

*THE*  
**CANON LAW DIGEST**

Officially Published Documents  
Affecting the Code of Canon Law

1917-1933

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*By*

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(Private); Cod. Com., 17 Aug., 1919.  
*Periodica*, 12-74 (Vermeersch); *Irish Theological Quarterly*, 1919-391;  
*Il Monitore Ecclesiastico*, 32-57.

NOTE: Another question, asked and answered at the same time, is recorded under c. 111. See c. 111; private.

**Domicile Not a Condition Affecting the Validity of Incardination.** See c. 111; AAS 16-51.

## CANON 958

**Dismissorial Letters: Pro-vicar Apostolic (Cod. Com.)**

## AAS 21-573.

The Code Commission was asked: Whether in virtue of c. 310, § 2, compared with c. 958, § 1, 4°, a Pro-vicar Apostolic, within the year from the vacancy of the see can grant dismissorial letters.

Reply. In the affirmative.

AAS 21-573; Cod. Com., 20 July, 1929, I.

*Periodica*, 18-249 (Cappello); J.P., 1929-193.

## CANON 964

**Time for Reception of Major Orders by Religious.** See c. 973; AAS 24-74, n. 15.

## CANON 965

**Dismissorial Letters for Ordination of Religious.** See c. 973; AAS 24-74, n. 12.

## CANON 968

**Native Clergy in Mission Countries (Pius XI, Encyclical)**  
AAS 18-65.

His Holiness, Pius XI, reaffirming the teaching of Benedict XV,<sup>1</sup>

<sup>1</sup>See AAS 11-440.

insists upon the development of a native clergy in mission countries. Nor should the native clergy be relegated to an inferior place in the apostolate, but it should be so adequately trained that it may eventually carry on the work of the Church alone.

AAS 18-65; Pius XI, Encyclical, 28 Feb., 1926.  
*Periodica*, 15-16 (Vermeersch).

NOTE: A remark from the same Encyclical regarding seminaries for native clergy, is reported under c. 1354. See c. 1354; AAS 18-65.

## CANON 969

**Incardination of Person Ordained for Service of Another Diocese.** See c. 111; private reply of Cod. Com., 17 Aug., 1919.

## CANON 970

**Responsibility of Religious Superior as Regards Fitness of Religious Candidate for Orders.** See c. 973; AAS 24-74, n. 12.

## CANON 973

**Students of Seminaries to Be Thoroughly Tested Before Being Promoted to Orders (Instruction, S. C. Sacr.)** AAS 23-120.

An Instruction addressed to the Most Reverend Ordinaries, and entitled: "On the testing of candidates before they are promoted to orders," is as follows:

Section 1. The Duty of Ordinaries to Test Carefully the Morals of Candidates Before Their Ordination

1. How great is the harm done to the Church and to the salvation of souls by those who, without having a vocation from God, presume to undertake the priestly ministry, a responsibility which would be a serious one even for angels, no one surely will question. Hence, those who have been placed by the Holy Ghost to rule the Church of God must, in order to guard the Church and the faithful from many great wrongs, use the greatest care that access to so great an office be denied those to whom, for want of a priestly vocation, the words of Our Lord are applicable: "Amen, amen, I

say to you: he that entereth not by the door into the sheepfold, but climbeth up another way, the same is a thief and a robber" (John x. 1).

This Sacred Congregation of the Sacraments, which, in virtue of c. 249, § 3, is competent in cases regarding the nullity of sacred orders or of the burdens annexed thereto, observes that most of these cases concern priests taking proceedings to impugn their sacred ordination, who, although they cannot prove that they were compelled to receive orders by force or grave fear, yet clearly show, by the evidence which comes into the record, that they have been enlisted in the ranks of the clergy in an improper manner; that is, that their vocation was not sufficiently tested, and that they did not receive sacred orders of their own full free will. In order to remove entirely this grave abuse, this Sacred Congregation earnestly recalls what St. Paul recommended in writing to Timothy: "Impose not hands lightly upon any man, neither be partaker of other men's sins;" (I Tim. v. 22); which is more fully contained and explained in the Code of Canon Law: "The Bishop should confer sacred orders upon no man unless he is morally certain from positive evidence of his canonical fitness: otherwise he not only commits a very grave sin, but exposes himself to the danger of being a partaker of the sins of others" (c. 973, § 3).

2. In the first place therefore, the Bishop must pay attention to the provisions of the present law regarding the government of seminaries, and to the other norms which the Sacred Congregation of Seminaries and Universities has up to now seen fit to enact, to the end that the students of seminaries may show themselves possessed of those qualities which are today required for the rightful, holy, and successful exercise of the priestly ministry. There are, moreover, the prescriptions of canon law regarding irregularities and impediments to the reception of sacred orders, as contained in cc. 983-987, and the other conditions which c. 973 requires in the subject of sacred ordination.

