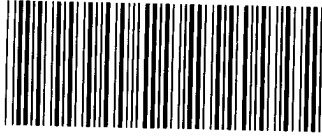


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**Reply.** In the case of those who during their military service were bound by vows, in the negative to the first part; in the affirmative to the second. In the case of those whose vows had ceased, in the affirmative to the first part; as regards the second part, they should pay a just compensation to their religious society.

V. Whether an annual pension given because of mutilation or broken health suffered in the war, to religious who are professed of the simple vows or to those referred to in c. 673, § 1, or finally to those whose vows or promises were suspended, belongs to the religious society concerned.

**Reply.** In the case of religious who during their military service were bound by vows, it belongs to the society; in the case of others, it belongs to the person, who, however, is bound to turn it over to the society as long as he remains in it.

VI. Whether pecuniary emoluments which come because of military decorations won in the war (military medals; cross of the legion of honor), belong to the ex-soldier or to the religious society.

**Reply.** In the negative to the first part; in the affirmative to the second, except in the case of those who during the war were not bound by vows.

VII. Whether money given to individual soldiers in the act of their dismissal as a token of public gratitude, belongs to the religious society.

**Reply.** In the affirmative, unless they were not bound by vows during the war.

VIII. Whether those who contrary to the above resolution have already disposed of money received in connection with the war, are bound to restitution.

**Reply.** In the affirmative, unless the religious acted according to the permission of the Superior, reasonably presumed.

AAS 14-196; S. C. Rel., 16 Mar., 1922.  
*Periodica*, 11-34 (Vermeersch); J.P., 1922-58.

#### CANON 587

##### Studies of Religious (Ap. Letter, Pius XI) AAS 16-133.

A capital document on the studies of religious is the Apostolic Letter of Pius XI, 19 March, 1924, some features of which are summarily reported under canons 487, 564, 565, 589, 1364, and 1366.

AAS 16-133; Pius XI, Apostolic Letter, 19 Mar., 1924.  
*Periodica*, 13-1 (Vermeersch).

**Houses of Studies: Common Life** to be observed in. See c. 973; AAS 24-74, n. 7.

**Secular Universities: Religious Clerics Attending.** See c. 129; AAS 10-237, n. 5.

#### CANON 588

**Spiritual Father:** To train young religious destined for clerical life during their studies. See c. 973; AAS 24-74.

#### CANON 589

##### Humanities, As a Rule, to Be Finished Before Entering Novitiate (Ap. Letter, Pius XI) AAS 16-133.

His Holiness Pius XI, in the course of an Apostolic Letter to the Superiors General of religious Orders and societies of men, citing c. 589, said:

You must see to it, therefore, that after the young candidates for the religious life have been seasonably and prudently selected, they receive, along with such training in piety as is suited to their age, instruction in the lower studies which are usually given in schools and colleges; so that they do not enter the novitiate until they shall have completed the curriculum of the so-called "humanities," unless in individual cases rather grave reasons make it advisable to provide otherwise.

AAS 16-133; Pius XI, Apostolic Letter, 19 Mar., 1924.  
*Periodica*, 13-14 (Vermeersch).

**NOTE:** Other features of this Letter are summarily reported under canons 487, 564, 565, 587, 1364, and 1366.

**Secondary Studies to be Finished Before Entering Novitiate.** See c. 973; AAS 24-74, n. 5.

## CANON 590

**Junior Clergy Examination for Religious.** See c. 973; AAS 24-74, n. 10.  
**Religious Pastors: Examination.** See c. 130; AAS 14-526.  
**Secular Universities: Religious attending, not excused from junior clergy examination.** See c. 129; AAS 10-237, 3.

## CANON 595

**Spiritual Exercises.** See c. 126; AAS 14-627 and AAS 21-689.

## CANON 597

**Instruction on Inclosure of Monastic Nuns.** See c. 600; AAS 16-96.  
**Simple Vows: No Papal Inclosure.** See c. 572; AAS 13-177, 2.

