



# CODEx OF CANON LAW

## OF THE

## NORTH AMERICAN OLD ROMAN CATHOLIC CHURCH

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# THE CODEX OF CANON LAW

## OF THE NORTH AMERICAN OLD ROMAN CATHOLIC CHURCH

### PART 1 — GENERAL NORMS

- Can. 1 Existing customs or laws at variance with this codex are herewith abolished if the code disapproves of them. Customs of centenary origin may be tolerated if the local ordinary judges that they cannot prudently be abolished. Customs disapproved by the Codex are considered corruptions of the law and can never in the future be revived and obtain the force of Law.
- Can. 2 The Law is NOT retroactive with the sole exception of judgments and censures effected before the institution of the Codex or unless it specifically states that it concerns a past act or judgment.
- Can. 3 Those Laws are to be considered invalidating or inhibiting which explicitly state or equivalently declare that an action is null and void or that a person is incapable of acting.
- Can. 4 There can be no future censure for acts committed prior to the enactment of this Code unless explicitly stated as in Canon 5.
- Can. 5 Those under censure for delict prior to the enactment of this Code are forbidden to avail themselves of the saving clauses as contained herein since their status is by its very nature perpetual.
- Can. 6 The Law of the Church as contained herein shall be the General Law of the Clergy and Laity anywhere in the world who are under the jurisdiction of the Old Roman Catholic Church.
- Can. 7 Ignorance of the General Law of the Church does not *per se* excuse from compliance with the Law but may, at the discretion of the courts appointed, be considered in extenuation only.

- Can. 8 Ignorance or error is not presumed when it concerns the Law or its penalty, or one's own action, or the notorious action of another; concerning the non-notorious action of another, ignorance is presumed until the contrary is proven. This rule shall apply when a transgressor is brought before the Ecclesiastical Tribunal for a violation of Canon Law.
- Can. 9 Laws are authoritatively interpreted by the local ordinary, and by those to whom the power of interpreting has been committed. Authoritative interpretation of a Law, given in the form of a Law, has the force of Law itself.
- Can. 10 Ecclesiastical Laws must be interpreted according to the proper meaning of the terms of the Law considered in their context. If that meaning remains obscure, one must have recourse to parallel citations of the Code if there are any, or to the purpose and circumstances and the intention of the ordinary.
- Can. 11 A more recent Law given by the competent authority abolishes a former Law when it explicitly makes a statement to that effect, or when it is contrary to the former Law, or finally, when it takes up and readjusts the entire subject of the Law.
- Can. 12 The General Law does not in any sense preclude the establishment of particular laws promulgated by local bishops as long as they are in harmony with the spirit of the General Law.
- Can. 13 The Codex expressly does not interfere with existing law or custom of existing Religious Orders, their Constitutions or privileges as long as they are within the spirit of the law and not contrary thereto.
- Can. 14 Precepts given to individuals by the Primate or local bishops bind them wherever they go, but they cannot be urged in an Ecclesiastical Trial and they expire with the authority of the one imposing the precept, unless they are given in the form of a legal document, or before two witnesses. An exception to this will be given in Canon 15.
- Can. 15 All faculties given to any person or official of the Old Roman Catholic Church for the purpose of founding, instituting or establishing

parishes or societies, are by this canon, subject to recall at the direction of the local ordinary.

- Can. 16 Any and all acts of the Sacred Consistory necessary to the continuing operation of the Church shall be instituted at the Hamilton Synod of 1951 and shall constitute a re-affirmation of those acts and deeds deemed for the welfare of the Church at large best in the light of present conditions and past abuses of polity, Faith and Practice.
- Can. 17 Prior acts of any moral person or synod to June 31st, 1951 tending to bring discredit upon the Church shall be dealt with by summary sentence of the Ecclesiastical Court condemned and forever abrogated, nullified and anathematized and can never more obtain the force of legality or validity.
- Can. 18 In order that a custom may obtain the force of law in the Church, it must have received the consent of the Sacred Consistorial Congregation.
- Can. 19 No custom can abrogate or modify the Divine Law, either positive or natural. In order that a custom may have the power to change Canon Law, it must:
- Have persisted for a period not less than fifty years
  - Be, by nature reasonable
  - Have the unanimous consent of the Consistory assembled
- Can. 20 Dispensation, which is the relaxation or modification of law in a particular case, can be granted by the local ordinary, and by those whom they have delegated.
- Can. 21 §1. From the General Laws of the Church, Auxiliary Bishops inferior to the Metropolitan Primate or Diocesan Bishop, cannot dispense, not even in a particular case, unless the power has been conceded to them implicitly or explicitly or when recourse to the Primate or Bishop is difficult and there is at the same time danger of causing great harm by the delay and the case is one in which it is reasonably presumed that the dispensation would be granted in the normal course of events.



§2. EPIKEIA, is that state of circumstance wherein it is possible to modify or dispense with the law, even by inferior pastors and curates, when from the status, it is certain that though in actuality the law specifically states a course of action, it is morally certain in the mind that in that particular case it would not be the wish of the ordinary to follow that course. In this case, the law may be waived and recourse later be had to the Ordinary. Consistent abuse of the principle of epikeia is not lawful, but a corruption of the Law and subjects the offender to Trial for violation of Canon Law.

Can. 22 Pastors cannot dispense either from a General Law of the Church nor from special laws of the Primate or local ordinary. By custom introduced from time immemorial, pastors can only dispense their individual parishioners in special cases from fast and abstinence and from servile work on Sundays.

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**PART 2 — CHURCH ADMINISTRATION****TITLE I — ADMINISTRATIVE NORMS**

- Can. 23     The official name of this Church is the **NORTH AMERICAN OLD ROMAN CATHOLIC CHURCH**.
- Can. 24     As the Successors of the Apostles the Catholic Bishops are the guardians and chief teachers of the authentic Faith of Christ's Church. When the entire body of bishops in the communion of the One Holy Catholic Church joins collegially in teaching a doctrine of faith or morals consistent with the deposit of faith contained in Holy Scriptures and the constant tradition of the Church, either in an Ecumenical Council or in the ordinary consultation and agreement among themselves, that doctrine must be accepted as part of the Catholic Faith.
- Can. 25     The College of Bishops composed of the bishops of this Church under the jurisdiction of the Metropolitan-Primate shares in this teaching office as long as it maintains its unity with the bishops of the entire Catholic Church in teaching the same Faith without any additions or changes. It is the duty of the members of the local churches to oversee the teaching of their bishops to insure its agreement with that of the entire Catholic Church, and to reject any of their teaching not in accord with it.

**TITLE II — CHURCH AUTHORITY**

- Can. 26     The Authority of the North American Old Roman Catholic Church is vested in three branches, namely: executive, legislative and judicial.
- Can. 27     §1. In matters of Faith, Morals and Discipline, the authority of this Church lies in the hands of the Primate, the College of Bishops, and the Clergy united with them.
- §2. This authority is derived directly from God through Jesus Christ, agreeably with the words of our Savior: "All authority in heaven and on earth has been given to Me. Go therefore

and make disciples of all nations, baptizing them in the Name of the Father, and of the Son, and of the Holy Ghost, teaching them to observe all that I have commanded you: and lo, I am with you always, even unto the consummation of the world.”

*(St Matthew 28:18-20)*

“Truly I say to you, whatsoever you bind on earth shall be bound in heaven, and whatsoever you loose on earth shall be loosed in heaven.” *(St Matthew 18:18)*

- Can. 28     §1. In administrative, managerial and social matters this Church derives its authority from the people who build, constitute, believe in, support and care for it.
- §2. It is a fundamental principle of this Church that all Parish property, whether the same be real, personal, or mixed, is the property of those united with the Parish who build and support this Church and conform to the Rite, Rules, Regulations, Principles, Constitution, Canons, Customs and Usages of this, the North American Old Roman Catholic Church.
- Can. 29     The administration, management and control over all of the property of the Parish is vested in the Parish Vestry or Parish Council, elected by the voting membership of the Parish and confirmed by the Ordinary of the Diocese, and is strictly dependent upon and accountable to the lawful and canonical authorities of this Church.

### TITLE III — GENERAL SYNOD AND PROVINCIAL SYNOD

#### *General Synod*

- Can. 30     The General Synod is the governing body of the Church. Its responsibility will be to preserve and safeguard the doctrines of the Church as expressed through the College of Bishops. It will be responsible for all administrative temporal activities of the Church.
- Can. 31     §1. General Synod is composed of three bodies or houses, namely:
- The Collegium (House of Bishops)
  - The Senatus (Senate of the Clergy)
  - The Populus (The Assembly of the Laity)

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- §2. The Collegium consists of all of the active bishops of this jurisdiction in canonical good standing and who are in communion with the Primate of the North American Old Roman Catholic Church. They enjoy both voice and vote in the matters which come before their house in meetings of the General Synod.
- §3. The Senatus consists of all of the active Priests and Deacons who are delegates to General Synod. They enjoy both voice and vote in the matters which come before their house in meetings of the General Synod.
- §4. The Populus consists of all lay delegates to General Synod and all perpetually professed Religious (who are not Deacons, Priests or Bishops, and would be thus members of the Collegium or the Senatus). They enjoy both voice and vote in the matters which come before their house in meetings of the General Synod.

Can. 32 All matters relating to the Doctrine of the Catholic Faith as held and professed by this Church, are solely within the domain of the Collegium to render either interpretations or decisions.

Can. 33 All matters relating to the election, transfer or translation of a Bishop, Archbishop or Primate are solely within the domain of the Collegium, in consultation with the Senatus and the Populus, to render either interpretations or decisions. This Canon does not supersede nor abrogate the Canons of this Codex relating to the process for the election of a Bishop or a Primate.

Can. 34 All matters relating to the discipline of the Clergy of this Church are solely within the domain of the Collegium, in consultation with both the Senatus and the Populus, to render either interpretations or decisions. Nothing in this section is to be interpreted as infringing upon the jurisdiction of the canonically constituted Tribunals as established by the Codex of Canons and by this Church's canonical authorities.

Can. 35 §1. All matters relating to the temporal and not the spiritual administration of this Church and which are not enumerated above are within the domain of all three houses acting together.

- §2. In all such matters each house must vote separately as follows:
1. The Populus will vote and render their vote to the Secretary of the General Synod, who will inform the Senatus that the Populus has voted, but will not reveal the result of that vote.
  2. The Senatus will then vote and likewise convey the results of that vote to the Secretary of the General Synod, who will then inform the Collegium that the votations of the Senatus and the Populus have been completed, but not revealing the results of either vote, and that the Collegium is now free to vote.
  3. The Collegium will then take its own vote and convey the results to the Secretary of the General Synod.
- §3. The Secretary of the General Synod will then tally the final vote of each house and make a determination as to the conclusive results of all three votations, and will convey the result to the members of General Synod at the next joint plenary session.

Can. 36 For the passage of an action covered in the above canon, at least two of the three houses of General Synod must have passed the action in their respective houses by a required two-thirds affirmative vote. Failure to obtain the necessary two-thirds vote in two of the three houses of General Synod will result in the action being considered as having been defeated.

Can. 37 §1. Nothing in these Canons is to be interpreted as precluding the right of any house of General Synod to request a consultative vote (not a deliberative vote) from any other house(s) of the General Synod.

§2. A consultative vote is a vote taken to secure information, opinion, or attitude towards the question being posed or considered. A deliberative vote is a necessary vote taken to render a binding decision.

Can. 38 All matters relating to the Sacraments or the Liturgical and Spiritual Life of this Church are solely within the domain of the Collegium,

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in consultation with the Senatus, to render either interpretations or decisions.

- Can. 39     §1. The General Synod will be held every six years on the call of the Primate, or in his absence or inability, by the senior active bishop of this Church. Ninety days notice to all Dioceses and personnel concerned will be mandatory. The time and place will be set for the second Thursday, Friday and Saturday of May of the designated year. The location will be determined by, and at the discretion of the previous synod.
- §2. The Opening Service of General Synod shall always be a Pontifical High Mass of the Holy Ghost, celebrated by the Primate or a Bishop designated by him. If there is to be a sermon, some noteworthy Priest may be designated to deliver the same.
- §3. The Solemn Pontifical Mass and a corporate Communion of the Bishops, Clergy, Lay Delegates and Members attending, demonstrating thereby a unity of Faith, purpose and loyalty, shall always be the principal religious feature of each and every General Synod.
- Can. 40     An agenda will be prepared by the Primatial Chancery Office with the advice of the Primate, the College of Bishops and the Synodical Council, and must be forwarded thirty days prior to the opening of the Synod, to all Clergy, parishes, missions, etc.
- Can. 41     An Extraordinary or Special Synod may be called into session by the Primate, after consulting with the College of Bishops and the Synodical Council, when in his judgment matters of importance require the attention of a Special Synod.
- Can. 42     §1. An Extraordinary or Special Synod shall not be called into session too often, nor more frequently than once in the same calendar year as the regular Sexennial General or Provincial Synod.
- §2. To exceed this regulation, the unanimous consent of the College of Bishops and the Synodical Council shall be required.
- Can. 43     Delegates to the General Synod will consist of all Bishops of this Church and also one Priest and one Deacon delegate from each
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Province of this Church, all in good canonical standing; two lay delegates from each Province of this Church elected by the members of that Province at a Provincial Synod; together with one perpetually professed Religious from each Religious Community of this Church, elected by the members of that Community, according to the prescriptions of their respective Constitutions.

- Can. 44 The Metropolitan of each Province shall notify the Primate's Office in writing, no less than sixty days prior to the opening of the Synod, of the names of all clerical and lay delegates from his Province, certifying that each of the delegates whether cleric and layperson so named is in canonical good standing within his Province, and will request Delegates Warrants for each person so named.
- Can. 45 The Superior of each Religious Community of this Church will also notify the Primate's Office in writing, no less than sixty days prior to the opening of the Synod, of the names of the perpetually professed religious delegate of their respective communities, certifying that they are each in good canonical standing within the community, and will request Delegates Warrants for each Religious so named.
- Can. 46 The Primate's Office shall, not less than forty-five days prior to the opening of the Synod, forward to the Ordinary or Superior, the Delegates Warrants corresponding to the previously received request.
- Can. 47 No delegate, clerical, religious or lay, shall be seated at Synod with vote, unless in possession of a valid Delegates Warrant issued and signed by the Primate's Office.
- Can. 48 Any delegate, clerical, religious or lay, and any parish or mission which neglects the obligation to be present at Synod, and has not been excused by the Primate, shall be subject to canonical censures and penalties to be determined by the Primate in consultation with the College of Bishops and the Synodical Council.
- Can. 49 For an Extraordinary or Special Synod the appropriate times and deadlines will be reduced from 90, 60, 45, and 30 days. The new times and deadlines will be established as: 60, 45, 30 and 20 respectively.

- Can. 50      General Synod will establish at each sexennial session, a Synodical Council which will be the perpetuation of the General Synod between the regular sexennial sessions. The Synodical Council shall have the same powers and responsibilities as General Synod, but only during the time between the regular sexennial sessions of General Synod. The Synodical Council's authority will be suspended during the regular sexennial sessions, when the general assembly of General Synod will exercise its own authority.
- Can. 51      The Synodical Council will meet not less than three times per year to review and transact any business or issues which require the attention of General Synod. It may meet more often if needed. The Synodical Council can meet in person, by conference call, by video conferencing, or by whichever method is preferred and most effective at the time. The Synodical Council must meet in person at least once per year even if all other meetings of the Council are by another method.
- Can. 52      The Primate of the North American Old Roman Catholic Church will preside and chair all meetings of the Synodical Council by virtue of his office as Primate. In the even of his absence, the chair will be filled by his Primatial Vicar as outlined elsewhere in these Canons.
- Can. 53      The Synodical Council shall be composed of the following members of this church:
- The Primate.
  - The Primatial Vicar.
  - The Primatial Chancellor.
  - The Bursar General.
  - The Ordinary of each Diocese of this Church (in the event that the Ordinary of a diocese holds one of the above offices, then his Co-Adjutor or Auxiliary may take his place under this section).
  - One Priest from each Diocese appointed by his Ordinary.
  - One Lay Delegate from each Diocese appointed by the Ordinary.
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- One Bishop appointed by the Primate.
- One Priest appointed by the Primate.
- One Deacon appointed by the Primate.
- One Religious Brother or Sister appointed by the Primate.
- One Lay Delegate appointed by the Primate.

Can. 54 Those persons listed in Canon 53, designated in numbers 1-5, remain members of the Synodical Council as long as they hold their office in those positions. Those persons designated in numbers 6-12 remain as members of the Synodical Council from Synod to Synod, and may be re-appointed for an indefinite number of terms.

Can. 55 Should a position on the Synodical Council fall vacant due to death, resignation, abandonment of the Church, canonical penalty, or neglect of duty on the Council, the position will be filled in the manner prescribed for that position (i.e. by virtue of Office, by appointment of the Ordinary, by appointment of the Primate).

Can. 56 No member of the Synodical Council may be removed from his/her position on the Synodical Council by any authority other than those listed in Canon 53 for each respective position.

Can. 57 Any member of the Synodical Council listed in Canon 53 designated by numbers 6-12, who misses more than two meetings during their term of office on the Council, will be automatically considered as removed from the Council by virtue of non-attendance and neglect of duty. No more than one excused absence per calendar year will be allowed to any member of the Council enumerated in this same Canon.

### *Provincial Synod*

Can. 58 §1. The Provincial Synod will be held every six years on the call of the Metropolitan, or in his absence or inability, by the senior active bishop of the Province. Ninety days notice to all Dioceses and personnel concerned will be mandatory. The time and place will be set for the second Thursday, Friday and Saturday of May of the designated year. The location will be determined by, and at the discretion of the previous synod.

- §2. The Opening Service of Provincial Synod shall always be a Pontifical High Mass of the Holy Ghost, celebrated by the Metropolitan or a Bishop designated by him. If there is to be a sermon, some noteworthy Priest may be designated to deliver the same.
- §3. The Solemn Pontifical Mass and a corporate Communion of the Bishops, Clergy, Lay Delegates and Members attending, demonstrating thereby a unity of Faith, purpose and loyalty, shall always be the principal religious feature of each and every Provincial Synod.

Can. 59 An agenda will be prepared by the Metropolitan Chancery Office with the advice of the Metropolitan, the House of Bishops of the Province and the Provincial Council, and must be forwarded thirty days prior to the opening of the Synod, to all Clergy, parishes, missions, etc.

Can. 60 An Extraordinary or Special Synod may be called into session by the Metropolitan, after consulting with his House of Bishops and the Provincial Council, when in his judgment matters of importance require the attention of a Special Synod.

Can. 61 §1. An Extraordinary or Special Synod shall not be called into session too often, nor more frequently than once in the same calendar year as the regular Sexennial Provincial or General Synod.

§2. To exceed this regulation, the unanimous consent of the Provincial House of Bishops and the Provincial Council shall be required.

Can. 62 Delegates to the Provincial Synod will consist of all Bishops of the Province and also one Priest and one Deacon delegate from each Diocese of the Province, all in good canonical standing; two lay delegates from each Diocese of the Province elected by the members of that Diocese at a Diocesan Synod; together with one perpetually professed Religious from each Religious Community represented, resident or active within the Province, elected by the members of that Community, according to the prescriptions of their respective Constitutions.

- Can. 63 The Ordinary of each Diocese shall notify the Metropolitan Office in writing, no less than sixty days prior to the opening of the Synod, of the names of all clerical and lay delegates from his Diocese, certifying that each of the delegates whether cleric and layperson so named is in canonical good standing within his Diocese, and will request Delegates Warrants for each person so named.
- Can. 64 The Superior of each Religious Community within the Province will also notify the Metropolitan Office in writing, no less than sixty days prior to the opening of the Synod, of the names of the perpetually professed religious delegate of their respective communities, certifying that they are each in good canonical standing within the community, and will request Delegates Warrants for each Religious so named.
- Can. 65 The Metropolitan Office shall, not less than forty-five days prior to the opening of the Synod, forward to the Ordinary or Superior, the Delegates Warrants corresponding to the previously received request.
- Can. 66 No delegate, clerical, religious or lay, shall be seated at Synod with vote, unless in possession of a valid Delegates Warrant issued and signed by the Metropolitan Office.
- Can. 67 Any delegate, clerical, religious or lay, and any parish or mission which neglects the obligation to be present at Synod, and has not been excused by the Metropolitan, shall be subject to canonical censures and penalties to be determined by the Metropolitan in consultation with his House of Bishops and the Provincial Council.
- Can. 68 For an Extraordinary or Special Synod the appropriate times and deadlines will be reduced from 90, 60, 45, and 30 days. The new times and deadlines will be established as: 60, 45, 30 and 20 respectively.
- Can. 69 The Metropolitan and his Suffragan Bishops with the advice of the Provincial Council will establish the rules for the conduct of the Provincial Synod and the Agenda for each meeting thereof.

