinary, after it has been established to him that the cleric could have done this:

1983 Code correlation: NA

1. Is to suspend him from divine things.
2. Moreover, immediately to deprive a pastor of the parish.
3. But a cleric who has another benefice without care of souls, if, the bimonthly time from suspension having been completed, he has not amended himself, is to deprive him of half the fruits of the benefice; after another three months, of all the fruits of the benefice; after another three months, of the benefice itself.

Can. 2178. If the cleric does not obey but adduces causes of excuse, the Ordinary must hear two examiners concerning the same.

1983 Code correlation: NA

Can. 2179. If, after the examiners have been heard, the Ordinary has considered that the causes brought forward are not legitimate, let him signify this to the cleric as soon as possible and give him a formal precept that he obey within a brief time to be defined by him.

1983 Code correlation: NA

Can. 2180. The Ordinary can at once coerce a disobedient removable pastor according to the norm of can. 2177; but if there is question of a cleric who, obtaining an irremovable benefice, does not obey but alleges new deductions, the Ordinary is to recall them to examination according to the norm of can. 2178.

1983 Code correlation: NA

Can. 2181. If not even these are judged legitimate, the Ordinary is again to command the cleric that he obey the mandate within a congruous time; this time having passed uselessly, let him proceed according to the norm of can. 2177.

1983 Code correlation: NA

TITLE XXXII: Of the Manner of Proceeding against a Pastor Negligent in Fulfilling Parochial Offices

Can. 2182. The Bishop is to warn a pastor who has gravely neglected or violated the parochial offices of which in can. 467, Sec. 1, 468, Sec. 1, 1178, 1330-1332, 1344, recalling to his memory both the strict obligation by which his conscience is burdened and the penalties established by law for these delicts.

1983 Code correlation: NA

Can. 2183. If the pastor has not amended himself, the Bishop is to correct him and punish him with some congruous penalty according to the gravity of the fault, after, two examiners having been heard and the faculty of defending himself having been given to the pastor, he has judged it proved that the aforesaid parochial offices were omitted or violated again and again for a notable time in a matter of grave moment and that the omissions or violations of the same were excused by no just cause.

1983 Code correlation: NA

Can. 2184. If both correction and punishment have fallen in vain, the Ordinary, the persevering and culpable omission or violation of parochial offices in a grave matter having been proved according to the norm of can.

2183, can immediately deprive a removable pastor of his parish; but he is to deprive an irremovable pastor, according to the gravity of the fault, of the fruits of the benefice in whole or in part, to be distributed to the poor by the Ordinary.

1983 Code correlation: NA

Can. 2185. Bad will persisting and having been proved as above, the Ordinary is also to remove an irremovable pastor from his parish.

1983 Code correlation: NA

TITLE XXXIII: Of the Manner of Proceeding in Inflicting Suspension from Informed Conscience

Can. 2186.

1983 Code correlation: NA

Sec. 1. It is permitted to Ordinaries from informed conscience to suspend their subject clerics from office either in part or even in whole.

Sec. 2. It is not permitted to employ this extraordinary remedy if the Ordinary can without grave inconvenience proceed against the subject according to the norm of law.

Can. 2187. For imposing this suspension neither judicial forms nor canonical warnings are required; but it is enough if the Ordinary, with the prescription of the canons which follow observed, declares by simple decree that he imposes the suspension.

1983 Code correlation: NA

Can. 2188. A decree of this kind is to be given in writing, unless circumstances require another thing, with the day, month, and year designated; and in it:

1983 Code correlation: NA

1. It is to be said expressly that the suspension is imposed from informed conscience or from causes known to the Ordinary himself.

2. The time of duration of the penalty is to be indicated; but the Ordinary is to abstain from imposing it in perpetuity. It can indeed be imposed also as a censure, provided that in this case the cause on account of which the suspension is imposed is made known to the cleric.

3. The acts which are prohibited are to be clearly indicated, if the suspension is imposed not in whole but in part.

Can. 2189.

1983 Code correlation: NA

Sec. 1. If a cleric has been suspended from an office in which another must be substituted in his place, as, e.g., an administrator in the care of souls, he who is substituted is to receive wages from the fruits of the benefice, to be determined according to the prudent judgment of the Ordinary.

Sec. 2. A suspended cleric, if he has felt himself burdened, can petition diminution of the pension from the immediate Superior who in the judicial way would be the judge of appeal.

Can. 2190. The Ordinary who imposes suspension from informed conscience must from completed investigations have collected such proofs as render him certain that the cleric truly perpetrated the delict and indeed one so grave that he must be coerced by a penalty of this kind.

1983 Code correlation: NA

Can. 2191.

1983 Code correlation: NA

Sec. 1. To suspension from informed conscience a just and legitimate cause is furnished by an occult delict according to the norm of can. 2197, n. 4.

Sec. 2. For a notorious delict suspension from informed conscience can never be imposed.

Sec. 3. For a public delict to be able to be punished by suspension from informed conscience, it is necessary that one of the circumstances which follow occur:

1. If upright and grave witnesses indeed make the delict known to the Ordinary, but by no reason can be induced to bear testimony about it in judgment, nor can the delict be proved by other proofs in judicial process.

2. If the cleric himself by threats or by other means employed impedes a judicial process from being instituted or one begun from being completed.

3. If impediments to preparing the judicial process and rendering sentence arise from adverse civil laws or from grave danger of scandal.

Can. 2192. Suspension from informed conscience is valid if, out of several delicts, only one was occult.

1983 Code correlation: NA

Can. 2193. It is left to the prudent judgment of the Ordinary to disclose or to keep silent to the cleric the cause of the suspension, or the delict, with pastoral solicitude and charity nevertheless employed, so that, if he has judged that the delict should be made manifest to the cleric, the penalty, from the paternal warnings which he has interposed, may serve not only for the expiation of fault, but also for the amendment of the delinquent and for eliminating the occasion of sin.

1983 Code correlation: NA

Can. 2194. If the cleric interposes recourse from the suspension inflicted upon him, the Ordinary must send to the Apostolic See the proofs by which it is established that the cleric truly perpetrated the delict which can be punished by this extraordinary penalty.

1983 Code correlation: NA

Liber V: Of Delicts and Penalties

BOOK FIVE: Of Delicts and Penalties

PART ONE: Of Delicts

TITLE I: Of the Nature of a Delict and Its Division

Can. 2195.

1983 Code correlation: 1983 CIC 1321

Sec. 1. By the name of delict, in ecclesiastical law, is understood an external and morally imputable violation of law to which a canonical sanction, at least indeterminate, has been added.

Sec. 2. Unless another thing appears from the circumstances, the things which are said concerning delicts are applied also to violations of a precept to which a penal sanction is attached.

Can. 2196. The quality of a delict is to be taken from the object of the law; but its quantity is to be measured not only from the diverse gravity of the law injured, but also from the greater or lesser imputability or from the damage inflicted.

1983 Code correlation: NA

Can. 2197. A delict is:

1983 Code correlation: NA

1. Public, if it has already been divulged or has happened or is situated in such circumstances that it can and must prudently be judged that it will easily be divulged.

2. Notorious by notoriety of law, after a sentence of a competent judge which has passed into a res iudicata, or after the confession of the delinquent made in judgment according to the norm of can. 1750.

3. Notorious by notoriety of fact, if it is publicly known and was committed in such circumstances that it can be concealed by no tergiversation and excused by no support of law.

4. Occult, that which is not public; materially occult, if the delict itself is hidden; formally occult, if its imputability is hidden.

Can. 2198. A delict which injures only the law of the Church, by its nature, only ecclesiastical authority pursues, with the help of the secular arm sometimes required where the same authority has judged it necessary or opportune; a delict which injures only the law of civil society, by its own right, with the prescription of can. 120 preserved, civil authority punishes, although the Church also is competent concerning it by reason of sin; a delict which injures the law of both societies can be punished by each power.

1983 Code correlation: NA

TITLE II: Of the Imputability of a Delict, of Causes Aggravating or Diminishing It, and of the Juridical Effects of a Delict

Can. 2199. The imputability of a delict depends on the malice of the delinquent or on his fault in ignorance of the violated law or in omission of due diligence; wherefore all causes which increase, diminish, or remove malice or fault, by that fact increase, diminish, or remove the imputability of the delict.

1983 Code correlation: 1983 CIC 1321

Can. 2200.

1983 Code correlation: 1983 CIC 1321

Sec. 1. Here malice is the deliberate will of violating the law, and opposed to it on the part of the intellect is defect of knowledge, and on the part of the will defect of freedom.

Sec. 2. Once the external violation of the law has been posited, malice in the external forum is presumed until the contrary is proved.

Can. 2201.

1983 Code correlation: 1983 CIC 1322-25

Sec. 1. Those who actually lack the use of reason are incapable of a delict.

Sec. 2. The habitually insane, although sometimes they have lucid intervals, or in certain reasonings or acts seem sane, nevertheless are presumed incapable of a delict.

Sec. 3. A delict committed in voluntary drunkenness is not without some imputability, but that imputability is less than when the same delict is committed by one who is fully master of himself, unless however the drunkenness was sought precisely for perpetrating or excusing the delict; but when a law has been violated in involuntary drunkenness, imputability is wholly absent if the drunkenness entirely takes away the use of reason; it is diminished if only in part. The same is to be said of other similar disturbances of mind.

Sec. 4. Weakness of mind diminishes the imputability of a delict, but does not remove it entirely.

Can. 2202.

1983 Code correlation: 1983 CIC 1323-24

Sec. 1. Violation of an unknown law is not imputed in any way, if the ignorance was inculpable; otherwise imputability is diminished more or less according to the culpability of the ignorance itself.

Sec. 2. Ignorance of the penalty alone does not remove the imputability of the delict, but somewhat diminishes it.

Sec. 3. The things established concerning ignorance also hold for inadvertence and error.

Can. 2203.

1983 Code correlation: 1983 CIC 1323, 1326

Sec. 1. If someone has violated a law from omission of due diligence, imputability is diminished according to the measure to be determined from the circumstances by a prudent judge; but if he foresaw the matter and nevertheless omitted the precautions for avoiding it which any diligent person would have used, the fault is proximate to malice.

Sec. 2. A fortuitous event which cannot be foreseen or, once foreseen, cannot be met, exempts from any imputability.

Can. 2204. Minor age, unless another thing is established, diminishes imputability, and the more so the closer it approaches infancy.

1983 Code correlation: 1983 CIC 1323

Can. 2205.

1983 Code correlation: 1983 CIC 1323-24

Sec. 1. Physical force which takes away every faculty of acting excludes a delict completely.

Sec. 2. Grave fear also, even only relative, necessity, indeed even grave inconvenience, for the most part wholly remove a delict, if there is question of merely ecclesiastical laws.

Sec. 3. But if the act is intrinsically evil or tends toward contempt of the faith or of ecclesiastical authority or toward damage of souls, the causes of which in Sec. 2 indeed diminish the imputability of the delict, but do not take it away.

Sec. 4. The cause of legitimate defense against an unjust aggressor, if due moderation is observed, wholly takes away the delict; otherwise it only diminishes imputability, as also does the cause of provocation.

Can. 2206. Passion, if it was voluntarily and deliberately excited or nourished, rather increases imputability; otherwise it diminishes it more or less according to the diverse heat of the passion; and wholly removes it if it precedes and impedes every deliberation of mind and consent of will.

1983 Code correlation: 1983 CIC 1324

Can. 2207. Besides other aggravating circumstances, a delict is increased:

1983 Code correlation: 1983 CIC 1326

1. On account of the greater dignity of the person who commits the delict, or who is offended by the delict.

2. From abuse of authority or office for perpetrating the delict.

Can. 2208.

1983 Code correlation: 1983 CIC 1326

Sec. 1. A recidivist in the sense of law is one who after condemnation again commits a delict of the same kind and in such circumstances of things and especially of time that his pertinacity in bad will can prudently be inferred.

Sec. 2. One who has offended several times even in a different kind increases his culpability.

Can. 2209.

1983 Code correlation: 1983 CIC 1329

Sec. 1. Those who, by common counsel of offending, concur physically together in a delict are all held guilty in the same manner, unless circumstances increase or diminish the culpability of someone.

Sec. 2. In a delict which by its nature requires an accomplice, each part is culpable in the same manner, unless another thing appears from the circumstances.

Sec. 3. Not only the one commanding, who is the principal author of the delict, but also those who induce to the consummation of the delict or in any way concur in it contract, other things being equal, no less imputability than the executor of the delict himself, if the delict would not have been committed without their work.

Sec. 4. But if their concurrence only rendered the delict easier, which would have been committed even without their concurrence, it brings lesser imputability with it.

Sec. 5. One who by opportune retraction has fully withdrawn his influence in perpetrating the delict is freed from all imputability, even if the executor nevertheless perpetrated the delict for other causes proper to himself; if he has not fully withdrawn it, retraction diminishes culpability, but does not take it away.

Sec. 6. One who concurs in a delict only by neglecting his office is held by imputability proportionate to the obligation by which he was constrained to prevent the delict by his office.

Sec. 7. Praise of a perpetrated delict, participation in its fruits, concealment and reception of the delinquent, or other acts following upon a delict already fully completed, can constitute new delicts, namely if they are punished by a penalty in law; but unless there was agreement with the delinquent concerning those acts before the delict, they do not bring with them the imputability of the perpetrated delict.

Can. 2210.