## CANON 600

**Instruction on Cloister of Monastic Nuns of Solemn Vows**  
 (S. C. Rel.) AAS 16-96.

Upon the publication recently of the Decree of this Sacred Congregation relating to monastic nuns in France and Belgium, under date of 23 June, 1923,<sup>1</sup> very many monasteries in those countries promptly took action to obtain permission for their nuns to be admitted to the profession of the solemn vows; and they earnestly begged to be duly instructed by this Sacred Congregation regarding the law of papal cloister which accompanies the aforesaid permission.

The Sacred Congregation, considering that the law of cloister, or inclosure, as adopted in the Code of Canon Law, is taken from the old law; that it had been kept from the time of St. Pius V, confirmed by a great number of replies of the Sacred Congregations, and explained in treatises by sacred writers, has decided to issue an Instruction which may serve as a norm for all monasteries of nuns in which solemn vows are pronounced.

<sup>1</sup>See c. 500; AAS 15-357.

Accordingly, after mature deliberation, the Sacred Congregation has decreed the following to be observed in regard to the law of papal cloister:

I. Monastic nuns, by virtue of their vows and the law of the Church, contract the obligation:

*a)* To remain forever, each one within the walls of her monastery, in such wise that without a special indult from the Holy See, she may not go out from it, except in the cases hereafter mentioned (c. 601);

*b)* To admit within those walls no person of whatsoever kind, condition, sex, or age, without permission of the Holy See, unless the person be excepted by law as hereafter provided (c. 600).

This is the law and obligation of papal cloister, and it applies even to monasteries in which the number of nuns is ever so much diminished.

II. The monastery, therefore, together with the adjacent grounds and gardens (c. 597, § 2) must be so inclosed that, as far as possible, those within cannot see or be seen by persons outside (c. 602).

1. If any windows face a public street or neighboring houses, or allow of communication with outsiders, they must be provided with opaque panes or shutters so that the view in and out will be screened.

2. If the choir has a screen through which the nuns may see the altar, the screen should be so placed that the faithful from their place may not be able to see the nuns.

3. The confessional should be so arranged that the confessor is outside the cloister, and the penitents within it.

4. The place in which the nuns receive Holy Communion should be closed by a door or curtain, so that the nuns cannot be seen by the faithful.

5. At the gate of the monastery, in the sacristy, and wherever it is needed, let a wheel be installed in the wall, through which necessary articles may be passed. There is no objection to having a little opening in the wheel, through which one may see what is being put into it.

6. The public church with the sacristy contiguous to it are not included within the papal cloister; hence, to these the nuns have not access without an indult from the Holy See.

III. The law of cloister can be broken in two ways: either by the wrongful egress of nuns from the monastery on any pretext, even for a short time (c. 601), or by the wrongful ingress of any other person without permission of the Holy See.

1. Egress from the monastery without permission of the Holy See is permitted to the nuns after their profession, only in case of imminent danger of death or of some other very grave peril. The danger, in such a case, must, if there is time, be acknowledged in writing by the Ordinary of the place (c. 601).

a) Such dangers are: fire, flood, collapse of the building, the terrors of war, invasion by soldiers, etc. Such a danger might arise from one of the nuns themselves, for example, if one of them were afflicted with a dangerous insanity or an infectious disease, in which case she ought to leave the cloister for the safety of the rest of the community. If there is time, however, the Ordinary of the place should, at the request of the nuns, acknowledge in writing the danger and the existence of a sufficient cause for leaving the monastery.

b) Without permission of the Holy See, therefore, a nun cannot be transferred from one monastery to another, even of the same Order, or for a short time, nor go away to establish a new foundation, nor to act as Abbess or Superioress or mistress of novices; nor for health's sake; nor to supervise the building of a new monastery. These permissions, however, are usually granted by the Sacred Congregation for just cause and under reasonable prescribed conditions.

c) If the monastery has a roof garden, the nuns may have access to it, provided it be sufficiently screened on all sides.

d) Since it is frequently necessary for the honor of the house of God that the nuns personally perform in the church those exterior tasks that are required so that the church may always be clean and neat, and especially that it may be fittingly ornamented on great feasts, the Holy See grants to the Superioress, for monasteries who ask it, the permission to designate as many nuns as may be necessary, who may, at a time when there is no one in the church and when the church is entirely closed, go there to perform all those duties which pertain to the care of the church and its cleanliness.

e) Although postulants for the religious habit, while they are

servicing their postulancy, are bound by the law of cloister (c. 540, § 3), yet they can freely leave the monastery without the permission of the Holy See, when they either decide of their own accord to return to the world, or are dismissed by their Superiors. The same is true of novices, and of the professed of temporary vows when their vows have expired, or when they have been lawfully dismissed.