3. In order that these requirements may be duly observed, the Bishop or Ordinary, in considering the characters of the candidates for the priesthood, must remember that it is of the greatest importance to eliminate at the very threshold, that is, not to admit even to tonsure and minor orders, those who are not fit for the priesthood, or are not called by God. For sacred orders are, accord-

ing to the sacred canons, conferred at the close of the course of studies; but "it is more opprobrious to eject a guest than not to admit him in the first place"; everyone knows what a serious and difficult matter it is to dismiss a young man when he has nearly finished his theological studies, not only because of his age, which makes it hard for him to undertake another way of life and plan of studies, but also because of regard for human relations, especially with relatives and friends, who usually attribute such changes of life to a fault committed, or to want of serious purpose, so that one who has got that far leaves nothing undone to continue.

4. Besides, as we learn from the cases tried before this Sacred Congregation regarding the nullity of sacred orders, or of the obligations annexed thereto, the examiners of the candidates should have well in mind the reasons which are commonly alleged by those who say that they did not have a true intention of receiving sacred ordination or at least of submitting to the grave obligations which are annexed to it. Some of these reasons are intimate or intrinsic to the person making these claims, such as the desire to enjoy the clerical life, which is commonly thought to be rather an easy one, or to win honors, to make money easily, to escape (and this is today the commonest reason) manual labor, and not be obliged to dig or work in the fields with their parents and brothers, or live any other life of that kind; to enjoy the privileges of clerics, and especially the exemption from military service and that of the forum; or at least to attain to a higher social position through the clerical state. An extrinsic reason which may be called the classic one in these cases, is grave fear, either absolutely or relatively grave, such as reverential fear; both kinds of fear are most clearly explained in canonical jurisprudence.

Accordingly, this Sacred Congregation, to enable the Most Reverend Ordinaries to observe more easily the prescriptions of the sacred canons, gives the following norms regarding the method of judging the candidates, and specifies the sources from which the truth may be learned. It is not, however, the mind of the Sacred Congregation that all and each of the investigations be absolutely made in each case, since some of them frequently will be unnecessary or impossible; but the purpose is to gather such information about the characters of the men to be ordained as must be known and discovered before it is safe to proceed to sacred ordination.

5. The records which are made of these investigations must be kept under secret in the archives of the Curia.

Section 2. The Test to be Made Before the Conferring of First Tonsure and of Minor Orders

1. As the time approaches for the reception of first tonsure and minor orders each of the candidates must present to the rector of the seminary at least two months beforehand a petition written in his own hand and signed by him, stating that he asks for first tonsure and minor orders absolutely of his own full free will.

2. This petition, together with certificates of baptism and confirmation, and the personal information of the rector concerning the candidate's fitness for the clerical state, shall be presented by the rector to His Excellency the Bishop, who, unless he judges that the petition should be refused from the outset in view of the rector's information and other matters of which he has certain knowledge, shall observe the following norms.

3. If there is question of students in regional seminaries or ecclesiastical colleges in Italy or elsewhere, especially if they are living here in Rome, the rector, unless he has received from the Bishops of the students special authority to conduct the inquiry upon the petitions in accordance with the following norms, shall likewise send the petitions received from the various students to each one's own Bishop, with his information thereon.

4. In both cases the Ordinary, as is proper, shall return the petition to the same rector, with authority to investigate in his name and authority the fitness and qualifications of the petitioner during the time he has been in the seminary.

If there is no rector and someone else is taking his place, or if the Ordinary thinks the rector is not the person who can make a helpful investigation in this case, he shall give someone else authority to make it.

5. The rector of the seminary shall carefully gather information upon the candidates from the prefects, especially if these be priests, and also from those who are professors in the seminary, and shall not only hear each of these privately but also all of them together in meeting, upon the signs of vocation in each of the candidates, such as their piety, modesty, chastity, inclination for sacred functions, progress in studies, moral character. For this purpose, the

formulas in the appendix, models II and III, may be of service, so far as they are applicable.

Since in diocesan seminaries, according to c. 1359, there must be a board of discipline, the members of this board, if they know the candidates, are to be questioned in the investigation.

When the rector of the seminary sends to the Bishop the information he has gathered at his direction, he shall give his judgment or opinion as to the character and disposition of the candidate. This judgment will certainly be entitled to great weight, since it is presumed that the rector is more likely than anyone else to give a correct judgment about the students.

6. In order to study the matter more thoroughly in each case, the Bishop shall, moreover, require the pastor of each of the students and of each one's family to investigate carefully not only the signs of vocation of the candidate, his virtues and piety, but also his past and present way of life; and especially how he behaved during the vacation, whether he showed any levity of mind or indulged in worldly pursuits; and what sort of reputation he has (Form II). Also whether the candidate's parents are well thought of, and what are the circumstances of the family; whether for the sake of money or gain they are urging the candidate to the priesthood against his will by importunate persuasions, pleadings, or threats, or by any other means, fearing some damage to the family if the boy fails to receive sacred orders. If incitements or abuses of this kind are evident, or if there is prudent ground to suspect their existence, the Ordinary shall use all his efforts to persuade the candidate gently to give up the idea of the priesthood, or in a proper case he may give the parents a vigorous warning of the penalty of excommunication, to be incurred *ipso facto*, which the Church has provided against those who in any way compel a person to receive sacred orders (c. 2352).

