

DECREE CONCERNING SPONSALIA AND MATRIMONY.

ISSUED BY THE SACRED CONGREGATION OF THE COUNCIL BY THE
ORDER AND WITH THE AUTHORITY OF OUR HOLY
FATHER POPE PIUS X.

THE Council of Trent, Cap. I., Sess. XXIV. de reform. matrim., made prudent provision against the rash celebration of clandestine marriages, which the Church of God for most just reasons has always detested and forbidden, by decreeing: "Those who otherwise than in the presence of the parish priest himself or of another priest acting with the license of the parish priest or of the Ordinary, and in the presence of two or three witnesses, shall attempt to contract matrimony, the Holy Synod renders them altogether incapable of contracting marriage thus, and decrees that contracts of this kind are null and void."

But as the same Sacred Council prescribed that said decree should be published in all the parishes and was not to have force except in those places in which it had been promulgated, it has happened that many places in which the publication has not been made have been deprived of the benefit of the Tridentine law, and are still without it, and continue to be subject to the doubts and inconveniences of the old discipline.

Nor has all difficulty been removed in those places where the new law has been in force. For often there has been grave doubt in deciding as to the person of the parish priest before whom a marriage is to be celebrated. The canonical discipline did indeed decide that he is to be regarded as the parish priest in whose parish one or other of the contracting parties has his or her domicile or quasi-domicile. But as it is sometimes difficult to judge whether a quasi-domicile really exists in a specified case, not a few marriages were exposed to the danger of nullity; many, too, either owing to ignorance or fraud, have been found to be quite illegitimate and void.

These deplorable results have been seen to happen more frequently in our own time on account of the increased facility and celerity of intercommunication between the different countries, even those most widely separated. It has therefore seemed expedient to wise and learned men to introduce some change into the law regulating the form of the celebration of marriage, and a great many Bishops in all parts of the world, but especially in the more populous States where the necessity appears more urgent, have petitioned the Holy See to this end.

It has been asked also by very many Bishops in Europe, as well by others in various regions, that provision should be made to prevent the inconveniences arising from sponsalia, that is, mutual promises of marriage privately entered upon. For experience has sufficiently shown the many dangers of such sponsalia, first as being an incitement to sin and causing the deception of inexperienced girls, and afterwards giving rise to inextricable dissensions and disputes.

Influenced by these circumstances, our Holy Father Pope Pius X., desiring, in the solicitude he bears for all the churches, to introduce some modifications with the object of removing these drawbacks and dangers, committed to the S. Congregation of the Council the task of examining into the matter and of proposing to himself the measures it should deem opportune.

He was pleased also to have the opinion of the commission appointed for the codification of canon law, as well as of the eminent Cardinals chosen on this special commission for the preparation of the new code, by whom, as well as by the S. Congregation of the Council, frequent meetings have been held for this purpose. The opinions of all having been taken, His Holiness ordered the Sacred Congregation of the Council to issue a decree containing the laws, approved by himself on sure knowledge and after mature deliberation, by which the discipline regarding sponsalia and marriage is to be regulated for the future and the celebration of them carried out in a sure and orderly manner.

In execution, therefore, of the Apostolic mandate the S. Congregation of the Council by these letters lays down and decrees what follows:

CONCERNING SPONSALIA.

I. Only those are considered valid and produce canonical effects which have been contracted in writing, signed by both the parties and by either the parish priest or the Ordinary of the place, or at least by two witnesses.

In case one or both the parties be unable to write, this fact is to be noted in the document and another witness is to be added who will sign the writing as above, with the parish priest or the Ordinary of the place or the two witnesses.

II. Here and in the following articles by parish priest is to be understood not only a priest legitimately presiding over a parish canonically erected, but in regions where parishes are not canonically erected the priest to whom the care of souls has been legitimately entrusted in any specified district and who is equivalent to a parish priest; and in missions where the territory has not yet been perfectly divided, every priest generally deputed by the superior of the mission for the care of souls in any station.

III. Only those marriages are valid which are contracted before the parish priest or the Ordinary of the place or a priest delegated by either of these, and at least two witnesses, according to the rules laid down in the following articles, and saving the exceptions mentioned under VII. and VIII.

IV. The parish priest and the Ordinary of the place validly assist at a marriage:

1. Only from the day they have taken possession of the benefice or entered upon their office, unless they have been by a public decree excommunicated by name or suspended from the office.

