

CODE OF CANON LAW

BOOK II. THE PEOPLE OF GOD

PART III. INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE

SECTION I INSTITUTES OF CONSECRATED LIFE

TITLE II. RELIGIOUS INSTITUTES

CHAPTER II. THE GOVERNANCE OF INSTITUTES

ART. 3. TEMPORAL GOODS AND THEIR ADMINISTRATION

Can. 634 §1. As juridic persons by the law itself, institutes, provinces, and houses are capable of acquiring, possessing, administering, and alienating temporal goods unless this capacity is excluded or restricted in the constitutions.

§2. Nevertheless, they are to avoid any appearance of excess, immoderate wealth, and accumulation of goods.

Can. 635 §1. Since the temporal goods of religious institutes are ecclesiastical, they are governed by the prescripts of Book V, The Temporal Goods of the Church, unless other provision is expressly made.

§2. Nevertheless, each institute is to establish suitable norms concerning the use and administration of goods, by which the poverty proper to it is to be fostered, protected, and expressed.

Can. 636 §1. In each institute and likewise in each province which is governed by a major superior, there is to be a Finance officer, distinct from the major superior and constituted according to the norm of proper law, who is to manage the administration of goods under the direction of the respective superior. Insofar as possible, a Finance officer distinct from the local superior is to be designated even in local communities.

§2. At the time and in the manner established by proper law, Finance officers and other administrators are to render an account of their administration to the competent authority.

Can. 637 The autonomous monasteries mentioned in can. 615 must render an account of their administration to the local ordinary once a year. Moreover, the local ordinary has the right to be informed about the Financial reports of a religious house of diocesan right.

Can. 638 §1. Within the scope of universal law, it belongs to proper law to determine acts which exceed the limit and manner of ordinary administration and to establish what is necessary to place an act of extraordinary administration validly.

§2. In addition to superiors, the officials who are designated for this in proper law also validly incur expenses and perform juridic acts of ordinary administration within the limits of their function.

§3. For the validity of alienation and of any other affair in which the patrimonial condition of a juridic person can worsen, the written permission of the competent superior with the consent of the council is required.

Nevertheless, if it concerns an affair which exceeds the amount defined by the Holy See for each region, or things given to the Church by vow, or things precious for artistic or historical reasons, the permission of the Holy See itself is also required.

§4. For the autonomous monasteries mentioned in can. 615 and for institutes of diocesan right, it is also necessary to have the written consent of the local ordinary.

Can. 639 §1. If a juridic person has contracted debts and obligations even with the permission of the superiors, it is bound to answer for them.

§2. If a member has entered into a contract concerning his or her own goods with the permission of the superior, the member must answer for it, but if the business of the institute was conducted by mandate of the superior, the institute must answer.

§3. If a religious has entered into a contract without any permission of superiors, he or she must answer, but not the juridic person.

§4. It is a fixed rule, however, that an action can always be brought against one who has profited from the contract entered into.

§5. Religious superiors are to take care that they do not permit debts to be contracted unless it is certain that the interest on the debt can be paid off from ordinary income and that the capital sum can be paid off through legitimate amortization within a period that is not too long.

Can. 640 Taking into account local conditions, institutes are to strive to give, as it were, a collective witness of charity and poverty and are to contribute according to their ability something from their own goods to provide for the needs of the Church and the support of the poor.

PART III.
INSTITUTES OF CONSECRATED LIFE
AND SOCIETIES OF APOSTOLIC LIFE

SECTION I.
INSTITUTES OF CONSECRATED LIFE

TITLE III.
SECULAR INSTITUTES

Can. 718 The administration of the goods of an institute, which must express and foster evangelical poverty, is governed by the norms of Book V, The Temporal Goods of the Church, and by the proper law of the institute. Likewise, proper law is to define the obligations of the institute, especially Financial ones, towards members who carry on work for it.

PART III.
INSTITUTES OF CONSECRATED LIFE
AND SOCIETIES OF APOSTOLIC LIFE

SECTION II.
SOCIETY OF APOSTOLIC LIFE

Can. 741 §1. Societies and, unless the constitutions determine otherwise, their parts and houses are juridic persons and, as such, capable of acquiring, possessing, administering, and alienating temporal goods according to the norm of the prescripts of Book V, The Temporal Goods of the Church, of cann. 636, 638, and 639, and of proper law.

