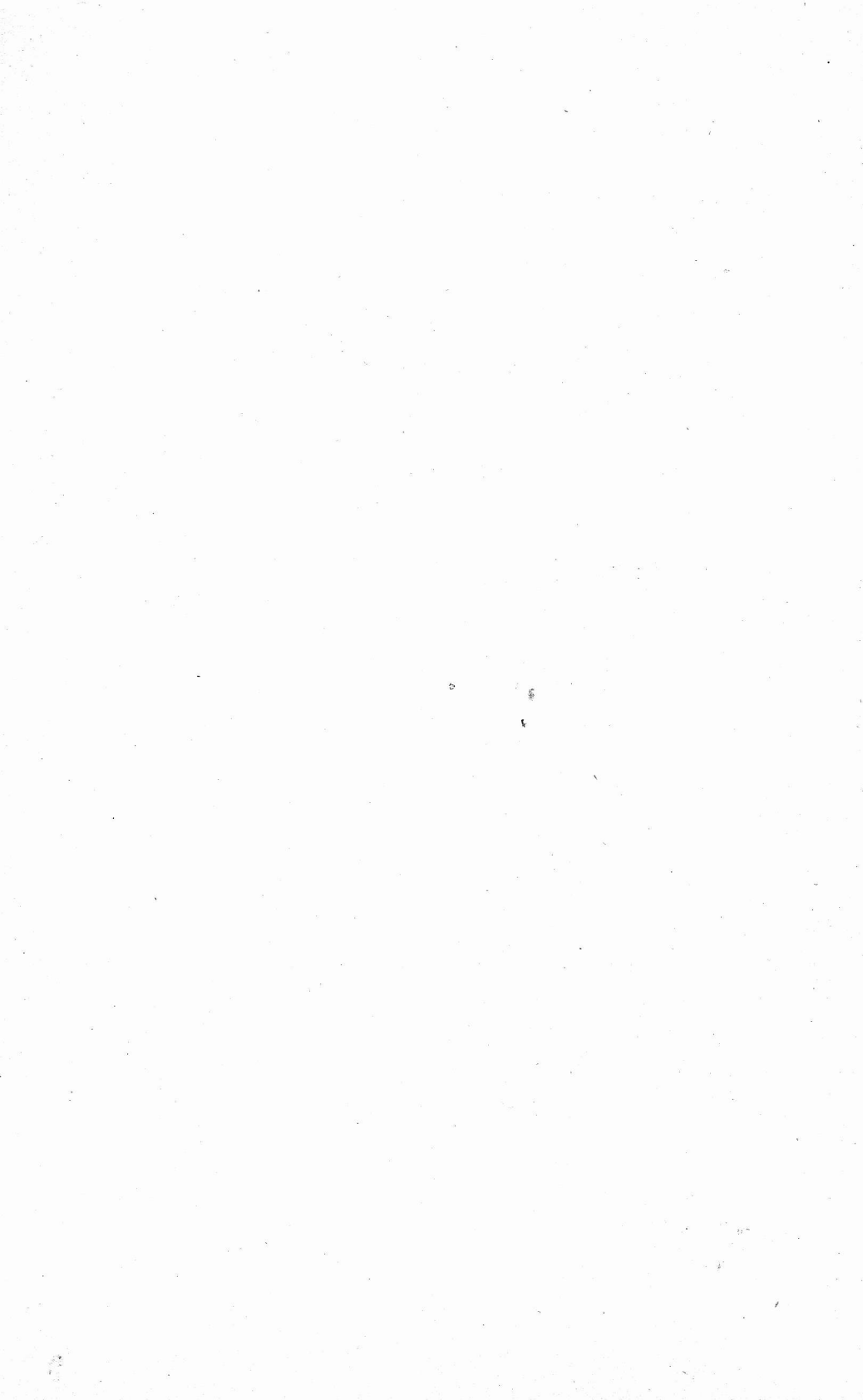


“CUM DATA FUERIT”