2. Ingress into the monastery without permission of the Holy See, is, in virtue of c. 600, permitted to the following persons:

a) The Ordinary of the place or the regular Superior when they visit the monastery, or other Visitors delegated by them, may enter the cloister for the purpose of inspection only, and with the precaution that at least one cleric or religious man of mature age accompany them (c. 600, 1°).

b) The Visitor, therefore, may enter the cloister for the *local* visitation only. The *personal* visitation must be made outside the cloister, at the screen. And the Ordinary, or regular Superior, or Visitor, may not enter the cloister except in the act of official visitation.

c) The Ordinary of the place or his delegate must not enter the cloister for the purpose of the exploration which is to be made by them before the receiving of the habit and before each of the two professions (cc. 506, § 2; 552, § 2).

d) If the Bishop or another priest is to preside at the reception of the habit or at the profession of the nuns, he may not enter the cloister, nor may the postulant or the one who is to pronounce her vows leave it.

e) The Visitor who is about to enter the cloister for the purpose of inspection must be accompanied by at least one cleric or one religious man, who may be a lay brother, of mature age; and this companion must not leave him during the whole time that he is in the monastery.

f) The confessor, or the one who takes his place, may, with the proper safeguards, enter the cloister to administer the sacraments to the sick or to attend the dying (c. 600, 2°). This permission applies to the ordinary confessor of the monastery, or to the one who takes his place, who by c. 514, § 2, has the right to administer the sacraments and to assist the dying in monasteries of nuns; if these are not at hand, another priest may enter the cloister.

g) For the purpose of hearing the confessions of the sick, as often as that may be required, the cloister may be entered, not only by the ordinary confessor, but also by the extraordinary or an appointed confessor, or by any confessor who has been called by a nun who is seriously sick, according to c. 523.

h) The due precautions to be taken in the administration of Holy Communion are laid down in the Decree of the S. C. Rel., 1 Sept., 1912: "Four religious women of mature age must, if possible, accompany the priest from his entrance into the cloister until his departure from it. The priest must carry the pyx containing some consecrated particles, administer Holy Communion, return to the church, and deposit the pyx there, observing the rubrics prescribed in the Roman Ritual for the Communion of the sick."

i) For the hearing of confessions the following precautions are prescribed: two nuns shall accompany the confessor to the cell of the sick nun and shall wait there before the open door of the cell while the priest hears the confession, and accompany him again when he returns to the monastery gate.

k) Whenever a priest enters the cloister to perform the aforesaid ministrations, he must, as soon as that work is done, immediately leave the monastery.

l) If the word of God cannot conveniently be preached to the nuns at the screen, permission should be asked of the Holy See, which does not usually deny the permission if there are grave reasons for it, so that the preachers may be able to enter the cloister and preach in the choir or in the chapter, observing, however, the cautions and safeguards above mentioned for confessors.

m) The cloister may be entered by those who hold the supreme power in the State, with their wives and retinue; also by Cardinals of the Holy Roman Church (c. 600, 3°).

n) The Superioress may, under proper precautions, admit doctors, surgeons, and others whose services are necessary, having obtained beforehand at least the habitual consent of the Ordinary of the place; but if it is a case of necessity and there is not time to obtain his consent, it is lawfully presumed (c. 600, 4°).