BOOK V.
THE TEMPORAL GOODS OF THE CHURCH
(Cann. 1254-1258)

Can. 1254 §1. To pursue its proper purposes, the Catholic Church by innate right is able to acquire, retain, administer, and alienate temporal goods independently from civil power.

§2. The proper purposes are principally: to order divine worship, to care for the decent support of the clergy and other ministers, and to exercise works of the sacred apostolate and of charity, especially toward the needy.

Can. 1255 The universal Church and the Apostolic See, the particular churches, as well as any other juridic person, public or private, are subjects capable of acquiring, retaining, administering, and alienating temporal goods according to the norm of law.

Can. 1256 Under the supreme authority of the Roman Pontiff, ownership of goods belongs to that juridic person which has acquired them legitimately.

Can. 1257 §1. All temporal goods which belong to the universal Church, the Apostolic See, or other public juridic persons in the Church are ecclesiastical goods and are governed by the following canons and their own statutes.

§2. The temporal goods of a private juridic person are governed by its own statutes but not by these canons unless other provision is expressly made.

Can. 1258 In the following canons, the term Church signifies not only the universal Church or the Apostolic See but also any public juridic person in the Church unless it is otherwise apparent from the context or the nature of the matter.

TITLE I. THE ACQUISITION OF GOODS (Cann. 1259 - 1272)

Can. 1259 The Church can acquire temporal goods by every just means of natural or positive law permitted to others.

Can. 1260 The Church has an innate right to require from the Christian faithful those things which are necessary for the purposes proper to it.

Can. 1261 §1. The Christian faithful are free to give temporal goods for the benefit of the Church.

§2. The diocesan bishop is bound to admonish the faithful of the obligation mentioned in can. 222, §1 and in an appropriate manner to urge its observance.

Can. 1262 The faithful are to give support to the Church by responding to appeals and according to the norms issued by the conference of bishops.

Can. 1263 After the diocesan bishop has heard the finance council and the presbyteral council, he has the right to impose a moderate tax for the needs of the diocese upon public juridic persons subject to his governance; this tax is to be proportionate to their income. He is permitted only to impose an extraordinary and moderate exaction upon other physical and juridic persons in case of grave necessity and under the same conditions, without prejudice to particular laws and customs which attribute greater rights to him.

Can. 1264 Unless the law has provided otherwise, it is for a meeting of the bishops of a province:

1/ to fix the fees for acts of executive power granting a favor or for the execution of rescripts of the Apostolic See, to be approved by the Apostolic See itself;

2/ to set a limit on the offerings on the occasion of the administration of sacraments and sacramentals.

Can. 1265 §1. Without prejudice to the right of religious mendicants, any private person, whether physical or juridic, is forbidden to beg for alms for any pious or ecclesiastical institute or purpose without the written permission of that person's own ordinary and of the local ordinary.

§2. The conference of bishops can establish norms for begging for alms which all must observe, including those who by their foundation are called and are mendicants.

Can. 1266 In all churches and oratories which are, in fact, habitually open to the Christian faithful, including those which belong to religious institutes, the local ordinary can order the taking up of a special collection for specific parochial, diocesan, national, or universal projects; this collection must be diligently sent afterwards to the diocesan curia.

Can. 1267 §1. Unless the contrary is established, offerings given to superiors or administrators of any ecclesiastical juridic person, even a private one, are presumed given to the juridic person itself.

§2. The offerings mentioned in §1 cannot be refused except for a just cause and, in matters of greater importance if it concerns a public juridic person,

with the permission of the ordinary; the permission of the same ordinary is required to accept offerings burdened by a modal obligation or condition, without prejudice to the prescript of can. 1295.

§3. Offerings given by the faithful for a certain purpose can be applied only for that same purpose.

Can. 1268 The Church recognizes prescription as a means of acquiring temporal goods and freeing oneself from them, according to the norm of cann. 197-199.

