

THE COUNCIL OF TRENT

Session XXIV - which is the eighth under the Supreme Pontiff, Pius IV, celebrated on the eleventh day of November, 1563

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Doctrine Of The Sacrament Of Matrimony

The perpetual and indissoluble bond of matrimony was expressed by the first parent of the human race, when, under the influence of the divine Spirit, he said: <This now is bone of my bones and flesh of my flesh. Wherefore a man shall leave father and mother and shall cleave to his wife, and they shall be two in one flesh.>[1] But that by this bond two only are united and joined together, Christ the Lord taught more plainly when referring to those last words as having been spoken by God, He said: <Therefore now they are not two, but one flesh,>[2] and immediately ratified the firmness of the bond so long ago proclaimed by Adam with these words: <What therefore God has joined together, let no man put asunder.>[3]

But the grace which was to perfect that natural love, and confirm that indissoluble union, and sanctify the persons married, Christ Himself, the instituter and perfecter of the venerable sacraments, merited for us by His passion, which Paul the Apostle intimates when he says: Husbands love your wives, as Christ also loved the Church, and delivered himself up for it;[4] adding immediately: <This is a great sacrament, but I speak in Christ and in the Church.>[5]

Since therefore matrimony in the evangelical law surpasses in grace through Christ the ancient marriages, our holy Fathers, the councils,[6] and the tradition of the universal Church, have with good reason always taught that it is to be numbered among the sacraments of the New Law; and since with regard to this teaching ungodly men of this age, raving madly, have not only formed false ideas concerning this venerable sacrament, but, introducing in conformity with their habit under the pretext of the Gospel a carnal liberty, have by word and writing asserted, not without great harm to the faithful of Christ, many things that are foreign to the teaching of the Catholic Church and to the usage approved of since the times of the Apostles, this holy and general council, desiring to restrain their boldness, has thought it proper, lest their pernicious contagion should attract more, that the principal heresies and errors of the aforesaid schismatics be destroyed by directing against those heretics and their errors the following anathemas.

Canons On The Sacrament Of Matrimony

Canon I. If anyone says that matrimony is not truly and properly one of the seven sacraments of the evangelical law, instituted by Christ the Lord,[7] but has been devised by men in the Church and does not confer grace, let him be anathema.

Can. 2. If anyone says that it is lawful for Christians to have several wives at the same time and that this is not forbidden by any divine law,[8] let him be anathema.

Can. 3. If anyone says that only those degrees of consanguinity and affinity which are expressed in Leviticus can hinder matrimony from being contracted and dissolve it when contracted,[9] and that the Church cannot dispense in some of them or declare that others hinder and dissolve it, let him be anathema.

Can. 4. If anyone says that the Church cannot establish impediments dissolving marriage,[10] or that she has erred in establishing them, let him be anathema.

Can. 5. If anyone says that the bond of matrimony can be dissolved on account of heresy,[11] or irksome cohabitation, or by reason of the voluntary absence of one of the parties, let him be anathema.

Can. 6. If anyone says that matrimony contracted but not consummated is not dissolved by the solemn religious profession of one of the parties,[12] let him be anathema.

Can. 7. If anyone says that the Church errs in that she taught and teaches that in accordance with evangelical and apostolic doctrine the bond of matrimony cannot be dissolved by reason of adultery on the part of one of the parties, and that both, or even the innocent party who gave no occasion for adultery, cannot contract another marriage during the lifetime of the other, and that he is guilty of adultery who, having put away the adulteress, shall marry another, and she also who, having put away the adulterer, shall marry another,[13] let him be anathema.

Can. 8. If anyone says that the Church errs when she declares that for many reasons a separation may take place between husband and wife with regard to bed and with regard to cohabitation for a determinate or indeterminate period, let him be anathema.

Can. 9. If anyone says that clerics constituted in sacred orders or regulars who have made solemn profession of chastity can contract marriage, and that the one contracted is valid notwithstanding the ecclesiastical law or the vow, and that the contrary is nothing else than a condemnation of marriage, and that all who feel that they have not the gift of chastity, even though they have made such a vow, can contract marriage, let him be anathema, since God does not refuse that gift to those who ask for it rightly, neither does <he suffer us to be tempted above that which we are able.>[14]

Can. 10. If anyone says that the married state excels the state of virginity or celibacy, and that it is better and happier to be united in matrimony than to remain in virginity or celibacy,[15] let him be anathema.

Can. 11. If anyone says that the prohibition of the solemnization of marriages at certain times of the year is a tyrannical superstition derived from the superstition of the heathen,[16] or condemns the blessings and other ceremonies which the Church

makes use of therein, let him be anathema.

Can. 12. If anyone says that matrimonial causes do not belong to ecclesiastical judges, let him be anathema.

Decree Concerning The Reform Of Matrimony

Chapter I

The Form Prescribed In The Lateran Council For Solemnly Contracting Marriage Is Renewed; Bishops May Dispense With The Publication Of The Banns; Whoever Contracts Marriage Otherwise Than In The Presence Of The Pastor And Of Two Or Three Witnesses, Does So Invalidly

Although it is not to be doubted that clandestine marriages made with the free consent of the contracting parties are valid and true marriages so long as the Church has not declared them invalid,[17] and consequently that those persons are justly to be condemned, as the holy council does condemn them with anathema, who deny that they are true and valid, and those also who falsely assert that marriages contracted by children [minors] without the consent of the parents are invalid, nevertheless the holy Church of God has for very just reasons at all times detested and forbidden them.[18] But while the holy council recognizes that by reason of man's disobedience those prohibitions are no longer of any avail, and considers the grave sins which arise from clandestine marriages, especially the sins of those who continue in the state of damnation, when having left the first wife with whom they contracted secretly, they publicly marry another and live with her in continual adultery, and since the Church which does not judge what is hidden, cannot correct this evil unless a more efficacious remedy is applied, therefore, following in the footsteps of the holy Lateran Council celebrated under Innocent III,[19] it commands that in the future, before a marriage is contracted, the proper pastor of the contracting parties shall publicly announce three times in the church, during the celebration of the mass on three successive festival days, between whom marriage is to be contracted; after which publications, if no legitimate impediment is revealed, the marriage may be proceeded with in the presence of the people, where the parish priest, after having questioned the man and the woman and heard their mutual consent, shall either say: "I join you together in matrimony, in the name of the Father, and of the Son, and of the Holy Ghost," or he may use other words, according to the accepted rite of each province. But if at some time there should be a probable suspicion that a marriage might be maliciously hindered if so many publications precede it, then either one publication only may be made or the marriage may be celebrated forthwith in the presence of the parish priest and of two or three witnesses. Then before its consummation the publications shall be made in the church, so that if any impediments exist they may be the more easily discovered, unless the ordinary shall deem it advisable to dispense with the publications, which the holy council leaves to his prudence and judgment. Those who shall attempt to contract marriage otherwise than in the presence of the parish priest or of another priest authorized by the parish priest or by the ordinary and in the presence of two or three witnesses, the holy council renders absolutely incapable of thus contracting marriage and declares such contracts invalid and null, as by the present decree it invalidates and annuls them. Moreover, it commands that the parish priest or another priest who shall have been present at a contract of this kind with less than the

prescribed number of witnesses, also the witnesses who shall have been present without the parish priest or another priest, and also the contracting parties themselves, shall at the discretion of the ordinary be severely punished. Furthermore, the same holy council exhorts the betrothed parties not to live together in the same house until they have received the sacerdotal blessing in the church;[20] and it decrees that the blessing is to be given by their own parish priest, and permission to impart it cannot be granted to any other priest except by the parish priest himself or by the ordinary, any custom, even though immemorial, which ought rather to be called a corruption, or any privilege notwithstanding. But if any parish priest or any other priest, whether regular or secular, should attempt to unite in marriage or bless the betrothed of another parish without the permission of their parish priest, he shall, even though he may plead that his action was based on a privilege or immemorial custom, remain <ipso jure> suspended until absolved by the ordinary of that parish priest who ought to have been present at the marriage or from whom the blessing ought to have been received. The parish priest shall have a book in which he shall record the names of the persons united in marriage and of the witnesses, and also the day on which and the place where the marriage was contracted, and this book he shall carefully preserve. Finally, the holy council exhorts the betrothed that before they contract marriage, or at least three days before its consummation, they carefully confess their sins and approach devoutly the most holy sacrament of the Eucharist. If any provinces have in this matter other laudable customs and ceremonies in addition to the aforesaid, the holy council wishes earnestly that they be by all means retained. And that these so salutary regulations may not remain unknown to anyone, it commands all ordinaries that they as soon as possible see to it that this decree be published and explained to the people in all the parish churches of their dioceses, and that this be done very often during the first year and after that as often as they shall deem it advisable. It decrees, moreover, that this decree shall begin to take effect in every parish at the expiration of thirty days, to be reckoned from the day of its first publication in that church.