o) The Superioress may, therefore, in virtue of authority hereby granted to her by the Holy See, allow ingress to all persons whose services are required within the monastery; but she should obtain beforehand from the Ordinary of the place at least his habitual ap-

probation. Hence, the practice is for nuns at the beginning of each year to draw up in a handy book a list of all those whose services will most probably be required in the course of the year, in the monastery, or in the garden, or in the shops which are located within the monastery walls (physicians and others who are needed for the care of the sick, workmen for the garden, the wine cellar, the stables, and other such persons); and this book is presented to the Ordinary to be signed, for that habitual approbation which has been mentioned. But if in some extraordinary case it is urgently necessary that some one enter the monastery, and there is no time to ask the Ordinary for his approval, this approval is presumed by law, that is, the law itself confirms the presumption thereof.

p) But the Superioress is enjoined in all cases to employ the required safeguards. These safeguards consist in this, that the persons who enter shall be known from certain information obtained in advance to be of good repute and character; that they be accompanied by two of the older nuns to the place where their services are required; and that none of the nuns be permitted to speak to them except those who have to deal with them in regard to their business.

IV. The keys of the cloister shall be in the hands of the Superioress night and day; and she shall give them to certain designated nuns when there is need.

If the Superioress or any other nun shall without the required permission introduce or even merely admit any person whatever into the monastery, she shall not only be guilty of grave sin, but shall *ipso facto* incur an excommunication reserved *simpliciter* to the Holy See (c. 2342, 1°).

Aspirants to the religious habit enter the cloister with the permission of the Ordinary. But girls may not be admitted to the monastery to go to school there, or for any other reason, even a pious one, without the permission of the Holy See.

V. In the parlor where the nuns may receive outsiders, within the limits prescribed by the constitutions of their respective institutes, there should be two screens, separated by a space of about twenty centimeters, and attached to the wall so that they cannot be opened. If the constitutions allow it, there may be a wheel also in the parlor. In everything else that concerns the

parlor, especially in regard to the constant watchfulness over what is done and said there, let the constitutions of each monastery be exactly observed.

VI. The cloister of nuns, even of those who are under regular Superiors, is subject, as regards its exact observance, to the vigilance of the Ordinary of the place, who has power, after a violation of it has been committed, to punish the offenders even by penalties and censures, without any exception in favor of men of the regular Orders, and by the same measures to bring pressure to bear upon them to prevent its violation. The regular Superior also has the custody of the cloister of nuns who are subject to him, and he also may punish with penalties either the nuns or others among his subjects who offend in this regard (c. 603).

Approved by His Holiness, Pius XI, 6 Feb., 1924.

AAS 16-96; S. C. Rel., Instruction, 6 Feb., 1924.  
*Periodica*, 13-58 (Vermeersch).

Privileges Effective in Advance of Code. See c. 1250; AAS 9-475.

### CANON 603

Authority of Ordinary of Place and of Regular Superior, as regards inclosure. See c. 600; AAS 16-96, n. VI.

### CANON 610

Mass in Houses of Religious Women of Simple Vows (Cod. Com.) AAS 16-113.

The Code Commission was asked:

Whether, in virtue of c. 610, § 2, which provides: "The Mass corresponding to the office of the day according to the rubrics shall also be celebrated daily in religious institutes of men, and also, as far as possible, in those of women"; the Mass corresponding to the office of the day should be celebrated only in religious institutes of regulars and monastic nuns who have solemn vows, or also in houses of religious women who have simple vows, but who by virtue of constitutions approved by the Holy See, are bound to choir duty.

**Reply.** In the negative to the first part; in the affirmative to the second.

AAS 16-113; Cod. Com., 20 May, 1923, III.  
*Periodica*, 13-83 (Vermeersch); J.P., 1924-5.

**Religious Not Bound to More Than One Conventual Mass** (Reply, S. C. Rit.) AAS 16-248.

The Sacred Congregation of Rites was asked:

Whether the new General Rubrics of the Roman Missal, tit. I, n. 1, where there is question of several conventual Masses to be celebrated in choir or out of choir, apply to the churches of religious in which there is an obligation of attending choir.

**Reply.** In the negative; i.e., those churches are not included, and religious are not bound, according to the General Rubrics of the Roman Missal, tit. III, n. 2, and canons 413, §§ 1 and 2, and 610, § 2, and the Decrees 1331-1332, 13 Feb., 1666 ad 6; 2514, 27 March, 1779 ad. 5; and general Decree 3757, 2 Dec., 1891; in the absence of lawful custom or their constitutions.