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**TITLE IV — OFFICERS OF GENERAL SYNOD**

- Can. 70      §1. The principal Officers of General Synod shall be: (a) The President, (b) The Vice President, (c) The Secretary, (d) The Treasurer.
- §2. The secondary Officers of General Synod shall be: (a) The Convenor of the Collegium, (b) The Prolocutor of the Senatus, (c) The Orator of the Populus, (d) The Registrar, (e) The Historiographer, (f) The Statistician.
- Can. 71      The Office of President of the General Synod shall always by right belong to the Primate of this Church, *ex officio*. He shall preside at all Meetings and Plenary Sessions of the General Synod and will serve as the chief executive officer of this jurisdiction.
- Can. 72      The Office of Vice President of the General Synod shall always by right belong to the Primatial Vicar of this Church, *ex officio*. He shall preside at all Meetings and Plenary Sessions of the General Synod whenever the Office of the Primate is vacant, impeded, or canonically inhibited. He shall also preside over the same, whenever the Primate temporarily relinquishes his presidency to take the floor and speak on any matter coming before General Synod, in his capacity as a member of General Synod and other than as the Primate or President of General Synod.
- Can. 73      §1. The Office of Secretary of General Synod shall always by right belong to the Primatial Chancellor of this Church, *ex officio*. He shall serve as the Secretary to the General Synod, as Secretary to the Synodical Council and as Secretary of the Primatial Curia. He shall by virtue of his office be an official notary of this Church.
- §2. He shall have the duty of recording, maintaining and preserving all official minutes of the meetings and sessions of General Synod and of the Synodical Council.
- §3. He shall compile the Official Journal of the General Synod which will also include a complete and accurate listing of all of the clergy and congregations of this Church, and when possible he shall preserve the official archives of this church or will be charged with assisting with this duty. He shall preserve
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and file all official documents, papers, reports, journals, Pastoral Letters, publications of the North American Old Roman Catholic Church or which reference it or pertain to it, all parish histories, brochures, bulletins, etc and communications of this church whether in written, audio, video or digital form.

- §4. The Secretary of the General Synod shall supervise the work of the Registrar and Historiographer of this Church who shall also serve as assistants to the Secretary of the General Synod in his various other duties.
- §5. The Registrar shall keep, maintain and preserve a record of all of the Episcopal Consecrations of, or performed by any Bishop of the North American Old Roman Catholic Church. He shall also keep, maintain and preserve a record of all of the Bishops, Priests, Deacons and other Clergy and Religious of this Church, which record shall be compiled from the records and listings provided by these Canons, which are to be sent to the Secretary of the General Synod by the various Ordinaries and Religious Superiors, for this purpose.
- §6. The Historiographer shall keep, maintain, and preserve any and all historical records of any nature which pertain to the History, Work, and Ministry of the North American Old Roman Catholic Church, and any of its Provinces, Dioceses, Vicariates, Parishes, Missions, Religious Communities, Organizations or other such entities.
- §7. The Statistician will compile and maintain all documents, records and censuses pertaining to the membership of the North American Old Roman Catholic Church, and its various groupings (e.g. clergy, laity, religious, seminarians, baptisms, marriages, funerals, weddings, confirmations, ordinations, etc).

Can. 74

- §1. The Office of Treasurer of the General Synod shall always by right belong to the Bursar General of this Church, ex officio.
- §2. It shall be the duty of the Treasurer of the General Synod to receive and disburse all funds collected under the authority of the General Synod and for which there is no other special regulation. He shall present a summarized report of all offi-

cial acts and transactions of his Office at each session of the General Synod and of the Synodical Council. His books of accounts and vouchers together with all bank statements shall be examined, and inspected by a Board of Auditors appointed by the General Synod or the Synodical Council for that purpose.

- §3. The Treasurer of the General Synod shall also supervise and coordinate the contingent expenses of the General Synod, which shall be defrayed by an assessment on all of the congregations of this Church. Said assessment shall be determined annually by the Synodical Council with the advice of and upon the recommendation of the Finance Committee of this Church, as authorized by the General Synod.

### **TITLE V — STANDING COMMITTEES**

Can. 75

- §1. General Synod shall have the power to create Commissions or Committees to serve the general church as deemed necessary by the membership of the Synod. General Synod at each biennial session shall create such ad hoc or Working Committees as is deemed necessary to carry out the various duties and responsibilities that may be delegated to the said committees in fulfillment of designated projects or ventures.
- §2. The following Standing Committees, whose duties and functions are enumerated below, are hereby officially established under the authority of the General Synod and by designation by these Canons. The Primate shall designate the Chairmen of each Committee at the regular biennial session of the General Synod and the Synod shall confirm the present appointments to membership thereon and/or make new appointments to each of these Standing Committees.
- §3. All Committees and Commissions established herein or by direction of the General Synod, shall present a detailed report on their work, at every biennial session of the General Synod and also to the Synodical Council at least once each year at a time designated by the Synodical Council. A majority of the

members of any such Committee or Commission shall constitute a quorum for the transaction of any official business of the said Committee or Commission. Proper Minutes shall be maintained by each Committee or Commission and shall be made available for inspection by the Primate, the College of Bishops or the Synodical Council.

Can. 76     The Canon Law Committee, whose responsibility it is to render an interpretation of existing Canons when the meaning of a Canon(s) is unclear. It is also their responsibility to present a recommendation either favorable or unfavorable, on each proposed amendment to be submitted to the General Synod for action. No proposal to change, add to, delete from or amend the Canons may come before the General Synod for action without first having been submitted to the Canon Law Committee. If the Canon Law Committee renders an interpretation of a Canon(s), and the Primate and the College of Bishops ratifies their interpretation, then the said interpretation becomes the authentic interpretation and meaning of the Canon(s). A collection of all such interpretations of the Canons must be kept and recorded by both the Canon Law Committee and the College of Bishops. All interpretations, changes, additions, deletions, amendments or alterations to the Canons of this Church must secure the approbation of the Primate before they take force.

Can. 77     § 1. The Liturgy Committee, whose responsibility it is to safeguard the official Liturgy of this church and to render guidelines and/or directives concerning the liturgy and sacramental rites of this church, subject to the approval of the Primate and the College of Bishops.

§ 2. No proposal to change, add to, delete from or amend the Liturgy or any of the sacramental rites of this church or anything whatsoever affecting the liturgical life of this church may come before the General Synod for action without first having been submitted to the Liturgy Committee. Such guidelines and/or directives become final and binding on all of the clergy, parishes, missions, etc. of this church only once they have secured the approbation of the Primate.

- Can. 78      The Seminary Committee, whose responsibility it is to prepare and periodically review and update the curriculum used to train and prepare candidates for ordination in this church. It is the duty of the Seminary Committee to establish uniform standards of education and training for candidates for ordination, to be used throughout this church. They will also compile uniform examinations (General Ordination Examinations) for ordinations. Whenever and wherever possible, they will also arrange for classes, seminars, lectures, workshops, etc., for all candidates for ordination. They will also conduct, arrange or inform the clergy of this church of all opportunities for continued clerical education. They shall also be in charge of preparing the Junior Clergy Examinations to be used within this church. They will work in close harmony with the Board of Trustees of Saint Francis of Assisi Theological Seminary and the various Commissions on Ministry and the various Boards of Clerical Examiners in the different Dioceses of this church.
- Can. 79      §1. The Catholic Unity Committee, which has a two-fold responsibility concerning the forum of ecumenical relationships between the North American Old Roman Catholic Church and any other body seeking intercommunion, affiliation, or full unity with our church.
- §2. The Committee's first responsibility is to seek to initiate a closer relationship with other Catholic and Orthodox jurisdictions by promoting common prayer, work and action between those jurisdictions and the North American Old Roman Catholic Church, and also to work towards a full intercommunion where possible. In case of proposed intercommunion, this Committee will act as advisor to the College of Bishops, to the Primate and to the General Synod, where another church seeks communion with us in Faith and Order.
- §3. The Committee's second responsibility is to review all requests made by other jurisdictions seeking to enter into full union with the North American Old Roman Catholic Church. The Committee is charged with verifying that the said jurisdiction seeking union with this church, shares a common Faith and Order to our own, and that its Apostolic Succession is valid,



or that it seeks to receive a valid succession by full union with our church, subject to the Canons and hierarchy of the North American Old Roman Catholic Church. This Committee will act as advisor to the College of Bishops, to the Primate and to the General Synod on all matters pertaining to requests for full union of our church and any other jurisdiction. All such requests must first be submitted to and reviewed by this Committee before being referred for action to either the College of Bishops or the General Synod.

- Can. 80 The Finance Committee, whose responsibility it is to collect, render an account for and safeguard all monies and assets of the general church. This Committee will also seek ways to raise money for the work of this church, as well as to oversee its disbursement and/or investment. All financial transactions of the general church must first be submitted to, reviewed and approved by the Finance Committee before any further action may be taken.
- Can. 81 The Publications Committee, whose responsibility it is to prepare, review, publish and disseminate all printed material together with audio and visual materials relating to the North American Old Roman Catholic Church, which is intended for use by this church. Materials included but not limited in this category would be: Missals, Missalettes, Brochures, Catechisms, Prayer Books, Films, Recordings, etc. Any material prepared by a member of this church, whether clerical or lay, intended for use by or within this church, must first be submitted to this Committee for review. After receiving the approval of the Publications Committee the material will be submitted to the Primate for his approval, approbation, imprimatur or authorization, and upon the receipt of that authorization, the material may then be published and used throughout the church.
- Can. 82 The Ecumenical Committee, whose responsibility it is to issue guidelines governing the relationship that this church and its clergy and members may enter into with any non-Catholic or non-Orthodox Church. Its functions are similar to the Catholic Unity Committee, but will restrict its activities explicitly and exclusively with non-Catholic and non-Orthodox Church bodies. All guidelines issued by this Committee will be reviewed by the College of Bishops
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and if approved by the College of Bishops will then be submitted to the Primate for his approval and approbation. Upon receipt of the Primate's authorization, the guidelines will then become binding on all clergy and laity of the North American Old Roman Catholic Church.

- Can. 83     The Church Extension Committee, whose primary responsibility it is to seek ways to expand the missionary work and outreach of the North American Old Roman Catholic Church both at home and abroad. It will also seek ways to support any and all missionary work and outreach of this church. Any request for assistance or any outreach done, outside of the clearly defined boundaries of a Diocese of this church, with the clear intention of establishing the work of the North American Old Roman Catholic Church in that place, must first be submitted to and reviewed by this Committee. Upon review by this Committee, the request will be submitted to the College of Bishops and then to the Primate for his authorization. No such work may be initiated without the authorization of the Primate.
- Can. 84     The History and Archives Committee, whose primary responsibility it is to collect, record and preserve the history, documents, books, photographs, recordings, films, etc, documenting the history and development of the North American Old Roman Catholic Church. It is the duty of this Committee to produce and to keep a current and up-to-date history of this church and its work and ministry. It is also the responsibility of this Committee to establish and/or contract with a commercial company or library, to provide an official archives or Archival Office, where those items in the care and custody of the Committee for the purpose of safeguarding and safekeeping them, may be deposited in safety and security. As an added precaution, several copies of each item should be made and deposited in the various diocesan archives of this church as well as the Primatial Archives of the general church, to insure that there will always be at least one surviving copy of each item in the event of an unforeseen or unavoidable disaster.
- Can. 85     §1. The Committee on the Religious Life, whose responsibility it is to support the establishment and growth of the Religious Life in the North American Old Roman Catholic Church.
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The Committee is charged with the responsibility of reviewing all requests from members of this church, whether clerical or lay, to establish any Religious Community or Order within our church. All such requests must include the name by which the community will be known, the proposed Rule and/or Constitutions, the habit to be worn, as well as the community life and prayer life proposed for the Community or Order. After formal review, the Committee will forward its recommendation to the College of Bishops and they in turn will forward their recommendation to the Primate for his approval and approbation. The Primate, will signify his approbation of the Community by issuing a Letter of Praise establishing the Community or Order as an official Religious Community of the North American Old Roman Catholic Church.

- §2. The Committee on the Religious Life will also act as a resource for any and all established and recognized Religious Communities of the North American Old Roman Catholic Church, and their relationship to the general church, the College of Bishops, the Diocese, the Bishop, and the laity. They will also recommend a Bishop to serve as the official Episcopal Visitor to the community if the community has not already requested a particular bishop for this purpose.

## **TITLE VI — THE COLLEGE OF BISHOPS**

- Can. 86 The College of Bishops is composed of all of the Bishops in good standing in the Church.
- Can. 87 The College of Bishops will act as advisor to the Primate. They have the responsibility to express and safeguard the doctrines of the Church. They will also act upon all actions brought to their attention as a result of these canons. They can set-up committees as deemed necessary.
- Can. 88 The College of Bishops, with the concurrence of the General Synod, shall elect a Primate when a vacancy exists. The Senior Active Bishop shall call a special session of the Synod not less than thirty

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days and not more than ninety days after the vacancy for the purpose of electing a new primate.

- Can. 89     §1. The order for determining the seniority of the Bishops of this Church is as follows:
1. The Primate
  2. The Primatial Vicar
  3. Archbishop Ordinaries
  4. Archbishop Co-Adjutors
  5. Archbishop Auxiliaries
  6. Retired Archbishops
  7. Bishop Ordinaries
  8. Bishop Co-Adjutors
  9. Missionary Bishops
  10. Bishop Auxiliaries
  11. Retired Bishops
- §2. Within each rank, seniority is determined by the date of Episcopal Consecration.
- Can. 90     In the event of the Primate's incapacity as determined by qualified medical experts, or unavailability and it is determined by the Senior Bishop with the advice and consent of the College of Bishops that the welfare of the Church is endangered then the Primatial Chair will be declared vacant by the Senior Bishop.
- Can. 91     Amendments to the Canon Laws may be amended only upon a  $\frac{2}{3}$  affirmative vote at a Synod of those present and voting. These amendments must be originally proposed by the Canon Law Committee in its report to the Synod or suggested amendments must be submitted in writing by the close of the first day of the Synod to the Canon Law Committee, who will report back to the Synod with its recommendation. This is to take effect immediately.

**TITLE VII — THE PRIMATE**

- Can. 92 The Primate is the Chief or First Bishop and therefore ranks above all other Bishops. He will call and preside over all meetings affecting the general church. The title of the Primate will be Metropolitan-Primate (hereinafter called the Primate) and will be an Archbishop by right.
- Can. 93 The Primate will have the duty of selecting a bishop from three candidates nominated at a regular constituted synod called for this purpose by the diocese concerned. He must carry out this selection within thirty days of receipt of the list of candidates. A mandate must be issued by the Primate authorizing the consecration, elevation or translation of the chosen candidate.
- Can. 94
- §1. The Primatial See of The North American Old Roman Catholic Church shall be designated as the Primatial See of Nova-Terra.
  - §2. The Primatial See of Nova-Terra shall exist throughout all nations wherein the North American Old Roman Catholic Church is organized, resident or maintains or conducts any active apostolic work, ministry or presence.
  - §3. The Primatial See of Nova Terra derives its name from the countries located in the Western Hemisphere, in particular, the United States of American together with the Dominion of Canada where it was first organized, an area originally designated as “the new world”.
  - §4. The Primate shall exercise Primatial authority and jurisdiction anywhere throughout the Church subject to the General Synod and the College of Bishops of this Church.
- Can. 95 The Primacy of the North American Old Roman Catholic Church is not attached to any particular diocesan structure. The Primate of this Church will retain his office as Ordinary of the Diocese which he held at the time of his election to the Primacy/ He may be given by General Synod, an Auxiliary or Co-Adjutor Bishop in his Diocese, in order to more easily carry out his duties as Primate without detriment to his own Diocese.
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- Can. 96 §1. In the event that a Bishop who is not an Ordinary of a diocese (or a priest not yet consecrated) is elected to the Primacy, he will be given by General Synod, the Titular See of Nova-Terra, approved by the College of Bishops. An Auxiliary or Co-Adjutor Bishop ceases to be such, or to come under the jurisdiction of his proper Ordinary, upon his election as Primate.
- §2. A priest so elected will be consecrated within sixty days of his election and will be given the Titular See of Nova-Terra during the term of his office as Primate.
- Can. 97 §1. The Primate will make a Primatial Canonical Visitation to every province of this Church, once every five years; and to every diocese of this Church, once every ten years. The expenses of this canonical visitation shall be defrayed by the pertinent province or diocese.
- §2. Each and every congregation desiring a Special Visit from the Primate shall defray the expenses incurred by the Primate during the said visit.
- Can. 98 The Primate will try judicial cases of:
- a) An Ordinary
  - b) In other cases be the court of the second instance
- Can. 99 The Primatial See shall have such offices to accomplish its purpose as approved by the College of Bishops and whose itemized budget will be approved by the Synod. The Primate shall, as he deems necessary, make any appointments to offices, committees, or commissions, and can remove such appointees for just causes.
- Can. 100 Within thirty days of his installation and enthronement as Primate of the North American Old Roman Catholic Church, or sooner if he so wishes, the Primate shall appoint a bishop of this church as his Primatial Vicar, whose duty it is to assist the Primate in whatever capacity he may be requested. The Primate may delegate certain powers or duties to his Primatial Vicar in addition to requesting his assistance.
- Can. 101 In those cases where the Primate is temporarily unable to attend to his duties (e.g. illness, prior obligations, travel, etc.) the Primatial

Vicar will attend to them for the Primate. The Primatial Vicar together with the Primate form one ecclesiastical person and tribunal, and therefore there can be no appeal from the decisions of one of them to the other unless the Primatial Vicar has exceeded the delegated authority bestowed upon him. Any actions or decisions of the Primatial Vicar which exceed the terms of his appointment or the powers delegated to him, or which occur outside of the times authorized by his appointment, are null and void, unless they are subsequently confirmed or ratified by the Primate, or in the event of the vacancy of the Primacy, by the College of Bishops.

- Can. 102     The Primate may remove his Primatial Vicar from office only for just cause and only after consulting the College of Bishops for their advice.
- Can. 103     Within thirty day of his installation and enthronement as Primate of the North American Old Roman Catholic Church, or sooner if he wishes, the Primate shall appoint a Primatial Chancellor for the General Church, whose duty it is to maintain the records, minutes, statistics, and actions of General Synod, the Synodical Council and the Primatial Office. He will serve as Secretary to the Primate and by virtue of his office is also an ecclesiastical notary. He will also function as the Secretary to the General Synod and the Synodical Council.
- Can. 104     Within thirty days of his installation and enthronement as Primate of the North American Old Roman Catholic Church, or sooner if he wishes, the Primate shall appoint a Bursar General for the North American Old Roman Catholic Church, whose duty it is to act as treasurer for the General Church. He will keep an accurate account of all monies, assets and transactions affecting the general church, and shall sign all checks, drafts, and orders drawn on or assigned to any of the funds or assets of the general church. He shall submit a detained report to the Synodical Council every six months regarding the fiscal status of the General Church. By virtue of his office he is also “*ex officio*”: a member of the Finance Committee.
- Can. 105     The Primate may remove the Primatial Chancellor and/or the Bursar General from office only for just cause and only after consulta-

tion with the College of Bishops. The removal of the Bursar General also requires the consent of the Synodical Council.

- Can. 106 By virtue of their offices as Primate and Primate Vicar, they shall also serve as President and Vice President respectively, of General Synod.
- Can. 107 The Primate shall watch over the faithful observance of the faith and morals throughout the entire Church.
- Can. 108 The Primate shall exercise jurisdiction over all religious in accordance with their CONSTITUTION and these canons.
- Can. 109 The Primate shall be elected to office for the term of his natural life, unless he becomes disabled, ineligible or impeded in accord with the provisions of this Codex of Canon Law.
- Can. 110 Whenever a Primate has resigned or retired from his term of office, having always remained in canonical good standing, the Synod may give him the honorary title of Primate Emeritus.

### **TITLE VIII — THE PRIMATE SEE**

- Can. 111 There will be only one Archdiocese for the North American Old Roman Catholic Church and it will be designated as the Primate See of Nova-Terra.
- Can. 112 The duties of the Metropolitan See will include the same jurisdiction in his Metropolitan See as outlined for the Primate except as outlined below:
- Court of the Second Instance in his Metropolitan See except in his own diocese.

### **TITLE IX — DIOCESES**

- Can. 113 A minimum of three parishes can constitute a diocese. A diocese is created by an act of the General Synod upon petition of three or more contiguous parishes. Should a diocese, after it is formed, consist of less than three parishes the General Synod can disband the diocese provided there is no Ordinary for the See.
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Can. 114 The normal procedure for the creation of a Diocese in the North American Old Roman Catholic Church is as follows:

- Three or more contiguous parishes/missions having been in existence for at least three years, within a well defined geographical area, may petition the General Synod to be erected as a Diocese of this Church.
- Upon receipt of their signed request, General Synod will investigate whether said Diocese will impact negatively on any existing diocese of this church.
- If there will be no major negative impact upon any existing diocese of this church, General Synod may vote favorably, granting the request, and constitute those parishes/missions into a new diocese of this church, instructing them to hold a synod within ninety days to nominate a bishop, according to the Canons of this church.
- If there will be a negative impact on any existing diocese of this church, and the Ordinary of the said diocese objects to the request to form a new diocese, General Synod must deny the request until the Ordinary withdraws his objection, his objection is overruled by the College of Bishops, or until the negative impact is removed.
- As implied above in number 4, the objection of the Ordinary of any diocese who believes that his own diocese will be negatively impacted by the creation of a new diocese, may be appealed to the College of Bishops of this church by the requesting parishes/missions. The College of Bishops will review the request, the facts of the case and the Ordinary's objection. The College of Bishops will render a decision which is to be considered final.