1983 Code correlation: NA

Sec. 1. From a delict there arises:

1. A penal action for declaring or inflicting a penalty and for seeking satisfaction.

2. A civil action for repairing damages, if the delict has brought damage to anyone.

Sec. 2. Each action is pursued according to the norm of can. 1552-1959; and the same judge in a criminal trial can at the instance of the injured party recall the civil action to examination and define it.

Can. 2211. All who concur in a delict according to the norm of can. 2209, Sec. 1-3 are held by obligation in solidum of repairing expenses and damages which have arisen from the delict to any persons whatsoever, although condemned by the judge pro rata.

1983 Code correlation: NA

TITLE III: Of the Attempt of a Delict

Can. 2212.

1983 Code correlation: 1983 CIC 1328

Sec. 1. Whoever has placed or omitted acts which by their nature conduce to the execution of a delict, but has not consummated the delict, either because he abandoned his plan, or because he could not complete the delict on account of the insufficiency or ineptitude of the means, commits an attempt of a delict.

Sec. 2. When all acts have been placed or omitted which by their nature conduce to the execution of a delict and suffice for completing the delict, if from another cause, apart from the will of the agent, they have not obtained the effect, the attempt of the delict is called by its proper name a frustrated delict.

Sec. 3. To the attempt of a delict approaches the action of him who has tried to induce another to commit a delict, but ineffectively.

Sec. 4. If an attempt of a delict is punished in law by a special penalty, it constitutes a true delict.

Can. 2213.

1983 Code correlation: 1983 CIC 1328

Sec. 1. The attempt of a delict has its own imputability, the greater the more it approaches consummation, although less than for a consummated delict, with the prescription of Sec. 3 preserved.

Sec. 2. A frustrated delict is more culpable than a simple attempt of a delict.

Sec. 3. One is freed from all imputability who has spontaneously desisted from the begun execution of a delict, if no damage or scandal has arisen from the attempt.

PART TWO: Of Penalties

SECTION I: Of Penalties in General

Can. 2214.

1983 Code correlation: 1983 CIC 1311

Sec. 1. The native and proper right of the Church, independent of any human authority, is to coerce delinquents subject to her by penalties both spiritual and also temporal.

Sec. 2. But let there be kept before the eyes the admonition of the Council of Trent, sess. XIII, on reform, chap. 1: 'Let Bishops and other Ordinaries remember that they are pastors, not strikers, and that they ought so to preside over their subjects that they do not lord it over them, but love them as sons and brothers and labor by exhorting and warning to deter them from illicit things, lest, when they have offended, they be compelled to coerce them with due penalties; yet if through human frailty they should happen to sin in anything, that precept of the Apostle is to be observed by them,

that they reprove, entreat, rebuke them in all goodness and patience, since often benevolence does more toward those to be corrected than austerity, exhortation more than threat, charity more than power; but if, on account of the gravity of the delict, there will be need of the rod, then rigor with meekness, judgment with mercy, severity with gentleness are to be employed, so that without harshness discipline, salutary and necessary for peoples, may be preserved, and those who have been corrected may be amended, or, if they have refused to become wise again, the rest, by the salutary example of animadversion upon them, may be deterred from vices.'

TITLE IV: Of the Notion, Species, Interpretation, and Application of Penalties

Can. 2215. An ecclesiastical penalty is the privation of some good, inflicted by legitimate authority for the correction of the delinquent and the punishment of the delict.

1983 Code correlation: NA

Can. 2216. In the Church delinquents are punished:

1983 Code correlation: 1983 CIC 1312

1. By medicinal penalties or censures.

2. By vindicative penalties.

3. By penal remedies and penances.

Can. 2217.

1983 Code correlation: 1983 CIC 1314-15

Sec. 1. A penalty is called:

1. Determinate, if it has been taxatively established in the law or precept itself; indeterminate, if it has been left to the prudent judgment of the judge or Superior by either preceptive or facultative words.

2. Latae sententiae, if a determinate penalty has been added to a law or precept in such a way that it is incurred by the very fact of the committed delict; ferendae sententiae, if it must be inflicted by a judge or Superior.

3. From law, if a determinate penalty is established in the law itself, whether it is latae sententiae or ferendae sententiae; from man, if it is borne by way of particular precept or by a condemnatory judicial sentence, even if established in law; wherefore a ferendae sententiae penalty added to a law, before a condemnatory sentence, is only from law, afterwards from law and at the same time from man, but it is considered as from man.

Sec. 2. A penalty is always understood to be ferendae sententiae, unless it is expressly said to be latae sententiae or to be contracted by the fact itself or by the law itself, or unless other similar words are employed.

Can. 2218.

1983 Code correlation: NA

Sec. 1. In decreeing penalties, equitable proportion with the delict is to be observed, with account taken of imputability, scandal, and damage; wherefore there must be attended not only the object and gravity of the law, but also the age, knowledge, training, sex, condition, state of mind of the delinquent, the dignity of the person who is offended by the delict or who commits the delict, the intended end, the place and time in which the delict was committed, whether the delinquent acted from an impulse of passion or because of grave fear, whether he repented of the delict and himself tried to avoid its evil effects, and other similar things.

Sec. 2. Not only those things which excuse from all imputability, but also those which excuse from grave imputability, equally excuse from any penalty, both latae sententiae and ferendae sententiae, even in the external forum, if for the external forum the excuse is established.

Sec. 3. Mutual injury is compensated, unless one party must be condemned on account of the greater gravity of the injury brought by the same party, the penalty being diminished if the case bears.

Can. 2219.

1983 Code correlation: NA

Sec. 1. In penalties the more benign interpretation is to be made.

Sec. 2. But if there is doubt whether a penalty inflicted by a competent Superior is just or not, the penalty is to be observed in both forums, except in the case of appeal in suspensive effect.

Sec. 3. It is not permitted to extend a penalty from person to person or from case to case, although an equal reason, indeed a graver one, is present, with nevertheless the prescription of can. 2231 preserved.

TITLE V: Of the Superior Having Coercive Power

Can. 2220.

1983 Code correlation: NA

Sec. 1. Those who have the power of making laws or imposing precepts can also attach penalties to a law or precept; those who have only judicial power can only apply legitimately established penalties according to the norm of law.

Sec. 2. The Vicar General without a special mandate does not have the power of inflicting penalties.

Can. 2221. Those having legislative power can, within the limits of their jurisdiction, strengthen with a congruous penalty not only a law borne by themselves or by predecessors, but also, because of peculiar circumstances of things, a law, whether divine or ecclesiastical, borne by a superior power and in force in the territory, or aggravate a penalty established by law.

1983 Code correlation: 1983 CIC 1315

Can. 2222.

1983 Code correlation: 1983 CIC 1399

Sec. 1. Although a law has no sanction attached, nevertheless the legitimate Superior can punish its transgression, even without a previous threat of penalty, by some just penalty, if perhaps scandal has been given or the special gravity of the transgression bears it; otherwise the accused cannot be punished unless he had first been warned with a threat of a latae or ferendae sententiae penalty in the case of transgression, and nevertheless violated the law.

Sec. 2. Likewise the same legitimate Superior, although it is only probable that a delict was committed or the penal action of a certainly committed delict has prescribed, has not only the right but also the office of not promoting a cleric whose suitability is not established, and, for avoiding scandal, of prohibiting to the cleric the exercise of sacred ministry or even of removing the same from office according to the norm of law; which things in the case do not have the character of a penalty.

Can. 2223.

1983 Code correlation: 1983 CIC 1343-45, 1348-49

Sec. 1. In applying penalties a judge cannot increase a determinate penalty, unless extraordinary aggravating circumstances require it.

Sec. 2. If a law in establishing a ferendae sententiae penalty uses facultative words, it is committed to the prudence and conscience of the judge to inflict it, or, if the penalty was determinate, to temper it.

Sec. 3. But if the law uses preceptive words, ordinarily the penalty is to be inflicted; but it is committed to the conscience and prudence of the judge or Superior:

1. To defer the application of the penalty to a more opportune time, if from too hasty punishment of the accused greater evils are foreseen as about to come.

2. To abstain from inflicting the penalty, if the accused has been perfectly amended and has repaired scandal, or has been sufficiently punished or is foreseen to be punished by penalties sanctioned by civil authority.

3. To temper a determinate penalty, or to employ in place of it some penal remedy or impose some penance, if a circumstance is given notably diminishing imputability, or if amendment of the accused or chastisement inflicted by civil authority is indeed had, but the judge or Superior besides considers some milder punishment opportune.

Sec. 4. To declare a latae sententiae penalty is generally committed to the prudence of the Superior; but either at the instance of an interested party, or when the common good so requires, a declaratory sentence must be given.

Can. 2224.

1983 Code correlation: 1983 CIC 1346

Sec. 1. Ordinarily there are as many penalties as delicts.

Sec. 2. If nevertheless, because of the number of delicts, there would be an excessive accumulation of penalties to be inflicted, it is left to the prudent judgment of the judge either to inflict the graver penalty of all, with some penance or penal remedy added if the matter bears it, or to moderate the penalties within equitable limits, with account taken of the number and gravity of the delicts.

Sec. 3. If a penalty has been constituted both for an attempted delict and for a consummated delict, once this has been admitted, only the penalty established for the consummated delict must be inflicted.

Can. 2225. If a penalty is declared or inflicted by judicial sentence, the prescriptions of the canons concerning the pronouncement of judicial sentence are to be observed; but if a latae or ferendae sententiae penalty has been inflicted by way of a particular precept, it is ordinarily to be declared or imposed in writing or before two witnesses, with the causes of the penalty indicated, with the prescription of can. 2193 preserved.

1983 Code correlation: NA

TITLE VI: Of the Subject Liable to Coercive Power

Can. 2226.

1983 Code correlation: 1983 CIC 1313, 1351

Sec. 1. One is liable to penalties attached to a law or precept who is held by the law or precept, unless he is expressly exempted.

Sec. 2. Although a later penal law abrogates an earlier one, nevertheless, if the delict had already been committed when the later law was borne, the law more favorable to the accused is to be applied.

Sec. 3. But if the later law removes the law or the penalty only, this ceases at once, unless there is question of censures already contracted.

Sec. 4. A penalty binds the accused everywhere on earth, even when the right of the Superior has been dissolved, unless another thing is expressly provided.

Can. 2227.

1983 Code correlation: NA

Sec. 1. A penalty can be inflicted or declared only by the Roman Pontiff against those of whom in can. 1557, Sec. 1.

Sec. 2. Unless they are expressly named, Cardinals of the Holy Roman Church are not comprehended under penal law, nor Bishops under latae sententiae penalties of suspension and interdict.

Can. 2228. A penalty established by law is not incurred unless the delict has been perfected in its own kind according to the proper meaning of the words of the law.

1983 Code correlation: NA

Can. 2229.

1983 Code correlation: NA

Sec. 1. Affected ignorance, whether of the law or of the penalty alone, excuses from no latae sententiae penalties, although the law contains the words of which in Sec. 2.

Sec. 2. If the law has the words: he shall have presumed, he shall have dared, knowingly, deliberately, rashly, he shall have acted advisedly, or other similar words which require full knowledge and deliberation, any diminishment of imputability, whether on the part of the intellect or on the part of the will, exempts from latae sententiae penalties.

Sec. 3. If the law does not have those words:

1. Ignorance of the law or even of the penalty alone, if it was crass or supine, exempts from no latae sententiae penalty; if it was not crass or supine, it excuses from medicinal latae sententiae penalties, but not from vindicative ones.

2. Drunkenness, omission of due diligence, weakness of mind, impulse of passion, if, notwithstanding the diminishment of imputability, the action is still gravely culpable, do not excuse from latae sententiae penalties.

3. Grave fear, if the delict tends toward contempt of the faith or of ecclesiastical authority or toward public damage of souls, in no way exempts from latae sententiae penalties.

Sec. 4. Although the accused is not held by latae sententiae censures according to the norm of Sec. 3, n. 1, nevertheless this does not prevent him, if the matter bears it, from being affected by another congruous penalty or penance.

Can. 2230. Those below puberty are excused from latae sententiae penalties, and are to be corrected rather by educative punishments than by censures or other graver vindicative penalties; but those who are of puberty and have induced them to violate the law or have concurred with them in the delict according to the norm of can. 2209, Sec. 1-3, themselves indeed incur the penalty established by law.

1983 Code correlation: 1983 CIC 1323

Can. 2231. If several have concurred in perpetrating a delict, although only one is named in the law, those also of whom in can. 2209, Sec. 1-3, are held, unless the law expressly provides another thing, by the same penalty; but the rest are not likewise held, but are to be punished by another just penalty according to the prudent judgment of the Superior, unless the law establishes a peculiar penalty against them.

1983 Code correlation: NA

Can. 2232.

1983 Code correlation: 1983 CIC 1352

Sec. 1. A latae sententiae penalty, whether medicinal or vindicative, binds by the fact itself in each forum the delinquent who is conscious of his delict; before a declaratory sentence, however, the delinquent is excused from observing the penalty as often as he cannot observe it without infamy, and in the external forum no one can exact from him the observance of the same penalty, unless the delict is notorious, with the prescription of can. 2223, Sec. 4 remaining firm.

Sec. 2. A declaratory sentence draws the penalty back to the moment of the committed delict.

Can. 2233.

1983 Code correlation: 1983 CIC 1347

Sec. 1. No penalty can be inflicted unless it is certainly established that the delict was committed and is not legitimately prescribed.