AAS 16-248; S. C. Rit., 2 May, 1924.

*Periodica*, 13-119 (Pauwels); cf. *Periodica*, 13-(20).

### CANON 614

**Religious are Exempt from Military Service.** Since, however, this exemption is not always respected, the Decree, *Inter reliquas*, governing their conduct while in the service, remains in effect. See c. 121; AAS 11-321.

### CANON 615

**Blessing of Benedictine Abbots: Mandate *Semel Pro Semper* to Bishops** (Letter, Benedict XV) AAS 13-416.

An Apostolic Letter of Benedict XV, 19 June, 1921, begins by recalling that two formulas exist in the Roman Pontifical for the blessing of Abbots; one to be used for blessings imparted by authority of the Holy See, the other for blessings by authority of the Ordinary. The latter is used for Abbots who are not exempt, and who are bound to promise subjection and obedience to the Ordinary of the place in the ceremony itself. The former is used for Abbots who enjoy the privilege of exemption. All Benedictine Ab-

bots belong to this class (cf. c. 615). In their case, therefore, the practice before the Code had been, when the blessing was to be imparted outside the Roman Curia, that an apostolic mandate be directed to the Ordinary within whose territory the monastery of the future Abbot was located, except in the case of Abbots *nullius dioecesis* or of those who, by privilege, could be blessed by any Bishop.

Since the Code in this matter renews the discipline theretofore existing, apostolic mandate is still required in these cases. At the request, however, of the Abbot Primate of the Order of St. Benedict, the Holy See by these presents grants perpetually for the future, *semel pro semper*, a general or common mandate, directed to the respective diocesan Bishop, which may be read at that point in the ceremony of blessing in the *Pontifical*, where the question is asked, *Habetis mandatum Apostolicum?*<sup>1</sup>

Moreover, since the diocesan Bishop may at times be prevented from imparting the blessing at an opportune time, the peculiar privilege is granted, whereby not only Abbots *nullius dioecesis* who are mentioned in cc. 322, § 2, and 323, § 1, and Abbots whose monasteries are located in the territory of some prelate *nullius*, but also all other Abbots of the Order of St. Benedict, can receive the aforesaid blessing from any Bishop in communion with the Holy See, whenever the episcopal see is vacant, or whenever written proof exists that the diocesan Bishop is either legitimately impeded from giving the blessing himself, or has consented that it be given by another.

In the solemn ceremony of blessing, it is ordered that the Abbot shall bind himself by the customary oath to be forever faithful. AAS 13-416; Benedict XV, Letter, 19 June, 1921. *Periodica*, 10-341 (Vermeersch).

**Diocesan Funeral Tax**, binding even on exempt religious. See c. 1234; AAS 19-161.

**Indulgences** may be declared by the Bishop in favor of exempt religious. See c. 349; AAS 23-25.

**Monastic Nuns in France and Belgium** do not enjoy exemption. See c. 500; AAS 15-357.

<sup>1</sup>Cf. *Pontificale Romanum, Pars I, De Benedictione Abbatis Auctoritate Apostolica*.

## CANON 621

**Mendicant Orders: Permission of Ordinary to Beg Alms**  
(Cod. Com.) AAS 11-478.

The Code Commission was asked:

Whether c. 621, § 1, is to be understood as applying only to religious who are mendicants in the strict sense; or also to those who are called such in a broader sense, as for example, the Order of Preachers.

And if the reply is in the affirmative to the first part: whether the aforesaid mendicants need the permission of the Ordinary, if they wish to collect money in the diocese for the building, ornamenting, etc., of their churches.

**Reply.** In the affirmative to the first part; in the negative to the second. As regards the obtaining of permission from the Ordinary, that is provided for in the aforesaid canon 621, § 1.

AAS 11-478; Cod. Com., 16 Oct., 1919, n. 10.

*Periodica*, 10-103 (Vermeersch); J.P., 1923-68.

