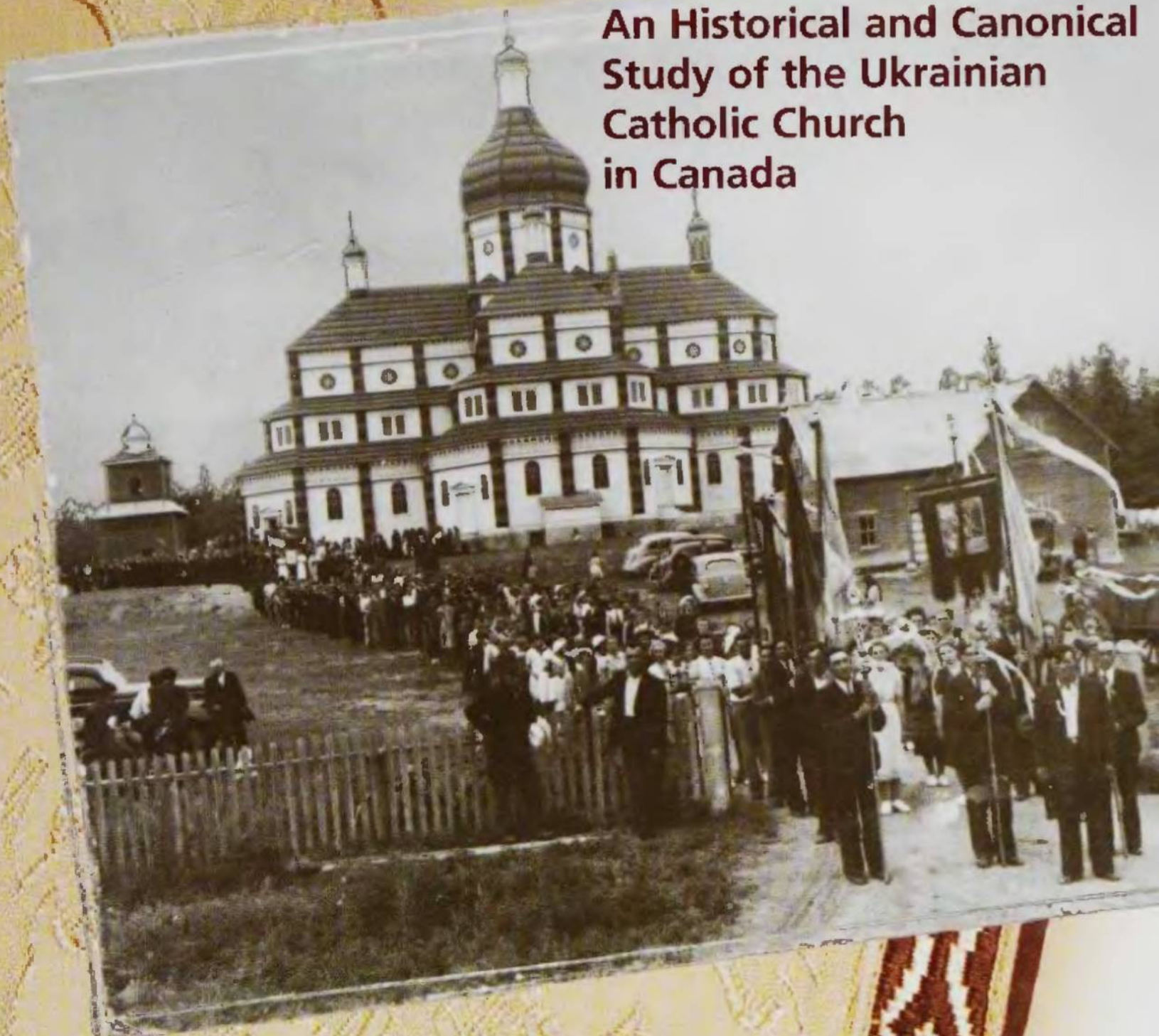


David Motiuk

Eastern
Christians
in the
New World

**An Historical and Canonical
Study of the Ukrainian
Catholic Church
in Canada**



When Ukrainians began

immigrating to Canada in the late 1800s, most were farmers seeking a better way of life. Of the few possessions they brought with them, none was more precious than their faith. The newcomers went to great lengths to ensure that this faith be passed on to their children and grandchildren.

More than a hundred years have passed. As the Ukrainian Catholic Church in Canada meets the challenges of a new millennium, it does so with a sense of renewal, of reverence for its rich spiritual heritage, of vibrant hope for the future. One aspect of this Church's renewal is the revision of its Particular Law in light of the Second Vatican Council and the newly promulgated *Code of Canons of the Eastern Churches*.

David Motiuk's study is a canonical and historical overview of the development of the Ukrainian Catholic Church in Canada, highlighting the growth of the first parish communities, the appointment of its first bishop and the establishment of the Metropolitan See of Winnipeg. The author examines relations with the Latin Church, various decrees of Bishop Nykyta Budka, Bishop Basil Ladyka, and the Ukrainian Catholic Conference in Canada. He also explores the role played by the Ukrainian bishops from Canada in re-establishing synodal governance in the Ukrainian Catholic Church as a whole.

(continued on back flap)

**EASTERN CHRISTIANS IN THE NEW WORLD:
AN HISTORICAL AND CANONICAL STUDY
OF THE UKRAINIAN CATHOLIC CHURCH IN CANADA**

David Motiuk

**Metropolitan Andrey Sheptytsky Institute
of Eastern Christian Studies
and
Faculty of Canon Law**

Ottawa — 2005

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of Eastern Christian Studies, Saint Paul University

The publication of this book was made possible in part by grants from:

Ukrainian Catholic Brotherhood of St. Josaphat Cathedral

Ukrainian Catholic Women's League of Canada (Edmonton Eparchy)

and the following Knights of Columbus Assembly and Councils:

Bishop Demetrius M. Greshchuk

Fourth Degree Assembly #2248 (Edmonton, Alberta)

Father Dydyk Council #7511 (Edmonton, Alberta)

Father Hannas Council #10519 (St. Albert, Alberta)

Library and Archives Canada Cataloguing in Publication

Motiuk, David, 1962-

Eastern Christians in the new world: an historical and canonical study
of the Ukrainian Catholic Church in Canada / David Motiuk.

Co-published by Faculty of Canon Law, Saint Paul University.

Includes bibliographical references and index.

ISBN 1-895937-14-0

1. Ukrainian Catholic Church in Canada--History. 2. Ukrainian
Catholic Church in Canada--History--Sources. 3. Canon law--Oriental
Catholic churches. 4. Ukrainian Catholic Church in Canada--Liturgy.

I. Metropolitan Andrey Sheptytsky Institute of Eastern Christian
Studies. II. Saint Paul University (Ottawa, Ont.). Faculty of Canon
Law. III. Title.

BX4711.74.M68 2005

282'.71

C2005-902524-7

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PRINTED IN CANADA

For the pioneers of faith in Canada

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ABBREVIATIONS AND SYMBOLS

AAS art., arts.	<i>Acta Apostolicae Sedis</i> , Rome, 1909- article, articles
ASS	<i>Acta Sanctae Sedis</i> , Rome, 1865-1908
<i>Blahovisnyk</i>	<i>Blahovisnyk Patriyarkha Kyievo-Halyts'koho i usiyeyi Rusy</i> , vols. I-XX, Rome, 1965-1984; <i>Blahovisnyk Blazbennishoho Myroslava-Ivana Kardynala Lyubachivs'koho</i> , vols. XXI-XXIII, Rome, 1985-1988; <i>Blahovisnyk Verkhovnoho Arkhyepyskopa Ukrayin-s'koyi Hreko-Katolyts'koyi Tserkvy Blazbennishoho Lyubomyra Kardynala Husara</i> , Lviv, 2001 - ...
c., cc.	canon, canons
CA	Pius XII, motu proprio <i>Crebrae allatae sunt</i> , February 22, 1949, AAS, 41 (1949), pp. 89-117
CCEO	John Paul II, <i>Codex Canonum Ecclesiarum Orientalium</i> , October 25, 1990, AAS, 82 (1990), pp. 1033-1363
CIC(1983)	John Paul II, <i>Codex Iuris Canonici</i> , January 25, 1983, AAS, 75 (1983), vii-xxx, pp. 1-324
CLD	<i>Canon Law Digest</i> , ed. by T. Bouscaren and J. O'Connor. Vols 1-6, Milwaukee-New York: The Bruce Publishing Co., 1934-1969. Vols. 7-10 and supplements, Chicago: Canon Law Digest, 1975-1986. Vol. 11, Washington: Canon Law Society of America, 1991
<i>Collectanea</i>	<i>Collectanea S. Congregationis de Propaganda Fide</i> . 2 vols., Rome, 1907
CS	Pius XII, motu proprio <i>Cleri sanctitati</i> , June 2, 1957, AAS, 49 (1957), pp. 433-603
<i>Fontes</i>	P. Gasparri and I. Seredi, eds., <i>Codicis Iuris Canonici Fontes</i> , 9 vols., Rome, 1923-1939
<i>Fonti</i>	Pontifical Commission for the Redaction of the <i>Code of Eastern Canon Law</i> , <i>Codificazione Canonica Orientale</i> , <i>Fonti</i> , series 1, fasc. I-XV, 1930-1934;

series II, fasc. I-XXX, 1935-1951; series III, vols. I-VI, 1943-

n., nn. number, numbers

Nuntia *Nuntia*, Vatican City, 1975-1990

OE Vatican II, decree *Orientalium ecclesiarum*, AAS, 57 (1965), pp. 76-89

p., pp. page, pages

PA Pius XII, motu proprio *Postquam apostolicis litteris*, February 9, 1952, AAS, 44 (1952), pp. 65-150

SN Pius XII, motu proprio *Sollicitudinem Nostram*, January 6, 1950, AAS, 42 (1950), pp. 5-120

§, §§ section, sections

°, °°, subsection, subsections

TRANSLITERATION NOTES

Ukrainian language sources, proper names and bibliographical references are transliterated according to the following table:

Ukrainian	Transliterated	Ukrainian	Transliterated
А	A	Н	N
Б	B	О	O
В	V	П	P
Г	H	Р	R
Ґ	G	С	S
Д	D	Т	T
Е	E	У	U
Є	Ye	Ф	F
Ж	Zh	Х	Kh
З	Z	Ц	Ts
И	Y	Ч	Ch
І	I	Ш	Sh
Ї	Yi	Щ	Shch
Й	Y	Ю	Yu
К	K	Я	Ya
Л	L	Ь	'
М	M	-ий	-y

However, in cases where the Latin alphabet spelling of a proper Ukrainian name is supported by a quoted source or by legal civil usage, strict transliteration is not applied. Examples include: Slipyj, Hermaniuk, Sapelak, etc.

PREFACE AND ACKNOWLEDGMENTS

My grandparents, Stephen and Maria Motiuk and Stephen and Barbara Sawchuk, came from Ukraine to Canada in 1898, settling in Mundare, Alberta. They were poor farmers seeking a better way of life. Of the few possessions brought with them, none was more precious than their Ukrainian Catholic faith. They went to great lengths to ensure that this faith be passed on to their children and grandchildren. One hundred years later, I am grateful for the spiritual heritage they entrusted to me.

However, it is with trepidation that I contemplate the future of the Ukrainian Catholic Church in Canada—a Church with a drastic decline in membership, few native vocations to replace an aging clergy, whose *raison d'être* since the 1940s has been closely linked with the persecuted Church in Ukraine.

The plan for a more promising future for the Canadian Ukrainian Church requires vision; but without a proper understanding of history it often generates illusion. My study, a survey of the particular law of the Ukrainian Catholic Church in Canada, recounts part of the history of this Church from a canonical point of view. I hope that it will help visionaries to dream and build the future.

Several people have helped me tell this story. I am grateful to the late Bishop Demetrius Greschuk, who introduced me to the world of canon law, as well as to the late Bishop Myron Daciuk and Very Rev. William Hupalo, who made it possible for me to pursue doctoral studies. I am indebted to my dissertation director, Rev. Clarence Gallagher, SJ, Pontificio Istituto Orientale, Rome, and my relator Rev. Francis Morrissey, OMI, Saint Paul University, Ottawa, for their guidance and encouragement. My thanks are also extended to Rev. Andrew Onuferko, Andrea Leader and Roman Kravec and for their editorial comments. Finally, I offer my heartfelt appreciation to my family, friends, and colleagues who helped me bring this work to completion.

INTRODUCTION

On October 18, 1990, with the apostolic constitution, *Sacri canones*, Pope John Paul II promulgated the common law of the Eastern Catholic Churches, the *Codex canonum Ecclesiarum orientalium*. Together with the promulgation of the canon law of the Latin Church, the *Codex iuris canonici* (1983), and the reform of the Roman Curia, *Pastor bonus* (1988), the promulgation of the Eastern Code completed the disciplinary renewal of the entire Catholic Church mandated by the Second Vatican Council.

However, the disciplinary renewal of the Eastern Catholic Churches will not be complete until each of the twenty-one *sui iuris*, or autonomous, Eastern Churches promulgates its own particular law, that is, those laws which, as a result of the principle of subsidiarity, are not common to all the Eastern Catholic Churches. Thus, the Ukrainian Catholic Church, through its legislative body, the Synod of Bishops, must revise its own particular law in light of the teachings of the Second Vatican Council and the Eastern Code.

The intent of this work is to identify the particular law of the Ukrainian Catholic Church in Canada. Though never severing ties with its Mother Church in Ukraine, this Church has developed its own particular law over the last one hundred years shaped by historical, geographical, and cultural circumstances, not to mention more than fifty years of relative isolation from the persecuted Church in Ukraine. To ignore this canonical collection, or that of any of the countries where the Ukrainian Catholic Church has established itself, would invalidate the process of drafting the particular law of the Ukrainian Church.