7. If the pastor is related to the candidate by consanguinity or affinity, the Bishop should make use of another pastor or priest in the neighborhood to secure the information, especially in cases where the candidate is to receive sacred orders before the canonical publications are finished, or with a legitimate dispensation from them according to c. 998. It will also be very useful for averting the harm which usually results from the ill-considered reception of sacred orders to investigate whether there is ground to con-

jecture or suspect in the candidate the inheritance from his parents of any abnormal trait, especially whether there is any notable physical proclivity in matters of sex, which suggests atavism (Form II). Each Bishop will attend to this inquiry in regard to his own subjects.

8. The Bishop shall, if possible, ask the separate judgment of the rector and of those who take his place, as to the sincerity of the candidate's faith. This is to be done after the information which has been gathered at the Bishop's request by the rector has been received.

Other persons of outstanding integrity, whether ecclesiastical or secular, who can furnish any special information regarding the candidates, shall also be questioned according to Form III, if the Ordinary judges it advisable in the circumstances, especially when there is any doubt as to the character of the candidate and his canonical fitness.

9. Nor is this sufficient; for each candidate is to be thoroughly and separately examined in regard to his state of mind by his own Bishop, or if the latter cannot do it, by the Vicar General, or by the rector of the seminary authorized thereunto, or by the disciplinary board for the whole seminary. In the case of students who are in seminaries outside their own diocese, the authorization for this examination may be given to the Bishop of the place where they are located, or to some ecclesiastical dignitary, or to the rector of the seminary. For, lest assent should deceive or affection beguile, the Bishop, either by himself or through the other persons mentioned, must learn the mind of those to be ordained and find out definitely whether they are seeking sacred ordination under pressure of persuasions, entreaties, or promises of others, or are being urged and terrified by threats; also whether they fully understand the obligations they are about to assume, especially that which the law of celibacy imposes, and whether they are willing to keep this obligation in its entirety and with constancy, with the help of God's grace, using the proper means to avoid danger, so that their conversation, as the Roman Pontifical says, shall be approved and pleasing to God, and worthy to be crowned with ecclesiastical honor. Hence, it is recommended that the Bishop read to the candidates and explain fully to them the words of the Roman Pontifical, to wit: that the candidates must weigh carefully again and again

the obligations which they are about to assume; that before their sacred ordination, since they are free, they may at will return to the pleasures of the world; but once they will have received sacred orders, it will be too late to change their purpose, but they will be bound to the perpetual service of God and to chastity; hence, while there is yet time, let them consider the matter carefully before God, that the Bishop may be sure whether they are sincerely determined to persevere in their purpose, and prepared to fulfill those promises. And so let the Bishop urge the candidates in a kind and fatherly way to open their minds to him with candor and confidence, and assure them that if need be he will willingly help them to enjoy due liberty, even to the extent that, if they have not a sincere purpose of persevering in a matter of such grave importance, they may be enabled to find some other occupation more suited to their character.

### Section 3. The Test to be Made Before Clerics Receive Major Orders

1. When from these inquiries it may prudently be judged that the candidate may be admitted to theology and receive first tonsure and minor orders, the record of these inquiries kept in the archives of the Curia should again be consulted when the student asks to be advanced to the subdiaconate. But the Bishop or Ordinary of the place must not only consider what has already been done, but before the subdiaconate is conferred, a new scrutiny of the candidate's character is to be made according to the method already explained. Needless to say, it is not necessary to inquire anew into those things which concern the candidate's origin, the character and disposition of his parents, and his past life, unless there has arisen some just ground to suspect that the information already received is false. It is always important to inquire into the candidate's character and moral qualities as shown in his seminary life and in his progress in studies. After these investigations have been made, if there is no canonical reason for withholding the candidate from the subdiaconship, he must make a statement, written in his own hand and confirmed by oath (Form I), to the effect that he is receiving sacred orders altogether freely, and that he fully understands all the obligations annexed thereto. The same declaration shall likewise be required of candidates before they are promoted

to the other sacred orders, namely the diaconate and the priesthood.

2. For the diaconship it will usually be sufficient to consider the inquiries already made in regard to the candidate, unless there have arisen circumstances in the meantime which give reason to doubt his sincerity of purpose or his moral fitness to bear the burdens and fulfill the obligations assumed by receiving sacred orders.

If such doubt has arisen, it should be settled by the use of such inquiries, to be made according to the regulations herein laid down, as shall be helpful or necessary according to the nature of the case. In case it clearly appears that a subdeacon who is about to be raised to the diaconate either never had a vocation or has lost it through habitual sins, then further investigations should be made in accordance with what follows regarding the advancing of a subdeacon to the diaconship and the reception of the priesthood.

