

Dominicae millesimo nongentesimo octavo, die festo Sanctorum Apostolorum Petri et Pauli, III. Kal. Iulias, Pontificatus Nostri anno quinto.

R. CARD. MERRY DEL VAL, *A Secretis Status.*

A. CARD. DI PIETRO, *Pro-Datarivs.*

VISA

DE CVRIA I. DE AQVILA E VICECOMITIBVS,

Loco ✦ Plumbi,

Reg. in Secret Brevium,

V. CVGNONIVS.

APOSTOLIC CONSTITUTION ON THE ROMAN CURIA.

PIUS BISHOP

SERVANT OF THE SERVANTS OF GOD.

For Perpetual Memory.

WITH wise design the Pontiff Sixtus V., of holy memory, following in the footsteps of his predecessors and perfecting what had been begun by them, decided to increase the number and define the limits of the sacred bodies of Cardinals, or the Roman Congregations, some of which had been already instituted for the transaction of certain matters. He therefore, by the apostolic letters beginning with the word "Immensa," of January 22, 1587, established fifteen of these congregations, that, "dividing among them and the other offices of the Roman Curia the immense weight of the cares and affairs" habitually brought before the Holy See, it might be no longer necessary to treat of and deliberate upon so many things in Consistory, and at the same time that controversies might be more diligently gone into and a more speedy and easier solution be given to the business of those who apply to the Supreme Pontiff from all sides in the interests of religion and devotion, to seek justice, to ask favors or for other reasons.

The utility accruing from these sacred congregations for the maintenance of ecclesiastical discipline, the administration of justice and the relief of the Roman Pontiffs, themselves overpowered by daily increasing cares and affairs, is shown by the history of the Church and is well known to all.

But in the course of time the organization of the Roman Curia, mainly effected by Sixtus V. in the above mentioned letters apostolic,

lapsed from its original state. The number of the Roman Congregations was increased or diminished according to the necessities of time and circumstance, and even the jurisdiction originally attributed to the different congregations underwent changes either by new enactments of the Roman Pontiffs or by the gradual growth of customs which became accepted. The result is that to-day the jurisdiction, or competence, of each of them is not quite clear to all nor is it well apportioned, that many of the sacred congregations have the right to define the law on the same matters, and that some of them have been reduced to the transaction of very little business, while others are overcharged with work.

For these reasons many Bishops and thoughtful men, especially the Roman Cardinals, both in writing and orally, and both with our predecessor Leo XIII., of happy memory, and with ourself, have frequently urged that suitable remedies should be provided for the inconveniences above mentioned. And we took pains to make partial provision in our letters "Romanis Pontificibus," of December 7, 1903; by those "Quae in Ecclesiae bonum," of January 28, 1904, and again by those "Sacrae Congregationi super negotiis," of May 26, 1906.

But now that there is also the question of the codification of the ecclesiastical laws, it has seemed highly fitting that a beginning should be made with the Roman Curia so that, once this has been organized suitably and in a manner clear to all, it may be in a position to perform more easily its work for the Roman Pontiff and the Church and to be of the greatest possible assistance.

Wherefore, after having taken counsel with several of the Roman Cardinals, we have determined and we do decree that the Congregations, Tribunals and Offices which compose the Roman Curia and to which the affairs of the Universal Church are referred for treatment shall, after the autumn holidays of the current year, that is, after the third day of November, 1908, be only those, besides the usual Sacred Consistories, which are defined in the present constitution, and which shall remain divided and constituted in number, order and competence by the laws which here follow :

THE SACRED CONGREGATIONS.

I. THE CONGREGATION OF THE HOLY OFFICE.

1. This sacred congregation, over which the Supreme Pontiff presides, guards the teaching of faith and morals.
2. To it alone, therefore, belongs the judgment of heresy and of other crimes which lead to a suspicion of heresy.
3. To it also is devolved all matters concerning indulgences, both as regards the doctrine and as concerns practice.

4. Everything appertaining to the precepts of the Church, such as the abstinences, fasts and feasts to be observed, is now transferred from this sacred congregation and handed over to the Congregation of the Council; everything relating to the election of Bishops belongs to the Consistorial Congregation; the relaxation of religious vows made in religious institutes belongs to the congregation assigned for the affairs of religious societies.

5. Although a special congregation is established for the discipline of the sacraments, nevertheless the Holy Office preserves intact its faculty to treat of those questions which concern what is known as the Pauline Privilege and the impediments *disparitatis cultus* and *mixtae religionis*, as well as those connected with dogmatic teaching on matrimony, as also on the other sacraments.