Chapter II

Between Whom Spiritual Relationship Is Contracted

Experience teaches that by reason of the large number of prohibitions, marriages are often unknowingly contracted in prohibited cases in which either the parties continue to live, not without great sin, or the marriages are dissolved, not without great scandal. Wherefore, the holy council wishing to provide against this condition, and beginning with the impediment arising from spiritual relationship, decrees that in accordance with the prescriptions of the holy canons,[21] one person only, whether man or woman, or at most one man and one woman, shall act as sponsors in baptism for the one baptized, and spiritual relationship shall be contracted between these only and the one baptized, and his father and mother, and also between the one baptizing and the one baptized and the father and mother of the one baptized. Before the parish priest proceeds to confer baptism, he shall carefully inquire of those whom it concerns what person or persons they have chosen to act as sponsors at the font for the one to be baptized, and he shall permit him or them only to act as such, shall record their names in the book, and shall teach them what relationship they have contracted, so that they may not have any excuse on the score of ignorance. If any others, besides those designated, should touch the one being baptized, they shall

not in any way contract a spiritual relationship, any constitutions asserting the contrary notwithstanding.[22] If through the fault or negligence of the parish priest it should be done otherwise, he shall be punished at the discretion of the ordinary. That relationship also which is contracted in confirmation is not to be extended beyond him who confirms, the one confirmed, his father and mother, and the sponsor;[23] all impediments of this spiritual relationship between other persons being completely removed.

Chapter III

The Impediment Of Public Honesty Is Restricted Within Certain Limits

The holy council completely removes the impediment of justice arising from public honesty where the betrothals are for any reason not valid.[24] But where they are valid, the impediment shall not extend beyond the first degree, because in more remote degrees such a prohibition can no longer be observed without detriment.

Chapter IV

Affinity Arising From Fornication Is Restricted To The Second Degree

Moreover, the holy council, moved by the same and other very grave reasons, restricts the impediment which arises on account of the affinity contracted from fornication, and which dissolves the marriage afterward contracted,[25] to those only who are united in the first and second degree; in more remote degrees it ordains that affinity of this kind does not dissolve the marriage afterward contracted.

Chapter V

No One Is To Marry Within The Prohibited Degrees; In What Manner Dispensation Is To Be Granted Therein

If anyone should presume knowingly to contract marriage within the prohibited degrees, he shall be separated and shall have no hope of obtaining a dispensation; [26] and this shall apply much more to him who has dared not only to contract such a marriage but also to consummate it. If he has done this in ignorance and yet has neglected the solemnities required in the contraction of matrimony, he shall be subject to the same penalties; for he who has rashly despised the salutary precepts of the Church, is not worthy to enjoy without difficulty her beneficence. But if after the observance of the solemnities some impediment should afterward be discovered of which he probably had, no knowledge, then he may more easily and gratuitously be granted a dispensation. In the contraction of marriages either no dispensation at all shall be granted or rarely, and then for a reason and gratuitously. In the second degree a dispensation shall never be granted except in the case of great princes and for a public cause.

Chapter VI

Punishments Against Abductors Are Prescribed

The holy council decrees that between the abductor and the one abducted there can be no marriage so long as she remains in the power of the abductor. But if the one abducted is separated from the abductor and is in a free and safe place, and consents to have him for her husband, the abductor may have her for his wife;[27] nevertheless, the abductor and all who have given him advice, aid and approval shall be <ipso jure> excommunicated and forever infamous and disqualified for all dignities of any kind; and if they be clerics, they shall forfeit all rank.[28] The abductor shall, moreover, be bound, whether he marries the one abducted or not, to bestow on her at the discretion of the judge a suitable endowment.[29]

Chapter VII

Vagrants Are To Be United In Matrimony With Caution

There are many who are vagrants and have no permanent abode, and, being of unprincipled character, after having abandoned their first wife, marry another, very often several in different localities, during the lifetime of the first. The holy council wishing to put an end to this evil, extends this fatherly admonition to all whom it may concern; namely, not to admit to marriage easily this class of vagrants; it also exhorts the civil magistrates to restrain them vigorously. But it commands parish priests not to be present at the marriage of such persons unless they have first made a diligent inquiry, and after having reported the matter to the ordinary, shall have obtained permission from him to do so.

Chapter VIII

Concubinage Is Severely Punished

It is a grave sin for unmarried men to have concubines, but it is a most grave sin, and one committed in singular contempt of this great sacrament, when married men live in this state of damnation and have the boldness at times to maintain and keep them in their homes even with their own wives. Wherefore, the holy council, in order to provide suitable remedies against this great evil, decrees that if these concubinaries, whether unmarried or married, whatever may be their state, dignity or profession, have not, after a threefold admonition in reference to this matter by the ordinary, also ex officio, put away their concubines and separated themselves from intimacy with them, they shall be punished with excommunication from which they shall not be absolved till they have in fact obeyed the admonition given them.[30] But if, regardless of censures, they shall continue in concubinage for a year, the ordinary shall proceed against them with a severity in keeping with the character of the crime. Women, whether married or unmarried, who live publicly with adulterers or concubinaries, if after a threefold admonition they do not obey, shall be punished severely in accordance with their guilt by the local ordinaries, even though not called upon by anyone to do so, <ex officio;> and if the ordinaries should deem it expedient, they shall be expelled, even with the aid of the secular arm, if need be, from the city or the diocese; the other penalties imposed on adulterers and concubinaries shall remain in force.

Chapter IX

Temporal Lords Or Magistrates Shall Not Attempt Anything Contrary To The Freedom Of Marriage

Worldly inclinations and desires very often so blind the mental vision of temporal lords and magistrates, that by threats and ill usage they compel men and women who live under their jurisdiction, especially the rich or those who expect a large inheritance, to contract marriage against their will with those whom these lords or magistrates propose to them. Wherefore, since it is something singularly execrable to violate the freedom of matrimony, and equally execrable that injustice should come from those from whom justice is expected,[31] the holy council commands all, of whatever rank, dignity and profession they may be, under penalty of anathema to be incurred ipso facto, that they do not in any manner whatever, directly or indirectly, compel their subjects or any others whomsoever in any way that will hinder them from contracting marriage freely.[32]

Chapter X

The Solemnities Of Marriages Are Forbidden At Certain Times

The holy council commands that from the Advent of our Lord Jesus Christ till the day of the Epiphany, and from Ash Wednesday till the octave of Easter inclusive, the old prohibitions of solemn nuptials be carefully observed by all;[33] at other times it permits marriages to be celebrated solemnly and the bishops shall see to it that they are conducted with becoming modesty and propriety, for matrimony is a holy thing and IS to be treated in a holy manner.