The primary purpose of this study is to identify the major sources of the particular law of the Ukrainian Catholic Church in Canada. Chapter 1 treats the decrees of the Apostolic See of Rome issued specifically for this Church. Chapter 2 concerns the documents and decrees promulgated by the Ukrainian Catholic Church in Canada and by the Synod of Bishops of the Ukrainian Church. These sources

are reproduced in the Appendix, together with an English translation, and then applied to certain issues of contemporary canonical import for this Church. Thus, Chapter 3 treats clerics, their sacred ordination, and their rights and obligations; Chapter 4 deals with divine worship, especially the sacraments.

My hope is that identifying the sources of the particular law of the Ukrainian Catholic Church in Canada and demonstrating their application will lead to a better understanding of this body of legislation.

CHAPTER ONE

DOCUMENTS OF THE APOSTOLIC SEE OF ROME

INTRODUCTION

The primary sources of the particular law of the Ukrainian Catholic Church in Canada promulgated by the Apostolic See of Rome are:

1) the apostolic letter *Officium supremi apostolatus* issued by Pope Pius X in 1912 to erect the Apostolic Exarchate for the Ukrainian Catholic faithful in Canada;

2) the decree *Fidelibus ruthenis* promulgated by the Sacred Congregation for the Propagation of the Faith for the Affairs of the Eastern Rite in 1913 to regulate mutual disciplinary relations between the Ukrainian bishop and the Latin bishops of Canada and their clerics and faithful;

3) the decree *Graeci-rutheni ritus* promulgated by the Sacred Congregation for the Eastern Church in 1930 to revise the decree *Fidelibus ruthenis*; and

4) the apostolic constitutions which reorganized the Canadian Ukrainian Catholic Church, namely, Pope Pius XII's *Omnium cuiusvis ritus*, dividing the Apostolic Exarchate into Central, Western, and Eastern Exarchates in 1948; *De Ruthenorum*, further dividing the Central Exarchate into the Exarchates of Manitoba and Saskatchewan in 1951; *Hanc apostolicam*, elevating each Exarchate to an Eparchy and erecting an ecclesiastical province in 1956; and Pope Paul VI's *Cum territorii amplitudo*, erecting the Eparchy of New Westminster in 1974.

These sources are studied here as they constitute an integral part of the canonical-historical development of the Ukrainian Catholic Church in Canada and demonstrate the Apostolic See's desire to provide spiritual care for Ukrainian Catholics living outside Ukraine. These sources are best understood in light of the canonical principle that the Latin Church exercises jurisdiction over those Eastern Catholic faithful lacking their own hierarchy. Therefore, the study necessarily begins here.

JURISDICTION OF LATIN ORDINARIES OVER EASTERN CATHOLICS

When Ukrainians began immigrating to Canada at the end of the nineteenth century they immediately came under the jurisdiction of the already established Latin Catholic Church.¹ An overview of the evolution of this principle of jurisdiction will help to explain why and how it was later applied to Ukrainian Catholics in the diaspora.

Ecumenical Council of Nicea I (325)

Historical background

The first universal council of the Church was summoned by Emperor Constantine in 325 at Nicea to put an end to the Arian heresy and to regulate several aspects of Church life.² The more than 250 bishops of East and West produced a definition of faith—the Nicene Creed, dealt with the date of Easter, and healed the schism in Egypt involving Bishop Meletius. They also promulgated twenty disciplinary canons regulating clergy, laity, conflict of jurisdictions, transfer of bishops to another episcopal see, and certain cases of apostasy.³

¹Already in 1534 a Roman Catholic priest accompanying explorer Jacques Cartier celebrated the Eucharist on the Gaspé Peninsula. With the foundation of Quebec in 1608 by Samuel de Champlain and French settlers, the Latin Church began to firmly establish itself in Canada. In 1658, François de Montmorency-Laval was appointed as the first Vicar Apostolic of New France and subsequently named Ordinary of Québec in 1674. For a canonical-historical overview of the Latin Church in Canada see F. MORRISEY, *The Juridical Status of the Catholic Church in Canada (1534-1840)*, Ottawa, Saint Paul University, doctoral manuscript, 1972; id., "The Development of Ecclesiastical Particular Law in Canada," in *Canadian Catholic Historical Association, Study Sessions* 50 (1983), pp. 141-158; and J. SCHMEISER, "The Development of the Canadian Ecclesiastical Provinces, Councils, Rituals and Catechisms from the Time of Bishop François Montmorency-Laval (1658) to the Plenary Council of Quebec (1909)," in *Studia Canonica*, 5 (1971), pp. 135-165.

²For a historical overview of the ecumenical council of Nicea I see K. HEFELE, *History of the Councils of the Church from the Original Documents*, translated from the German by W. Clark, Edinburgh, T&T Clark, 1883-1896: vol. 1 (2nd ed., revised): *A History of the Christian Councils, From the Original Documents, to the Council of Nicea, AD 325*, pp. 262- 447; H. JEDIN and J. DOLAN, eds., *History of the Church, vol. 2: The Imperial Church from Constantine to the Early Middle Ages* by K. Baus, et al., translated from the German by A. Biggs, New York, NY, Seaburt Press, 1980, pp. 22-29; and L. DAVIS, *The First Seven Ecumenical Councils (325-787), Their History and Theology*, Collegeville, MN, M. Glazier Inc., 1987, pp. 33- 80.

³For an overview, critical text and English translation of the canons of Nicea I, see N. TANNER, *Decrees of the Ecumenical Councils*, 2 vols., London, Sheed and Ward - Washington, DC, Georgetown University Press, 1990, vol. 1, pp. 1-19.

One bishop, one church

The Council Fathers decreed in canon eight that there were not to be two bishops in the same city, basing themselves upon the teachings of St. Ignatius of Antioch (+107): "Where the bishop is, therein are the multitudes, just as where Jesus Christ is, therein is the catholic Church."⁴ When the responsibilities became too great for any one bishop, the Fathers maintained that the eparchy was to be divided, thus preserving the principle of one bishop, one church.

Fourth Lateran Ecumenical Council (1215)

Historical background

The pontificate of Innocent III (1198-1216) is characterized by ecclesiastical reform, emphasis on Rome's primacy, emancipation from the Empire, and attempts at regaining the Holy Land.⁵ The Fourth Ecumenical Council of Lateran (1215) was his greatest achievement; it battled heresy, culminated his reform activity, and prepared the way for a new crusade.⁶ The Council was in part occasioned by the failed Fourth Crusade (1202-04) which was diverted by profit-seeking Venetians to Byzantine Christian Constantinople against the pope's will. When the city fell to Latin crusaders in 1204, East-West church relations were dealt another serious, if not fatal, blow. Innocent erected a Latin patriarchate in Constantinople in the mistaken belief that it would promote unity among the Churches.

The 404 Council Fathers, of which only two were from the East, promulgated seventy constitutions. These dealt with a new profession of faith, heretics and dogmatic statements, church discipline, reform of clerical morals, episcopal elections, the administration of benefices, exaction of taxes, canonical suits, matrimony, tithes, simony, and Jews.

⁴*Epistle to the Smyrnaeans*, chapter viii.

⁵See J. KELLY, *The Oxford Dictionary of Popes*, Oxford, England-New York, NY, Oxford University Press, 1986, pp.186-188; and J. CLAYTON, *Pope Innocent III and His Times*, Milwaukee, WI, Bruce, 1941.

⁶On the Ecumenical Council of Lateran IV see JEDIN and DOLAN, *History of the Church*, vol. 4: *From the High Middle Ages to the Eve of the Reformation*, pp. 166-172; CLAYTON, *Pope Innocent III and His Times*, pp. 171-190; and TANNER, *Decrees of the Ecumenical Councils*, vol. 1, pp. 227-229.

*Providing care for the faithful of another Church sui iuris*⁷

With the establishment of a Latin patriarchate in Constantinople and the deposition of its Eastern counterpart, it became necessary for the first time in Church history to provide legislation for those faithful belonging to another Church *sui iuris* living within the same ecclesiastical boundaries. Constitution 9 of the Lateran Council decreed that suitable men were to be appointed by the bishop to provide for their spiritual care.⁸ These men were to celebrate the divine praises, administer the sacraments, and offer instruction in the rite and language of the faithful.

While the Council reiterated canon 8 of Nicea I in that it forbade the coexistence of more than one bishop in the same city or diocese, it introduced a noteworthy innovation: if the number of faithful of another

⁷CCEO c. 27 defines a "Church *sui iuris*" as "a group of Christian faithful united by a hierarchy according to the norm of law which the supreme authority of the Church expressly or tacitly recognizes" as such. Church *sui iuris* is not to be confused with the term "rite," which c. 28, §1 describes as the "liturgical, theological, spiritual and disciplinary patrimony, culture and circumstances of history of a distinct people, by which its own manner of living the faith is manifested in each" autonomous church. Though the terms "particular Church" and "rite" were used synonymously prior to the promulgation of the Eastern Code, it is now proper to speak of the faithful of a Church *sui iuris* and not of a particular rite. The present study attempts to maintain this distinction except when documents predating the Eastern Code make it difficult to do so. See A. VALIYAVILAYIL, "The Notion of *Sui Iuris* Church," in J. CHIRAMEL AND K. BHARANIKULANGARA, eds., *The Code of Canons of the Eastern Churches, A Study and Interpretation*, Alwaye, India, St. Thomas Academy for Research, 1992, pp. 57-90; and I. ZUZEK, "The *Ecclesiae sui iuris* in the Revision of Canon Law," in *Vatican II: Assessment and Perspectives. Twenty-Five Years After (1962-1987)*, Mahwah, NJ, Paulist Press, 1989, vol. II, pp. 288-304.

⁸Constitution 9 reads as follows: "Since in many places people of different languages live within the same city or diocese, having one faith but different rites and customs, we therefore strictly order bishops of such cities and dioceses to provide suitable men who will do the following in the various rites and languages: celebrate the divine services for them, administer the church's sacraments, and instruct them by word and example. We altogether forbid one and the same city or diocese to have more than one bishop, as if it were a body with several heads like a monster. But if for the aforesaid reasons urgent necessity demands it, the bishop of the place may appoint, after careful deliberation, a catholic bishop who is appropriate for the nations in question and who will be his vicar in the aforesaid matters and will be obedient and subject to him in all things. If any such person behaves otherwise, let him know that he has been struck by the sword of excommunication and if he does not return to his senses let him be deposed from every ministry in the church, with the secular arm being called in if necessary to quell such great insolence" (TANNER, *The Decrees of the Ecumenical Councils*, vol. 1, p. 239).

autonomous church and circumstances warranted, the Ordinary could appoint a bishop-vicar to oversee their spiritual care.⁹ This innovation became the basis for the principle of jurisdiction of Latin Ordinaries over Eastern Catholics where they lack their own hierarchy.¹⁰

***Etsi pastoralis* and the Italo-Greeks and Italo-Albanians**

Southern Italy and Sicily had been inhabited by Hellenic colonists for several centuries prior to the birth of Christ. Living in geographical proximity to the spiritual and civil centres of both the Eastern and Western Roman Empires, the Italo-Greeks provide a window into early Eastern-Western ecclesiastical relations. Although they were relatively small in numbers, the situation of the Italo-Greeks is well documented. It led to the further application of the principle of jurisdiction of Latin Ordinaries over Eastern Catholics.

Historical background¹¹

From at least the second century most of the Christian communities living in Southern Italy and Sicily were of the Byzantine tradition. However, as part of the Roman Patriarchate, the Byzantine bishops in these lands were under the direct jurisdiction of the bishop of Rome. This arrangement resulted in several centuries of Latinization for the Italo-Greeks.

⁹This principle is still maintained by the current codes of canon law:

CCEO c. 193, 2: "The eparchial bishop is to provide for the spiritual needs of these Christian faithful, if possible through presbyters or parish priests of the same Church *sui iuris* as the Christian faithful or even through a syncellus constituted for the care of these Christian faithful."

CIC(1983) c. 383, 2: "If he (the diocesan bishop) has faithful of a different rite in his diocese, he is to provide for their spiritual needs either by means of priests or parishes of the same rite, or by an episcopal Vicar."

¹⁰See M. DIEDERICH, *The Jurisdiction of the Latin Ordinaries over Their Oriental Subjects*, Canon Law Studies, no. 229, Washington, DC, Catholic University of America, 1946, pp. 1-27.

¹¹A. FORTESCUE, *The Uniate Eastern Churches*, London, Burns, Oates and Washbourne, 1923, pp. 47-184; A. KING, *The Rites of Eastern Christendom* (2 vols.), Rome, Tipografia Poliglotta Vaticana, 1947, vol. 2, pp. 7-20; D. ATTWATER, *The Christian Churches of the East* (vol. 1: Churches in Communion with Rome; vol. 2: Churches not in Communion with Rome), revised ed., Milwaukee, WI, Bruce, 1961, vol. 1, pp. 65-71.

In the eighth century, the Iconoclast Emperor Leo III (717-741) removed these lands from papal jurisdiction and subjected them instead to the Patriarchate of Constantinople. In order to avoid disputes, the popes accepted this situation. The Norman conquest begun in 1017 once more placed the lands within the Latin Patriarchate. Norman influence and increased Latinization resulted in the nearly complete assimilation of the Italo-Greeks into the Latin Church by the beginning of the fifteenth century.¹²

The Turkish conquest of Constantinople in 1453 and the subsequent invasion of the Balkans forced numerous Albanians to flee their homeland. Despite the large number that immigrated to Southern Italy and Sicily, the Italian Byzantine communities continued to decline as a result, in part, of the insistence of local Latin bishops that the Italo-Albanians join the Latin Church.

