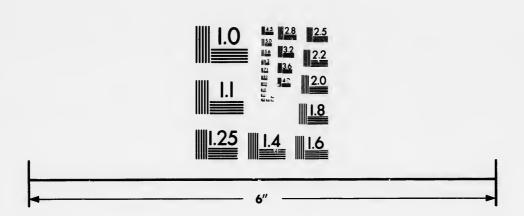


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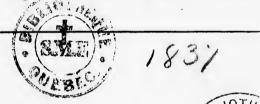
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EXTRACT

FROM THE

NEW QUEBEC RITUAL.





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ARTICLE 1.

REGULATION CONCERNING JURISDICTION, FOR THE DIOCESE OF QUEBEC.

Art. I. BY common right, no curate of this diocese can hear confessions in the parishes the first habitations of which are more than three leagues distant from the limits of the parish or parishes of which he has charge; and that under pain of rendering the absolutions by him therein given null and of no effect.

Nevertheless curates and missionaries are authorised to confess their parishioners wherever they may meet

them, even in the town parishes.

Art. II. With the exception of the case above specified, no country priest can hear confessions in the town parishes, even though his own parish should not be three

leagues distant.

Art. III. A priest may always preach in the parishes wherein he has a right to hear confessions, and not elsewhere. Nevertheless the privilege mentioned for hearing confessions after art. Ist. in favour of curates and missionaries extends by no means in any degree to preaching.

Art. IV. Every approved priest, even in pascal time, may confess all persons making application to him within the compass of his jurisdiction, of whatever parish they may be: being careful to observe the precautions suggested by prudence to prevent frauds, especially in

what concerns the payment of tithes.

Art. V. Vicars shall have jurisdiction only over the parishes for the service of which they have been appointed; so that a vicar dependant on a curate of two parishes, may confess in either of them, and not elsewhere.

Art. VI. Pro quadcumque diacesis parte approbatus fuerit presbyter, semper et ubique, et etiam in parochiis urbanis, alium presbyterum vel clericum, sive in sacris ordinibus constitutum, sive ad minores ordines vel ad pri-

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mam tonsuram promotum, in confessione audire poterit. Sed erga eosdem facultates extraordinarias nullatenùs exerceat, nisi in iis casibus in quibus erga cæteros fideles illas exercere posset, vel quatenús pænitens ad sacramentum administrandum, vel ad sacrum ordinem exercendum teneretur antequàm ad superiorem posset recurrere.

Art. VII. No priest without being specially commissioned thereto, can commute vows or perform the

benedictions reserved to the Bishop.

Art. VIII. Our precise intention is that the habitual power to exceed the bounds fixed by the 1st. 2d. 3d. 5th. and 7th. articles of the present regulation, should not be recognized in a priest, except he should be authorized by some other article hereof, or by a special commission from us.

Art. IX. With respect to particular cases wherein it may be proper to exceed for a time the bounds above mentioned, such cases we leave to the decision of our

vicars general.

Art. X. The following are the powers of the archpriests, revocable ad nutum: 1st. to perform those episcopal benedictions which we have particularly attributed to them in the chapter of benedictions (b); 2d. to absolve at all times from censures and from cases in this diocese reserved to the bishop as well as to the sovereign pontiff; 3d. to commute vows (except the vow of perpetual chastity and the vow of entering into religion) in other pious works, without however granting a dispensation from them; 4th. to dispense in foro interiori with the occult impediments quæ usum matrimonii auferunt; 5th. to absolve from heresy and to receive the abjuration of the new converts. They cannot in any case commission another priest for any of the above mentioned functions; but they may exercise the powers detailed above as well within the extent of three leagues which is common to them with other curates (the town parishes excepted), as in the parishes

⁽a) See 6° . and 12° . of §. 3d, of the following article. (b) These are the benedictions marked in this present extract of the Quebec Ritual from art. 3d, Episcopal or reserved Benedictions to §. 15, Reconciliation of a profanated burying ground, inclusively.

