

APOSTOLIC CONSTITUTION

VACANTIS APOSTOLICAE SEDIS

Note: Translator's explanatory notes are bracketed and italicized.

Continually in the course of the centuries, Our Predecessors solemnly determined to order and define the procedures of governance of the vacant Apostolic See and the election of the Roman Pontiff, for which they were supposed to provide; and in the same manner they endeavored to apply themselves with watchful care and to devote their energies to useful rules in the weighty business divinely entrusted to the Church, to wit, electing the successor of Blessed Peter, Prince of the Apostles, who on this earth is the Vicar of our Lord and Savior Jesus Christ, and as supreme Pastor and Head feeds and rules all the Lord's flock.

However, since there was already a desire to have collected into one place these laws about electing the Roman Pontiff, enlarged in number in preceding ages, and since some of them, less accommodated to special circumstances, had become outdated on account of changed conditions, the great man Pius X, our Predecessor, with judicious advice decided forty years ago to reduce them (appropriately selected) to a summary, having published the well-known Constitution *Vacante Sede Apostolica* on the twenty-fifth of December of the year 1904.

To be sure, in the meantime, Pius XI, of recent memory, judged that some chapters of a Constitution of this kind should now be changed just as the pattern of events and the times seemed to demand; likewise, We Ourselves mindfully took into consideration that other things also had to be reformed for the same reason.

Wherefore, having seasonably considered the matter, with sure the knowledge and the plenitude of Our Apostolic power, We have undertaken to publish and promulgate this Constitution, which is the same as that given by Pius X, of holy memory, but reformed throughout, "which," to use the words of the same Predecessor of Ours, "the Sacred College of Cardinals shall solely use during the vacancy of the Apostolic See and in electing the Roman Pontiff," the Constitution *Vacante Sede Apostolica*, having therefore been abrogated, according as it had been brought forth by Our Predecessor Pius X. But let the chapters of Our Constitution at hand be considered as these that follow.

TITLE I

ON THE VACANT APOSTOLIC SEE

CHAPTER I

Concerning the Power of the Sacred College of Cardinals while the Apostolic See is Vacant

1. During the vacancy of the Apostolic See, regarding those things that pertained to the Sovereign Roman Pontiff while he lived, the Sacred College of Cardinals shall have absolutely no power or jurisdiction of rendering neither a favor nor justice or of carrying out a favor or

justice rendered by the deceased Pontiff; rather, let the College be obliged to reserve all these things to the future Pontiff.¹ Therefore, We declare invalid and void any power or jurisdiction pertaining to the Roman Pontiff in his lifetime, which the assembly of Cardinals might decide to exercise (while the Church is without a Pope), except to the extent to which it be expressly permitted in this Our Constitution.² (This means any papal permission to consecrate bishops, of whatever rank, since the Rite of Episcopal Consecration itself calls for the papal mandate or apostolic letter, and the one to be consecrated swears obedience to the Roman Pontiff.)

2. Likewise we command that the Sacred College of Cardinals shall not have the power to make a determination in any way it pleases concerning the rights of the Apostolic See and of the Roman Church, nor attempt in any way to subtract directly or indirectly from the rights of the same on the pretext of a relaxation of attention or by the concealment of actions perpetrated against these same rights even after the death of the Pontiff or in the period of the vacancy. On the contrary, We desire that the College ought to watch over and defend these rights during the contention of all influential forces.³ (My translation reads laws but rights are pretty much the same, since they can only be enforced by the law. It is clear here to me that Pius XII is talking about a usurpation or hijacking of the papacy, among other possibilities. Some of these rights have been enumerated by the canonist Rev. Charles Augustine as follows: “The liberty of the Church means her right to exist and to spread according to Her nature and constitution (Can. 100). Violations of this liberty are enumerated in Canons 2333, 2334 and 2336....The native and independent rights of the Church are the right to preach the Gospel, Can. 1322; to educate and train the clergy, Can. 1352; to found and maintain her own schools, Can. 1375; to possess her own cemeteries and property, Cans. 1206, 1495; to enjoy the judiciary and coercive power, Cans. 1553 and 2214.” We seem to have lost nearly all of them.)

3. The laws issued by Roman Pontiffs in no way can be corrected or changed by the assembly of Cardinals of the Roman Church while it is without a Pope, nor can anything be subtracted from them or added or dispensed in any way whatsoever with respect to said laws or any part of them. (This clarifies the use of “rights” above, actually adding another dimension to the protection of the papal privileges during an interregnum.) This prohibition is especially applicable in the case of Pontifical Constitutions issued to regulate the business of the election of the Roman Pontiff.⁴ (So it is not limited, as many claim JUST to VAS, but it makes sense that Pope Pius wanted it especially applied to his constitution, since the Church is much more vulnerable to attack during an interregnum.) In truth, if anything adverse to this command should by chance happen to come about or be attempted, We declare it, by Our Supreme Authority, to be null and void.

4. Nevertheless if any doubts should arise concerning the sense of the regulations that are contained in this Our Constitution, or even concerning the means according to which these things should be set forth in practice, or about any other chapter at all of this our Constitution, We ordain and declare that the power of imposing an authoritative decision about these things is only in the hands of the Sacred College of Cardinals, for which purpose We grant full faculty to the same Sacred College of Cardinals, whereby they have the full power to interpret this Our

Constitution and clarify doubts. Indeed, in this matter, just as in the rest, should it happen that the College deliberate on those things with respect to the implications of this our Constitution, excepting the very act of election, it will be wholly sufficient if a majority of the assembled Cardinals agree in the same opinion.⁵

5. Equally, in the case of urgent business, which, in accordance with the will of a majority of the Cardinals assembled, cannot be postponed to another time, the Sacred College can and ought to act similarly for a suitable remedy according to the opinion of the majority.⁶

CHAPTER II

Concerning the Congregations [*meetings*] of the Cardinals

6. In the period when the See is vacant, the Congregation of Cardinals may be viewed as having two divisions, one the general, or the entire College, the other the particular, consisting of three senior Cardinals, one from each Cardinalitial Rank, along with the Camerlengo of the Holy Roman Church; the term of their office expires on the third day after entry into the Conclave, and three others following in Rank take their places on each and every third day together with the same Camerlengo.⁷

7. We desire that in the aforementioned Particular Congregations, which can be held either before or after the beginning of the Conclave, only business of lesser importance be handled, such as that occurring daily or here and there. If, in fact, there should be something of more serious importance or something demanding careful investigation, the whole matter should be reported to the General Congregation, or, if you will, to the Sacred College of Cardinals. Furthermore, those things that are determined, resolved, or denied in one Particular Congregation cannot be revoked, changed, or granted in another; instead, only the General Congregation itself has the right to do these things by a plurality of votes.⁸

8. Let the General Congregations of Cardinals be held in the Apostolic Vatican Palace, or, if the circumstances demand it in the judgment of the Cardinals, in some other suitable place, and let the Cardinal Dean of the Sacred College preside over the meetings or, if he is impeded, the Sub-dean.

9. Let the votes in the Congregations of Cardinals be given not by voice but by secret votes, when more serious matters are treated.

10. Among the General Congregations worthy of special mention are those which are held before entry into the Conclave, and those can be called Preparatory Congregations.

11. The General Preparatory Congregations must in general take place daily, from a day after the death of the Pontiff, to be fixed by the prudent judgment of the three senior Cardinals in each Rank and the Camerlengo of the Holy Roman Church, up to the day on which the Cardinals enter the Conclave, even on the days on which the funeral rites of the deceased Pontiff are being carried out; and let this be done on purpose so that the Cardinal Camerlengo be free [*i*] to make inquiry into the opinion of the Sacred College and to communicate with it what things he judges necessary or suitable and [*ii*] to make known to individual Cardinals his own opinion concerning

current business, to inquire thoroughly into explanations in doubtful matters, and to propose useful things.

12. The following matters must be especially handled in the previously mentioned General Congregations⁹, the order of business having been shared with the Cardinals beforehand:

a) In the first Congregations, this present Constitution will be read in its entirety, and when it has been read, an oath will be sworn by all the Cardinals present according to a prescribed formula.¹⁰ All the other Cardinals who arrive later at the place of election must equally swear the oath, whether the Assembly has not yet or has already begun.

b) The Cardinals should as soon as possible decide and dispose of all those things that are rather urgent in order to begin the Conclave.

c) The day, the time, and the manner in which the body of the dead Pontiff shall be moved to the Basilica of St. Peter must be set, there to be exposed publicly for veneration of the faithful.

d) Likewise the Cardinals will take care that all things are fitly prepared so that the Pontifical funeral rites be performed for a period of nine consecutive days, and they will determine the days on which the first six [*services*] will be held.¹¹

e) Let two male ecclesiastics be appointed who should recite the prayers *De Pontifice defuncto* [i.e., concerning the deceased Pontiff] and *De eligendo Pontifice* [i.e., concerning electing a Pontiff].

f) Let the day be fixed on which, if it be requested, access may be given to the Ambassadors of civil governments and to the Knights of the Order of Jerusalem to meet with the Sacred College. The aforesaid Ambassadors may be admitted only if gathered together in a group, and let no faculty of approaching the Sacred College be granted to individuals.

g) Let them nominate two committees each of three Cardinals, popularly called *Commissions*, *α*) for the examination of the qualities of the Conclavists and for approval of them,¹² as well as for the designation of those who for any reason whatsoever should serve the Conclave by way of those services to be arranged for or managed; *β*) for the building and enclosing of the Conclave, and for the arrangement of the cells.¹³

h) Let the expenses of the Conclave be determined and approved.

i) Let the letters of Emperors, of Kings, and of other Heads of State, likewise the reports of the Nuncios, and all other things that can be of interest to the Sacred College, be shared with it.

j) Let there be read to the Sacred College of Cardinals the documents left by the deceased Pontiff, if there are any.

k) Let the Fisherman's Ring and the lead Seal of the Apostolic Chancery be broken.

l) Let the cells [*i.e. private apartments*] of the Conclave be distributed by lot to the Cardinals,¹⁴ unless the advanced age or the bad health of a Cardinal should seem to counsel otherwise.

m) Let the day and hour of entry into the Conclave be fixed.

CHAPTER II

Concerning Some Special Offices While the Apostolic See is Vacant

13. The offices of the Camerlengo of the Holy Roman Church and the Grand Penitentiary do not cease at the death of the Pontiff.¹⁵ (At the time of his death, Pius XII had not appointed a Cardinal Camerlengo.)