SACRED CONGREGATION FOR THE ORIENTAL CHURCH

DECREE

ON THE SPIRITUAL ADMINISTRATION OF THE GREEK-RUTHENIAN ORDINARIATES IN THE UNITED STATES OF NORTH AMERICA

WHEREAS in the year 1912 there was granted to the Greek-Ruthenian bishop of the United States full and ordinary jurisdiction over the entire clergy and the faithful of the Greek-Ruthenian Rite who were living either permanently or temporarily in the United States of North America; and whereas, thereafter, by the decree of the Sacred Congregation for the Oriental Church of May 8, 1924, two ordinariates of the Greek-Ruthenian Rite were established: one for the faithful who came from Galicia, which has its seat at Philadelphia, Pa.; and the other for those who came from Russian Podcarpathia, as well as from Hungary and Yugoslavia, which has its seat at Homestead, Pa., their Eminences, the Most Reverend Fathers Cardinals who are in charge of the Sacred Congregation for the Oriental Church, decided, at the full session held on January 4 of the current year, to revise the appropriate laws enacted by the Sacred Congregation for the Propagation of the Faith for Matters of Oriental Rites of August 17, 1914, and to re-enact them so revised by the decree present, which concerns the spiritual administration of the two ordinariates of the Greek-Ruthenian Rite in the aforesaid country.

CHAPTER I

ON THE BISHOPS OF THE GREEK-RUTHENIAN RITE

Article 1

The appointment of the bishops of the Greek-Ruthenian Rite for the territory of the United States of North America is reserved to the Apostolic See.

Article 2

The bishops of the Greek-Ruthenian Rite and their legitimate successors in the United States of North America shall remain under the

immediate jurisdiction and power of this Apostolic See, and shall respectively exercise, according to the difference of origin described above, and in dependence upon the Apostolic Delegate currently in office in Washington, full ordinary jurisdiction over all the faithful of the Greek-Ruthenian Rite who live permanently or temporarily in the United States of North America.

Article 3

They have the right and the power to rule and govern their flock and to enact laws and statutes in matters which are not contrary to common law. Their chief duty will be to see that doctrine and good morals, as well as the rites and discipline peculiar to this Church, be observed faithfully and in their entirety. It will, therefore, devolve upon them to establish uniformity in ceremonies which are used in various devotions and in the administration of sacraments, according to the rubrics of approved liturgical books, and to require of their priests the strict observance of such uniformity.

Article 4

The ordinaries are obliged to visit frequently the parishes and missions entrusted to their care, so that they inspect them at least every five years, either in person, or, if they are lawfully prevented, through a Vicar General or some other priest specially delegated, in order that they may be acquainted at first hand with their flock, and may better provide for all those things that concern its spiritual welfare.

Article 5

The bishops shall in their canonical visitations of parishes investigate whether the pastors are performing diligently all their parochial duties, especially the visiting of the sick, the instruction of children, the preaching of the word of God on Sundays and holydays. They shall, moreover, inspect all records of Baptism, marriages and deaths, and the inventory of ecclesiastical property for the past two years; and they shall demand of every rector of a mission an accounting; that is, they shall examine and check the books which show the income and expenditures of each church, its pecuniary condition, debts, etc. They shall especially on this occasion watch diligently that no abuses creep in as regards ecclesiastical discipline, particularly in the administration of the sacraments and the sacramentals, the worship of God, devotion to the saints, the preaching of the word of God, and the fulfillment of pious trusts; and they shall take serious measures to safeguard the purity of faith and morals in clergy and people, shall see to it that the

food of Christian doctrine is given to the faithful, especially children and the uneducated, and that the teaching of children and young people in the schools be conducted according to the principles of the Catholic faith. If they find out that abuses have crept in, they shall check them prudently but with vigor, making use, if there is need, of canonical punishments.

Article 6

In order that the most diligent provision be made for the security of the temporal goods of the churches, cemeteries, schools, and all those things that belong to the Church, the ordinaries shall: (a) not permit the rector or the board of management to retain in his or their own name and right anything to whose acquisition the faithful contributed in any manner whatsoever; (b) in business transactions, take counsel of men of experience and of their own consultors, and endeavor to make use of forms for holding property and to observe all prescriptions which correspond to the requirements of the law of the different states and which favor the administration, conservation and perfect transmission of ecclesiastical property; (c) establish such rules for the administration of ecclesiastical property as they judge fit.