2. THE CONSISTORIAL CONGREGATION.

1. This sacred congregation comprises two distinct parts.

2. To the first appertains not only the charge of preparing what is to be done in the consistories, but also, in places not subject to the Congregation de Propaganda Fide, of founding new dioceses and chapters, both cathedral and collegiate; of dividing dioceses already constituted; of electing Bishops, apostolic administrators and adjutors and auxiliaries of Bishops; of instituting the canonical investigations or *processus* concerning those to be elected and of diligently sifting the acts of these processes; of ascertaining the knowledge of those who are to be elected. But when the men to be elected, or the dioceses to be constituted or divided are outside Italy, the officials of the Office for Public Affairs, commonly called the Secretariate of State, shall themselves receive the documents and draw up the statement (*Positionem*), to be submitted to the Consistorial Congregation.

3. The second part embraces all those matters which concern the government of the different dioceses not subject to the Congregation de Propaganda Fide, and which hitherto belonged to the Congregation of the Bishops and of the Council, and are now transferred to the Consistorial Congregation. To this latter, therefore, for the future belongs the vigilance over the fulfillment or non-fulfillment of the obligations by which ordinaries are bound, the cognizance of the written reports of Bishops on the state of their dioceses, the ordering of apostolic visitations, the examination of what has been done in them, and after a faithful exposition made to us each time, the ordering of what may seem necessary or opportune; finally, everything appertaining to the government, discipline, temporal administration and studies of the seminaries.

4. It shall be the province of this congregation, when conflicts

of law arise, to solve doubts concerning the competence of the sacred congregations.

5. Of this sacred council the Supreme Pontiff is to be the Prefect. And to it the Cardinal Secretary of the Holy Office and the Cardinal Secretary of State shall always be attached *ex officio*, besides the others whom the Supreme Pontiff may think well to make members of it.

6. The Secretary shall always be a Cardinal selected for this office by the Supreme Pontiff; with him there shall be a prelate with the title of Assessor, who shall also fill the office of Secretary of the Sacred College of the Fathers Cardinals, and under him a sufficient number of officials.

7. Consultors of this congregation shall be the Assessor of the Holy Office and the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs while in office; to these shall be added others elected by the Supreme Pontiff.

3. CONGREGATION ON THE DISCIPLINE OF THE SACRAMENTS.

1. To this sacred congregation is assigned the entire legislation concerning the discipline of the Seven Sacraments, without prejudice to the authority of the Congregation of the Holy Office according to the provisions above defined, and of the Congregation of Sacred Rites regarding the ceremonies to be observed in the performing, administration and reception of the sacraments, which were hitherto decided or granted by other congregations, tribunals or offices of the Roman Curia.

2. So also to this congregation are assigned all those matters connected with the discipline of matrimony, such as dispensations in *foro externo* for the poor as well as for the rich, *sanationes in radice*, dispensations *super rato*, the separation of married couples, the restitution of birthright or legitimation of offspring, as well as in the discipline of the other sacraments, such as dispensations for candidates for orders, without prejudice to the right of the Congregation for the Affairs of Religious to regulate the ordinations of religious; dispensations concerning the place, time and conditions for the reception of the Eucharist, the offering of the Holy Sacrifice, the reservation of the Most August Sacrament and the other matters of the same nature.

3. The same congregation decides, without prejudice to the right of the Holy Office, questions regarding the discipline of the sacraments. But when this congregation decides that any such questions are to be treated by judicial process, then it shall hand them over to the tribunal of the Sacred Roman Rota.

4. For this congregation, as well as for the others that follow,

there shall be a Cardinal Prefect who shall preside over the sacred order consisting of a number of Fathers Cardinals to be elected by the Supreme Pontiff, with a secretary and the other necessary officials and consultors.

4. THE CONGREGATION OF THE COUNCIL.

1. To this sacred congregation is committed that branch of affairs which relates to the universal discipline of the secular clergy and of the Christian people.

2. It is, therefore, its province to provide for the observance of the precepts of the Church, such as fasts (except the Eucharistic fast, which belongs to the Congregation on the Discipline of the Sacraments), abstinence, tithes, the observance of feasts, with the faculty of releasing the faithful from these laws on occasion; the government of everything relating to parish priests and canons and of all things affecting pious sodalities, pious unions, pious legacies, pious works, honorariums for Masses, benefices or offices, ecclesiastical property, funds of money, diocesan tributes and other affairs of the same kind. It sees also to everything relating to ecclesiastical immunity. To the same congregation is reserved the faculty of dispensing from the conditions required for the obtaining of benefices when the conferring of these belongs to the ordinary.

