

A highly decorative border with intricate floral and scrollwork patterns, framing the central text. At the top center, there is a large floral ornament. At the bottom center, there is a large, ornate coat of arms featuring a shield with three dots, topped with a crown and surrounded by elaborate scrollwork and floral motifs.

CODICIS
IURIS CANONICI
FONTES

CURA
EM̄I PETRI CARD. GASPARRI
EDITI

VOLUMEN IV
CURIA ROMANA

S. C. S. OFF. - S. C. EP. ET REG.

N. 714-2055

ROMAE
TYPIS POLYGLOTTIS VATICANIS
—
MCMXXVI

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1190.

S.C.S. Off., instr. 6 aug. 1897.

I. Instructionis S. Rom. Et Univers, Inquisit, circa observantiam Apostolicae Constitutionis *Sacramentum Poenitentiae*¹ num. 10 praecipitur ut. *antequam contra denunciatum procedatur, perspectum exploratumque iudici esse debeat, quod mulieres vel viri denunciantes sint boni nominis, neque ad accusandum vel inimicitia vel alio humano affectu adducti fuerint.*

2. Praeceptum huiusmodi, uti omnia quae ad huius Supremi Tribunalis procedendi rationem spectant, strictissimi iuris censendum est, ita ut, eo negliecto, ad ulteriora procedi nequeat.

3. Nec sufficit ut id utcumque, sed omnin necesse est ut certa iudiciali forma iudici innotescat; quod propria dictione: *diligentias circa denunciatum eiusque denunciantes peragere* significari in foro S. Officii usus obtinuit.

4. Iamvero cum non semper nec ab omnibus vel tantum post longum tempus, cum nempe testimoniorum receptio difficilis et aundoque impossibilis est, Supremum hoc Tribunal id servari perspexerit, hanc ad rem Instructionem, pro Rmorum Ordinariorum norma, edendam mandavit.

5. Ordinarius igitur toties quoties aliquam de infando sollicitationis crimine denunciationem acceperit, illico ad diligentias pergandas procedet. Ad quem finem vel per se vel per sacerdotem a se *specialiter* delegatum advocabit (separatim scilicet, et qua decet circumspectione) duos tests, quantum fieri poterit, ex coetu ecclesiastico, utcumque vero omni exceptione maiores, qui bene noverint tum denunciatum, tum omnes et singulos denunciantes, eosque, sub sanctitate iuramenti de veritate dicenda et de secreto S. Officii servando, iudicialiter interrogabit, testimonium scripto referens, iuxt insequentem formulam; utriusque vero testimonii

¹ Cf. N. 990.

atque una simul respectivae denunciationis authenticum exemplum directe tutaque via ad hanc Supremam Congregationem quamprimum transmittet.

6. Dictum est: vel per se vel per sacerdotem a se specialiter delgatum; nihil enim prohibet quominus, rationabili ex cause, pio alicui docto ac prudenti sacerdoti id muneris Ordinarius demandare valeat; speciali tamen ei in singulis casibus delegatione impertita, eique antea delato iureirando de munere fideliter obeundo et de secreto S. Officii servando.

7. Quod si inveniri nequeant duo tantum testes qui noverint una simul denunciatum et omnes et singulos denunciantes, plure vocari debent. Tot nempe hoc in casu testes, ut supra, vocandi erunt, quo oportebit ut duplex quoad denunciatum et unumquemque denunciante[m] habeatur testimonium.

8. Quoties autem iuramentum de secreto servando et, pro diversis casibus, de veritate dicenda vel de munere fideliter obeundo deferendum sit, iuramentum ipsum et ab omnibus, etiam sacerdotibus, tactis Ss. Dei Evangeliiis et non aliter, praestandum erit. In Ordinarii vero potestate erit, siquidem pro rerum locorum aut personarum adiunctis necessarium vel expediens iudicaverit, excommunicationem ipso facto incurrendam et Rom. Pont. Speciali modo reservatam violatoribus comminari.

9. Sequitur interrogationis formula.¹

¹ Die . . . mense . . . anno . . . Vocatus personaliter comparuit coram me infrascripto Episcopo . . . (notetur nomen dioecesis. Delegatus autem dictat: coram me infrascripto a R.P.D. Episcopo . . . ad hunc actum tantum specialiter delegato) sistente in . . . (notetur locus ubi negotium geritur).

[Collectanea S.C. de Prop. Fide, vol. II, n. 1977. - Cf. etiam Acta S. Sedis, vol. XXX, p. 249-251].

Fontes Vol. VII, pp. 494-495. 1190: S.C.S. Off., instr. 6 aug. 1897.

1. Concerning the Instruction of the Holy and Universal Roman Inquisitors and the observance of the Constitution *Sacramentum Poenitentiae* instruction number 10, it is ordered that before proceeding against the accused, the judge must determine and be assured that the women and men accusers are of good name, and not led to accusation by animosity or by any human passion.

2. This order is such, since all these issues pertain to the methods by which this Supreme Tribunal proceeds, that it must be considered of utmost binding force, so that if it is neglected, it will be impossible to proceed any further.

3. It is not enough to be made known in any random fashion, but it is absolutely necessary that it be brought to the attention of judge in clear judicial form. It is customary that it be made known in the forum of the Holy Office in accordance with the particular phrasing, "to conduct due diligence as far as the denounced and his accusers."

4. Truly, since this Supreme Tribunal has perceived that [information] is not always maintained by all parties after a long passage of time, when the reception of testimonies are difficult and sometimes impossible, it [the Tribunal] has mandated that this Instruction be published, according to the norms of the Ordinaries, for this matter.

5. Therefore, as many times as an Ordinary shall receive any accusation concerning the unspeakable crime of solicitation, he will immediately proceed to diligent investigation. Toward that end, he will call two witnesses either by himself or a priest specially delegated (of course separately, and as circumspection allows), if possible of ecclesiastic rank, who are in every way above reproach, who know on the one hand the

accused, and on the other hand each and every accuser. The judge shall interrogate them after they have sworn oaths about their truthfulness and to maintain the secret of the Holy Office, as the judge has the testimony put down in writing, according to the following formula; [given later] the judge will send an accurate copy of the testimonies of the two witnesses together with the accusation in question directly to this Supreme Congregation as soon as possible.

6. It was written, "either through himself or through a priest delegated by himself"; nothing then prohibits the ability of the Ordinary to entrust [the duty], with reasonable cause, to any pious and prudent priest who is skilled in the performance of this office; nevertheless, if in individual cases a role is given to a "special" officer, he also must first take an oath to obey the office faithfully and maintain the secrecy of the Holy Office.

7. But if they cannot find two witnesses who know the accused and each and every accuser at the same time, more ought to be called. As many witnesses, indeed, in this case (as mentioned earlier) will need to be called as necessary for double testimony to be held as far as the accused and the accuser.

8. Whenever, moreover, an oath is sworn to maintain secrecy and, in various cases, of speaking truthfully and obeying the office faithfully, the same oath must be sworn always by everyone, even priests who are Silent Evangelicals of Holy God otherwise exempt. In fact, it is in the Ordinary's power, if indeed he has judged it necessary or expedient according to what suits the circumstances, places, or people involved, to threaten that excommunication will be incurred by the deed itself, which is a special power reserved by the Roman Pope for violators.

9. The formula of interrogation follows.

[Collectanea S.C. de Prop. Fide, vol. II, n 1977. – Cf. etiam Acta S. Sedis, vol. XXX, p. 249-251].