14. If, however, a vacancy of one or both offices will have occurred at the time when the Supreme Pontiff dies, or if it happens before the election of a new Pontiff, then in the first General Congregation, in the former case, or in another General Congregation that will be held three days after the ensuing vacancy of either of the two aforementioned offices, let the votes or approval of the assembled Cardinals be sought after and given by secret ballot for the appointment of a man who may fill the place of the Camerlengo of the Holy Roman Church or the Grand Penitentiary until the election of the new pope; the ballots are to be collected by the Masters of Ceremonies even from infirm Cardinals and opened in front of the three Cardinals senior in rank at that time, with the Secretary of the Sacred College and the same Masters of Ceremony being present. Let him be considered appointed on whom a majority of the aforesaid votes agreed, and thus We grant to the appointee all the faculties that the Cardinal Camerlengo himself or the Grand Penitentiary could exercise.¹⁶ But if by chance the votes are equal in number, let him be held appointed who is higher ranking in Cardinalitial Rank, or, if of the same Cardinalitial Rank, the older, namely by his selection for the Rank of Bishop among Cardinals of that Rank, but among Cardinals of the other Cardinalitial Ranks, by their elevation to the sacred purple.

15. During the vacancy of the Apostolic See, the care and administration of the goods and temporal rights of the Apostolic See itself fall to the Cardinal Camerlengo along with the Cardinals Senior in Cardinalitial Rank assisting him at the time in his duty, or to the Heads of the Cardinalitial Ranks, and after the approval of the Sacred College has been obtained beforehand, once for lesser matters and every time for more serious matters. Hence the Cardinal Camerlengo of the Holy Roman Church, from the moment he receives the announcement of the Pontiff's death from the Master of Chamber will proceed to the Apostolic Vatican Palace to take possession of and govern it, in the same way that, whether by himself or through a delegate, he will also take possession of the two palaces at the Lateran and at Castel Gandolfo and govern them. It will be duty of the same Camerlengo: [i] to certify legally the death of the Pontiff in the presence of the Cleric Prelates of the Venerable Apostolic Camera [*i.e., the office that administers the property of the Holy See*], along with the Secretary-Chancellor, whose task it is to complete the original certificate of death;¹⁷ [ii] to establish, after having heard the Cardinal Heads of the Cardinalitial Ranks, the more appropriate and apt manner for the preservation of the body of the dead Pontiff according to the conditions of the times (unless perchance the Pontiff himself while alive clearly expressed his will on this matter); [iii] to place the seals on the private rooms of the same Pontiff; [iv] to pass word of the Pope's death to the Cardinal Vicar in the City, who will inform the Roman People by means of a special announcement; and [v] in the name of and with the consent of the Sacred College, to attend to all the things that the circumstances of the times recommend to safeguard the rights of the Apostolic See and to administer it rightly.

16. However, it will be the duty of the Cardinal Dean of the Sacred College, as soon as he is informed of the death of the Pontiff by the same Master Chamber, to make known the vacancy of the Apostolic See to the other Cardinals, and to summon them to the Apostolic Palace, and likewise to communicate the death of the Pontiff to the Ambassadors of Foreign Nations, and also to the personages of the Nations who possess the highest power.

17. During the vacancy of the Apostolic See, the Grand Penitentiary and his officials can do and expedite those things that were established and defined by Pius XI, of happy remembrance.¹⁸

18. The office of the Chancellor of the Holy Roman Church does not expire with the death of the Roman Pontiff; nevertheless, during the vacancy of the Apostolic See, the dispatching by him of Apostolic Letters under a lead seal is suspended. To be sure, the office of the Datary wholly expires at the death of the same Pontiff.¹⁹

19. Likewise, the office of the Cardinal Secretary of State ceases at the death of the Pontiff, and while the See is vacant, the Prelate-Secretary of the Sacred College performs that duty. But if this office is already vacant, or if during the vacancy of the Apostolic See it happens to become vacant, it will be the responsibility of the Sacred College to appoint, by a plurality of votes, someone to the office, that is to say, for as long as the Apostolic See is vacant.

20. On the other hand, the office and jurisdiction of the Cardinal Vicar in the City do not expire at the death of the Pontiff. But if, while the See is vacant, the Vicar of the City should pass away, in order that the Faithful of the City and of his District thereby not suffer a loss in spiritual matters, the Vicegerent then in place, for as long as the See is vacant, will have each and every faculty, authority, and power, which in any way whatsoever corresponded to the same Vicar for the exercise of the office of the Vicariate, and those powers that the Pontiff himself, if the Vicariate were vacant while the See was occupied, customarily grants at some time or other for a certain period to the aforesaid Vicegerent, until, that is to say, he appoints a successor Vicar.²⁰

21. Likewise, the office and power of the Envoys, Nuncios, and Apostolic Delegates do not cease while the See is vacant.

22. Moreover, there are those who rightly know that in this critical time, when it is a question of electing the Pontiff, divine assistance must be more zealously sought by continual prayers and other works of Christian piety and charity, and that one must be diligent to be deserving; therefore, just as We very highly commend, so We also wish to be retained the laudable custom observed hitherto [*i*] that the Secret [*i.e., private*] Almoner of the deceased Pontiff continue to exercise his office, with due submission and deference on his part to the Sacred College of Cardinals, until the new Pontiff is elected, and [*ii*] that while the See is vacant the same amount of money be distributed and dispersed by the Almoner himself for the assistance of the same poor and needy, which is customarily distributed while the Pontiff is alive; to this end, let the usual mandates be expedited by the three Senior Cardinals in Rank at the time, or their deputies.²¹

23. While the Apostolic See is vacant, all the Roman Pontiff's civil power with respect to the rule and governance of the Vatican City State pertains to the Sacred College of Cardinals, which,

nevertheless, will not be able to make laws, except in the case of urgent necessity and for the time period of the vacancy of the See; any such laws will be valid for the future only if the new Pontiff decides to confirm them.²²

CHAPTER IV

Concerning the Sacred Roman Congregations and Tribunals and their Faculties during the Vacancy of the Apostolic See

24. Regarding the faculties of the Sacred Roman Congregations during the vacancy of the See, these rules that follow must be observed by everyone, notwithstanding any and all privileges.

25. While the See is vacant, the Sacred Congregations have no power in those things that while the See is occupied they cannot do or expedite unless *facto verbo cum Ss.mo*, [“after having spoken with His Holiness”] or *ex audientia Ss.mi*, [“as a result of an audience with His Holiness”] or *vigore specialium et extraordinariarum facultatum* [“owing to special and extraordinary faculties”], special conditions that are customarily granted by the Roman Pontiff to the Prefects or Secretaries of the same Congregations. (This would pertain to certain appointments of titular bishops, which are the apostolic letters referred to above under para. 1.)

26. Indeed, the faculties which are granted to them by Apostolic Letters, and accordingly are considered as the ordinary and proper faculties of these Congregations, are not extinguished by the death of the Roman Pontiff.

27. Nevertheless, We wish that the Sacred Congregations use these ordinary faculties, freely, for a suitable advantage only in granting those favors that are of minor significance. But in those matters that must be expedited or determined, which seem to be more serious or disputed, We ordain it that, if it be such a matter that can be put off to another time, let it be wholly reserved to the future Pontiff; but if it cannot be put off to another time, we grant to the Sacred College that it can entrust the matter to the Prefect or to several Cardinals of his Congregation, to which the Pontiff would have probably entrusted the matter for examination; the Cardinals, after the matter has been carefully discussed, can thereon decide provisionally, until the Pontiff is elected, the questions that, in accordance with the prudence given to them by God, are apt and suitable for safeguarding and protecting ecclesiastical rights and policies.²³ (There seems to be no good reason whatsoever why the consecration of bishops could not be referred until after a papal election. If faithful bishops and senior clergy had exited the Novus Ordo church following Vatican 2, denounced Roncalli and Montini and had done what the Church demanded be done in an emergency — elect a pope from among themselves — no one would have needed to consecrate anyone. Bishops retain ordinary jurisdiction during an interregnum, so this would not have been a problem anyway. But none of them left; and Lefebvre and Thuc did not ever completely sever themselves from the NO or its antipopes.)

28. The Tribunal of the Sacred Rota and the Supreme Tribunal of the Apostolic Signatura, during the vacancy of the See, continue to render decisions on points of law according their

proper body of rules, having observed, nonetheless, canons 244 § 1 and 1603 § 2, Code of Canon Law, which have been prescribed.

CHAPTER V Concerning the Funeral Rites of the Roman Pontiff

29. After the death of the Roman Pontiff, the Cardinals will perform the funeral rites for his soul for nine consecutive days according to custom, unless by chance on those nine days some special or great feast should fall, in virtue of the observance of which the funeral rites may be viewed as discontinued for an interval, or also if a certain truly grave and urgent reason should present itself, which in the prudent judgment of the Cardinals compels them to suspend the order of the funeral rites: however, the funeral rites interrupted by chance will be resumed, if there is sufficient time. In fact, on the last three days, the funeral rites themselves will be celebrated by a more solemn ceremony; and on the last day of these same funeral rites, the prayer *De Pontifice defuncto* [i.e., concerning the deceased Pontiff] will be delivered by a male ecclesiastic appointed for this purpose.

30. If the interment is done in the Vatican Basilica, the Notary of the Chapter of the same Basilica will fill out the official instrument of entombment. In fact, afterward let a Cleric of the Venerable Apostolic Camera as well as some delegate from the Master of Chamber of the deceased Pontiff separately complete the documents that prove the interment was carried out, the first in the presence of the Venerable Apostolic Camera, the second in the presence of the Master Chamber.²⁴

31. If it should happen that the Roman Pontiff passes away outside the City of Rome, it will be the duty of the College of Cardinals to fittingly arrange for the worthy and proper transferal of the body to the Vatican Basilica of St. Peter.