Papal legislation for Italo-Greeks and Italo-Albanians

Pope Leo X (1513-1521) issued three constitutions intended to improve strained relations between Latin Ordinaries and the Italo-Byzantine communities: 1) *Pro parte vestra* called for the designation of a Greek priest, under the immediate jurisdiction of the pope, to care for the Italo-Albanians of Venice;¹³ 2) *Accepimus nuper* required the appointment of a vicar for Greeks in Latin territories;¹⁴ and

¹²The Synod of Melfi in 1059, summoned by Pope Nicholas II (1058-1061) to order the new state of things after the Norman invasion, greatly influenced the restoration of the Roman rite among the Italo-Greeks. The purpose of the synod was to restore ecclesiastical discipline and formulate a treaty between the Normans and the Holy See of Rome. The resulting legislation favoured clerical celibacy and began a trend whereby Byzantine bishops were succeeded by Latins; Greek priests and parishes were subjected to Latin Ordinaries; and monasteries which had previously enjoyed the privilege of *stauropegia* (exemption from the authority of the local bishop and immediate subjection to the Patriarch of Constantinople) were subjected to the jurisdiction of the local Latin Ordinary. Although certain pockets of Byzantine communities resisted Latinization, the precedence of the Latin Church prompted numerous Italo-Greeks to abandon their church and request affiliation with the Latin Church. See FORTESCUE, *The Uniate Eastern Churches*, pp. 94-115.

¹³June 3, 1514; *Appendix ad Bullarium Pontificium S. Congregationis de Propaganda Fide* (2 vols., Rome, Typis Collegii Urbani [no date given]), vol. 1, pp. 14-15; *Fonti*, series I, fascicle 8, p. 242. This privilege was later confirmed by Paul III (1534-1549) in his constitution *Dudum postquam* of June 22, 1549 (*Appendix ad Bullarium S.C. de Prop. Fide*, vol. 1, pp. 32-36; *Fonti*, series I, fascicle 8, p. 243).

¹⁴May 18, 1521; L. ALLACCI, *De aetate et interstitiis in collatione ordinum etiam apud Graecos servandis*, Rome, Mascardus, 1639, pp. 5-13; *Fonti*, series I, fascicle 8, p. 242. These norms were later confirmed by Clement VII (1523-1534) in his

3) *Cum nuper* established a commission for arbitrating Greek-Latin disputes.¹⁵

Paul IV (1559-1564) issued the constitution *Romanus Pontifex* revoking previous privileges of exemption, placing Greek churches and monasteries under the jurisdiction of the local Latin Ordinary.¹⁶ Pius V (1566-1572), in his letter *Providentia Romani Pontificis*, prohibited Greek priests from celebrating the divine praises in Latin and Latin priests from doing so in Greek.¹⁷ In 1573, Gregory XIII (1572-1585) erected the Congregation for the Affairs of the Greeks, entrusting it with matters concerning the Eastern faithful.¹⁸ Clement VIII (1592-1605) issued the instruction *Sanctissimus*, the so-called *Instructio Clementina*, a guide for Latin Ordinaries in caring for their Greek subjects, especially in the administration of the sacraments.¹⁹

Etsi pastoralis (1742)

Pope Benedict XIV (1740-1758) promulgated the constitution *Etsi pastoralis* on May 26, 1742.²⁰ Considered as the particular law of the Italo-Albanians,²¹ the Constitution dealt with matters of faith, sacraments, and inter-ecclesial jurisdiction. The faithful were to follow their own laws and rite; however, they were obliged to observe

constitution *Provisionis nostrae* of March 26, 1526 (ALLACCI, *De aetate et interstitiis in collatione ordinum etiam apud Graecos servandis*, pp. 14-15) and by Paul III in his constitution *Dudum* of December 23, 1534 (*Appendix ad Bullarium S.C. de Prop. Fide*, vol. 1, pp. 21-24).

¹⁵July 4, 1521; *Appendix ad Bullarium S.C. de Prop. Fide*, vol. 1, pp. 17-19; *Fonti*, series I, fascicle 8, p. 243.

¹⁶February 16, 1564; *Bullarium Pontificium S. Congregationis de Propaganda Fide* (5 vols., Rome, Typis Collegii Urbani, 1839-1841), vol. 1, pp. 8-10; *Fonti*, series I, fascicle 8, p. 244.

¹⁷August 20, 1566; *Bullarium Pontificium S. Congregationis de Propaganda Fide*, vol. 1, pp. 11-12.

¹⁸For a historical overview concerning the evolution of this congregation into the current Congregation for the Eastern Churches see C. CAPROS, "Origine e sviluppo della S.C. Orientale," in *La Sacra Congregazione per le Chiese Orientali nel Cinquantesimo della fondazione (1917-1967)*, Rome, Tipografia Italo-Orientale «San Nilo», pp. 27-64.

¹⁹August 31, 1595; *Fontes*, vol. 1, pp. 343-346, no. 179; *Bullarium Pontificium S.C. de Prop. Fide*, vol. 1, pp. 1-4; *Fonti*, series I, fascicle 8, pp. 245-250.

²⁰*Fontes*, no. 328. See W.M. PLOECHL, "Two Hundred Years — *Etsi pastoralis* (1742-1942)," in *The Jurist*, 2 (1942), pp. 211-213.

²¹A. CICOGNANI, *Canon Law*, Philadelphia, Dolphin Press, 1934, vol. 1, p. 450.

the Gregorian calendar and commemorate the pope¹ and the local Latin Ordinary during the divine praises. If they lived in Latin territories, they were required to observe the feasts of that region and were encouraged, though not obliged, to follow the local Latin fasts, abstinence, and vigils.

Moreover, the Constitution definitively settled the matter of jurisdiction: where the Italo-Albanians did not have a bishop of their own, they were subject to the local Latin Ordinary in all things.²²

Extension of *Etsi pastoralis*

Eastern Catholics in general

The principle of jurisdiction of Latin Ordinaries was soon applied to other Eastern Catholics. Pope Clement XIV (1769-1774) did so for the Ruthenians in Hungary in elevating the Apostolic Exarchate of Mukachiv to an eparchy;²³ and Pius VII (1775-1799) for the Rumanians in Novhorod in erecting the Eparchy of Oradea Mare²⁴ and for the Ruthenians in Croatia and Serbia in the Eparchy of Krizhevci.²⁵ In the nineteenth century, *Etsi pastoralis* was further extended to the Armenians living near Constantinople,²⁶ the Melkites in Marseilles²⁷

²²*Etsi pastoralis* was successful in bringing about the revival of the Italo-Albanian Church by curbing further Latinization. Today Italo-Albanian Catholics living in southern Italy number 62,000. See R. ROBERSON, *The Eastern Christian Churches: A Brief Survey*, 6th rev. ed., Rome, Orientalia Christiana, Pontificio Istituto Orientale, 1999, pp. 145- 146.

²³September 19, 1771; Papal Bull, *Eximia regalium, Ius Pontificium de Propaganda Fide*, vol. 4, pp. 176-179; *Appendix ad Bullarium S.C. de Prop. Fide*, vol. 4, pp. 136-140; *Fonti*, series I, fascicle 2, p. 221; and *Fonti*, series I, fascicle 8, p. 615.

²⁴June 16, 1777; Decree of erection, *Indefessum personarum*, *Fonti*, series I, fascicle 8, p. 505. Previously, on August 30, 1748 and in accordance with canon 9 of Lateran IV, Pope Benedict XIV (1740-1758) had appointed an Eastern bishop-vicar to the Latin Ordinary of Oradea Mare (*De Synodo dioecesana*, lib. II, cap. XII, no. 5; *Fonti*, series I, fascicle 8, p. 517).

²⁵June 22, 1777; Decree of erection, *Charitas illa, Ius Pontificium de Propaganda Fide*, vol. 4, pp. 224-227.

²⁶See exhortation of Pius VI to the Vicar Apostolic of Constantinople, July 18, 1818, *Bullarium S.C. de Prop. Fide*, vol. 4, p. 273.

²⁷January 13, 1823, *Atti della Sacra Congregazione di Propaganda Fide del 1823*, pp. 12-13.

and Paris,²⁸ and the Syro-Malabars in India.²⁹

Ukrainian faithful in the United States

When Ukrainians began to emigrate to the United States towards the end of the nineteenth century, the Apostolic See addressed several instructions to the American Latin Ordinaries regarding the Ukrainian clergy and faithful.³⁰ On October 1, 1890, the Sacred Congregation for the Propagation of the Faith issued the encyclical letter *Aliquibus abhinc* to the Ukrainian hierarchs in Europe. The letter stated that the Congregation was to be notified in advance as to the particulars of the Ukrainian priests destined for the United States.³¹ In turn, the Congregation would notify the local Latin Ordinary from whom they were to receive their faculties.

Jurisdictional problems led to further instructions being issued by the Apostolic See.³² In a letter to the Archbishop of Baltimore on

²⁸In a letter to the Archbishop of Paris on May 12, 1890, the Sacred Congregation for the Propagation of the Faith reiterated that the patriarch clearly had no jurisdiction over his faithful once they left his patriarchate; instead, the Latin Ordinary to whose territory the Eastern faithful had immigrated had full jurisdiction over them (ASS, 24 (1891-1892), pp. 390-391):

It is a general maxim of this Sacred Congregation that patriarchs of an Oriental Rite cannot exercise their jurisdiction outside their patriarchates; and consequently, that priests and the faithful of whatsoever Oriental Rite who have a domicile outside their respective patriarchates, as well as those who, though within the boundaries of the same, are deprived of pastors of their own Rite, are subject to the Latin Ordinary of the place where they are staying, especially in Latin dioceses.

²⁹LEO XIII, Letter, *Quod iampridem*, May 20, 1887, in ASS, 19 (1886-1887), pp. 513-514.

³⁰For a canonical-historical overview of the Ukrainians in the United States see V. POSPISHIL, "The Ukrainians in the United States and Ecclesiastical Structures," in *The Jurist*, 39 (1979), pp. 368-422. See also A. SENYSHYN, "Ukrainian Catholics in the United States," in *Eastern Churches Quarterly*, 6 (1945-1946), pp. 439-458.

³¹*Collectanea*, vol. II, no. 1966, note 2, p. 357.

³²Differences between the two Churches, especially in the administration of the sacraments, often led to grave misunderstandings between the Ukrainian clergy and the Latin Ordinaries. As a result of a meeting held in Wilkes-Barre, Pennsylvania on October 29, 1890, the ten Ukrainian priests serving in the United States wrote to their hierarchs in Europe asking not to be released from their jurisdiction. Later that year the priests petitioned the Apostolic See to appoint a Ukrainian bishop for the United States. See POSPISHIL, "The Ukrainians in the United States and Ecclesiastical Structures," pp. 375-376; and W. PASKA, *Sources of Particular Law for the Ukrainian*

May 10, 1892, the Congregation reiterated that the Ukrainian priests in the United States were subject to the local Latin Ordinary in all things.³³ On April 12, 1894, the Congregation wrote an encyclical letter reminding the priests that they needed the written permission of the Congregation before leaving Europe.³⁴ On November 30 of the same year, Pope Leo XIII (1878-1903) issued the apostolic letter *Orientalium dignitas* which stated that Eastern Catholics while outside their patriarchate, though obliged to follow their own rite, were subject to the local Latin Ordinary.³⁵ This principle was applied specifically to the Ukrainians in the United States by the Congregation in its decree *Romana ecclesia*.³⁶

As the number of faithful grew, on March 26, 1907, Pope Pius X (1903-1914) appointed Soter Ortynsky (1907-1916) as titular bishop of Daulia and the first bishop for Ukrainians in the United States.³⁷ The apostolic letter *Ea semper* of June 14, 1907, in keeping with the provisions of *Etsi pastoralis*, did not grant Ortynsky ordinary jurisdiction but only that which was delegated to him by each local Latin Ordinary.³⁸ Its promulgation and enforcement met with continued opposition from the Ukrainian clergy and faithful.³⁹

Catholic Church in the United States, Canon Law Studies, no. 485, Washington, DC, Catholic University of America, 1975, pp. 123-124.

³³*Aliquibus abhinc*, in *American Ecclesiastical Review*, 7 (1892), pp. 66-67.

³⁴*Relatum est*, *Collectanea*, vol. II, no. 1866, p. 303. See H. HEUSER, "The Jurisdiction of Latin Bishops over Catholics of the Greek Rite," in *American Ecclesiastical Review*, 14 (1896), pp. 338-345.

³⁵*Fontes*, vol. 3, no. 627, pp. 454-459.

³⁶May 1, 1897; *Collectanea*, vol. 2, no. 1966, p. 357.

³⁷A. WELYKYJ, *Documenta Pontificium Romanorum*, vol. 2, Rome, 1954, pp. 495-496. See B. PROCKO, "Soter Ortynsky: First Ruthenian Bishop in the United States, 1907-1916," in *The Catholic Historical Review*, 48 (1973), pp. 513-533.

³⁸When Ortynsky learned that *Ea semper* did not grant him ordinary jurisdiction he hesitated to make the decree known to his clergy and faithful. Instead, the Apostolic Delegate to the United States saw to its publication on September 17, 1907. Ortynsky then tried to convince his priests that he had no hand in promulgating any legislation which did not favour his Church. See POSPISHIL, "The Ukrainians in the United States and Ecclesiastical Structures," p. 382.

³⁹It is estimated that as a result of *Ea semper* over 90,000 Ukrainian Catholics joined the Orthodox Church. See *Orthodox America 1794-1976: Development of the Orthodox Church in America*, Syosset, NY, Department of History and Archives of the Orthodox Church in America, 1975, pp. 47-48.