Sec. 2. Although this is legitimately established, if there is question of inflicting a censure, the accused is to be rebuked and warned that he recede from contumacy according to the norm of can. 2242, Sec. 3, with a congruous time for

coming to his senses given if, in the prudent judgment of the same judge or Superior, the case bears it; with contumacy persisting, the censure can be inflicted.

Can. 2234. One who has committed several delicts must not only be punished more gravely, but also, if in the prudent judgment of the judge the matter bears it, be subjected to vigilance or another penal remedy.

1983 Code correlation: NA

Can. 2235. A frustrated delict or an attempt of a delict, unless they are punished by law as distinct delicts, can be punished by a congruous penalty according to gravity, with the prescription of can. 2213, Sec. 3 preserved.

1983 Code correlation: 1983 CIC 1328

TITLE VII: Of the Remission of Penalties

Can. 2236.

1983 Code correlation: 1983 CIC 1354-56

Sec. 1. Remission of a penalty, whether by absolution, if there is question of censures, or by dispensation, if of vindicative penalties, can be granted only by him who bore the penalty, or by his competent Superior or successor, or by him to whom this power has been committed.

Sec. 2. He who can exempt from a law can also remit a penalty attached to the law.

Sec. 3. A judge who from office applies a penalty constituted by a Superior cannot remit it once it has been applied.

Can. 2237.

1983 Code correlation: 1983 CIC 1355-56

Sec. 1. In public cases the Ordinary can remit latae sententiae penalties established by common law, except:

1. Cases brought to the contentious forum.

2. Censures reserved to the Apostolic See.

3. Penalties of incapacity for benefices, offices, dignities, functions in the Church, active and passive voice, or privation of them, perpetual suspension, infamy of law, privation of the right of patronage, and of a privilege or grace granted by the Apostolic See.

Sec. 2. But in occult cases, with the prescription of can. 2254 and 2290 remaining firm, the Ordinary can remit latae sententiae penalties established by common law by himself or through another, except censures reserved in a most special or special manner to the Apostolic See.

Can. 2238. Remission of a penalty extorted by force or grave fear is invalid by the law itself.

1983 Code correlation: 1983 CIC 1360

Can. 2239.

1983 Code correlation: 1983 CIC 1361

Sec. 1. A penalty can validly be remitted to one present or absent, absolutely or under condition, in the external forum or only in the internal forum.

Sec. 2. Although a penalty can also be remitted orally, nevertheless if it was inflicted in writing, it is expedient that its remission also be granted in writing.

Can. 2240. As regards prescription of a penal action, the disposition of can. 1703 is to be observed.

1983 Code correlation: 1983 CIC 1362

SECTION II: Of Penalties in Species

TITLE VIII: Of Medicinal Penalties or of Censures

CHAPTER I: Of Censures in General

Can. 2241.

1983 Code correlation: 1983 CIC 1318, 1358

Sec. 1. A censure is a penalty by which a baptized man, delinquent and contumacious, is deprived of certain spiritual goods or goods attached to spiritual goods, until, receding from contumacy, he is absolved.

Sec. 2. Censures, especially latae sententiae censures, and most of all excommunication, are not to be inflicted except soberly and with great circumspection.

Can. 2242.

1983 Code correlation: 1983 CIC 1347, 1358

Sec. 1. Only an external, grave, consummated delict joined with contumacy is punished by censure; but a censure can also be borne against unknown delinquents.

Sec. 2. If there is question of ferendae sententiae censures, he is contumacious who, notwithstanding the warnings of which in can. 2233, Sec. 2, does not desist from the delict or refuses to do penance for the perpetrated delict with due reparation of damages and scandal; but for incurring a latae sententiae censure, transgression of the law or precept to which a latae sententiae penalty is attached suffices, unless the accused is excused from this by a legitimate cause.

Sec. 3. Contumacy is to be said to have ceased when the accused has truly repented of the committed delict and at the same time has himself given congruous satisfaction for damages and scandal or at least has seriously promised it; but to judge whether repentance is true, satisfaction congruous, or the promise of the same serious or not, belongs to him from whom absolution of the censure is sought.

Can. 2243.

1983 Code correlation: 1983 CIC 1353

Sec. 1. Censures inflicted by judicial sentence carry execution with them as soon as they have been borne, nor is an appeal given from them except in devolutive effect; likewise from censures inflicted by way of precept recourse is given, but only in devolutive effect.

Sec. 2. But appeal or recourse from a judicial sentence or precept threatening censures, even latae sententiae censures not yet contracted, suspends neither the sentence or precept nor the censures, if there is question of a matter in which the law does not admit appeal or recourse even with suspensive effect; otherwise it suspends the censures, with the obligation remaining firm of observing that which is commanded by the sentence or precept, unless the accused has interposed appeal or recourse not from the penalty alone, but also from the sentence or precept itself.

Can. 2244.

1983 Code correlation: NA

Sec. 1. Not only diverse censures, but also a censure of the same species can be multiplied in the same subject.

Sec. 2. A latae sententiae censure is multiplied:

1. If diverse delicts, each of which carries a censure with it, are committed by the same or by distinct action.

2. If the same delict, punished by censure, is repeated several times so that there are several distinct delicts.

3. If a delict, punished by diverse censures from distinct Superiors, is committed once or several times.

Sec. 3. A censure from man is multiplied if several precepts or several sentences, or several distinct parts of the same precept or sentence, each inflict its own censure.

Can. 2245.

1983 Code correlation: NA

Sec. 1. Some censures are reserved, others not reserved.

Sec. 2. A censure from man is reserved to him who inflicted the censure or bore the sentence, or to his competent Superior, or successor or delegate; but of censures reserved by law, some are reserved to the Ordinary, others to the Apostolic See.

Sec. 3. Of those reserved to the Apostolic See, some are reserved simply, others in a special manner, others in a most special manner.

Sec. 4. A latae sententiae censure is not reserved unless this is expressly said in the law or precept; and in doubt, whether of law or of fact, reservation does not urge.

Can. 2246.

1983 Code correlation: 1983 CIC 1354

Sec. 1. A censure is not to be reserved unless attention has been given to the peculiar gravity of the delicts and to the necessity of providing more suitably for ecclesiastical discipline and of healing the consciences of the faithful.

Sec. 2. Reservation receives strict interpretation.

Sec. 3. Reservation of a censure impeding reception of the Sacraments imports reservation of the sin to which the censure is attached; but if someone is excused from the censure or has been absolved from the same, reservation of the sin wholly ceases.

Can. 2247.

1983 Code correlation: NA

Sec. 1. If a censure is reserved to the Apostolic See, the Ordinary cannot bear another censure reserved to himself against the same delict.

Sec. 2. Reservation of a censure in a particular territory does not exert its force outside the limits of that territory, even if the censured person goes out from the territory to obtain absolution; but a censure from man is reserved everywhere, so that the censured person can nowhere be absolved without due faculties.

Sec. 3. If a confessor, ignorant of the reservation, absolves a penitent from the censure and sin, the absolution of the censure is valid, provided it is not a censure from man or a censure reserved in a most special manner to the Apostolic See.

Can. 2248.

1983 Code correlation: 1983 CIC 1358

Sec. 1. Any censure, once contracted, is removed only by legitimate absolution.

Sec. 2. Absolution cannot be denied as soon as the delinquent has receded from contumacy according to the norm of can. 2242, Sec. 3; but one absolving from a censure can, if the matter bears it, inflict a congruous vindicative penalty or penance for the perpetrated delict.

Sec. 3. A censure removed through absolution does not revive, except in the case in which the burden imposed under penalty of reincidence has not been fulfilled.

Can. 2249.

1983 Code correlation: 1983 CIC 1359

Sec. 1. If someone is held by several censures, he can be absolved from one, the others by no means absolved.

Sec. 2. One seeking absolution must indicate all cases; otherwise the absolution is valid only for the case expressed; but if the absolution, although a particular petition was made, was general, it is valid also for those withheld in good faith, except a censure reserved in a most special manner to the Apostolic See, but not for those withheld in bad faith.

Can. 2250.

1983 Code correlation: NA

Sec. 1. If there is question of a censure which does not impede reception of the Sacraments, the censured person, rightly disposed and receding from contumacy, can be absolved from sins, the censure remaining firm.

Sec. 2. But if there is question of a censure which impedes reception of the Sacraments, the censured person cannot be absolved from sins unless he has first been absolved from the censure.

Sec. 3. Absolution of a censure in the sacramental forum is contained in the customary form of absolution of sins prescribed in the ritual books; in the non-sacramental forum it can be given in any manner, but for absolution from excommunication it is regularly fitting to employ the form handed down in the same books.

Can. 2251. If absolution of a censure is given in the external forum, it affects each forum; if in the internal, the absolved person, scandal having been removed, can act as having himself such also in acts of the external forum; but unless the grant of absolution is proved or at least legitimately presumed in the external forum, the censure can be urged by Superiors of the external forum whom the accused must obey, until absolution has been had in the same forum.

1983 Code correlation: NA

Can. 2252. Those constituted in danger of death who, from a priest lacking special faculty, have received absolution from some censure from man or from a censure reserved in a most special manner to the Apostolic See, are held, after they have recovered, by the obligation of recurring, under penalty of reincidence, to him who bore the censure, if there is question of a censure from man; to the Sacred Penitentiary or to the Bishop or another furnished with faculty, according to the norm of can. 2254, Sec. 1, if of a censure from law; and of obeying their mandates.

1983 Code correlation: 1983 CIC 1357

Can. 2253. Outside danger of death, the following can absolve:

1983 Code correlation: 1983 CIC 1355

1. From a non-reserved censure, in the sacramental forum any confessor; outside the sacramental forum, anyone who has jurisdiction in the external forum over the accused.

2. From a censure from man, he to whom the censure is reserved according to the norm of can. 2245, Sec. 2; but he can grant absolution even if the accused has transferred domicile or quasi-domicile elsewhere.

3. From a censure reserved by law, he who constituted the censure or to whom it is reserved, and their successors or competent Superiors or delegates. Wherefore from a censure reserved to a Bishop or Ordinary, any Ordinary can absolve his subjects, and the local Ordinary also travelers; from one reserved to the Apostolic See, the same See or others who have obtained from it the power of absolving, whether general if the censure is simply reserved, or special if reserved in a special manner, or finally most special if reserved in a most special manner, with the prescription of can. 2254 preserved.

Can. 2254.

1983 Code correlation: 1983 CIC 1357

Sec. 1. In more urgent cases, namely if latae sententiae censures cannot be externally observed without danger of grave scandal or infamy, or if it is hard for the penitent to remain in the state of grave sin for the time necessary that the competent Superior provide, then any confessor in the sacramental forum can absolve from the same censures, in whatever way reserved, with the burden imposed of recurring, under penalty of reincidence, within a month, at least by letter and through the confessor, if this can be done without grave inconvenience, the name being withheld, to the Sacred Penitentiary or to the Bishop or another Superior furnished with faculty, and of standing by his mandates.

Sec. 2. Nothing prevents the penitent, even after absolution accepted as above, and recourse also made to the Superior, from approaching another confessor furnished with faculty, and from him, with confession at least of the delict with the censure repeated, obtaining absolution; having obtained it, let him receive mandates from the same, without being held afterwards to stand by other mandates supervening on the part of the Superior.

Sec. 3. But if in some extraordinary case this recourse is morally impossible, then the confessor himself, except in the case in which there is question of absolution of the censure of which in can. 2367, can grant absolution without the burden of which above, with nevertheless those things to be imposed by law imposed, and with congruous penance and satisfaction for the censure imposed, so that the penitent, unless within a congruous time to be predefined by the confessor he has done penance and given satisfaction, falls back into the censure.

CHAPTER II: Of Censures in Species

Can. 2255.

1983 Code correlation: NA

Sec. 1. Censures are:

1. Excommunication.

2. Interdict.

3. Suspension.

Sec. 2. Excommunication can affect only physical persons, and therefore, if at any time it is borne against a moral body, it is understood to affect the individuals who concurred in the delict; interdict and suspension, also a community as a moral person; excommunication and interdict, also lay persons; suspension, clerics only; interdict, also a place; excommunication is always a censure; interdict and suspension can be either censures or vindicative penalties, but in doubt they are presumed censures.

Can. 2256. In the canons which follow:

1983 Code correlation: NA

1. By the name of divine offices are understood functions of the power of order, which by institution of Christ or of the Church are ordered to divine worship and can be carried out only by clerics.

2. But by the name of legitimate ecclesiastical acts are signified: to exercise the office of administrator of ecclesiastical goods; to act the parts of judge, auditor and relator, defender of the bond, promoter of justice and of faith, notary and chancellor, courier and apparitor, advocate and procurator in ecclesiastical causes; to exercise the office of sponsor in the sacraments of baptism and confirmation; to cast a vote in ecclesiastical elections; to exercise the right of patronage.

ARTICLE I: Of Excommunication

Can. 2257.

1983 Code correlation: 1983 CIC 1331

Sec. 1. Excommunication is a censure by which someone is excluded from the communion of the faithful with the effects which are enumerated in the canons which follow, and which cannot be separated.

Sec. 2. It is also called anathema, especially if it is inflicted with the solemnities which are described in the Roman Pontifical.

Can. 2258.

1983 Code correlation: NA

Sec. 1. Some excommunicated persons are to be avoided, others tolerated.

Sec. 2. No one is to be avoided unless he has been excommunicated by name by the Apostolic See, the excommunication has been publicly denounced, and in the decree or sentence it is expressly said that he must be avoided, with the prescription of can. 2343, Sec. 1, n. 1 preserved.