TITLE II CONCERNING THE ELECTION OF THE ROMAN PONTIFF

CHAPTER I Concerning the Electors of the Roman Pontiff

32. The right of electing the Roman Pontiff pertains solely and exclusively to the Cardinals of the Holy Roman Church, having excluded and in every respect removed any intervention at all of any other Ecclesiastical dignity or lay power of any rank or order without distinction.²⁵

33. If it should happen that the Roman Pontiff die during the celebration of any general Council, whether it be held in Roma or in any other place in the world, the election of the new Pontiff must be effected always and exclusively by the sole College of Cardinals, but by no means by the Council itself: We declare invalid *ipso jure* [i.e., by the law itself] acts of a Council, which in any way whatsoever may seem to weaken by a reckless venture the exclusive right of

the Sacred College of Cardinals; again, besides the aforementioned Cardinals, any other persons of any kind whatsoever at all have been barred from carrying through the same election, even the ones to be appointed perhaps by the authority of the Council itself. (Those who claim John 23 was a valid Pope have never averted to this.) And furthermore, in order that, in an election of the kind referenced, (meaning that other types of election are possible, but never by the laity) the Cardinals be able to proceed more freely and expeditiously, with every impediment absolutely removed and any occasion whatsoever of disturbance and discord taken away, the Council itself, at whatever state or juncture it may appear, must be considered *ipso jure* suspended immediately upon receipt of the indisputable notice of the Pontiff's death, to such an extent that, with absolutely no intervening delay, it must immediately end any whatsoever meetings, congregations, and sessions and cease from drafting any whatsoever decrees or canons, under pain of nullity of the same; nor must it continue further owing to any whatsoever reason, even if it seems very grave and worthy of special mention, until the new canonically elected Pontiff orders the Council resumed and continued.²⁶

34. No Cardinal can in any way be excluded from the active and passive election of the Supreme Pontiff on the pretext or by reason of any excommunication, suspension, interdict, or other ecclesiastical impediment whatsoever; We, in fact, suspend these censures only for the effect of an election of this sort; they will remain in their own force in other circumstances.²⁷

(The menaing here obviously is that in another sort of election the censures would exclude them for any excommunication, suspension, interdict, etc., such as that posited by an Imperfect Council, which St. Robert Bellarmine suggested in an emergency situation. But this privilege does not include those excommunicated for heresy, apostasy or schism, because these laws would conflict with Pope Paul IV's Bull "Cum ex Apostoaltus Officio," which is still used as the Fontes for the Canons governing heresy, apostasy and schism.)

35. After any Cardinal of the Holy Roman Church has been created and made public in Consistory, he immediately has a voice and a right to elect the Pontiff as a result, even if the cardinalitial *galero* [i.e., the heraldic, "pontifical" red hat, a token of a cardinal's dignity] has not been delivered to him, and even if his mouth has not been closed, or if it shall have been closed but not yet opened [a reference to the old ceremony in the secret consistory following the public consistory, when the pope "opened" the previously "closed" mouths of each new cardinal to allow each to give advice in Church assemblies and then "closed" each one's mouth so as to prevent him from divulging secrets]. As a matter of fact, this rite of closing the mouth does not pertain to the special faculty of Cardinals that concerns the election of the Supreme Pontiff, but is a kind of ceremony, the reason for its institution was for the Cardinals to be in some way reminded, before they vote in Consistories and Congregations, about discretion, which must be employed by them in these and other proceedings.²⁸

36. Canonically deposed Cardinals, or those who have renounced the cardinalitial dignity with the Roman Pontiff's consent, have no legal right at an election. On the contrary, during the vacancy of the See, the Sacred College cannot restore or bring back to their former state

Cardinals stripped of this right or deposed by the Pope.²⁹ (This refers to Para. 34 above, canonical deposition being covered in Can. 188 §4, which has as its Fonte “Cum ex...”)

37. We order also that, when it happens that the Pontiff leaves this life, the Cardinals who are present are required to wait for fifteen full days only; in spite of this requirement, the power is granted to the Sacred College of Cardinals to postpone entry into the Conclave even for another two or three days; nevertheless, the rule is that after eighteen days at the most have elapsed³⁰ on which the funeral rites of the deceased Pontiff are celebrated, the Cardinals, in whatever number are there present, must immediately enter the Conclave and proceed to the business of election.³¹

38. For all that, if absent Cardinals should appear unexpectedly, while the matter remains undecided, that is, before the Church has been provided with a Pastor, let them be admitted in the same business in the state in which they found it.³²

39. We order and command all Cardinals, in virtue of holy obedience, after they have been informed of the vacancy of the Apostolic See by the Cardinal Dean (or if he was unable, by another Cardinal) and after they have been summoned to the election of the new Pontiff, that they must comply with the notice of meeting and take themselves immediately to the place assigned to the same Cardinals for carrying out the election of the Pontiff, unless they be detained by a legitimate impediment to be recognized by the Sacred College of Cardinals.³³

40. By chance if anyone should not wish to enter the Conclave or, having entered, should leave without a clear proof of illness sworn to by physicians and approved by a majority of Cardinals, then let the others freely proceed to the election without soliciting his vote and without having to admit him further in the business of the same election. But if, upon becoming ill, it happens that one of them leaves the Conclave, the Conclave can, even while his illness continues, proceed to the election without soliciting his vote; but if he should wish to return to the Conclave, after or before health has been restored to him, let him be admitted again.³⁴

41. Each and every Cardinal not impeded by bodily health must meet for the scrutiny [*i.e., the secret ballot to elect a pope*] when the little bell of the Conclave is rung for the third time at the customary locations; if anyone should not comply with that rule, let him incur the censure of excommunication *latae sententiae* [*i.e., “by imposed sentence,” excommunication incurred by the very fact of committing an act deserving censure*].³⁵

42. Finally, so as to recall at this appropriate juncture the rules handed down³⁶ about church-dress etiquette, which the Cardinals of the Holy Roman Church must practice while the See is vacant, the things that follow must be observed: The choir-cassock that they call cardinalitial, while the same See is vacant, will be purple and woolen, as will be the *cappa* [*i.e., a kind of mantle*]; a silk *fascia* [*i.e., a sash*] of the same color with golden tassels, collar, and buskins [*i.e., liturgical stockings*]; the plain rochet [*i.e., a close-fitting, surplice-like garment*] is used, decorated with featherlike work both on the yoke and on the ends of the sleeves, which nevertheless may not exceed a width of three centimeters; let them put on over the rochet the *mozzetta* [*i.e., a short cape buttoning at the front*] without *mantelletta* [*i.e., a sleeveless garment open at the front*]; the skull-cap [*i.e., the zucchetto*] and the biretta will be red but made of wool; the “usual” [*i.e., ordinary*] red hat; black shoes. Cardinals taken from the monastic and mendicant Orders wear

the habit proper to them by custom. In General Congregations that are celebrated before the Conclave, Cardinals must use rochet and *mozzetta*; and likewise they must use rochet and *mozzetta* in the Conclave while the scrutinies continue; in sacred functions that are called *Cappellae* [*i.e.*, *chapels*], they will put on the *cappa*.

CHAPTER II

Concerning the Conclavists and Others Having a Part in the Conclave

43. Let any Cardinal in the Conclave be free to use two clerical or lay servants, or one cleric and one layman; nevertheless, let it be permitted to the Cardinals to bring along with them only the one layman³⁷: however, for those seriously impaired, it is possible that a third servant can be granted by a majority of the Sacred College or by the Cardinal Camerlengo of the Holy Roman Church together with the Cardinal Heads of the Cardinalitial Ranks, with the agreement of a majority of the Sacred College.³⁸

44. The Conclavist-Prelates cannot be related to the Cardinals in the first and second degree by blood or by marriage, even if they might live at their expense, and they cannot belong to the same religious Order or Congregation: Indeed, be it forbidden to all these persons to serve other Cardinals in the Conclave, even though they possess no bond of consanguinity or relationship by marriage or membership in a religious community with those other Cardinals. Before entry into the Conclave, the Cardinal deputies must diligently conduct an examination into the qualities of the Conclavists who ought to be in the forefront in virtue of integrity of character, remarkable prudence, and distinguished reverence for the Holy See; then they should commend those Cardinals, and finally, after the entry into the Conclave, they should diligently seek them out.³⁹

45. In alight of the seriousness of the situation, let the Conclavists take an oath, which must be sworn earnestly and piously according to a set formula.⁴⁰ Wherefore, it will be the task of the Camerlengo of the Holy Roman Church to take care that the above-mentioned oath be sworn by them at least one or two days before entry into the Conclave, after each of them has correctly understood the importance of the oath and the purport of the formula.

46. Moreover, Conclavists and any others serving them who would go out of the Conclave by reason of manifest and evident illness—proved under oath and with the consent of the Cardinal Deputies, whose conscience we also burden [*i.e.*, *require them to act in good conscience*], and not otherwise—can in no way return; but, if necessity should require it, in their place let others, who are legitimately approved and admitted and who are already bound by the obligation of the oath, enter at altogether the same time at which the sick will exit.⁴¹

47. Likewise if it should happen that a Cardinal dies in the Conclave, his Conclavists must immediately leave the Conclave and cannot be added to the service staff of another Cardinal in the same Conclave.⁴²

48. In addition, let the Secretary of the Sacred College enter the Conclave, and likewise the Sacristan of the Sacred Apostolic Palace with, at the judgment of the Sacred College, one or more cleric assistants in the office of the Sacristy, and also the Prefect of Apostolic Ceremonies

and not more than six Masters of Ceremonies, who will be free from the duties that pertain to them.¹⁸

49. Furthermore, let there be present one Religious for hearing confessions, two Physicians, one Surgeon, and one Apothecary with one or two servants, who all will be selected by a majority of the Cardinals or by the Cardinal Camerlengo of the Holy Roman Church together with the Cardinal Heads of the Cardinalitial Ranks, with the consent of a majority of Cardinals; and let there be present other useful and suitable servants of the Conclave, who must, nevertheless, not be more than necessity demands,⁴³ and who will be selected by a Commission of Cardinals (cfr. n. 12g).

50.

CHAPTER III Concerning Entry into the Conclave⁴⁴

51. Once the funeral rites of the deceased Pontiff have been carried out, as above, and the Conclave has been in the meantime suitably prepared, the Cardinals gather on the appointed day at the Basilica of St. Peter, or elsewhere depending on the suitability of time and place, where the Mass of the Holy Ghost is celebrated by the Dean of the Sacred College or, if he is unable, by another of the more senior Cardinals; and at the end let a discourse be given by some Prelate or other learned churchman by which they may be advised to attend to providing the Holy Roman and Universal Church with an able and suitable Pastor, with all the speed and diligence they can, after having put aside all private emotions, having God alone before their eyes.