Can. 115 In extraordinary cases, General Synod or the College of Bishops or the Primate may waive part or all of section 1 in the preceding Canon if it can be shown that circumstances not foreseen by this church upon adopting this Canon have occurred. Two such extraordinary cases might be:

- Parishes/missions located in countries where national/local laws require the creation of a hierarchical structure with a local Ordinary responsible under the laws of the said country, where it is deemed necessary in order to preserve the integrity of the local church.
- Parishes/Missions located at such a distance from any existing local diocesan structure of this church, which could not be properly cared for and/or supervised by the nearest bishop of this church, could be constituted as a Missionary Diocese with a local Ordinary who would be directly under the jurisdiction of the Primate of the North American Old Roman Catholic Church.
- These two examples are not to be interpreted as the only possible extraordinary cases but rather are examples of the types of cases which would be covered under this Canon.

Can. 116 The College of Bishops as the Divinely appointed guardians of the Church must review and approve any such proposed action before General Synod may proceed with a waiver of part or all of Section 1 of Canon 114.

Can. 117 Should a Diocese, after it has been created, consist of less than three parishes/missions, and if it is obvious that there is no possibility within the space of three years from the date on which the diocese lost its third parish/mission, that there will be a new parish/mission established, and if there is no Ordinary for the See at that time, then General Synod may disband the said diocese and unite those existing parishes/missions with the nearest diocese of this church, after receiving the consent of the College of Bishops and the approbation of the Primate.

Can. 118 Each diocese will consist of an Ordinary, Vicar-General, Chancellor and Treasurer. The duties of the Chancellor include that of Secretary. The duties of the Vicar-General include that of administering a diocese until a new ordinary assumes the See; he shall not exercise this right for more than one year unless approved by the Primate for no more than an additional year.

- Can. 119 The Ordinary of each diocese is responsible for the faith and morals of his particular diocese. It is also his duty to oversee the temporal goods of the diocese being administered by those legally responsible.
- Can. 120 The Ordinary will have jurisdiction over all persons, lay or clerical, residing in his diocese. Those in orders, remaining for seven days or longer, must register at the Chancery.
- Can. 121 No cleric may perform any ecclesiastical functions in another diocese without the express written approval of the Ordinary of that diocese except for emergencies.
- Can. 122 Each Ordinary will have faculties issued yearly by the First Sunday of Advent to those clerics under his jurisdiction.
- Can. 123
- §1. Each diocese will have a synod composed of the four officials of the diocese plus three lay delegates from each parish or mission, and all priests and bishops of the diocese. Only those parishes will be represented which are in good standing within the Church. Poverty will not be a just cause for non-recognition.
  - §2. It will be the duty of the diocesan synod to set-up committees as requested by the Ordinary to assist him in his temporal work.
  - §3. The diocesan synod will meet every two years, at the summons of the Ordinary, and this meeting will be held before the General Synod of the Church.
  - §4. When the See is vacant either by death or transfer or when an auxiliary bishop is needed or recommended, a diocesan synod will meet and have as one of its purposes, the balloting for nomination of three persons to the vacancy. Seven days after the vacancy or need arises, a receipted notice will be sent to each parish informing them that within thirty days of the date of the notice, a special session of the synod will be held to nominate three candidates to fill the vacancy. The voting will be in secret. No names will be submitted without that person's prior approval. Only those names will be certified for nomi-

nation that have received a simple majority of those present and voting, provided a quorum of the synod is more than fifty percent of the total eligible delegates, both lay and clerical.

### TITLE X — PARISHES

- Can. 124
- §1. The basic unit of Church administration is the Parish. Its boundary, while not specifically geographical, will be set by the Ordinary of the diocese, and may not be changed except by the Ordinary for just cause.
  - §2. The consent of a neighboring Pastor and Vestry/Parish Council shall be sought, but said consent and approval is not a determining requirement or prerequisite for the establishment of a new parish or mission.
  - §3. Any group of ten or more families may make a petition in writing to the bishop of the diocese to found a parish. The Ordinary and the Chancery office of each diocese will deliberate and act upon each application. The Ordinary will transmit such information as he deems necessary to the applicants concerning their petition.
  - §4. Such application must include but is not limited to the following:
    - Names, addresses and ages of the signatories and or their immediate dependent families.
    - A statement that they all willingly and zealously profess the Catholic Faith and will adhere to the Worship, Discipline, Constitution and Canons of the North American Old Roman Catholic Church.
    - A statement that all the adults are validly baptized, or undergoing instructions to be Baptized, and is attested to by a cleric or our Church.
    - The proposed legal name of the parish, which must include the name of the Church (i.e. Holy Trinity Old Roman Catholic Church, or the Old Roman Catholic Church of the Holy Trinity).

- A statement to the effect that they owe allegiance to this Church through its representative, the local ordinary, and pledge that it will follow all the rules and regulations as set forth in or as a result of these canons.
- A statement that any property that the parish now owns or will own will be placed in the Church as decreed below.

§5. The same procedure as outlined above for the establishment of a new congregation of this Church, shall equally apply to any existing congregation seeking to enter and affiliate with the North American Old Roman Catholic Church in any Diocese or Missionary jurisdiction of the same.

Can. 125 Each parish will have a Vestry or Parish Council numbering not more than nine members, one-third to be elected for a period of three years to govern its temporal affairs if not contrary to civil law which will be binding. Even if civil law requires otherwise these nine will answer to the parish members and to the Ordinary over them for their actions. The action of the Vestry/Parish Council on any temporal matter, when consistent with canon or civil law will be followed. Should any disagreement arise though through their actions and an aggrieved party wishes to be heard then such party may appeal to the ecclesiastical court as set forth by these canons.

Can. 126 The parish officials will consist of the Senior Warden/President, Junior Warden/Vice-President, Secretary and Treasurer, who will form part of the Vestry/Parish Council. The Pastor is a member of the Vestry/Parish Council to act as the Ordinary's representative, to provide for the spiritual and temporal welfare of his parishioners. The Pastor is an integral and voting member of the Vestry/Parish Council *ex officio* and is its official head. He will preside over all meetings of the Vestry/Parish Council. Upon the absence of the Pastor no action of the Vestry/Parish Council will be valid until the presence of a cleric appointed by the Ordinary. In case of an impasse between the Vestry/Parish Council and the Pastor the Ordinary will be called in.

Can. 127 A parish may, through its Vestry/Parish Council, request to the Ordinary that a cleric be removed for cause from a Parish. This ac-

tion can only be taken when a majority of the Vestry/Parish Council present and voting so request it, and at a parish meeting at least three-quarters of the Church members present and voting so agree. The Ordinary appoints and reappoints any and all clerics to a particular parish.

Can. 128 A quorum of the Vestry/Parish Council consists of two-thirds of the member of the same present and voting.

Can. 129 §1. Members of the Vestry/Parish Council, except the pastor, will be elected from the Parish by a majority vote. A one week notice will be necessary to inform the parish members that voting for Vestry/Parish Council members will take place.

§2. Women of legal age and otherwise qualified, shall be on parity with men of the same and shall have the right to vote in all elections and on all business matters of the local congregation of which they are members, and are eligible to be elected as Officers and/or members of the local Vestry/Parish Council and as Lay Delegates to any Diocesan, Provincial or General Synods of this Church.

Can. 130 The Vestry/Parish Council may organize any committees from their own members. Such committees will be instructed as to their function and if a permanent one then make an annual report at the Parish's Annual Meeting. Temporary Committees will similarly make a report either upon its completion or at the annual meeting if it is still in existence.

Can. 131 The Annual Parish Meeting will take place in the fall of each year, preceding the First Sunday of Advent, unless conditions exist that make it impossible; then a request must be made to the local ordinary for a change.

Can. 132 Delegates to the Diocesan Synods and General Church Synods will be elected as follows:

- Two delegates by the Parishioners at a general parish meeting called for this purpose no more than fifteen days after the call of the Synod has been received.
- Two alternates will be also elected.

**TITLE XI — MISSIONS**

- Can. 133 Missions may be founded by any cleric or baptized lay person. Provided one is available, missions will be ministered by a priest or another cleric, preferably a deacon. Otherwise a lay person will perform or conduct those services which may fall to their lot in an emergency.
- Can. 134 To found a mission written permission must be requested from the Chancery office by at least five adult persons. This request must include the name of the proposed mission.
- Can. 135 Each Mission will have a Vestry or Mission Council numbering not more than nine members, one-third to be elected for a period of three years to govern its temporal affairs if not contrary to civil law which will be binding. Even if civil law requires otherwise these nine will answer to the parish members and to the Ordinary over them for their actions. The action of the Vestry/Mission Council on any temporal matter, when consistent with canon or civil law will be followed. Should any disagreement arise though through their actions and an aggrieved party wishes to be heard then such party may appeal to the ecclesiastical court as set forth by these canons.
- Can. 136 In all matters pertaining to the operations of the Mission, the Vestry/Mission Council will function in a comparable manner to the Vestry/Parish Council of a Parish.

**TITLE XII — TRIBUNALS AND COURTS**

- Can. 137 The courts of the Church will consist of the following:
- Court of Last Appeal;
  - Court of Appeal;
  - Chancery Courts
  - Marriage Tribunal
  - General Tribunal
- Can. 138 The Court of Last Appeal will hear final appeals from the lower courts. The Primate will sit as its sole judge and his decision is final.
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- Can. 139 The Court of Appeal will consist of two elected members from the College of Bishops less the Primate and one priest appointed by the senior bishop on the court. The senior bishop will chair the proceedings. They will hear appeals from lower courts as well as the initial court for episcopal orders.
- Can. 140 The Chancery Courts will consist of two Tribunals:
- The Marriage Tribunal which will decide only those charges pertaining to marriage and its bonds.
  - The General Tribunal which will deal with all other matters as the General Synod may decide.
- Can. 141 The Chancery Courts will be appointed by the Ordinary and will ordinarily include the Chancery officials. They will try all cases pertaining to Canon Law, faith and morals. Efforts will be made to reconcile where possible or to refer to civil law where practical.
- Can. 142 All courts will make records of their proceedings. Any copies necessary will be at the cost of the applicant unless they plead hardship to the satisfaction of the Court.
- Can. 143 All courts will be responsible for establishing and making public the rules to govern their respective Courts. In the case of the Court of Last Appeal these rules must be approved by the General Synod.

**TITLE XIII — ADMINISTRATIVE OFFICES**

- Can. 144 Those standing Administrative Offices as outlined herein may be set-up at the discretion of the pertinent synods.
- Can. 145 There will be Primatial Administrative Offices as well as Diocesan Administrative Offices. The bishop in charge will set up those as are consistent with these canons.
- Can. 146 Any and all administrative offices will be required to submit their rules and regulations for publications within one month of acceptance. Then and only then will they become effective.



**TITLE XIV — OFFICIAL CHURCH ORGAN**

- Can. 147 The Official Organ of the North American Old Roman Catholic Church is the publication — The Augustinian.
- Can. 148 Every Congregation of this Church should subscribe for its members this official church publication, and should actively encourage each member to subscribe for their own personal copy.
- Can. 149 Each Province, Diocese and Religious Community of this Church is encouraged to establish an official church organ or publication for their respective jurisdictions or communities.
- Can. 150 The Primate, the Metropolitan and the Ordinary are authorized to establish within their respective jurisdictions other publications whether in print, or other media for the official dissemination of information or correspondence (e.g. Clergy, Synodical business, organizations etc).
- Can. 151 Every Cleric and Religious should actively encourage all of their charges whether parochial or other, to subscribe to any and all of the official publications of this Church, and to contribute as means allow for the further dissemination and distribution of them to other persons, organizations and institutions, especially where the message of the Old Roman Catholic Church could provide spiritual comfort to the faithful.

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**PART 3 — CLERICS****TITLE I — GENERAL NORMS FOR THE CLERGY**

- Can. 152 Those who have been assigned to the Divine Ministry are called Clerics. They are not of the same degree; there is a Sacred Hierarchy, by which one is subordinate to the other. The Hierarchy which is of Divine Institution by reason of Sacred Orders consists of Bishops, Priests, and Deacons; by sacramental usage, Subdeacons, Minor clerics of the Ostiariate, Lectorate, Exorcistate and Acolythate. By reason of jurisdiction it consists of the Primate and the subordinate Episcopate.
- Can. 153 An Ordinary should not incardinate a cleric of another Diocese unless:
- The cleric is necessary or useful and the prescripts of Canon law have been observed.
  - The Ordinary has the authentic document of excommunication and valid letters dimissorial from the Primate.
  - The cleric has taken the Oath of stability to serve the Diocese for all times henceforth.
- Can. 154 The prescripts of Canon 153 shall also apply in all cases to the priests of any other Church validly ordained entering upon the Sacred Ministry within the Church.
- Can. 155
- §1. Priests may not change parishes, exchange parishes or transfer themselves from one mission to another without the express written permission of the Primate or in those territories where there is an Ordinary appointed, without the consent of the Bishop where he wishes to go.
  - §2. No cleric may be transferred or excommunicated from one diocese to another without his consent or without the consent and approval together with Letters Testimonial of both the excommunicating bishop and the incardinating bishop.
  - §3. Any bishop of this Church who either excommunicates or incardicates any cleric shall report all such canonical acts of excommu-

nation and incardination to the Primatial Chancellor and the Secretary of the General Synod, who will in turn record and preserve the record of such in the Archives of this Church.

- Can. 156 §1. No priest in charge of a parish or no Vicar Forane may, of his own volition, receive, even temporarily, any priest not in possession of valid letters dimissorial or assign him to any work. This shall not be deemed to include priests on lawful canonical vacation in possession of a Celebret.
- §2. A priest may serve as locum tenens in the event of necessity, but always after the Chancery Office has been duly notified.
- Can. 157 §1. There shall exist but two types of benefice for Diocesan Clergy: “Service of the Diocese” and “Mission Assignment”.
- §2. In the Service of the Diocese, any Bishop hereafter ordaining any priest for whom there is not an immediate place is responsible for the care and upkeep of that priest as a member of his domestic household.
- §3. Any Bishop hereafter accepting the incardination of any priest from a foreign country or from the Roman Catholic or Eastern Orthodox Church shall be responsible likewise for the continuing care of said priest; as shall any priest bringing said clerics to this country with the express permission of the Sacred Consistorial Congregation be likewise responsible.
- §4. The benefice of Mission Assignment designates a cleric whose sustenance will be provided for by the Parochial or Mission assignment he receives from his Bishop.
- §5. For Religious there exist two benefices. For Religious with Solemn Vows the Benefice is “The Title of Poverty”. For Religious with Simple Vows, the title of the benefice is: “The Common Table”.
- §6. A final title of benefice which can be bestowed is the “Title of His Patrimony”. While this title originally indicated a man whose sustenance would come from his own wealth and inheritances, today it indicates a man who will assume full responsibility for his own sustenance and welfare by the work of his hands at some secular occupation, as approved by his

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Ordinary, but will seek no remuneration for his parochial, missionary or apostolic work for the Church.

- Can. 158 Since the past has shown that acephali and vagantes are a danger and a scandal to the Church, any cleric fostering or aiding and advising any cleric of this Church to solicit a transfer wherein there does not exist a valid assignment ready for him shall be subject to the penalties prescribed in these Canons for that offense.
- Can. 159 Clerics under censure are automatically excommunicated by reason of judicial sentence and incardination is only refected at the expiration of the sentence of suspension or probation, whichever be the longest. During this period, they are to be deprived from all vote, both active and passive and are forbidden faculties other than to say Mass in private.
- Can. 160 It is explicitly and expressly forbidden to allow any clergyman of any obedience other than that of the Roman Catholic or Eastern Orthodox Church within the Sanctuary at any time during Divine Services unless he be in the process of incardination.
- Can. 161 Facilities, faculties and permission to say Mass are to be withheld in all cases where a visiting priest does not display both valid faculties, a celebret and enter his name and origin in a book to be provided for that purpose and kept in the sacristy for the inspection of the Bishop.
- Can. 162 All the faithful owe the clergy reverence according to their various ranks and offices, and they become guilty of sacrilege if they do them personal harm.
- Can. 163 All cases against clerics, both civil and criminal must be brought into the Ecclesiastical Court.
- Can. 164 All clerics and religious, who enjoy the privilege of the Forum cannot be brought into, or sued in a civil court without the permission of the Primate or in those territories where there is an ordinary, the latter's permission must be secured. Such permission should not be refused if the suitor be a lay person and especially after his attempts to secure a settlement have failed. If clerics have sued or been sued in civil court without the obtained permission, they may appear in

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court in response to competent civil authority but they shall inform the Primate or Ordinary from whom the permission should have been obtained.

- Can. 165 Clerics may be ordained if they have married before the Diaconate, but except by Primatial Dispensation, no married man may be ordained further if he contract a valid marriage after the Diaconate.
- Can. 166 §1. Clerical celibacy shall be the General Norm. No cleric shall have the right to marry, but may do so with the permission of his Bishop.
- §2. Married men may be ordained and consecrated and hold any office for which he is duly qualified and duly elected.
- Can. 167 Clerical Celibacy shall be obligatory upon the Religious Orders, with the express exception of Secular Tertiaries of those Orders.
- Can. 168 Clerics are possessed of the Power of Order in the sanctification of the faithful by Sacred Rites and of Power of jurisdiction to govern the faithful for the fulfillment of the supernatural ends for which the Church was established.
- Can. 169 Clerics enjoy the privilege of immunity from military service, which right is nominally respected in the United States. In time of grave national peril, clerics ought not to withhold their Sacred Ministrations even though they are not assigned Chaplaincies.
- Can. 170 The essential obligation of every cleric constitutes the adherence to the law of the Church, orthodoxy in the matter of Sacred Rites, the respect and obedience due his lawful superiors, the zealous guarding of Faith and Morality, and the unceasing attention to his priestly office in caring for the immortal souls committed to his charge.
- Can. 171 Both the interior life and exterior behavior of the clergy must be superior to the laity, and excel them by the example of virtue and good deeds. The Primate or Ordinary must take care that the clergy frequently go to confession, make a daily meditation, and visit the Blessed Sacrament, recite the Divine Office and *Examen Conscientiæ*.