3. If before a person is ordained to the diaconate or the priesthood, the Bishop knows for certain, either from the candidate's own admissions or from other sources, that he really has no vocation, he shall not fail to have recourse to the Holy See, candidly and fully stating the situation, that is, the reasons which produce a grave doubt of the fitness of the deacon or subdeacon in question to bear worthily and faithfully still greater burdens. This matter is so important that there is a grave obligation in conscience upon Ordinaries to remove the danger of imposing hands upon a deacon or priest who is unfit to bear the immense responsibility of sacred orders.

4. In order to avoid this extreme calamity, Bishops and Ordinaries of places must be deeply convinced that it is of the highest importance to repel from the very threshold of sacred ordination those who are unworthy and who have no vocation. For when such men have entered the sanctuary impelled by some human motive or the desire to satisfy the wish of some other person, they do not betray themselves as having no vocation, but they usually conceal their unworthy conduct entirely or disguise it. Others there are who have received minor and sacred orders in good faith, but who before they reach the priesthood realize that they are unable to bear the burdens of sacred ordination, or else have by that time become entangled in vicious habits or worldly ways: in these the want of a

holy vocation will be more easily and clearly discovered, and they themselves will ask to be relieved in their miserable condition.

5. It is therefore of the highest importance that these norms be exactly and most carefully observed before Bishops admit candidates to the ranks of the clergy, or give to the Bishop of the place dismissorial letters for this purpose for such of their subjects as are in another diocese. The consequence of their right observance will be that those in sacred orders will become worthy dispensers of the divine mysteries, and will strongly promote on earth the Kingdom of God, to the happy advantage of both the Church and the civil power.

This Instruction was ratified and confirmed by His Holiness, Pius XI, in the audience of 26 Dec., 1930, and His Holiness at the same time ordered that it should be communicated to all the Most Reverend Ordinaries of places, and should be exactly observed by them; also that in seminaries every year at the beginning of the course of studies, it should be read to the students, and that the Bishops in their ordinary report on the condition of their diocese should not fail to inform the Holy See of their faithful fulfillment of these prescriptions; all things to the contrary notwithstanding.

The Most Reverend Ordinaries are requested to send to this Sacred Congregation an acknowledgment of the receipt of this Instruction.

#### APPENDIX

Form I. Declaration to Be Signed by the Candidates in Receiving  
Each of the Sacred Orders, and to Be Confirmed  
by Oath Before the Ordinary

I, the undersigned N.N., in presenting to the Bishop my petition for the reception of the subdeaconship (or the diaconship or the priesthood), as the time for the sacred ordination is near at hand, having carefully considered the matter before God, do upon my oath testify in the first place that I am urged by no sort of compulsion or force or fear in receiving the aforesaid sacred order, but that I do spontaneously desire and of my own full and free will wish to receive the same, because I know and feel that I am truly called by God.

I acknowledge that I know fully all the burdens and other consequences which flow from the said sacred order, and these I freely wish

and propose to assume: and with the grace of God I resolve to keep them most faithfully during my whole life.

I declare especially that I am clearly aware of what the law of celibacy entails; and I firmly resolve with the help of God to fulfill that law willingly and to keep it in its entirety until the end.

Finally, I sincerely promise that I shall always, according to the sacred canons, obey most exactly all the precepts of my Superiors and whatever the discipline of the Church requires, being prepared to give an example of virtue either in work or in word, in suchwise that I may deserve to be rewarded by God for the assumption of so great an office.

This I promise, this I vow, this I swear, so help me God and these sacred Gospels which I touch with my hand.

Place . . . . . day . . . . . month . . . . . year.

**Form II. The Investigation to Be Made Through the Pastors**

The pastor in his written report shall state his mind on these points:

1. Is the cleric in question faithful and devout in works of piety, for example, in making pious meditations, in hearing Mass, in visiting the Blessed Sacrament, and in reciting the rosary of the Blessed Virgin?

2. Does he go to confession and receive Holy Communion often and devoutly?

3. Does he fulfill his ministry with care and piety in sacred functions?

4. Does he apply himself to teaching Christian doctrine, as far as he is assigned to this work outside the seminary?

(NOTE: Before a candidate is advanced to other sacred orders, if he has not yet been assigned to this work, he should be assigned to it.)

5. Does he manifest a desire and earnestness to promote the worship of God, to care for souls, and does he show a propensity for exercising sacred functions?

6. What studies does he especially apply himself to, and with what diligence?

7. Is he given to reading profane books and papers, which are contrary to the faith or to good morals?

8. During the summer vacation, did he and does he wear the clerical dress outside the seminary?

9. During the vacation did he associate closely with any persons of either sex whose reputation is not good, or with any persons of the opposite sex, of good reputation, in such a way as to cause scandal or wonder; and did he frequent places that are not above suspicion?

10. Does he use good and decent language?

11. Did he give any occasion for censure in his morals, or in regard to the teaching and precepts of the Church?

12. How does he behave with boys and girls and with persons of the opposite sex?

13. Does he show a great inclination to the comforts of life, to drinking wine or liquor, and to worldly pleasures?

14. Is he charitable, humble, and obedient to his Superiors?

15. What is the public opinion regarding his vocation?

16. Is there any strain of weakness in his family, especially as regards soundness of mind or good morals, which might be hereditary?