52. Immediately after the divine service has been completed, or in the evening if it is more agreeable to the Fathers, the entry into the Conclave is made. The Master of Ceremonies bearing the Papal Cross leads the way; the Cardinals follow him, first the Cardinal-Bishops, next the Cardinal-Priests, and lastly the Cardinal-Deacons, all dressed in their purple wool choir-cassocks and *mozzetta* with a silk sash of the same color and plain rochet. The Household Servants of the Cardinals go before the Cross, right after them the Singers singing the Hymn *Veni, Creator Spiritus* [*i.e., Come, Creator Spirit*]; the Prelates follow after the Cardinals, and so processing in order they enter the Conclave; and when they arrive at the Chapel¹, the Dean of the Cardinals at the Altar says the collect *Deus qui corda* [*i.e., O God, Who hast instructed the hearts of the faithful*]; when it is finished and after the announcement *extra omnes a Saccello* [*i.e., everybody out of the Chapel*] has been made, the present Constitution is read again (having omitted the sections that only treat of things already accomplished); and then the oath, according to the form prescribed above, is again taken by all the Cardinals. Afterward, by means of a short speech and fitting words, the Cardinal Dean encourages all the Cardinals to complete the business of election properly and correctly.

53. After all these things have been brought to an end, the Master of Chamber, who is the Governor of the Conclave, and the Perpetual Marshal of the Holy Roman Church, who is the

¹ **Translator's Note:** The printed text in the *Acta Apostolicae Sedis* (1946, p. 82) and that of the Vatican website read *ad Capellani*, which is surely a misprint (or typesetter's error) for *ad Capellam*.

Guardian of the Conclave, must take an oath according to the established formulas⁴⁵ in front of the Cardinal Dean, while all the Cardinals are present; and let the Prelates, to whom is entrusted the custody of the Rotas of the Conclave (namely, Archbishops and Bishops Assistant at the Pontifical Throne and the Protonotaries Apostolic *de numero Participantium* [i.e., *of the number of the participating*], the Auditors of the Sacred Roman Rota, and the Cleric Prelates of the Venerable Apostolic Camera do the same thing.⁴⁶

54. When these things have been completed, the Cardinals go to lodge in the cells distributed among them by lot, with the exception of the Cardinals senior in each Cardinalitial Rank and the Cardinal Camerlengo of the Holy Roman Church, who remain in the Chapel in order to proceed to the closing of the Conclave. In the meantime, however, the Officials of the Conclave and others serving in the Conclave again swear the oath already taken (cfr. n. 45) according to the prescribed formulas in the presence of the Secretary of the Sacred College, with the Prefect of Apostolic Ceremonies standing by, appointed for this purpose by the Cardinal Camerlengo of the Holy Roman Church, before whom they had to swear the oath beforehand.⁴⁷

55. Finally, after the little bell has been rung three times by order of the Cardinal Dean, having removed everyone who ought not to remain in the Conclave, with lighted torches, let the three Cardinal Heads of the Cardinalitial Ranks and the Camerlengo of the Holy Roman Church, together with the Secretary of the Conclave, the Prefect and Masters of Apostolic Ceremonies, and also the Architect of the Conclave diligently search the Conclave's hiding places and corners, lest any one of those who are prohibited from being in the Conclave remain within; after these things, however, let the Conclave be shut within and let the keys be entrusted to the Cardinal Camerlengo of the Holy Roman Church and to the Prefect of Apostolic Ceremonies. However, the Household Servants of the Cardinals and the other Officials and Ministers of the Conclave whom we enumerated above can be in the Conclave; but an inspection of all these Conclavists must be made lest anyone among them be by chance an outsider; in order to make the inspection more certain, all the Conclavist Chaplains are bidden to enter, and afterward are examined one by one.

56. At the same time as it is happening within, let the Conclave be closed from the outside by the Governor and by the Marshal of the Conclave, each one with his own retinue, and also by the Dean of the Cleric Prelates of the Venerable Apostolic Camera with the Secretary-Chancellor appointed by the Cardinal Camerlengo of the Holy Roman Church, along with Masters of Ceremonies and Architects, after due care and searches have been brought to bear beforehand; the keys, however, are entrusted to the Marshal-Custodian.

57. Let the documents for the two effected closures be drafted respectively, the one by the Prefect of Apostolic Ceremonies, to be signed by the Secretary of the Conclave and by the Prefect of Ceremonies himself performing the function of a Notary, with two Masters of Ceremonies as witnesses; the other by one of the Cleric Prelates of the Venerable Apostolic Camera appointed by the Cardinal Camerlengo of the Holy Roman Church, together with the Secretary-Chancellor, at the office of the Marshal of the Conclave, with the Marshall himself, the Prelate Governor of the Conclave, the Commissioner General of the same Conclave, who must

be one from the College of Advocates of the Consistorial Court,⁴⁸ and the Governor of Vatican City being present and signing.⁴⁹

CHAPTER IV

Concerning the Closure of the Conclave and Especially Concerning the Secrecy That Must Be Observed in All Those Things That Are Done in the Conclave

58. The election of the Supreme Pontiff must be done in a Conclave, and one that has been closed,²⁶ notwithstanding the removal of nullity of election on account of the regulation on this matter ordained by Gregory XV (or by any other pontifical decree whatsoever).

59. The Cardinals appointed *pro tempore* [i.e. *for the time being*] must, either by themselves or through others, rather often visit and diligently examine the cells of the Cardinals and other places of the of the Conclave lest the closure of the Conclave be violated in any way. And if any such thing is found, let the originators be expelled from the Conclave and let them be punished with grave penalties in the judgment of the future Pontiff.

60. When the Conclave has been closed, let no persons be admitted to conversation with the Cardinals or others having a part in the Conclave, unless there are present the Prelates to whom the custody of the Conclave is entrusted, and unless they speak audibly and in an intelligible language. And if by chance anyone enter the Conclave in secret (God forbid!), let him be deprived *ipso facto* [i.e., *by that very fact*] of every honor, rank, office, and ecclesiastical benefice.

61. Likewise, We enjoin that letters or written things of any kind whatsoever, even printed, cannot at all be sent both to those who are in the Conclave (not excepting the Cardinals of the Holy Roman Church themselves) and especially from the Conclave to those who are outside, unless each and every one of these communications be subjected to the examination and inspection of the Secretary of the Sacred College in company with the Prelates who have been appointed to the custody of the Conclave. Excepted from this rule is the exchange of letters, which will be free and unimpeded, between the Office of the Sacred Penitentiary and the Cardinal Grand Penitentiary while he sojourns in the Conclave; and those letters, stamped with the seal of Office, will not be subject to examination and inspection. However, we absolutely prohibit everyone from having daily newspapers or periodicals sent out of or into the Conclave. Indeed, let those who act against the things set forth above be subject to the censure of excommunication *latae sententiae*.⁵⁴

62. Furthermore, as it has been articulated in the oath formulas already noted above, both for the Cardinals of the Holy Roman Church and for the Conclavists, We strictly command and ordain that secrecy be most scrupulously observed by everyone having a part in the Conclave in all those things that pertain to the election of the Roman Pontiff, and in those things that are done in the Conclave or in the place of election. Hence they are required⁵⁵ to avoid and beware of all things whatsoever that can in any way whatsoever violate directly or indirectly secrecy, whether words, or writings, or signs, or any other things at all, in such a way that those violating this law

incur excommunication *latae sententiae*, from which—just as from any other law set in place and imposed against anyone in this Constitution—they can absolved by no one except by the Roman Pontiff, not even by the Grand Penitentiary in virtue of the force of any faculty whatsoever, except in the moment of death.⁵⁶

63. However, We especially prohibit the Cardinals, under pain of the same excommunication, from disclosing to Household Servants or Conclavists or to any others the things that directly or indirectly refer to the scrutiny, and likewise the things that have been done or decided in regard to the Pontiff's election in the Congregations of the Cardinals held either before the Conclave or during it.

64. Moreover, we command the Cardinals of the Holy Roman Church, *graviter onerata ipsorum conscientia* [i.e., “their conscience having been gravely bound”], that secrecy of this kind be observed even after the election of the new Pontiff has been finished, nor in any way may it be allowed to be violated unless a special faculty for that purpose or an express dispensation is granted by the same Pontiff. It is Our will that this commandment be extended to all others who had a part in the Conclave, if by chance they learned, by good or bad faith, something about those things that have been transacted in the Conclave.

65. Finally, in order to be more strictly mindful of observing secrecy, We entirely forbid from being introduced into the Conclave, under any pretext whatsoever, the instruments that they call telegraph, telephone, microphone, radio, still-camera, motion-picture camera and other instruments of this sort.

CHAPTER V

Concerning the Election's Mode of Procedure⁵⁷

66. On the following morning, after the closure of the Conclave on the preceding night, and after the customary ringing of the little bell, the Cardinals there present, who are not indisposed by illness, meet at the designated Chapel, and there, after the customary Mass has been celebrated and after the Cardinals, who have willingly refrained⁵⁸ from saying Mass for any reason whatsoever, have received Communion, and afterwards when the hymn *Veni, Creator Spiritus* has been sung by the Sacristan along with the collect of the Holy Ghost, and also after the instruments of the two closings of the Conclave have been read by the Prefect of Apostolic Ceremonies, they must immediately proceed to the business of the election, which must indeed be carried out in only one of three ways or modes, which are explained below; otherwise the election is subject to the defect of nullity.

67. The first way, which is called *quasi per inspirationem* [i.e., “as if by inspiration,” or *acclamation*], is, namely, when the Cardinals, as though inspired by the Holy Ghost, freely and spontaneously proclaim someone, unanimously and aloud, as the Supreme Pontiff: concerning this method, what has been written below must be noted: First, this mode of election can be employed only in the Conclave and after it has been closed. Second, the election ought to be done according to this form by each and every Cardinal present in the Conclave, even by those who on account of illness are confined to their cells. Third, jointly, and with no one of them

dissenting. Fourth, with no foregoing special handling of the person, by the word *eligo* [*i.e.*, *I choose*"] uttered in an intelligible voice, and expressed in writing, if he cannot utter it by voice. Now an example of this can be of this sort: If any of the fathers in the enclosed Conclave, with no foregoing special treatment (as noted earlier), should say: "Most Reverend Lords, in view of the singular virtue and probity of the Most Reverend Lord *N.N.* [*i.e.*, *first name, surname*], I should judge him to be elected as Roman Pontiff, and now I choose him as Pope." Then, and after this has been heard, if the other Fathers, no one excepted, following the opinion of the first with the same word "*eligo*" uttered in an intelligible voice or, if he cannot, expressed in writing, would jointly elect the same *N.*, about whom no special treatment preceded, *N.* himself would be canonically elected and the true Pope according to this manner of election, which is said to be by acclamation.