Therefore, by the time Ukrainians began emigrating to Canada in the late 1890s the principle of Latin jurisdiction over Eastern Catholics who lacked their own hierarchy was firmly established.

APPOINTMENT OF A UKRAINIAN CATHOLIC BISHOP IN CANADA

In September 1891 two peasants, Wasyl Eleniak and Ivan Pilipiw, left their village Nebyliv in the province of Galicia in Western Ukraine and became the first government documented Ukrainians in Canada.⁴⁰ By the turn of the twentieth century thousands of others had followed them.

Why were so many Ukrainians willing to risk everything and venture to a foreign land? What were the political conditions in Canada which prompted a favourable immigration policy? What hardships did the newcomers encounter upon their arrival? What role did the Catholic Church play in helping them adjust to their new homeland?

Immigration to Canada

Conditions favouring immigration

By the latter half of the nineteenth century four million Ukrainians found themselves among the patchwork of nationalities which constituted the Austro-Hungarian Empire. Their numbers were concentrated in two provinces of present-day Ukraine: Galicia and Bukovyna. Most were peasants, at the bottom of the social ladder.⁴¹ Everyday life meant overpopulation, shortage of land, unemployment,

⁴⁰Yet, it is clear that the presence of Ukrainians in Canada predates 1891. Some fought on the side of England in a military encounter in 1813. Others came to Canada in 1874 with the Mennonites. Still others came from the United States and settled in Winnipeg in 1883. See M. MARUNCHAK, *The Ukrainian Canadians: A History*, Winnipeg, Ukrainian Academy of Arts and Sciences, 1982, pp. 24-25.

⁴¹For an analysis of the state of affairs in Ukraine immediately prior to mass emigration see J. PETRYSHYN, *Peasants in the Promised Land: Canada and the Ukrainians, 1891-1914*, Toronto, J. Lorimer, 1981, pp. 26-41; and J.-P. HIMKA, "The Background to Emigration: Ukrainians of Galicia and Bukovyna, 1848-1914," in M. LUPUL, ed., *A Heritage in Transition: Essays in the History of Ukrainians in Canada*, Toronto, McClelland and Stewart, 1982, pp. 11-31. See also MARUNCHAK, *The Ukrainian Canadians: A History*, pp. 17-22; W. CZUMER, *Recollections about the Life of the First Ukrainian Settlers in Canada*, translated by L. Laychuk, Edmonton, Canadian Institute of Ukrainian Studies, 1981, pp. 10-41; and O. GERUS and J. REA, *The Ukrainians in Canada, Canada's Ethnic Groups*, Booklet No. 10, Ottawa, Canadian Historical Association, 1985, pp. 3-7.

political and social oppression, and starvation. Emigration was their only hope of survival.

Across the Atlantic Ocean Sir John A. Macdonald had embarked on Canada's "manifest destiny" by aspiring to add the North-West to his confederation, which by 1867 included Ontario, Quebec, New Brunswick, and Nova Scotia. Using as a model the American system, which had successfully combined railway construction and settlement in the West, in 1870 he developed a transportation and settlement policy; however, natural and man-made barriers stifled his dream of building a transcontinental nation.⁴²

The appointment of Clifford Sifton as Minister of the Interior in 1896 by Wilfrid Laurier's newly elected Liberal government signalled a dramatic turn in Canada's history. Sifton developed an immigration policy based upon three premises: 1) Farmers and farm labourers were essential to the development of the North-West. 2) All nationalities were to be considered eligible for immigration if they were likely to become successful agriculturalists. 3) Immigration work was to be carried out through advertising and general business principles.⁴³ The Interior Department expended enormous financial and human resources to attract immigrants, not only from the British Isles, the United States, and northwestern Europe, but, for the first time, from southeastern Europe.

Dr. Joseph Oleskiw, a professor of agriculture, arrived in Canada from Ukraine in 1895 to promote settlement opportunities for his people.⁴⁴ Sifton endorsed his proposal, though not without challenge

⁴²The purchase of Rupert's Land and subsequent Riel Rebellion, the rapid expansion of the American West, which deprived the Canadian North-West of potential immigrants, and an ill-conceived government-sponsored railway project that ended in scandal and a huge debt resulted in Macdonald's defeat in the next election. However, Alexander Mackenzie's Liberal government was unable to alleviate the worsening economic crisis caused by the depression, and Macdonald made a comeback. In 1880, his government gave the newly formed Canadian Pacific Railway \$25 million and 25 million acres of land as tax exemptions in exchange for the promise to complete a transcontinental railway by 1890. Though the project was completed five years ahead of schedule, the C.P.R. was undermined by a huge national debt and the still unpopulated North-West. The problem was compounded by poor crops and bank closures. Enticed by a booming economy in the United States, more people began to leave Canada than enter.

⁴³See PETRYSHYN, *Peasants in the Promised Land*, pp. 20-21.

⁴⁴For a survey of Oleskiw's contribution as promoter of mass movement of Ukrainian settlers to Canada see MARUNCHAK, *The Ukrainian Canadians: A History*, pp. 28-38.

by political opponents.⁴⁵ Back in Ukraine, Oleskiw circulated a pamphlet outlining the opportunities available in Canada. Mass immigration to the Canadian Prairies followed soonafter.⁴⁶

Religious life in the new frontier

Two-thirds of the immigrants were Ukrainian Catholic, the remainder Ukrainian Orthodox.⁴⁷ Once in Canada, the Catholics found themselves under the jurisdiction of the Roman Catholic Church.⁴⁸ This arrangement presented three serious problems: 1) The Ukrainian Catholics, with very few priests of their own, were without religious leadership, as the Latin missionaries were not knowledgeable in their divine worship, conducted in Old Slavonic, and their Slavic traditions. 2) The insistence by the Latin bishops that only celibate Ukrainian priests be allowed entry into Canada further frustrated the spiritual needs of the newcomers, who were accustomed to a primarily married clergy. 3) Attempts to register all Ukrainian church property in the name of the Roman Catholic Church in order to protect them under civil law were resisted by the immigrants, who saw these efforts as Latin subjugation.⁴⁹

⁴⁵Despite their agricultural skills, Ukrainian immigrants were unable to abandon their peasant status. This social stigma provoked a national controversy in Canada at the turn of the century. Government critics claimed that the process of nation-building had a social dimension with long-term consequences that could not be ignored. It was clear that for some the "peasants in sheepskin coats" were not welcome. Sifton, however, continued to defend his immigration policy on the basis of economic necessity.

⁴⁶Between 1886 and 1914, when World War I cut off immigration, approximately 170,000 Ukrainians immigrated to Canada. See W. DARCOVICH and P. YUZYK, eds., *A Statistical Compendium on the Ukrainians in Canada: 1891-1976*, Ottawa, University of Ottawa, 1980, pp. 513-514.

⁴⁷See O. GERUS, and J. REA, *The Ukrainians in Canada, Canada's Ethnic Groups*, Booklet No. 10, Ottawa, Canadian Historical Association, 1985.

⁴⁸At the turn of the century, the three Latin bishops of Western Canada were Archbishop Adélarde Langevin of Saint Boniface, Manitoba; Bishop Albert Pascal of Prince Albert, Saskatchewan, and the saintly Bishop Vital Grandin of Saint Albert, Alberta, all members of the Oblates of Mary Immaculate. Other hierarchs who initially cared for the immigrants include Bishop Émile Légal, Grandin's successor, and Bishop Augustine Dontenwill of New Westminster, British Columbia. See F. MORRISEY, "Relations between Oriental Rite and Latin Rite Catholics in Canada," in *Millennium of Christianity in Ukraine: A Symposium*, 1985, Ottawa, Saint Paul University, 1987, pp. 253-267; and G. CARRIÈRE, "Les évêques oblates de l'Ouest canadien et les Ruthènes (1893-1904)," in *Vie Oblate Life*, 33 (1974), pp. 95-188.

⁴⁹See PETRYSHYN, *Peasants in the Promised Land*, p. 194.

Meanwhile, Russian Orthodox missionaries convinced many of the immigrants that they had more in common with the Orthodox Church than with the Latin Church and were really “Little Russians,” thus part of the larger Russian Empire. Furthermore, the missionaries prayed in Old Slavonic, did not demand the incorporation of church property, and did not request large fees for their services, as they themselves were subsidized by the Holy Synod in St. Petersburg. Under the leadership of Archimandrite Arsenii Chekhovtsev in Canada, the Russian Orthodox Church at its peak in 1916 claimed over 100 churches, 64 priests, and 117,000 faithful in North America.⁵⁰

In 1904 the Independent Greek Church was born. This Ukrainian Catholic-Presbyterian Church boasted independence from the Vatican, the Russian Holy Synod, and all eastern patriarchates while retaining the Eastern rite, albeit Presbyterian in spirit and democratic in form. It encouraged proselytism along two fronts: first, in 1905 the first Ukrainian language newspaper, *Ranok*, began publishing; and second, theology was taught at Manitoba College and several students’ residences were established in Winnipeg, Sifton, Teulon, and Vegreville, attracting hundreds of students. By 1911 the Independent Greek Church counted 72 congregations, 40 churches, and 19 ministers.⁵¹

The Latin hierarchy was alarmed at the advances made by these Churches and sought to alleviate the prejudices of the immigrants toward the Roman Catholic Church. The bishops, through their delegate Father Albert Lacombe, OMI, made repeated attempts to secure celibate Ukrainian priests from Rome, Vienna, and Lviv, a most difficult task in that only a small percentage of priests in Galicia were

⁵⁰Much of Chekhovtsev’s success was due to his Winnipeg based newspaper *Kanadiys’kaya nyva* and a student’s residence in Edmonton. He returned to Russia frustrated at not having been named a bishop. However, the Russian Orthodox Church continued to grow until after the Bolshevik Revolution, when subsidies ended and many of the unpaid priests defected. See P. YUZYK, “Religious Life,” in M. LUPUL, ed., *A Heritage in Transition: Essays in the History of Ukrainians in Canada*, Toronto, McClelland and Stewart, 1982, pp. 150-151; and PETRYSHYN, *Peasants in the Promised Land*, pp. 194-195.

⁵¹With declining membership and limited success in converting the immigrants, the Presbyterian Church withdrew its financial support for the Independent Greek Church in 1912. Most members returned to Catholicism or Russian Orthodoxy. See YUZYK, “Religious Life,” pp. 151-152; and PETRYSHYN, *Peasants in the Promised Land*, pp. 194-195.

not married.⁵² At the same time, Latin priests were encouraged to adopt the Eastern rite.⁵³ Those that did were not always readily received by the immigrants, who perceived them as Latinizers, which in old-country terms meant Polish domination. The Latin hierarchy feared that unless the problem of providing adequate spiritual care for the Ukrainians Catholics was resolved, the majority of them would be lost to other faiths. Yet, it strongly opposed the appointment of a

⁵²Lacombe was sent to Rome in 1900 to meet with the Oblate General Administration, upon which the Roman Catholic Church in Western Canada depended for its supply of priests. The Administration suggested that schools be established where Ukrainian children could learn English and eventually adopt the Latin rite. Lacombe argued that this would have a negative impact upon the Church, and refused to accept this approach. The Latin hierarchs in Canada then petitioned the Sacred Congregation for the Propagation of the Faith to allow their own priests to change rite to the Ukrainian Church or, at least, to permit the development of a "hybrid liturgy" in which the Latin mass and sacraments would be preserved though incorporating some Eastern elements. Both requests were refused by the Congregation. See MORRISEY, "Relations between Oriental Rite and Latin Rite Catholics in Canada," p. 257. Frustrated, Archbishop Langevin wrote Archbishop Falconio, Apostolic Delegate in Canada, on July 31, 1900, asking if it would not be better if all the Ukrainians became Latin. Langevin was immediately chastised by Bishop Grandin, who reminded him of the solicitude the Holy Father had for the Eastern Churches.

Lacombe was soon after appointed vicar general and special delegate of the three Latin bishops in the matter of the Ukrainians in Canada. His untiring negotiations with the Oblate General Administration, the Apostolic See, and various governments and religious institutes were eventually rewarded. In 1902 three priests and a lay brother of the Order of St. Basil the Great (Platonid Filas, superior, Sozont Dydyk, and Anton Strotsky; and Yaremiya Yanishewsky), and four members of the Sisters Servants of Mary Immaculate (Ambrose Marcella Lenkewich, superior, Taida Helen Wrublewsky, Isidore Pauline Shypowsky, and Emilia Klapowchuk) arrived in Canada. For a history of the missionary activity of these two Ukrainian religious orders see N. SAVARYN, "Misiyna pratsya oo. Vasyliyan v Kanadi," in *Propamyatna knyha z nablydy zolotoho yuvileyu poselennya ukrayins'koho narodu v Kanadi (1891-1941)*, Yorkton, Ukrainian Catholic Episcopal Ordinariate, 1941, pp. 45-58; and C. POWOWICH, SSMI, *To Serve is to Love: The Canadian Story of the Sisters Servants of Mary Immaculate*, Toronto, Sisters Servants of Mary Immaculate, 1971.

⁵³When the Sacred Congregation for the Propagation of the Faith reversed an earlier decision and began to allow Latin priests to transfer to the Ukrainian Church in 1906, among the first to do so were several Redemptorists from Belgium (Achilles Delaere, Henry Boels, Natalis Decamp, and Charles Techeur) and French-Canadians (A. Sabourin, D. Claveloux, O. Gagnon, A. Desmarais, and J. Jean). Though several of the European priests remained in the service of the Ukrainian Church permanently, Jean was the only French-Canadian. For his contribution to Ukrainian religious life in Canada see Z. KEYWAN, *A Turbulent Life: Biography of Josaphat Jean, OSBM (1885-1972)*, Verdun, Quebec, Clio Editions, 1990.