3. To it also appertains all that regards the celebration and recognition of councils and gatherings or conferences of Bishops, as the special congregation till now in existence for the revision of councils is suppressed.

4. This congregation, too, is the competent or legitimate tribunal in all causes relating to the affairs committed to it which it shall decide are to be treated in a disciplinary manner or in *linea disciplinari*, as the phrase goes; the others are to be handed over to the Sacred Roman Rota.

5. To the Congregation of the Council is added and united as a special congregation that known as the Lauretane.

5. THE CONGREGATION FOR THE AFFAIRS OF RELIGIOUS.

1. This sacred congregation decides only those matters throughout the world which relate to the affairs of religious of both sexes, whether bound by simple or solemn vows, and of those who, although without vows, lead a life in common after the manner of religious, and also of secular third orders, and whether the matters to be treated are between religious themselves or relate to them and others.

2. It therefore assumes the regulation of all matters arising either between Bishops and religious of both sexes or between religious themselves. It is also the competent tribunal in all causes which are

treated in a disciplinary manner, or in *linea disciplinari*, when a religious is either defendant or complainant; other causes are to be handed over to the Sacred Roman Rota, without prejudice, however, to the right of the Holy Office in the causes appertaining to that sacred congregation.

3. Finally, to this sacred congregation is reserved the concession of dispensations from the common law for religious.

6. THE CONGREGATION DE PROPAGANDA FIDE.

1. The jurisdiction of this sacred congregation is limited to those regions in which the sacred hierarchy not being yet constituted the missionary state still exists. But as there are some regions which although they possess a hierarchy are still somewhat inchoate, it is our will that these be subject to the Congregation de Propaganda Fide.

2. Wherefore, from the jurisdiction of the Congregation de Propaganda Fide we decree the transference under the common law: in Europe, of the ecclesiastical provinces of England, Scotland, Ireland and Holland, and of the Diocese of Luxembourg; in America, of the ecclesiastical provinces of the Dominion of Canada, Newfoundland and the United States. Hence, affairs relating to these places shall for the future not be treated by the Congregation de Propaganda Fide, but by the other congregations according to the nature of the business.

3. The other ecclesiastical provinces and dioceses hitherto subject to the jurisdiction of the Congregation de Propaganda Fide are to remain under its right and authority. So, too, we decree that to it shall belong all vicariates apostolic, prefectures and missions whatsoever, including those which are at present in a special manner under the Congregation for Extraordinary Ecclesiastical Affairs.

3. Still, in order to provide for unity of government, it is our will that the Congregation de Propaganda Fide hand over to the other special congregations everything concerning the faith, or matrimony, or the discipline of the sacred rites.

5. As regards religious, the same congregation takes upon itself everything affecting religious, whether singly or in bodies, considered as missionaries. But all things affecting religious as religious, both individually and as bodies, it shall remit or leave to the Congregation for the Affairs of Religious.

6. To it is united the Congregation for the Affairs of Oriental Rites which are to continue entirely as before.

7. The special prefecture for administration ceases to exist, and the administration of all the property, including that of the Reverenda

Camera Spoliorum, is committed to the Congregation de Propaganda Fide itself.

8. With this sacred congregation is joined the Commission for the Union of the Dissident Churches.

7. THE CONGREGATION OF THE INDEX.

1. For the future it shall be the province of this sacred congregation not only to examine diligently the books delated to it, to prohibit them if this should seem well, and to concede dispensations, but also officially to investigate in the best way available whether writings of any kind that should be condemned are being circulated, and to remind the ordinaries how solemnly they are bound to condemn pernicious writings and to denounce them to the Holy See in conformity with the Constitution *Officiorum* of January 25, 1897.

2. As the prohibition of books has very frequently the scope of defense of the Catholic faith, which is also the object of the Congregation of the Holy Office, we decree that in future in all things, and in those alone relating to the prohibition of books, the Fathers Cardinals, the consultors and the officers of both congregations may communicate with one another and that all of them in this matter shall be bound by the same secret.

8. THE CONGREGATION OF THE SACRED RITES.

1. This sacred congregation has the right of examining and decreeing all things which relate proximately to the sacred rites and ceremonies of the Latin Church, but not those which in a broader sense are related to the sacred rites, such as the laws of precedence and other matters of that kind which are to be treated either according to judicial process or in a disciplinary manner or in *linea disciplinari*.

2. It is, therefore, especially its province to watch over the diligent observance of the sacred ritual and ceremonial in the celebration of Mass, in the administration of the sacraments, in the performance of the divine offices, in short, over all that regards the worship of the Latin Church; to grant opportune dispensations; to bestow insignia and privileges of honor, both personal and temporary, as well as local and perpetual, relating to the sacred rites and ceremonies, and to prevent the introduction of abuses in these matters.