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- Can. 172 All secular priests must, at least once in two years make a retreat for a time specified by the Bishop. No one shall be exempted from this retreat except in a particular case, for a just reason, and with the explicit permission of the competent ecclesiastical authority.
- Can. 173 All clerics, but especially the priests, are under the solemn obligation and promise (vow for religious) made at their Ordination to obey and respect their Primate and Local Ordinary. In those areas not canonically erected into Dioceses, the clergy are immediately subject to the Primate or the Vicar Forane delegated by him to exercise jurisdiction.
- Can. 174 The Office imposed on clerics must be assiduously attended to as long as the Bishop or Primate judges that the needs of the Church require that particular service of the priest.
- Can. 175 The clerics, after being ordained priests, must not neglect their studies, but rather increase them, to the greater apologetic erudition of the Church and especially in the Sacred Sciences in which they should follow the sound doctrines handed down to us by the Church Fathers and universally received by the Undivided Church, and they should avoid profane novelties of expression and that which is wrongfully called “scientific or modern”.
- Can. 176 §1. All priests, even though they have a parochial charge, must undergo for three years after their ordination, an examination in the Sacred Sciences as outlined by the Primate or Local Ordinary.
- §2. In the appointment to existing parishes or benefices, those ought to be preferred who excelled in the examinations.
- Can. 177 §1. All clerics are bound to wear becoming clerical garb in accordance with the legitimate custom of places and in accordance with the instruction of the Ordinary.
- §2. Clerics are not allowed to wear a ring or any ostentatious or eccentric articles of dress.
- §3. In their homes and on the grounds of Church property, clerics should not appear in secular garb, but should wear the cassock or religious habit peculiar to their religious Order.
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- Can. 178 §1. Because of the condition in the United States which consists in the separation of Church and State, clerics will not wear the cassock or religious habit as a matter of form off ecclesiastical property.
- §2. The designated dress shall consist in the standard black suit, rabat and Roman Collar. A hat should always be worn as a matter of course in conformity with ecclesiastical dignity.
- Can. 179 The Ordinary or the Primate may dispense from the strict observance of the canons on ecclesiastical dress insofar the circumstances warrant it and only in individual cases.
- Can. 180 No cleric is ever allowed to vest in apparel reserved for those in Holy Orders senior to the rank he himself holds. All such violations will result in a censure and a suspension reserved to the Ordinary.
- Can. 181 §1. Clerics must abstain from all things unbecoming their state; they must not exercise unbecoming arts; nor medicine without an indult; nor play games of chance for money, nor carry weapons unless there be justified cause for fear; nor indulge in hunting with outcry and publicity; nor visit saloons and public places where alcoholic beverages are sold and under no circumstance, countenance or sponsor any public benefit contiguous to Church property wherein alcoholic beverages are either dispensed, purveyed or sold.
- §2. Any cleric who displays a habitual disregard for this Canon shall receive a paternal rebuke and remonstrance from his pastor. If the cleric persists in his behavior contrary to the directions from his pastor, then the pastor will inform the Bishop in writing of the pertinent facts, and the Bishop's will render a decision and judgment which will be considered final.
- Can. 182 Alcoholic beverages should not be served as a matter of course in any rectory or religious institution, not for its intrinsic evil, but lest scandal touch the house and the person of the priest. This is not to be construed to include the common display of ordinary hospitality.
- Can. 183 Even those occupations which are not unbecoming to the Clerical State, but which are foreign to it, the clergy must avoid.
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- Can. 184 Without express permission from the Primate, clerics shall not act as agents for the goods or property of lay people; or assume secular offices that impose the obligation of rendering an account; not exercise the office of procurator or lawyer, except in the Ecclesiastical Court or in the Civil Court when there is question of his own case, or that of the Church.
- Can. 185 Canon 184 shall not be deemed to include the office of Notary Public or representative before the Board of Immigration Appeals, or Probation Board of the various Criminal Courts of the Land, wherein there is no financial or beneficial interest involved on the part of the participant but merely the welfare of a member or members of the Church.
- Can. 186
- §1. The clergy must keep away from those performances, dances or shows which are unbecoming to the clergy and where it would be scandalous to see them attend. Despite the laudable custom of free admission granted by many of the operators of the establishments to members of the clergy, mere attendance is scandalous if the performance is such that the church would be impugned by the attendance of the clerics.
  - §2. Should there be a particularly worthwhile historical or educational event being displayed, shown or exhibited, permission may be presumed, but for good taste, the cleric should never attend alone and never in company which would of itself constitute scandal. There should always be a priest or cleric companion.
- Can. 187
- §1. Clerics shall not volunteer for military service without the permission of the Primate and/or Local Ordinary.
  - §2. Clerics must not take part in or help, aid, assist or abet any internal revolt or disturbance of public order.
  - §3. Clerics in Minor Orders who volunteer for military service without ecclesiastical permission are *ipso facto* reduced to the lay estate without further process of canon law.
- Can. 188 Clerics who knowingly lend themselves to, join, participate in or otherwise render themselves culpable in any seditious, notorious organization, group, order, association, body or congregation, whose
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particular aims or intentions are proven or have been proven to be openly antagonistic to the Government of the United States or any local State or Civil Government are *ipso facto* suspended and subject to the penalties as set forth in these canons

- Can. 189 All clerics entering the United States from a foreign country, intending to permanently reside herein, after having been lawfully incardinated in accordance with those provisions of canon law, shall, within the period of five years, make a formal Declaration of Intention to become a United States Citizen and shall subsequently proceed in process according to the manner prescribed by law.
- Can. 190 Clerics, even though they have no parish or benefice, are forbidden to be absent from their ecclesiastical domicile for a notable length of time without the express permission of the Local Ordinary. When such permission has been, in fact granted, reports of activities must be made every month during the period of lawful absence.
- Can. 191 §1. Clerics are bound to fulfill their obligations imposed upon them by the Synod in the matter of the CATHEDRATICUM and other assessments made upon them by Synod Vote.
- §2. Poverty of a cleric will excuse him from these obligations upon affidavit to the Primate and/or Ordinary and formal written dispensation, but the cleric must make some contribution according to his means.
- Can. 192 §1. Clerics assigned a parish or mission may not, of their own volition become “inactive or inoperative.” The clerics of the Church should ever, with unceasing diligence, labor for the good of the Church and the salvation of souls without regard for personal well-being.
- §2. Clergy who are retired or are unable to work by reason of physical disability will be dispensed upon formal application to the Primate and/or Local Ordinary.
- Can. 193 Clerics are obliged by this canon to be present at all clerical meetings called by the competent ecclesiastical authority designated to exercise jurisdiction over any particular area. Since the local chapter or deanery is the nucleus of combined effort, and teamwork within

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the Church, the importance of constant intercommunication cannot be overstressed.

- Can. 194 It shall be the duty of the cleric appointed as secretary of the local chapter or clericus, to forward, in duplicate a complete documentary transcript of the proceedings to the local chancery office at the close of the meeting following its approval by signature of the responsible prelate or dean.
- Can. 195 It is the indispensable duty of all clerics to furnish prompt certified copies of all pertinent documents, (i.e. Baptism, First Communion and Marriage certificates), yearly census reports and parish protocols to the local chancery for filing. Failure to keep adequate records may expose the clergy and laity to future inconvenience and possible disaster if those records be not readily available.
- Can. 196
- §1. The Archives of the Church shall consist of all documentary evidence of census, baptism, confirmation, ordination and matrimonial matters; the transcripts of all ecclesiastical trials or disciplinary matters; the personnel records in toto of all clerics of the Church; documents of concordat or intercommunion; the duplicates of all balloted votes taken at Synods, together with all historical and financial reports pertaining thereto.
  - §2. The Archives should contain a separate box, of a secure nature, locked by two keys, one to be held by the Primate and the other by the Chancellor of the Archdiocese.
  - §3. In this receptacle shall be kept all papers of a confidential nature. The Archives of the Church shall be made available to inspection and inventory by a committee appointed by the Primate during Synod, wherein disposition may be made of outdated materials. These shall be destroyed by fire and a brief notation kept for the record.
  - §4. Full and concise directions for the successor to the Primate should his untimely death occur.
- Can. 197 Due caution shall be taken that no unauthorized person obtain any access to the Archives. Persons or clerics removing any paper or document therefrom, shall leave in its place a signed receipt, giving the
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date and purpose of removal and authority therefore and his signature. He shall then become personally responsible for its safe return. Authority for such temporary removal shall be obtained from the Primate; or if, by reason of any inability to act, from the Co-adjutor.

- Can. 198 §1. Ecclesiastical Offices cannot be obtained except by canonical appointment.
- §2. By ecclesiastical or canonical appointment is understood the conferring of an office by the competent ecclesiastical authority, according to the Sacred Canons.
- Can. 199 Appointment to any office must be made in writing, duly attested by the Primate and/or local ordinary, and the chancellor of the diocese.
- Can. 200 Though Sacred Ordination, once validly received cannot be invalidated, nevertheless a cleric in minor orders may be reduced to the state of the laity by rescript or sentence of the ecclesiastical court, and finally by the penalty of degradation.
- Can. 201 §1. A cleric in minor orders may be reduced to the state of the laity not only by the very fact of committing actions to which the law attaches loss of the clerical state, but, also by his own free will under conditions wherein he requests the Ordinary to allow him to return to the lay estate; or the Ordinary, of his own free will issues a declaration to that effect when he prudently judges that the cleric could not, with due respect for the clerical state be promoted to Sacred Orders; or the cleric indulging in activity or delict which bring scandal and opprobrium on the Church, *ipso facto* relegating him to the lay estate without further process of Canon Law.
- §2. The burden of proof shall be on the cleric.
- Can. 202 §1. If a cleric in minor orders has for any reason returned to the state of the laity, he can again be admitted to the Clergy with the permission of the Ordinary into whose diocese he was incardinated by orders. The Ordinary should, however, grant permission only if the cleric be blameless and worthy of re-incardination and the cause for his reduction was not such that his moral character was affected.

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- §2. A period of probation should be designated and the cleric tested anew for his vocation.
- Can. 203 Clerics reduced to the Lay estate by delict or act of commission which is culpable under Canon Law is by this canon, *perpetually impeded* from ever again entering upon the clericate with a view to future ordination, but he may not be forbidden the sanctuary of a religious house if he be penitent and desirous of expiating his delict.
- Can. 204 §1. A cleric in major orders who has returned to the Lay Estate may NOT be readmitted to the clericate except by rescript from the Sacred Consistory.
- §2. This shall be deemed to include all cases not culpable under canon law.
- Can. 205 §1. Clerics in major orders reduced to the state of the laity by reason of judicial sentence are permanently enjoined from ever being ordained further or exercising the orders already received.
- §2. The Impediment is, by its very nature perpetual.
- §3. Dispensation may only be granted after a period of lengthy probation and the approval of the Ordinary and or Primate and the Sacred Consistorial Congregation.
- Can. 206 §1. All clerics who have been legally reduced to the state of the laity or by permission granted for causes not affecting their moral character thereby lose all office, benefice, rights and privileges of the clericate, and are FORBIDDEN to wear the cassock and other clerical apparel.
- §2. They remain bound, however by the Divine Office and celibacy, if they are unmarried and in Major Orders.
- §3. Minor clerics are not bound by the obligation to recite the office.

**TITLE II — BISHOPS**

- Can. 207 The Bishops are successors to the Apostles and before a cleric is elevated to the Sacred Episcopate, proof must be furnished that the individual is worthy.

- Can. 208 The Episcopacy of this church will normally consist only of those bishops consecrated within our own line of succession, unless the Consistory of the College of Bishops together with the Primate judges it opportune to accept a Bishop consecrated outside of our jurisdiction into the North American Old Roman Catholic Church as provided for elsewhere in these Canons.
- Can. 209 The requisites for a candidate to the Sacred Episcopate are:
- He must be born of legitimate wedlock, and even those legitimized by subsequent marriage are excluded.
  - He must be at least thirty (30) years of age.
  - He must have been an ordained priest for at least five (5) years and must have exercised his sacerdotal orders within our jurisdiction of the Old Roman Catholic Church for the same length of time.
  - He must be of good character, with piety and zeal for souls, prudent and otherwise qualified to perform the office of Bishop.
  - He must be a Doctor or Licentiate in Theology or Canon Laws in an institution of Learning approved by the Church, or
  - submit to an examination in these Sacred Sciences.
- Can. 210
- §1. All those who are elected, presented or designated for consecration by persons who have the power to elect, or present or delegate must have the aforesaid qualifications.
  - §2. The Consistory of the College of Bishops, together with the Primate shall have the right to pass judgment on the qualifications of any candidate for the Episcopate, or to modify or eliminate some or all of the provisions aforementioned.
  - §3. The election of a Bishop by any Diocesan Synod is not considered valid until the candidate has received the approval of the College of Bishops and the Primate has issued the requisite Mandatum for Consecration designating the said Bishop-Elect.

- §4. Every Bishop Elect, being a Priest beforehand, shall present to the College of Bishops and to the Primate:
- his certificate of election duly signed by all of the Officers both Clerical and Lay of the Diocesan or General Synod which has elected him.
  - A certificate from the Secretary of the General Synod confirming his election according to the Canons of this Church.
  - A certificate of good character signed by three Priests of this Church according to the form which will be supplied to him by the Secretary of the General Synod in the following form:

“We, whose names and signatures are appended below, fully sensible how important it is that the Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion, without partiality or affection, do, in the presence of Almighty God, testify that **The Reverend N.N.**, is known personally to us and is not, so far as we are informed, justly liable to evil report, either for error in the true Catholic Faith or for viciousness of life, and that we do not know or believe there is any impediment on account of which he ought not to be Consecrated to the Office of a Bishop in the One, Holy Catholic and Apostolic Church, and in the jurisdiction of our own North American Old Roman Catholic Church.

We do, moreover, jointly and severally declare that we do, in our conscience, believe him to be of such sufficiency in good learning, such soundness in doctrine, and of such virtuous and pure manners and godly conversation, that he is apt and meet to exercise the Office of Bishop, to the honor of God and the edifying of His Church, and to be a wholesome example to the flock of Christ.”

- Can. 211 There will be two episcopal degrees within the North American Old Roman Catholic Church:
- Archbishop — who will occupy the Primatial Seat, either in active, retired, or emeritus status.
  - Bishop — who will be the Ordinary of a Diocese, or an Auxiliary or Co-Adjutor Bishop, or a Missionary Bishop, either in active, retired or emeritus status.
- Can. 212 §1 The Bishop, unless he be an Auxiliary or Co-adjutor shall have the right and duty to govern the territory or diocese assigned him.
- §2. His jurisdiction shall extend to temporal as well as spiritual affairs and to this end he has legislative, judicial and coercive power which must be exercised in accordance with the laws of the Sacred Canons.
- Can. 213 §1. Only those Bishops elected by the Synod at large and Consecrated by Primatial Mandate and the Order of the Consistory may exercise the right of jurisdiction.
- §2. Any Bishop of this Church consecrated *sub rosa* without the express authority as stated above is impeded from obtaining a diocese or acting as a Bishop, except by Primatial Indult, which indult shall have been subsequently approved and ratified by the synod assembled.
- Can. 214 §1. Any cleric of this church, consecrated *sub rosa* by any Prelate of this or any other ecclesiastical jurisdiction is *ipso facto* permanently impeded from ever exercising the Episcopate or obtaining any office of authority or responsibility within the Church, is deprived of both active and passive voice and the consecrating Prelate, is by his act of insubordination, *ipso facto* deprived of his office and is impeded from ever exercising his Episcopate within the Church.
- §2. This Impediment is perpetual.
- Can. 215 When a man who has been consecrated as a bishop in another communion seeks to be incardinated into this jurisdiction, he will be required to make application to the College of Bishops, whose duty it is to make the necessary investigation and recommendations.

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- Can. 216 The College of Bishops shall appoint at least two Bishops of this jurisdiction to make the necessary requisite investigation. The two investigating Bishops will prepare a report of their investigation in writing and under their signatures and seals, and present that report for the consideration of the College of Bishops, meeting in Consistory.
- Can. 217 §1. If the applicant has been validly consecrated and has complied with all of the applicable requirements of these Canons, his application together with the recommendation of the College of Bishops is to be presented to the Primate for his confirmation and for permission to present the applicant's request to the General Synod.
- §2. Upon receipt of the Primate's confirmation, the applicant and his request is to be presented to the General Synod together with the favorable recommendation of the College of Bishops and the confirmation of the Primate.
- Can. 218 If the applicant receives the approval of General Synod, then he will be placed under the direction and assignment of the Ordinary of the Diocese in which he resides, and may exercise those ecclesiastical functions permitted him by the Primate and by his own Ordinary, and will be enrolled as a member of the College of Bishops of this jurisdiction, with voice and vote.
- Can. 219 No sooner than one year subsequent to his acceptance by General Synod and his assignment to the Ordinary of the Diocese of his canonical residence, may he be considered eligible for recommendation, election and approval to serve as an Ordinary, Auxiliary, Co-Adjutor or Missionary Bishop of this jurisdiction, in accordance with the provisions mandated elsewhere in these Canons.
- Can. 220 If the applicant's episcopal consecration is deemed to be of doubtful origin or validity, or is unquestionably invalid, he may not be received as a Bishop in orders, but is to be referred to the Ordinary of the Diocese of his residence, who may accept him as a candidate for the Priesthood, all other canonical requirements being complied with, as provided for elsewhere in these Canons.
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- Can. 221 Bishops entering the North American Old Roman Catholic Church from outside of this jurisdiction are to be admitted normally as Bishops *in simplex*, for a period of five years, unless in the judgment of the Primate together with the concurrence of the College of Bishops, a shorter time period is warranted, but never less than one full canonical year.
- Can. 222 §1. The laws of the individual bishops begin to bind immediately upon promulgation unless he provides otherwise.  
§2. The method of promulgation is determined by the Bishops.  
§3. The canon on precepts is valid herewith in the same sense.
- Can. 223 The Bishop must urge the observance of the law and be an example to his clerics by his compliance and he cannot dispense from the General Law of the Church except as specifically and explicitly delegated by the Metropolitan Primate.
- Can. 224 §1. Every Bishop shall make a monthly report of conditions within his diocese, such report to be published in the *Acta Metropolitana Sedis* for the General Information of the Church at large where feasible.  
§2. Every Ordinary of a Diocese or other such Jurisdiction shall make a written report of the state of his Diocese or Jurisdiction according to and using the form prepared by the College of Bishops for this purpose, detailing the spiritual and temporal conditions of the said Diocese or Jurisdiction, the various congregations, missions, religious communities and organizations located therein, the ministry and apostolic work being conducted in the diocese, the statistics required by the Secretary of the General Synod to secure an accurate view of the state of this Church, together with a summary of his own episcopal acts and works. This report shall be forwarded to the Secretary of the General Synod and to the Primate and received by them no less than sixty days prior to the Opening of General Synod.
- Can. 225 Such reports shall, in context follow the formulas as set forth by the Chancery Office of the Church in all respects.

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- Can. 226 §1. Every Bishop of this jurisdiction shall reside within the boundaries of his own Diocese or Jurisdiction unless dispensed therefrom by mandate of the Primate and approved by the College of Bishops.
- §2. The Bishop must visit each of the congregations of his entire diocese at least once a year, in person, for the purpose of performing the spiritual duties of his Office and for examining the spiritual and temporal state of each such congregation; or if legitimately dispensed by the Primate, he may delegate a Vicar Forane or other qualified prelate to make the said visitation in his name and by written mandate.
- §3. The expenses incurred by such visit shall be defrayed in whole or in part by the congregation for whose benefit it has been made, or in such other way as the Synod of the Diocese or Jurisdiction shall provide.
- Can. 227 All Bishops (Ordinaries, Co-Adjutors, Auxiliaries and Missionary) must tender a written offer to resign their office to the Primate of this Church on the day of their seventy-fifth birthday. The Primate will review the offer and submit it to the College of Bishops and to the Synodical Council for review. If two-thirds of both bodies voting separately vote to accept the offer of resignation, the Primate shall inform the Bishop that his offer to resign has been accepted, and that the effective date of resignation will be six months from the date of the letter of notification of acceptance by the Primate.
- Can. 228 If the offer to resign is not accepted, the Primate shall notify the Bishop of the fact, and shall offer whatever assistance may be available to aid the Bishop in the continued performance of his office.
- Can. 229 The Bishop whose offer to resign has not been accepted, shall every three years thereafter, be required to submit to the Primate a new offer to resign, following the same procedure outlined in the previous canons.
- Can. 230 At the time of reviewing a Bishop's offer to resign, or at any time that the Primate may introduce the subject, the College of Bishops, with the concurrence of two-thirds of the Synodical Council, may vote to give a Co-Adjutor or Auxiliary Bishop to an Ordinary, in
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order to assist him in the administration of his See, or in lieu of accepting his offer of resignation.

- Can. 231 Inasmuch as the tenure of the Primacy is for the lifetime of the Primate, unless he voluntarily resigns, is removed according to the Canons due to incapacity to fulfill the duties of his office, or if he is deposed according to canonical process for grave offenses against either the Faith or the Canons, the provisions of the Canons requiring any letters of resignation for Bishops is not applicable to the Primate of this Church.

### TITLE III — COADJUTOR & AUXILIARY BISHOPS

- Can. 232 §1. The Primate only can give a Co-adjutor to a Bishop. The Co-adjutor as a general rule, is given to a Bishop with the right of Succession, sometimes also to the See. Where this is intended, the ratification of the appointment must be made through the Sacred Consistorial Congregation and the priests within the diocese.
- §2. The Bishop given as co-adjutor without the right of succession is called an Auxiliary Bishop.
- Can. 233 §1. The rights of the Co-adjutor given to a bishop are to be learned from the letters of appointment. Unless otherwise stated from the letters of appointment the Co-adjutor given a bishop who is quite incapacitated has all the rights and duties of the Bishop; in other cases he has only those rights delegated to him by the Ordinary of the diocese.
- §2. What the co-adjutor is able and willing to do, the Bishop ought not to delegate to another.
- Can. 234 The co-adjutor has the duty to perform the Pontifical and other functions which the bishop would have to perform himself as often as he is requested by his bishop and is able to attend to them.
- Can. 235 The Co-adjutor with the Right of Succession becomes Ordinary at the exact time the See or Diocese becomes vacant, or upon the decease of the Ordinary, provided, he took legitimate possession of his office by Canonical appointment.

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Can. 236 The office of the Auxiliary bishop expires with the office of the Bishop, unless it is stated otherwise in the Apostolic Letters or appointment.

## TITLE IV — MONSIGNORS, CANONS AND MINOR PRELATES

### *Domestic Prelates*

Can. 237 Domestic Prelates are members of the Archiepiscopal Curia and are appointed by the Primate. They are Monsignori and may or may not be Vicars Forane. They are directly responsible to the Primate as stated in their Letters of Appointment, and he will designate their ecclesiastical dress and privileges.

### *Canons and Chapters of Canons*

- Can. 238
- §1. The Primate of the North American Old Roman Catholic Church with the advice and consent of the College of Bishops can create a Collegiate Chapter of Canons for the Primatial See of Nova-Terra.
  - §2. The Primate alone has the right to designate Canons for this Collegiate Chapter and to determine their ecclesiastical dress and privileges.
  - §3. The customary choir dress of Canons shall be a black cassock with purple buttons and trimmings, a purple sash with purple fringe, a linen rochet, a black mozzetta with purple buttons and trimmings, a black zucchetto with purple trimmings, a black biretta with a purple pom, and a simple pectoral cross without gems on a black and gold cord.
  - §4. The customary house dress of these Canons is a simple black cassock with purple buttons and trimmings, a purple sash with purple fringe, a purple ferraiolo for use at non-ecclesiastical occasions.
  - §5. The pectoral cross may be worn ONLY with the choir dress and never in house or civilian attire. No ring may be worn by any cleric except for Bishops.