68. The second way is *per compromissum* [*i.e.* "*by reciprocal agreement*" or *delegation*], namely when, in certain special circumstances, the Cardinals, wishing to proceed to election by this mode or way, entrust the power of electing to some of the Fathers, so that they, in place of all [*i.e.*, *on behalf of all the Fathers*], may provide a Pastor to the Catholic Church; the exercise of this method must be of this sort: First, each and every Cardinal present in the closed Conclave, with no one dissenting, makes a compromise [*i.e.*, *Roman legal term of art meaning a "joint promise to abide by a decision of an arbiter"*] with some of the Fathers (that is, with three or five or seven, not with a lesser or greater number), for example, in this form: "In the name of the Lord. Amen. In the year etc., month etc., day etc., We, the Cardinals-Bishop, -Priests, and -Deacons of the Holy Roman Church, each and every one of us being resident in the Conclave, to wit, *N. N.* (and let all the Cardinals be named one by one), choose to proceed by way of delegation, and, unanimously and harmoniously with no one dissenting, we choose as arbitrators Cardinals *N.*, *N.*, and *N.* etc., to whom we give full faculty and power of providing the Holy Roman Church with a Pastor, under this method, namely..." (Here it will be necessary for the arbitrating Cardinals to express the mode and form according to which the Arbitrators must choose, and according to which the man elected must be considered the true and legitimate Pope, as for instance, if three Arbitrators were chosen, it must be declared for this purpose whether for the election to be valid they must in advance put forward to the Sacred College the person to be nominated by them to the Pontificate, or whether they should simply go through with the election; whether all three must agree on one person or, indeed, whether it is sufficient that two agree on one, and whether they should nominate someone from the College or even someone outside the College, and other things similar to these. Moreover to these or other similar things expressed in writing must be added the time period for the compromise, up to which the Cardinals wish the Arbitrators to have the power of electing, and afterward these words are subjoined: "And we promise that we will consider him as the Roman Pontiff, whom the Learned Arbitrators think to elect according to the aforementioned form," or other words adapted to the above-mentioned form. Second, when the mandate of this sort has been finished, the Arbitrators take themselves to an area in another separate and enclosed place, and take care of carrying out the election; and a declaration must be stated first among them, that they do not consider they are

giving their consent by any pronouncement of words unless they put it expressly in written words. And this pronouncement is necessary among the Arbitrators so that they can employ among themselves humane and reverent words without prejudice. Third, after the election has been carried out by the Arbitrators according to form prescribed to them, and after the election has been promulgated in the Conclave, the one elected by this method of delegation is the canonical and true Pope.

69. The third and ordinary mode or form of election of the Roman Pontiff is what is called *per scrutinium* [i.e., “scrutiny” or *secret balloting*]. In this respect, We must fully confirm the law laid down for quite a few centuries and very scrupulously observed since then by which it is indeed established that for the valid election of the Roman Pontiff at least two-thirds of the votes are required;⁵⁹ nevertheless We amend the same law only insofar as We determine that one vote over and above be added to the two-thirds of the votes, otherwise the election is *ipso jure* null and void, such that he will only be considered the Roman Pontiff on whom at least two thirds of the Cardinals present in the Conclave, plus one, will agree by secret paper ballots. However, We order that this decree must be brought into practice and observed so that one guard against any occasion of doubting lest the vote of the Elect himself be numbered in the two-thirds of the votes, since no one may ever be moved forward whether by way of scrutiny or compromise to elect himself or be able to give a vote to himself in any respect whatsoever: all the same, the person of the man elected, if he be in the Conclave, ought to counted among the number of Cardinals.⁶⁰

70. The process of scrutiny has three activities: one, which can be termed *pre-scrutiny*, the second, which can be termed *scrutiny*, and the third, which can be called *post-scrutiny*.

71. The steps of pre-scrutiny are four, to wit: [i] the preparation of the paper ballots; [ii] the drawing by lot of the Inspectors, the Deputies for the votes of the sick, and the Reviewers; [iii] the writing [i.e., *filling out*] of the paper ballots; [iv] the folding of the same.

72. The preparation and distribution of the paper ballots pertain to the Masters of Ceremonies, who will distribute at least two or three of them to each Cardinal.

73. The form of the paper ballot, as far as its dimensions are concerned, will be broader, i.e. more wide, on one side than long. However, in the middle of its foremost [i.e. *upper*] part it, it must contain these words, printed, if it can be done, otherwise written by hand:

Eligo in Summum Pontificem Reverendissimum Dominum meum D. Cardinalem
[i.e. *I choose for Supreme Pontiff the Most Reverend Lord, My Lord Cardinal _____*]

Accordingly an example of the scrutiny’s paper ballot will be this:

Eligo in Summum Pontificem Rev.mum
D. meum D. Card.

74. The second step of pre-scrutiny is the drawing of the names of the Inspectors, Deputies for the votes of the sick, and the Reviewers. The drawing must be conducted by lot in this way

before the scrutiny goes forward. In public view, let there be placed in a little bag or receptacle as many slips of paper as there are Cardinals in the Conclave with their names, or if it is more pleasing, small, clearly numbered, wooden spherical tokens: then first let the three Inspectors be drawn by the least senior Cardinal-Deacon, afterward three Deputies for the votes of the sick (who for the sake of brevity will be termed *Infirmarii*), and finally three Reviewers, the duty of all of whom will be detailed in writing below in its proper place. But if in the drawing of the Inspectors, *Infirmarii*, and Reviewers, the [*names of*] Cardinals who cannot carry out the aforementioned responsibilities on account of illness or another impediment are drawn, [*the names of*] others not impeded will be drawn in their place. After the drawing is completed, let the slips of paper, or the spherical tokens for them, which had been drawn, be thrown again into the little bag or receptacle.

75. The third step of the pre-scrutiny is the writing of the paper ballots. At this juncture, namely before the Cardinals begin to write the name of the one to be chosen on the paper ballots, the Secretary of the Sacred College and the Masters of Ceremonies must leave the hall, so that during the time of the scrutiny the Cardinals remain alone in the Chapel.

Further, after their exit from the hall, it will be the duty of the least senior Cardinal of the rank of Deacons to close the door of the Chapel: and generally to open and close it, as often as it will be necessary, for example, when the Cardinal-*Infirmarii* go to collect the votes of the sick and afterwards when they return to the Chapel², or for any other necessity whatsoever.

76. The writing of the paper ballots will be done secretly by each Cardinal, by writing the name of the one he chooses in the middle portion of the paper ballot, having changed his characteristic writing style, as far as it can be done, so that the hand of the one writing cannot easily be recognized; and let each one beware not to write several names on the paper ballot, because the vote would be null. Let this be a model of the written paper ballot:

Eligo in Summum Pontificem Rev.mum

D. meum D. Card. Baronium [*Baronius*]

77. The fourth step of the pre-scrutiny is the folding of the paper ballots, which will be done in the middle of the paper ballots, such that the paper ballot itself is reduced to a thumb's breath, just as can be seen from the figure which is placed here as an example:

Eligo in Summum Pontificem Rev.mum

(*The place of the fold*)

.....

D. meum D. Card. Baronium

² **Translator's Note:** The printed text in the *Acta Apostolicae Sedis* (1946, p. 89) and that of the Vatican website read *ad Capellani*, which is surely a misprint (or typesetter's error) for *ad Capellam*. See similar translator's note above, p. 11.

These things suffice for the pre-scrutiny; but that which concerns the sick Cardinals, or those otherwise impeded, will be spoken of in its proper place below.

78. The second activity follows, which has been called by the name of *scrutiny*. There are eight steps to this activity, namely, the carrying of the paper ballot, the swearing of the oath, the placement of the paper ballot into the chalice, the mixing of the paper ballots, the counting of them, the publication of the scrutiny, the placement of the paper ballots onto a thread, the putting them aside.

79. The carrying of the paper ballots and the two following steps, which are better described together on account of their connection, will be done in this manner. Any Cardinal, having observed the order of precedence, picks up by the first two fingers of his right hand his own paper ballot, after he has written and folded it, and with his hand raised in full view he carries it to the Altar, before which stand the Inspectors and on which there is furnished a large chalice, covered with a paten, for receiving the paper ballots; kneeling there, he will pray for a little while; then rising, in a loud and intelligible voice, he will swear an oath in this form, which is kept written down on a card placed on the Altar:

I call to witness Christ the Lord, Who will judge me, that I choose the man that, according to God, I conclude ought to be elected.

After these things, he places the paper ballot on the paten, and by means of the paten puts it into the chalice; after that has been done, he bows to the Altar, and returns to his place.

80. These things must be observed if the Cardinal is able to go to the Altar: for if on account of ill health he cannot and is present in the Chapel, the least senior Inspector will go to him; and the sick Cardinal, after he has secretly completed the paper ballot at his place, as has been said above, upon swearing the oath previously mentioned, hands it folded to the same Inspector, who will carry it in public view to the Altar, and without the prayer and the oath will place it on the paten, and by means of it put the ballot into the chalice.

81. If, in fact, there are any sick Cardinals in their cells, the three Cardinal *Infirmarii*, as drawn by lot above, go to them with a small container with a height of the width of one palm, on the upper part of which is a slot or opening of a size such that through it the folded paper ballot can be transferred by its breadth to inside the container. Before the Inspectors hand over the container to the *Infirmarii*, they will open it in full view so that the rest of the Cardinals can see that it is without contents and empty; then they will close it and place the key upon the Altar; then the *Infirmarii*, with the container closed and with a small dish containing enough paper ballots, will go to each one of them; and the sick will secretly write the paper ballots taken from the dish and will fold them, and at this time after swearing the previously mentioned oath will place it into the box through the slot; but if the sick cannot write, either one of the three Cardinals-*Infirmarii*, or another person at least in clerical orders, to be selected by the decision of any sick Cardinal or of the *Infirmarii*, having sworn the oath about observing secrecy in the hands of the *Infirmarii*⁶¹ themselves, will do the things mentioned above: and these individuals

must bear in mind that they are not only bound by the fetters of the oath to observe secrecy, but also that they will incur the censure of excommunication *latae sententiae*, if they should act counter to the law. After these things have been done, the *Infirmarii* return to the Chapel³ with the small container, which the Inspectors will open, and they will in full view count the paper ballots contained in it; and one by one they will put as many ballots found as there are sick Cardinals onto the paten, and by means of the paten put all of them together into the chalice.