Can. 2259.

1983 Code correlation: 1983 CIC 1331, 1335

Sec. 1. Any excommunicated person lacks the right of assisting at divine offices, but not at the preaching of the word of God.

Sec. 2. If a tolerated excommunicated person assists passively, it is not necessary that he be expelled; if one to be avoided, he must be expelled, or, if he cannot be expelled, one must cease from the office, provided that this can be done without grave inconvenience; but from active assistance which brings with it some participation in celebrating divine offices, not only one to be avoided is to be repelled, but also anyone after a declaratory or condemnatory sentence, or otherwise notoriously excommunicated.

Can. 2260.

1983 Code correlation: 1983 CIC 1331, 1335

Sec. 1. Nor can an excommunicated person receive the Sacraments; indeed, after a declaratory or condemnatory sentence, not even Sacramentals.

Sec. 2. As regards ecclesiastical burial, the prescription of can. 1240, Sec. 1, n. 2 is to be observed.

Can. 2261.

1983 Code correlation: 1983 CIC 1331, 1335

Sec. 1. An excommunicated person is prohibited licitly to confect and administer Sacraments and Sacramentals, with the exceptions which follow preserved.

Sec. 2. The faithful, with the prescription of Sec. 3 preserved, can for any just cause ask Sacraments and Sacramentals from an excommunicated person, especially if other ministers are lacking, and then the excommunicated person, having been requested, can administer the same and is held by no obligation of inquiring the cause from the one requesting.

Sec. 3. But from excommunicated persons to be avoided, and also from other excommunicated persons after a condemnatory or declaratory sentence has intervened, the faithful can ask, in danger of death alone, both sacramental absolution according to the norm of can. 882, 2252, and also, if other ministers are lacking, the other Sacraments and Sacramentals.

Can. 2262.

1983 Code correlation: 1983 CIC 1331, 1335

Sec. 1. An excommunicated person does not become participant in indulgences, suffrages, and public prayers of the Church.

Sec. 2. Nevertheless there are not prohibited:

1. The faithful privately praying for him.

2. Priests privately and with scandal removed applying Mass for him; but, if he is one to be avoided, only for his conversion.

Can. 2263. An excommunicated person is removed from legitimate ecclesiastical acts within the limits defined by law in their places; he cannot act in ecclesiastical causes except according to the norm of can. 1654; he is prohibited from discharging ecclesiastical offices or functions and from enjoying privileges previously granted by the Church.

1983 Code correlation: 1983 CIC 1331, 1335

Can. 2264. An act of jurisdiction, whether of the external forum or of the internal forum, placed by an excommunicated person is illicit; and, if a condemnatory or declaratory sentence has been borne, also invalid, with the prescription of can. 2261, Sec. 3 preserved; otherwise it is valid, indeed also licit, if it has been sought by the faithful according to the norm of the aforementioned can. 2261, Sec. 2.

1983 Code correlation: 1983 CIC 1331, 1335

Can. 2265.

1983 Code correlation: 1983 CIC 1331, 1335

Sec. 1. Any excommunicated person:

1. Is prohibited by the right of electing, presenting, nominating.

2. Cannot obtain dignities, offices, benefices, ecclesiastical pensions, or another function in the Church.

3. Cannot be promoted to orders.

Sec. 2. Nevertheless an act placed against the prescription of Sec. 1, nn. 1, 2, is not null unless it was placed by an excommunicated person to be avoided or by another excommunicated person after a declaratory or condemnatory sentence; but if this sentence has been borne, the excommunicated person cannot besides validly obtain any pontifical grace unless mention of the excommunication is made in the pontifical rescript.

Can. 2266. After a condemnatory or declaratory sentence, an excommunicated person remains deprived of the fruits of dignity, office, benefice, pension, function, if he has any in the Church; and one to be avoided, of the dignity, office, benefice, pension, function itself.

1983 Code correlation: 1983 CIC 1331, 1335

Can. 2267. The faithful must avoid communion in profane matters with an excommunicated person to be avoided, unless there is question of a spouse, parents, children, servants, subjects, and generally unless a reasonable cause excuses.

1983 Code correlation: 1983 CIC 1331, 1335

ARTICLE II: Of Interdict

Can. 2268.

1983 Code correlation: 1983 CIC 1332

Sec. 1. Interdict is a censure by which the faithful, remaining in the communion of the Church, are prohibited from sacred things which are enumerated in the canons which follow.

Sec. 2. The prohibition is made either directly through personal interdict, when the use of those goods is interdicted to the persons themselves, or indirectly through local interdict, when in certain places dispensation or reception of the same is forbidden.

Can. 2269.

1983 Code correlation: NA

Sec. 1. A general interdict, both local against the territory of a diocese or republic and personal against the people of a diocese or republic, can be borne only by the Apostolic See or by its mandate; but a general interdict against a parish or the people of a parish, and a particular interdict whether local or personal, even a Bishop can bear.

Sec. 2. A personal interdict follows persons everywhere; a local one does not urge outside the interdicted place, but in an interdicted place all, even outsiders or exempt persons, with special privilege excluded, must observe it.

Can. 2270.

1983 Code correlation: NA

Sec. 1. A local interdict, whether general or particular, does not forbid administering the Sacraments and Sacramentals to the dying, with those things to be observed having been observed, but it prohibits in the place any divine office or sacred rite, with the exceptions preserved of which in Sec. 2 of this canon and in can. 2271, 2272.

Sec. 2. On the day of the Nativity of the Lord, Easter, Pentecost, the Most Holy Body of Christ, and the Blessed Virgin Mary assumed into heaven, a local interdict is suspended, and only the conferral of orders and the solemn blessing of nuptials are prohibited.

Can. 2271. If an interdict has been a general local one and another thing is not expressly provided in the decree of interdict:

1983 Code correlation: NA

1. Clerics, provided that they themselves are not personally interdicted, are permitted to perform all divine offices and sacred rites privately in any church or oratory, with doors closed, voice lowered, and bells not rung.

2. But in the cathedral church, in parochial churches, or in a church which is the only one in a town, and in these alone, there are permitted the celebration of one Mass, the reservation of the Most Holy Sacrament, the administration of baptism, Eucharist, penance, assistance at marriages, with the nuptial blessing excluded, funerals of the dead, with any solemnity nevertheless forbidden, the blessing of baptismal water and of sacred oils, and preaching of the word of God. In these sacred functions, however, singing and display in sacred furnishings and the sound of bells, organs, or other musical instruments are prohibited; but sacred Viaticum is to be carried privately to the sick.

Can. 2272.

1983 Code correlation: NA

Sec. 1. In a particular local interdict, if the altar or chapel of some church has been interdicted, no sacred office or sacred rite is to be celebrated in the same.

Sec. 2. If a cemetery has been interdicted, bodies of the faithful can indeed be buried there, but without any ecclesiastical rite.

Sec. 3. If it has been borne against a certain church or oratory:

1. If the church was capitular and the Chapter is not interdicted, the prescription of can. 2271, n. 1, holds, unless the decree of interdict commands the conventual Mass to be celebrated and canonical hours to be recited in another church or oratory.

2. If it was parochial, the prescription of the cited can. 2271, n. 2 is to be observed, unless the decree of interdict substitutes another church for it for the time of the interdict.

Can. 2273. With a city interdicted, accessory places also remain interdicted, even exempt places and the cathedral church itself; with a church interdicted, contiguous chapels are interdicted, but not the cemetery; with a chapel interdicted, the whole church is not interdicted, nor, with a cemetery interdicted, is the church contiguous to it interdicted, but all oratories erected in the cemetery are interdicted.

1983 Code correlation: NA

Can. 2274.

1983 Code correlation: NA

Sec. 1. If a community or college has perpetrated a delict, an interdict can be borne either against the individual delinquent persons, or against the community as such, or against the delinquent persons and the community.

Sec. 2. If the first, the prescription of can. 2275 is to be observed.

Sec. 3. If the second, the community or college cannot exercise any spiritual right which belongs to it.

Sec. 4. If the third, the effects are accumulated.

Can. 2275. Personally interdicted persons:

1983 Code correlation: 1983 CIC 1332

1. Cannot celebrate divine offices or assist at them, except at the preaching of the word of God; those assisting passively need not be expelled; but from active assistance, which brings with it some participation in celebrating divine offices, there are to be repelled interdicted persons after a condemnatory or declaratory sentence has been borne, or otherwise notoriously interdicted persons.

2. Are prohibited from administering, confecting, and receiving Sacraments and Sacramentals, according to the norm of can. 2260, Sec. 1, 2261.

3. They are also bound by the prescription of can. 2265.

4. They lack ecclesiastical burial according to the norm of can. 1240, Sec. 1, n. 2.

Can. 2276. One who is subject to a local interdict or an interdict against a community or college, without having given cause to the same and not being prohibited by another censure, can, if he is rightly disposed, receive the Sacraments according to the norm of the preceding canons, without absolution from the interdict or other satisfaction.

1983 Code correlation: NA

Can. 2277. An interdict from entrance into a church brings with it the prohibition that one celebrate divine offices in the church or assist at them or have ecclesiastical burial; but if he assists, it is not necessary that he be expelled, nor, if he is buried, is it necessary that the body be removed.

1983 Code correlation: NA

ARTICLE III: Of Suspension

Can. 2278.

1983 Code correlation: 1983 CIC 1333

Sec. 1. Suspension is a censure by which a cleric is prohibited from office or benefice or both.

Sec. 2. The effects of suspension can also be separated; but, unless another thing is established, in a suspension borne generally are comprehended all effects which are enumerated in the canons of this article; on the contrary, in suspension from office or from benefice, only all the effects of either species.

Can. 2279.

1983 Code correlation: 1983 CIC 1333

Sec. 1. Suspension from office simply, with no limitation added, forbids every act both of the power of order and jurisdiction, and also of mere administration competent from office, except the administration of the goods of one's

own benefice.

Sec. 2. Suspension:

1. From jurisdiction generally, forbids every act of the power of jurisdiction for each forum, both ordinary and delegated.

2. From divine things, every act of the power of order which one obtains either through sacred ordination or through privilege.

3. From orders, every act of the power of order received through ordination.

4. From sacred orders, every act of the power of order received through ordination in sacred orders.

5. From exercising a certain and defined order, every act of the designated order; moreover the suspended person is further prohibited from conferring the same order and receiving a higher one and exercising one received after suspension.

6. From conferring a certain and defined order, to confer that order itself, but not an inferior or superior one.

7. From a certain and defined ministry, e.g., of hearing confessions, or office, e.g., with care of souls, every act of the same ministry or office.

8. From pontifical order, every act of the power of episcopal order.

9. From pontificals, the exercise of pontifical acts, according to the norm of can. 337, Sec. 2.

Can. 2280.

1983 Code correlation: 1983 CIC 1333

Sec. 1. Suspension from benefice deprives of the fruits of the benefice, except habitation in the benefice buildings, but not of the right of administering the benefice goods, unless the decree or sentence of suspension expressly takes away from the suspended person the power itself of administering and attributes it to another.

Sec. 2. If, although the censure obstructs, the beneficiary receives the fruits, he must restore the fruits and can be compelled to this restitution also by canonical sanctions, if there is need.

Can. 2281. Suspension borne generally, or suspension from office or from benefice, affects all offices or benefices which the cleric has in the diocese of the suspending Superior, unless another thing appears.

1983 Code correlation: 1983 CIC 1333

Can. 2282. The local Ordinary cannot suspend a cleric from a determined office or benefice which is found in another diocese; but a latae sententiae suspension imposed by common law affects all offices or benefices possessed in whatever diocese.

1983 Code correlation: 1983 CIC 1333

Can. 2283. The things established concerning excommunication in can. 2265 are also to be applied to suspension.

1983 Code correlation: NA

Can. 2284. If the censure of suspension has been incurred which forbids administration of Sacraments and Sacramentals, the prescription of can. 2261 is to be observed; if the censure of suspension which prohibits an act of jurisdiction in the forum, whether internal or external, the act is invalid, e.g., sacramental absolution, if a condemnatory or declaratory sentence has been borne, or the Superior expressly declares that he revokes the power itself of jurisdiction; otherwise it is only illicit, unless it has been sought by the faithful according to the norm of the aforementioned can. 2261, Sec. 2.

1983 Code correlation: 1983 CIC 1335

Can. 2285.

1983 Code correlation: NA

Sec. 1. If a community or college of clerics has committed a delict, suspension can be borne either against individual delinquent persons or against the community as such, or against the delinquent persons and the community.

Sec. 2. If the first, the canons of this article are to be observed.

Sec. 3. If the second, the community is prohibited from the exercise of the spiritual rights which belong to it as a community.

Sec. 4. If the third, the effects are accumulated.

TITLE IX: Of Vindicative Penalties

Can. 2286. Vindicative penalties are those which tend directly to the expiation of a delict, so that their remission does not depend on the cessation of the delinquent's contumacy.

1983 Code correlation: NA

Can. 2287. From inflicted vindicative penalties there is given appeal or recourse in suspensive effect, unless another thing is expressly provided in law.

1983 Code correlation: 1983 CIC 1353

Can. 2288. Excepting the penalties of degradation, deposition, privation of office or benefice, and unless the necessity of repairing scandal urges, it is remitted to the prudence of the judge, if the accused is such that for the first time after a life laudably completed he has offended, to suspend the execution of an ordinary penalty inflicted by condemnatory sentence, with this condition nevertheless, that if the accused within the next three years commits another delict of the same or of another kind, he pay the penalty owed for each delict.