Can. 239 No Bishops may appoint any Domestic Prelates or Canons for their own or any other jurisdiction. This privilege is reserved only to the Primate of the North American Old Roman Catholic Church.

*Monsignors (Protonotaries Apostolic)*

Can. 240 Monsignor is a title of honor and rank, attaching to the person once attaining it. Functionally, they are the Bishop's assistants within the designated districts or deaneries of the Diocese.

Can. 241 Monsignors are charged with such duties as are assigned to them by their Ordinaries. They fulfill strictly all orders of their Diocesan Bishops and assist them in the following matters:

1. they oversee the Deanery entrusted to them;
2. they conduct conferences with the clergy and lay representatives of their Deaneries and prepare and send accurate reports to their Diocesan Bishops;
3. they conduct retreats with the priests of their Deaneries and the Deanery Meetings at least twice a year.

**DEANERY MEETINGS:** There shall be at least one meeting held every year encompassing representatives of all Parishes in a given Deanery.

All pastors, all priests and three duly elected representatives of every Parish within the given Deanery shall have the right to vote at the meetings of that Deanery.

The administrative Monsignor shall preside at the meetings; a vice-chairperson and a recording secretary shall be elected at the first meeting after the Diocesan Synod. Provisions shall be made at each meeting to devote some time to matters related to cooperation with pastors and parish committees, clarifying areas of authority of each administrative branch within the Deanery.

4. they verify the Parish record books, vital statistics registers, incorporation papers, and in general all official documents, including but not limited to bank accounts, checks and or-

ders of the Parish, upon the express order of their Diocesan Bishop;

5. upon the express order of their Diocesan Bishops they summon Parish Committee meetings and together with the Parish Pastors they summon Parish meetings within their Deaneries for the discussion of Parish problems;
6. together with the Parish Pastors they prepare the Parish for the official visitation of the Diocesan Bishop and the Primate;
7. they assist in the collection of funds for the Church's purposes as instituted and enacted by the Synods;
8. they install Parish Pastors;
9. they carry out all other functions entrusted to them by their Diocesan Bishop.

- Can. 242 §1. The Primate alone has the right to designate Monsignors (Protonotaries Apostolic) and to determine their ecclesiastical dress and privileges.
- §2. The customary choir dress of Monsignors shall be a black cassock with red buttons and trimmings, a purple sash with purple fringe, a linen rochet, a black manteletta, a black zucchetto with red trimmings, a black biretta with a red pom, and a simple pectoral cross without gems on a purple and gold cord.
- §3. The customary house dress of these Monsignors is a simple black cassock with red buttons and trimmings, a purple sash with purple fringe, a black ferraiolo for use at non-ecclesiastical occasions.
- §4. The pectoral cross may be worn *ONLY* with the choir dress and never in house or civilian attire. No ring may be worn by any cleric except for Bishops.

### *Honorary or Diocesan Monsignors*

- Can. 243 All Diocesan Vicars General, and the Rector of the Seminary by virtue of their office, as well as those priests who are given the honor by appointment from their own Ordinary to a special membership in his Episcopal household, are designated as Honorary or Diocesan Monsignors, and may wear the same dress as the other ranks

of Monsignors but in all black, with all buttons, trimmings, linings, pom, sash, fringe, ferraiolo and facings in black as well. Their pectoral cross is a simple cross without gems and hands on a solid black cord.

### *Rural Deans or Vicars Forane*

- Can. 244 §1. Where jurisdiction cannot otherwise be conveniently administered, the Primate may, at his discretion, appoint Deans to be in charge of the Deaneries, where a sufficient number of parishes or extensive parochial territories exist.
- §2. Unless the Dean or Vicar Forane is a member of one of the aforementioned categories of minor prelates, he has no special dress or honorary vesture. If he is a member of one of the aforementioned categories of minor prelates, then he dresses in accord with his rank.
- Can. 245 The Primate shall be designated as “HIS EMINENCE” Archbishop N.; and as “YOUR GRACE”;
- Co-adjutor and Auxiliary or Diocesan Bishops shall be designated as “HIS EXCELLENCY”, Bishop N.;
- Superiors of Religious Orders of Men and Monsignori are to be designated as “THE RIGHT REVEREND FATHER” or “MONSIGNOR” N.;
- Honorary or Diocesan Monsignors are to be designated as “THE VERY REVEREND FATHER OR MONSIGNOR” N.;
- Canons are to be referred to as “THE VERY REVEREND CANON” or “CANON” N.;
- Deans who are not members of one of the above ranks of the clergy is referred to as “THE REVEREND DEAN” or “DEAN” N.

### **TITLE V — PRIESTS**

- Can. 246 The Priesthood of the North American Old Roman Catholic Church consists exclusively of Baptized and Confirmed males of this jurisdiction.

- Can. 247 §1. Upon receipt of a proper canonical request from a recognized jurisdiction, and with the prior written permission of the Primate of the North American Old Roman Catholic Church, a bishop of our Church may ordain a man for another jurisdiction, provided in all cases that the said candidate has been first deemed to have been validly Baptized and Confirmed.
- §2. All such requests must be in writing and bear the signature of the canonical authority of the jurisdiction requesting this service. The request will be forwarded also to the Primate of the North American Old Roman Catholic Church by the Bishop of our Church having been requested to provide the said service, together with a written request under the signature and seal from that same Bishop, seeking the Primate's permission to comply with the request.
- §3. The said ordination may not be performed until the Primate's permission in writing has been received by the Bishop requesting such authorization.

Can. 248 All candidates for the Priesthood in the North American Old Roman Catholic Church must first conform to the following requirements:

1. must be at least twenty-five years of age completed.
2. must be of good character.
3. must be an active Deacon in our jurisdiction for at least one year, and active in the ministry of this Church for at least three consecutive years.
4. must be a college graduate or equivalent which can be ascertained and determined by testing, examinations and age/work experience.
5. must be literate and competent in English and/or the language of his parochial ministry.
6. must be a graduate of a recognized theological seminary, having also been enrolled in our own St Francis Seminary for at least one year in which to learn the ethos and traditions of our jurisdiction, and possessed of the requisite theological, pasto-



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ral and liturgical knowledge required within this Church and in full accord with Catholic Faith and tradition.

Can. 249 If all of the requirements of the pertinent Canons are faithfully complied with, then the Ordinary will schedule the requisite Canonical Examinations by the Board of Clerical Examiners, who will thoroughly examine the candidate in all of the pertinent subjects and fields of scriptural, philosophical, theological, canonical, pastoral liturgical, dogmatic, homiletic, and practical knowledge required by these Canons and the traditions of the Catholic Church.

Can. 250 §1. If the candidate successfully completes the Canonical Examinations, obtains the recommendation of the Board of Clerical Examiners and that of his Seminary Rector and ultimately also obtains the consent of his Ordinary, then the Bishop may proceed to the ordination of the said candidate.

§2. Should the candidate fail to successfully complete the Canonical Examinations or fail to obtain the recommendation of the Board of Clerical Examiners, the Ordinary may, not less than 3 months from the date of the failure, re-schedule the Canonical Examinations for a second time. If the candidate successfully completes the Canonical Examinations and also successfully obtains the recommendation of the Board of Clerical Examiners this time, then the provisions of the previous paragraph of this Canon will obtain. If he fails a second time to successfully complete the required process, then he may not be re-scheduled again for the Canonical Examinations for a period of one year. If he again fails after the third attempt, he must be removed from the list of candidates for the Priesthood as a clear indication and evidence of one who does not possess the required knowledge or capacity for fulfilling the duties and obligations of the Priesthood.

Can. 251 The Ordinary may grant a dispensation or waive portions of the provisions of this canon, if in his pastoral judgment the needs of the Church and the welfare of the faithful will best be served by such action. He must not allow himself to be moved by an undue compassion, sympathy or affection for the candidate, nor to allow such to interfere with his canonical obligations to safeguard, protect, guide

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and provide for the faithful, the Diocese and the Church, only suitable and competent priests for the ministry, as the salvation of souls must be the primary concern of the Bishop at all times and under all circumstances.

- Can. 252 §1. When a cleric ordained by a validly consecrated Bishop from a jurisdiction not in communion with the North American Old Roman Catholic Church desires to be incardinated as a Deacon or Priest within our church, he shall make a written request and application to the Ordinary of the Diocese in which he resides. Upon receipt of such application and request, the Ordinary shall appoint two Priests of this Church to determine by personal interviews, examinations and any other such investigations as to whether the applicant's desire to leave his former church affiliation has arisen from any circumstances concerning or affecting his moral or religious character.
- §2. The Ordinary may accept the request and application only if the investigating priests give a favorable report on their findings.
- §3. No final decision shall be made or published by the Bishop sooner than six months from the date the application was received.
- Can. 253 §1. If the cleric is accepted into this church, having complied with all of the applicable requirements of these canons, and if he has been ordained by a Bishop whose orders are recognized as valid by this church, then he may be received in his proper orders, and will take his place in precedence among the clergy of this church according to his date of ordination.
- §2. If the cleric was ordained by a Bishop whose claim to valid Catholic orders is doubtful or is not fully recognized by this church, then he is to be received into the clergy of this church and must be ordained *sub conditione*, i.e. conditionally. He will then take his place among the clergy of this church and will hold precedence according to the date of his conditional ordination by a Bishop of this church.

§3. If the cleric was ordained by a bishop whose orders are unquestionably invalid, then he must be ordained in the absolute and will count his precedence among the clergy of this church from the date of his ordination by a Bishop of this church.

Can. 254

§1. When a cleric who has served within this jurisdiction has defected from the communion of the North American Old Roman Catholic Church and subsequently desires to return in Orders, he shall make application to the Ordinary of the Diocese in which he had been incardinated before his defection, giving a detailed account and explanation of his reasons, actions and ministry since the time of the defection, and clearly stating both his repentance and his reason for seeking to return to the ministry of this Church.

§2. Upon receipt of such an application, the Ordinary shall have two priests interview the cleric and investigate all of the circumstances and evidence submitted to them and verify the accuracy of the same. They shall then prepare a report in writing under their own signatures on the findings of their investigation and submit it to the Ordinary for his review.

§3. If the investigating priests give a favorable recommendation and the Ordinary concurs with them, then the Bishop may accept him back into the clergy of that Diocese in his orders, having first lifted any suspensions or censures that the cleric may have incurred. However, no such cleric shall be permitted to exercise any power of orders or ministry until one full canonical year has elapsed since his acceptance back into the clergy of this Church. During that year, the cleric is considered a member of the clergy of that Diocese and has all of the obligations of a cleric but is prohibited from any clerical ministry or attire, unless in the pastoral consideration of the Ordinary, the needs of the Church, and the Spiritual welfare of the Diocese or the Faithful warrant an ecclesiastical dispensation.

§4. If the cleric has been ordained to any orders above the order he held at the time of his defection, provided that the orders thus subsequently received are unquestionably valid, he is to be received in the order he now holds, but is inhibited from the ex-

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ercise of them until a minimum of one additional year beyond the year mentioned in the preceding paragraph has elapsed between his acceptance back into the jurisdiction of the North American Old Roman Catholic Church. At the conclusion of the first year he may exercise the orders he held at the time of his defection. At the conclusion of the second year he may be permitted by the Ordinary to exercise the additional orders he received outside of this jurisdiction.

§5. The provisions of this paragraph apply solely to those clerics from Tonsure to the Priesthood. Any cleric presenting himself as having been consecrated as a Bishop since leaving the communion of this Church, must make application according to the Canons pertaining to Bishops from outside of this Church, seeking to be incardinated into this jurisdiction.

Can. 255 §1. If an Ordinary other than the Primate decides to reject the application of a candidate for Holy Orders, or the application of a cleric coming under the provisions of the previous canon, the applicant may appeal said decision to the Primatial Chancery, which shall examine the handling and processing of the case by the Ordinary in question and his reasons for making the said decision.

§2. Such a cleric or candidate may then be accepted solely by action of the Primate and only upon the favorable recommendation of the Primatial Chancery. If the Primate declines to accept such an applicant who has received the favorable recommendation of the Primatial Chancery, his appeal may be taken before the General Synod.

§3. However, if the applicant's Ordinary is the Primate, the Board of Clerical Examiners shall handle the application prior to its submission to the Primatial Chancery. If the Primate declines to accept an applicant who has received a favorable recommendation from either the Primatial Chancery or the Board of Clerical Examiners, or from both, the appeal may be taken before the General Synod.

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**TITLE VI — VOCATIONAL DEACONS**

- Can. 256 Deacons serve directly under the authority of and are accountable to the Bishop, or in the absence of the Bishop, the Ecclesiastical Authority of the Diocese.
- Can. 257 Deacons canonically resident or incardinated in each Diocese constitute a Community of Deacons, which shall meet from time to time. The Bishop may appoint one or more of such Deacons as Archdeacon(s) to assist the Bishop in the formation, deployment, supervision, and support of the Deacons or those in preparation to be Deacons, and in the implementation of these Canons.
- Can. 258 The Bishop may establish a Council on Deacons to oversee, study, and promote the Diaconate.
- Can. 259 The Bishop, after consultation with the Deacon and the Pastor may assign a Deacon to one or more congregations, or non-parochial ministries. Deacons assigned to a congregation act under the authority of the Pastor exercising oversight in all matters concerning the congregation.
- Can. 260 Subject to the Bishop's approval, Deacons may have a letter of agreement setting forth mutual responsibilities in the assignment, and, if such a letter exists, it is subject to renegotiation with the Vestry/Bishop's Committee after the resignation of the Rector or the Priest-in-Charge.
- Can. 261 Deacons shall report annually to the Bishop or the Bishop's designee on their life and work.
- Can. 262 Deacons may serve as administrators of parishes or missions, but no Deacon shall be in charge of a parish or mission.
- Can. 263 Deacons may accept chaplaincies in any hospital, prison, military unit or other institution subject always to the Bishop's permission and authority, and if the chaplaincy involves the Military, then he must also secure the permission and authorization of the Military Vicar for the North American Old Roman Catholic Church.
- Can. 264 For two years following ordination, new Deacons shall continue a process of formation authorized by the Bishop.
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- Can. 265 The Bishop or the Bishop's designee, in consultation with the Commission on Ministry, shall assign each newly ordained Deacon a mentor Deacon where a suitable mentor Deacon is available. The mentor and Deacon shall meet regularly for at least one year to provide guidance, information, and a sustained dialogue about diaconal ministry.

### **TITLE VII — THE LESSER CLERGY**

- Can. 266 All tonsured clerics and clergy below the rank of Deacon may not hold any positions of parochial responsibility, but will rather work under the direction, guidance and supervision of the local Pastor, Deacon or a mentor approved by the Bishop of the Diocese and in conjunction with the Commission on Ministry.
- Can. 267 Any cleric who neglects his ecclesiastical duties after having been admonished first by his Pastor, Deacon or Mentor and subsequently by the Bishop, will be removed from any active role within the ranks of the clergy of the Diocese and must make a new application to the Commission on Ministry and the Bishop of the Diocese if the said cleric should desire to be restored to active ministry and study.
- Can. 268 All clerics will maintain an acceptable level of performance in their academic studies as well as their assiduous attendance and performance at the ministry to which they are assigned. Should they fail to do so, they will be removed from the rolls of the active clergy of the diocese, any faculties they enjoy will be withdrawn, and they will be dismissed from the Seminary until such time as the Bishop and the Commission on Ministry are satisfied that they have amended their ways and will henceforth maintain the expected level of effort and zeal required of such seminarians and clerics.

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**TITLE VIII — CLERGY ON-LEAVE OR RETIRED**
*Pastors*

- Can. 269 The Bishop should not delay the appointment of a pastor to a vacant parish for more than six months, unless peculiar circumstances of place and persons induce the Ordinary to delay the conferring of the pastorate.
- Can. 270 The Bishop is bound in conscience to give the Parish to the cleric best qualified without favoritism.
- Can. 271 §1. The functions reserved to the Pastor unless the Law states otherwise are:
- To baptize solemnly.
  - To carry the Blessed Sacrament publicly to the sick.
  - To administer the Holy Viaticum, whether publicly or privately, and to give Extreme Unction. (Bishops shall receive the Last Sacraments from the Vicar General or Canons of the Chapter. If these be not available, the Consultors are responsible). (In religious communities, the Superior has the right to give the last rites. In case of necessity or urgency, any cleric may give the Last Rites with presumed permission.)
  - To announce Sacred Orders and Marriages Banns, to assist at marriages or delegate them to a curate and to give the Nuptial Blessing.
  - To perform the Requiem of his Parishioners unless they themselves selected another Church for burial Rites.
  - To bless the houses on Holy Saturday or any other day according to Local Custom with the Blessing of the Ritual.
  - To bless the Baptismal Font on Holy Saturday, to have public processions outside the Church with all pomp and ceremony.
- §2. It is the duty of every pastor or cleric in charge of any congregation of this Church to select and/or approve all Hymns,

tunes and Sacred Music to be sung or played at any time of worship. He shall suppress any unseemly music which may profane the services of the Sanctuary of God.

- §3. It is the duty of the Pastor or cleric in charge of any congregation of this Church to annually present a report on the state of his parish, mission or charge to the Diocesan Synod and to the Secretary of the General Synod according to the prescribed form as designated by the appropriate canonical authorities. In the event that the office of pastor or cleric in charge is vacant, this duty devolves on the Senior Warden or President of the Vestry/Parish Council.
- §4. If any pastor or cleric in charge of a congregation of this Church shall fail to perform the duties of his office for any cause or inability, or shall neglect to do so, and/or fails to appoint or permit another duly authorized Priest or Cleric of this church to perform them in his stead, then the Vestry/Parish Council shall report these and all other pertinent facts to the Bishop of the Diocese who shall take any canonical action deemed necessary by him to rectify the situation.

Can. 272 If the Pastor be obliged to leave the parish because of some very urgent business and must be away for over a week, he shall, as soon as possible inform the bishop by letter of the facts and shall state what priest he has left in charge.

Can. 273 Also, in cases where the Pastor is away from the Church for less than a week, he must provide for the wants of the people of God, especially when particular circumstances of the parish demand attention.

Can. 274 §1. The Pastor must celebrate the Divine Office, administer the Sacraments, become acquainted with the People of God, and increase the fold, by conversion and example; admonish the erring, counsel the straying, assist the poor and the sick, and give especial care to the instruction of Children in the Catholic Faith.

- §2. Every cleric in charge of a congregation of this Church shall give due notice to the members thereof, of an Episcopal visit



by either the Ordinary of the Diocese or of any other Bishop designated by the Ordinary; and he will take great care to prepare and present those persons ready and desirous of receiving the Sacrament of Confirmation, to the Bishop. A list of the names of each such person presented for Confirmation and their former religious affiliation shall be given to the visiting Bishop for his records. A record of all such confirmations shall also be entered into the canonical register of the congregation.

- Can. 275 §1. The Pastor must keep accurate, standing records of Baptism, Confirmation, Marriage, Decease, Holy Orders and the Special Book of Mass Intentions, and Visiting Clergy who may have said Mass in the Church.
- §2. He should take care to have the census book as correct as possible and he shall keep these books with great care and according to the instructions of the Local Ordinary.
- §3. The canonical registers enumerated above are the property of the parish/mission and are to be preserved for the use of subsequent priests/pastors.
- Can. 276 §1. In the Baptismal Record should be inserted a notice regarding Confirmation and Marriage or Admission to Holy Orders, or Solemn Profession.
- §2. When issuing Baptismal Certificates, these facts should always be mentioned on the certificate.
- §3. Duplicates of all certificates shall be sent to the local Chancery Office IMMEDIATELY upon entering in the Parish Records.
- Can. 277 The Pastor should have a parochial seal and a safe place for the above mentioned books; and documents where he should also keep the parish files for reference at some future time or in case of his death.

### *Administrators*

- Can. 278 An Administrator is a Priest of this Church appointed by the Diocesan Bishop to perform priestly functions under the guidance of the Diocesan Bishop or a Pastor designated by the Diocesan Bishop.

- Can. 279 The appointment of an Administrator may be revoked at the discretion of the Diocesan Bishop.

### *Curates*

- Can. 280 A Curate is an assistant Priest of this Church appointed by the Primate or by the Diocesan Bishop to assist a Pastor in the performance of such priestly duties as shall be assigned to him by his Pastor, to whom he is responsible.