Can. 1269 If sacred objects are privately owned, private persons can acquire them through prescription, but it is not permitted to employ them for profane uses unless they have lost their dedication or blessing; if they belong to a public ecclesiastical juridic person, however, only another public ecclesiastical juridic person can acquire them.

Can. 1270 If they belong to the Apostolic See, immovable property, precious movable objects, and personal or real rights and actions are prescribed by a period of a hundred years; if they belong to another public ecclesiastical juridic person, they are prescribed by a period of thirty years.

Can. 1271 By reason of the bond of unity and charity and according to the resources of their dioceses, bishops are to assist in procuring those means which the Apostolic See needs, according to the conditions of the times, so that it is able to offer service properly to the universal Church.

Can. 1272 In regions where benefices properly so called still exist, it is for the conference of bishops, through appropriate norms agreed to and approved by the Apostolic See, to direct the governance of such benefices in such a way that the income and even, insofar as possible, the endowment itself of the benefices are gradually transferred to the institute mentioned in can. 1274, §1.

TITLE II. THE ADMINISTRATION OF GOODS (Cann. 1273 - 1289)

Can. 1273 By virtue of his primacy of governance, the Roman Pontiff is the supreme administrator and steward of all ecclesiastical goods.

Can. 1274 §1. Each diocese is to have a special institute which is to collect goods or offerings for the purpose of providing, according to the norm of can.

281, for the support of clerics who offer service for the benefit of the diocese, unless provision is made for them in another way.

§2. Where social provision for the benefit of clergy has not yet been suitably arranged, the conference of bishops is to take care that there is an institute which provides sufficiently for the social security of clerics.

§3. Insofar as necessary, each diocese is to establish a common fund through which bishops are able to satisfy obligations towards other persons who serve the Church and meet the various needs of the diocese and through which the richer dioceses can also assist the poorer ones.

§4. According to different local circumstances, the purposes mentioned in §§2 and 3 can be obtained more suitably through a federation of diocesan institutes, through a cooperative endeavor, or even through an appropriate association established for various dioceses or for the entire territory of the conference of bishops.

§5. If possible, these institutes are to be established in such a way that they also have recognition in civil law.

Can. 1275 An aggregate of goods which come from different dioceses is administered according to the norms appropriately agreed upon by the bishops concerned.

Can. 1276 §1. It is for the ordinary to exercise careful vigilance over the administration of all the goods which belong to public juridic persons subject to him, without prejudice to legitimate titles which attribute more significant rights to him.

§2. With due regard for rights, legitimate customs, and circumstances, ordinaries are to take care of the ordering of the entire matter of the administration of ecclesiastical goods by issuing special instructions within the limits of universal and particular law.

Can. 1277 The diocesan bishop must hear the finance council and college of consultors to place acts of administration which are more important in light of the economic condition of the diocese. In addition to the cases specially expressed in universal law or the charter of a foundation, however, he needs the consent of the finance council and of the college of consultors to place acts of extraordinary administration. It is for the conference of bishops to define which acts are to be considered of extraordinary administration.

Can. 1278 In addition to the functions mentioned in can. 494, §§3 and 4, the diocesan bishop can entrust to the finance officer the functions mentioned in cann. 1276, §1 and 1279, §2.

Can. 1279 §1. The administration of ecclesiastical goods pertains to the one who immediately governs the person to which the goods belong unless particular law, statutes, or legitimate custom determine otherwise and without prejudice to the right of the ordinary to intervene in case of negligence by an administrator.

§2. In the administration of the goods of a public juridic person which does not have its own administrators by law, the charter of the foundation, or its own statutes, the ordinary to whom it is subject is to appoint suitable persons for three years; the same persons can be reappointed by the ordinary.

Can. 1280 Each juridic person is to have its own finance council or at least two counselors who, according to the norm of the statutes, are to assist the administrator in fulfilling his or her function.

Can. 1281 §1. Without prejudice to the prescripts of the statutes, administrators invalidly place acts which exceed the limits and manner of ordinary administration unless they have first obtained a written faculty from the ordinary.