Decree Concerning Reform

The same holy council, continuing the matter of reform, decrees that the following be ordained in the present session.

Chapter I

Norms Of Procedure In The Election Of Bishops And Cardinals

If in all ecclesiastical grades a prudent and enlightened attention is necessary in order that in the house of the Lord there be nothing disorderly and nothing unbecoming, much more ought we to strive that no error be committed in the election of him who is constituted above all grades. For the state and order of the entire household of the Lord will totter if what is required in the body be not found in the head. Hence, although the holy council has elsewhere decided to advantage a number of things concerning those to be promoted to cathedral and major churches, [34] yet it considers this office to be of such a nature that if viewed in its greatness, there can never be caution enough taken concerning it. Wherefore it decrees that as soon as a church becomes vacant, public and private supplications and prayers be

made and be ordered throughout the city and diocese by the chapter, that clergy and people may implore God for a good shepherd. It moreover exhorts and admonishes each and all who in any manner have a right from the Apostolic See to participate in the promotion of those to be placed in authority, or who otherwise render assistance (due to the circumstances of the present time no change being made herein), that they above all bear in mind that they can do nothing more serviceable to the glory of God and the salvation of the people than to exert themselves to the end that good and competent shepherds be promoted to the government of the Church, and that they become partakers in the sins of others and sin mortally unless they strive diligently that those be promoted whom they judge the more worthy and useful to the Church, not moved by entreaties or human affection, or the solicitations of rivals, but because their merits speak for them, whom they know to be persons of lawful wedlock, and whose life, age, learning and all other qualifications meet the requirements of the sacred canons and the decrees of this Council of Trent.[35] But since the taking of the important and competent testimony of upright and learned men regarding the aforesaid qualifications cannot by reason of the diversity of nations, peoples and customs be everywhere uniformly followed, the holy council commands that in the provincial synod to be held by the metropolitan, there be prescribed for each place and province a special or proper form of the examination, investigation or instruction to be made, such as shall appear most useful and suitable for these places and which is to be submitted to the approval of the most holy Roman pontiff; so however, that after the completion of the examination or investigation of the person to be promoted, it shall, after having been put in the form of a public document, be transmitted as soon as possible, with all the attestations and with the profession of faith made by the one to be promoted, to the most holy Roman pontiff, in order that the Roman pontiff himself, with a complete knowledge of the whole matter and of the persons before him, may for the benefit of the Lord's flock provide the churches more profitably if in the examination or investigation they have been found competent. All examinations, investigations, attestations and proofs of whatever kind and by whomever made, even though in the Roman Curia, concerning the qualifications of the one to be promoted and the condition of the church, shall be carefully examined by the cardinal, who shall report thereon to the consistory, and three other cardinals; and this report shall be authenticated by the signature of the cardinal making the report and of the three other cardinals, in which each of the four cardinals shall affirm that, after having given it his careful attention, he has found those to be promoted to possess the qualifications required by law and by this holy council and at the peril of his eternal salvation firmly believes that they are competent to be placed over churches; and the report having been made in one consistory, that the investigation may in the meantime receive more mature consideration, the decision shall be deferred to another consistory, unless the most blessed pontiff shall deem it expedient to act otherwise. Each and all of the particulars relative to the life, age, learning and the other qualifications of those who are to be appointed bishops, which have been determined elsewhere by this council, the same It decrees are to be required in the election of the cardinals of the holy Roman Church, even though they be deacons, whom the most holy Roman pontiff shall, in so far as it can be conveniently done, choose from all the nations of Christendom according as he finds them competent. Finally, the same holy council, moved by so many very grave afflictions of the Church, cannot but call to mind that nothing is more necessary to the Church of God than that the holy Roman pontiff apply that solicitude which by the duty of his office he owes the universal Church in

a very special way by associating with himself as cardinals the most select persons only, and appoint to each church most eminently upright and competent shepherds; and this the more so, because our Lord Jesus Christ will require at his hands the blood of the sheep of Christ that perish through the evil government of shepherds who are negligent and forgetful of their office.

Chapter II

Provincial Synods Are To Be Celebrated Every Three Years, Diocesan Synods Every Year; Who Are To Convoke Them And Who Are To Be Present Thereat

Provincial synods, wherever they have been omitted, shall be restored for the regulation of morals, the correction of abuses, the settlement of controversies, and for other purposes permitted by the sacred canons.[36] Wherefore the metropolitans in person, or if they are legitimately hindered, the oldest suffragan bishop, shall not neglect to convoke, each in his own province, a synod within a year at least from the termination of the present council and after that at least every third year, after the octave of the resurrection of our Lord Jesus Christ or at some other more convenient time, according to the custom of the province, and which all the bishops and others who by right or custom are under obligation to be present shall be absolutely bound to attend, those being excepted who at imminent danger would have to cross the sea. The bishops of the province shall not in the future be compelled under pretext of any custom whatsoever to go against their will to the metropolitan church. Those bishops likewise who are not subject to any archbishop shall once for all choose some neighboring metropolitan, at whose provincial synod they shall be obliged to be present with the other bishops, and whatever has been decided therein they shall observe and cause to be observed. In all other respects their exemption and privileges shall remain intact and entire. Diocesan synods also are to be celebrated annually; at which also all those exempt, who would otherwise by reason of the cessation of that exemption have to attend, and who are not subject to general chapters, shall be bound to assemble; those also who have charge of parochial or other secular churches, even though annexed, whoever they may be, must be present at the synod. But if the metropolitans and also the bishops and the others mentioned above prove negligent in these matters, they shall incur the penalties prescribed by the sacred canons.

Chapter III

In What Manner Prelates Are To Make Their Visitation

Patriarchs, primates, metropolitans and bishops shall not neglect to visit their respective dioceses, either personally or, if they are lawfully hindered, through their vicar-general or visitor;[37] if by reason of its extent they are unable to make a visitation of the whole annually, they shall either themselves or through their visitors visit at least the greater part of it, so that the whole may be completed in two years. Metropolitans, even after a complete visitation of their own diocese, shall not visit the cathedral churches or the dioceses of the bishops of their province, except for a cause taken cognizance of and approved by the provincial synod. Archdeacons, deans and other inferiors shall visit those churches in which they have thus far been

accustomed legally to make visitations, but from now on with the consent of the bishop, personally and with the aid of a notary. Also the visitors delegated by a chapter, where the chapter has the right of visitation, shall be first approved by the bishop; thereby, however, the bishop, or if he be hindered, his visitor, shall not be prohibited from visiting those same churches apart from these, and the archdeacons and other inferiors shall be bound to render to him an account within a month of the visitation made by them, and to show him the depositions of witnesses and the entire proceedings; any custom, even though immemorial, and any exemptions and privileges whatsoever notwithstanding. But the chief purpose of all these visitations shall be, after the extirpation of heresies, to restore sound and orthodox doctrine, to guard good morals and to correct such as are evil, to animate the people by exhortations and admonitions with religion, peace and innocence, and to regulate the rest for the benefit of the faithful as the prudence of the visitors may suggest, allowance being made for place, time and occasion.[38] That these things may be more easily and happily accomplished, each and all of the aforesaid to whom the right of visitation belongs, are admonished to treat all with a fatherly love and Christian zeal, and therefore content with a modest train of horses and servants, let them strive to complete the visitation as speedily as possible, yet with due attention. Meanwhile they shall exercise care that they do not become troublesome or a burden to anyone by useless expenses, and neither shall they nor any one of theirs, either by way of compensation for the visitation or from wills made for pious purposes, except what is by right due to them from pious bequests, or under any other name, receive anything, be it money or gift of whatever kind or in whatever way offered, [39] any custom, even though immemorial, notwithstanding; with the exception, however, of food, which shall be furnished them and theirs frugally and in moderation during the time necessary for the visitation only and not beyond that. [40] It shall, however, be left to the option of those who are visited to pay, if they prefer, what in accordance with a fixed assessment they have been accustomed to pay in money heretofore, or to furnish the food; inviolate also shall remain the right of old agreements entered into with monasteries or other pious places or with churches not parochial. But in those places or provinces where it is the custom that neither food nor money or anything else be received by the visitors, but that all be done gratuitously, that practice shall continue there. But if anyone, which God forbid, shall presume to receive more in any of the cases mentioned above, in addition to the restitution of double the amount to be made within a month, he shall also incur without hope of pardon the other penalties contained in the constitution of the General Council of Lyons, which begins, "Exigit,"[41] as well as those of the provincial synod at the discretion of that synod. Patrons shall not presume in any way to intrude themselves in those things that pertain to the administration of the sacraments; they shall not interfere with the visitation of the ornaments of the church, or its immovable properties, or the revenues of the buildings, except in so far as they are competent to do this by reason of the institution and foundation; but the bishops themselves shall attend to these things and shall see to it that the revenues of the buildings are devoted to purposes necessary and useful to the church according as they shall deem most expedient.