3. Finally, it has to deal with everything relating in any way to the beatification and canonization of the saints or to the sacred relics.

4. To this congregation are joined the Liturgical Commission, the Historico-Liturgical Commission and the Commission for Sacred Music.

9. THE CEREMONIAL CONGREGATION.

This sacred congregation retains all the rights hitherto attributed to it; hence to it appertain the regulation of the ceremonies to be observed in the Pontifical Chapel and Court and of the sacred functions which the Fathers Cardinals perform outside the Pontifical Chapel; it also takes cognizance of the question affecting the precedence both of the Fathers Cardinals and of the Legates whom many nations send to the Holy See.

10. THE CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS.

This sacred congregation concerns itself only with those matters which are submitted to its examination by the Supreme Pontiff through the Cardinal Secretary of State, and especially with such of them as have some connection with civil laws and relate to the pacts entered upon with different States.

11. THE CONGREGATION OF STUDIES.

To this sacred congregation is committed the regulation of the studies which are to be gone through in the major athenæums known as universities or faculties, which depend on the authority of the Church, including those which are administered by the members of religious societies. It examines and approves new institutions; it grants the faculty for the conferring of academic degrees, and may confer them itself in the case of men distinguished for special learning.

II.

TRIBUNALS.

I. THE SACRED PENITENTIARIA.

The jurisdiction of this sacred court or tribunal is limited entirely to those things which regard the forum internum, non-sacramental as well as sacramental. Hence matrimonial dispensations of the forum externum being assigned to the Congregation for the Discipline of the Sacraments, this tribunal for the forum internum concedes favors, absolutions, dispensations, commutations, sanations, condonations; moreover, it examines questions of conscience and decides them.

2. THE SACRED ROMAN ROTA.

As the Tribunal of the Sacred Roman Rota, which in former times was an object of universal praise, has in these times through various causes almost ceased to judge, the result has been that the Sacred

Congregations have been burdened excessively with forensic cases. To meet this evil, following the lines laid down by our predecessors, Sixtus V., Innocent XII. and Pius VI., we not only ordain "that for the future contentious cases, civil as well as criminal, requiring judicial procedure with trial and proofs, shall not be received or taken cognizance of by the Sacred Congregations (letter of the Secretariate of State April 17, 1728), but we moreover decree that all contentious cases, not major ones, which are treated in the Roman Curia shall for the future devolve to the Tribunal of the Sacred Roman Rota, which we do by these letters again call into exercise according to the special law which we place in the appendix of the present Constitution, without prejudice, however, to the rights of the Sacred Congregations as above set forth.

3. THE APOSTOLIC SEGNETURA.

We have also deemed it well to restore the supreme Tribunal of the Apostolic Segnetura and by these present letters we do restore it or rather we institute it in the manner determined in the above mentioned law, suppressing the ancient organization of the Papal Segnetura of Grace and Justice.

III.

OFFICES.

I. THE APOSTOLIC CANCELLERIA.

1. This office has for president one of the Cardinals of Holy Roman Church, who for the future shall assume the title of Chancellor instead of Vice Chancellor. According to very ancient custom he fulfills *ex officio* the office of notary in the Sacred Consistories.

2. Henceforth the sole proper function reserved to the office of the Cancelleria shall be that of forwarding sub plumbo the apostolic letters concerning the provision of consistorial benefices, the institution of new dioceses and chapters and the transaction of the other greater affairs of the Church.

3. There shall be only one manner of forwarding these, that is *per viam Cancellariae*, according to rules to be given separately, the former methods known as *per viam secretam*, *de Camera* and *de Curia* being suppressed.

4. The above mentioned letters or bulls shall be sent by command of the Consistorial Congregation concerning the affairs belonging to its jurisdiction, or by command of the Supreme Pontiff concerning other affairs, the terms of the mandate being in each case observed to the letter.

5. With the suppression of the College of Prelates known as *Abbreviatores majoris vel minoris residentiae*, or *de parco majori vel minori*, their office in the signing of apostolic bulls is transferred to the College of Protonotaries Apostolic called *participantes de numero*.

2. THE APOSTOLIC DATARIA.

1. This office is under the presidency of one of the Cardinals of Holy Roman Church, who shall for the future have the title of Datary and not that of Pro-Datary.