2. Only within the limits of their territory; within which they assist validly at marriages not only of their own subjects, but also of those not subject to them.

3. Provided when invited and asked, and not compelled by violence or by grave fear, they demand and receive the consent of the contracting parties.

V. They assist licitly:

1. When they have legitimately ascertained the free state of the contracting parties, having duly complied with the conditions laid down by the law.

2. When they have ascertained that one of the contracting parties has a domicile or at least has lived for a month in the place where the marriage takes place.

3. If this condition be lacking the parish priest and the Ordinary of the place, to assist licitly at a marriage, require the permission of the parish priest or the Ordinary of one of the contracting parties, unless it be a case of grave necessity, which excuses from this permission.

4. Concerning persons without fixed abode (*vagos*), except in case of necessity it is not lawful for a parish priest to assist at their marriage until they report the matter to the Ordinary or to a priest delegated by him and obtain permission to assist.

5. In every case let it be held as the rule that the marriage is to be celebrated before the parish priest of the bride, unless some just cause excuses from this.

VI. The parish priest and the Ordinary of the place may grant permission to another priest, specified and certain, to assist at marriages within the limits of their district.

The delegated priest, in order to assist validly and licitly, is bound to observe the limits of his mandate and the rules laid down above, in IV. and V., for the parish priest and the Ordinary of the place.

VII. When danger of death is imminent and where the parish

priest or the Ordinary of the place or a priest delegated by either of these cannot be had, in order to provide for the relief of conscience and (should the case require it) for the legitimation of offspring, marriage may be contracted validly and licitly before any priest and two witnesses.

VIII. Should it happen that in any district the parish priest or the Ordinary of the place or a priest delegated by either of them, before whom marriage can be celebrated, is not to be had, and that this condition of things has lasted for a month, marriage may be validly and licitly entered upon by the formal declaration of consent made by the spouses in the presence of two witnesses.

IX. 1. After the celebration of a marriage the parish priest or he who takes his place is to write at once in the book of marriages the names of the couple and of the witnesses, the place and day of the celebration of the marriage and the other details, according to the method prescribed in the ritual books or by the ordinary; and this even when another priest delegated either by the parish priest himself or by the Ordinary has assisted at the marriage.

2. Moreover, the parish priest is to note also in the book of baptisms that the married person contracted marriage on such a day in his parish. If the married person has been baptized elsewhere the parish priest who has assisted at the marriage is to transmit, either directly or through the episcopal curia, the announcement of the marriage that has taken place, to the parish priest of the place where the person was baptized, in order that the marriage may be inscribed in the book of baptisms.

3. Whenever a marriage is contracted in the manner described in VII. and VIII., the priest in the former case, the witnesses in the latter are bound conjointly with the contracting parties to provide that the marriage be inscribed as soon as possible in the prescribed books.

X. Parish priests who violate the rules thus far laid down are to be punished by their Ordinaries according to the nature and gravity of their transgression. Moreover, if they assist at the marriage of anybody in violation of the rules laid down in 2 and 3 of No. V., they are not to appropriate the stole-fees, but must remit them to the parish priest of the contracting parties.

XI. 1. The above laws are binding on all persons baptized in the Catholic Church and on those who have been converted to it from heresy or schism (even when either the latter or the former have fallen away afterwards from the Church) whenever they contract sponsalia or marriage with one another.

2. The same laws are binding also on the same Catholics as above, if they contract sponsalia or marriage with non-Catholics,

baptized or unbaptized, even after a dispensation has been obtained from the impediment mixta religionis or disparitatis cultus; unless the Holy See decree otherwise for some particular place or region.

3. Non-Catholics, whether baptized or unbaptized, who contract among themselves are nowhere bound to observe the Catholic form of sponsalia or marriage.

The present decree is to be held as legitimately published and promulgated by its transmission to the Ordinaries, and its provisions begin to have the force of law from the solemn feast of the Resurrection of Our Lord Jesus Christ, next year, 1908.

Meanwhile, let all the Ordinaries of places see that this decree be made public as soon as possible, and explained in the different parochial churches of their dioceses in order that it may be known by all.

These presents are to have force by the special order of our Most Holy Father Pope Pius X., all things to the contrary, even those worthy of special mention, to the contrary notwithstanding.

Given at Rome on the 2d day of August in the year 1907.

✦ VINCENT, Card. Bishp. of Palestrina, *Prefect.*

C. DE LAI, *Secretary.*