Lest, however, the activity of the scrutiny be drawn out at length, the *Infirmarii* will be able to complete and place their own paper ballots into the Chalice after the Dean, then while the other Cardinals are engaged in the scrutiny, they can go to the sick to take their votes in the way in which it has been said just before.

82. The fourth step of the scrutiny is the mixing of the paper ballots, which will be done by the senior Inspector, having shaken several times the chalice in which these ballots had been placed while it is covered with the paten.

83. The fifth act is the counting of the paper ballots, which will be done in full view by the least senior Inspector, by taking one by one each paper ballot from the chalice and putting it into another empty chalice that has been prepared for this purpose. But if the number of paper ballots does not match the number of Cardinals, all must be burnt, and again, that is, for a second time, they must have recourse to votes [*i.e. voting*]. But if the number of paper ballots matches the number of Cardinals, the other steps of the scrutiny are to be continued.

84. The sixth step is the publication of the scrutiny, which will be done in this way by the Inspectors who sit at a table placed before the Altar. The senior Inspector will take one paper ballot and unfold it, and after having seen on the paper ballot the name of the one chosen, will hand it to the second Inspector, who in the same manner, after having viewed the name of the person chosen, will hand it to the third, who will read it in a loud and intelligible voice so that all the Cardinals present can make a note of the vote on a sheet of paper printed with the names of all the Cardinals, which they have in front of themselves: moreover, he will make a note of the name of the Cardinal read from the paper ballot. The same thing will be done with relation to the remaining paper ballots placed in the chalice up to the last one. But if in the publication of the scrutiny the Inspectors find two paper ballots so folded that it appears they were cast by one Cardinal only, if indeed one and the same man is chosen on both paper ballots, the aforementioned paper ballots will be considered and noted down as one vote; but if different men are named, neither vote will be valid; nevertheless, in neither case is the scrutiny spoiled. But after the publication of the scrutiny is finished, the aforementioned votes will be reduced to a summary by the Inspectors who obtained them according to the names of the Cardinals or they will make note of them on a separate sheet of paper, in this manner. *The Most Reverend Lord*

³ **Translator's Note:** The text of the *Acta Apostolicae Sedis* (1946, p. 91) and the Vatican website read *ad Capellani revertetur eum capsula*, a certain misprint or transcriptional error for *ad Capellam revertentur cum capsula*.

Cardinal A has 20 votes, and the Most Reverend Lord Cardinal B has 15 votes, and so on with the others; this is done lest, when it is necessary, the Cardinals be always forced to count the votes that they made note of next to the names of the Cardinals.

85. The seventh step of the scrutiny is the placement of the paper ballots onto a thread, which has been devised so that the paper ballots themselves can be more securely preserved. However, this placement will be done by the least senior Inspector by threading each paper ballot, after he reads it, with a needle and thread prepared for this purpose, in the place where the word *Eligo* is.

86. The eighth and last step of the scrutiny is the putting away of the paper ballots, which will similarly be done by the least senior Inspector, who, after the placement of all the paper ballots onto a thread has been done, will join the ends of the thread in a knot and put all the paper ballots so tied into another empty chalice or away from everything else on the table.

87. The third and last activity follows, which has been called the post-scrutiny, of which there are three steps, namely, the counting of the votes, the review of the same, and the burning of the paper ballots. Thus the first step is the counting of the ballot, which will be done always by the Inspectors, whether or not an election resulted; and if, indeed, an election did not result, in order that it be known that in the scrutiny a Pope has not been elected; but if in fact the election resulted, in order that the canonical election of the Pontiff be established. Moreover, this counting of the votes will be done in this way. The Inspectors will reduce the votes that any nominee obtained to a summary, and if they find that none of the nominees arrived at two thirds of the votes with one vote added over and above, a Pope is not elected; but if they find that some one of the nominees has obtained at least two thirds of the votes with one vote added over and above, the election of the Pope has occurred and is indeed canonically valid. The second act of the post-scrutiny is the review, which will be done by the Inspectors, whether or not an election resulted, by inspecting both the paper ballots of the scrutiny and the notations of the votes made by the Inspectors, so that by a review of this kind it can be established whether the Inspectors fulfilled their duty straightforwardly and faithfully.

The third and last step of the post-scrutiny, which will always be done by the Inspectors in full view, is the burning of all the paper ballots immediately after the review, whether or not an election resulted, before the Cardinals leave the hall, with the help of the Secretary of the Conclave and the Prefect of the Masters of Ceremonies, who have in the meantime been summoned by the least senior Cardinal-Deacon. Nevertheless, if a second scrutiny has to be carried out according to the procedures that will be prescribed⁴ below, then the burning of the

⁴ **Translator's Note:** The *Acta Apostolicae Sedis* (1946, p. 93) and the Vatican website read *praeserventur* (pres. passive subjunctive) which certainly a misreading of an original *praescribentur* (fut. passive indicative) because *praeservare* means in Later Latin "to observe beforehand" as well as "to observe [a custom]" and "to preserve." The presence of the word *inferius* ("below," "lower down [in the text,]" cfr. n. 88) indicates that the more frequently occurring *praescribere*, in the sense of "to order, to prescribe, to direct," is the original reading. The Miranda text, which is vitiated by many transcriptional errors throughout, reads *praescribentur* in an error-free paragraph.

paper ballots of the first scrutiny will be done at the end together with the paper ballots of the second scrutiny.

88. In order to observe secrecy most securely, We command each and every Cardinal, in virtue of holy obedience, to hand over, to be burnt together with the paper ballots, written notes of every description concerning the outcome of each scrutiny, which he may have with him.

89. In the Constitutions of Our Predecessors, especially in that of Gregory XV, in order to carry out a more unimpeded election, it had been ordered that, after the scrutiny was published, if an election is not accomplished therein by the agreement at that time of two-thirds, immediately before they come to the other steps, the Cardinals could, once in any scrutiny, approach one of the Cardinals who had obtained at least one valid vote in the same scrutiny, provided that he was not the one who had been nominated in the scrutiny by the very same Cardinal himself. Since nonetheless this kind of method of *accessus* [i.e., “approach”] was not a little difficult to carry out, especially with respect to those things that concern the inspection, the opening, and the comparison of the paper ballots; or rather since at present, after the careful method of the paper ballots has been introduced by Us, it would turn out to be almost impossible, We, confirming the regulation of our Predecessor Pius X who did not wish to come to this inconvenience and by no means to obstruct in any way the hastening of the desired election, do again ordain and prescribe that in place of this *accessus*, once both in the morning and in the evening, after the scrutiny has been completed in accordance with the procedures thus far explained, if indeed an election has not resulted therein, the Cardinals must immediately proceed to carry out a new scrutiny, in which they cast their votes again, having by no means taken into account the votes that were cast in the first scrutiny. It is Our will that in this second scrutiny the same procedures as in the first one be observed, such that the Cardinals at least not be bound to swear the oath or to elect new Inspectors, *Infirmarii*, and Reviewers; rather, let the things that were rendered with respect to these things in the first scrutiny also be valid without renewal for the second.

90. And all these things that have been set forth concerning the procedures of the scrutiny must be diligently observed by the Cardinals in all the scrutinies that must be conducted on each day in the morning⁵ after the customary Mass and the hymn *Veni, Creator Spiritus* with the collect of the Holy Ghost, and afternoon, at a suitable time, equally after the hymn *Veni, Creator Spiritus* with the collect of the Holy Ghost.⁶²

91. But if the election is conducted in a way other than in *scrutiny* by paper-ballot, secret votes of two thirds of the Cardinals present, with one vote added over and above, or in a way other than by way of *delegation* by all the Cardinals similarly present in the Conclave, with nobody dissenting, and such that no one chooses himself in that respect, or in way other than by *acclamation* of all the Cardinals similarly present, with no preceding special treatment, in like manner with no one dissenting, by the word “*eligo*” uttered in an intelligible voice or expressed

⁵ **Translator’s Note:** The *Acta Apostolicae Sedis* (1946, p. 94) and the Vatican website read *inane*, a certain error for *mane*, “in the morning.”

in writing, if he cannot utter it by voice; let it be null and invalid by that fact apart from any declaration, and let it give no right to one so elected.⁶³

92. We declare that all these things that have been said up to now concerning the things preceding the election and concerning the election itself of the Roman Pontiff, must be observed even if it happens that the a vacancy of the Apostolic See occurs by the resignation of the Supreme Pontiff.

CHAPTER VI

Concerning those Things that Must Be Observed or Avoided in the Election of the Roman Pontiff

93. Just as it is well established that the crime of simony, hateful both in divine and human law, is to be wholly rejected, so We reject and condemn it,⁶⁴ and we bind those guilty of this crime with the censure of excommunication *latae sententiae*, nevertheless, the annulment of a simoniacal election (may God avoid it!), ordained by Julius II or by any other pontifical decree has been removed, in order that the pretext of impugning the validity of the election of the Roman Pontiff be curtailed.

94. Likewise, on the same pain of excommunication *latae sententiae*, we forbid anyone, even if he be resplendent with a Cardinal's glory, from presuming, while the Roman Pontiff is alive and without consulting him, to treat of the election of his Successor, or to promise any vote, or to deliberate and decide anything concerning this case in private, arranged meetings.⁶⁵

(This was done in the election of John 23 as several have attested, invalidating his election since if he was excommunicated at the election, he could never have been a candidate.)

95. Moreover, We desire that all these things that have been proclaimed and sanctioned about the election of the Supreme Pontiff by Our Predecessors and especially by Pius X⁶⁶ concerning the civil Veto or *Exclusiva*, as they call it, be confirmed (as We herein renew them wholly and in part), so that, with the removal of every external intervention, there is a care for full freedom in electing the Supreme Pastor. Wherefore again in virtue of holy obedience, under the threat of divine judgment and the censure of excommunication *latae sententiae*, we forbid each and every Cardinal of the Holy Roman Church, both current and future, and in like manner the Secretary of the Sacred College of Cardinals, and all others taking part in a Conclave to accept from any civil power, on any pretext whatsoever, the assignment of proposing the Veto or *Exclusiva*, even if under the form of a simple wish, or to disclose this Veto, known to himself by whatever means, either to the entire College of Cardinals assembled together or to individual Fathers distinguished by their purple vesture, whether by writing or by mouth, either directly and immediately, or indirectly and by others, whether before the Conclave or during it. We desire this prohibition to be extended to all interventions, intercessions and other means whatsoever, in which lay powers of whatsoever position or rank might wish to become involved with the election of the Pontiff.

