

Text of the "Ne Temere"

With an Explanation by the Rev. H.

Decree of the Congregation of the Council.

THE Council of Trent (Cap. I, Sess. XXIV, de reform. matrim.) made prudent provision against the rash celebration of secret marriages—which the Church of God has always deprecated and forbidden—when it decreed that "those who attempt to contract marriage otherwise than in the presence of their parish priest or of another priest acting with the license of the parish priest or of the Ordinary, and in the presence of two or three witnesses, become thereby incapable of marrying validly, since the Council declares that all such contracts are null and void."

As the Sacred Council prescribed, however, that the above decree should be published in every parish, and was to have force only in those places in which it should be promulgated, it has happened that many places in which the publication has not been made have been deprived of the benefit of the Tridentine law, and, being still without it, they continue to be subject to the doubts and inconveniences of the old discipline.

Nor did all difficulty cease in those places where the new law has been in force. For often there have arisen grave doubts in deciding who is to be regarded as the parish priest before whom a marriage must be celebrated. The canonical discipline did indeed decide that he is the parish priest in whose parish one or other of the contracting parties has his or her domicile or quasi-domicile. But as it is sometimes difficult to say whether a quasi-domicile really exists in a given case, many mar-

riages are exposed to nullity; whilst through ignorance or rendered quite illegitimate.

These deplorable circumstances occurred more frequently of late time on account of the facility and celerity of communication between different countries, and the matter how widely separated they may be. Hence, in the estimation of wise and learned men, it has been deemed expedient to introduce some change into the law, relating the form of celebrating marriage, and many bishops in parts of the world, but especially in the more populous centres, with the need of such legislation urged with greater force, have petitioned the Holy See to this end.

It has been requested, and many bishops in Europe, as well as by others in various regions, that provision be made to prevent inconveniences arising from betrothals, that is, mutual promises of marriage, when privately made. For experience has sufficiently shown the many dangers of such espousals, in that they are an incitement to sin and the cause of misleading inexperienced girls, besides involving subsequent dissensions and endless disputes.

These circumstances have induced the Holy Father, Pope Pius X, in his solicitude for all the churches, to advise some modifications with the object of removing the above-mentioned difficulties and dangers. Accordingly, he committed to the S. Congregation of the Council the task of examining into the matter and of suggesting such measures as it might deem opportune.

He was pleased, also, to ascer-