Ukrainian bishop on the grounds that it would divide jurisdiction.⁵⁴

Appointment of a Bishop

Intervention of Metropolitan Andrey Sheptytsky

Andrey Sheptytsky, Metropolitan of Lviv-Halych, was deeply concerned about his faithful who had emigrated to Canada. On an invitation by Lacombe in 1900, he sought to visit them; however, the necessary permission was denied him by the Sacred Congregation for the Propagation of the Faith, despite the fact that the Latin bishops and Apostolic Delegate in Canada had written Rome and Vienna supporting the canonical visitation.⁵⁵ In his place, Sheptytsky sent his own personal secretary, Father Vasyl Zholdak, to Canada in 1901 to study the situation. He was again sent to Canada in 1902, this time by Leo XIII as Visitor to the Galicians in Manitoba and the North-West.

Having finally acquired the necessary permission, Sheptytsky attended the International Eucharistic Congress in 1910 in Montreal and spent two months visiting his faithful across Canada. In March 1911, he prepared an *Address on the Ruthenian Question to Their Lordships the Archbishops and Bishops of Canada*, presenting arguments favouring the creation of a separate Ukrainian Catholic

⁵⁴At the turn of the century and prompted by the Austro-Hungarian government, which was alarmed at the efforts of the Russians amongst the Ukrainians, the Apostolic See did consider the possibility of appointing priest under-delegates for Ukrainians in North America, one for Canada and another for the United States. Each was to function under his respective apostolic delegate and would have the mandate of an apostolic visitor, exercising only that jurisdiction granted to him by individual Latin bishops. The implementation of the project, however, was delayed in December 1900, by Pope Leo XIII (1878-1903) when a new Austrian ambassador to Rome was appointed.

⁵⁵In order to make the visit Sheptytsky required permission from both the Apostolic See and the Austrian government. On September 11, 1901, he wrote to Lacombe expressing his dismay: "Having learned that Cardinal Ledochowski has opposed rather than supported my project I am temporarily postponing it until next year. In November I shall be in Rome where the matter will be discussed, and if it pleases God I will come during the following year" (Archives of the Oblate Fathers, Edmonton).

Petryshyn concludes that Sheptytsky was not allowed to make the trip because Count Mieczyslaw, Cardinal Ledechowski and other representatives of the Polish aristocracy were not supportive of Ukrainians (*Peasants in the Promised Land*, p. 197). B. Kazymyra ("Metropolitan Andrew Sheptyckj and the Ukrainians in Canada," in *Canadian Catholic Health Association, Report*, 1957, pp. 79-80) and Popowich (*To Serve is to Love*, pp. 28-30) arrive at the same conclusion.

eparchy in Canada with its own Ukrainian bishop.⁵⁶ His main concern was the religious destiny of future generations of Canadian Ukrainians, and he feared most the Protestant Church, which had control of the teachers' training schools and several periodicals.

He believed that the problem could not simply be solved through an increase in the number of Ukrainian clergy. In his *Address*, he wrote that it was "absolutely necessary to obtain from the Holy See the nomination of a Bishop of Ruthenian Rite and nationality, who would have entire jurisdiction over all the Ruthenians, or, at least, if that would be preferable, a separate diocese with a limited territory, however small in size and delegation of the bishop of the place in the other dioceses."⁵⁷ Without a Ukrainian bishop, other problems, such as the registration of church property in the name of the proper ecclesiastical authority would not be resolved.⁵⁸

⁵⁶The original English text of the *Address* (= SHEPTYTSKY, *Address*) was republished in M. MARUNCHAK, ed., *Two Documents of the Ukrainian Catholic Church, 1911-1976: Address to Their Lordships the Archbishops and Bishops of Canada; Address to His Holiness Pope Paul VI*, Winnipeg, National Council of Ukrainian Organizations for the Patriarchate of the Ukrainian Catholic Church, 1977. A copy of the original French text (*Mémoire sur la question ruthène présenté aux Illustrissimes Archevêques et évêques du Canada*) can be found in the Archives of the Archeparchy of Winnipeg. A Ukrainian translation is reproduced in B. KAZYMYRA, "Metropolyt Andriy Sheptytsky ta kanadiys'ki ukrayinci," in *Propam'yatna knyha oo. Vasyliyan u Kanadi: 50 lit na sluzhbi Bobovi y narodovi (1902-1952)*, Toronto, Basilian Press, 1953, pp. 125-149.

Until the late 1940s the Apostolic See applied the term "Ruthenian" to all Slavic Byzantine Catholics from the Austro-Hungarian Monarchy, including Ukrainians. In the United States, following the death of Bishop Ortynsky in 1916, the terms "Ukrainian" and "Ruthenian" already began to denote two distinct ecclesiastical realities with separate hierarchies depending upon the origin of the immigrants—the former from Galicia and Bukovyna and now called exclusively Ukrainians, and the latter from Subcarpathia including Ukrainians, Slovaks, Magyars, or Croats. (See V. POSPISHIL, "The Ukrainians in the United States and Ecclesiastical Structures," in *The Jurist*, 39 (1979), pp. 368-373). However, in Canada, the immigrants were much more homogeneous in origin, coming primarily from Western Ukraine, and, thus, properly called "Ukrainians." Therefore, the term "Ukrainian" is oftentimes substituted throughout this study for "Ruthenian" to denote those immigrants in Canada from present day Ukraine.

⁵⁷SHEPTYTSKY, *Address*, p. 15.

⁵⁸He summarized the position of the immigrants thus: "To give up our church to the ecclesiastical authority can only be done in return for the help of the Latin bishops in obtaining a Ruthenian bishop: if we give it up without condition we run the risk of never getting a bishop of our own" (SHEPTYTSKY, *Address*, p. 21).

The Metropolitan presented the following four arguments to substantiate his position:

1) "Necessity of Catholic authority among the Ruthenians." Likening the Ukrainians in Canada to a transplanted tree which is "sick and enfeebled," he feared the Protestant advances in having managed to characterize the chief Latin representatives of Catholicism and hierarchy as enemies of the Ukrainian people. In order to curb this movement, he emphasized the different ecclesiologies of the West and the East:

The Christian of the West, inclined by nature and by tradition to individualism, is personally attached to the Apostolic See. The attachment to his bishop is a part of his faith in the Holy See. The Oriental, no less attached to the constitution of the Church, is so in another way: it is his priest and bishop whom he considers in the first place, and it is in their attachment to the Apostolic See that he is also attached to it. Clearly this was the Catholicity of the ninth century; it was by their bishop that they were attached to the Church, not by the person of the Pope.⁵⁹

2) "Necessity of a central action," that is, the nomination of a Ukrainian bishop would bring about central activity. The diversity of rite brings about a diversity in discipline regarding many matters, and Sheptytsky argued that Latin bishops and missionaries ignorant of the Ukrainian rite not only could not resolve the daily questions that arose concerning rubrics and ceremonies, but themselves added to the confusion. A Ukrainian bishop, on the other hand, would give missionaries the protection of an authority figure accepted by the people:

The position of the missionary in Canada is such at present that in the eyes of the people the Ruthenian priest from Galicia has more authority than the Latin bishop, and the priest who is on the side of this bishop has less authority than the one who is against him. It is very painful for me to have to say it, but it is most certainly the case. The Latin bishop is considered as an enemy, and the priest who is on his side is no patriot, while the priest who is against him is a true patriot...

Whereas ordinarily the missionary can fall back upon the protection of the bishop accepted by the people, in the present case the missionary has at every moment the risk of losing all his own authority in order to save that of the bishop, which in the end he will be unable to defend on the account of the prejudice which has all the marks of a fixed idea, and so he will lose his own authority also...

⁵⁹SHEPTYTSKY, *Address*, pp. 16-17.

The Ruthenian bishop consequently will uphold and increase by his authority that of the missionary, by placing himself as a rampart between him and the mistrust and prejudice of the people.⁶⁰

3) "Desire of the Ukrainian people." The nomination of a bishop for the Ukrainian faithful in the United States in 1907 left the immigrants in Canada with the impression that one would also be appointed for them in the near future. If their expectations went unrealized, Sheptytsky predicted that their disillusionment would eventually result in crisis and rebellion.

4) "Important problem of registration of the churches." Of the 93 Ukrainian parishes in Canada in 1911, just 20 were registered in the name of some ecclesiastical authority: ten in the name of the Order of St. Basil the Great and the remainder generally as a Greek Catholic Parish. Only one church in all Canada was registered in the name of the Latin diocesan corporation. Sheptytsky argued:

To register the church in the name of the [Latin] diocesan corporation is in the eyes of the people treason to the nation and to the faith of their fathers, it is the same as passing over to the Latin rite and becoming Poles. In their eyes this would be sinful, and to advise such a step would make the priest lose all his authority on account of the enormous scandal it would cause... [T]he others (or a large number of them) could easily be registered in the name of a Ruthenian bishop and are only independent because there is not one. This fact, I say, is a most serious argument for obtaining from Rome a Ruthenian bishop. If for one instance one managed to have all the churches built by Ruthenians registered in the name of an ecclesiastical authority, it might seem no longer necessary to obtain from Rome the nomination of a bishop. The people understand the situation perfectly, and one cannot but admit the truth and justice of their contention that "to advise the registration of the churches in the name of an ecclesiastical authority is to lessen the probability of a favourable decision of the Holy See."⁶¹

The Metropolitan was also concerned about the outright refusal of the missionaries to enter churches which were not properly registered. He supported their decision taken at a January 4, 1910 meeting under the presidency of the Archbishop of St. Boniface: religious services were to be held in non-registered churches only when a formal promise was made by the trustees of the church or by the people in general, preferably in writing, to the effect that no schismatic priest would be admitted. However, Sheptytsky added that

⁶⁰SHEPTYTSKY, *Address*, pp. 18-19.

⁶¹SHEPTYTSKY, *Address*, pp. 20-21.

if the people refused to make such a promise or did not hold to it the rebel colony should not be neglected: "One must insist on the churches being registered or transferred, as has been said in the name of an ecclesiastical authority, but if one meets with an obstinate refusal one must not abandon them."⁶²

Sheptytsky concluded his *Address* by arguing that these obstacles were more serious than they at first seemed and could only be surmounted by the appointment of a Ukrainian bishop.⁶³

In light of the *Address*, on November 15, 1911, the Apostolic Delegate to Canada, Archbishop Sbarretti, submitted his report to the Sacred Consistorial Congregation. He stated that there were sufficient grounds for the Apostolic See to consider the appointment of a Ukrainian bishop and that such appointment had the support of Archbishop Langevin and Bishops Legal and Pascal:

The Most Reverend Archbishop and the Most Reverend Bishops of the ecclesiastical province of Saint Boniface are unanimous in saying that there are sufficiently grave reasons for the appointment of a Ruthenian Bishop, v.g., a) the urgent necessity to protect the Ruthenians against the dangers of schism and heresy; b) the recruiting of the indigenous clergy; c) the incorporation of the churches on the ecclesiastical authority; and d) the wish of the priests of the Ruthenian rite.⁶⁴

Report of Cardinal Cassetta to the Apostolic See

At the request of the Sacred Congregation for the Propagation of the Faith for the Affairs of the Eastern Rite, Cardinal Francesco di Paola Cassetta prepared a report on the situation of the Ukrainian immigrants in Canada.⁶⁵ He concluded that in order to stay the threat

⁶²SHEPTYTSKY, *Address*, p. 22.

⁶³He was aware that the nomination of a bishop would not be without a cost to the Ukrainian Church in Canada. Petryshyn writes that he "was willing to accept compromises in exchange for an Eastern rite bishopric. These included celibate priests and the continued missionary work of Latin rite priests among the Ukrainians, provided they used the Eastern rite and learned the Slavic language" (*Peasants in the Promised Land*, p. 198).

⁶⁴Declaration made on November 6, 1911 at the annual episcopal conference held in Quebec; Archives of the Archeparchy of Winnipeg. Earlier that year, on July 28, Archbishop Langevin and Bishops Legal and Pascal had written the Apostolic Delegate indicating that they were in favour of the appointment and were prepared to welcome the new bishop with full obedience to the Apostolic See (Archives of the Archeparchy of Winnipeg).

⁶⁵SACRA CONGREGAZIONE DE PROPAGANDA FIDE PER GLI AFFARI DI RITO ORIENTALE, L'Eminentissimo e Reverendissimo Signor Cardinale Francesco di Paola Cassetta, Ponente, *Relazione con Sommario: Circa la nomina di un Vescovo Ruteno per*

they faced in losing their Catholic identity, a Ukrainian bishop should be appointed without delay. His jurisdiction could be determined in one of the three following ways:⁶⁶

1) Appoint a bishop who would have complete jurisdiction over all Ukrainian Catholics across Canada, based more or less upon the example of the military bishops in the Austro-Hungarian Empire.

2) Erect a new eparchy with a separate territory in which the Ukrainian bishop would exercise direct and immediate jurisdiction, granting him special delegated jurisdiction over all Ukrainians living outside this territory.

3) Appoint a bishop without any territory or direct jurisdiction, only that delegated by those Latin bishops where Ukrainians lived.

Cassetta added that the first proposal would necessarily result in a Canada-wide jurisdiction for the new bishop since, though the majority of Ukrainians had currently settled in Western Canada, it was feasible to conceive that they would eventually populate other parts of the country as well.

