

EX-2250
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AGANAO
NECESARIO DECREE

In the opinion of the Commission which has been appointed for the codification of Canon Law, as well as of the Cardinals chosen on this special Commission to prepare the new code. These and the S. Congregation of the Council have held for this purpose frequent consultations. Finally, having obtained the reports of these bodies, His Holiness ordered the Sacred Congregation of the Council to issue a decree embodying the new laws, approved by himself on sure knowledge and after mature deliberation, by which the discipline in respect of engagements and marriage is to be regulated for the future, so that the celebration of them may be carried out in a secure and orderly manner.

Pursuant, therefore, to the Apostolic mandate, the S. Congregation of the Council hereby ordains and decrees:

Engagement or Betrothal.

I. Only those matrimonial engagements are considered to be valid and to beget canonical effects which have been made in writing, signed by both the parties, and by either the parish priest or the Ordinary of the place, or at least by two witnesses.

In case one or both of the parties be unable to write, this fact is to be noted in the document, and another witness is to be secured to sign the contract as above, together with the parish priest or the Ordinary of the place, or the two witnesses.

II. By parish priest, as used in the present decree, is to be understood not only the priest who legitimately presides over a parish that is canonically erected, but also, in localities where parishes are not canonically erected, the priest to whom the care of souls has been legitimately entrusted in any specified district, and who is equivalent to a parish priest; and also, in missions where the territory has

not yet been perfectly divided, every priest generally deputed for the care of souls in any station by the superior of the mission.

Marriage.

III. Only those marriages are valid which are contracted before the parish priest, or the Ordinary of the place, or a priest delegated by either of these, and at least two witnesses, in accordance with the rules laid down in the following articles, and with the exceptions mentioned under VII and VIII.

IV. The parish priest and the Ordinary of the place validly assist at a marriage:

(i) from the day on which they have taken possession of their benefice or entered upon their office, unless they have been by a public decree excommunicated by name or suspended from the office;

(ii) but only within the limits of their territory. And in this territory they assist validly at marriages not only of their own subjects, but also of outsiders;

(iii) provided, when invited and requested, and not compelled by violence or grave fear, they ask and receive the consent of the contracting parties.

V. They assist licitly:

(i) after they have ascertained, according to the prescribed forms, that the contracting parties are free to marry, and that they have duly complied with the conditions laid down by the law;

(ii) after they have ascertained, moreover, that one of the contracting parties has a domicile, or at least has lived for a month in the place where the marriage takes place;

(iii) if this condition be lacking, the parish priest and the Ordinary of the place, to assist licitly at a marriage, require the permission of