**Oriental Clerics Collecting Alms.** See c. 1; AAS 20-107 and AAS 22-108.

## CANON 622

**Oriental Clerics Collecting Alms.** See c. 1; AAS 20-107 and AAS 22-108.

## CANON 625

**Violet Skull Cap Allowed, Where Its Use is Based on a Privilege — Private.**

Private replies of the S. C. Rit. are to the effect that, although c. 625 does not confer on regular Abbots who are actually governing a community the right to wear a violet skull cap, yet it is not the intention of this canon to derogate from privileges theretofore granted which are still in effect.

(Private); Cf. *Periodica*, 18-244; 20-143 (Vermeersch).

## CANON 630

**Full Religious Parish: Administration of Foundations and Legacies.**  
Canon 630 is expressly safeguarded in a Reply of the Code Commission.  
See c. 1425; AAS 18-393.

## CANON 631

**Full Religious Parish: Administration of Foundations and Legacies.**  
See c. 1425; AAS 18-393.  
**Religious Superior and Mission Superior**, in missions, have cumulative right to correct delinquent subjects; but in conflict the decision of the mission Superior prevails. See c. 1350; AAS 22-111.

## CANON 632

**Authority of Ordinary to Permit Transfer of Nuns from One Monastery to Another** (Reply, S. C. Rel.) AAS 18-490.

The Sacred Congregation of Religious was asked:

I. Whether nuns of monasteries in which only simple vows are pronounced, in accordance with c. 488, 7° and the Decree of S. C. Rel., 23 June, 1923,<sup>1</sup> can go from their own monastery to another monastery of the same kind which is *sui juris* and belongs to the same Order, upon the authority merely of the Ordinary or Ordinaries.

**Reply.** In the negative; and let c. 632 be observed.

II. Whether these same nuns can be transferred by the Ordinary or Ordinaries from their own to another monastery as above, with their consent and that of both communities, at least for a time, so that in the new monastery while they remain there they may be able to enjoy the rights and perform the duties in the same way as nuns of that community.

**Reply.** In the negative without previous permission from the Holy See.

Approved and confirmed by His Holiness, Pius XI, 9 Nov., 1926.

<sup>1</sup>See c. 500; AAS 15-357.

AAS 18-490; S. C. Rel., Reply, 9 Nov., 1926.  
*Periodica*, 15-230 (Vermeersch).

## CANON 633

**Religious Transferring to New Order Wears Habit of Novice of New Order** (S. C. Rel.) AAS 15-289.

The Sacred Congregation of Religious was asked:

Whether a religious who has taken his vows in a certain religious society, and has been transferred by apostolic indult to another one, is bound to receive and to wear the habit of novices in that Order to which he has been transferred, while his noviceship in that Order lasts.

**Reply.** In the affirmative.

AAS 15-289; S. C. Rel., Reply, 14 May, 1923.

*Periodica*, 12-67; cf. *Periodica*, 12-(16) (Vermeersch); J.P., 1923-130.

## CANON 634

**Religious Coming from Another Institute** (Cod. Com.) AAS 14-528.

The Code Commission was asked:

Whether the vote of the Chapter (cf. c. 575, § 2) in admitting a religious under the circumstances mentioned in c. 634 to the solemn profession or to the perpetual profession of the simple vows, is deliberative or only consultative.

**Reply.** In the affirmative to the first part; in the negative to the second.

AAS 14-528; Cod. Com., 14 July, 1922, VII.

*Periodica*, 11-166 (Vermeersch); J.P., 1922-123.

## CANON 637

**Religious in Military Service: Departure from Institute.** Temporary vows are to be taken to be effective only until military service is entered. Hence, during such service religious are free to leave their society, notifying Superiors thereof as provided in the Decree, *Inter reliquas*, IV and V. See c. 121; AAS 11-321, n. 2.



## CANON 638

**Indult of Secularization Need Not Be Accepted.** See c. 640; AAS 14-501.  
**Migration from Europe to America:** Religious living outside their houses remain subject to regulations governing. See c. 116; AAS 11-39, nn. 10, 13.