The second proposal presented certain difficulties in that Ukrainians did not live in one territory completely isolated from Latin Catholics and that dual jurisdiction in the same territory was not desired by the Latin bishops.⁶⁷ Furthermore, the implementation of this proposal would have been considerably delayed since: 1) the Congregation did not have accurate information as to where Ukrainians tended to settle; and 2) the dismemberment of existing dioceses and the formation of a new diocese required prior consultation with the Latin bishops.

l'assistenza dei fedeli di quel rito emigrate nel Canada (=Relazione con Sommario), Anno 1912, no. 6, Prot. no. 31945, July, 1912, Tipografia Poliglotta Vaticana, Rome.

⁶⁶*Relazione con Sommario*, pp. 20-22.

⁶⁷Cassetta writes: "...it would be inconvenient to have a dual jurisdiction in the same territory; inconvenient nevertheless because if one considers that the Bishops of Canada, though well disposed to find a quick solution to the question, are hesitant, which should not be overly exaggerated, because it will not be very difficult to find also in Canada a *modus vivendi* which would satisfy the needs of diverse jurisdictions to co-exist without problems even in Austria, in Hungary, and much more so in various parts of the East where, for example, in the cities of Damascus and Aleppo, we find four or five Ordinaries of different rites, each one exercising complete jurisdiction over the faithful of his rite," *Relazione con Sommario*, pp. 20-21.

The third proposal had already been tried in the United States when Bishop Soter Ortynsky was appointed bishop in 1907. Cassetta recommended that it not be implemented in Canada without certain conditions:

This in practice presents great difficulties by subjecting the Ruthenian Bishop to the arbitrariness of the individual local Ordinaries who have proven to be not too co-operative. Many, in fact, have given Monsignor Ortynsky very broad faculties to serve the Ruthenians, while others have used it to hinder the rights given them by the Apostolic Constitution [*Ea semper*], have used it to hinder the work of co-operation in order to render that ministry very difficult and hard among the Ruthenian people who in the past have been stirred up by a group of Ruthenian Hungarian priests who because of political party and nationality are opposed to the Rutheno-Austrian bishop.

It is to be noted that such an inconvenient practice should not be repeated in Canada where the Ruthenians with the exception of a few hundred, are all Galicians and where all the interested bishops are unanimous in having a bishop for the Ruthenians, and who are filled with a zeal, truly apostolic and disinterested for the spiritual welfare of these faithful. But in order to prevent any hard feelings from the beginning the local individual Ordinaries of Canada in whose territories Ruthenians are found, should be convinced to renounce all jurisdiction over them in favour of the appointed bishop so they would not regard him as their vicar general over the Ruthenians.⁶⁸

As for the place of residency for the new bishop, Cassetta recommended the city of Saskatoon as it was centrally located amidst the Ukrainian settlements. He also suggested that the bishop be selected from among Ukrainian clergy in Galicia and not Hungary, as almost all the Ukrainian immigrants in Canada were from the former.

Having thoroughly studied the report and other related material, on July 15, 1912, with the Apostolic letter *Officium supremi apostolatus*, Pope Pius X chose to erect the Apostolic Exarchate for the Faithful of the Ukrainian Rite in Canada.⁶⁹ At the same time, he appointed Nykyta Budka of the Archeparchy of Lviv as titular bishop of Patara and Apostolic Exarch for Ukrainians in Canada with full ordinary and personal jurisdiction.⁷⁰

⁶⁸*Relazione con Sommario*, pp. 21-22.

⁶⁹AAS, 4 (1912), pp. 555-556.

⁷⁰AAS, 4 (1912), p. 531.

***Fidelibus ruthenis* (1913)**

On August 18, 1913, within one year of Bishop Budka's appointment, the Sacred Congregation of the Propagation of the Faith for the Affairs of the Eastern Rite promulgated the decree *Fidelibus ruthenis* for a period of ten years. Its purpose was to regulate mutual relations between the Ukrainian and Latin bishops, clergy, and faithful, and "to avoid any controversies which may arise out of ritual and disciplinary differences."⁷¹

The decree is divided into 41 articles and four chapters:

- I: The Bishop of the Ruthenian Rite (arts. 1-9)
- II: The Clergy of the Ruthenian Rite (10-23)
- III: The Faithful of the Ruthenian Rite (24-33)
- IV: Marriage Between the Faithful of Mixed Rite (34-41)

Each article is summarized below with particular attention given to significant differences between *Fidelibus ruthenis* and *Ea semper* (1907). As *Fidelibus ruthenis* is much more favourable to Eastern Catholics living outside their patriarchate than previous legislation, a comparison of the two decrees helps us to appreciate the historical departure from the norms contained in *Etsi pastoralis* (1742).

The Bishop of the Ruthenian Rite

Appointment and jurisdiction

***Ea semper* (1907)**

The Bishop of the Ruthenian rite is under the immediate jurisdiction and authority of this Apostolic See, and is under the supervision of the Apostolic Delegate in Washington, D.C. He has no ordinary jurisdiction but only a delegated one from the several Ordinaries in whose dioceses Ruthenians reside (I,2).

***Fidelibus ruthenis* (1913)**

The Bishop of the Ruthenian rite is under the immediate jurisdiction and authority of this Apostolic See. He, however, exercises full ordinary and personal jurisdiction over all the faithful of the Ruthenian rite living in Canada, dependently temporarily only upon the Apostolic Delegate (I,2).

While the appointment of a bishop for Ukrainians in both Canada and the United States was reserved without exception to the Apostolic See (*Ea semper*, I,1; *Fidelibus ruthenis*, I,1), a major historical innovation occurred in *Fidelibus ruthenis* concerning the jurisdiction

⁷¹AAS, 5 (1913), pp. 393-399. The Latin text of the decree and an English translation are to be found in Appendix I.

exercised by each bishop. Whereas it is clear from *Ea semper* that *Etsi pastoralis* had been extended to the Ukrainians in the United States and, therefore, Bishop Ortynsky did not receive any ordinary jurisdiction,⁷² *Fidelibus ruthenis* granted full ordinary and personal jurisdiction to an Eastern Catholic bishop over his faithful living in a predominately Latin territory, in this case, to Bishop Budka for the Ukrainian faithful in Canada.⁷³

Episcopal functions

Ea semper (1907)

His task is to watch over the integrity of the Ruthenian Rite, to consecrate the holy oils for them, dedicate churches of his Rite, administer the sacrament of confirmation to his people, carry out pontificals in Ruthenian churches, and ordain Ruthenian candidates to the priesthood, having received in every case dimissorial letters of the local Ordinary (I,2).

Fidelibus ruthenis (1913)

The said Bishop shall have the right and power to rule and govern his flock and to establish laws and statutes in matters which are not contrary to the common law. Moreover, his function will be to see that first doctrine and good morals, then the rites and discipline of the Eastern Catholic Church, be observed in their entirety (I,3).

Ortynsky's episcopal functions had been generally limited to the celebration of the divine praises and the administration of the sacraments. Budka, however, like all Latin bishops exercising

⁷²Although many Latin bishops granted Ortynsky full faculties, some conferred upon him only the right to visit his faithful, reserving to themselves all administration such as accepting and dismissing pastors, granting faculties to priests and matrimonial dispensations, purchasing land, and erecting parishes. See PASKA, *Sources of Particular Law for the Ukrainian Catholic Church in the United States*, p. 48; POSPISHIL, "The Ukrainians in the United States and Ecclesiastical Structures," p. 381.

⁷³The jurisdiction was full in that it was indivisible and, therefore, the bishop possessed all legislative, administrative, and judicial authority; ordinary as it was attached to the office itself and could not be restricted or withdrawn without removing the bishop from office; and personal in that it was bound to the person of the bishop and could not be delegated in its entirety.

Eventually, on May 28, 1913, prior to the promulgation of *Fidelibus ruthenis*, Ortynsky did receive full and ordinary jurisdiction over all his faithful and clergy living in the United States (SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH FOR THE AFFAIRS OF THE EASTERN RITE, *Cum episcopo*, August 17, 1914, AAS, 6 (1914), pp. 458-463). This information, however, was communicated to the American Latin Ordinaries by the Apostolic Delegate only on August 25, 1913, that is, after the promulgation of *Fidelibus ruthenis*. The Delegate's letter is reproduced in *Ecclesiastical Review*, 49 (1913), pp. 473-474; and in PASKA, *Sources of Particular Law for the Ukrainian Catholic Church in the United States*, p. 157.

jurisdiction in Canada, possessed full administrative, legislative, and judicial authority.

The manner in which the two bishops performed parish visitations, for example, illustrates the difference between the two decrees. Prior to making a canonical visitation, Ortynsky needed the written permission of the local Latin Ordinary. During the visitation, he was required by law to ensure that all church property was registered in the name of the local Latin Ordinary or his appointed trustees. Ortynsky was also to give a report on the moral and economic state of the parish or mission to that Ordinary, who, in turn, was the sole competent authority to judge whether the ecclesiastical goods were properly administered (*Ea semper*, 1,3-5).

Budka, on the other hand, conducted visitations at his own discretion. He did not require the written permission of the local Latin Ordinary, he did not report to him, nor did church property need to be registered in his name. However, to ensure the protection of the temporal goods of the Church, Budka was required to seek counsel from lay financial advisors, making use of all available civil mechanisms such as title deed (*Fidelibus ruthenis*, 1,4-5).

Settlement of controversies

Both decrees contained identical provisions for settling disputes between the Ukrainian and the Latin bishops: the matter was to be referred for arbitration and settlement to the Apostolic Delegate, with the right for direct appeal to the Apostolic See (*Ea semper*, 1,6; *Fidelibus ruthenis*, 1,6).

Residency and sustenance

Ea semper (1907)

To ensure annual revenue for the subsistence of the Bishop of the Ruthenian rite, each Ruthenian rite community must strive to provide him, in the nature of a *cathedraticum*, an amount according to the current practice and norms in force in the dioceses of the United States in which stable Ruthenian missions are found (1,8).

Fidelibus ruthenis (1913)

To ensure annual revenue for the subsistence of the Bishop, and until such time as there is stable revenue, each Ruthenian community must strive to provide him, in the nature of a *cathedraticum*, a certain and moderate amount, which he himself determines in an equitable manner (1,8).

Ortynsky was to reside in Philadelphia and Budka in Winnipeg (*Ea semper*, 1,7; *Fidelibus ruthenis*, 1,7), while each was to fulfill his episcopal functions through funds received from *cathedraticum*, that

is, a proportionate taxation of their faithful. In determining the amount of the tax, Ortynsky was to adhere to Latin diocesan statutes (*Ea semper*, I,8), while Budka was able to do so independently, provided that the amount was definite and moderate (*Fidelibus ruthenis*, I,8).

Reporting and ad limina visit

Ea semper (1907)

The Bishop of the Ruthenian rite shall, every three years, give a full and accurate account of the personal, moral and material condition of the mission of his rite to the Apostolic Delegate in Washington, D.C., who shall send it to the Sacred Congregation of the Propagation of Faith for the Affairs of the Eastern Rite (I,9).

Fidelibus ruthenis (1913)

The Bishop shall, every five years, give a full and accurate account of the personal, moral, and material condition of the missions of his rite, to the Apostolic Delegate, who shall send it to the Sacred Congregation of the Propagation of Faith for the Affairs of the Eastern Rite, and also, according to the custom established by the bishops in Canada, he shall at least every ten years make a visit *ad limina* to pay his respects and obedience to the Supreme Pontiff, and to give him an account of the performance of his pastoral duty and of everything pertaining to the condition of his church, the morals and discipline of clergy and people, and the welfare of the souls committed to his care (I,9).

Both bishops were required to compile an extensive report—triennial for Ortynsky, quinquennial for Budka—concerning the personal, moral, and material status of their parishes. The report was to be forwarded to the Apostolic See through the proper Apostolic Delegate. Furthermore, Budka was obliged to make an *ad limina* visit to the Bishop of Rome once every ten years. That Ortynsky did not have a similar obligation is another indication that he did not possess ordinary jurisdiction.

The Clergy of the Ruthenian Rite

Formation and celibacy

In the beginning, almost all Ukrainian priests in Canada and the United States were from Europe. However, the Apostolic See quickly made it clear that candidates for the priesthood were to be trained locally and that seminaries were to be established in the respective

countries as soon as possible. Meanwhile, Ukrainians were to be admitted to Latin seminaries.

Ea semper (1907)

A selected priest is to be celibate, or at least a widower with no children, of good life, endowed with zeal and piety, sufficiently learned, without avarice, and aloof from political factions (II,10).

Fidelibus ruthenis (1913)

Priests may not be admitted to exercise the sacred ministry among the faithful of the Ruthenian rite unless they are celibates, or at least widowers with no children, of good life, endowed with zeal and piety, sufficiently learned, without avarice, and aloof from political factions (II,11).

As a married clergy was scandalous to the Latin hierarchy, only celibate candidates were to be admitted to the seminary, only celibates were to be ordained to the priesthood, and only celibates, or at least widowers without children, from Europe were to be allowed to exercise ministry in Canada and the United States.

Clergy coming from Europe

Ea semper (1907)

(T)he local Ordinary, having heard the Bishop of the Ruthenian rite if he considers it appropriate, may himself place a suitable Ruthenian priest already living in the area in charge. If a suitable candidate is not found in the diocese, the local Ordinary is to himself ask for one from another Bishop of the United States. However, if none are found, he is to refer the matter to the Sacred Congregation for the Propagation of Faith for the Affairs of the Eastern Rite, to whom it pertains to provide one (II,11).

Fidelibus ruthenis (1913)

(T)he Bishop of the Ruthenian rite may ask the Ruthenian Bishops of Galicia or Hungary, through the Sacred Congregation for the Propagation of Faith for the Affairs of the Eastern Rite, for priests who are celibate or widowed.... (II,12).