2. For the future the one special function of the Dataria is to be that of taking cognizance of the fitness of those who aspire to non-consistorial benefices reserved to the Apostolic See; to draw up and forward the apostolic letters conferring these benefices; to dispense from the requisite conditions for the conferring of these benefices; to look after the pensions and charges which the Supreme Pontiff shall have imposed for the conferring of them.

3. In the performance of all this it shall observe the rules special to it which are to be given separately.

3. THE APOSTOLIC CAMERA.

To this office belong the care and the administration of the property and temporal rights of the Holy See, especially during the periods of vacancy. It is presided over by a Cardinal Chamberlain of Holy Roman Church, who in the fulfillment of his office during the vacancy of the see shall be governed by the rules contained in the Constitution *Vacante Sede Apostolica* of December 25, 1904.

4. THE SECRETARIATE OF STATE.

This office, of which the supreme ruler is the Cardinal Secretary of State, that is, of public affairs, will consist of three parts. The first part will be concerned with extraordinary affairs, which shall be submitted for examination to the congregation assigned for them, the others being handed over, according to their nature, to the special congregations to which they belong; the second shall deal with ordinary affairs, and to it, among other things, shall belong the right of granting all marks of honor both ecclesiastical and civil, with the exception of those reserved to the prelate who presides over the Pontifical household; the third shall occupy itself with the sending of the apostolic briefs committed to it by the various congregations. Over the first part shall preside the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs; over the second the Substitute for ordinary affairs; over the third the Chancellor of the apostolic briefs. Among the presidents of these parts the first is the

Secretary of the Sacred Congregation for Extraordinary Affairs, the second the Substitute for ordinary affairs.

5. THE SECRETARIATES OF BRIEFS TO PRINCES AND OF LATIN LETTERS.

This double office shall perform as heretofore its functions of writing in Latin the acts of the Supreme Pontiff.

But for the future in all apostolic letters sent either by the Cancellaria or by the Dataria the beginning of the year shall be taken not from the day of the Incarnation of Our Lord, that is, from March 25, but from the 1st of January.

Wherefore the Congregations, Tribunals and Offices which we have mentioned shall constitute the Roman Curia, preserving their own constitutions as in existence before these our letters, unless in as far as they may have been changed by the above prescriptions or according to the law and to the rules, general or special, added to this Constitution.

The congregation known as that of the Reverenda Fabrica S. Petri shall for the future have as its sole care the domestic affairs of the Basilica of the Prince of the Apostles, in this observing to the letter the rules laid down by Benedict XIV. in the Constitution *Quanta curarum* of November 15, 1751.

The commissions for the promotion of the study of Scripture and of history, for the administration of Peter Pence, for the Preservation of the Faith in the City remain in their former state.

With the removal of the Congregation for the Apostolic Visitation of the City, its right and functions we transfer to a special commission of Fathers Cardinals to be constituted at the vicariate of the city.

But for all and several of the above mentioned Congregations, Tribunals and Offices let this first of all be a solemn rule: that nothing grave and out of the ordinary be done until it shall have previously been made known to us and to our successors for the time being by the rulers of the same.

Moreover, all sentences, whether of grace or justice, require the Pontifical approval, exception being made for those for which special faculties have been granted to the rulers of the said Offices, Tribunals and Congregations, and always excepting the sentences of the Tribunal of the Sacred Rota and of the Apostolic Segnatura passed by them within their competence.

To this Constitution are added special laws and rules, both general and special, by which the discipline and the method of treating affairs in the Congregations, Tribunals and Offices is regulated; which laws and rules we order to be scrupulously observed by all.

And these are to have force while the Apostolic See is occupied, for when it is vacant the laws and rules laid down in the above mentioned Constitution *Vacante Sede Apostolica* are to hold.

Decreeing the present letters to be of force, valid and efficacious, now and in the future, and to have and obtain their plenary and integral effects, and to be in all things and for all things of force on behalf of those whom it concerns or shall in any way concern for the time being, and that any attempt against these made by anybody shall be null and void. Notwithstanding our rule and that of the Apostolic Chancery regarding the non-abolition of acquired rights, and the Apostolic Constitution and Ordinances, or statutes based on any other sanction, customs and anything else whatsoever, even those calling for special mention, to the contrary.

Given at Rome at St. Peter's in the year of the Incarnation of Our Lord one thousand nine hundred and eight, on the feast of the Holy Apostles Peter and Paul, June 29, in the fifth year of our Pontificate.

R. CARD. MERRY DEL VAL, *Secretary of State.*

A. CARD. DI PIETRO, *Pro-Datary.*

Authenticated:

I. of the Viscounts De Aquila of the Curia.

Loco ✕ Plumbi.

Reg. in the Secr. of Briefs.

V. CUGNONI.