Article 7

The annual support of either bishop shall consist of offerings in the nature of a cathedraticum, which shall be determined in an equitable manner by the bishop with the advice of his consultors, and which every church of the Ruthenian ordinariates shall be obliged to pay. The rectors of churches shall be responsible for the full payment of these offerings and of other offerings which shall be determined by the bishop and his consultors, for the seminary, the orphanage, the missions, etc.

Article 8

As has been declared at the beginning of this Decree, the ordinary for the faithful who came from Galicia shall have his seat at Philadelphia, Pa., and the other at Homestead, Pa.; but for the convenience and advantage both of the clergy and the Chancery Offices of the two ordinariates, a Ruthenian priest may have his domicile in New York and act as vicar or delegate of the ordinaries, lend assistance to the Ruthenian faithful, and especially to priests who are either arriving in or departing from America, but in dependence upon and according to the wishes of the ordinaries.

Article 9

The bishops shall give a full and exact account of the personal, moral and pecuniary conditions of the missions of their own Rite every five years to the Apostolic Delegate, who shall forward it to the Sacred Congregation for the Oriental Church; and they shall, at least every ten years, make a visit *ad limina* to pay their respects and obedience to the Supreme Pontiff, and to give him an account of their performance of pastoral duty and of all that pertains to the condition of their churches, the morals and discipline of clergy and people, and the welfare of the souls committed to their care.

Article 10

Any controversies which may arise between a bishop of the Greek-Ruthenian Rite and a bishop of the Latin Rite in the United States shall be referred to the Sacred Congregation for the Oriental Church.

CHAPTER II

ON THE GREEK-RUTHENIAN CLERGY

Article 11

Since it is necessary that there be priests of good life, endowed with zeal and prudence, learned in the sacred sciences, and aloof from political factions, the ordinaries shall see to it that, when the opportunity presents itself, at least a major and a minor seminary be erected for either of the ordinariates, for the education of the clergy of the Greek-Ruthenian Rite. The clerics shall in the meantime attend a Latin seminary designated by the Ordinary: and they shall have some priest of their Rite to instruct them thoroughly and diligently in their own Rite and liturgy. To meet the expenses of the education of the clerics, both the rectors of the churches and the churches themselves of the Greek-Ruthenian Rite in the United States of North America shall contribute. The ordinaries shall earnestly recommend to the clergy and the people the pious work of ecclesiastical vocations, and shall see to it that priests, especially pastors, apply themselves to guard from the contagions of the world boys who show signs of ecclesiastical vocation, train them to piety, instruct them in elementary studies, and foster in them the seeds of the divine vocation.

Article 12

Until there shall be a sufficient number of Greek-Ruthenian priests who have been educated in the United States, whenever any mission of the Ruthenians, either vacant or newly erected, is to be provided with a rector, the ordinaries shall ask bishops of the Greek-Ruthenian Rite of Galicia, Hungary or Yugoslavia, for priests, through the agency of the Sacred Congregation for the Oriental Church. A priest who shall go thither on his own accord, being neither called by one of the Greek-Ruthenian bishops nor sent by the Sacred Congregation, cannot be conceded any faculties by the Greek-Ruthenian bishop, whether it be for celebrating Mass, or for administering sacraments, or for exercising any ecclesiastical duties whatsoever. In the meantime, as has already several times been decreed, priests of the Greek-Ruthenian Rite who wish to go to the United States of North America and stay there, must be celibates.

Article 13

Priests who are seeking money, or who are vacillating in faith and morals, or who are given to drink, shall by no means be sent or admitted to America; and if any such are found, they shall be sent away as quickly as possible. If they, being dismissed, fail to obey, they shall be forced to do so with canonical punishments, not excluding suspension from sacred functions.