17. Are his parents or anyone else of the family urging him to receive the priesthood?

**Form III. Questions to Be Put to Other Honorable Persons**

These are the questions to be put:

1. Has the cleric in question behaved in a pious, grave, and prudent manner, and does he now so behave, in church and in his relations with others?

2. Is there any doubt about his vocation to sacred orders, and why?

3. Are his parents or anyone else of the family urging him to receive sacred orders?

4. Is he on intimate terms with anyone who is open to suspicion as regards faith or morals?

5. What is the common opinion, especially among persons whose judgment is most entitled to consideration, as regards his moral and religious conduct, and his vocation to the priesthood?

AAS 23-120; S. C. Sacr.; Instruction, 27 Dec., 1930.

*Periodica*, 20-255 (Vermeersch).

NOTE: In proceedings to impugn the validity of sacred orders or the obligations thereof, if the ordination took place since the Instruction of the S. C. Sacr., of 27 Dec., 1930,<sup>1</sup> the cleric should be confronted with the declaration which he made in writing and under oath regarding his intention, before his ordination. — See c. 1993; AAS 23-457, note.

**Religious Candidates for the Priesthood: Their Training and Testing Before Receiving Orders** (Instruction, S. C. Rel.) AAS 24-74.

An Instruction of the Sacred Congregation of Religious, addressed to the highest Superiors of religious and clerical societies, "on the clerical and religious training of members who are called to the priesthood, and on the test to be made before the reception of orders," is as follows:

<sup>1</sup>AAS 23-120, reported above.



1. It would scarcely be possible to express how much all the religious Orders and societies contribute to the salvation of the peoples, whether these latter are already regenerated by the faith of Christ or are still in the darkness of idolatry and sitting in the shadow of death. Their members are those who have followed the evangelical counsels, and despising the world and giving themselves entirely to the service of God, in virtue of their religious profession, seek only to promote the Kingdom of God on earth. As His Holiness, Pius XI, not long ago declared: "From this great variety of religious Orders, as from so many different trees planted in the field of the Lord, there accrues for the salvation of the nations a great variety of fruits; and surely there is nothing more beautiful or delightful to behold than this aggregate and multitude of religious societies, all tending to one and the same ultimate end, and yet each one having its own field of operation and labor, distinct in part from that of all the rest. For it usually falls out by Divine Providence that whenever new needs are to be met, new religious institutes spring up and flourish."<sup>1</sup>

2. The sublimity and excellence of the religious state were eloquently discussed by the same Holy Father in his recent radio message to all the world, transmitted on 12 Feb., 1931,<sup>2</sup> when, speaking to all religious, whom he addressed as "sons and daughters of Our predilection," he said: "You are those who, seeking the higher things, and obeying in fidelity to the holiest vows and in the religious discipline of your entire lives, not only the precepts but also the desires and counsels of the Divine King and Spouse, spread in the Church of God the fragrance of virginity, enlighten it with your contemplations, support it with your prayers, enrich it with your science and learning, and daily cultivate it and bring it increase by the ministry of the word and by apostolic labors. Yours is truly a heavenly and angelic vocation; and in proportion as the treasure you bear is precious, so must your diligent watchfulness be the greater, not only that your vocation and election be made sure, but also that the Heart of the King and Spouse may find in you, as in especially faithful and devoted servants, some consolation and reparation for the infinite offenses and negligences with which men repay His ineffable love."

<sup>1</sup>Letter of Pius XI, *Unigenitus Dei Filii*, 19 Mar., 1924; AAS 16-133. See AAS 23-67.

3. Since, then, the state of religious persons is so excellent, it is no wonder that the enemy of our salvation leaves nothing undone to throw them down from that sublime height, by evil suggestions, by the allurements of worldly pleasures, and finally by the excitement of the passions. And in truth there are not wanting grave cases of desertion, not merely from the religious state but even from the sacred army of Christ in which religious men had been enlisted by the reception of sacred orders. It is evident how harmful this is, not merely to those religious but to religion itself, and what a scandal it is to the faithful. Hence, taking occasion from the Instruction which was recently sent to the Ordinaries of places by the Sacred Congregation of the Sacraments, regarding the testing of candidates before they are promoted to orders,<sup>1</sup> this Sacred Congregation of Religious, in the fulfillment of its duty, *facto verbo cum Sanctissimo*, and at His Holiness' special command, has decided to recall the following points to the attention of the Superiors of religious Orders and clerical societies, and so far as needful, to command their observance.