Chapter IV

By Whom And When The Office Of Preaching Is To Be Discharged. The Parish Church Is To Be Attended To Hear The Word Of God. No One May Preach

Without The Permission Of The Bishop

Desiring that the office of preaching, which belongs chiefly to bishops, be exercised as often as possible for the welfare of the faithful, the holy council, for the purpose of accommodating to the use of the present time the canons published elsewhere on this subject under Paul III,[42] of happy memory, decrees that they themselves shall personally, each in his own church, announce the Sacred Scriptures and the divine law, or, if lawfully hindered, have it done by those whom they shall appoint to the office of preaching; but in other churches by the parish priests, or, if they are hindered, by others to be appointed by the bishop in the city or in any part of the diocese as they shall judge it expedient, at the expense of those who are bound or accustomed to defray it, and this they shall do at least on all Sundays and solemn festival days, but during the season of fasts, of Lent and of the Advent of the Lord, daily, or at least on three days of the week if they shall deem it necessary; otherwise, as often as they shall judge that it can be done conveniently. The bishop shall diligently admonish the people that each one is bound to be present at his own parish church, where it can be conveniently done, to hear the word of God.[43] But no one, whether secular or regular, shall presume to preach, even in churches of his own order, in opposition to the will of the bishop. The bishops shall also see to it that at least on Sundays and other festival days, the children in every parish be carefully taught the rudiments of the faith and obedience toward God and their parents by those whose duty it is, and who shall be compelled thereto, if need be, even by ecclesiastical censures; any privileges and customs notwithstanding. In other respects the things decreed under Paul III concerning the office of preaching shall remain in force.[44]

Chapter V

Major Criminal Causes Against Bishops Shall Be Taken Cognizance Of By The Supreme Pontiff Only, Minor Ones By The Provincial Synod

Graver criminal causes against bishops, also that of heresy, which may God prevent, which merit deposition or deprivation, shall be taken cognizance of and decided by the Roman pontiff only.[45] But if the cause be of such a nature that it must perforce be assigned out of the Roman Curia, it shall not be committed to anyone but metropolitans or bishops to be chosen by the most holy pope. This commission shall be both special and signed by the most holy pontiff's own hand, and he shall never grant more to them than this, that they take information only of the fact and draw up the process, which they shall transmit immediately to the Roman pontiff, the definitive sentence being reserved to His Holiness. The other things decreed elsewhere under Julius III,[46] of happy memory, concerning these matters, as also the constitution of the general council under Innocent III, which begins, "Qualiter et quando,"[47] and which the holy council renews in the present decree, shall be observed by all. But the minor criminal causes of bishops shall be taken cognizance of and decided in the provincial synod only, or by persons commissioned by the provincial synod.

Chapter VI

Authority Is Given To The Bishops To Dispense In Cases Of Irregularity And Suspension And To Absolve From Crimes

Bishops are authorized to dispense in all cases of irregularity and suspension resulting from a secret crime, except that arising from willful homicide and those arising from crimes that have found their way before a tribunal, and to absolve gratuitously, after the imposition of a salutary penance, <per se> or through a vicar especially appointed for this purpose <in foro conscientiae> in all occult cases, even those reserved to the Apostolic See, all delinquents subject to them in their diocese. The same is permitted them only, but not their vicars, in the same forum with respect to the crime of heresy.

Chapter VII

The Efficacy Of The Sacraments Shall Be Explained By Bishops And Parish Priests Before They Are Administered To The People. During The Celebration Of The Mass The Sacred Scriptures Are To Be Explained

That the faithful may approach the sacraments with greater reverence and devotion of mind, the holy council commands all bishops that not only when they are themselves about to administer them to the people, they shall first, in a manner adapted to the mental ability of those who receive them, explain their efficacy and use, but also they shall see to it that the same is done piously and prudently by every parish priest, and in the vernacular tongue, if need be and if it can be done conveniently, in accordance with the form which will be prescribed for each of the sacraments by the holy council in a catechism, which the bishops shall have faithfully translated into the language of the people and explained to the people by all parish priests. In like manner shall they explain on all festivals or solemnities during the solemnization of the mass or the celebration of the divine offices, in the vernacular tongue, the divine commands and the maxims of salvation,[48] and leaving aside useless questions, let them strive to engraft these things on the hearts of all and instruct them in the law of the Lord.

Chapter VIII

Public Sinners Shall Do Public Penance, Unless The Bishop Shall Determine Otherwise. A Penitentiary Is To Be Instituted In Cathedrals

The Apostle admonishes that those who sin publicly are to be reproved publicly.[49] When therefore anyone has publicly and in the sight of many committed a crime by which there is no doubt that others have been offended and scandalized, it is proper that a penance commensurate with his guilt be publicly imposed on him, so that those whom he by his example has led to evil morals, he may bring back to an upright life by the evidence of his correction. The bishop, however, should he judge it advisable, may commute this kind of public penance to one that is secret. In all cathedral churches where it can be conveniently done, let the bishop appoint a penitentiary united with the prebend that shall next become vacant, who shall be a master or doctor or licentiate in theology or canon law and forty years of age, or another who may be found to be more suitable for the character of the place and

who, while he is hearing confessions in the church, shall be considered as present in the choir.

Chapter IX

By Whom Those Secular Churches Are To Be Visited That Belong To No Diocese

What has elsewhere been ordained by this council under Paul III,[50] of happy memory, and lately under our most blessed Lord Pius IV,[51] regarding the attention to be given by ordinaries to the visitation of benefices, even of those exempt, the same is to be observed also with regard to those secular churches which are said to be in no one's diocese, namely, that they be visited by the bishop whose cathedral church is the nearest, if that is agreed upon, otherwise by him, acting as delegate of the Apostolic See, who has once been chosen for this in the provincial synod by the prelate of that place; any privileges and customs whatsoever, even though immemorial, notwithstanding.