1983 Code correlation: 1983 CIC 1344

Can. 2289. A vindicative penalty is ended by its expiation or by dispensation granted by him who has legitimate power of dispensing according to the norm of can. 2236.

1983 Code correlation: NA

Can. 2290.

1983 Code correlation: 1983 CIC 1352

Sec. 1. In more urgent occult cases, if from the observance of a latae sententiae vindicative penalty the accused would betray himself with infamy and scandal, any confessor can in the sacramental forum suspend the obligation of observing the penalty, with the burden imposed of recurring at least within a month by letter and through the confessor, if this can be done without grave inconvenience, the name being withheld, to the Sacred Penitentiary or to the Bishop furnished with faculty, and of standing by his mandates.

Sec. 2. And if in some extraordinary case this recourse is impossible, then the confessor himself can grant dispensation according to the norm of can. 2254, Sec. 3.

CHAPTER I: Of Common Vindicative Penalties

Can. 2291. Vindicative penalties which can affect all the faithful according to the gravity of delicts, in the Church, are especially:

1983 Code correlation: 1983 CIC 1336

1. Local interdict and interdict against a community or college in perpetuity or for a predefined time or at the good pleasure of the Superior.

2. Interdict from entrance into a church in perpetuity or for a predefined time or at the good pleasure of the Superior.

3. Penal transfer or suppression of an episcopal or parochial see.

4. Infamy of law.

5. Privation of ecclesiastical burial according to the norm of can. 1240, Sec. 1.

6. Privation of Sacramentals.

7. Privation or suspension for a time of a pension which is paid by the Church or from the goods of the Church, or of another ecclesiastical right or privilege.

8. Removal from exercising legitimate ecclesiastical acts.

9. Incapacity for ecclesiastical graces or functions in the Church which do not require the clerical state, or for obtaining academic degrees by ecclesiastical authority.

10. Privation or suspension for a time of a function, faculty, or grace already obtained.

11. Privation of the right of precedence or of active and passive voice, or of the right of bearing titles of honor, dress, insignia, which the Church has granted.

12. A monetary fine.

Can. 2292. Penal suppression or transfer of an episcopal see is reserved to the Roman Pontiff; but of a parochial see, it cannot be decreed by local Ordinaries except with the counsel of the Chapter.

1983 Code correlation: NA

Can. 2293.

1983 Code correlation: NA

Sec. 1. Infamy is either of law or of fact.

Sec. 2. Infamy of law is that which is established in cases expressed by common law.

Sec. 3. Infamy of fact is contracted when someone, because of a perpetrated delict or because of depraved morals, has lost good esteem among upright and grave faithful; judgment concerning this belongs to the Ordinary.

Sec. 4. Neither affects the blood relatives or affines of the delinquent, with the prescription of can. 2147, Sec. 2, n. 3 remaining firm.

Can. 2294.

1983 Code correlation: NA

Sec. 1. One who labors under infamy of law is not only irregular according to the norm of can. 984, n. 5, but moreover is incapable of obtaining benefices, pensions, ecclesiastical offices and dignities, of performing legitimate ecclesiastical acts, of exercising an ecclesiastical right or function, and finally must be barred from ministry to be exercised in sacred functions.

Sec. 2. One who labors under infamy of fact must be repelled both from receiving orders according to the norm of can. 987, n. 7, dignities, benefices, ecclesiastical offices, and from exercising sacred ministry and from legitimate ecclesiastical acts.

Can. 2295. Infamy of law ceases only by dispensation granted by the Apostolic See; infamy of fact ceases when good esteem among upright and grave faithful, all circumstances having been weighed and especially by

long-lasting amendment of the accused, has been recovered in the prudent judgment of the Ordinary.

1983 Code correlation: NA

Can. 2296.

1983 Code correlation: NA

Sec. 1. If there is question of things for acquiring which capacity is established by common law, the Apostolic See alone can inflict the penalty of incapacity.

Sec. 2. Rights already acquired are not lost on account of supervening incapacity, unless to this is added the penalty of privation.

Can. 2297. Monetary fines inflicted by common law, the disbursement of which is not predefined by the same law, and others established or to be established by particular law, local Ordinaries must disburse for pious uses, but not for the convenience of the episcopal or capitular mensa.

1983 Code correlation: NA

CHAPTER II: Of Peculiar Vindicative Penalties of Clerics

Can. 2298. Vindicative penalties which are applied only to clerics are:

1983 Code correlation: 1983 CIC 1336

1. Prohibition of exercising sacred ministry except in a certain church.

2. Suspension in perpetuity or for a predefined time, or at the good pleasure of the Superior.

3. Penal transfer from an office or benefice obtained to an inferior one.

4. Privation of some right joined with a benefice or office.

5. Incapacity for all or for some dignities, offices, benefices, or other functions proper to clerics.

6. Penal privation of benefice or office with or without a pension.

7. Prohibition of dwelling in a certain place or territory.

8. Prescription of dwelling in a certain place or territory.

9. Privation for a time of ecclesiastical habit.

10. Deposition.

11. Perpetual privation of ecclesiastical habit.

12. Degradation.

Can. 2299.

1983 Code correlation: 1983 CIC 1350

Sec. 1. If a cleric obtains an irremovable benefice, he can be deprived of it as a penalty only in cases expressed by law; if a removable one, also for other reasonable causes.

Sec. 2. Clerics obtaining benefices, offices, dignities can also be prohibited for a certain time only from some ministry joined with the same, e.g., the ministry of preaching, of hearing confessions, etc.

Sec. 3. A cleric cannot be deprived of a benefice or pension by title of which he was ordained unless provision is made elsewhere for his honorable sustenance, with the prescription of can. 2303, 2304 preserved.

Can. 2300. If a cleric gives grave scandals and, having been warned, does not become wise again, nor can the scandal be removed otherwise, he can meanwhile be deprived of the right of wearing ecclesiastical habit; this

privation, while it lasts, brings with it the prohibition of exercising any ecclesiastical ministries and privation of clerical privileges.

1983 Code correlation: NA

Can. 2301. The Ordinary cannot prescribe that a cleric dwell in a certain place outside the limits of his diocese, unless the consent of the Ordinary of that place accedes, or unless there is question of a house of penance or correction destined for clerics not only diocesan but also outsiders, or of an exempt religious house, with its Superior consenting.

1983 Code correlation: 1983 CIC 1337

Can. 2302. Both prescription and prohibition of dwelling in a certain place and placement in a house of penance or in a religious house, especially if they are going to last long, are to be imposed only in grave cases in which, in the prudent judgment of the Ordinary, those penalties are necessary for the amendment of the cleric or the repair of scandal.

1983 Code correlation: NA

Can. 2303.

1983 Code correlation: 1983 CIC 1350

Sec. 1. Deposition, with obligations arising from the order received and clerical privileges remaining firm, brings with it both suspension from office and incapacity for any offices, dignities, benefices, pensions, functions in the Church, and also privation of those things which the accused has, although he was ordained by their title.

Sec. 2. But in this last case, if the cleric is truly in need, the Ordinary, according to his charity, is to take care to provide for him in whatever better way can be done, lest he be compelled to beg with disgrace to the clerical state.

Sec. 3. The penalty of deposition cannot be inflicted except in cases expressed by law.

Can. 2304.

1983 Code correlation: NA

Sec. 1. If a deposed cleric gives no signs of amendment and especially if he continues to give scandal and, having been warned, does not become wise again, the Ordinary can perpetually deprive him of the right of wearing ecclesiastical habit.

Sec. 2. This privation brings with it privation of clerical privileges and cessation of the prescription of can. 2303, Sec. 2.

Can. 2305.

1983 Code correlation: NA

Sec. 1. Degradation contains in itself deposition, perpetual privation of ecclesiastical habit, and reduction of the cleric to the lay state.

Sec. 2. This penalty can be borne only on account of a delict expressed in law, or if a cleric, already deposed and deprived of clerical habit, still continues to give grave scandal for a year.

Sec. 3. One degradation is verbal or edictal, which is imposed by sentence alone, yet in such a way that it has all its juridical effects immediately without any execution; another is real, if the solemn prescriptions in the Roman Pontifical are observed.

TITLE X: Of Penal Remedies and Penances

CHAPTER I: Of Penal Remedies

Can. 2306. Penal remedies are:

1983 Code correlation: NA

1. Warning.

2. Correction.

3. Precept.

4. Vigilance.

Can. 2307. The Ordinary, by himself or through an interposed person, is to warn one who is situated in the proximate occasion of committing a delict or upon whom, from an investigation carried out, grave suspicion of a committed delict falls.

1983 Code correlation: 1983 CIC 1339

Can. 2308. If from someone's manner of life scandal or grave disturbance of order arises, there is place for correction, to be made by the Ordinary by himself or through an interposed person, even by letter, accommodated to the peculiar conditions of the person and of the fact of which there is question.

1983 Code correlation: 1983 CIC 1339

Can. 2309.

1983 Code correlation: 1983 CIC 1339

Sec. 1. Both warning and correction can be either public or secret.

Sec. 2. Public correction or warning is to be made either before a notary or two witnesses, or by letter, yet in such a way that the reception and tenor of the letter are established by some document.

Sec. 3. Public correction can be made only against an accused convicted of or confessing the delict; and it is judicial if it is made by a judge sitting as a tribunal or by the Ordinary before the criminal process.

Sec. 4. Judicial correction is either held in place of a penalty or is made for increasing a penalty, especially if there is question of a recidivist.

Sec. 5. Concerning warning and correction, even if they were made secretly, it must be established by some document to be preserved in the secret archive of the Curia.

Sec. 6. Both correction and warning can be made once or several times, according to the judgment and prudence of the Superior.

Can. 2310. Warnings and corrections having been made in vain, or if one may not hope for an effect from them, a precept is given, by which what the one warned must do or avoid is accurately indicated, with a threat of penalty in the case of transgression.

1983 Code correlation: NA

Can. 2311.

1983 Code correlation: NA

Sec. 1. If the gravity of the case bears it and especially if there is question of one who is situated in danger of relapsing into the same crime, let the Ordinary submit him to vigilance.

Sec. 2. Vigilance can also be prescribed for increasing a penalty, especially against recidivists.

CHAPTER II: Of Penances

Can. 2312.

1983 Code correlation: 1983 CIC 1340

Sec. 1. Penances are imposed in the external forum so that the delinquent may either escape a penalty, or receive absolution or dispensation from a contracted penalty.

Sec. 2. On account of an occult delict or transgression, public penance is never to be imposed.

Sec. 3. Penances are to be moderated not so much according to the quantity of the delict as according to the contrition of the penitent, with the qualities of persons and circumstances of the delicts weighed.

Can. 2313.

1983 Code correlation: 1983 CIC 1340

Sec. 1. The chief penances are precepts:

1. Of reciting determined prayers.

2. Of performing some pious pilgrimage or other works of piety.

3. Of observing a peculiar fast.

4. Of disbursing alms for pious uses.

5. Of performing spiritual exercises in a pious or religious house for some days.

Sec. 2. The Ordinary, according to his prudence, can add penances to the penal remedy of warning and correction.

PART THREE: Of Penalties for Individual Delicts

TITLE XI: Of Delicts against the Faith and Unity of the Church

Can. 2314.

1983 Code correlation: 1983 CIC 1364

Sec. 1. All apostates from the Christian faith and all and singular heretics or schismatics:

1. Incur excommunication by the fact itself.

2. Unless, having been warned, they become wise again, let them be deprived of benefice, dignity, pension, office, or other function, if they have any in the Church, let them be declared infamous, and clerics, after repeated warning, are to be deposed.

3. If they have given their name to a non-Catholic sect or publicly adhered to it, by the fact itself they are infamous, and, with the prescription of can. 188, n. 4 remaining firm, clerics, after warning has been sent in vain, are to be degraded.

Sec. 2. Absolution from the excommunication of which in Sec. 1, to be imparted in the forum of conscience, is reserved in a special manner to the Apostolic See. If however the delict of apostasy, heresy, or schism has in any way been brought to the external forum of the local Ordinary, even through voluntary confession, the same Ordinary, but not the Vicar General without a special mandate, can by his ordinary authority absolve in the external forum one coming to his senses, after juridically performed abjuration and other things to be observed by law having been observed; one so absolved can then be absolved from the sin by any confessor in the forum of conscience. But abjuration is held to have been juridically performed when it is made before the local Ordinary himself or his delegate and at least two witnesses.

Can. 2315. One suspected of heresy, who, having been warned, does not remove the cause of suspicion, is to be prohibited from legitimate acts, and a cleric moreover, after warning has been repeated uselessly, is to be suspended from divine things; but if within six completed months from the contracted penalty the one suspected of heresy has not amended himself, let him be regarded as a heretic, subject to the penalties of heretics.

1983 Code correlation: NA

Can. 2316. One who in any way spontaneously and knowingly assists the propagation of heresy, or who communicates in divine things with heretics against the prescription of can. 1258, is suspected of heresy.

1983 Code correlation: 1983 CIC 1365

Can. 2317. Those pertinaciously teaching or defending, whether publicly or privately, a doctrine which indeed was condemned by the Apostolic See or by a General Council, but not as formally heretical, are to be barred from the ministry of preaching the word of God or hearing sacramental confessions and from any teaching function, without prejudice to other penalties which the sentence of condemnation may perhaps have established, or which the Ordinary, after warning, shall have judged necessary for repairing scandal.

1983 Code correlation: 1983 CIC 1371

Can. 2318.