## CANON 639

**Religious Habit:** Religious living outside may be permitted to wear for special reasons. See c. 640; AAS 14-662, 2.

## CANON 640

**Indult of Secularization Need Not Be Accepted (S. C. Rel.)** AAS 14-501.

The Sacred Congregation of Religious was asked:

Whether a religious who has obtained an indult of secularization or a dispensation from simple vows can refuse to accept the indult or the dispensation when he receives notice of it from the local Superior, although the General Superior has already issued in writing, in accordance with c. 56, the Decree executing the rescript.

**Reply.** In the affirmative, provided Superiors have not grave reasons to the contrary, in which case they should refer the matter to the Sacred Congregation.

AAS 14-501; S. C. Rel., Reply, 1 Aug., 1922.  
*Periodica* 11-150 (Vermeersch); J.P., 1922-90.

**Canon 640 Interpreted (Cod. Com.)** AAS 14-662.

The Code Commission was asked:

1. Whether c. 640, § 1, includes all who have obtained an indult of secularization, whether from the Holy See or from the Ordinary of the place.

**Reply.** In the affirmative.

2. Whether those who have obtained an indult of *exclaustration* from the Ordinary of the place, are bound by the conditions laid down in c. 639.

**Reply.** In the affirmative, without prejudice to the power of the Ordinary to permit the person to retain the religious habit, for special reasons.

AAS 14-662; Cod. Com., 12 Nov., 1922, III.  
*Periodica*, 11-184 (Vermeersch); J.P., 1922-129.

**Migration from Europe to America or Philippines; Secularized religious** remain subject to regulations governing. See c. 116; AAS 11-39, nn. 10, 13.

## CANON 642

**Prohibitions of this Canon Apply Also to Those Who Returned to the World Before the Code (Cod. Com.)** AAS 12-575.

The Code Commission was asked:

Whether the prohibitions contained in c. 642 prevent religious from obtaining offices or benefices, only in case they returned to the world after the promulgation of the Code; or whether, notwithstanding c. 10, those prohibitions apply also to those religious who, before the promulgation of the Code, were, with the permission of the Holy See, already out of the religious life.

**Reply.** In the negative to the first part; in the affirmative to the second.

AAS 12-575; Cod. Com., 24 Nov., 1920.  
*Periodica*, 10-252 (Vermeersch); J.P., 1923-119.

**Secularized Religious May Not Be Diocesan Consultor.** See c. 423; AAS 23-110.

## CANON 643

**Charitable Subsidy to Departing Religious,** must be given, in addition to restoration of her dowry, when that is insufficient for her needs. See c. 551; AAS 16-165.

## CANON 646

**Absolution of Apostates and Fugitives from Religion.** See c. 925; AAS 16-337, IX and X.

**Religious Who Pronounced Perpetual Vows Before the Code:** Dismissal of. See c. 10; AAS 11-476.  
**Societies Without Vows:** Dismissal. See c. 681; AAS 13-177.  
**Vows Made for "As Long as I Live in the Congregation."** See c. 574; AAS 13-177.

### CANON 647

**Recourse to Holy See** (Replies and Declaration, S. C. Rel.)  
 AAS 15-457.

The Sacred Congregation of Religious was asked:

Since c. 647, § 2, provides that a professed religious of temporary vows who receives a decree of dismissal from Superiors, shall have the right of recourse to the Apostolic See, and that pending the recourse the dismissal shall have no juridical effect, the question is:

How much time is allowed for the interposition of the recourse, as regards its suspensive effect?

The Eminent Fathers of the Sacred Congregation of Religious at the plenary session held at the Vatican, 13 July, 1923, replied:

**Reply.** The available time (*tempus utile*) for the interposition of the recourse as regards the suspensive effect mentioned in c. 647, § 2, is ten days from the notice to the dismissed religious, according to the norm established in similar cases, as in cc. 1465, § 1, and 2153, § 1.

His Holiness, Pius XI, approved this resolution in the audience of 17 July, 1923.

In order to remove all occasion of doubt, both regarding the aforesaid limit of time and regarding certain consequences from it, this Sacred Congregation observes that the following points are to be noticed and attended to:

1. The religious may interpose a recourse from the decree of dismissal, either immediately by a letter sent to this Sacred Congregation, or mediately through the person who communicated to him the decree.