### *Clergy on Leave or Retired*

- Can. 281 Any Cleric retired by reason of age or physical disability remains in union with his Church by remaining in contact with his Diocesan Bishop by written word and is willing to perform such duties as he is able to perform when called upon by his Diocesan Bishop.
- Can. 282 The said Cleric shall have the right to attend regular clergy conferences, Deanery and Diocesan meetings, and Church Synods in which he shall have only an advisory voice, and, unless appointed by the Diocesan Bishop to perform a specific function, shall attend such meetings at his own expense.
- Can. 283 §1. Any Cleric granted a sick leave, a leave of absence, or a sabbatical leave for a specified period of time by his Diocesan Bishop remains in union with his Church.
- §2. An extension of such leave may be granted by his Diocesan Bishop. A cleric who fails to request an extension of his leave, shall not engage in the practice of his ministry in this Church until such time as he shall be reinstated by his Diocesan Bishop.
- Can. 284 Any Cleric who is retired or on leave, if aggrieved, shall have the right of appeal as provided for elsewhere in these Canons.

## **TITLE IX — SEMINARY**

- Can. 285 One of the chief responsibilities of the Church is to guarantee that its spiritual leaders, its Bishops, Priests, Deacons, and all other or-

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ained and non-ordained leadership, maintains the highest caliber of professional ministry both intellectually and more importantly — spiritually.

- Can. 286 A Seminary Committee or a Commission on Ministry will be established by each Ordinary and also by the Primate, to coordinate the education of the clergy in accordance with the requirements of the Canons and in cooperation with our own Saint Francis of Assisi Theological Seminary.
- Can. 287 §1. The North American Old Roman Catholic Church established Saint Francis Seminary in 1919 and continues to maintain it today as the principal seminary program for the education and formation of the clergy of this jurisdiction.
- §2. While it is permissible for students to attend other seminaries and institutions of theological education and training, in accordance with the precedent set in 1919 by Archbishop Carfora, all clergy of this church must spend at least one full year in study at Saint Francis Seminary to learn the ethos and traditions of this jurisdiction. This applies to all clergy, both those trained within our church, and those being incardinated from outside, regardless of their previous training, education or degrees.
- §3. Any students, who are permitted to make their theological education outside of Saint Francis Seminary, will be required to conform their studies to also correspond to the courses required by our own Seminary Board of Regents.
- Can. 288 All seminary programs of this jurisdiction must be careful to comply with all legal, civil and ecclesiastical laws, rules, regulations and statutes as well as any and all directives by the Seminary Committee, the Seminary Board of Regents and the College of Bishops.
- Can. 289 The Seminary Committee together with the Seminary Board of Regents may establish any guidelines pertaining to the granting of any honorary degrees. These guidelines must be approved by the College of Bishops and must receive the approbation of the Primate before they may take effect.

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**PART 4 — RELIGIOUS****TITLE I — GENERAL NORMS FOR RELIGIOUS**

- Can. 290 While all Catholics are members of the same family of believers within the Church, there is a need in the Church for persons living a consecrated life of prayer and sacrifice beyond the commitments expected of every Catholic. Many persons are called to such a life of dedication and service. Therefore for the purpose of helping to save souls, the Church recognizes the Vocation to the Religious Life and establishes the following Canons to govern its regulation.
- Can. 291 §1. In order to apply to the Ordinary and the Primate for recognition as a Religious Community the said community must consist of a minimum of three religious, and must undergo a probationary period of five years before the community will receive any official approbation as a recognized Religious Community of the North American Old Roman Catholic Church.
- §2. The probationary period will begin upon the receipt of a signed written request for recognition as a Religious Community of this church, addressed to either the local Ordinary or to the Primate.
- Can. 292 The written request must include a copy of the Rule and/or Constitutions by which the community will be governed and the Religious Life led, together with the official name by which the community will be known.
- Can. 293 Before any approval or approbation is granted, the Ordinary or the Primate will assign a committee composed of bishops, priests and religious to review and examine the Rule and/or Constitutions, and will charge them to make a written summary of their findings and a recommendation as to whether the request should be granted and approved or if it should be declined or amended.
- Can. 294 The Ordinary or the Primate will appoint a personal representative to serve as the Episcopal Visitor to the community and to advocate for, guard and foster the work and life of the community and serve

as a liaison between the community and the Primate and the College of Bishops.

- Can. 295 A Religious Community, once granted official recognition and approbation by the canonical authorities of this Church, may be suppressed only by action of the Primate with the concurrence of the College of Bishops, and only for serious and grave violations of Canon Law or in the unfortunate event that the community has fallen below the required three religious and there is no substantial or reasonable belief that it will see any future growth.
- Can. 296 The general obligations of the clergy also bind the Religious unless the contrary is evident either from the context of the Law or the nature of the matter.
- Can. 297 All Religious are subject to the Primate as their highest Superior, whom they are bound to obey also in virtue of the vow of obedience.
- Can. 298 The privilege of EXEMPTION is enjoyed by all Religious with Solemn Vows and it includes their houses and churches with the exception of the cases expressed in Law.
- Can. 299 The Religious are subject also to the local ordinary, with the exception of those religious who are EXEMPT; but even these are subject to the local ordinary in those matters in which the Law gives him jurisdiction over exempt religious.
- Can. 300 The Local Ordinary has no jurisdiction over the religious community or over the individual members, nor can he interfere in the internal discipline and the administration of property, it being his office only to promote the good of the community by his ADVICE and patronage.
- Can. 301 The privilege of questing is accorded to all those Orders that were founded as MENDICANTS and actually are such.
- Can. 302 As soon as mendicants found a house in a diocese they may collect alms throughout the diocese with the sole permission of their Superior. If they wish to quest in another diocese they need the permission of the Local Ordinary.
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- Can. 303 Striving for perfection is an obligation incumbent upon all Religious.
- Can. 304 Religious may NOT transfer to another Order without a Primate's Indult.
- Can. 305 Apostates from the religious life are forever impeded from the reception of further orders and of the exercise of those already received.
- Can. 306 Religious may be dismissed by action of the Major Superior. The religious is entitled to an ecclesiastical trial.
- Can. 307 Canon 306 shall not be deemed to include those dismissed because of ill health or general unsuitability to the religious life.

### **TITLE II — ESTABLISHMENT**

- Can. 308 §1. Religious Orders or Communities of Tertiaries erected or formed by the separate Bishops or Orders shall hereinafter submit to the Sacred Consistory, the Constitution and Rule of the Order, together with complete details of financial endowment.
- §2. Regulars will be exempted from this Canon in view of that condition wherein they shall observe the traditional rule of the concerned Order.
- Can. 309 In the case of Religious Orders, Oratories or Communities, the permission of the Primate and Consistory is required for their establishment and ought not to be granted unless there be sufficient assurance that the concerned Community is reasonably endowed with the requisite experience and support and there is a definite need for the Community.
- Can. 310 Lay Religious shall be considered as Tertiaries only and shall be subject to the Order concerned, and the visitor appointed over them.
- Can. 311 Chaplains appointed for religious congregations of laity shall be subject to the local Ordinary and not to the Superior of the congregation. In the matter of Regulars, the priests of the order shall serve in this capacity in the daily Conventual Masses. They may utilize

the practice of using a hebdomadary depending upon the common practice in force.

- Can. 312 §1. Religious may be exlaustrated only upon petition to the Sacred Consistory and for good cause to be determined by that body.
- §2. They resume the status of secular priests if the dispensation be granted, and must find some bishop willing to receive them.
- Can. 313 Religious houses may be suppressed by action of the Consistory ONLY if there be reason to believe that:
- a) The continuation of the house would impair the faith or discipline of the Church.
  - b) The Order or house is not abiding by the rule and the Canon laws relating to the order.
  - c) Practices contrary to the ideals of the Order are tolerated.
  - d) Scandal or opprobrium.
- Can. 314 Religious of a suppressed Order or Institute are returned to the authority of the consistory; and are to be distributed in the several parishes of the Church, if this be feasible, or they may be placed in another existing Order, at the discretion of the Primate.

### TITLE III — TEMPORALITIES OF RELIGIOUS

- Can. 315 §1. All temporal goods shall be owned by the community and shall constitute the assets of the individual Order.
- §2. Parishes committed to the care of the Religious group shall be deemed Conventual Churches.
- Can. 316 All Religious Houses so instituted shall keep accurate accounts of all funds except stole fees and shall conduct a yearly audit.

### TITLE IV — POSTULANCY

- Can. 317 Petition for admission to Postulancy in either male or female Orders shall be by designated form addressed to the Director of Admissions, of each Order.

- Can. 318 Impediments to admission are those who have not completed their eighteenth year; those who enter religious life under grave force or fear, or for ulterior motives; married persons, as long as the bond exists; those who are liable to punishment or who have been punished for a crime deemed sufficient to cause rejection,
- Can. 319 The violation of an unjust law does not impede as in canon 318.
- Can. 320 All applicants for admission shall submit their Baptism and Confirmation papers, testamentary letters from five reliable persons and from their pastor together with a complete curriculum vitae and transcript of scholastic records from all colleges attended and high school and grammar schools attended.

**TITLE V — NOVITIATE AND PROFESSION**

- Can. 321 The novitiate begins with the reception of the habit, or in such other manner as is prescribed by the constitutions. The constitutions must indicate in what manner the novitiate begins.
- Can. 322 A house of novitiate is to be erected according to the constitutions.
- Can. 323 Besides the conditions required for a valid novitiate by canon law, the following points are demanded under pain of invalidity:
- a) At the time of reception into the novitiate the candidate must have completed at least his eighteenth year.
  - b) The novice must make the novitiate for one continuous and complete year.
  - c) He must spend that year in the house of novitiate.
- Can. 324 The novitiate is interrupted and **MUST** be made over again:
- a) If the novice after dismissal by the Superior has actually left the house.
  - b) If without permission of the superior he has deserted the house.
  - c) If for any reason — even with the permission of the superior - he has remained outside the house of novitiate for over thirty days, consecutive or otherwise.



- Can. 325 During the entire year of the novitiate the novices shall wear the holy habit prescribed by the constitutions, unless the peculiar circumstances of a place demand otherwise.
- Can. 326 For the validity of any religious profession the following is required:
- a) The novice must have reached the age required by canon law (namely, at least eighteen years, for temporary profession);
  - b) He must be admitted to profession by the legitimate superior — namely, him to whom the constitutions assign the right of admitting novices to profession;
  - c) A valid novitiate must have preceded the profession, according to the conditions of canon law and of the constitutions. (canon 324)
  - d) The profession must not be based on duress, fear or deceit;
  - e) The profession must be explicit;
  - f) The profession must be in the hands of the superior authorized by the constitutions, or his delegate.
- Can. 327 For the validity of the profession of perpetual vows, whether simple or solemn, it is also required that the simple, temporary profession has preceded, and that the candidate has attained the required age of twenty-one years.

## TITLE VI — THE VOWS

- Can. 328 The vows shall conform to the prescripts as set forth in the constitution of the concerned Order.

### *The Observance of the Vows*

- Can. 329 The vows of poverty covers all things that have monetary value.
- The SIMPLE vow of poverty forbids the use of such things independently of one's superior.
  - The SOLEMN vow of poverty deprives the religious of all right of ownership and invalidates all acts contrary to the vow.

- Can. 330 The vow of chastity obliges the professed religious, because of the virtue of religious, to abstain from every sin, even a purely internal sin, against Holy Chastity and to renounce all that which would be lawful in valid marriage.
- Can. 331 The vow of obedience obliges the religious to obey his respective superior in all things which, in keeping with the Rule and Constitutions, are commanded him in virtue of obedience.

**TITLE VII — OBLIGATIONS OF RELIGIOUS**

- Can. 332 The law of enclosure prohibits certain persons from entering a religious house and forbids the religious from leaving the same except under certain conditions.
- Can. 333 Recitation of the Divine Office in Common is obligatory in all houses of religious communities of men and women who have the obligation of choir, if at least two of the members so obliged, who are not legitimately hindered at the time, are available.
- Can. 334 §1. All clerics and religious shall recite the Divine Office without exception every day from the day of their incardination.
- §2. The Little Office of the Blessed Virgin Mary, together with the Office of the Dead, and the Seven Penitential Psalms shall be deemed an adequate substitute for the Divine Office.
- §3. Religious shall use the Breviarium Romanum without exception.
- Can. 335 §1. All correspondence of religious shall be subject to the inspection of the Superior.
- §2. All visitors shall have the approval of the local superior.

**TITLE VIII — RELIGIOUS SUPERIORS**

- Can. 336 §1. All Religious Superiors have dominative power over their subjects.
- §2. In a clerical exempt institution, Superiors have ecclesiastical jurisdiction as well.

- Can. 337 Religious Superiors shall be at least Thirty years of age and possess the necessary spiritual and moral requisites for office.

### **TITLE IX — OBLIGATIONS OF SUPERIORS**

- Can. 338 Every year, the major superior shall send a comprehensive report to the Primate's Chancery Office, which report shall be the basis for the canonical visit by the designated Bishop.
- Can. 339 Confessors of Religious shall be chosen by the local Ordinary for the houses in his territory; or the custom of having an outside confessor may be tolerated and may not be refused by the superior.

### **TITLE X — RELIGIOUS WOMEN**

- Can. 340 The provision is herewith made for the establishment of female institutions for the reception of nuns who shall likewise come under the jurisdiction of the Primate.
- Can. 341 Pending future legislation, no Order of nuns shall be of the second order, but shall prove their stability by means of the Tertiary Rule of the concerned Order.
- Can. 342 It is forbidden to designate any women as so-called "Deaconesses" and by this codex is recognized the only establishment as in Canon 341.
- Can. 343 It is deemed prudent that religious Orders of women shall, before their constitution, prove to the judgment of the Sacred Consistory that they are sufficiently endowed to subsist.
- Can. 344 The senior nun shall be designated as the Reverend Mother Superior. The Order of Abbess, so-called is non-existent and the Mother shall be appointed by chapter vote.

### **TITLE XI — RELIGIOUS CLERICS**

- Can. 345 All clerics both religious and secular are bound by the obligation to pursue the Sacred Sciences of Moral, Dogmatic, and Pastoral The-
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ology, Canon Law, Liturgics and Sacred Scriptures for the period as designated by the Rector of the Seminary.

- Can. 346 A religious who is elevated to the prelacy retains his religious privileges. However, he is released from the authority of his superiors and remains subject to the Primate.

**PART 5 — LAITY AND FAMILY LIFE****TITLE I — MEMBERSHIP AND STATUS**

- Can. 347 All persons who have received the Sacrament of Holy Baptism with water in the name of the Father, and of the Son, and of the Holy Ghost, and whose baptism has been duly recorded in this Church, are members thereof.
- Can. 348 All such baptized persons who shall for one year preceding have fulfilled the requirements of the Canons concerning the obligations of members of this church, unless for good cause prevented, are members of this Church in good standing.
- Can. 349 All such members in good standing who have been confirmed by a Bishop of this Church or a Bishop of a Church in communion with this Church or have been received into this Church by a Bishop of this Church, and who shall, unless for good cause prevented, have received Holy Communion at least thrice during the preceding year, are communicants in good standing.
- Can. 350 Every communicant or baptized member of this Church shall be entitled to equal rights and status in any Parish or Mission thereof. He shall not be excluded from the worship or Sacraments of the church, nor from parochial membership because of race, color, or ethnic origin.
- Can. 351 A communicant or baptized member in good standing, moving from one Parish or Mission to another, shall be entitled to receive and shall procure from the Pastor of the Parish or Mission to which they currently belong, or, if there be no Pastor, from a member of the Vestry or Parish Council, a certificate addressed to the Pastor of the Parish or Mission to which they are moving and wish to be enrolled in, stating that he or she is duly registered or enrolled as a communicant or baptized member in the Parish or Mission from which they desire to be transferred from. The Pastor of the Parish or Mission to which such communicant or baptized member may move to shall enroll him or her as a communicant or baptized member when such transferred has been effected, and the Pastor of the

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Parish or Mission to which such communicant or baptized member may move to shall enroll him or her as a communicant or baptized member when such certificate is presented. If by no fault of such communicant or baptized member there is a failure to produce such certificate, upon other evidence of his or her being such a communicant or baptized member, sufficient in the judgment of said Pastor, the person shall be enrolled therein. Notice of such enrollment in such Parish or Mission shall be sent by the Pastor thereof to the Pastor of the Parish from which the communicant or baptized member has moved.

Can. 352 Any communicant of any Church in communion with this Church shall be entitled to the benefit of this Section so far as they can be made applicable.

Can. 353 It shall be the duty of the Rector or Curate of every Parish or Mission, learning of the removal of any member of his Parish or Mission to another Cure without having secured a letter of transfer, as herein provided, to transmit to the Pastor of such Cure a letter of advice informing him thereof.

Can. 354 When a person to whom the Sacraments of the Church shall have been refused, or who desires a judgment as to his status in the Church, shall lodge a complaint or application with the Bishop, or Ecclesiastical Authority, it shall be the duty of the Bishop, or Ecclesiastical Authority, unless he sees fit to require the person to be admitted or restored because of the insufficiency of the cause assigned by the Pastor, to institute such an inquiry as may be directed by the Canons of the Diocese or should no such Canon exist, the Bishop or Ecclesiastical Authority shall proceed according to such principles of law and equity as will insure an impartial decision; but no Priest of this Church shall be required to admit to the Sacraments a person so refused, without the written direction of the Bishop or Ecclesiastical Authority.

Can. 355 If any Clergyman of this Church shall have cause to think that a person desirous of the Sacraments of Baptism, of Confirmation, or who wishes to receive Holy Communion, has been married otherwise than as the Word of God and the Canons of this Church allow,

such Clergyman, before receiving such person to these Sacraments shall refer the case to the Bishop for his godly judgment thereupon. The Bishop, after due inquiry into the circumstances, and taking into consideration the godly discipline both of justice and of mercy, shall give his judgment thereon in writing; Provided, however, that no Clergyman shall in any case refuse these Sacraments to a penitent person in imminent danger of death.

- Can. 356 Any persons who have been married by civil authority, or otherwise than as this Church provides, may apply to the Bishop or to the Ecclesiastical Court of their Diocese for the recognition of communicant status or for the right to apply for the Sacraments of Baptism or Confirmation. After due inquiry into all the facts relevant thereto, judgment shall be given in writing to the petitioners by the Bishop or by the Ecclesiastical Court acting through the Bishop.
- Can. 357 When marital unity is imperiled by dissension, it shall be the duty of either or of both parties, before they contemplate taking legal action, to lay the matter before a Clergyman of this Church; and it shall be the duty of such Clergyman to labor that the parties may be reconciled.

## **TITLE II — RIGHTS AND OBLIGATIONS OF THE FAITHFUL**

- Can. 358 From their rebirth in Christ, there exists among all the Christian faithful a true equality regarding dignity and action by which they all cooperate in the building up of the Body of Christ according to each one's own condition and function.
- Can. 359 §1. The Christian faithful, even in their own manner of acting, are always obliged to maintain communion with the Church.
- §2. With great diligence they are to fulfill the duties which they owe to the universal Church and the particular church to which they belong according to the prescripts of the law.
- Can. 360 All the Christian faithful must direct their efforts to lead a holy life and to promote the growth of the Church and its continual sanctification, according to their own condition.

- Can. 361 All the Christian faithful have the duty and right to work so that the divine message of salvation more and more reaches all people in every age and in every land.
- Can. 362 §1. Conscious of their own responsibility, the Christian faithful are bound to follow with Christian obedience those things which the sacred pastors, inasmuch as they represent Christ, declare as teachers of the faith or establish as rulers of the Church.
- §2. The Christian faithful are free to make known to the pastors of the Church their needs, especially spiritual ones, and their desires.
- §3. According to the knowledge, competence, and prestige which they possess, they have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons.
- Can. 363 The Christian faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments.
- Can. 364 The Christian faithful have the right to worship God according to the precepts of their own rite approved by the legitimate pastors of the Church and to follow their own form of spiritual life so long as it is consonant with the doctrine of the Church.
- Can. 365 The Christian faithful are at liberty freely to found and direct associations for purposes of charity or piety or for the promotion of the Christian vocation in the world and to hold meetings for the common pursuit of these purposes.
- Can. 366 Since they participate in the mission of the Church, all the Christian faithful have the right to promote or sustain apostolic action even by their own undertakings, according to their own state and
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condition. Nevertheless, no undertaking is to claim the name Catholic without the consent of competent ecclesiastical authority.

- Can. 367 Since they are called by baptism to lead a life in keeping with the teaching of the gospel, the Christian faithful have the right to a Christian education by which they are to be instructed properly to strive for the maturity of the human person and at the same time to know and live the mystery of salvation.
- Can. 368 Those engaged in the sacred disciplines have a just freedom of inquiry and of expressing their opinion prudently on those matters in which they possess expertise, while observing the submission due to the magisterium of the Church.
- Can. 369 All the Christian faithful have the right to be free from any kind of coercion in choosing a state of life.
- Can. 370 No one is permitted to harm illegitimately the good reputation which a person possesses or to injure the right of any person to protect his or her own privacy.
- Can. 371
- §1. The Christian faithful can legitimately vindicate and defend the rights which they possess in the Church in the competent ecclesiastical forum according to the norm of law.
  - §2. If they are summoned to a trial by a competent authority, the Christian faithful also have the right to be judged according to the precepts of the law applied with equity.
  - §3. The Christian faithful have the right not to be punished with canonical penalties except according to the norm of law.
- Can. 372
- §1. The Christian faithful are obliged to assist with the needs of the Church so that the Church has what is necessary for divine worship, for the works of the apostolate and of charity, and for the decent support of ministers.
  - §2. They are also obliged to promote social justice and, mindful of the precept of the Lord, to assist the poor from their own resources.
- Can. 373
- §1. In exercising their rights, the Christian faithful, both as individuals and gathered together in associations, must take into

account the common good of the Church, the rights of others, and their own duties toward others.