§2. The statutes are to define the acts which exceed the limit and manner of ordinary administration; if the statutes are silent in this regard, however, the diocesan bishop is competent to determine such acts for the persons subject to him, after having heard the finance council.

§3. Unless and to the extent that it is to its own advantage, a juridic person is not bound to answer for acts invalidly placed by its administrators. A juridic person itself, however, will answer for acts illegitimately but validly placed by its administrators, without prejudice to its right of action or recourse against the administrators who have damaged it.

Can. 1282 All clerics or lay persons who take part in the administration of ecclesiastical goods by a legitimate title are bound to fulfill their functions in the name of the Church according to the norm of law.

Can. 1283 Before administrators begin their function:

1/ they must take an oath before the ordinary or his delegate that they will administer well and faithfully;

2/ they are to prepare and sign an accurate and clear inventory of immovable property, movable objects, whether precious or of some cultural value, or other goods, with their description and appraisal; any inventory already done is to be reviewed;

3) one copy of this inventory is to be preserved in the archive of the administration and another in the archive of the curia; any change which the patrimony happens to undergo is to be noted in each copy.

Can. 1284 §1. All administrators are bound to fulfill their function with the diligence of a good householder.

§2. Consequently they must:

1/ exercise vigilance so that the goods entrusted to their care are in no way lost or damaged, taking out insurance policies for this purpose insofar as necessary;

2/ take care that the ownership of ecclesiastical goods is protected by civilly valid methods;

3/ observe the precepts of both canon and civil law or those imposed by a founder, a donor, or legitimate authority, and especially be on guard so that no damage comes to the Church from the non-observance of civil laws;

4/ collect the return of goods and the income accurately and on time, protect what is collected, and use them according to the intention of the founder or legitimate norms;

5/ pay at the stated time the interest due on a loan or mortgage and take care that the capital debt itself is repaid in a timely manner;

6/ with the consent of the ordinary, invest the money which is left over after expenses and can be usefully set aside for the purposes of the juridic person;

7/ keep well organized books of receipts and expenditures;

8/ draw up a report of the administration at the end of each year;

9/ organize correctly and protect in a suitable and proper archive the documents and records on which the property rights of the Church or the institute are based, and deposit authentic copies of them in the archive of the curia when it can be done conveniently.

§3. It is strongly recommended that administrators prepare budgets of incomes and expenditures each year; it is left to particular law, however, to require them and to determine more precisely the ways in which they are to be presented.

Can. 1285 Within the limits of ordinary administration only, administrators are permitted to make donations for purposes of piety or Christian charity from movable goods which do not belong to the stable patrimony.

Can. 1286 Administrators of goods:

1/ in the employment of workers are to observe meticulously also the civil laws concerning labor and social policy, according to the principles handed on by the Church;

2/ are to pay a just and decent wage to employees so that they are able to provide fittingly for their own needs and those of their dependents.

Can. 1287 §1. Both clerical and lay administrators of any ecclesiastical goods whatever which have not been legitimately exempted from the power of governance of the diocesan bishop are bound by their office to present an annual report to the local ordinary who is to present it for examination by the finance council; any contrary custom is reprobated.

§2. According to norms to be determined by particular law, administrators are to render an account to the faithful concerning the goods oVered by the faithful to the Church.

Can. 1288 Administrators are neither to initiate nor to contest litigation in a civil forum in the name of a public juridic person unless they have obtained the written permission of their own ordinary.

Can. 1289 Even if not bound to administration by the title of an ecclesiastical office, administrators cannot relinquish their function on their own initiative; if the Church is harmed from an arbitrary withdrawal, moreover, they are bound to restitution.

TITLE III. CONTRACTS AND ESPECIALLY ALIENATION (Cann. 1290 - 1298)

Can. 1290 The general and particular provisions which the civil law in a territory has established for contracts and their disposition are to be observed with the same eVects in canon law insofar as the matters are subject to the power of governance of the Church unless the provisions are contrary to divine law or canon law provides otherwise, and without prejudice to the prescript of can. 1547.

Can. 1291 The permission of the authority competent according to the norm of law is required for the valid alienation of goods which constitute by legitimate designation the stable patrimony of a public juridic person and whose value exceeds the sum defined by law.