2. To prove the fact that the recourse has been made, an authentic document, or at least the testimony of two trustworthy persons, is required and sufficient.

3. The available time of ten days from notice of the decree given to the religious, is to be computed according to c. 34, § 3, 3°; and

according to c. 35 it does not run if the dismissed religious does not know he has a right to make the recourse, or if he is unable to do so. Hence, it is well that the Superior inform him of his right and of the limit of time for its exercise, at the same time when he notifies him of the decree of dismissal.

4. The recourse duly made has a suspensive effect; hence, until the decree of dismissal is confirmed by the S. C. Rel., and until the Superior who did the dismissing has been notified of its confirmation by an authentic document from the Sacred Congregation, the decree of dismissal is ineffective and cannot be put into execution.

5. While the recourse is pending, the person dismissed remains a religious, and hence has the same rights and obligations as other religious, in exactly the same way as before his dismissal. Hence, he has the right and obligation of dwelling in the religious house, and remains under the obedience of Superiors, without prejudice to the provision of c. 2243, § 2.

AAS 15-457; S. C. Rel., Reply and Declaration, 20 July, 1923.

*Periodica*, 12-101 (Vermeersch); J.P., 1923-134.

NOTE: This document was cited in a case before the S. C. Conc. Cf. c. 2146; AAS 16-162.

**Vows Made for "As Long as I Live in the Congregation."** See c. 574; AAS 13-177.

### CANON 648

**Vows Made for "As Long as I Live in the Congregation."** Dismissal governed by canons 646, 647, and 648. See c. 574; AAS 13-177.

### CANON 649

**Vows Made for "As Long as I Live in the Congregation,"** not regarded as perpetual. See c. 574; AAS 13-177.

### CANON 654

**Simple Vows Pronounced Before the Code:** Dismissal regulated by pre-Code discipline. See c. 10; AAS 11-476.

## CANON 673

**Societies of Clerics Without Vows (Cod. Com.) AAS 10-347.**

The Code Commission was asked:

Whether canons 2386, 2387, 2389, 2410, 2411, 2413 are applicable to societies of clerics without vows.

**Reply.** As to canons 2386, 2387, and 2389, in the affirmative in as far as the members live a common life; as to c. 2410, in the affirmative in as far as the society has the privilege of granting dimissorials to its members for orders; as to the first part of c. 2411, in the affirmative, without prejudice, as regards the rest, to the constitutions of the society; as to c. 2413, in the affirmative.

AAS 10-347; Cod. Com., 3 June, 1918.

*Periodica*, 9-151 (Vermeersch); J.P., 1922-55.

**Decree Relating to Erection and Approval** as of diocesan law, of pious society of persons of either sex living in common without vows. See c. 488; AAS 14-644.

**Pensions** received for mutilation or broken health suffered in war by members of societies of common life without vows. See c. 582; AAS 14-196, V.

## CANON 675

**Profession of Faith**, by Superiors in clerical religious societies without vows. See c. 1406; AAS 18-393.

**Tenure of Office** of local Superiors, in religious societies without vows, not to be beyond three years. See c. 505; AAS 18-393.

## CANON 678

**Catechetical Instruction in Lay Religious Institutes.** See c. 509; AAS 22-28.

## CANON 681

**Societies Without Vows: Dismissal (Cod. Com.) AAS 13-177.**

The Code Commission was asked:

In canon 681 it is prescribed that in the dismissal of members of societies without vows canons 646-672 relating to the dismissal of religious are to be observed. Since these canons make different requirements according as the case is one of temporary or of perpetual vows, it is asked to which class of cases c. 681 refers, since it deals with members who have no vows at all?

**Reply.** If the bond binding members of a society without vows is temporary, the canons dealing with the dismissal of religious of temporary vows are to be observed; if the bond is perpetual, the canons dealing with the dismissal of religious of perpetual vows.

AAS 13-177; Cod. Com., 1 Mar., 1921.  
*Periodica*, 10-325 (Vermeersch).