Article 14

Every priest coming from Europe who stays in the United States of North America for the spiritual care of the faithful of the Greek-Ruthenian Rite remains incardinated in the diocese of his origin, unless he be incardinated with observance of the prescriptions of law by one of the two Greek-Ruthenian ordinaries of the United States. But in the meantime the bishop of his place of origin shall in no way exercise jurisdiction over him; and the aforesaid priest shall be solely under the jurisdiction of the Greek-Ruthenian bishop. Such priests may not return or be recalled to their home country without the express permission of their ordinary of the Greek-Ruthenian Rite in the United States, to be given in writing. The bishops of origin are responsible to the Sacred Congregation for the Oriental Church if they receive such priests without written authority from one of the two ordinaries of the Greek-Ruthenian Rite in the United States.

Article 15

All rectors of Greek-Ruthenian parishes and missions in the United States are to be appointed by a decree of their own ordinary of the Greek-Ruthenian Rite, excluding any interference whatsoever of lay persons. They are removable (at the order of the ordinaries of the Greek-Ruthenian Rite. They cannot be removed, however, without grave and justifiable reasons.)*

Article 16

A priest who has been removed has, however, the right to interpose a recourse *in devolutivo* against the decree of removal to the Sacred Congregation for the Oriental Church.

Article 17

The support of a priest is to be provided for by the ordinaries, by assigning him a salary, to be determined in proportion to the mass or sum of all the income of the church.

Article 18

Rights of stole and fees for the sacred ministry in each mission shall be fixed by the Greek-Ruthenian ordinaries according to the approved customs of the various localities.

Article 19

Greek-Ruthenian ordinaries shall exercise their jurisdiction only over the Greek-Ruthenian clergy and people. If, however, in a certain place there are faithful of the Greek-Ruthenian Rite, but no mission is established there, or no priest of the Greek-Ruthenian Rite lives there, the ordinaries must communicate their jurisdiction over the faithful of the Greek-Ruthenian Rite to a Latin priest of that place, notifying the ordinary, until such time as a priest of the Greek-Ruthenian Rite may be stationed there.

Article 20

Priests shall bear in mind that they must lead a holier life, both interiorly and exteriorly, than lay persons, and must excel them in virtue and good deeds by way of example, if they wish to conduct their ministry for the salvation of souls. Hence they shall frequently go to confession, and every day apply themselves for some time to mental prayer, visit the Blessed Sacrament, honor the Blessed Virgin, and examine their conscience.

*The addition in parentheses was made by the Sacred Congregation for the Oriental Church by its decree of November 23, 1940 (AAS, 1941, page 27).

Article 21

All priests must, at least every third year, or even oftener if they have a good opportunity, apply themselves to spiritual exercises for a time to be stated by their ordinary; and no one shall be excused from these except in a particular case, for a just cause, and with the express permission of the ordinary.

Article 22

All are especially obliged to show reverence and obedience, each to his own ordinary; and the priests shall frequently inculcate this in the faithful.

Article 23

Priests must not cease studying, especially the sacred sciences; and in sacred subjects let them follow the solid doctrine that has been handed down by tradition and is accepted by the entire Church, avoiding profane novelties of expression, and science which is falsely so called.

Article 24

After having terminated their course of studies, all priests, unless they were for a just cause dispensed by the ordinary, must every year for at least three consecutive years take an examination in various branches of the sacred sciences, to be designated conveniently in advance, in the manner which shall be determined by the same ordinary.

Article 25

Likewise, meetings or conferences on moral and liturgical subjects shall be held several times a year in the various deaneries on days fixed by the ordinary; to these may be added such other exercises as the ordinary shall judge helpful to promote the learning and piety of the clergy. If it is difficult to hold these meetings, the solution of questions shall be sent in writing according to rules established by the ordinary. Those who are obliged to attend the meeting must, if the meeting is not held, submit a written solution of the case or an exposition of some other question, unless they shall have been expressly excused beforehand by the ordinary. In the conferring of offices consideration shall be given to those who have shown the greatest merit in the aforesaid examinations or conferences, all other things being equal.

Article 26

Pastors, quasi-pastors and missionaries are bound by a grave obligation to announce the word of God to the faithful by way of a brief

explanation of the Gospel or of some part of Christian doctrine, on Sundays and holydays of obligation throughout the year, and to take care of the Catholic instruction of the faithful, especially of children, according to the directives received from the ordinary. And if they are found negligent, they shall be punished in proportion to the gravity of their guilt.