96. In addition, let the Cardinals abstain from all pacts, agreements, promises and any other obligations by which they can be bound to give or not give a vote to somebody or to some men; if these things in fact occur, We declare each and every one null and void, even if an oath has

been attached, and no one is bound to the observance of these things, and henceforth we bind those acting against this prohibition under pain of excommunication *latae sententiae*. Nevertheless, while the See is vacant, We are not of the mind to forbid holding discussions regarding the election.⁶⁷

(Many believe that what is in paras. 95 and 96 also happened in the case of John 23.)

97. In like manner, We forbid the Cardinals, before they come to the election, to make terms about or to decide certain things by common agreement for the observance of which they are put under an obligation if they are raised to the Pontificate. Likewise, if these things in fact do occur, We declare them null and void, even if an oath has been attached.⁶⁸

98. Finally, by the same words that our Predecessors used, we strongly encourage the Cardinals of the Holy Roman Church, led by no inclination of mind or by aversion, biased by no one's favor or deference, moved not by the intercession of powers in the world, influenced not by violence or by fear or by the breath of favor, but only having before their eyes the glory of God and the good of the Church in electing the Pontiff, to cast their votes for him whom they judge in comparison to the others as suitable in the Lord to govern the universal Church fruitfully and usefully.⁴⁶

99. Since, in fact, the faithful ought not so much depend upon the aid of human industry, even if diligent, as they must hope in the perseverance of humble and devout prayer, We add this rule, that in all cities, and in other places, at least the more notable ones, when the news of the Death of the Pontiff first arrives, after solemn funeral rites have been celebrated on his behalf by the Clergy and the People, on each day (until the Roman Church is provided with her own Pastor) let humble and incessant prayers be poured out to the Lord, so that He, Who makes harmony in His own lofty affairs, may so form the hearts of the same Cardinals with harmony in the election so that a swift, like-minded, and useful filling of the vacancy follow from their unanimity (as the salvation of souls demands and the benefit of the whole world requires). And lest it happen on the pretext of ignorance that so salutary a proclamation of the present rule be disregarded, We order that, by means of their sermons, the Patriarchs, Archbishops, Bishops, and other Prelates of the Churches, and the rest, whose task it is to announce the word of God, resourcefully encourage the Clergy and the People, who are to be especially assembled together more often on account of this, to perform repeatedly intercessory petitions of suppliant prayers for the swift and happy outcome of so great a matter.⁷⁰

100. Truly, We ask Our Heir and Successor not to withdraw himself, deterred by the difficulty of the office, from undertaking it, but rather to subject himself humbly to the design of divine will: for the very God Who imposes the burden also sets under His hand [*i.e., places His hand under the person as a support*], lest he be unequal in bearing it; for He Himself Who is the author of the burden is the helper of the management of it; He who conferred the dignity will give strength lest he fall down ill under the under the vastness of the grace [*i.e., office of the papacy*].⁷¹

CHAPTER VI

Concerning the Acceptance and the Proclamation of Election and also Concerning the Consecration and Coronation of the New Pontiff

101. After the election has been canonically carried out and after the Secretary of the Sacred College, the Prefect of Apostolic Ceremonies, and two Masters of Ceremonies have been summoned into the hall of the Conclave by the least senior Cardinal Deacon, let the consent of the man elected be asked by the Cardinal Dean in the name of the entire Sacred College with these words: Do you accept the canonically carried-out election of yourself as Supreme Pontiff?⁷²

102. After this agreement has been furnished within a time limit to be determined by the prudent judgment of the Cardinals by a majority of votes (to the extent it is necessary), the man elected is instantly the true Pope, and he acquires and can exercise full and absolute jurisdiction over the whole world⁷³. Hence, if anyone dares to challenge the documents prepared in regard to any business whatsoever that comes from the Roman Pontiff before the coronation, We bind him with the censure of excommunication to be incurred *ipso facto*.⁷⁴

103. After the Cardinal Dean asks, “By what name do you wish to be called?” the evidentiary record concerning the acceptance of the new Pontiff and the name assumed by Him is filled out, with the Prefect of Apostolic Ceremonies performing the duty of a Notary, with the Secretary of the Sacred College and two Masters of Ceremonies employed as witnesses.

104. Then, after having done the things that by custom have to be done according to the *Caeremoniale Romanum* [*i.e.*, The Roman Ceremonial, a liturgical book with instructions for papal ceremonies], the Cardinals furnish the first “adoration” [*i.e.*, homage] to the Supreme Pontiff Elect; after that has been completed and the hymn *Te Deum* [“We praise Thee, O God”] has been sung, the new Roman Pontiff is made known to the awaiting people by the Senior Cardinal Deacon,⁷⁵ and, a little while after, the Pontiff himself bestows the Apostolic Blessing *Urbi et Orbi* [*i.e.*, “to the City and to the World”]. Then follows the second “adoration,” which the Cardinals, dressed in purple *cappas*, carry out.

105. If the Elect is living outside the Conclave, the norms that are contained in the *Roman Ceremonial*, book I, title 1, *Concerning the Conclave and the Election of the Pope* §37, must be observed.

106. Finally after all these things have been duly fulfilled, at the command of the new Pontiff the Conclave is opened, both from within and without; the customary certificate of this opening is completed as sanctioned in number 56 above. Moreover, after the Conclave has been opened, the people are admitted who by custom are usually introduced to the elected Pontiff for the “adoration.”

107. When the Supreme Pontiff decides, the Cardinals are to be informed by the Prefect of Apostolic Ceremonies to perform the third “adoration.”

108. But if the man elected is not yet a Priest or a Bishop, he will be ordained and consecrated by the Dean of the Sacred College of Cardinals, (this means immediately after the election, as

can be seen from the order in which it is listed), who then uses the *pallium* [i.e., the circular woolen band worn by popes and archbishops signifying fullness of episcopal power]:⁵³ if the Cardinal Dean is absent, the privilege falls to the Sub-Dean, and if he is also absent, to the senior suburbicarian [i.e., pertaining to the 7 episcopal sees near Rome] Cardinal-Bishop.⁵⁴

109. Finally the Pontiff is crowned by the Cardinal-Protodeacon⁵⁵ and when He pleases, he takes possession of, by means of the prescribed ceremony, the Patriarchal Lateran Archbasilica.

Since the entire business has been seriously considered, and moved by the examples of Our Predecessors, We therefore ordain and prescribe these things, decreeing that this present document and whatever is contained in it can by no means be challenged, even from the fact that any persons having a right or interest in things said beforehand, or pretending to have an interest in any way whatsoever, do not agree to them, and are not called upon or heard relative to these things, or from whatever other reasons; but rather that these same documents are manifestly and will be always and perpetually true, valid, and effective, and acquire and obtain their own full and undiminished results; and we command those individuals to whom it pertains and will pertain for the time being to vote, that the ordinances must be respectively and inviolably observed by them, and if anyone should happen to try otherwise relative to these things, by whatever authority, knowingly or unknowingly, the attempt is null and void. (This strengthens what is said in the preamble, since it is said not only concerning the document itself but all the laws and rights of the Church. It also invalidates John 23rd's election.)

We desire also that this document of Ours be read in the presence of all in the first Congregations usually held after the death of the Pontiff, as above (no. 12 a); again after entry into the Conclave, as above (no. 51); likewise when anyone is raised to the dignity of the purple, after having pledged a solemn oath to scrupulously preserve the things that have been decreed in the present Constitution.

Notwithstanding any whatsoever Apostolic Constitutions and Orders to the contrary issued by Our Predecessor Roman Pontiffs, which, to the extent it is necessary, We declare each and every one to be abrogated, as above, and even other matters worthy of individual and special mention and derogation.

Therefore, let it be permitted to no man to weaken this page of Our constitution, ordinance, abrogation, commandment, binding order, warning, prohibition, precept, and will, or to go against it by a rash undertaking. Moreover, if any one presumes to attempt this, let him know that he will incur for it the anger of Almighty God and of the blessed Apostles Peter and Paul. (I believe that “page” should either read “pages” or be omitted, as nowhere else in any of the other constitutions where this curse or oath is used is it limited to one page, but always applies to the entire document. It is found also in Quo Primum, Cum ex..., Execrabilis, Pope St. Pius X's previous constitution on papal election and the constitution of Pope Benedict XV promulgating Canons Law.)

Given in Rome, at St. Peter's, A.D. 1945, on the eighth day of December, on the feast of the Immaculate Conception of the Blessed Virgin Mary, in the seventh year of Our Pontificate.

[1] Pii IV Const. *In eligendis*, VII Idus Oct. [*i.e.*, Oct. 9] 1562, § 6; Clem. XII Const. *Apostolatus officium*, IV Non. Oct. [*i.e.*, Oct 4] 1732, § 6.

[2] Clem. V in Conc. Viennensi, cap. 2, *Ne Romani* in pr. *de elect.*, I, 3 in Clem.

[3] Leonis XIII Const. *Praedecessores Nostri*, 24 Maii 1882.

[4] Clem. V cap. 2, *Ne Romani* in pr. *de elect.*, I, 3 in Clem.; Greg. XV Const. *Aeterni Patris*, XVII kal. Dec. [*i.e.*, Nov. 15] 1621, § 20.

[5] Leonis XIII Const. *Praedecessores Nostri*.

[6] Greg. X in gener Conc. Lugdun., cap. 3, *Ubi periculum*, § 1 *de elect.*, I, 6 in Sext.; Pii IV Const, *In eligendis*, § 6.

[7] Clem. XII Const. *Apostolatus officium*, § 7 ; Pii IV Const. *In eligendis* §§ 7 et 8.

[8] Clem. XII Const. *Apostolatus officium*, § 7.

[9] Clem. XII, Chirografo [*i.e.*, in the apostolic letter signed by the pope] *Avendo Noi*, 24 Dec. 1732, n. 17.