1983 Code correlation: NA

Sec. 1. Editors of books of apostates, heretics, and schismatics which defend apostasy, heresy, or schism, when the work has been made public, incur by the fact itself excommunication reserved in a special manner to the Apostolic See; likewise those defending the same books or others prohibited by name through apostolic letters, or knowingly reading or retaining them without due permission.

Sec. 2. Authors and editors who without due permission take care that books of the sacred Scriptures or their annotations or commentaries be printed fall by the fact itself into excommunication reserved to no one.

Can. 2319.

1983 Code correlation: 1983 CIC 1366

Sec. 1. Catholics are subject to latae sententiae excommunication reserved to the Ordinary:

1. Who enter marriage before a non-Catholic minister against the prescription of can. 1063, Sec. 1.

2. Who are joined in marriage with an explicit or implicit pact that all or some offspring be educated outside the Catholic Church.

3. Who knowingly presume to offer their children to be baptized by non-Catholic ministers.

4. Parents or those holding the place of parents who knowingly hand over children to be educated or instructed in a non-Catholic religion.

Sec. 2. Those of whom in Sec. 1, nn. 2-4, are moreover suspected of heresy.

TITLE XII: Of Delicts against Religion

Can. 2320. One who has thrown away the consecrated species or carried them away or retained them for an evil end is suspected of heresy; he incurs latae sententiae excommunication reserved in a most special manner to the Apostolic See; he is by the fact itself infamous, and a cleric moreover is to be deposed.

1983 Code correlation: 1983 CIC 1367

Can. 2321. Priests who against the prescriptions of can. 806, Sec. 1, 808 have presumed to repeat Mass on the same day or to celebrate it not fasting, are to be suspended from the celebration of Mass for a time to be predefined by the Ordinary according to the diverse circumstances of things.

1983 Code correlation: NA

Can. 2322. One not promoted to the priestly order:

1983 Code correlation: 1983 CIC 1378-79

1. If he has simulated the celebration of Mass or heard a sacramental confession, he contracts excommunication by the fact itself, reserved in a special manner to the Apostolic See; and besides, if indeed a layman, let him be deprived of pension or function, if he has any in the Church, and be punished by other penalties according to the gravity of the fault; but if a cleric, let him be deposed.
2. If he has usurped other priestly functions, let him be punished by the Ordinary according to the gravity of the fault.

Can. 2323. One who has blasphemed or committed perjury outside judgment is to be punished by the prudent judgment of the Ordinary, especially if a cleric.

1983 Code correlation: 1983 CIC 1368-69

Can. 2324. Those who have offended against the prescription of can. 827, 828, 840, Sec. 1, are to be punished by the Ordinary according to the gravity of the fault, not excluding, if the matter bears it, suspension or privation of benefice or ecclesiastical office, or, if there is question of laymen, excommunication.

1983 Code correlation: 1983 CIC 1385

Can. 2325. One who has practiced superstition or perpetrated sacrilege is to be punished by the Ordinary according to the gravity of the fault, without prejudice to penalties established by law against certain superstitious acts or sacrileges.

1983 Code correlation: NA

Can. 2326. One who makes false relics, or knowingly sells, distributes, or exposes them to the public veneration of the faithful, contracts by the fact itself excommunication reserved to the Ordinary.

1983 Code correlation: NA

Can. 2327. Those making gain from indulgences are struck by the fact itself with excommunication simply reserved to the Apostolic See.

1983 Code correlation: NA

Can. 2328. One who has violated bodies or graves of the dead for theft or another evil end is to be punished with a personal interdict, is by the fact itself infamous, and a cleric moreover is to be deposed.

1983 Code correlation: NA

Can. 2329. Violators of a church or cemetery, of whom in can. 1172, 1207, are to be punished by the Ordinary according to the gravity of the delict with interdict from entrance into a church and with other congruent penalties.

1983 Code correlation: NA

TITLE XIII: Of Delicts against Ecclesiastical Authorities, Persons, and Things

Can. 2330. As regards the penalties established for delicts which can be committed in electing the Supreme Pontiff, one must stand solely by the constitution of Pius X Vacante Sede Apostolica, Dec. 25, 1904.

1983 Code correlation: NA

Can. 2331.

1983 Code correlation: 1983 CIC 1371, 1373

Sec. 1. Those who pertinaciously do not obey the Roman Pontiff or their own Ordinary legitimately commanding or prohibiting something are to be punished with congruent penalties, not excluding censures, according to the gravity of the fault.

Sec. 2. But those conspiring against the authority of the Roman Pontiff or his Legate or their own Ordinary, or against their legitimate mandates, and likewise those provoking subjects to disobedience toward them, are to be coerced by censures or other penalties; and, if they are clerics, let them be deprived of dignities, benefices, or other functions; if religious, of active and passive voice and office.

Can. 2332. All and singular persons of whatsoever status, grade, or condition, even if they are of royal, episcopal, or cardinalitial condition, appealing from the laws, decrees, or mandates of the Roman Pontiff existing for the time to a universal Council, are suspected of heresy and by the fact itself contract excommunication reserved in a special manner to the Apostolic See; but Universities, Colleges, Chapters, or other moral persons, by whatever name they are called, likewise incur an interdict reserved in a special manner to the Apostolic See.

1983 Code correlation: 1983 CIC 1372

Can. 2333. Those having recourse to lay power to impede letters or any acts proceeding from the Apostolic See or from its Legates, or directly or indirectly prohibiting their promulgation or execution, or by reason of them injuring or terrifying either those to whom the letters or acts pertain or others, are subject by the fact itself to excommunication reserved in a special manner to the Apostolic See.

1983 Code correlation: 1983 CIC 1375

Can. 2334. They are struck with latae sententiae excommunication reserved in a special manner to the Apostolic See:

1983 Code correlation: 1983 CIC 1375

1. Who issue laws, mandates, or decrees against the liberty or rights of the Church.

2. Who directly or indirectly impede the exercise of ecclesiastical jurisdiction, whether of the internal or external forum, by recurring for this to any lay power.

Can. 2335. Those giving their name to a Masonic sect or to other associations of the same kind which plot against the Church or legitimate civil powers contract by the fact itself excommunication simply reserved to the Apostolic See.

1983 Code correlation: 1983 CIC 1374

Can. 2336.

1983 Code correlation: NA

Sec. 1. Clerics who have committed the delict of which in can. 2334, 2335, besides the penalties established in the cited canons, are to be struck by the penalty of suspension or of privation of the benefice itself, office, dignity, pension, or function, if perhaps they have any in the Church; religious however are to be struck by privation of office and of active and passive voice and by other penalties according to the norm of the constitutions.

Sec. 2. Besides, clerics and religious giving their name to a Masonic sect and to other similar associations must be denounced to the Sacred Congregation of the Holy Office.

Can. 2337.

1983 Code correlation: 1983 CIC 1375

Sec. 1. If a pastor, for impeding the exercise of ecclesiastical jurisdiction, has dared to stir up disturbances, to promote public subscriptions for himself, to excite the people by sermons or writings, or to do other similar things, let him be punished according to the gravity of the fault, according to the prudent judgment of the Ordinary, not excluding, if the matter bears it, suspension.

Sec. 2. In the same manner let the Ordinary punish a priest who in any way excites a multitude to impede the entrance into a parish of a priest legitimately named as pastor or oeconomus.

Can. 2338.

1983 Code correlation: NA

Sec. 1. Those presuming to absolve without due faculty from latae sententiae excommunication reserved in a most special or special manner to the Apostolic See incur by the fact itself excommunication simply reserved to the Apostolic See.

Sec. 2. Those furnishing any help or favor to an excommunicate to be avoided in the delict on account of which he was excommunicated; likewise clerics knowingly and spontaneously communicating with him in divine things and receiving him in divine offices, incur by the fact itself excommunication simply reserved to the Apostolic See.

Sec. 3. Those knowingly celebrating or causing divine things to be celebrated in interdicted places, or admitting to celebrating divine offices forbidden by censure clerics excommunicated, interdicted, or suspended after a declaratory or condemnatory sentence, contract by the law itself interdict from entrance into a church until, at the judgment of him whose sentence they have contemned, they have made congruent satisfaction.

Sec. 4. Those who have given cause for a local interdict or for an interdict against a community or college are by the fact itself personally interdicted.

Can. 2339. Those who have dared to order or compel infidels, apostates from the faith, or heretics, schismatics, or others, whether excommunicated or interdicted, to be handed over to ecclesiastical burial against the prescription of can. 1240, Sec. 1, contract latae sententiae excommunication reserved to no one; but those voluntarily giving burial to the same contract interdict from entrance into a church reserved to the Ordinary.

1983 Code correlation: NA

Can. 2340.

1983 Code correlation: NA

Sec. 1. If anyone, with hardened mind, has remained for a year in the censure of excommunication, he is suspected of heresy.

Sec. 2. If a cleric has persevered in the censure of suspension for six months, let him be gravely warned; and if, a month having passed from the warning, he has not withdrawn from contumacy, let him be deprived of benefices or offices, if perhaps he has any in the Church.

Can. 2341. If anyone, against the prescription of can. 120, has dared to drag before a lay judge any one of the Cardinals of the Holy Roman Church or Legates of the Apostolic See, or major Officials of the Roman Curia on account of business pertaining to their function, or his own Ordinary, he contracts by the fact itself excommunication reserved in a special manner to the Apostolic See; if another Bishop, even merely titular, or an Abbot or Prelate nullius, or one of the major Superiors of religions of pontifical right, latae sententiae excommunication simply reserved to the Apostolic See; finally, if, permission not having been obtained from the local Ordinary, another person enjoying the privilege of forum, then if a cleric, he incurs by the fact itself suspension from office reserved to the Ordinary, but if a layman, let him be punished by his own Ordinary with congruent penalties according to the gravity of the fault.

1983 Code correlation: NA

Can. 2342. They are struck by the fact itself with excommunication simply reserved to the Apostolic See:

1983 Code correlation: NA

1. Those violating the cloister of nuns, of whatever kind or condition or sex they may be, by entering their monasteries without legitimate permission, and likewise those introducing or admitting them; but if they are clerics, moreover let them be suspended for a time to be defined by the Ordinary according to the gravity of the fault.

2. Women violating the cloister of male religious, and Superiors and others, whoever they may be, introducing or admitting them of whatever age; and moreover religious introducing or admitting them are to be deprived of office, if they have any, and of active and passive voice.

3. Nuns illegitimately departing from the cloister against the prescription of can. 601.

Can. 2343.

1983 Code correlation: 1983 CIC 1370

Sec. 1. One who has laid violent hands upon the person of the Roman Pontiff:

1. Contracts latae sententiae excommunication reserved in a most special manner to the Apostolic See; and is by the fact itself to be avoided.

2. Is by the law itself infamous.

3. If a cleric, is to be degraded.

Sec. 2. One who does so upon the person of a Cardinal of the Holy Roman Church or a Legate of the Roman Pontiff:

1. Incurs latae sententiae excommunication reserved in a special manner to the Apostolic See.

2. Is by the law itself infamous.

3. Let him be deprived of benefices, offices, dignities, pensions, and any function, if he has any in the Church.

Sec. 3. One who does so upon the person of a Patriarch, Archbishop, or Bishop, even only titular, incurs latae sententiae excommunication reserved in a special manner to the Apostolic See.

Sec. 4. One who does so upon the person of other clerics or religious of either sex is subject by the fact itself to excommunication reserved to his own Ordinary, who moreover is to punish him with other penalties, if the matter bears it, according to his prudent judgment.

Can. 2344. One who by public newspapers, sermons, or pamphlets, whether directly or indirectly, has affected with injuries the Roman Pontiff, a Cardinal of the Holy Roman Church, a Legate of the Roman Pontiff, the Sacred Roman Congregations, the Tribunals of the Apostolic See and their major officials, or his own Ordinary, or has excited rivalries or hatreds against their acts, decrees, decisions, or sentences, is to be compelled by the Ordinary, not only at the instance of a party but also ex officio, even through censures, to furnish satisfaction, or is to be punished with other congruent penalties or penances, according to the gravity of the fault and the repair of scandal.

1983 Code correlation: 1983 CIC 1369, 1373

Can. 2345. Those usurping or detaining, by themselves or through others, goods or rights pertaining to the Roman Church are subject to latae sententiae excommunication reserved in a special manner to the Apostolic See; and if they are clerics, moreover let them be deprived of dignities, benefices, offices, and pensions and declared incapable of the same.

1983 Code correlation: 1983 CIC 1375

Can. 2346. If anyone has presumed to convert and usurp for his own uses ecclesiastical goods of whatever kind, whether movable or immovable, whether corporeal or incorporeal, by himself or through others, or to

impede that the fruits or revenues of the same be received by those to whom they belong by law, let him be subject to excommunication until he has entirely restored the goods themselves, removed the aforesaid impediment, and then obtained absolution from the Apostolic See; but if he was patron of the same church or goods, let him also exist by that very fact deprived of the right of patronage; but a cleric committing this delict or consenting in it is moreover to be deprived of any benefices, rendered incapable for any others, and suspended from the execution of his orders, even after complete satisfaction and absolution, at the judgment of his Ordinary.

1983 Code correlation: 1983 CIC 1375-76

Can. 2347. The nullity of the act and the obligation, to be urged even by censure, of restoring goods illegitimately acquired and of repairing damages perhaps inflicted remaining firm, one who has presumed to alienate ecclesiastical goods or to furnish consent in alienating them against the prescriptions of can. 534, Sec. 1, and can. 1532:

1983 Code correlation: 1983 CIC 1377

1. If there is question of a thing whose price does not exceed one thousand lire, let him be punished by the legitimate ecclesiastical Superior with congruent penalties.