#### I. The Training of Members Who Are to Be Promoted to Orders

4. We know from the nature of things and from daily experience that the welfare of religious societies depends on the training of their members, just as the beauty of trees depends chiefly on their cultivation. This truth was expressed by Pope Pius IX of saintly memory in these words: "Since the welfare and the honor of every religious family depends entirely on the careful selection of novices and their excellent training, We most earnestly exhort you to investigate diligently beforehand the dispositions, character, and morality of those who are to become members of your institute, and to consider carefully the purpose, the spirit, and the reasons which lead them to embrace the regular life."<sup>2</sup>

5. To be sure, after the young candidates for the religious life have been selected with due consideration and prudence, Superiors must see to it that, along with such training in piety as is suited to their age, they receive also the instruction in those lower

<sup>1</sup>See c. 973; AAS 23-120.  
<sup>2</sup>Letter, *Ubi primum*, 17 June, 1847.



branches which are usually taught in high schools (c. 589): "so that they do not come to the novitiate until they have finished the course of 'humanities' as it is called, unless at times a rather grave reason make a different procedure advisable,"<sup>11</sup> in which case the humanities should be finished before philosophy is begun.

6. But in the first place Superiors must use the greatest care, even from the first entrance of the candidates, to see that the youths be not admitted in crowds or hastily, but that those only be received who show signs of a divine vocation and give reason to hope that they may be permanently employed with fruit in the ecclesiastical ministry (c. 1363, § 1). Before they admit the students to the novitiate, Superiors must obtain still fuller information regarding the candidates (cc. 544, 545), and must supplement the testimonial letters they have, which may be insufficient, by other careful investigations made by trustworthy persons. Nor should the Superiors neglect to get information about the moral qualities of the families from which the students come, and to learn whether their parents are free from such vices as easily reappear in the children. Certainly in candidates who are destined for the priesthood, the ordinary signs of a religious vocation are by no means sufficient, but the special signs of fitness for the clerical state are also required. Hence the sacred canons prescribe that there be a noviceship for clerics and another for lay brothers, and that a noviceship completed for one class shall not do for the other (c. 558).

7. After the noviceship, the members should be placed in houses where the rules are perfectly observed, especially as regards the common life (c. 587, § 2) and poverty, and where, besides, the conditions are such that they can profitably pursue the courses in philosophy and theology. During this time Superiors will take care that the young men do not relax in the spiritual struggle; they must guard them from the reading of such books and papers as can in any way be an obstacle to their progress, and as regards recreation, forbid them also those bodily exercises which are unbecoming to clerics, according to the serious warning of the Council of Trent: "Clerics who are called to the inheritance of the Lord must so regulate their life and all their ways, that in dress, in

<sup>11</sup>Letter of Pius XI, *Unguentus Dei Filius*, 19 Mar., 1924.

bearing, in gait, in speech, and in all else, their conduct be grave, moderate, and religious."<sup>12</sup> Superiors must also see to it that spiritual fathers to whose special care they are assigned during the entire time of their studies, train them to the religious and clerical life by timely admonitions, instructions, and exhortations (c. 588, § 1); for in no other way will they succeed in ever acquiring solid learning together with holiness of life.

8. As regards sacred studies, let them always be mindful of the solemn words of the same Holy Father, Pius XI: "Since it is quite necessary that the ministers of the Church highly appreciate and thoroughly acquire sacred learning, the chief point of our exhortation is to urge the members of religious institutes, whether they be already priests or are to be ordained hereafter, to the assiduous study of sacred subjects, for unless they be thoroughly learned in them they will not be able to perform thoroughly and perfectly the functions of their vocation. For, since the sole or at least the chief function of those who have consecrated themselves to God is prayer and the contemplation or meditation of divine things, how will they perform that most sacred duty unless they be thoroughly and intimately versed in the doctrine of faith? We wish, first of all, to call this to the attention of those who lead a retired life in the contemplation of heavenly things; for they err if they imagine that after having either neglected in the beginning or later abandoned their theological studies, they will be able without that abundant knowledge of God and of the mysteries of faith which is drawn from sacred studies, to go along easily in the higher spiritual life and to be lifted up to intimate union with God. As regards others, whether they be engaged in teaching, in preaching, in hearing confessions, in giving missions, or in daily intercourse with people, will not that varied activity in the sacred ministry be the stronger and more efficacious, the more brilliant and replete they are with the fullness of learning?"<sup>22</sup>

9. Now, since this training of young men to a life of study cannot be accomplished where dissipation of mind enters, or when the young men are allowed to go from one house to another or to stay with their parents, it follows that they should not be allowed to undertake journeys without just and grave cause (and this is a

<sup>12</sup>Sess. XXII, c. 1, de ref.

<sup>22</sup>Pius XI, AAS 16-136.

grave responsibility on the consciences of Superiors), but that they should remain constantly in houses of study; there, until the completion of their studies, they should earnestly apply themselves to the practice of piety and to learning. And this holds even in cases where with the permission of this Sacred Congregation, they are ordained to the priesthood before the completion of the fourth year of theology.