[10] The formula of the oath to be sworn by the Most Eminent and Most Reverend Cardinals of the Holy Roman Church: “We the Cardinals-Bishop, -Priests, and -Deacons of the Holy Roman Church promise, vow, and inviolably swear that each and every one of Us will precisely observe all things regarding the vacant Apostolic See contained in the Constitution of the Supreme Pontiff Pius XII, which begins with the words *Vacantis Apostolicae Sedis*, given on the eighth of December in the year 1945. Likewise, We promise, vow, and swear that whichever of Us will be raised to Roman Pontiff, with God so disposing, will completely and readily defend and protect the spiritual as well as temporal rights, especially those of the sovereignty of the Roman Pontiff, and the liberty of the Holy See, and, if it is necessary, to champion it, never to desist. We especially promise and swear, under the penalties established in the aforementioned Constitution of Pius XII, *Vacantis Apostolicae Sedis*, that We as well as all persons, even Our household servants or Conclavists, will most scrupulously observe secrecy in all the things that pertain in anyway whatsoever to the election of the Roman Pontiff , and in the things that may be done or decided about this matter in the Congregations of the Cardinals, held before the Conclave or during it, and likewise concerning those things that are done in the Conclave or in the place of election, directly or indirectly, regarding the scrutiny; and We will not violate in anyway the

aforesaid secrecy, whether during the Conclave or even after the election of the new Pontiff, unless a special faculty or an express dispensation is granted to Us by the same Pontiff; and likewise, in no way whatsoever will we accept from any civil power, on whatsoever pretext, the assignment of proposing the Veto or *Exclusiva*, even if under the form of a simple wish; or [*in no way will we*] disclose this Veto, known by whatever means, either to the entire College of Cardinals assembled together or to individual Fathers distinguished by their purple vesture, whether by writing or mouth, either directly and immediately, or indirectly and by others, whether before the Conclave or during it; and we will give aid or favor to no intervention, intercession, or other means whatsoever, in which lay powers of whatsoever position or rank might wish to become involved with the election of the Pontiff.” Let the Cardinal Dean order this formula to be read in a loud voice by the Prefect of Apostolic Ceremonies in the presence of all the Cardinals. Then let each Cardinal say: “And I *N.* Cardinal *N.* solemnly promise, pledge, and swear.” And placing both hands on the Gospels, let him add: “So help me God and these holy Gospels of God.”

[11] Pii XI, Motu proprio *Cum proxime*, 1 Mart. 1922, n. 1.

[12] Pii IV Const. *In eligendis*, § 17.

[13] Pii IV Const. *In eligendis*, § 15; Clem. XII Const. *Apostolatus officium*, § 10.

[14] Pii IV Const. *In eligendis*, § 13.

[15] Clem. V, cap. 2, *Ne Romani*, § 1, *de elect.*, I, 3 in Clem.; Pii IV Const. *In eligendis*, § 9; Clem. XII Const. *A postulatus officium*, § 15.

[16] Clem. V, cap. 2, *Ne Romani*, § 1, *de elect.*, I, 3 in Clem.; Clem. XII Const. *Apostolus officium*, § 15; Bened. XIV Const. *In Apostolicae*, Idibus Apr. 1744, § 4.

[17] Pii XI Const. *Ad incrementum*, 15 Aug. 1934, ii. XCVIII.

[18] Const. *Quae divinitus*, 25 Mart. 1935, n. 12; cfr. Benedicti XIV Const. *Pastor bonus*, Idibus Apr. 1744, §§ 51-55.

[19] Pii IV Const. *In eligendis*, § 11.

[20] Clem. XII Const. *Apostolatus officium*, § 17.

[21] Clem. XII Const. *Apostolatus officium*, § 25.

[22] Legge fondamentale dello Stato della Città del Vaticano, 7 giugno [i.e., June] 1929, n. 1.

[23] Clem. XII Const. *Apostolatus officium*, § 18.

[24] Cfr. Pii XI Const. *Ad incrementum*, n. C.

[25] Pii IX Const. *In hac sublimi*, X Kal. Septembr. [*i.e. Aug. 23*] 1871 and *Consulturi*, 10 Oct. 1877 ; Leonis XIII Const. *Praedecessores Nostri*.

[26] Pii IX Const *Cum Romanis Pontificibus*, pridie Nonas Dec. [*i.e., Dec. 4*] 1869; Cod. I. C. can. 229.

[27] Clem. V, cap. 2, *Ne Romani*, § 4, *de elect.*, I, 3 in Clem.; Pii IV Const. *In eligendis*, § 29; Greg. XV Const. *Aeterni Patris*, § 22.

[28] Pii V decr. on the day of 26 Ian. 1571; Caeremoniale Greg. XV, § *Porro*; Cod. I. C. can 233, § 1.

[29] Bonif. VIII, cap. un., *de schismatic.*, V, 3 in Sext. ; Pii IX Litt. *Quamquam*, 29 Septembris 1867.

[30] Pii XI Motu proprio *Cum proxima*, n. 1.

[31] Greg. X, cap. 3, *Ubi periculum*, § 1, *de elect.*, I, 6 in Sext.; Pii IV Const. *In eligendis*, §§ 2, 3, 5.

[32] Greg. X, cap. 3, *Ubi periculum*, § 1, *de elect.*, I, 6 in Sext.

[33] Leonis XIII Const. *Praedecessores Nostri*.

[34] Greg. X, cap. 3, *Ubi periculum*, § 1, *de elect.*, I, 6 in Sext.; Pii IV Const. *In eligendis*, § 4.

[35] Greg. XV Const. *Aeterni Patris*, § 17.

[36] S. Congr. *Caeremonialis*, Norme ceremoniali per gli E.mi Signori Cardinali, 6 Gennaio [*Jan. 6*] 1943, n. 33.

[37] Pii XI Motu proprio *Cum proxime*, n. II.

[38] Pii IV Const. *In eligendis*, § 16.

[39] Pii IV Const. *In eligendis*, § 17.

[40] The formula of the oath to be sworn by the Masters of Ceremonies and by all other ecclesiastical Conclavists appointed for matter, one or two days before entry into the Conclave, in the presence of the Secretary of the Sacred College, with the Prefect of Apostolic Ceremonies present: “ I.....set before you, with the most holy Gospels of God placed before me having been touched by me, promise and swear that I will inviolably observe secrecy in each and every thing that may be done or decided about the election in the Congregations of the Cardinals and in the Conclave or the place of election respecting the scrutiny directly or indirectly, and which I have learned about in any way whatsoever so that I may not be at liberty to violate it, neither directly not indirectly, neither by nodding or by word, neither in writing or in any other way

whatsoever; and likewise I promise and swear that in no way will I use in the Conclave any instruments whatsoever prepared for transmitting or receiving voice, or for representing images by light in any manner whatsoever; and this not only on pain of excommunication *latae sententiae* reserved in a special way to the future Pontiff, also negatively with respect to the Sacred Penitentiary [*i.e., to the exclusion of the Sacred Penitentiary*], but also under pain of loss of any benefice, pension, office or duty, to be incurred *ipso facto* in case of transgression. I shall observe secrecy most exactly and most scrupulously even after the election of the new Pontiff is completed, unless a special faculty or an express dispensation is granted to me by the same Pontiff. Equally I promise and swear that in no way will I accept from any civil power, on whatsoever pretext, the assignment of proposing the Veto or *Exclusiva*, even if under the form of a simple wish, and [*in no way will I*] disclose this Veto, known by whatever means, either to the entire College of Cardinals assembled together or to individual Cardinals, whether in writing or by mouth, either directly and immediately, or indirectly and by others, whether before the Conclave or during it; and we will give aid or favor to no intervention, intercession, or other means whatsoever, in which lay powers of whatsoever position or rank might wish to become involved with the election of the Pontiff. So help me God and these holy Gospels of God, which I touch with my own hands.”

Formula of the oath by the Conclavists and other lay assistants. [*In the published Constitution, there follows a somewhat free but very faithful Italian translation of the above oath.*]

[41]Pii IV Const. *In eligendis*, §24.

[42]Clem. XII Chirogr. [*i.e., in the apostolic letter signed by the pope*] *Avendo Noi*, n. 16.

[43]Pii IV Const. *In eligendis*, § 18; Clem. XII Const. *Apostolatus officium*, § 13.

[44]Cfr. *Caeremoniale Greg. XV*.

[45] Formula of the oath to be taken by the Prelate Governor of the Conclave and by the Prelates to who the custody of the Rotas of the Conclave is entrusted.

“I.....solemnly promise, pledge, and swear that I will perform my office diligently and scrupulously according to apostolic rules and the norms given by the Sacred College of Cardinals. So help me God and these holy Gospels of God.”

The formula of oath for the Marshal-Custodian [*the same formula as above, but in Italian with the words Maresciallo-Custode substituted for the named prelates*].

[46] Pii XI Const. *Ad incrementum*, nn. XXXVII, LXX, CIII.

[47] The formula of the oath to be given by the Secretary of the Sacred College and by the Prefect of Apostolic Ceremonies is the same thing as the formula to be sworn by other ecclesiastical Conclavists (number 45, note 4 [*i.e., 40 in this translation, where notes are*

numbered according to the endnotes of the text on the Vatican website; the text of the *Acta Apostolicae Sedis* uses footnotes]) except the beginning which is as follows: “I.....with the most holy Gospels of God placed before me having been touched by me, promise and swear that I will be faithful in each and every thing to the Sacred College of Cardinals and I will diligently and scrupulously perform my office. Likewise I promise and swear that I will inviolably, etc.”

[48] Bened. XIV Const. *Inter conspicuos*, iv kal. [*i.e.*, Aug. 29] Septembr. 1744, § 31.

[49] Cfr. Pii XI Const. *Ad incrementum*, n. CII

[50] Greg. X cap. 3, *Ubi periculum*, § 1, *de elect.*, I, 6 in Sext.; Greg. XV Const. *Aeterni Patris*, § 1.

[51] Pii IV Const. *In eligendis*, § 15.

[52] Greg. X cap. 3, *Ubi periculum*, § 1. *de elect.*, I, 6 in Sext.; Pii IV Const. *In eligendis*, § 19;

[53] Pii XII Const. *Quae divinitus*, n. 12.

[54] Greg. X cap. 3, *Ubi periculum*, § 1. *de elect.*, I, 6 in Sext.; Pii IV Const. *In eligendis*, § 20; Clem. XII Const. *Apostolatus officium*, § 11.

[55] Greg. XV Const. *Aeterni Patris*, § 20.

[56] Greg. XV Const. *Aeterni Patris*, § 19.

[57] Cfr. *Caeremoniale Greg XV*.

[58] Pii XI Motu proprio *Cum proxime*, n III.