Article 27

The ordinaries of the Greek-Ruthenian Rite shall, according to convenience, at least once a year gather at least the principal priests of their jurisdiction, both secular and religious, for the purpose of learning from individual experience and counsel what matters need to be taken care of in a better way.

CHAPTER III

ON THE GREEK-RUTHENIAN FAITHFUL

Article 28

The Greek-Ruthenian faithful have a duty to attend and willingly to support their own churches, and to observe the prescriptions of their own Rite. In districts where churches and priests of their own Rite are lacking, and where, owing to distance, they cannot go to their own church without grave inconvenience, they must, in order to fulfill the precepts of the Church, hear Mass in a Catholic church of the other Rite, and receive the sacraments from a priest of the other Rite.

Article 29

Attendance of Greek-Ruthenians at Latin-Rite churches, even if it be continuous, does not effect a change of Rite. As regards the transfer from one Rite to another, the norms given by the Sacred Congregation for the Oriental Church in the decree *Nemini licere* of December 6, 1928, are to be duly observed. Hence, in order to be transferred to another Rite, Greek-Ruthenians must send a petition to the Apostolic Delegate, and set forth the true canonical reasons which seem to make such a transfer recommendable. It will be better, however, that this petition be forwarded to the Apostolic Delegate through their own ordinary.

Article 30

Latin-Rite priests are not allowed to induce any Greek-Ruthenian to transfer to the Latin Rite contrary to, or aside from, the canonical provisions which govern the change of Rite.

Article 31

The Latin faithful, even though a priest of their own Rite is available, can validly and licitly confess their sins and receive sacramental absolution from a Greek-Ruthenian priest approved by his ordinary. Likewise, the Greek-Ruthenian faithful may confess their sins to a Latin priest who is approved by his bishop. Latin priests, however, cannot absolve the faithful of the Greek-Ruthenian Rite from censures and sins reserved by the Greek-Ruthenian ordinary, without the latter's permission. In turn, the same is to be said of Greek-Ruthenian priests relative to censures and reservations established by a Latin-Rite ordinary. In order to avoid difficulties, which occur rather frequently in practice, the ordinariates shall refer to one another any such reserved cases that come up.

Article 32

For reasons of piety, all the faithful of whatsoever Rite are given permission to receive the Sacrament of the Holy Eucharist consecrated in any Rite. Moreover, where necessity urges and no priest of the other Rite is available, a Greek-Ruthenian is permitted to administer the Eucharist consecrated from unleavened bread; and conversely, a Latin priest may administer the leavened bread; each, however, shall follow his own Rite in administering.

Article 33

Any Oriental fulfills validly and licitly the precept of Easter Communion, even if he receives Holy Communion in a Rite other than his own. It is advisable, however, that members of the faithful fulfill the precept of Easter Communion each in his own Rite and in his own parish; and those who have fulfilled it in another parish shall take care to notify their own pastor of having fulfilled the precept.

Article 34

Holy Viaticum should be received by the dying in their own Rite from the hands of their own pastor; but in a case of necessity it is permissible to receive it from any priest; this priest, however, must administer it in his own Rite.

Article 35

The celebration of funerals and the reception of fees from families of mixed Rite belong to the pastor of the Rite to which the deceased belonged.

Article 36

To avoid the grave inconvenience which might accrue to Ruthenians, they are given permission to observe holydays and fasts according to the customs of the places in which they are staying; but such observance does not effect a change of Rite. As regards the hearing of Mass on holydays which fall on the same day in both Rites, they are obliged, in order to fulfill the ecclesiastical precept, to assist at the sacred liturgy in a church of their Rite, if there is one in the place.*

Article 37

Associations of the faithful of the Greek-Ruthenian Rite shall be under the vigilance of the ordinaries, who shall appoint a priest to be moderator, lest any abuse creep in, in respect to faith, morals or discipline. Hence, praiseworthy are the faithful who join associations which have been formed, or at least recommended, by ecclesiastical authority. They shall, however, beware of associations which are secret, condemned, seditious, suspect, or which seek to elude the supervision of lawful ecclesiastical authority. Likewise, Catholic newspapers, magazines and periodicals are to be under the supervision of the ordinary, and without his permission priests shall neither write in them nor manage them.