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respectively designated to them by their letters, according to the places

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Art. XI. The missionaries of the Indians shall enjoy in their respective missions, and with regard to the Indians alone, all the powers which we ourselves can exercise, except that they shall not grant any dispensation of consanguinity nor of affinity in the unmixed second degree, nor in the first mixed with the second. With respect to the French or others living in their villages or in the surrounding parishes, these missionaries shall conform to the common law, established by the first articles of the present regulation.

Art. XII. A missionary of the Indians may exercise all his powers in any Indian mission besides his own, when invited so to do by the missionary of the place, or when sent by us or by any one of our vicars general, and

not otherwise.

Art. XIII. The priests directors of the seminary of Quebec are authorized to exercise the 2d. and 4th. power of the archpriests, in all the parishes of the district of Quebec and of Ile-Jésus. The same shall hold good for the district of Montreal, regarding the priests directors of the seminary of Montreal, so long as they shall reside in town. The two senior directors of each of these houses, may, in the places respectively abovenamed, exercise the first power of the said archpriests. These privileges nevertheless shall be revocable ad nutum.

N. B. What, in the preceding article, concerns the jurisdiction in the District of Montreal cannot obtain without the special consent of the Bishop of Montreal: and this he has given in his inaugural mandate addressed to his new diocesans, and bearing date the

15th. September 1836.

Art. XIV. In the powers which we have hitherto granted, or which we may hereafter grant, either by ourselves or our vicars general for the absolution of reserved cases, our intention is to comprise also the power to absolve persons who have carried on a commerce with the Indians in spirituous liquours. Nevertheless,

when a sinner after absolution from this crime shall relapse, we strongly exhort his confessor, whoever he may be, to refer him to the vicar general of the district.

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Art. XV. Neminem latere volumus quòd, pro nullo casu, intendamus confessariis facultatem largiri complices peccatorum contra sextum præceptum absolvendi, quocumque loco, modo vel tempore scelus patratum sit, dummodò mortale fuerit ex parte utriusque complicis.

Ut quædam solvantur difficilia dictam reservationem

spectantia, non parùm juvabunt quæ sequuntur.

" Quoad absolutionem peccati complicis...excipitur " casus extremæ necessitatis, nimirùm articuli mortis, in " quo permittitur confessario absolvere complicem, modò " deficiat quicumque alius, (etiam simplex sacerdos ad " confessiones audiendas non approbatus), qui absolutionem " impertiri possit, et nisi nequeat alius ille sacerdos vocari " vel accedere sine gravi infamid vel scandalo. " tamen confessarius complex talia pericula infamiæ aut " scandali avertere, si potest." (a).

"Cùm non coarctetur potestas...sacerdotum...de " quibus supra, nisi respectu criminis, cujus participes fuerunt, sublata semel culpa per pænitentiam et absolutio-" nem ab alio concessam, nulld lege ipsis prohibitum est " subsequentes confessiones personæ, cum quá crimen ad-

" miserant, audire."

" Attamen si sacerdos sibi et pænitentium saluti consu-" lere velit, deinceps confessiones non excipiet eorum cum " quibus peccavit. . . . ne præteriti delicti memoria relapsús " occasio sit." (b).

ARTICLE 4.

OF RESERVED CASES.

PACH confessor ought to be instructed concerning the sins reserved in this diocese, in order to refer either to ourselves or to some one of our vicars general the penitents whom he shall find guilty of those sins, or

⁽a) Bened. XIV. Bull. Sacram. Panit. tom. 1, Bullarii infol. Const. 205. 4
1 jun. 1741—et Declarat. Apostolici muneris, 3 feb. 1745. tom. cit. Bull. Const.
110—tom. XI et XII. Bull. de Syn. Diac. lib. VII. cap. 14, Edit. 1787.
(b) Collat. Andegav. Ed. 1778, vol. 11. de cas. reserv. fol. 292.

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t. 205. 4 l. Const. to obtain permission to absolve them.

The sins which are not mortal in the reserved kind. are not included in the reserve, neither are those which are not exterior, such as sins of thought, of desire, of complacency, &c.; or those which are not actually consummated, unless the contrary should be expressed by Likewise, in reserved cases are not included the sins committed before the age of puberty, which for girls is twelve years complete, and for boys fourteen also complete, nor even for those who should not declare such sins until after having attained the said respective age of puberty. It is sufficient for the confessor to explain to all such, as well as to those who may be placed in certain circumstances which remove the reserve, the enormity of their sin, and to warn them that it is reserved, but that the church, on account of their age, their sex, or their engagements, dispenses with their presenting themselves to the superior in order to receive absolution. He will nevertheless defer granting them absolution until they have amended and are sufficiently prepared to receive it.