2. If there is question of a thing whose price is above one thousand but below thirty thousand lire, let the patron be deprived of the right of patronage; the administrator, of the function of administrator; the religious Superior or oeconomus, of his own office and capacity for other offices, besides other congruent penalties to be inflicted by Superiors; but the Ordinary and other clerics obtaining office, benefice, dignity, or function in the Church are to pay double in favor of the injured church or pious cause; other clerics are to be suspended for a time to be defined by the Ordinary.

3. But if the apostolic beneplacitum prescribed in the mentioned canons has knowingly been omitted, there remains moreover latae sententiae excommunication reserved to no one for all guilty persons in whatever way, whether by giving, receiving, or furnishing consent.

Can. 2348. One who has obtained a legacy or donation for pious causes, whether by an act among the living or by testament, even through trust, and neglects to fulfill it, is to be compelled to that by the Ordinary, even through censure.

1983 Code correlation: NA

Can. 2349. Those refusing payments legitimately owed according to the norm of can. 463, Sec. 1, 1507, are to be punished by the prudent judgment of the Ordinary until they have made satisfaction.

1983 Code correlation: NA

TITLE XIV: Of Delicts against Life, Liberty, Property, Good Reputation, and Good Morals

Can. 2350.

1983 Code correlation: 1983 CIC 1398

Sec. 1. Those procuring abortion, the mother not excepted, incur, once the effect has followed, latae sententiae excommunication reserved to the Ordinary; and if they are clerics, moreover let them be deposed.

Sec. 2. Those who have laid hands upon themselves, if indeed death has followed, are to be deprived of ecclesiastical burial according to the norm of can. 1240, Sec. 1, n. 3; otherwise, they are to be barred from legitimate ecclesiastical acts and, if they are clerics, suspended for a time to be defined by the Ordinary, and removed from benefices or offices having the care of souls attached in the internal or external forum.

Can. 2351.

1983 Code correlation: NA

Sec. 1. With the prescription of can. 1240, Sec. 1, n. 4 observed, those perpetrating a duel or simply provoking to it or accepting it or furnishing any work or favor, and also those watching it by design and permitting it or not prohibiting it insofar as lies in them, of whatever dignity they may be, are subject by the fact itself to excommunication simply reserved to the Apostolic See.

Sec. 2. But the duelists themselves and those who are called their seconds are moreover by the fact itself infamous.

Can. 2352. All, shining even with any dignity whatsoever, who in any way coerce either a man to embrace the clerical state, or a man or woman to enter religion or to emit religious profession, whether solemn or simple, whether perpetual or temporary, are struck by the fact itself with excommunication reserved to no one.

1983 Code correlation: NA

Can. 2353. One who, with a view to marriage or for the sake of satisfying lust, has carried off an unwilling woman by force or fraud, or a consenting woman of minor age, but with parents or guardians unaware or contradicting, is to be held by the law itself excluded from legitimate ecclesiastical acts and besides is to be struck by other penalties according to the gravity of the fault.

1983 Code correlation: 1983 CIC 1397

Can. 2354.

1983 Code correlation: 1983 CIC 1397

Sec. 1. A layman who has been legitimately condemned for the delict of homicide, abduction of the impubes of either sex, sale of a human being into servitude or another evil end, usury, robbery, qualified or non-qualified theft in a very notable matter, arson or malicious and very notable destruction of things, grave mutilation or wounding or violence, is to be held by the law itself excluded from legitimate ecclesiastical acts and from any function, if he has any in the Church, the burden of repairing damages remaining firm.

Sec. 2. But a cleric who has committed some delict of those of which in Sec. 1 is to be punished by an ecclesiastical tribunal, according to the diverse gravity of the guilt, with penances, censures, privation of office and benefice, dignity, and, if the matter bears it, even deposition; but one guilty of culpable homicide is to be degraded.

Can. 2355. If anyone, not by deed, but by words or writings or in any other way, has inflicted injury on someone or injured his good reputation, he can not only be compelled according to the norm of can. 1618, 1938 to furnish due satisfaction and to repair damages, but moreover be punished with congruent penalties and penances, not excluding, if there is question of clerics and the cause bears it, suspension or removal from office and benefice.

1983 Code correlation: 1983 CIC 1390

Can. 2356. Bigamists, that is, those who, while the conjugal bond stands, have attempted another marriage, even only a civil one, as they say, are by the fact itself infamous; and if, having spurned the warning of the Ordinary, they persist in illicit cohabitation, according to the diverse gravity of the guilt they are to be excommunicated or struck with personal interdict.

1983 Code correlation: NA

Can. 2357.

1983 Code correlation: NA

Sec. 1. Laymen legitimately condemned for delicts committed against the sixth commandment with minors below the age of sixteen years, or for stuprum, sodomy, incest, or pandering, are by the fact itself infamous, besides other

penalties which the Ordinary shall have judged are to be inflicted.

Sec. 2. Those who have committed the public delict of adultery, or publicly live in concubinage, or have been legitimately condemned for other delicts against the sixth precept of the Decalogue, are to be excluded from legitimate ecclesiastical acts until they have given signs of true repentance.

Can. 2358. Clerics constituted in minor orders, guilty of some delict against the sixth precept of the Decalogue, are to be punished according to the gravity of the fault even by dismissal from the clerical state, if the circumstances of the delict counsel this, besides the penalties of which in can. 2357, if there is place for these.

1983 Code correlation: NA

Can. 2359.

1983 Code correlation: 1983 CIC 1395

Sec. 1. Clerics in sacred orders, whether secular or religious, who are concubinaries, after warning has been sent uselessly, are to be compelled to withdraw from illicit cohabitation and to repair scandal by suspension from divine things and privation of the fruits of office, benefice, or dignity, with the prescription of can. 2176-2181 observed.

Sec. 2. If they have committed a delict against the sixth precept of the Decalogue with minors below the age of sixteen years, or have committed adultery, stuprum, bestiality, sodomy, pandering, or incest with blood relatives or affines in the first degree, they are to be suspended, declared infamous, deprived of any office, benefice, dignity, or function, if they have any, and in graver cases deposed.

Sec. 3. If they have offended otherwise against the sixth precept of the Decalogue, they are to be coerced with congruent penalties according to the gravity of the case, not excepting privation of office or benefice, especially if they have care of souls.

TITLE XV: Of the Crime of Falsehood

Can. 2360.

1983 Code correlation: 1983 CIC 1391

Sec. 1. All fabricators or falsifiers of letters, decrees, or rescripts of the Apostolic See, or those knowingly using the same letters, decrees, or rescripts, incur by the fact itself excommunication reserved in a special manner to the Apostolic See.

Sec. 2. Clerics committing the delict of which in Sec. 1 are moreover to be coerced by other penalties, which can extend even to privation of benefice, office, dignity, and ecclesiastical pension; but religious are to be deprived of all offices which they have in religion and of active and passive voice, besides other penalties established in the proper constitutions of each one.

Can. 2361. If anyone in petitions for obtaining a rescript from the Apostolic See or from the local Ordinary has withheld the truth or set forth falsehood by fraud or deceit, he can be punished by his Ordinary according to the gravity of the fault, with the prescription of can. 45, 1054 preserved.

1983 Code correlation: 1983 CIC 1391

Can. 2362. Fabricators or falsifiers of ecclesiastical letters or acts, whether public or private, or those knowingly using documents of this kind, are to be coerced according to the gravity of the delict, with the prescription of can. 2406, Sec. 1 remaining firm.

1983 Code correlation: 1983 CIC 1391

Can. 2363. If anyone by himself or through others has falsely denounced a confessor to Superiors concerning the crime of solicitation, he incurs by the fact itself excommunication reserved in a special manner to the Apostolic See, from which he cannot in any case be absolved unless he has formally retracted the false denunciation and, as far as he can, repaired damages, if any have followed from it; moreover a grave and long-lasting penance is to be imposed, with the prescription of can. 894 remaining firm.

1983 Code correlation: 1983 CIC 1390

TITLE XVI: Of Delicts in the Administration or Reception of Orders and of the Other Sacraments

Can. 2364. A minister who has dared to administer Sacraments to those who by divine or ecclesiastical law are prohibited from receiving the same is to be suspended from administering Sacraments for a time to be defined by the prudent judgment of the Ordinary, and punished by other penalties according to the gravity of the fault, with peculiar penalties established by law for any delicts of this kind remaining firm.

1983 Code correlation: NA

Can. 2365. A presbyter who, having faculty neither by law nor by concession of the Roman Pontiff, has dared to administer the sacrament of confirmation, is to be suspended; but if he has presumed to exceed the limits of the faculty made for him, let him exist deprived of that same faculty by that fact itself.

1983 Code correlation: NA

Can. 2366. A priest who without necessary jurisdiction has presumed to hear sacramental confessions is by the fact itself suspended from divine things; but one who has presumed to absolve from reserved sins is by the fact itself suspended from hearing confessions.

1983 Code correlation: 1983 CIC 1378

Can. 2367.

1983 Code correlation: 1983 CIC 1378

Sec. 1. One absolving or pretending to absolve an accomplice in a base sin incurs by the fact itself excommunication reserved in a most special manner to the Apostolic See; and this even in the article of death, if another priest, although not approved for confessions, can hear the confession of the dying person without grave infamy and scandal about to arise, except in the case in which the dying person refuses to confess to another.

Sec. 2. He does not escape the same excommunication who absolves or pretends to absolve an accomplice who indeed does not confess the sin of complicity, from which he has not yet been absolved, but conducts himself thus because he was induced to this directly or indirectly by the accomplice confessor.

Can. 2368.

1983 Code correlation: 1983 CIC 1387

Sec. 1. One who has committed the crime of solicitation of which in can. 904 is to be suspended from the celebration of Mass and from hearing sacramental confessions, or even, according to the gravity of the delict, declared incapable of hearing them, deprived of all benefices, dignities, and active and passive voice, and declared incapable of all these things, and in graver cases also subjected to degradation.

Sec. 2. But a faithful person who has knowingly omitted to denounce within a month the one by whom he was solicited, against the prescription of can. 904, incurs latae sententiae excommunication reserved to no one, not to be absolved unless after he has satisfied the obligation or has seriously promised that he will satisfy it.

Can. 2369.

1983 Code correlation: 1983 CIC 1388

Sec. 1. A confessor who has presumed directly to violate the sacramental seal remains under excommunication reserved in a most special manner to the Apostolic See; but one who violates it only indirectly is liable to the penalties of which in can. 2368, Sec. 1.

Sec. 2. Whoever has rashly violated the prescription of can. 889, Sec. 2 is to be struck according to the gravity of the guilt with a salutary penalty, which can even be excommunication.

Can. 2370. A Bishop consecrating someone as Bishop, the Bishops or, in place of Bishops, presbyters assisting, and the one who receives consecration without an apostolic mandate against the prescription of can. 953, are suspended by the law itself until the Apostolic See shall have dispensed them.

1983 Code correlation: 1983 CIC 1382

Can. 2371. All, even those increased with episcopal dignity, who knowingly through simony have promoted to orders or been promoted, or have administered or received other Sacraments, are suspected of heresy; clerics moreover incur suspension reserved to the Apostolic See.

1983 Code correlation: 1983 CIC 1380

Can. 2372. Those who presume to receive orders from an excommunicated or suspended or interdicted person after a declaratory or condemnatory sentence, or from a notorious apostate, heretic, or schismatic, contract by the fact itself suspension from divine things reserved to the Apostolic See; but one who in good faith has been ordained by any of them lacks the exercise of the order thus received until he is dispensed.

1983 Code correlation: NA

Can. 2373. They incur by the fact itself suspension for a year from the conferral of orders, reserved to the Apostolic See:

1983 Code correlation: 1983 CIC 1383

1. Those who, against the prescription of can. 955, have ordained another's subject without the dimissorial letters of his own Ordinary.

2. Those who have ordained their own subject, who stayed elsewhere for so much time that he could have contracted a canonical impediment there, against the prescription of can. 993, n. 4, 994.

3. Those who have promoted someone to major orders without a canonical title against the prescription of can. 974, Sec. 1, n. 7.

4. Those who, without prejudice to legitimate privilege, have promoted a religious belonging to a family which is outside the territory of the one ordaining, even with dimissorial letters of his own Superior, unless it has been legitimately proved that one of the cases occurs of which in can. 966.

Can. 2374. One who without letters or with false dimissorial letters, or before canonical age, or by leap, has maliciously approached orders, is by the fact itself suspended from the order received; but one who has approached without testimonial letters or while detained by some censure, irregularity, or other impediment is to be punished with grave penalties according to the circumstances of things.

1983 Code correlation: 1983 CIC 1383

Can. 2375. Catholics who have dared to enter a mixed marriage, even if valid, without dispensation of the Church, remain by the fact itself excluded from legitimate ecclesiastical acts and Sacramentals until they have obtained dispensation from the Ordinary.

1983 Code correlation: NA

TITLE XVII: Of Delicts against the Obligations Proper to the Clerical or Religious State

Can. 2376. Priests who, neither dispensed by the Ordinary nor detained by a legitimate impediment, have refused to make the examination of which in can. 130, are to be compelled to it by the Ordinary with congruent penalties.