§2. In view of the common good, ecclesiastical authority can direct the exercise of rights which are proper to the Christian faithful.

Can. 374 In addition to those obligations and rights which are common to all the Christian faithful and those which are established in other canons, the lay Christian faithful are bound by the obligations and possess the rights which are enumerated in the canons of this title.

Can. 375 §1. Since, like all the Christian faithful, lay persons are designated by God for the apostolate through baptism and confirmation, they are bound by the general obligation and possess the right as individuals, or joined in associations, to work so that the divine message of salvation is made known and accepted by all persons everywhere in the world. This obligation is even more compelling in those circumstances in which only through them can people hear the gospel and know Christ.

§2. According to each one's own condition, they are also bound by a particular duty to imbue and perfect the order of temporal affairs with the spirit of the gospel and thus to give witness to Christ, especially in carrying out these same affairs and in exercising secular functions.

Can. 376 §1. According to their own vocation, those who live in the marital state are bound by a special duty to work through marriage and the family to build up the people of God.

§2. Since they have given life to their children, parents have a most grave obligation and possess the right to educate them. Therefore, it is for Christian parents particularly to take care of the Christian education of their children according to the doctrine handed on by the Church.

Can. 377 The lay Christian faithful have the right to have recognized that freedom which all citizens have in the affairs of the earthly city. When using that same freedom, however, they are to take care that their actions are imbued with the spirit of the gospel and are to heed the doctrine set forth by the magisterium of the Church. In mat-

ters of opinion, moreover, they are to avoid setting forth their own opinion as the doctrine of the Church.

- Can. 378 §1. Lay persons who are found suitable are qualified to be admitted by the sacred pastors to those ecclesiastical offices and functions which they are able to exercise according to the precepts of the law.
- §2. Lay persons who excel in necessary knowledge, prudence, and integrity are qualified to assist the pastors of the Church as experts and advisors, even in councils according to the norm of law.
- Can. 379 §1. Lay persons are bound by the obligation and possess the right to acquire knowledge of Christian doctrine appropriate to the capacity and condition of each in order for them to be able to live according to this doctrine, announce it themselves, defend it if necessary, and take their part in exercising the apostolate.
- §2. They also possess the right to acquire that fuller knowledge of the sacred sciences which are taught in ecclesiastical universities and faculties or in institutes of religious sciences, by attending classes there and pursuing academic degrees.
- §3. If the prescripts regarding the requisite suitability have been observed, they are also qualified to receive from legitimate ecclesiastical authority a mandate to teach the sacred sciences.
- Can. 380 §1. Lay men who possess the age and qualifications established by decree of the conference of bishops can be admitted on a stable basis through the prescribed liturgical rite to the ministries of lector and acolyte.
- Nevertheless, the conferral of these ministries does not grant them the right to obtain support or remuneration from the Church.
- §2. Lay persons can fulfill the function of lector in liturgical actions by temporary designation. All lay persons can also perform the functions of commentator or cantor, or other functions, according to the norm of law.
- §3. When the need of the Church warrants it and ministers are lacking, lay persons, even if they are not lectors or acolytes,

can also supply certain of their duties, namely, to exercise the ministry of the word, to preside over liturgical prayers, to confer baptism, and to distribute Holy Communion, according to the precepts of the law.

- Can. 381 §1. Lay persons who permanently or temporarily devote themselves to special service of the Church are obliged to acquire the appropriate formation required to fulfill their function properly and to carry out this function conscientiously, eagerly, and diligently.
- §2. Without prejudice to the precept of Can 380, §1 and with the precepts of civil law having been observed, lay persons have the right to decent remuneration appropriate to their condition so that they are able to provide decently for their own needs and those of their family. They also have a right for their social provision, social security, and health benefits to be duly provided.

### TITLE III — THE SANCTITY OF HUMAN LIFE

- Can. 382 The defenselessness of the unborn entails a great responsibility on the part of every Christian, and especially on the part of each of his or her parents. The deliberate and willful abortion, directly procured, of any unborn child at any time from the moment of conception, is always an act of grave sin not only by the person who procures the same, but also by such person or persons who effectuate the same or acquiesce therein.
- Can. 383 The direct, deliberate, and willful killing of that which is born of any woman, whether such child be deformed, defective, misformed, unformed, or otherwise misshapen or monstrous, is likewise murder, for however imperfect such child may be, even if difficult to recognize outwardly as a child, it may be assumed to be human and having a human soul, for it is the offspring of human parents. Such child should be baptized, if necessary sub conditione, when it is still in the womb, and if it lives, such child should be again baptized conditionally, and ordinary means should be taken to preserve the life of such a child, nor shall it be licit to deprive such child of nour-

ishment or take any other direct, deliberate, or willful means to end or shorten the life thereof.

- Can. 384 This Church reaffirms that it is the Lord Who is the Giver of Life, and that the willful, intentional, and direct taking of any innocent human life is murder, whether disguised as “euthanasia,” or mercy-killing,” or under any other name.
- Can. 385 In keeping with traditional Catholic Moral Theology, it is licit to administer such drugs or treatment to the dying as to alleviate pain or to induce necessary sleep, all upon qualified and competent medical or nursing advice, but care must be taken to insure that the dying person is spiritually prepared before administering any such drugs or treatment, and that the direct purpose and intention thereof is not to shorten life. Moreover, there is no absolute need to prolong life indefinitely when, in the considered judgment or opinion of qualified and competent medical or nursing personnel, it has been despaired of, especially if the life in question be vegetal or otherwise lack vital signs of human reaction. In the latter case above all, extraordinary or heroic means need not be employed or continued to sustain life, but the natural processes may licitly be allowed to take their course.

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**PART 6 — SACRAMENTS**
**TITLE I — BAPTISM**

- Can. 386 §1. The Sacrament of Baptism is conferred following the Eastern and or Western Rites according to the customary matter and form.
- §2. Any person may be baptized in danger of death.
- Can. 387 Baptism by most Protestant churches is not to be considered defective unless clear evidence is presented that there was a defect in either matter or form, or that a proven defect in intention can be clearly shown to exist. Thus the Sacrament of Baptism should be not be administered sub-conditionally, unless one or more of these defects is clearly proven.
- Can. 388 §1. The ordinary minister of Baptism is the priest. The extra-ordinary ministers are deacons or the laity.
- §2. Deacons may baptize solemnly however, with permission of their superiors.

**TITLE II — CONFIRMATION**

- Can. 389 The Bishops are the ordinary ministers of confirmation. Priests may be delegated to perform the Sacrament in case of grave necessity.
- Can. 390 §1. The Sacrament should be administered yearly or at least every two years in all parish churches and missions.
- §2. The pastor should attend to the catechetical instruction of the candidates and have them prepared in due time.
- Can. 391 The Sacrament should be administered prior to the nuptial ceremonies if the partners have not received it before that time.
- Can. 392 Certification shall be made of all confirmations and proper entry made in the archives of the Chancery and parish.

**TITLE III — HOLY EUCHARIST**

- Can. 393 §1. The Sacrament of Holy Eucharist shall be given at the age of reason following adequate preparation.
- §2. Pastors will attend to the instruction or it may be delegated to lay catechists with prior approval.
- Can. 394 §1. The practice of admitting all to open communion is a corruption of the apostolic practice and is not to be tolerated.
- §2. The most ancient tradition prevented the catechumens from communicating and this persisted until they were admitted to the Body of the Catholic Church.
- §3. Tertullian, in his writings informs the Roman Emperor of this custom. Violation of this canon is punishable and culpable.
- Can. 395 The Sacrament of the Holy Eucharist should be refused to notorious sinners UNTIL they repent; the immodestly dressed or those possessing sentence of interdict or suspension or excommunication.
- Can. 396 Children should receive adequate instruction through their pastor or designated Catechists in Catechism Class prior to the reception of the Sacrament.
- Can. 397 The Holy Eucharist should be received frequently in according with the most ancient of traditions for the spiritual wealth and grace it affords.
- Can. 398 §1. The Sacrament of the Eucharist shall be administered in the manner of the Rite utilized. In the Oriental, the laudable practice of giving the Species under both forms will be used.
- §2. In the Roman Rite, custom shall prevail.
- §3. The reception of Communion by either Oriental Rite or Roman Rite the laity in an opposite Rite is allowed and encouraged wherever necessary.

**TITLE IV — MATRIMONY**

- Can. 399 Marriage of baptized persons is governed not only by the Divine Law but also by Canon Law, without prejudice to the competence of the civil power in relation to the purely civil effects of marriage.

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- Can. 400 §1. The marriage of two non-baptized persons is subject to the competence of the state. Hence the civil power may enact laws requiring formalities to be observed for the validity of the marriage contract and may also establish impediments to the valid celebration of marriage.
- §2. One must consult the laws of the various states to ascertain which laws affect the validity and which only the licitness of the marriage. As is evident, a civil law contrary to Divine Law is invalid.
- Can. 401 Marriage enjoys the favor of Law, hence in doubt one is to hold for the validity of the marriage until the contrary is proved.
- Can. 402 The Pastor who has the right of assisting at the marriage shall first, and in due time, diligently investigate whether there exists any obstacle to the contracting of the marriage.
- Can. 403 *Vagi* — Except in case of necessity a pastor shall never assist at the marriage of *vagi* (those who have no domicile or quasi-domicile anywhere) unless he shall first brought the matter to the attention of the local Ordinary or a priest delegated by him and obtained permission to assist at the marriage.
- Can. 404 Minors — The pastors shall earnestly warn minor sons and daughters not to contract marriage without the knowledge or against the reasonable wishes of their parents. If they refuse to obey, he shall not assist at their marriage without previous consultation with the local Ordinary.
- Can. 405 The pastor must publicly announce the parties between whom a marriage is to be contracted. The proclamation of marriage must be made by one's proper pastor.
- Can. 406 The publications are not made in the case of marriages contracted with a dispensation from the impediment of disparity of cult or of mixed religion, unless the local Ordinary deems it advisable to have them made, scandal being excluded, and provided that a dispensation from the impediment shall have been granted beforehand. No mention is made of the religion of the non-Catholic party.
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- Can. 407 The proclamations shall be made in church on three successive Sundays or Holydays of Obligation during the parochial Mass or during other sacred functions (Vespers, Missions, Benediction) attended by a large number of the faithful.
- Can. 408 If they know of any impediments to the marriage, all the faithful are obliged to reveal them to the pastor or to the local Ordinary before the celebration of the marriage.
- Can. 409 The proper local Ordinary can for a just cause dispense from the publications, even from those which should be made in another diocese. If there are several proper Ordinaries, the right of dispensing belongs to the one in whose territory the marriage is to be celebrated; if the marriage is to be celebrated outside the territory of all, the right belongs to any of the proper Ordinaries.
- Can. 410 If the law of the proclamations cannot be observed without grave harm the law does not bind. Hence in cases where it is not possible to obtain a dispensation from the Ordinary in time to avert danger of grave harm the proclamations may be omitted.
- Can. 411 If another pastor has conducted an investigation or has announced the banns he shall immediately send an authentic notification of the outcome of the investigations and publications to the pastor who is to assist at the marriage.
- Can. 412 At the conclusion of the investigation and of the publications, the pastor shall not assist at the marriage until he has received all the required documents, and, unless a reasonable cause suggests contrary action, until three days have elapsed from the last publication.
- Can. 413 Impediments may be of **DIVINE LAW** (i.e. impotence) or of **HUMAN LAW** (i.e. public propriety).
- Can. 414 Impediments are said to be **ABSOLUTE** if they prohibit marriage with any person (i.e. age) and **RELATIVE** if they prohibit marriage with some particular person only (i.e. consanguinity).
- Can. 415 An impedient (prohibiting) impediment imposes a grave prohibition against the contracting of marriage but it does not render invalid a marriage contracted in spite of the impediment.
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- Can. 416 A diriment impediment both gravely prohibits the contracting of marriage and prevents it from being contracted validly.
- Can. 417 An impediment is regarded as PUBLIC when it can be proved in the external forum; otherwise it is OCCULT.
- Can. 418 An impediment may be DOUBTFUL either by doubt of law or by doubt of fact.
- Can. 419 §1. Impediments are of MINOR or of MAJOR degree.  
§2. The impediments of minor degree, namely, such as are more easily dispensed from.
- a) Consanguinity in the third degree of the collateral line;
  - b) Affinity in the second degree of the collateral line;
  - c) Public propriety in the second degree;
  - d) Spiritual relationship;
  - e) Crime resulting from adultery with the promise of marriage or an attempted marriage made through even a civil ceremony.
  - f) All other impediments are of major degree.
- Can. 420 It belongs exclusively to the supreme ecclesiastical authority to declare authentically when the divine law forbids or invalidates marriage. It also belongs as an exclusive right to the same supreme authority to establish, by either universal or particular law, other impediment or diriment matrimonial impediments for the baptized.
- Can. 421 Local Ordinaries are authorized, in regard to all actually dwelling within the limits of their territory and to their subjects even when outside their territory, to prohibit marriage in a particular case, but only temporarily and for a just cause, and only for as long as the just cause lasts. Only the Primatial See can attach to the prohibition an invalidating clause.
- Can. 422 A diriment impediment of merely ecclesiastical law can cease in some circumstances without a dispensation, namely, through the application of “ΕΠΙΚΕΑ”. The common opinion holds that if the matrimony is necessary to avoid great evils, especially spiritual evils,
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and the possibility of obtaining a dispensation is excluded for a long time, *epikeia* may be used.

- Can. 423 Marriage is rendered illicit by the simple vows of virginity, of perfect chastity, of not marrying, of receiving sacred orders, and, of embracing the religious state.
- Can. 424 A marriage between two baptized persons, of whom one is a Catholic, while the other is a baptized non-Catholic, may not licitly be contracted without the previous dispensation of the local Ordinary given for a just cause, since such a marriage is by its nature an obstacle to the full spiritual communion of the married parties.
- Can. 425 To obtain from the local Ordinary a dispensation from the impediment, the Catholic party shall declare that he is ready to remove dangers of falling away from the faith. He is also gravely bound to make a sincere promise to do all in his power to have all the children baptized and brought up in the Catholic Church.
- Can. 426 At an opportune time the non-Catholic party must be informed of these promises which the Catholic party has to make, so that it is clear that he is cognizant of the promise and obligation on the part of the Catholic.
- Can. 427 The priest who submits the request for the dispensation from the impediment to a mixed marriage shall certify that the declaration and promise have been made by the Catholic and that the non-Catholic has been informed of this requirement so that it is certain that he (she) is aware of the promise and obligation on the part of the Catholic.
- Can. 428 Residential Bishops may dispense from the impediment of mixed religion in virtue of the faculties of *Pastorale Munus*. They may also dispense in virtue of *De Episcoporum*.
- Can. 429 The canonical form is required for the validity of a mixed marriage, without prejudice however to the special norms.
- Can. 430 If serious difficulties stand in the way of observing the canonical form, the local Ordinary has the right to dispense from the canonical form in any mixed marriage, provided however that some public

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form of ceremony is used. This dispensation is given by either the local Ordinary of the Catholic party or the Ordinary of the place where the marriage is to occur.

Can. 431 The priest who submits the request for the dispensation has the responsibility to see to it that after the marriage ceremony is performed:

- a) a notice of the marriage is sent to the chancery office of the diocese which granted the dispensation from the impediment, and to the place of baptism of the catholic party, so that a record of the marriage may be made;
- b) the marriage is recorded in the marriage records of the parish from which application for the dispensation was made.

Can. 432 The ordinary place of a mixed marriage is in the parish church or other sacred place. For serious reasons the local Ordinary may permit the celebration of a mixed marriage, (when there has been no dispensation from the canonical form and the Catholic marriage service is to be celebrated), outside a Catholic church or chapel, provided there is no scandal involved and proper delegation is granted.

Can. 433 If there has been a dispensation from the canonical form, ordinarily the marriage service is celebrated in the non-Catholic church.

Can. 434 A valid marriage cannot be contracted by a man before he has completed the sixteenth year of his age, by a woman before she has completed the fourteenth year.

Can. 435 Antecedent and perpetual impotence, whether on the part of the man or woman, whether known to the other party or not, whether absolute or relative, INVALIDATES marriage by the law of nature itself.

Can. 436 Sterility neither invalidates marriage nor renders it illicit.

Can. 437 A marriage is invalid if contracted by an unbaptized person with a person baptized in the Catholic Church or converted to the Church from heresy or schism. Bound by the impediment of disparity of cult is anyone who has been baptized in the Catholic Church or

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converted to it, even though he later falls away from the Church and even if he joins a non-Catholic sect.

- Can. 438 The Ordinary may use his power to dispense (whether ordinary or delegated) on his own subjects everywhere. The laws and indults granting the Ordinary various faculties to dispense usually also explicitly include the power to dispense *PREREGRINI*, or all persons actually in his territory. If such a clause is not contained in the grant of faculties, we believe that the Ordinary may nevertheless use his faculties (whether ordinary or delegated) in favor of *PREREGRINI* actually in his territory.
- Can. 439 The Ordinary may dispense from impediments which are doubtful because of a doubt of fact provided there is question of an impediment from which the Primatial See is wont to dispense.
- Can. 440 Matrimonial consent is an act of the will by which each party gives and accepts a perpetual and exclusive right over the body, for acts which are by their nature suitable for the generation of children. Marriage is effected by consent legally expressed between persons who are capable according to law; and this consent no human power can supply.
- Can. 441 In order that marriage be contracted validly it is necessary that the contracting parties be present either in person or by proxy.
- Can. 442 The parties must express matrimonial consent in words; and they may not use equivalent signs if they are able to speak.
- Can. 443 The following persons are obliged to observe the canonical form:
- a) All who are baptized in the Catholic Church and all who are converted to it from heresy or schism (even though the former or the latter may have later fallen away from the Church) — whenever they contract marriage with each other;
  - b) The persons just mentioned when they contract marriage with non-Catholics, either baptized or not baptized, even after obtaining a dispensation from the impediment of mixed religion or disparity of cult.

- Can. 444 §1. Catholic Marriages — The rite of marriage during Mass should be used. The nuptial blessing and the Mass *Pro Sponsis* can be had even during the former closed seasons. If good reasons are present, the rite for celebrating marriage outside of Mass may be used for Catholic marriages.
- §2. Mixed Marriages — The rite of marriage outside of Mass should be used for the marriage of a Catholic to a baptized non-Catholic. If the circumstances justify it, and provided the local Ordinary gives permission, the rite for celebrating marriage within Mass may be used, the prescriptions of the general law of the Church with regard to Holy Communion being observed.
- §3. The ordinary place for a mixed marriage is the parish church.
- §4. Disparity of Cult Marriages — The rite for celebrating marriage between a Catholic and an unbaptized person is used for this kind of marriage.
- §5. The rite may be performed in the church or some other suitable place. It also contains a special nuptial blessing.
- Can. 445 Common law marriages, i.e. one in which a man and woman contract marriage by the expression of true matrimonial consent but without any ceremony, i.e., without the intervention of a civil or religious official or of witnesses, is considered valid in about sixteen states of the Union. In the other states it is required by law that marriage be celebrated before a qualified civil or religious official, and common law marriages are considered invalid.
- Can. 446 A valid ratified and consummated marriage cannot be dissolved by any human power or by any other cause except death.
- Can. 447 A non-consummated marriage between baptized persons or between a baptized and an unbaptized person is dissolved both by the law itself through solemn religious profession and by a dispensation granted by the local Chancery for a just cause on the petition of both parties or of one of the parties, even though the other be unwilling.

- Can. 448 §1. A legitimate marriage between unbaptized persons, even though it be consummated, is dissolved in favor of the faith by virtue of the Pauline privilege.
- §2. This privilege is not available in the case of a marriage between a baptized person and an unbaptized person contracted with a dispensation from the impediment of disparity of cult.

- Can. 449 An Ecclesiastical Divorce is granted in cases (special) after thorough investigation and much effort to reconcile the husband and wife. These efforts reflect the importance of marriage in the church.

*Possible reintegration of the “oikonomia”. If a marriage is hopelessly dead while the spouse is still alive, the Orthodox tradition does appeal to the abandoned spouse to choose celibacy for the heavenly kingdom: “Let those accept it who can.” (Matthew 19:12). However, faced with an abandoned spouse who, after all, does not feel able to live honestly and without great harm in a life of celibacy, the Orthodox tradition takes recourse in OIKONOMIA, which has a meaning similar to the virtue of “epikeia” in our best tradition. While there is no exception about the norm of saving a marriage as long as it can be saved, the Orthodox spirituality and practice allow exceptions after the total DEATH of a marriage, in view of God’s economy of salvation and in trust of God’s mercy.*

*The Oriental tradition was convinced, however, that the application of “oikonomia”, wherever the good of the person seems to request it strongly, does not deny the indissolubility but rather imposes simultaneously on the Church greater efforts to foster fidelity, reconciliation as long as there is hope, and stability of all marriages.*

- Can. 450 The bond of the former marriage which was contracted in infidelity is dissolved only at the time when the baptized party validly contracts a new marriage.