Can. 1292 §1. Without prejudice to the prescript of can. 638, §3, when the value of the goods whose alienation is proposed falls within the minimum and maximum amounts to be defined by the conference of bishops for its own region, the competent authority is determined by the statutes of juridic persons if they are not subject to the diocesan bishop; otherwise, the competent authority is the diocesan bishop with the consent of the finance

council, the college of consultors, and those concerned. The diocesan bishop himself also needs their consent to alienate the goods of the diocese.

§2. The permission of the Holy See is also required for the valid alienation of goods whose value exceeds the maximum amount, goods given to the Church by vow, or goods precious for artistic or historical reasons.

§3. If the asset to be alienated is divisible, the parts already alienated must be mentioned when seeking permission for the alienation; otherwise the permission is invalid.

§4. Those who by advice or consent must take part in alienating goods are not to offer advice or consent unless they have first been thoroughly informed both of the economic state of the juridic person whose goods are proposed for alienation and of previous alienations.

Can. 1293 §1. The alienation of goods whose value exceeds the defined minimum amount also requires the following:

1/ a just cause, such as urgent necessity, evident advantage, piety, charity, or some other grave pastoral reason;

2/ a written appraisal by experts of the asset to be alienated.

§2. Other precautions prescribed by legitimate authority are also to be observed to avoid harm to the Church.

Can. 1294 §1. An asset ordinarily must not be alienated for a price less than that indicated in the appraisal.

§2. The money received from the alienation is either to be invested carefully for the advantage of the Church or to be expended prudently according to the purposes of the alienation.

Can. 1295 The requirements of cann. 1291-1294, to which the statutes of juridic persons must also conform, must be observed not only in alienation but also in any transaction which can worsen the patrimonial condition of a juridic person.

Can. 1296 Whenever ecclesiastical goods have been alienated without the required canonical formalities but the alienation is valid civilly, it is for the competent authority, after having considered everything thoroughly, to decide whether and what type of action, namely, personal or real, is to be instituted by whom and against whom in order to vindicate the rights of the Church.

Can. 1297 Attentive to local circumstances, it is for the conference of bishops to establish norms for the leasing of Church goods, especially regarding the permission to be obtained from competent ecclesiastical authority.

Can. 1298 Unless an asset is of little value, ecclesiastical goods are not to be sold or leased to the administrators of these goods or to their relatives up to the fourth degree of consanguinity or affinity without the special written permission of competent authority.

TITLE IV.
PIOUS WILLS IN GENERAL AND PIOUS FOUNDATIONS
(Cann. 1299 - 1310)

Can. 1299 §1. A person who by natural law and canon law is able freely to dispose of his or her goods can bestow goods for pious causes either through an act inter vivos or through an act mortis causa.

§2. In dispositions mortis causa for the good of the Church, the formalities of civil law are to be observed if possible; if they have been omitted, the heirs must be admonished regarding the obligation, to which they are bound, of fulfilling the intention of the testator.

Can. 1300 The legitimately accepted wills of the faithful who give or leave their resources for pious causes, whether through an act inter vivos or through an act mortis causa, are to be fulfilled most diligently even regarding the manner of administration and distribution of goods, without prejudice to the prescript of can. 1301, §3.

Can. 1301 §1. The ordinary is the executor of all pious wills whether mortis causa or inter vivos.

§2. By this right, the ordinary can and must exercise vigilance, even through visitation, so that pious wills are fulfilled, and other executors are bound to render him an account after they have performed their function.

§3. Stipulations contrary to this right of an ordinary attached to last wills and testaments are to be considered non-existent.

Can. 1302 §1. A person who has accepted goods in trust for pious causes either through an act inter vivos or by a last will and testament must inform the ordinary of the trust and indicate to him all its movable and immovable goods with the obligations attached to them. If the donor has expressly and entirely prohibited this, however, the person is not to accept the trust.

§2. The ordinary must demand that goods held in trust are safeguarded and also exercise vigilance for the execution of the pious will according to the norm of can. 1301.