10. And since the greatest pitfalls usually await the young priest at the beginning of his priestly life, Superiors should take care that after ordination and the completion of their course of studies the young men be not left to themselves but be kept for some time under special supervision. That this may be done more easily, let them be assigned to houses where perfect religious observance flourishes, to make a special apprenticeship according to each one's needs. In the meantime, let them continue their studies and make constant progress in them according to the sacred canon which prescribes that "religious priests . . . shall every year for at least five years after finishing their course of studies, be examined by learned and mature fathers in various branches of sacred doctrine which shall have been designated at a suitable time beforehand" (c. 590). Superiors are to inform this Sacred Congregation regarding this matter in their quinquennial report, giving at the same time an account of the reasons for any exemptions which they may have seen fit to make.

11. Superiors will more easily fulfill all these duties if they take special care in choosing the persons to whom the training of the young men is intrusted, so that they appoint to this office none but prudent men, of outstanding charity and piety. And the spiritual fathers as well as the professors must strive to be toward their students, down to the minutest detail, examples of religious discipline and of priestly virtue, knowing that while words are of some avail, example is far more potent in the training of the young (cc. 559, § 1, 588, §§ 1 and 2).

#### II. The Test to Be made Before the Reception of Orders

12. As regards the ordination of religious, according to canonical legislation the major Superiors either give dismissorial letters to the ordaining Bishops (cc. 965 and 966, § 1), or at least provide the candidates for ordination with testimonial letters (c. 993, 5°). By these testimonial letters the religious Superior not only

attests that the persons in question are members of his religious family, but also certifies to the completion of their studies and to the fulfillment of other requirements of law (c. 995, § 1). Hence it follows that that same very grave obligation which rests upon Bishops, to train, approve, and select their own secular subjects who desire to receive sacred orders is incumbent in exactly the same way upon religious Superiors whose business it is to admit their own subjects to sacred orders. And although Bishops may according to law (c. 997, § 2) refuse to acquiesce in the testimonials of the Superiors, and may themselves examine the religious candidates for orders, yet they are not bound to do so. They may, before God and the Church, accept the favorable testimonials of Superiors and leave upon them the full responsibility regarding the due training and worthiness of the candidates (cc. 970, 995, § 2).

13. In view of this wise provision, religious Superiors should regard as addressed to themselves those most weighty and oft-repeated words of the Apostle by which he warns Bishops of their strict obligation to test the candidates again and again before admitting them to sacred orders: "Impose not hands lightly upon any man, neither be partaker of other men's sins" (I Tim. v, 22); and: "Let these [deacons] also first be proved: and so let them minister, having no crime" (I Tim. iii, 10). St. John Chrysostom, commenting on the words first quoted, remarks: "What is meant by 'lightly'? It means not after the first probation, nor the second, nor the third; but after you have often observed and carefully examined them" (Homil. xvi, n. 1). And the Code of Canon Law, summarizing the teaching of the Fathers and of the Councils, says: "The Bishop shall not confer sacred orders upon anyone unless from positive proof he is morally certain of his canonical fitness; otherwise he not only commits a most grievous sin, but exposes himself to the danger of being a partaker of other men's sins" (c. 973, § 3).

14. Wherefore the following provisions are hereafter to be observed by all Superiors of religious and clerical societies. Novices, before their profession of temporary vows, which should by all means precede their promotion to tonsure and to minor orders, shall make a petition in writing to the Superior, in which they shall expressly state their vocation to the religious and clerical

state, and at the same time announce their firm resolve to give themselves forever to service in the ranks of the clergy, in the regular life (c. 973, § 1); and this petition and declaration shall be kept in the archives. Superiors shall allow no one to take orders as long as they have not made sure by careful testing, of his moral character, piety, modesty, chastity, inclination for the clerical life, progress in ecclesiastical studies, and religious discipline (c. 973, § 1). In order the better to obtain such a certain indication, let them secure the testimony of the spiritual father and of other persons who by reason of their special acquaintance with the students know their life and ways. And these testimonials should not be received lightly but should be carefully weighed, with due consideration of the prudence, sincerity, and good judgment of those from whom they come. A proper record of the making of the inquiries and of the result of the test should be made and kept in the archives. Finally, the Superior himself, either in person or through some learned and prudent man who is qualified to win the confidence of the young men themselves, shall ask them, so that he may at last be sure that they are freely and consciously seeking orders in the religious state.

15. As regards the reception of major orders, religious Superiors must remember that they may by no means allow their subjects to be promoted to them before they have made their religious profession, either perpetual or solemn (c. 964, §§ 3 and 4). In religious institutes where there are no perpetual vows, Superiors are strictly forbidden to promote their members to sacred orders before the completion of three years of the temporary vows: in societies without vows—after the making of the perpetual and definite choice, if that is provided for—Superiors are likewise strictly forbidden to promote their members to sacred orders before the expiration of three full years from the time of the first reception of the novices into the society.

16. Before the members are admitted to the subdiaconate, Superiors should make a new inquiry into the aforesaid matters (cf. n. 14). In doing so, they should again inspect the documents relating to the former inquiry, which are preserved in the archives, and should compare the new testimonials regarding moral and spiritual qualities with the old ones; so that they may clearly see how the young men have gotten along since their first profession,

both as regards religious discipline and progress in clerical studies. Finally, when this has been done, if the candidates are found worthy and fit, and there is no canonical reason why they should be withheld from receiving orders, Superiors may give them dimissorial or testimonial letters for ordination; observing the requirements of canon law and of their own constitutions.