CHAPTER IV

ON MARRIAGES BETWEEN MEMBERS OF THE FAITHFUL OF MIXED RITE

Articles 38, 39 and 40 are here omitted, since they lost their legal force by the issuing of the *Motu proprio Crebrae allatae*, which established new and complete marriage legislation for all Catholics of Oriental Rites, abolishing by its provisions the aforementioned articles.

Article 41

Persons born in the United States of North America of parents of different Rites are to be baptized in the Rite of the father; for the offspring of both sexes must follow the Rite of the father altogether.

Article 42

Baptism received in another Rite on account of grave necessity — that is, when the child was near death, or was born at a place where, at the time of birth, his father's own pastor was not present — does

*This provision was changed by a declaration of the Sacred Congregation for the Oriental Church of June 11, 1930 (*AAS* 1930, 354), granting to any Greek-Ruthenian the unlimited right of fulfilling the obligation of hearing Mass in any Catholic Church, without distinction of Rite.

not effect a change of Rite; and the priest who performed the baptism must forward a certificate of Baptism to the proper pastor.

Article 43

Children belong under the jurisdiction of that pastor to whose Rite their father belongs, except those born of an illegitimate union, who follow their mother's Rite.

When the undersigned Cardinal Secretary of the Sacred Congregation submitted it in the audience of February 9 of the current year, all this was approved and confirmed by our most Sacred Lord PIUS XI, by Divine Providence Pope, who also ordered the publication of this present decree, which shall be valid for ten years.

Whatsoever is contrary shall not hinder.

Given at Rome, at the palace of the Sacred Congregation for the Oriental Church, on the first day of March of the year 1929.

† ALOISIUS CARDINAL SINCERO, *m. p.*
Secretary

H. I. CICOGNANI, *m. p.*
Assessor

The legal force of this decree was renewed for another ten years by the Sacred Congregation on November 23, 1940, with minor corrections as listed above.

Since the legal force again expired in 1950, the Apostolic See deigned to renew the prescriptions of the Decree *Cum data fuerit*, insofar as they were not changed by new laws and prescriptions of the Apostolic See, for another ten years by the following Decree:

"Decennio bis exacto a quo Decretum *Cum data fuerit* a Sacra Congregatione pro Ecclesia Orientali ad spiritualem administrationem Ordinariatuum Graeco-Ruthenorum in Foederatis Civitatibus Americae Septentrionalis evulgatum fuit, primo quidem a die prima mensis Martii anni 1929, ac postea cum explicitis mutationibus in art. 15 et 39, a die 23 mensis Novembris anni 1940, eidem Sacrae Congregationi nunc visum est ut idem Decretum cum supradictis mutationibus ad aliud decennium prorogetur, servatis novis dispositionibus Motu proprio

Crebrae allatae diei 22ae Februarii anni 1949, et *Sollicitudinem nostram* diei sextae Januarii anni 1950.

“Vigore igitur specialis facultatis a Sacra Congregatione pro Ecclesia Orientali concessae, infrascriptus Archiepiscopus Laodicensis in Phrygia et Delegatus Apostolicus in Statibus Foederatis Americae Septentrionalis, praesenti Decreto confirmat ac prorogat Decretum *Cum data fuerit* ad decennium, ad omnes juris effectus, cum mutationibus juxta memoratum Decretum Sacrae Congregationis pro Ecclesia Orientali diei 23ae mensis Novembris anni 1940, et dummodo omnia servantur quae continentur in Motu proprio *Crebrae allatae* et *Sollicitudinem nostram*.

“Contrariis quibuslibet non obstantibus.

“Datum Washingtonii, ex Aedibus Delegationis Apostolicae, die 23a mensis Novembris anno 1950.

“De speciali mandato S. Congregationis pro Ecclesia Orientali.

† H. J. CICOGNANI, *m. p.*
Archiepiscopus Laodicensis
Delegatus Apostolicus”