§3. When goods held in trust have been entrusted to a member of a religious institute or society of apostolic life and if the goods have also been designated for some place or diocese or for the assistance of their inhabitants or pious causes, the ordinary mentioned in §§1 and 2 is the local ordinary; otherwise, it is the major superior in a clerical institute of pontifical right and in clerical societies of apostolic life of pontifical right or the proper ordinary of the member in other religious institutes.

Can. 1303 §1. In law, the term pious foundations includes:

1/ autonomous pious foundations, that is, aggregates of things (universitates rerum) destined for the purposes mentioned in can. 114, §2 and erected as a juridic person by competent ecclesiastical authority;

2/ non-autonomous pious foundations, that is, temporal goods given in some way to a public juridic person with the obligation for a long time, to be determined by particular law, of celebrating Masses and performing other specified ecclesiastical functions or of otherwise pursuing the purposes mentioned in can. 114, §2, from the annual revenues.

§2. If the goods of a non-autonomous pious foundation have been entrusted to a juridic person subject to a diocesan bishop, they must be remanded to the institute mentioned in can. 1274, §1 when the time is completed unless some other intention of the founder had been expressly manifested; otherwise, they accrue to the juridic person itself.

Can. 1304 §1. For a juridic person to be able to accept a foundation validly, the written permission of the ordinary is required. He is not to grant this permission before he has legitimately determined that the juridic person can satisfy both the new obligation to be undertaken and those already undertaken; most especially he is to be on guard so that the revenues completely respond to the attached obligations, according to the practice of each place or region.

§2. Particular law is to define additional conditions for the establishment and acceptance of foundations.

Can. 1305 Money and movable goods assigned to an endowment are to be deposited immediately in a safe place approved by the ordinary so that the money or value of the movable goods is protected; as soon as possible, these are to be invested cautiously and usefully for the benefit of the foundation, with express and specific mention made of the obligation; this investment is to be made according to the prudent judgment of the ordinary, after he has heard those concerned and his own finance council.

Can. 1306 §1. Foundations, even if made orally, are to be put in writing.

§2. One copy of the charter is to be preserved safely in the archive of the curia and another copy in the archive of the juridic person to which the foundation belongs.

Can. 1307 §1. A list of the obligations incumbent upon pious foundations is to be composed and displayed in an accessible place so that the obligations to be fulfilled are not forgotten; the prescripts of cann. 1300-1302 and 1287 are to be observed.

§2. In addition to the book mentioned in can. 958, §1, another book is to be maintained and kept by the pastor or rector in which the individual obligations, their fulfillment, and the offerings are noted.

Can. 1308 §1. A reduction of the obligations of Masses, to be made only for a just and necessary cause, is reserved to the Apostolic See, without prejudice to the following prescripts.

§2. If it is expressly provided for in the charters of the foundations, the ordinary is able to reduce the Mass obligations because of diminished revenues.

§3. With regard to Masses independently founded in legacies or in any other way, the diocesan bishop has the power, because of diminished revenues and for as long as the cause exists, to reduce the obligations to the level of offering legitimately established in the diocese, provided that there is no one obliged to increase the offering who can effectively be made to do so.

§4. The diocesan bishop also has the power to reduce the obligations or legacies of Masses binding an ecclesiastical institute if the revenue has become insufficient to pursue appropriately the proper purpose of the institute.

§5. The supreme moderator of a clerical religious institute of pontifical right possesses the same powers mentioned in §§3 and 4.

Can. 1309 The authorities mentioned in can. 1308 also have the power to transfer, for an appropriate cause, the obligations of Masses to days, churches, or altars different from those determined in the foundations.

Can. 1310 §1. The ordinary, only for a just and necessary cause, can reduce, moderate, or commute the wills of the faithful for pious causes if the founder has expressly entrusted this power to him.

§2. If through no fault of the administrators the fulfillment of the imposed obligations has become impossible because of diminished revenues or some other cause, the ordinary can equitably lessen these obligations, after having heard those concerned and his own finance council and with the intention of

the founder preserved as much as possible; this does not hold for the reduction of Masses, which is governed by the prescripts of can. 1308. §3. In other cases, recourse is to be made to the Apostolic See.