17. In all religious institutes and societies, besides the above investigation (n. 16), Superiors, before they present their members for the subdiaconate, shall require of them in view of the sacred ordination which is to follow in its proper time, a declaration signed by the candidate in his own hand and sworn to before the Superior, of the following tenor:

I, the undersigned, ....., a member of the Order or Congregation of ....., in presenting this petition to Superiors for the reception of the order of the subdiaconate, after having carefully considered the matter before God, do hereby certify under oath: (1) That in the reception of the said sacred order I am moved by no coercion, compulsion, or fear, but am seeking it of my own accord, and do of my own full and free will desire to embrace it together with the obligations that are attached to it. (2) I acknowledge that I am fully informed of all the obligations that flow from the aforesaid sacred order, and I freely embrace them, and resolve with the help of God to keep them faithfully during my entire life. (3) I declare that I clearly understand all that the vow of chastity and the law of celibacy prescribe, and I firmly resolve with the help of God to observe these obligations in their integrity until the end of my life. (4) Finally, I sincerely promise that I will always, according to the sacred canons, most respectfully obey in all things which are commanded me by my Superiors according to the discipline of the Church, and am prepared to give good example both in work and in word, so that in the reception of this great office I may be worthy to receive the reward which God has promised. To all this I testify and swear upon these sacred Gospels which I touch with my hand.

This ..... day of ....., 19....

(Signed) .....

18. It is to be observed that in religious Orders of solemn vows,

the aforesaid declaration, signed by the religious in his own hand and confirmed by oath, should precede the pronouncement of the solemn vows.

19. In granting dismissorial letters for the ordination of their members according to the prescriptions of the Code of Canon Law, and also in granting testimonial letters, Superiors are bound in conscience to certify to all this to the ordaining Bishop; the latter, however, is free to question the candidates also at his own choice.

20. Although for the ordinations to the diaconate and the priesthood it is not necessary to secure such full information and to get new testimonials, still Superiors must be watchful and must consider whether in the interval between the conferring of one sacred order and the next, anything new has occurred which raises a doubt as to the candidate's vocation to the priesthood, or shows that he has none. In that event, after having made a very diligent investigation and after having consulted prudent men, they shall absolutely forbid the reception of the new order, and refer the matter to this Sacred Congregation which shall in each case make such decision as shall seem best in the Lord.

21. His Holiness, Pius XI, in the audience of 1 Dec., 1931, designed to ratify and confirm all the above provisions, and ordered, moreover, that the present Instruction be communicated to all the Supreme Superiors of religious and clerical societies, to be exactly observed by them; and His Holiness also commanded that this Instruction be read to religious clerics, and that Superiors in their quinquennial report inform this Sacred Congregation of the faithful fulfillment of these prescriptions.

All things to the contrary notwithstanding.  
Rome, 1 Dec., 1931.

AAS 24-74; S. C. Rel., Instruction, 1 Dec., 1931.  
*Periodica*, 21-188 (Vermeersch).

### CANON 975

Dispensation as Regards Age, for Religious Receiving Sacred Orders, Belongs to the S. C. Rel. See c. 251; AAS 11-251, n. 3.

Requirements as Regards Age, Etc., to be Observed Even When the Time of Spiritual Exercises is Shortened. See c. 1001; AAS 20-359.

### CANON 976

**War Privilege: Ordaining After Third Year, in United States (S. C. Stud.) Private.**

The Bishops of the United States having asked the Holy See for the privilege of ordaining candidates to the priesthood earlier than the time provided by c. 976, the Sacred Congregation of Studies, in a Letter of 6 June, 1918, addressed to Cardinal Gibbons, conceded to the Bishops and Archbishops of the United States the privilege of ordaining candidates after the completion of the third year of theology. The privilege to be good only during the War.

(Private); S. C. Stud., 6 June, 1918.  
E.R., 59-410.

**Dispensation for Early Ordination of Religious: Condition as Regards Continuance of Studies and Abstinence from Ministerial Works (S. C. Rel.) AAS 15-549.**

In granting dispensations from the course of studies which according to c. 976, § 2, must precede sacred orders, the Sacred Congregation of Religious has made it a practice to include in the rescripts the following conditions:

"They shall continue diligently to study sacred theology at least until the prescribed four years are completed, and are forbidden in the meantime any ministry of souls; that is, they should not be employed in preaching or hearing confessions or in exterior works of the institute; and these points remain a grave responsibility in conscience upon the Superiors."

Inasmuch, however, as such dispensations have already been obtained by any religious Order or Congregation, either in general for all its members or in particular for some of them, His Holiness, Pius XI, on 23 Oct., 1923, has declared and decreed: that all facilities or dispensations which have been obtained in this matter since the promulgation of the Code, in any way whatsoever, even immediately from the Supreme Pontiff either *in voce*