Chapter X

The Execution Of The Visitation Shall Not Be Impeded By The Subjects

That the bishops may be better able to keep the people whom they rule in duty and obedience, they shall in all those things that concern visitation and the correction of the morals of their subjects, have the right and authority, also as delegates of the Apostolic See, to decree, regulate, punish and execute, in accordance with the prescriptions of the canons, those things which in their prudence shall appear to them necessary for the emendation of their subjects and for the good of their dioceses. And in these matters, where it is question of visitation and correction of morals, no exemption, inhibition, appeal or complaint, even though submitted to the Apostolic See, shall in any manner whatsoever hinder or suspend the execution of those things which shall have been commanded, decreed or adjudicated by them. [52]

Chapter XI

Honorary Titles Or Special Privileges Shall Not Detract In Any Way From The Right Of Bishops. The Chapter Cum Capella, Concerning Privileges, Is Renewed

Since privileges and exemptions which are granted to many persons under various titles, are known to create confusion nowadays in the jurisdiction of bishops and to give to those exempt occasion for a more unrestrained life, the holy council decrees that whenever it should be thought proper for just, weighty and apparently necessary reasons that some persons be decorated with the honorary titles of Prothonotary, Acolyte, Count Palatine, Royal Chaplain, or other such titles of distinction, whether in or out of the Roman Curia, as also others granted to any monasteries or in any manner imparted, whether assumed under the name of servants to military orders,

monasteries, hospitals, colleges, or under any other title, it is to be understood that by these privileges nothing is taken away from the ordinaries whereby those persons to whom such privileges have already been granted or to whom they may be granted in the future cease to be fully subject in all things to the ordinaries as delegates of the Apostolic See; and as regards Royal Chaplains, let them be subject in accordance with the constitution of Innocent III, which begins, "Cum capella;"[53] those persons, however, being excepted who are engaged in actual service in the aforesaid places or in military orders and who reside within their enclosures or houses and live under obedience to them, and those also who have lawfully and according to the rule of these military orders made profession, whereof the ordinary must be certified; notwithstanding any privileges whatsoever, even those of the order of St. John of Jerusalem and of other military orders. But those privileges which by virtue of the constitution of Eugene[54] they are accustomed to enjoy who reside in the Roman Curia or who are in the household of cardinals, are by no means to be understood as applying to those who hold ecclesiastical benefices in regard to those benefices, but they shall continue to be subject to the jurisdiction of the ordinaries; any inhibitions whatsoever notwithstanding.

Chapter XII

Qualifications Necessary For Those Who Are To Be Promoted To The Dignities And Canonries Of Cathedral Churches And The Duties Of Those So Promoted

Since dignities, especially in cathedral churches, were instituted to maintain and promote ecclesiastical discipline, to the end that those who hold them might be distinguished for piety, be an example to others, and assist the bishops by their labor and service, it is but right that those who are called to them should be such as are able to perform their duty. Wherefore, in the future no one shall be promoted to any dignities whatsoever to which is annexed the <cura animarum,> who has not attained at least the twenty-fifth year of his age, is experienced in the clerical order, and is recommended by the learning necessary for the discharge of his office and the integrity of his morals, conformably to the constitution of Alexander III promulgated in the Council of the Lateran, which begins, "Cum in cunctis." [55] In like manner archdeacons, who are called the eyes of the bishop, [56] shall in all churches where it is possible be masters in theology, or doctors or licentiates in canon law. To other dignities or offices to which no <cura animarum> is annexed, clerics, in other respects qualified, shall not be promoted unless they are twenty-two years of age. Those also who are promoted to any benefices whatever having the <cura animarum>, shall within at least two months from the day of having taken possession be bound to make in the hands of the bishop, or, if he be hindered, in the presence of his vicar-general or official, a public profession of their orthodox faith and to promise solemnly and swear that they will persevere in their obedience to the Roman Church. But those who are promoted to canonries and dignities in cathedral churches, shall be bound to do this not only in the presence of the bishop or his official but also in the chapter; otherwise all those promoted as aforesaid shall not make the fruits their own, neither shall possession be of any avail to them. Furthermore, no one shall in the future be admitted to a dignity, canonry or portion unless he is either already constituted in the sacred order which that dignity, prebend or portion requires, or is of such an age as will qualify him for the reception of that order within the time prescribed by law and by this holy council. [57] In all cathedral

churches all canonries and portions shall be attached to the order of the priesthood, deaconship or subdeaconship, and the bishop shall with the advice of the chapter designate and distribute, as he shall deem expedient, to which each of the sacred orders is for the future to be attached; so however that at least one half shall be priests and the rest deacons or subdeacons. But where the more laudable custom obtains that the greater part or all shall be priests, this shall by all means be observed. The holy council also exhorts that in provinces where it can be conveniently done, all dignities and at least one half of the canonries In cathedral and prominent collegiate churches be conferred only on masters or doctors, or also on licentiates in theology or canon law Moreover, those who hold dignities, canonries, prebends or portions in such cathedral or collegiate churches, shall not be permitted by virtue of any statute or custom to be absent from those churches more than three months of each year,[58] saving however the statutes of those churches which require a longer period of service; otherwise every offender shall for the first year be deprived of one half of the fruits which he has made his own even by reason of his prebend and residence But if he be again guilty of the same negligence, he shall be deprived of all the fruits which he has acquired during that year, and if he should become more contumacious, he shall be proceeded against in accordance with the prescriptions of the sacred canons.[59] Those shall receive distributions who have been present at the appointed hours; the others shall, all collusion and remission being debarred, forfeit them in accordance with the decree of Boniface VIII, which begins, "Consuetudinem,"[60] and which the holy council restores to practice; any statutes or customs whatsoever notwithstanding. All shall be obliged to perform the divine offices in person and not by substitutes,[61] also to assist and serve the bishop when celebrating or exercising other pontifical functions, and in the choir instituted for psalmody, to praise the name of God reverently, distinctly and devoutly in hymns and canticles. They shall, moreover, wear at all times, both in and out of church, a becoming dress, shall abstain from unlawful hunting, fowling, dancing, taverns and games, and so excel in integrity of morals that they may with justice be called counselors of the Church.[62] With regard to matters that pertain to the proper manner of conducting the divine offices, the proper way of singing or modulating therein, the definite rule for assembling and remaining in choir, the things necessary for those who minister in the church, and such like, the provincial synod shall prescribe for each province a fixed form that will be beneficial to and in accordance with the usage of each province. In the meantime, the bishop, with the aid of no less than two canons, one chosen by himself, the other by the chapter, may provide in these matters as he may deem expedient.

Chapter XIII

How The Poorer Cathedral And Parish Churches Are To Be Provided For. Parishes Are To Be Separated By Definite Boundaries

Since the revenues of many cathedral churches are so limited and scanty that they are in no way in keeping with the episcopal dignity and insufficient for the needs of the churches, the provincial synod, having summoned those who are concerned, shall examine and consider carefully what churches it may be advisable by reason of their limited means and poverty to unite to others in the neighborhood or to provide with additional revenues;[63] and the completed documents concerning this matter it shall send to the supreme Roman pontiff, who being informed thereby shall, as he in

his prudence may deem advisable, either unite the poorly provided churches or by additional revenues improve them. In the meantime, until the aforesaid provisions are carried into effect, the supreme pontiff may from certain benefices assist those bishops who by reason of the poverty of their diocese are in need of revenues; provided, however, these benefices are not <curae> or dignities or canonries and prebends, or monasteries in which there is regular observance, or which are subject to general chapters or to certain visitors. In parochial churches also in which the revenues are in like manner so small that they are insufficient to meet the necessary obligations, the bishop, if unable to meet the exigency by a union of benefices, not however those of regulars, shall see to it that by the assignment of first fruits or tithes or by the contributions and collections of the parishioners, or in some other way that he shall deem more profitable, as much be collected as may decently suffice for the needs of the rector and the parish. In all unions, however, whether to be made for the aforesaid or other reasons, parochial churches shall not be united to any monasteries whatsoever, or to abbeys or dignities, or prebends of a cathedral or collegiate church, or to other simple benefices, hospitals or military orders, and those so united shall be investigated again by the ordinary in accordance with the decree elsewhere enacted by this council under Paul III,[64] of happy memory, which is to be observed also and in like manner with regard to unions made since that time; notwithstanding whatever forms of words used therein which shall be considered as sufficiently expressed here. Furthermore, all those cathedral churches whose revenues do not exceed in actual annual value the sum of one thousand ducats, and those parochial churches in which they do not exceed the sum of one hundred ducats, shall not in the future be burdened with taxes or reservations of revenues for this purpose. Also, in those cities and localities where the parochial churches have no definite boundaries, and whose rectors have not their own people whom they may rule but administer the sacraments indiscriminately to all who desire them, the holy council commands the bishops that, for the greater security of the salvation of the souls committed to them, they divide the people into definite and distinct parishes and assign to each its own and permanent parish priest, who can know his people and from whom alone they may licitly receive the sacraments;[65] or that they make other, more beneficial provisions as the conditions of the locality may require. They shall also see to it that the same is done as soon as possible in those cities and localities where there are no parish churches; any privileges and customs whatsoever, even though immemorial, notwithstanding.