Until a sufficient number of native born and educated priests were to be had in Canada and the United States, parishes could be supplied with European priests. However, the procedure in acquiring priests was different in each country. In the United States, the local Latin Ordinary was to ensure that vacancies were filled first from available Ukrainian priests within the diocese. If there were none, he was to petition other bishops and, if still unsuccessful, he was to inquire at the Congregation for the Propagation of Faith. Ortynsky may or may not have been consulted throughout the process. In

Canada, it was Budka who was responsible for filling vacancies. He was empowered, through the mediation of the Congregation, to petition the bishops of Galicia and Hungary for suitable priests and to grant them faculties (*Fidelibus ruthenis*, II,13).

Administration of the sacrament of chrismation with holy myron

Ea semper (1907)

It is completely prohibited to Ruthenian priests living in America to sign the baptized with holy chrism; and if they do otherwise, let them know that they act invalidly (II,14).

Fidelibus ruthenis (1913)

The Latin bishops in the United States desired that Ukrainians conform to their rite in as much as possible, even to the extent of prohibiting Ukrainian priests from administering the sacrament of chrismation with holy myron under pain of invalidity. The prohibition is reminiscent of *Etsi pastoralis*, which had prohibited Greek priests from doing the same. *Fidelibus ruthenis* recognizes the right of Ukrainian priests in Canada to administer the sacrament in that the matter is entirely omitted from the decree.

Incardination and jurisdiction

Those priests from Europe who came to the United States and Canada retained their incardination in the eparchies of their origin; however, for the duration of their stay in North America, their bishops exercised no jurisdiction over them (*Ea semper*, II,15; *Fidelibus ruthenis*, II,14).

In the United States, these priests received their faculties directly from the local Latin Ordinary. If they wanted to transfer from one diocese to another, they required the consent of the Latin bishops *a quo* and *ad quem*, while the Ukrainian bishop needed only to be informed of the changes. If they chose to return to Europe, they required the written permission of the Latin Ordinary before doing so (*Ea semper*, II,15). In Canada, on the other hand, these priests were under the sole jurisdiction of the Ukrainian bishop and received their faculties directly from him (*Fidelibus ruthenis*, II,14).

Priests ordained in the United States, regardless of their place of birth or domicile, were incardinated in the diocese of the local Latin Ordinary, who accepted them into the seminary and before whom they had taken the oath of fidelity and stability in missionary service (*Ea semper*, II,16). In Canada, however, such priests were

incardinated in the exarchate of the Ukrainian bishop and remained under his jurisdiction (*Fidelibus ruthenis*, II,15).

Removability and recourse

For a just and serious cause, priests in the United States and Canada were removable at the will of the local Latin Ordinary and Ukrainian bishop, respectively (*Ea semper*, II,17; *Fidelibus ruthenis*, II,16). Priests who contested their removal had the right to lodge a devolutive appeal with the Apostolic Delegate, with the possibility of having recourse to the Apostolic See at any time during the process (*Ea semper*, II,18, *Fidelibus ruthenis*, II,17).

Sustenance and stole fees

In the United States, salaries of priests, stole fees, and emoluments were to be determined in accordance with the III Plenary Council of Baltimore, Latin diocesan statutes, local custom, and the judgment of the Ukrainian bishop (*Ea semper*, II,19-20). The Ukrainian bishop in Canada was responsible for providing salaries for his priests from the aggregated or accumulated revenues of the parishes and to determine stole fees and emoluments according to approved local custom (*Fidelibus ruthenis*, II,18-19).

Latin priests who transfer

While *Ea semper* is silent on the matter, the Apostolic See encouraged Latin bishops with large numbers of priests in Canada to come to the assistance of the Ukrainian bishop. Latin secular priests who adopted the Ukrainian rite were placed under the direct jurisdiction of the Ukrainian bishop. In the case of Latin regular priests, while remaining under the jurisdiction of their own religious superiors in matters which pertained to religious life, they too were subject to the Ukrainian bishop where the spiritual care of his faithful was concerned (*Fidelibus ruthenis*, II,20-21).

Communication of jurisdiction

Unlike that of his counterpart in the United States, the jurisdiction of the Ukrainian bishop in Canada extended throughout the country. At the same time, where the Ukrainian faithful lived some distance from an established Ukrainian mission, or they did not have a priest of their own in the area, the Ukrainian bishop was able to communicate his jurisdiction to the local Latin priest. Latin bishops were to do likewise (*Fidelibus ruthenis*, II,22-23).

The Faithful of the Ruthenian Rite

Conformation to the Latin rite

Ordinarily, the faithful are subject to the pastor of their own church. However, in the case of Ukrainians in the United States and Canada, they could conform themselves to the Latin rite where they lacked their own priests and parishes or even where the distance to their own church was considerable (*Ea semper*, III,21; *Fidelibus ruthenis*, III,24).

Transfer of rite

Having established an actual and permanent domicile in the United States or Canada, the Ukrainian faithful were at liberty to transfer to the Latin Church with the permission of the Apostolic See. In the United States, the Ukrainian bishop need not have been consulted in such cases; in Canada, however, the opinion of the Ukrainian bishop was necessary (*Ea semper*, III,22; *Fidelibus ruthenis*, III,25). If the faithful later returned to Europe, they were free to transfer back to their native church with the permission of the Holy See (*Ea semper*, III,23; *Fidelibus ruthenis*, III,26). Any Latin priests who induced a member of the Ukrainian faithful to transfer to the Latin Church fell under an Apostolic censure *ferendae sententiae* (*Ea semper*, III,24; *Fidelibus ruthenis*, III,27).

Sacrament of confession

Ea semper (1907)

The faithful of the Ruthenian rite, even in places where a Ruthenian priest is available, can validly and licitly confess their sins to, and receive absolution from, a priest of the Latin rite who is approved by the local Ordinary (III, 25).

Fidelibus ruthenis (1913)

The faithful of the Ruthenian rite, even in places where a Ruthenian priest is available, can validly and licitly confess their sins to, and receive absolution from, a priest of the Latin rite who is approved by the local Ordinary. Likewise, the faithful of the Latin rite can go to confession to a priest of the Ruthenian rite who is approved by his bishop, in places where there is a mission or church of the Ruthenian rite (III,28).

Ukrainian faithful in the United States and Canada could validly and licitly receive the sacrament of confession from any Latin priest who possessed the faculty (*Ea semper*, III,25; *Fidelibus ruthenis*, III, 28). While *Ea semper* is silent on the matter, *Fidelibus ruthenis* allowed for the possibility whereby Latin faithful could also confess their sins to a Ukrainian priest (III,28).

Censures and reservations of the Latin Church automatically affected the Ukrainian faithful in the United States (*Ea semper*, III, 25). In Canada, however, the Ukrainian bishop, in virtue of his ordinary jurisdiction, possessed the faculty to establish censures and reserved sins other than those of the Latin Church. Priests of one church could not absolve the faithful of another from censures and cases reserved by their proper bishop without his explicit permission (*Fidelibus ruthenis*, III,28).

Reception of the Divine Eucharist and Holy Viaticum

In general, the faithful receive the sacrament of the Divine Eucharist according to their own rite. However, *Fidelibus ruthenis* decreed that Ukrainian and Latin faithful could receive the Eucharist in either church out of devotion (III,29). Out of necessity, a priest could administer the Eucharist consecrated in another rite, but in accordance with the prescriptions of his own ritual and provided that a priest of the other church was not present (*ibid.*).

This concession does not include the precepts of Easter Communion and Holy Viaticum. These are deemed parochial rights and, therefore, to be received in one's own rite and from one's own pastor, with the understanding, however, that the dying can receive Holy Viaticum from any priest, even from another church (*Fidelibus ruthenis*, III,30-31).

Ea semper did not legislate in these areas.

Celebration of funerals

In families where one spouse is Ukrainian and the other Latin, the celebration of funerals and stipends received therefrom belong not to the priest who performed the services but to the pastor of the church in which the deceased was a member (*Fidelibus ruthenis*, III, 32).

Again, *Ea semper* did not provide any legislation in this regard.

Observation of feast days and fasts

Ukrainians in the United States and Canada were permitted to observe feast days and fasts according to the custom of the place in which they were living, even that of the Latin Church. However, on Sundays and those feast days which were celebrated on the same day in both the Ukrainian and Latin Churches, they were obligated to attend Divine Liturgy in a church of their own rite (*Ea semper*, III,26; *Fidelibus ruthenis*, III,33).

Marriage between Faithful of Mixed Rite

A major innovation of *Fidelibus ruthenis* over *Ea semper* was in the area of inter-ecclesial matrimonial legislation. Whereas *Ea semper* merely duplicated the marriage legislation of *Etsi pastoralis*, which favoured the Latin Church to the detriment of the Greek Church, *Fidelibus ruthenis* recognized equality between churches.

Spousal transfer of rite

Ea semper (1907)

Marriages between Ruthenian and Latin Catholics are not forbidden; but a Latin husband may not follow the rite of his Ruthenian wife, nor can a Latin wife follow the rite of her Ruthenian husband (IV, 27).

If, however, a Latin man marries a Ruthenian woman, the wife may completely transfer to the Latin rite during the marriage, either at the time of marriage or after; once she has given her consent to do so, she may not revoke it while her husband is living (IV,28).

If the marriage is dissolved, the Ruthenian wife, who had embraced the rite of her husband, is free to return to her own rite (IV,29).

Fidelibus ruthenis (1913)

Marriages between Ruthenian and Latin Catholics are not forbidden; but to prevent the inconveniences which usually arise in families from the diversity of rite, it is provided that the wife may, during the marriage, follow the rite of her husband; however, this does not bring about a change from her native rite (IV,34).

If the marriage is dissolved, the woman can return to her rite of origin (IV,35).

Ea semper created an unfair bias among the Ukrainian and Latin faithful in the United States which favoured the Latin Church. Though marriages between Ukrainian and Latin Catholics were not prohibited, under no circumstances could a Latin husband or wife follow the rite of his or her Ukrainian spouse (*Ea semper*, IV,27; *Etsi pastoralis*, VIII,7-8). Yet, a Ukrainian wife could transfer to the Latin Church at the time of marriage or during it, and she was not free to return to the Ukrainian Church unless her husband died or the marriage was dissolved (*Ea semper*, IV,28-29; *Etsi pastoralis*, VIII,9). Likewise, a Ukrainian husband could follow the rite of his Latin wife and, upon the dissolution of the marriage, he could remain in the Latin Church or return to the Ukrainian Church (*Ea semper*, IV, 31; *Etsi pastoralis*, VIII,9). Furthermore, a Ukrainian wife or husband could conform to the fasts and feasts of the Latin Church without a formal transfer (*Ea semper*, IV,30-31).

In Canada, *Fidelibus ruthenis* reflected more the equality of churches, promoting spiritual unity in inter-ecclesial families—that is, where the spouses were from different Catholic Churches—by means of spousal transfer determined not by rite but by gender. Therefore a husband, regardless of his church membership, was not at liberty to follow the rite of his wife (IV,34) unless his family resided in an area which did not have a church or a priest of his own (III,24). A wife, however, if she so desired, was able to conform to the church of her husband. Nevertheless, such conformation was not to be construed as a change in her native rite (IV,34) and, upon the dissolution of the marriage, she was free to return to her church of origin (IV,35).

Canonical form

Ea semper (1907)

A marriage between a Latin rite man and a Ruthenian woman is to be contracted in the Latin rite before a Latin rite pastor; however, that between a Ruthenian man and a Latin rite woman may be contracted in the Ruthenian rite before a Ruthenian pastor or in the Latin rite before a Latin rite pastor (IV,32).

Ea semper required that the marriage of a Latin man and a Ukrainian woman take place in the Latin Church before a Latin priest, not in the Ukrainian Church before a Ukrainian priest. However, the marriage of a Ukrainian man and a Latin woman could take place in either a Latin Church before a Latin priest or in a Ukrainian Church before a Ukrainian priest (*Ea semper*, IV,32; *Etsi pastoralis*, VIII,11). *Fidelibus ruthenis*, on the other hand, eliminated the bias towards the Latin Church and prescribed that inter-ecclesial marriages take place in the rite of the man and before his pastor (IV, 37).

Fidelibus ruthenis also extended the decree *Ne temere*⁷⁴ to Ukrainians in Canada regarding marriage form (IV,36). Article III of

Fidelibus ruthenis (1913)

Marriages, both between the faithful of different rites, and between Ruthenians, must be contracted with the observance of the form described by the decree *Ne temere* (IV,36).

However, marriages of mixed rite must be blessed in the rite of the man and by his pastor (IV,37).

⁷⁴SACRED CONGREGATION OF THE COUNCIL, Decree, *Ne temere*, August 2, 1907, in ASS, 40 (1907-1908), pp. 522-530. The decree *Tametsi* of the Council of Trent required that marriages be contracted before the proper pastor of at least one of the parties or another priest delegated by him and in the presence of at least two witnesses (sess. 24, cap. 1; de ref. matrim.). The promulgation of this legislation was left to the discretion of each local Latin Ordinary. *Ne temere* had the effect of extending the requirement of the Tridentine form to the entire Latin Church, however, with two modifications: 1) valid assistance was to be determined by the principle of territory, and 2) all who were baptized or received into the Latin Church were bound by canonical form.

that decree states: "Only those marriages are valid which are contracted before the pastor, or local Ordinary, or a priest delegated by either, and at least two witnesses."⁷⁵

Whereas under *Ea semper* only the local Latin Ordinaries were competent to grant matrimonial dispensations in inter-ecclesial marriages, *Fidelibus ruthenis* required that they be requested from and granted by the bishop of the bride (IV,38).

