

**1911 Vatican Directive
to
Bishops of the United States Concerning Church Property**

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The following is a directive written to the Bishops of the United States by the Sacred Congregation of the Council in Rome on July 29, 1911. As discussed by Bouscaren et al in *Canon Law: A Text and Commentary* (Milwaukee, 1963) on pages 805-6, there were many reasons for issuing this directive:

Because of the diversity of laws in force in individual states regarding the tenure of church property, various methods of holding such property have been resorted to. No one of these methods is in perfect conformity with the prescriptions of canon law. During the course of a century [the nineteenth century] many problems and difficulties had arisen. In 1911, the Sacred Congregation of the Council, at the request of certain bishops who had asked the Holy See for suitable regulations, after having consulted the Apostolic Delegate and the Most Reverend Archbishops, issued the following norms.... No matter what method of tenure be followed, ownership of the property is vested in the moral person (c. 1499, Sec. 2). The Bishop is merely the administrator of such property, even though according to civil law the property is owned by him.

These norms were in effect during the entire period of the so-called Pio-Benedictine or 1917 Code of Canon Law and were referenced in every copy of that Code published in the United States, in Chapter XXII on Church Property. They do not seem to be referenced in the New Code of Canon Law. That means that, although these directives do not seem to be in force at the present, they were supposed to have been enforced for the middle 72 years of the twentieth century, and all the dioceses in existence in the United States during that time were supposed to be brought into conformity with these provisions.

The translation below is a cooperative effort coordinated and transcribed by Christine M. Roussel, Ph.D. David Efroymsen, Ph.D., obtained the original text and translated the opening three paragraphs; the middle three provisions are from Bouscaren, 805-6; and James Biechler, Ph.D., J.C.L., translated the closing and the honorific abbreviations throughout.

**ORIGINAL LATIN
TEXT
ANALECTA.
S. CONGREGATIO CONCILII**

DE METHODIS POSSENDI ET
ADMINISTRANDI BONA ECCLESIASTICA IN
STAT. AMERICAЕ FOED.

Sacrorum Antistitum Foederatorum Statuum
Americae magna laus est quod, inter sedulas
curas, quibus pro incremento catholicae religionis
et pro fidelium pietate fovenda animum et vires
impendunt, etiam rerum temporalium Ecclesiae
tuitoni et rectae administrationi prudentur
consulere nunquam omiserint. Eorum pastoralis
solicitudinis et in hoc plura praesto sunt
argumenta, quae inter profecto adnumeranda
sunt quae de bonorum administratione in
plenariis synodis Baltimorensibus constituta
inveniuntur.

Nuper autem nonnulli ex Episcopis, praesentibus
attentis circumstantiis et aliquorum locorum
peculiaribus necessitatibus perspectis, consilia a
S.[anctae] Sede expetere opportunum censuerunt,
simulque SSmum [Santissimum] D. N. [Dominum
Nostrum] exorarunt, ut aptae normae ad res
temporales gerendas pro tota Statuum
foederatorum Americana republica
constituerentur.

Sacra autem haec Concilii Congregatio, cui
negotium demandatum est, omnibus mature
perpensis, ac prius per R.[everendissimus]
P.[ater] D.[ominum] Delegatum Apostolicum
exquisito voto Rmorum [Reverendissimorum]
Archiespiscoporum istius regionis, atque huic
voto praesertim inhaerens, in plenariis comitiis
diei 29 Iulii postremo elapsi, sequentia proponere
et statuere censuit:

1. Ex methodis quae pro possidendis et
administrandis ecclesiasticis bonis nunc vigent in
Statibus Americae Foederatis ea ceteris
praeferenda est, quae vulgo dicitur *Parish*

**TRANSLATION:
ANALECTS
FROM THE SACRED CONGREGATION OF
THE COUNCIL**

ON THE METHODS OF HOLDING AND
ADMINISTERING CHURCH GOODS IN THE
UNITED STATES OF AMERICA

It is to the credit of the sacred bishops of the
United States of America that, among the
diligent concerns on which they expend their
will and energies for the growth of the Catholic
religion and for the fostering of piety, they
have never neglected prudently to consider the
safekeeping and administration of the temporal
goods of the Church. The many proofs of their
pastoral care stand out, among which
especially are to be numbered those decisions
on the administration of goods found in the
plenary councils of Baltimore.

Lately some of the bishops, in light of present
circumstances and of the special requirements
of certain places, have decided to seek the
advice of the Holy See and at the same time
they petition Our Most Holy Lord [ie, the pope]
that appropriate norms be set up for taking
care of temporal things for the whole republic
of the United States of America.

This Sacred Congregation of the Council, to
which the request was made, having taken into
account all these things, and first, through the
Apostolic Delegate, having carefully sought out
the opinion of the Most Reverend Archbishops
of that region, and sticking to that opinion, in
plenary session on last July 29, have decided to
propose and legislate the following:

1. Among the methods which are now in use in
the United States for holding and admin-
istering church property, the one known as
Parish

Corporation, cum illis tamen conditionibus et cautelis, quibus in statu Neo-eboracensi in usu est. Hanc igitur methodum Episcopi, si lex civilis consentiat, quoad bona temporalia in suam dioecesim introducere statim curabunt. Si vero lex non consentiat, apud civiles auctoritates efficaciter instabunt ut quam primum concedatur.

2. In locis tantum in quibus a lege civili non admittitur *Parish Corporation* et donec eius concessio obtineri nequeat, permittitur alia methodus quae dici solet *Corporation sole*, ita tamen ut Episcopus in administratione bonorum ecclesiasticorum procedat, auditis interesse habentibus et consultoribus dioecesanis, et in negotiis maioris momenti de eorum consensu, super hoc ipsius Episcopi conscientia onerata.

3. Methodus quam vocant *in Fee simple* omnino est abolenda.

Haec quae EE.[Eminentissimus] PP. [Patri] salubriter constituere opportunum duxerunt, A. T. de auctoritate SS.[Santissimum] D.N. [Dominum Nostrum] communicare gaudeo, spe fretus ex eorum executione in ista praenobili regione maiora bona esse Ecclesiae profutura.

Interim fausta omnia Tibi ex corde adprecior a Domino, et qua par est reverentia me profiteor.
A. T.

uti. fr.

C. CARD. GENNARI, Praefectus

B. POMPILI, Secretarius

Corporation is preferable to the others, but with the conditions and safeguards which are now in use in the state of New York. The Bishops, therefore, should immediately take steps to introduce this method for handling property in their dioceses, if the civil law allows it. If the civil law does not allow it, they should exert their influence with the civil authorities that it may be made legal as soon as possible.

2. Only in those places where the civil law does not recognize Parish Corporations and only until such recognition is obtained, the method commonly called Corporation Sole is allowed with the understanding that in the administration of ecclesiastical property, the Bishop is to act with the advice, and in more important matters with the consent, of those who have an interest in the premises and of the diocesan consultors, this being a conscientious obligation for the Bishop in person.

3. The method called *in Fee simple* is to be entirely abandoned.

These are the conclusions which the most eminent fathers have managed to establish, from the throne of the apostles. By the authority of Our Most Holy Lord [the pope] I am happy to forward these, relying on the hope that their execution in that celebrated region will be for the greater good of the Church.

In the meantime I heartfully ask the Lord for all blessings for you and at the same time profess my own highest regard.

Fraternally,

C. Cardinal Gennari, Prefect

B. Pompili, Secretary

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URL: http://arcc-catholic-rights.net/1911_vatican_directive.htm
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