§. 1.

Of cases reserved to our Holy Father the Pope.

THE cases reserved to our Holy Father the Pope have always a censure annexed, from which he gives the power to absolve at the same time that he grants permission to absolve from the crime to which the censure is attached, whether he grants the powers of himself, or the bishop delegates in his name.

Besides the seven cases hereafter mentioned, all irregularities that arise from defects and not from crimes, are reserved to the Holy See. But bishops, according to the Council of Trent (Sess. XXIV. ch. 6.), have the power to absolve from all crimes reserved to the Pope, when they are not public and carried in forum exterius; and even from irregularities which follow occult crimes, and which have not been referred ad forum litigiosum, ex-

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cepting however from that which arises from voluntary homicide, which is always reserved to the Holy See, though the homicide be occult. In this diocese, however, homicide is reserved neither to the Pope nor to the bishop.

The bishops may also absolve from crimes reserved to the sovereign pontiff, and even from those that are public, the persons who by right are exempt from going to Rome, such as women, girls, old men, the sick, the poor, &c.

The Jubilee does not grant any power of dispensing from irregularities. See what is said with respect to this, in the French Ritual, page 161.

The following are the cases most commonly reserved

to the Pope.

I. The crime of real simony, committed by those who, to give or to receive orders, to bestow or to obtain a benefice, or for admission into religion, give or exact money, under any pretext whatsoever; or who give, receive, or exact any other temporal thing that may be estimated at the value of money.

II. The crime of confidence committed by him who receives or retains a benefice, on condition of preserving

it, giving, or conveying it to another.

III. The crime of burning, injuring, or wilfully pillaging a church, a monastery, or other pious place, after the guilty person has been publicly denounced. For if the crime remains undiscovered, and the author has not been denounced, it is reserved to the bishop only.

For the crime be considered public, it must be carried in forum exterius; that is to say, it is requisite that a complaint

should be lodged against the criminal.

Under the name of pious place, are comprised, not only churches, chapels, blessed oratories, burying grounds, sacristies, but also hospitals, houses of retreat, calvaries and monasteries, by which are to be understood the places wherein are lodged the nuns or boarders of those houses; and not the buildings which may be contained within the enclosure, and which serve for other uses, as sheds, barns, &c. These words burn, injure, pillage, must be understood disjunctively; so that only one of those actions, accompanied by the above mentioned circumstances, is sufficient for the reserve.

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IV. The crime of wilfully setting fire to a sacred or profane place, if the author of the conflagration be excemmunicated and publicly denounced.

By profane place is understood all sorts of buildings, either

for the use of men or animals.

V. The crime of him who forges apostolic letters, bulls, briefs, and other letters patent, or who wilfully abuses them.

VI. The crime of him who ill-treats or causes to be cruelly ill-treated a clerc wearing the ecclesiastical dress and tonsure. If the clerc die of the blows inflicted upon him, if he be maimed or mutilated, if he lose blood by the wound received, the case is reserved to the Pope; provided the clerc be not the aggressor, and he who struck him have not greatly exceeded the bounds of a lawful defence. If the clerc be but slightly wounded, the bishop may absolve from this crime.

VII. " Crimen luxuriæ consummatæ à viro cum " sanctimoniali, vel à fœminâ cum viro religioso, in

" loco sacro patratum, et notorium."

"Si crimen occultum remanserit, vel in loco non sacro patratum fuerit, episcopo tantum reservatur."
"Nomine sanctimonialis rigorosè intelligitur quæ, per so-

"Nomine sanctimomatis rigorose intelligital que, per solemne votum, religiosum ordinem à Sâ. Sede approbatum

"ingressa est. Item de viro religioso."

"Per locum sacrum designantur ecclesiæ, capellæ ad missæ celebrationem benedictæ, sacristiæ, adjunctus sanctuario chorus."