Chapter XIV

No One Shall Be Admitted To The Possession Of A Benefice Or Of Distributions When The Distribution Of The Fruits Is Not Applied To Pious Purposes

In many churches, cathedral as well as collegiate and parochial, it is understood to be the practice, derived either from their constitutions or from evil customs, that in the election, presentation, nomination, institution, confirmation, collation or other provision, or upon admission to the possession of a cathedral church or a benefice, of canonries or prebends, or to a portion of the revenues, or to the daily distributions, there are introduced certain conditions or deductions from the fruits, certain payments, promises, or unlawful compensations, or what in some churches is called mutual profits. Since the holy council abhors these practices, it commands the

bishops that they prohibit all things of this kind that are not applied to pious purposes and such methods of entering upon offices, which create a suspicion of simoniacal taint or sordid avarice, and that they examine carefully their statutes and customs in regard to the above matter, and retaining only what they approve as laudable, reject and abolish the rest as corrupt and scandalous. It also ordains that those who in any way act in contravention of what is contained in the present decree incur the penalties prescribed against simoniacs by the sacred canons and various constitutions of the supreme pontiffs,[66] all of which it renews; notwithstanding any statutes, constitutions and customs, even though immemorial and confirmed by Apostolic authority, in regard to which any deceit, fraud and defect of intention may be investigated by the bishop as delegate of the Apostolic See.

Chapter XV

Method Of Increasing The Scanty Prebends Of Cathedral And Prominent Collegiate Churches

In cathedral and prominent collegiate churches where the prebends are numerous and in relation to the daily distributions so small that they do not suffice for the decent maintenance of the rank of the canons in keeping with the character of the place and persons,[67] the bishops may with the consent of the chapter combine them with some simple benefices, not however with those of regulars, or, if in this way it cannot be done, they may, with the consent of the patrons if the right of patronage belongs to laymen, reduce their number by suppressing some of them and apply the fruits and proceeds to the daily distributions of the remaining prebends; so however, that such a number remain as may conveniently serve for the celebration of divine service and be in keeping with the dignity of the church;[68] any statutes and privileges, or any reservation whether general or special, or any expectation notwithstanding. The aforesaid unions or suppressions shall not be frustrated or hindered by any provisions whatsoever, not even by virtue of resignation or any other derogations or suspensions.

Chapter XVI

What Duty Devolves Upon The Chapter During The Vacancy Of A See

When a see becomes vacant, the chapter shall, in those places where the duty of receiving the revenues devolves upon it, appoint one or more trustworthy and diligent stewards who shall take care of the ecclesiastical properties and revenues, of which they shall have to give an account to him whom it will concern. It shall also be strictly bound to appoint within eight days after the death of the bishop an official or vicar, or to confirm the incumbent, who shall be at least a doctor or licentiate in canon law, or otherwise as competent a person as is available. In case this is not done, the aforesaid appointment shall devolve upon the metropolitan.[69] But if the church is a metropolitan one or one exempt and the chapter should prove negligent as was said above, then the oldest suffragan bishop in the metropolitan church and the bishop nearest the exempt church shall have the authority to appoint a competent steward and vicar. The bishop who is promoted to the vacant church shall with regard to the matters that pertain to him demand from the steward, vicar and all

other officials and administrators who were during the vacancy of the see appointed in his place by the chapter or others, even though they are members of the same chapter, an account of their office, jurisdiction, administration or any other functions, and he shall have the authority to punish those who have been delinquent in their office or administration, even if the aforesaid officials, having turned in their accounts, should have obtained from the chapter or those delegated by it a quittance or discharge. The chapter shall also be bound to render to the bishop an account of documents belonging to the church, if any have come into its possession.

Chapter XVII

The Conferring Of Several Benefices On And Their Retention By One Person Is Restricted

Since ecclesiastical order is upset when one cleric holds the offices of several, the sacred canons have piously provided that no one ought to be enrolled in two churches.[70] But since many, led by the passion of ungodly covetousness, deceiving themselves, not God, are not ashamed to evade by various species of deceit what has been beneficially established and to hold several benefices at the same time, the holy council, desiring to restore discipline in the government of the churches, by the present decree, which it commands to be observed by all persons by whatever title distinguished, even though it be the dignity of the cardinalate, ordains that in the future one ecclesiastical benefice only shall be conferred on a person. If that is not sufficient to provide him on whom it is conferred with a decent livelihood, then it is permissible to confer on him another simple benefice that will afford a sufficiency, provided both do not require personal residence. These provisions shall apply not only to cathedral churches but also to all other benefices, whether secular or regular, even those held in <commendam>, of whatever title or character they may be. Those who now hold several parochial churches, or one cathedral and one parochial church, shall be strictly bound, all dispensations and unions for life notwithstanding, retaining one parochial church only, or the cathedral church only, to resign the other parochial churches within a period of six months; [71] otherwise the parochial churches and also all the benefices which they hold shall be considered <ipso jure> vacant and as such shall be freely conferred on other competent persons;[72] neither can those who previously held them retain conscientiously the fruits after the time specified. The holy council desires, however, that provision be made in some convenient way, as the supreme pontiff may see fit, for the necessities of those who resign.

Chapter XVIII

On The Vacancy Of A Parochial Church The Bishop Shall Appoint Thereto A Vicar Until He Has Provided A Parish Priest. In What Manner And By Whom Those Appointed To Parochial Churches Are To Be Examined

It is highly desirable for the salvation of souls that they be directed by worthy and competent parish priests. That this may be accomplished more diligently and effectively, the holy council decrees that when a parochial church becomes vacant, whether by death or resignation, also in the Curia, or in whatever other manner, it