- Can. 451 Although chaste widowhood is more honorable, second and even further marriages are valid and lawful; however, it is not allowed to contract another marriage until the dissolution of the former shall have been established according to law and with certainty.

**TITLE V — HOLY ORDERS**

- Can. 452 §1. A baptized man only can receive the sacrament of Holy Orders. For the licit reception of the sacrament, the candidate must have the qualifications as deemed necessary by the Ordinary, be of the highest moral and spiritual character and be not addicted to frivolous nature.
- §2. No person shall be ordained to the ministry of this Church, who for reasons affecting his moral character, has been refused ordination elsewhere.
- Can. 453 §1. No man who has a wife who is of a differing religious belief shall be considered as a candidate for the Priesthood within this Communion, without a special dispensation reserved solely to the Primate.
- §2. No married man shall be considered for candidacy for the Priesthood of this Church whose wife objects to his candidacy and subsequent ordination. Such consent must be given in writing.
- Can. 454 All candidates for Holy Orders shall be required to secure the approval of the Commission on Ministry of their respective diocese before applying to the Seminary.
- Can. 455 All candidates must attend a seminary for the courses in Sacred Theology, Canon Law, Liturgics and Sacred Scriptures.
- Can. 456 First Tonsure and Minor Orders shall be given only to those who intend to ascend to the Priesthood and who, in the judgment of the concerned authority, possess the necessary qualifications.
- Can. 457 The canonical intervals shall be observed and no bishop may dispense from them without the written permission of the Primate.

<b>ORDER</b>	<b>AGE</b>	<b>TIME IN ORDER</b>	<b>EDUCATION</b>
Priest	25	12 months	4 years/ colleget†
Deacon	24	12 months	4 years / colleget†
Sub-deacon	23	12 months	4 years / colleget†
Acolyte	22	6 months	3 years / colleget†
Exorcist	22	6 months	3 years / colleget†



Lector	21	6 months	2 years / college†
Porter	21	6 months	2 years / college†
Tonsure	21	6 months	2 years / college†

† This time may include courses taken in the Theological Seminary

Can. 458 In order that a candidate may be licitly ordained; he must:

- a) Have been baptized and confirmed.
- b) Possess good moral character and reputation.
- c) Be of the canonical age.
- d) Possess the requisite knowledge.
- e) Received the prior orders.
- f) Have observed the proper intervals between orders.
- g) Possess an absolute canonical title or benefice if it is a question of major orders.

Can. 459 The orders must be given in proper succession and the omission of any is forbidden.

Can. 460 §1. The following are irregular *ex defectu*: Bodily defectives, epileptics, insane and possessed, persons notorious or infamous, those previously as candidates who apostasized.

§2. These impediments are perpetual.

Can. 461 Every Candidate, before he is ordained must pass an examination for the order to be conferred. The Ordinary is the principal examiner, or he may designate a diocesan examiner to serve for him; the Candidate will also be examined in his theological knowledge and fitness for ordination by the Diocesan Board of Clerical Examiners.

Can. 462 §1. The Examination referred to in Canon 461 will consist of oral and written questions submitted to the Candidate by the Bishop and the members of the Board of Clerical Examiners. The examination shall be such as to ascertain that the Candidate is well versed in:

- Sacred Scripture
- Sacred Theology (Moral, Dogmatic, Ascetical, Sacramental, Liturgical, Pastoral and Practical)

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- Church History and Patristics
  - Philosophy (Scholastic and Thomistic)
  - Canon Law
  - Mariology and Hagiography
  - Liturgical Practice
  - Homiletics
  - Catechetics
- §2. Before any examination whether by the Bishop, the Commission on Ministry or the Board of Clerical Examiners, the Candidate shall present a Testimonial Letter, signed by at least one Priest and two communicants of this Church, certifying that from personal knowledge, or from satisfactory evidence laid before them, they believe him to be pious, sober and honest, that he adheres to the Catholic Faith, Worship and Discipline of this Church, is an enrolled communicant in a congregation of this Church and in their opinion possesses such qualifications as will render him apt and meet to exercise the Sacred Ministry to the Glory of God and the edifying of His Church; thus signifying their belief in his fitness for his Sacred Office and in his purity of life, good morals and behavior for the space of at least the preceding five years.
- §3. The Candidate must also demonstrate that he is calculated and deemed to be a worth fellow-laborer in the work of the ministry.
- Can. 463 §1. Any candidate for Holy Orders whether he be in Orders or not, may be dropped from the list of candidates by his Bishop for causes affecting:
- his moral character,
  - for habitual neglect of the ministrations of the Church, especially the Holy Sacrifice of the Mass,
  - and/or for failure to successfully pursue his theological studies.
- §2. No candidate so dropped shall again be received or accepted as a candidate for Holy Orders except by the same Bishop or
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his canonical successors. In any case where in which the candidate has reason to believe that he has been unjustly dealt with, he shall have the right to appeal the decision of his Bishop to the judgment of the Primate, whose decision shall be final.

- Can. 464 All candidates for orders shall make a retreat for a period of no less than three days as designated by the Ordinary or Religious Superior.
- Can. 465 §1. In conferring Holy Orders, all the prescriptions of the *Pontificale Romanum* must be meticulously observed, and the services conducted in the Latin or English language.
- §2. If the use of a vernacular language is authorized by the Primate in individual cases, it must be an exact and full translation from the Latin Pontificale. No other rite for the conferring of Holy Orders shall be tolerated.
- Can. 466 There is to be no addition or subtraction with the exception of the oaths to the Roman Pontiff.
- Can. 467 The Mass of Ordination must be said by the Bishop ordaining or consecrating. To this there can be no exception.
- Can. 468 All those ordained are obliged to receive Holy Communion during the Mass of their Ordination.
- Can. 469 All Ordinations and Consecrations shall be performed on the days prescribed by ecclesiastical custom.
- Can. 470 Whenever an ordination is to be repeated for defect, or sub-conditionally, it may be done outside the regular times and in secret.
- Can. 471 Authentic certification of the Orders shall be recorded in the archives of the Church.
- Can. 472 There will not, in the future and for all times, be any ordinations or consecrations of any person not intending to exercise those orders in the Old Roman Catholic Church. Violation of this canon is punishable by excommunication of both the Ordaining Prelate and the Ordinand.

- Can. 473 Any orders received sub rosa from any schismatic are illicit and irregular, and may not be exercised within this church. The defect is perpetual.
- Can. 474 Any person consecrating without the approval of the Primate and the consistory is *ipso facto* excommunicated and forever impeded from ever exercising his orders.
- Can. 475
- §1. Any cleric charged with holding or teaching any Doctrine contrary to the Catholic Faith of this Church, or with viciousness of life, or about whom there shall be persistent rumors affecting his personal character shall be summoned before the Bishop who personally and with the assistance of his Council of Advice shall investigate each case, adjust, adjudicate or dismiss the same according to the evidence submitted.
  - §2. Should the Bishop find sufficient cause to warrant a Canonical Trial, he shall then direct the Chancellor to draw up a bill of charges against the said cleric and will direct the Diocesan Promotor of Justice to begin the presentment and to initiate the process of bringing about the appropriate canonical proceedings before the Diocesan Tribunal.
  - §3. The right of Appeal as outlined in these Canons shall at all times be available to the said cleric.
- Can. 476
- §1. A Bishop charged with any cause for which he may be tried shall be summoned by the Primate for such trial before the College or Consistory of Bishops of this Church. The manner of proceeding shall be determined by this Codex of Canon Law and by the Pio-Benedictine Code of 1917.
  - §2. The Court of Last Appeal is the Primate whose decision once rendered, is final, and from which no appeal may be made.

### TITLE VI — PENANCE

- Can. 477 Whereas, in accordance with traditional Catholic teaching, it is requisite that any person with a troubled conscience shall resort to some discreet and learned Priest, that by the ministry of God's Holy Word he may receive the benefit of Absolution by means of the Sac-

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rament of Penance, together with spiritual counsel and advice; such Ministry shall be exercised in any Diocese or other Jurisdiction of this Church only by Priests who possess the authority of the Bishop Ordinary of that Jurisdiction either by virtue of the Office to which such Priests have been instituted and inducted, or licensed or otherwise holding that Bishop's written Faculty.

- Can. 478
- §1. No Priest of this Church shall permit any person to resort to him to confess any sin and to receive the benefit of Absolution from him or shall exercise such Ministry in any place except he have the permission of the Pastor having the Cure of Souls therein, and the charge thereof, except by virtue of his Office or except with the express authority by means of a written faculties of the Bishop having Ordinary jurisdiction in that place.
  - §2. Therefore, it is the special duty of such Bishops Ordinary to instruct, or cause to be instructed, those Priests whom they choose to grant such concession to exercise the ministry of Absolution and Reconciliation, committed by Christ to his Church, within their Jurisdictions, on the knowledge and matters which Confessors must know, and except for good cause excused, that such Bishops Ordinary do not grant the Faculty to hear the confessions of the laity to any Priest except he first be found qualified and fit to exercise such ministry by means of an examination; or his qualifications and fitness are evident from another source or have been otherwise ascertained. It is hereby noted that such qualifications and fitness needed for such approbation by the Bishop shall include not only the knowledge of theology, but also qualities of morality, prudence, and piety.
  - §3. All Bishops Ordinary are hereby charged, as a grave obligation of conscience, that they are to admonish and canonically warn their subject Confessors, and to explicitly teach the same, that they do not mention matters of confession or such sacramental matter under any form or pretext whatsoever, not even merely in passing, directly or indirectly, in private conversations or in sermons, particularly in Missions or Retreats. In the

examinations of Confessors before issuance of such Faculties and Licenses, special attention should be given to these points.

§4. It is appropriate that Bishops provide instruction to their Priests at the times of the Clergy Conferences or in public or private addresses or charges to them.

Can. 479 §1. Dispensation from the Necessity of Faculties in periculo mortis. Notwithstanding anything contained in the previous Canons, any Priest may exercise this ministry anywhere in respect of any person or persons who may be in present danger of death, or if there be some other urgent or weighty cause. And concerning the dying, the ancient Canon Law is still to be kept and maintained, that if anyone be at the point of death, the Priest shall not deprive him, if he be penitent, of either the last and most indispensable Absolution from all of his/her sins, excommunications, and censures. And any Priest may absolve the dying even from Sins Reserved.

§2. Canonical Dispensation from the need of Consent from the Priest Having Jurisdiction to Hear Confessions.

Notwithstanding anything contained in the previous Canons, any Priest who has the express canonical authority to exercise such ministry and is in possession of the appropriate faculties and who has by institution or admission, the Charge of any Parish, Congregation, Mission, or other Cure within this Church and the Cure of Souls therein, may exercise this ministry in any Diocese or other Jurisdiction of this Church or in any place and at any time in respect of any person belonging to such Priest's Cure being subject to such Priest's Spiritual Jurisdiction, when such person is desirous of confessing his/her sins and reasonably so requests such Priest to hear his or her confession.

Can. 480 §1. If any person confess his secret sins to a Bishop or Priest for the unburdening of his or her conscience or for the opening of his or her grief and disclosing or revealing the wounds of his or her sin, and to receive spiritual consolation and advice, and ease of mind and the remedy and benefit of Absolution from him, or for any of these foregoing reasons: such Bishop or

Priest is straightly charged and admonished that he does not at any time reveal and make known to any person whatsoever any sin, crime, offence, grief, or matter so committed to his trust and secrecy, such Bishop or Priest so revealing or making known or betraying or identifying the sinner in any manner or fashion or for any reason, whether by word, writing, or sign, directly or indirectly, openly or covertly or in any other way, manner, or means, being excommunicated ipso facto upon commission of such offence and likewise being subject to deposition and deprivation from his Office necessarily made and such deposition, deposition, and excommunication strictly Reserved to the Primate of the Church.

- §2. Neither shall any such Bishop or Priest make use of any matter or knowledge gained in or acquired through or otherwise disclosed unto him in the exercise of such ministry to the offence, detriment, harm, or advantage of the person from whom he has received it, even if there be no danger of betraying the identity of such person aforementioned, nor shall any such Bishop or Priest, who is in a position of authority in any place, make use of any such matter or knowledge thus gained or acquired in the exercise of his authority, either directly or indirectly, whether the exercise of authority be in either the external forum, or the internal forum, such use being wholly forbidden, save within the Tribunal of Penance when such Bishop or Priest be either the Confessor or the Penitentiary to that person or in such causes, cases, or matters of Sins Reserved, that Bishop or Priest remaining under the usual and absolute Seal, under pain of excommunication, deposition, and deprivation.
- §3. The solemn obligation and duty of preserving the Seal of Confession devolves upon and binds all who, by lawful or unlawful means, have acquired knowledge or come to a knowledge of any matter, directly or indirectly, advertently or inadvertently, or in any other way, of that which falls under the usual and absolute seal. Therefore, in addition to such Bishop or Priest, the following are likewise bound by the Seal of Confession:

- those to whom matter protected by the Seal is revealed;
- those who overhear a confession;
- those who read written material protected by the Seal.
- those who write out another's confession during the actual confession; and
- those who act as interpreters during the actual confession.

- §4. If any of them so rashly do violate the Seal, they shall be punished with wholesome penalties, according to the seriousness of their offence, the pain of greater excommunication not being excluded.
- §5. The solemn obligation of the Seal of the Confession to silence on the part of those whom such obligation devolves does not terminate upon or with the death of the penitent concerned, but likewise is perpetually binding upon all those to whom such obligation has devolved, with the appropriate penalties as above.
- §6. If anyone shall attempt to coerce, threaten, or constrain any such Bishop or Priest or person named in the preceding Subsections of this Canon to violate the Seal of Confession in any manner, the person making such attempt shall be excommunicated ipso facto and, if such person be in any Holy Order, shall be subject to deprivation and deposition necessarily made; and such excommunication, deprivation, and deposition shall be strictly reserved to the Primate of this Church.

Can. 481 Absolution of Sins which are Reserved by the Law of the Church is to be granted by the Metropolitan or Bishop to whose Jurisdiction it appertains, either by himself in person or by the Priest Confessor to whom he delegates his Authority by special Faculty for that specific case. Any Sin so Reserved shall be reported to the Metropolitan or Bishop by the Priest Confessor to whom the original Confession was made, such Report to be made by the Priest to that Metropolitan or Bishop either in person or by sealed letters, in neither case mentioning nor suggesting the name or identity of the penitent party, but giving the pertinent facts of the case, both



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the Priest and Prelate remaining under the usual and absolute Seal, under pain of deposition, deprivation, and excommunication.

- Can. 482 If any Confessor in this Church should stand in need of wiser counsel concerning a matter heard during a confession made to God before him, especially of a difficult nature, let him ask the penitent party for permission to seek it, and if such person shall expressly, knowingly, and freely give such permission, the Confessor may consult a theologian or another such expert or counsel, either in person or by sealed letters, in neither case mentioning nor suggesting the name or identity of the penitent party, or in any way indicating the person, but giving the pertinent facts of the case, both the Confessor and the consultant remaining under the usual and absolute Seal, under pain of deposition, deprivation, and excommunication.
- Can. 483 §1. No Priest so licensed by Faculty or by virtue of such Office may unreasonably or frequently refuse his solemn pastoral duty and moral obligation to hear the Confessions of the People committed in Christ's Name to his Cure and Charge as the latter may reasonably request so to be heard. To this end, therefore, such Priest shall, unless for good cause prevented, provide that opportunity be given to those entrusted to his Cure and Charge to avail themselves individually of this ministry in order that they may confess and receive absolution on the days and hours set for their convenience.
- §2. And it is herein stated that such opportunity shall be given especially during Advent and Lent and before and throughout the Greater Feasts of the Church: Christmas, Easter, and Pentecost.
- Can. 484 The solemn obligation of the Seal of Confession and the obligation to observe the provisions of this Canon, as well as the obligation to keep confidential any other communication recognized as privileged by Canon Law or the Moral Teaching of this Church, are binding upon all members of this Church without exception, whether they be of the Clerical State and Order or of the Lay State and Order, and the obligations are not and shall not be affected in any way by any contrary disposition of the Law in, of, or by, any Civil Jurisdiction wherein any such communications to an Ordained

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Bishop or Priest, whether sacramental or non-sacramental or extra-sacramental, are not considered privileged at Law.

### TITLE VII — EXTREME UNCTION

- Can. 485 Every Priest shall be diligent in visiting his Parishioners or those of his Cure, particularly those who are sick and infirm and, so far as he can, those who are healthy; and he shall provide opportunities whereby any of his Parishioners may resort unto him for spiritual counsel and advice.
- Can. 486 §1. Every Priest shall also use his best endeavors to ensure that he be speedily informed whenever a person of his Cure is sick or in danger of death, and shall as soon as possible, resort unto him/her to exhort, instruct, and comfort him/her in his/her distress according to The Order for the Visitation of the Sick or according to The Order for the Communion of the Sick or as the Priest shall think most needful and convenient.
- §2. Particularly shall the Priest move the sick person to make a special confession of his or her sins, if he feels his/her conscience troubled with any matter; to receive the Laying on of Hands of the Sick or the Sacrament of Holy Unction or the Anointing of the Sick, if he or she desires such ministry or healing and as his or her condition permits, and to receive the Most Blessed Sacrament or Holy Viaticum. The Priest may with the prior permission of his Bishop, either celebrate Mass in the sick person's house or room as the case may be, or by giving the sick person Holy Communion from the Reserved Sacrament.
- Can. 487 The Priest shall also be bound to prepare and assist the dying of his Cure in order that they make a good and Christian death, and, of the dying, he shall not then slack is his last duty of the administration of the last rites in extremis of Holy Mother Church and of the Commendation of the Soul, if circumstances may so permit, at the point of Departure.

**PART 7 — ECUMENICAL RELATIONS**

- Can. 488 §1. The Holy Catholic Church, while made up of many local units, is one in Christ. This unity exists in the profession of the same Catholic Faith and the possession of the same Apostolic Ministry and is manifested in the sacramental intercommunion between them.
- §2. Today, however for various reasons, most of which have no validity today, many churches holding this one faith and possessing the same ministry have not preserved the bond of sacramental communion among themselves.
- §3. In order to re-establish and preserve the bond of intercommunion between itself and other jurisdictions, the Old Roman Catholic Church makes these regulations concerning relations with other jurisdictions.
- Can. 489 §1. The General Synod shall have the right to establish intercommunion with other church bodies on the basis of their profession of the Catholic faith without addition, omission, deviation or change, and their maintenance of a regular and valid ministry in the Apostolic Succession.
- §2. In every case a Declaration of Intercommunion shall be prepared stating the unity of the jurisdictions involved in profession of the Catholic Faith and maintaining the Apostolic Ministry, and declaring the existence of intercommunion between them, to be regulated by the proper canonical authority in both jurisdictions.
- §3. This declaration shall be signed by the authorized officials of each church involved, and shall not become effective until ratified by the Synod or other governing bodies of the churches concerned.
- Can. 490 §1. There shall be a standing Committee on Catholic Unity established for the general Church by the Primate. It will be the responsibility of this committee to seek to initiate a closer relationship with other jurisdictions by promoting common prayer, work and action between them and ourselves, and also to work towards a full intercommunion where possible.
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§2. In a case of proposed intercommunion this committee shall act as advisor to the bishops and to the general church meeting in Synod on the agreement of the church seeking communion with us in faith and order.

Can. 491 The term “intercommunion”, as used in this chapter refers to complete participation of the members of one jurisdiction in the sacraments administered within another, as regulated by the proper canonical authority. It does NOT imply any change in the autonomous status of the jurisdiction involved but rather manifests their basic unity in the One, Holy, Catholic Church.

Can. 492 §1. In a case of necessity a bishop of this church may ordain a member of another jurisdiction in communion with ours to the minor orders, the Diaconate, and the Priesthood, with the proper written letters (approval) of the candidate’s bishop.

§2. The ordaining bishop shall conform entirely to the rite and canonical procedure of this church in this ordaining.

Can. 493 §1. Bishops of this jurisdiction may take part as co-consecrating bishops at the consecration of a bishop of a jurisdiction in communion with ours ONLY with the consent of the Primate.

§2. No bishop of this jurisdiction may act as consecrator in any such consecration, nor may such a consecration be performed by bishops of this jurisdiction alone, except in accord with the following:

a) The candidate for consecration must have been elected by a regular meeting of the synod or governing body of the jurisdiction in accord with the canons of that jurisdiction and with normal Catholic practice, and must possess a mandate for consecration from the proper canonical authority.

b) And only with written consent of the Primate to do so.

## LAUS DEO

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