§. 2.

Of cases reserved to the bishop.

THE following are the cases which we have thought proper to reserve to ourselves.

I. The sin of those who scandalously utter, compose or write any thing extremely injurious to God, to the

Blessed Virgin, to the saints, or holy things.

By holy things are here to be understood, what is holy in itself, or what is become so by being consecrated or blessed for the use of the holy sacrifice or the sacraments, such as chalices, ciboriums, the holy oils, altar stones.

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II. Magic, that is to say, the crime of those who employ illicit means and that have no connexion with the effect which they wish to produce; and also the sin of those who consult magicians. This crime has a censure of excommunication annexed, which is incurred ipso facto.

By illicit means we understand those which are bad in themselves, or on account of an express and particular prohibition.

III. Stricking one's father or mother, or refusing to either of them the assistance which we can or ought to give them.

IV. "Incestum formale patratum cum consanguineis legitimis aut illegitimis, in primo gradu, vel à primo ad secundum, sive cum affinibus, tantùm legitimis, in iisdem gradibus."

V. "Horrenda peccata sodomiæ quæ vocatur perfecta, et bestialitatis consummatæ ex parte viri vel fæminæ."

VI. "Adulterium formale, sive concubinatus, publica et adeò notoria, ut nullatenùs celari possint. Item violatio à puberibus in impuberes utriusque sexûs, nisibus corporalibus attentata; in quâ raptus violentiæ à pubere in impuberem puellam commissus includitur."

VII. The sin of those who, on days of abstinence commanded by the church, eat meat through contempt of the law, through sensuality, without a just cause, and without having obtained permission of their curate or of an ecclesiastical superior.

For the reservation of this case, all the above conditions must concur together.

VIII. The sin of those who compose libels or diffamatory songs, when these libels or songs come to the knowledge of any other than the author.

IX. Duelling, in which are comprised not only those who fight, but also those who give provocation to fight, either by advising a duel, or by lending themselves as patrons or seconds. This crime has a censure of excommunication annexed, incurred ipso facto.

By the word fight is understood the making use of any instrument whatever that may wound dangerously.

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X. The sin of those who, being able to pay their tithes without sustaining any considerable injury, do not fulfil that obligation, or who do not come to an agreement in that respect with their curate, before the termination of pascal time.

XI. The sin of impurity committed by a man not an

Indian, with an Indian woman or girl.

This reservation affects only the man who has sinned, and not the Indian female, and it signifies little whether the latter be a christian or a pagan, slave or free.

XII. The sin of those who either by themselves or others, distribute intoxicating liquors to the Indians,

knowing the bad use they make of them.

With relation to the two preceding cases, to be considered an Indian, it is necessary to live in the Indian manner, and moreover to be born of an Indian father or mother, living in that way. Adoption or marriage produces the same effect as birth.

§. 3.

Permissions which we judge proper to give for the absolution of the censures and cases reserved to ourselves.

WE permit all approved priests to absolve, within the compass of their respective territories, all sorts of persons, from the censures and cases reserved to ourselves, in the circumstances hereafter specified.

1st. In the probable danger of death, which every priest may consider as such, when he thinks that, if he were the curate of the sick person, he would hasten to administer the sacraments to him. (a).

2nd. When the person is a woman or a girl, who, most probably, could not be referred to the superior without scandal.

3rd. When persons do not accuse themselves of reserved sins except upon the point of marriage, and when they cannot be referred to the superior without scandal.

This power extends also in favour of either of the contracting parties who is not of the parish where resides the confessor to whom he presents himself.

⁽a). See what is said in the French Ritual, concerning Jurisdiction, page 163.

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In the circumstances 2nd. and 3rd. above mentioned, and 6th. mentioned hereafter, we exhort confessors not to absolve their penitents without having first asked permission, if it be possible to do so by word of mouth or by writing.

4th. When there is a reasonable doubt whether the sin into which the penitent has fallen be reserved or not, or when by an unintentional forgetfulness, the penitent has omitted to accuse himself of it. This doubt ought to be founded upon reasons and not upon mere ignorance or mere probability.