1983 Code correlation: NA

Can. 2377. Priests contumacious against the prescription of can. 131, Sec. 1, the Ordinary is to punish according to his prudent judgment; but if they are religious confessors not having care of souls, let him suspend them from hearing confessions of seculars.

1983 Code correlation: NA

Can. 2378. Major clerics who in sacred ministry gravely neglect the rites and ceremonies prescribed by the Church and, having been warned, have not amended themselves, are to be suspended according to the diverse gravity of the guilt.

1983 Code correlation: NA

Can. 2379. Clerics who, against the prescription of can. 136, do not wear ecclesiastical habit and clerical tonsure are to be gravely warned; when a month from the warning has passed uselessly, as regards minor clerics let the prescription of the same can. 136, Sec. 3 be observed; but major clerics, with the prescription of can. 188, n. 7 preserved, are to be suspended from the orders received, and if they have notoriously passed over to a kind of life foreign to the clerical state and, again having been warned, have not come to their senses, after three months from this last warning they are to be deposed.

1983 Code correlation: NA

Can. 2380. Clerics or religious exercising trade or business by themselves or through others against the prescription of can. 142 are to be coerced by the Ordinary with congruent penalties according to the gravity of the fault.

1983 Code correlation: 1983 CIC 1392

Can. 2381. One who obtains an office, benefice, or dignity with the burden of residence, if he is illegitimately absent:

1983 Code correlation: 1983 CIC 1396

1. By that fact is deprived of all fruits of his benefice or office in proportion to the illegitimate absence, and must hand them over to the Ordinary, who is to distribute them to a church or to some pious place or to the poor.
2. Let him be deprived of office, benefice, or dignity, according to the norm of can. 2168-2175.

Can. 2382. If a pastor has gravely neglected the administration of Sacraments, assistance of the infirm, instruction of children and of the people, the sermon on Sundays and other feasts, the care of the parochial church, of the most holy Eucharist, and of the sacred oils, he is to be coerced by the Ordinary according to the norm of can. 2182-2185.

1983 Code correlation: NA

Can. 2383. A pastor who has not diligently written up or preserved parochial books according to the norm of law is to be punished by his own Ordinary according to the gravity of the fault.

1983 Code correlation: NA

Can. 2384. A canon theologian and a penitentiary negligent in carrying out their functions, the Bishop is to compel gradually by warnings, by threat of penalties, by subtraction of a portion of the fruits to be assigned to those who supply their places; and, if negligence endures for a whole year after warning, let him strike them with suspension from benefice; but if negligence is prolonged through another six months, let him deprive them of the benefice itself.

1983 Code correlation: NA

Can. 2385. With the prescription of can. 646 remaining firm, a religious who is an apostate from religion incurs by the law itself excommunication reserved to his own major Superior or, if the religion is lay or non-exempt, to the Ordinary of the place in which he dwells; he is excluded from legitimate ecclesiastical acts and deprived of all privileges of his religion; and if he returns, he perpetually lacks active and passive voice, and moreover must be punished by Superiors with other penalties according to the gravity of the fault according to the norm of the constitutions.

1983 Code correlation: NA

Can. 2386. A fugitive religious incurs by the fact itself privation of office, if he has any in religion, and suspension reserved to his own major Superior, if he is in sacred orders; but when he returns, let him be punished according to the constitutions, and if the constitutions provide nothing concerning this, let the major Superior inflict penalties according to the gravity of the fault.

1983 Code correlation: NA

Can. 2387. A religious cleric whose profession has been declared null on account of fraud admitted by himself, if he is constituted in minor orders, is to be cast out from the clerical state; if in major orders, he remains suspended by the fact itself until another thing shall have seemed good to the Apostolic See.

1983 Code correlation: NA

Can. 2388.

1983 Code correlation: 1983 CIC 1394

Sec. 1. Clerics constituted in sacred orders, or regulars or nuns after a solemn vow of chastity, and likewise all presuming to contract marriage, even only civilly, with any of the aforesaid persons, incur latae sententiae excommunication simply reserved to the Apostolic See; clerics moreover, if, having been warned, they have not come to their senses within a time predefined by the Ordinary according to the diversity of circumstances, are to be degraded, with the prescription of can. 188, n. 5 remaining firm.

Sec. 2. But if they are professed of simple perpetual vows both in Orders and in religious Congregations, excommunication holds all, as above, latae sententiae reserved to the Ordinary.

Can. 2389. Religious violating in a notable matter the law of common life prescribed by the constitutions are to be gravely warned and, amendment not having followed, are to be punished even by privation of active and passive voice and, if they are Superiors, also of office.

1983 Code correlation: NA

TITLE XVIII: Of Delicts in the Conferral, Reception, and Dismissal of Ecclesiastical Dignities, Offices, and Benefices

Can. 2390.

1983 Code correlation: 1983 CIC 1375

Sec. 1. Those impeding the liberty of ecclesiastical elections in any way by themselves or through others, or in any way burdening the electors or the elected person on account of the completed canonical election, are to be punished according to the measure of the fault.

Sec. 2. But if laymen or secular power have presumed to involve themselves illegitimately, against canonical liberty, in an election to be carried out by a college of clerics or religious, the electors who solicited this interference or spontaneously admitted it are by the fact itself deprived for that time of the right of electing; but one who knowingly consented to his election thus made becomes by the fact itself incapable for the office or benefice of which there is question.

Can. 2391.

1983 Code correlation: NA

Sec. 1. A college which knowingly has elected an unworthy person is by the fact itself deprived for that time of the right of proceeding to a new election.

Sec. 2. But individual electors who knowingly have not observed the substantial form of election can be punished by the Ordinary according to the gravity of the fault.

Sec. 3. Clerics or laymen who knowingly have presented or nominated an unworthy person lack by the fact itself for that time the right of presenting or nominating.

Can. 2392. With the prescription of can. 729 remaining firm, those perpetrating the delict of simony in any ecclesiastical offices, benefices, or dignities:

1983 Code correlation: NA

1. Incur latae sententiae excommunication simply reserved to the Apostolic See.

2. By the fact itself remain deprived in perpetuity of the right of electing, presenting, or nominating, if they have any.

3. If they are clerics, moreover let them be suspended.

Can. 2393. All who legitimately enjoy the right of electing, presenting, or nominating, if, with the authority of him to whom confirmation or institution belongs neglected, have presumed to confer an ecclesiastical office, benefice, or dignity, remain by the fact itself deprived of their right for that time.

1983 Code correlation: NA

Can. 2394. One who by his own authority has occupied an ecclesiastical benefice, office, or dignity, or, having been elected, presented, or nominated to these, has intruded himself into their possession or governance or administration before he has received the necessary letters of confirmation or institution and shown them to those to whom by law he must:

1983 Code correlation: 1983 CIC 1381

1. Let him be by the law itself incapable for the same and moreover be punished by the Ordinary according to the gravity of the fault.

2. By suspension, privation of benefice, office, or dignity previously obtained, and, if the matter bears it, even by deposition, let him be compelled, after warning has been sent, immediately to withdraw from occupation of the benefice, office, or dignity and from their governance or administration.

3. But Chapters, convents, and all others to whom it pertains, admitting such elected, presented, or nominated persons before the exhibition of letters, remain by the fact itself suspended from the right of electing, nominating, or presenting at the good pleasure of the Apostolic See.

Can. 2395. One who knowingly accepts the conferral of an office, benefice, or dignity not vacant by law and likewise that he be admitted into its possession, is by the fact itself incapable of later obtaining those things and is to be punished with other penalties according to the measure of the fault.

1983 Code correlation: NA

Can. 2396. A cleric who, having obtained peaceful possession of an office or benefice incompatible with a prior one, has presumed also to retain the prior one against the prescription of can. 156, 1439, let him exist deprived of both by the law itself.

1983 Code correlation: NA

Can. 2397. If anyone promoted to the cardinalitial dignity has refused to emit the oath of which in can. 234, by the fact itself let him remain perpetually deprived of the cardinalitial dignity.

1983 Code correlation: NA

Can. 2398. If anyone promoted to the episcopate, against the prescription of can. 333, has neglected to receive consecration within three months, he does not make the fruits his own, they being to be applied to the fabric of the cathedral church; and if afterwards he persists in the same negligence for as many months, he remains deprived of the episcopate by the law itself.

1983 Code correlation: NA

Can. 2399. Major clerics presuming to abandon a function committed to them by their own Ordinary, without the permission of the same Ordinary, are to be suspended from divine things for a time to be predefined by the Ordinary according to the diverse cases.

1983 Code correlation: NA

Can. 2400. A cleric who has presumed to resign an ecclesiastical office, benefice, or dignity into the hands of laymen incurs by the fact itself suspension from divine things.

1983 Code correlation: NA

Can. 2401. If anyone persists in retaining an office, benefice, or dignity notwithstanding legitimate privation or removal, or illegitimately weaves delays lest he relinquish them, after warning has been sent, let him be compelled to abandon them by suspension from divine things or other penalties, deposition not excluded if the matter bears it.

1983 Code correlation: 1983 CIC 1381

Can. 2402. An Abbot or Prelate nullius who against the prescription of can. 322, Sec. 2 has not received the blessing is by the fact itself suspended from jurisdiction.

1983 Code correlation: NA

Can. 2403. One who against the prescription of can. 1406 neglects to emit the profession of faith without just impediment is to be warned, with a congruent term also predefined; when this has passed, the contumacious one is to be punished, even by privation of office, benefice, dignity, or function; nor meanwhile does he make his

own the fruits of the benefice, office, dignity, or function.

1983 Code correlation: NA

TITLE XIX: Of Abuse of Ecclesiastical Power or Office

Can. 2404. Abuse of ecclesiastical power is to be punished, at the prudent judgment of the legitimate Superior, according to the gravity of the fault, with the prescription of canons which establish a certain penalty for some abuses preserved.

1983 Code correlation: 1983 CIC 1389

Can. 2405. The Vicar Capitular and all others, both of the Chapter and outsiders, who by themselves or through another have taken away or destroyed or hidden or substantially altered any document pertaining to the episcopal Curia, incur by the fact itself excommunication simply reserved to the Apostolic See, and can also be struck by the Ordinary with privation of office or benefice.

1983 Code correlation: NA

Can. 2406.

1983 Code correlation: 1983 CIC 1391

Sec. 1. Whoever is bound by office to make, write up, or preserve acts or documents or books of ecclesiastical Curias or parochial books, if he has presumed to falsify, adulterate, destroy, or conceal them, is to be deprived of his office or punished by the Ordinary with other grave penalties according to the measure of the fault.

Sec. 2. But one who has deceitfully refused to transcribe, transmit, or exhibit these acts, documents, or books to one legitimately requesting them, or in any other way has betrayed his office, can be punished by privation of office or suspension from the same and by a fine at the judgment of the Ordinary according to the gravity of the case.

Can. 2407. One who has attempted to induce officials of the Curia or any ecclesiastical administrators, judges, advocates, or procurators, by gifts or promises, to an action or omission contrary to their office, is to be struck with a congruent penalty and compelled to repair damages, if any have been inflicted.

1983 Code correlation: 1983 CIC 1386

Can. 2408. Those increasing the customary and legitimately approved taxes according to the norm of can. 1507, or demanding anything beyond them, are to be coerced by a grave monetary fine, and recidivists are to be suspended from office or removed according to the gravity of the fault, besides the obligation of restoring what they have unjustly received.

1983 Code correlation: NA

Can. 2409. A Vicar Capitular granting dimissorial letters for ordination against the prescription of can. 958, Sec. 1, n. 3, by the fact itself is subject to suspension from divine things.

1983 Code correlation: NA

Can. 2410. Religious Superiors who, against the prescription of can. 965-967, have presumed to send their subjects to another Bishop to be ordained are by the fact itself suspended for a month from the celebration of Mass.

1983 Code correlation: NA

Can. 2411. Religious Superiors who have received an unsuitable candidate into the novitiate against the prescription of can. 542, or without the required testimonial letters against the prescription of can. 544, or have admitted him to profession against the prescription of can. 571, Sec. 2, are to be punished according to the gravity of the fault, not excluding privation of office.

1983 Code correlation: NA

Can. 2412. Superioresses, even of exempt religious women, are to be punished by the local Ordinary according to the gravity of the fault, not excluding, if the matter bears it, privation of office:

1983 Code correlation: NA

1. If against the prescription of can. 549 they have presumed in any way to expend the dowries of girls received, the obligation of which in can. 551 always preserved.

2. If against the prescription of can. 552 they have omitted to make the local Ordinary more certain concerning the proximate admission of someone to the novitiate or to profession.

Can. 2413.

1983 Code correlation: NA

Sec. 1. Superioresses who, after visitation has been announced, have transferred religious women into another house without the Visitor consenting, and likewise all religious women, whether Superioresses or subjects, who by themselves or through others, directly or indirectly, have induced religious women, when questioned by the Visitor, to be silent or to dissimulate the truth in any way or not sincerely to set it forth; or have brought trouble upon the same under any pretext because of the responses which they gave to the Visitor, are to be declared by the Visitor incapable of obtaining offices which carry with them governance of others, and Superioresses are to be deprived of the office which they exercise.

Sec. 2. The things prescribed in the preceding paragraph are to be applied also to religions of men.

Can. 2414. A Superioress who has conducted herself against the prescription of can. 521, Sec. 3, 522, 523 is to be warned by the local Ordinary; if she offends again, she is to be punished by the same with privation of office, the Sacred Congregation of Religious nevertheless having immediately been informed.

1983 Code correlation: NA

To the greater glory of God.