shall be the duty of the bishop immediately upon receipt of information regarding the vacancy of the church to appoint, if need be, a competent vicar to the same, with a suitable assignment, using his own judgment in the matter, of a portion of the fruits thereof, who shall discharge the duties in that church till it has been provided with a rector, even if it be said that the charge of the church belongs to the bishop himself and is administered by one or more, also in churches called patrimonial or receptive, in which it has been the custom of the bishop to assign the <cura animarum> to one or more, all of whom, it commands, are bound to the examination prescribed below,[73] also if the parochial church be generally or specially reserved or assigned, even by virtue of an indult or privilege in favor of cardinals of the holy Roman Church, or of abbots or chapters. Moreover, the bishop and he who has the right of patronage shall within ten days, or such other term as the bishop shall prescribe, designate in the presence of those to be delegated as examiners some competent clerics who are to rule the church. Furthermore, it shall be permitted to others also who may know any who are fit for the office to make known their names, so that a careful investigation may afterward be made as to the age, morals and sufficiency of each But if in accordance with the custom of the country it should appear more suitable to the bishop or the provincial synod, those who wish to be examined may be summoned by a public notice. At the expiration of the time specified, all whose names have been entered shall be examined by the bishop,[74] or, if hindered, by his vicar-general, and by other examiners who shall not be fewer than three, to whose votes, in case they are equal or distributed singly, the bishop or his vicar may add kits in favor of whomsoever he shall deem most fit. At least six examiners shall be proposed annually by the bishop or his vicar in the diocesan synod, and they must prove satisfactory to it and be approved by it. Upon a vacancy occurring in any church, the bishop shall select three out of that number who shall conduct the examination with him, and on a subsequent vacancy he shall select out of the six aforesaid the same or three others whom he may prefer. These examiners shall be masters or doctors or licentiates in theology or canon law, or other clerics, whether regulars, also of the mendicant orders, or seculars, who appear most competent for the purpose; and all shall take an oath on the holy Gospels of God, that, every human consideration being set aside, they will discharge their duty faithfully. Let them take heed, however, that they do not by reason of this examination receive anything whatever either before or after, otherwise both they themselves and the givers will be guilty of the vice of simony, from which they cannot be absolved till they have resigned the benefices which they in any manner whatever possessed before this act, and they shall, moreover, be rendered disqualified to possess others in the future.[75] In all these matters they shall be bound to render an account not only before God but also, if need be, to the provincial synod, by which, if it has been discovered that they have done anything in contravention of their duty, they can at its discretion be severely punished. On the completion of the examination they shall make known how many they have judged fit in the matter of age, morals, learning, prudence, and other qualifications suitable for ruling the vacant church, and from these the bishop shall choose him whom he shall judge the more competent, and to him and to none other shall the collation of the church be made by him to whom such collation pertains.[76] If the church is under ecclesiastical patronage and the appointment thereto belongs to the bishop and to no one else, he whom the patron shall judge the more worthy among those approved by the examiners, shall be bound to present himself to the bishop that he may be appointed by him.[77] But when the appointment is to be made by any other

than the bishop, then the bishop only shall choose the worthier among those who are worthy, and the patron shall present him to the one to whom the appointment belongs. If, however, the church is under lay patronage, the one presented by the patron must be examined, as above, by those delegated thereto, and is not to be admitted unless found competent. In all the above-mentioned cases, to no other than to one of those examined and approved by the examiners as aforesaid and in accordance with the above rules shall the church be committed, and no devolution or appeal, even to the Apostolic See or the legates, vice-legates or nuncios of that See, or to any bishops or metropolitans, primates or patriarchs, shall hinder or suspend the execution of the report of the aforesaid examiners, otherwise the vicar whom the bishop has at his discretion already appointed for the time being to the vacant church or whom he may afterward appoint, shall not be removed from the charge and administration of that church until it has been provided for, either by the appointment of the vicar himself or of some other person who has been approved and chosen as stated above. All provisions or appointments made otherwise than in accordance with the above stated form shall be regarded as surreptitious; any exemptions, indulgences, privileges, anticipations, appropriations, new provisions, indulgences granted to any universities,[78] also for a certain sum, and any other impediments whatsoever in contravention of this decree, notwithstanding. If, however, the revenues of said parochial churches should be so scanty as not to bear the burden of all this examination, or if no one should care to undergo the examination, or if by reason of open factions or dissensions, which are met with in some localities, more grievous quarrels and disturbances might easily be stirred up, the ordinary may omit this formality and have recourse to a private examination, if in conformity with his conscience and with the advice of the examiners he shall deem this expedient. The other things, however, are to be observed as above prescribed. If the provincial synod should judge that in the above regulations concerning the form of examination something ought to be added or omitted, it shall have the authority to do so.

Chapter XIX

Mandates Concerning Promotion, Expectancies, And Other Things Of This Kind Are Abolished

The holy council decrees that mandates concerning promotion and favors which are called expectancies, shall no longer be granted to anyone, even to colleges, universities, senators, or to any individuals whatsoever, even under the name of an indulgence, or for a certain sum, or under any other pretext; neither shall it be permitted to anyone to make use of those thus far granted.[79] Neither shall mental reservations nor other favors whatsoever with regard to future vacancies, or indulgences respecting churches belonging to others, or monasteries, be granted to anyone, not even to cardinals of the holy Roman Church, and those hitherto granted shall be considered abolished.

Chapter XX

The Manner Of Conducting Causes Pertaining To The Ecclesiastical Forum Is Prescribed

All causes belonging in any way whatever to the ecclesiastical forum, even if they relate to benefices, shall be taken cognizance of in the first instance before the local ordinaries only, and shall be completely terminated within at least two years from the day that the suit was instituted; otherwise, at the expiration of that term the parties, or either of them, shall be free to have recourse to superior, but otherwise competent, judges, who shall take up the cause as it then stands and shall see to it that it is terminated as soon as possible. Before that term they shall neither be committed to others nor withdrawn; any appeals introduced by the parties shall not be received by any superior judges, neither shall any assignment or restriction be issued by them except upon a definitive sentence or one having the force of such a sentence, and the grievance arising therefrom cannot be repaired by an appeal from the definitive sentence. From the above are to be excepted those causes which according to the prescriptions of the canons are to be dealt with before the Apostolic See,[80] or which the supreme Roman pontiff shall for an urgent and reasonable cause judge advisable to assign or withdraw by a special rescript provided with the signature of His Holiness signed with his own hand. Furthermore, matrimonial and criminal causes shall not be left to the judgment of a dean, archdeacon or other inferiors, even in the course of their visitation, but shall be reserved to the examination and jurisdiction of the bishop only (even though there should at the time be a dispute, in whatever instance it may be, between the bishop and the dean or archdeacon or other inferiors regarding the examination of those causes), and if in the same matrimonial cause one of the parties should in the presence of the bishop really prove his poverty, he shall not be compelled to litigate his case either in the second or third instance outside the province, unless the other party is prepared to provide for his maintenance and bear the expenses of the trial. In like manner, legates, also those <de latere>, nuncios, ecclesiastical governors or others, shall not only not presume by virtue of any authority whatsoever to hinder bishops in the aforesaid causes, or in any manner take away the exercise of or disturb their jurisdiction, but they shall not even proceed against clerics or other ecclesiastical persons until the bishop has first been approached and has proved himself negligent in the matter; otherwise their proceedings and decisions avail nothing and they shall be bound to make satisfaction to the parties for the damage sustained. Moreover, if anyone should appeal in cases permitted by the law,[81] or make a complaint regarding some grievance, or otherwise by reason of the lapse of two years, as was said above, have recourse to another judge, he shall be bound to transfer at his own expense to the judge of appeal all the acts of the proceedings conducted in the presence of the bishop, having previously, however, notified the bishop, so that if anything appears suitable to him for the direction of the cause, he may communicate it to the judge of appeal. But if the appellee appears, he shall also be bound to bear his proportion of the expenses of transferring the acts if he wishes to use them, unless it is a local custom to act otherwise, namely, that the entire costs are borne by the appellant. Furthermore, the notary shall be bound on receipt of a suitable fee to furnish the appellant as soon as possible and within at least one month with a copy of the proceedings, and should he through delay in supplying such copy be guilty of fraud, he shall at the discretion of the ordinary be suspended from the administration of his office and shall be compelled to pay double the costs of the suit, which is to be divided between the appellant and the poor of the locality. But if the judge himself should be aware of this delay, or should participate therein, or should in any other way hinder the delivery of the entire proceedings to the appellant within the time specified above, he shall be bound to the same penalty of paying double the

costs, as was stated above; any privileges, indults, agreements which bind only their authors, and any other customs whatsoever to the contrary in respect to all matters dealt with above, notwithstanding.

Chapter XXI

It Is Declared That By Certain Words Used Above, The Usual Manner Of Treating Matters In General Councils Is Not Changed

The holy council, desiring that no occasion for doubt arise at any future time from decrees which it has published, in explaining those words contained in a decree published in the first session under our most blessed Lord, Pius IV, namely, "which at the suggestion and under the presidency of the legates shall appear suitable and proper to the holy council for alleviating the calamities of these times, adjusting religious controversies, restraining deceitful tongues, correcting the abuses of depraved morals, and to bring about true Christian peace in the world," 82 declares that it was not its intention that by the foregoing words the usual manner of treating matters in general councils should in any part be changed, or that anything new besides that which has so far been established by the sacred canons or the prescriptions of general councils, should be added to or taken away from anyone.