5th. During the time of Easter which is limited to the ordinary fortnight, that is to say, from Palm sunday inclusively to Low sunday also inclusively.

We extend this faculty to the whole period which we shall have judged proper to add to the ordinary fortnight, and also in behalf of those who have not been to confession during Lent, when their confessor shall think fit to give them absolution during the time of Easter. We equally permit all approved priests to exercise the same powers with regard to those who, not having been morally in a state to present themselves in pascal time, present themselves afterwards in order to fulfil their pascal duties; and also in behalf of penitents whose absolution they shall think fit to defer till after the Easter fortnight.

6th. When the penitent is obliged to receive or to administer a sacrament, and when he is morally prevented from addressing himself to a superior. This obligation may arise either from a precept which would oblige, or from a scandal which would ensue, or from a considerable loss which would occur; and this moral inability depends upon circumstances of which each confessor must judge before God.

7th. In the case of a general confession of the whole life, judged necessary by the confessor; as well as in that which is made preparatory for the first communion.

8th. In behalf of those who are preparing for Confirmation; in behalf of the sick, of old men, who are not able to go to church, though their confession be not for the reception of the last sacraments; in behalf of prisoners,

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are not not for isoners, of the sick in the hospitals, and of those who are about to depart on a long journey.

9th. We declare that when we permit without restriction absolution to be given from the reserved cases, our intention is to include those also to whom we have attached any censure, unless it be ab homine et per modum sententiæ particularis; and that when we shall give permission to absolve from cases which are reserved to the sovereign pontiff, we comprise that also of removing the censures which are thereunto annexed.

10th. Besides, in order to obviate several difficulties, we declare that, without an express signification to the contrary, when we shall permit any priest in particular to absolve from the censures and cases reserved to ourselves, we shall be considered to permit him to absolve also from the cases reserved to the sovereign pontiff.

11th. Our intention is also that the faculty of absolving from reserved cases, given for a determinate period, should continue after the expiration of the time fixed for all confessions that have been commenced, and even in the case of new relapses on the part of the penitents, after the expired term. To obviate some inconveniences, we moreover declare that the permission to absolve a penitent from the reserved cases, granted upon a mere request without explanation, may be considered to extend to the sins which the penitent may have committed since the said permission was obtained. Therefore, when extraordinary powers are requested, it is necessary, for greater security, to give a clear explanation concerning the extent of those which are required.

12th. With the exception of the above mentioned circumstances, the curates and vicars, or other approved priests of this diocese, who have not received extraordinary faculties, cannot under any pretext, or in virtue of any privilege whatever, absolve either from reserved cases or censures, even though the case should relate to sins reserved in this diocese, but committed in another diocese. If there should be any necessity for it, they will refer their penitents either to us, to our vicar general, or to the

nearest archpriest. If nevertheless they have cause to think that such persons cannot be referred without some scandal or some considerable inconvenience, they will obtain from us, or from some one of our vicars general, the permission to absolve them themselves: a permission they may always ask, when they shall think fit, but which will never be granted but for present need, and which must be asked for, as often as such need may occur.

REMARKS. 1st. Every approved priest may absolve penitents, from other dioceses, guilty of sins reserved in such dioceses, and which are not reserved in this, provided they do not come to make their confession in fraudem legis. Should this however be the case, every approved priest might also absolve these penitents, provided they expressed a true repentance of their conduct.

2d. Should a confessor through forgetfulness or other cause have absolved a penitent from a reserved case, without having the power so to do, he ought, if the proceeding should not be attended with weighty inconveniences, and after having asked permission from the penitent, to inform him that the absolution was not valid, and that consequently he must have recourse to the bishop, or to some other priest furnished with sufficient powers; or else, as appears more proper, the confessor will himself obtain from the bishop, or from some vicar general, the power to absolve the penitent, and will engage him to return to him again, in order to receive absolution. (a).

3d. The power to commute vows, and to dispense with the impediment à petendo debito conjugali, is not comprised in the general or particular permission to absolve from censures and reserved cases.

⁽a). See the Conf. d'Angers, ed. 1778, vol. V. page 183.

APPROBATION.

READ and approved the present Extract of the new Quebec Ritual.

Quebec, 4th. of June 1837.

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