Announcement Of The Next Session

Moreover, the same holy council ordains and decrees that the next session be held on the Thursday after the conception of the Blessed Virgin Mary, which will be the ninth day of the coming December, with the authority, however, of abbreviating that time. In this session will be considered the sixth chapter now deferred to it and the remaining chapters on reform which have already been set forth and other matters related thereto. If it appears opportune and time will permit, some dogmas may also be considered, as in their turn they will be proposed in the congregations.

The time appointed for the session was abridged.

Notes

1 Gen. 2:23 f. (Matt. 19:4ff.; Mark 10:6ff.; Eph. 5:31 f.).

2 Matt. 19:6 Mark 10:8.

3 Matt., *ibid.*; Mark 10:9.

4 Eph. 5:25.

5 *Ibid.*, 5:32.

6 Eugene IV in <decr. ad Armenos> (Denzinger, no. 702).

7 Cf. *supra*, note I.

- 8 Matt. 19:4-6, 9
- 9 Lev. 18:6 ff.
- 10 Matt. 16:19, Sess. XXI chap. 2.
- 11 Cf. c.4, X, De consang. IV, 14; cc.6, 7, X, De divor., IV, 19.
- 12 Cf. c. 16, X, De sponsal., IV, I.
- 13 Matt. 5:32; 19:9; Mark 10:11 f.; Luke 16:18; I Cor. 7:10 f.; cc.5-8, 10, C.XXXII, q.7.
- 14 Cf. I Cor. 10:13.
- 15 Matt. 19:11 f.; 1 Cor. 7:25 f., 38, 40; c. 12, C.XXXII, q. I; c.g, C.XXXIII, q.5; c. 16, X, De sponsal., IV, I.
- 16 Cf. <infra>, chap. 10 de ref. matr.
- 17 C2, X, De cland. desp., IV, 3.
- 18 C3, C.XXX, q.5; C.13, C.XXXII, q.2; c.2, C.XXXV, q.6; c.3, X, Qui matr. accus. poss. IV, 18.
- 19 C. 3, X De eland. deep., IV, 3.
- 20 Cc.2, 3, 5, C.XXX q.5; C.19, C.XXXV, qq.2, 3.
- 21 C. 101, D.IV de cons.; c. 3, VI, De cogn. spirit., IV, 3.
- 22 Cc. 2, 5, C. XXX, q. 3; c3; X, De cogn spirit, IV, II; c. I, h t. in VI, IV 3.
- 23 C. 2, C.XXX, q. I; c. I, VI, De cogn. spirit., IV, 3.
- 24 C. un., VI. De sponsal., IV, I.
- 25 Cc 19-24, C. XXXII, q. 7; tot. tit. X, De eo, qui cog. consang., IV, 13.
- 26 C. 3, X, De cland. desp., IV, 3; c. un. in Clem., De consang., IV, un.
- 27 Cc.7, 11, C. XXXVI, q. 2; c. 7, X, De rapt., V, 17.
- 28 Cc, 2 -6, 10, 11, C.XXXVI, q. 2.
- 29 Ex. 22:16f., cit. in c.I,X, De adult.,V, 16.
- 30 C.2, X, De cohab. cler., III, 2; Sess. XXV, chap. 14 de ref.
- 31 Cf. cc. 14, 17, 29, X, De sponsal., IV, I.
- 32 Cf. C.6, C.XXXVI, q.2

- 33 CC, 8-11, C.XXXIII, q.4; c.4, X, De feriis, II, 9.
- 34 Cf. Sess. VI, chap. I de ref.; VII, chaps. 1, 3 de ref.; XXII, chap. 2 de ref.
- 35 Cf. preceding references.
- 36 Cf. cc. 2 - 7, 9- 14, D.XVIII et al.; c.25, X,, De accus., V, I.
- 37 C. 11, C.X, q. I.
- 38 C I (# 4), VI, De cens., III, 20.
- 39 Cc.I, 7, 8, C.X, q.3; c.6, X, De cens., III, 39.
- 40 C.6, VI, De off. ord., I, 16.
- 41 C 2, VI, De cens., III, 20.
- 42 Cf. Sess. V, chap. 2 de ref.
- 43 Cc.62, 63, D.I de cons.
- 44 Cf. Sess. V, chap. 2 de ref.
- 45 Cf. Sess. XIII, chap. 8 de ref.
- 46 Cf. Sess. XIII, chaps. 6, 7 de ref.
- 47 C.24, X, De accus., V, I.
- 48 Cf. Sess. XXII, chap. 8.
- 49 See I Tim. 5:20; c.19 (# 1), C.II, q.1; C.I, X, De poenit., V, 38.
- 50 Cf. Sess. VI, chap. 4 de ref. and VII, chap. 8 de ref.
- 51 Cf. Sess. XXI, chap. 8 de ref.
- 52 Cf. Sess. XIII, chap. I de ref., XIV, chap. 4 de ref., XXII, chap. I de ref.
- 53 C. 16, X, De privil., V, 33.
- 54 C, 3, h.t., Extrav. comm., V, 7; Sess. XXIII, chap. I de ref.
- 55 C.7, X, De elect., I, 6, Sess. VII, chap. I de ref., XXII, chap. 2 de ref.
- 56 C.7, X, De off. archid., I, 23.
- 57 Cf. Sess. VII, chap. 12 de ref.
- 58 Cf. Sess. XXIII, chap. I de ref.
- 59 Cf. tot. tit. X, De cler. non resid., III, 4.

60 C un. VI, De cler. non resid., III, 3; cf. c. 32, X, De praeb., III, 5.

61 C. 3, X, De cler. non resid., III, 4; c. 30, De praeb., III, 5; Sess. XXII chap. 4 de ref.

62 Cf tot. tit, X, De Vit. et hon. cler., III, I; in VI, III, I; in Clem., III, I; in Extrav. comm III, I; tit X, De cler. venat, V, 24.

63 Cf. Sess. VII, chaps. 6, 7 de ref., XIV, chap. 9 de ref., XXIV, chap. 15 de ref.

64 Cf. Sess. VII, chap. 6 de ref.

65 Cf. Sess. XIV, chap. 9 de ref.

66 Cf. C. I, q. I; tot. tit. X, De sim., III, 5 et Extrav. comm., V, I.

67 Cf. chap. 13 de ref. of this sess.

68 C. 2, X, De instit., III, 7

69 Cf. c. ult. in VI, De suppl. negl. prael., I, 8.

70 Cf. Sess. VII, chap. 2 de ref.

71 Cf. Sess. VII, chap. 4 de ref.

72 Cf. C.4, Extrav. comm., De praeb., III, 2.

73 Cf. Sess. VII, chap. 13 de ref.

74 Cf. Sess. XXV, chap. 9 de ref.

75 Cf. c.5, D.XXIV.

76 Cf. Sess. XXV, chap. 9 de ref.

77 Cf. Sess. VII, chap. 13 de ref.; Sess. XIV, chap. 13 de ref.

78 Cf. Sess. XXV, chap. 9 de ref.

79 Cf. Sess. XXV, chap. 9 de ref., and tot. tit. X, De conc. praeb. non vac., III, 8; in VI, III, 7; in Clem., III, 3.

80 Cf. c.7, C.VI, q.4; Sess. XXV, chap. 10 de ref.

81 Cf. tot. tit. X, De appell., II, 28; in VI, II, 15; in Clem., 11, 12.

82 Cf. Sess. XVII at the beginning.

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