Children of mixed rite marriages

Ea semper (1907)

Since children must follow completely the rite of their father, if he is Latin, those born in the United States of America of a Latin father and a Ruthenian mother are to be baptized in the Latin rite (IV,34).

However, if the father is Ruthenian and the mother is Latin, the father may choose to baptize the children either in the Ruthenian rite or even in the Latin rite, if the Latin wife herself is in agreement (IV,35).

Fidelibus ruthenis (1913)

Since children must follow completely the rite of their father, those in Canada of parents of different rites are to be baptized in the rite of the father (IV,39).

Ea semper required that children born in the United States of inter-ecclesial marriages were to be baptized in the rite of the Latin father (*Ea semper*, IV,34; *Etsi pastoralis*, II,9). In the case of a Ukrainian father and a Latin mother, and if both parties were in agreement, they could be baptized in either rite (*Ea semper*, IV,35; *Etsi pastoralis*, II,10). In Canada, *Fidelibus ruthenis* removed yet another bias towards the Latin Church by prescribing that these children were to be baptized in the rite of the father regardless of whether he belonged to the Latin or the Ukrainian Church (IV,39).

In both the United States and Canada, children baptized in another rite out of grave necessity, for example, in danger of death, still belonged to the jurisdiction of the pastor of the rite in which they were to have been legitimately baptized (*Ea semper*, IV,36; *Fidelibus ruthenis*, IV,40-41).

⁷⁵On May 21, 1912, Bishop Ortynsky in a letter to the Sacred Congregation for the Propagation of the Faith for the Affairs of the Eastern Rite requested that *Ne temere* be extended to his faithful in the United States. His petition was motivated by the desire to provide for uniform discipline in canonical form and prevent Ukrainian Catholics from marrying schismatics. (See J. A. DUSKIE, *The Canonical Status of the Orientals in the United States*, Canon Law Studies, no. 48, Washington, DC, Catholic University of America, 1928, pp. 165-166.) The Apostolic See responded favourably to Ortynsky's request and extended *Ne temere* first to Ukrainians in Canada in 1913, then to the United States in 1914 (*Cum Episcopo*, art. 30).

***Graeci-rutheni ritus* (1930)**

When Bishop Budka resigned and returned to Lviv in the fall of 1927, his protosyncellus (vicar general), Reverend Peter Oleskiw, governed the exarchate until Reverend Basil Ladyka, OSBM, was appointed titular bishop of Abyden and second Apostolic Exarch for Ukrainians in Canada on May 20, 1929.⁷⁶

The Apostolic See determined that the growth and permanency of the Ukrainian Church in Canada warranted new legislation.⁷⁷ On May 24, 1930, the Sacred Congregation for the Eastern Church⁷⁸ issued the decree *Graeci-rutheni ritus* for a period of ten years.⁷⁹ The decree, like that of its predecessor, *Fidelibus ruthenis*, which it abrogated, regulated the administration of the Ukrainian Church in Canada.

While *Graeci-rutheni ritus* was an improvement over *Fidelibus ruthenis* in that it granted the Ukrainian bishop the same jurisdiction enjoyed by all Latin Ordinaries, it continued to alienate the Ukrainian Church in Canada from its Mother Church in Ukraine: 1) The bishop's appointment as well as the supervision of his episcopal functions were reserved to the Apostolic See. 2) Once every five years

⁷⁶AAS, 21 (1929), pp. 320, 463.

⁷⁷When Budka left for Ukraine, there were 47 priests, 89 sisters, 299 parishes and missions serving the 130,000 Ukrainian Catholic faithful in Canada. See M. SHYKULA and B. KORCHINSKI, eds., *Pioneer Bishop: The Story of Bishop Nicetas Budka's Fifteen Years in Canada*, Regina, Bishop Budka Council #5914 Knights of Columbus, 1990, p. 82; POPOWICH, *To Serve is to Love*, p. 114.

⁷⁸On May 1, 1917, Benedict XV (1914-1922), with the *motu proprio Dei Providentis* (AAS, 9 (1917), pp. 529-531), erected the Sacred Congregation for the Eastern Church and reserved to himself the office of prefect. For a historical development of this Congregation see M. BROGI, "La Congregazione per le chiese orientali," in *La Curia romana nella costituzione apostolica "Pastor bonus"*, Vatican City, Libreria Editrice Vaticana, 1990, pp. 239-267; no. DEL RE, "S. Congregazione per le chiese orientali," in *La Curia Romana*, 3rd ed., Rome, Edizioni di Storia e letteratura, 1970, pp. 102-112; and M. DZIOB, *The Sacred Congregation for the Oriental Church*, Canon Law Studies, no. 214, Washington, DC, Catholic University of America, 1945.

⁷⁹AAS, 22 (1930), pp. 346-354. The Latin text of the decree and English translation are found in Appendix II. *Graeci-rutheni ritus* was renewed for an additional ten years on March 9, 1941 (Letter of Archbishop Ildebrando Antoniutti, Apostolic Delegate in Canada, to Bishop Basil Ladyka; Archives of the Archeparchy of Winnipeg). However, searches of the Archives of the Archeparchy of Winnipeg and the Congregation for the Eastern Churches have not resulted in any evidence to indicate that it was ever renewed.

he was required to provide a report on the state of the exarchate and his administration to the Apostolic Delegate; however, he was not required to provide a similar account to the head of the Church in Ukraine. 3) Controversies between the Ukrainian and Latin bishops were the sole competence of the Sacred Congregation for the Eastern Church. 4) Only liturgical books approved by the Apostolic See were to be used in Canada.

Each of the decree's forty-eight articles is summarized below under the same chapter headings as *Fidelibus ruthenis*, with differences between the two decrees being emphasized.

The Bishop Ordinary of the Greek-Ruthenian Rite (articles 1-10)

Appointment and jurisdiction

Like *Fidelibus ruthenis*, *Graeci-rutheni ritus* exempts the Ukrainian Church in Canada from the jurisdiction of its Mother Church in Ukraine, making it immediately subject to the Apostolic See (chapter I, article 1).

Graeci-rutheni ritus refers to the head of the Ukrainian Church in Canada as the "bishop Ordinary of the Greek-Ruthenian rite," whereas *Fidelibus ruthenis* employed the term "bishop of the Ruthenian rite." The change has a two-fold significance. First, "bishop Ordinary," the same title given to Latin bishops, recognizes an equality between the two Churches. Second, the term "Greek-Ruthenian rite" recalls that, although Slavic in nature, the Ukrainian Church is rooted in the Greek or Constantinopolitan tradition.

An important innovation of *Graeci-rutheni ritus* over *Fidelibus ruthenis* concerns the nature of episcopal jurisdiction. While the power of the Ordinary was still full and ordinary, it was no longer personal, that is, he was able to constitute a vicar for his entire Church and to delegate his power in all cases (I,2). Thus, the extent of his jurisdiction was now equivalent to that enjoyed by all Latin bishops in Canada.

Under *Fidelibus ruthenis*, the question arose whether Ukrainians residing temporarily in Canada fell under the jurisdiction of the Ukrainian Ordinary or that of the Latin bishops. The valid administration of the sacrament of marriage, in particular, was affected by the uncertainty. The dubium was resolved by *Graeci-rutheni ritus* in that the Ukrainian bishop exercised jurisdiction over all the Ukrainian faithful living "permanently or temporarily" in Canada (I,2).

Episcopal functions

Both *Fidelibus ruthenis* and *Graeci-rutheni ritus* recognized the right of the Ordinary to establish laws and statutes for the administration of the Ukrainian Church in Canada provided that these were not contrary to common law. Both decrees also stated that the bishop's primary function was to ensure that sound doctrine and proper morals of the Catholic Church were faithfully observed, as well as the rites and discipline of the Ukrainian Church (*Fidelibus ruthenis*, I,3; *Graeci-rutheni ritus*, I,3). Concerning the realm of ritual, however, *Graeci-rutheni ritus* required that the bishop establish and preserve uniformity in the administration of the sacraments and sacramentals through the strict use of only those liturgical books approved by the Apostolic See (I,3).

A major innovation of *Graeci-rutheni ritus* occurred in the area of ecclesial administration whereby, to ensure proper government of the exarchy, the Ordinary was required to institute a body of consultors composed of at least four priests renowned for their piety, morals, learning, and prudence and who resided in or near the episcopal see of Winnipeg (I,3). In addition, at least once every five years, the bishop was to make a canonical visitation of all his parishes and missions. While *Fidelibus ruthenis* obliged him to conduct the visitation personally, under *Graeci-rutheni ritus* he could delegate his vicar general or another priest if the bishop was legitimately impeded (I,4).

The Ordinary's responsibilities during visitations were further delineated in *Graeci-rutheni ritus*. He was to: 1) determine whether pastors were fulfilling their parochial duties, in particular, the visitation of the sick, instruction of children, and preaching of the word of God on Sundays and feast days; 2) inspect all parochial registers of baptism, marriage, and death; 3) ensure that ecclesiastical discipline was maintained, especially in the administration of the sacraments and sacramentals, divine worship, devotion to the saints, preaching, and the execution of pious wills; 4) safeguard Catholic faith and morals among clergy and faithful as well as teach in schools for children and youth; and 5) inspect the inventory of ecclesiastical property for at least the previous two years, and review the financial statements, material condition, and indebtedness of each parish and mission (I,5). If he discovered any abuses during the visitation, he was to see that they were corrected using all means at his disposal, not excluding canonical penalties.

Financial administration

Graeci-rutheni ritus required the Ordinary to establish norms which protect the temporal goods of the Church—such as churches, schools and cemeteries, ensuring their proper administration, conservation, and alienation. To this end, he was to seek the advice of lay financial advisors and his priest consultors (I,6).

Since financial support for the bishop and his office continued to pose difficulties in the administration of the exarchy, *Graeci-rutheni ritus* reiterated that a *cathedraticum* was to be imposed whereby each parish was taxed a fixed amount in accordance with established Canadian custom (I,7). In determining this tax, the Ordinary was first to seek the counsel of his consultors. For their part, pastors were responsible to ensure payment of the *cathedraticum*, in addition to other collections determined by the Ordinary and his consultors, for example, the seminary, orphanages, and missions.

Quinquennial report and ad limina visit

Graeci-rutheni ritus continued to oblige the Ordinary to provide the Apostolic See with an extensive report every five years concerning the personal, moral, and material condition of his parishes. The report was to be sent to the Apostolic Delegate who, in turn, forwarded it to the Sacred Congregation for the Eastern Church (I,9). Every ten years, the bishop was required to make an *ad limina* visit to pay his respects and show his obedience to the Roman Pontiff and to give a personal account of the status of his exarchy. Again, like *Fidelibus ruthenis*, *Graeci-rutheni ritus* did not make any mention of the Ordinary providing a similar account to the head of the Mother Church in Ukraine.

Settlement of controversies

Fidelibus ruthenis required that disputes which arose between the Ukrainian and Latin Ordinaries were to be devolutively referred to the Apostolic Delegate with due regard for a direct appeal to the Holy See (I,6). *Graeci-rutheni ritus*, however, required that controversies be automatically referred to the Sacred Congregation for the Eastern Church (I,10). No indication was given as to whether or not the appeal rendered the decision which had given rise to the dispute null and void in the interim, or whether the decision remained in effect with all of its canonical consequences. This procedure precluded any appeal to the Mother Church in Ukraine.

The Clergy of the Ruthenian Faithful (articles 11-32)

Formation, celibacy, and qualities required to exercise ministry

Graeci-rutheni ritus continued to call for the erection of a Ukrainian major seminary in Canada. However, recognizing that candidates could study at a newly established seminary for Ukrainians in Rome, the decree insisted that the Ordinary erect at least a minor seminary in Canada. To this end, the Apostolic Delegate, Latin bishops, and Ukrainian pastors and faithful were to provide their financial and moral support (II,11-12).

Until such time as a major seminary for Ukrainians was established in Canada, Latin bishops were encouraged to accept Ukrainian students who promised to observe perpetual celibacy into their own seminaries (II,12). The students were to receive additional liturgical formation in their own rite by a Ukrainian priest designated for this purpose (II,13).

Latin priests who transfer and Ruthenian priests from Europe

The insistence upon clerical celibacy continued to create difficulties in acquiring sufficient numbers of Ukrainian priests in Canada. *Graeci-rutheni ritus* encouraged the Ordinary to ask the Latin bishops for some of their own priests who were willing to serve in the Ukrainian Church (II,14). He could also receive Ukrainian priests from Europe provided they were celibate, or at least widowers without children (II,15).

Incardination and jurisdiction

Ukrainian priests from Europe remained incardinated in the eparchy of their origin; however, unlike *Fidelibus ruthenis*, *Graeci-rutheni ritus* also allowed for their incardination in the exarchy. Once in Canada, these priests were under the sole jurisdiction of the Ordinary, that is, the bishops of their eparchies of origin exercised no authority over them. In the event that a priest wanted to return to Europe, he required the written permission of both the Ordinary in Canada and in Europe (II,16). Laymen, regardless of their origin or domicile, who received sacred orders remained under the jurisdiction of the Ukrainian Ordinary (II,17).

Latin priests who transferred to the Ukrainian Church remained incardinated in their diocese of origin yet were under the jurisdiction of the Ukrainian Ordinary (II,23). Religious priests, while still subject to their superiors in matters pertaining to religious life, were subject to the Ordinary in those matters regarding pastoral care of the Ukrainian faithful (II,24).

Removability

Both decrees determined that pastors are removable at the will of the Ordinary. Unlike *Fidelibus ruthenis*, however, *Graeci-rutheni ritus* did not stipulate the necessity of a grave and just reason in order to proceed with removal, nor did it allow for the possibility of recourse (*Fidelibus ruthenis*, II,16; *Graeci-rutheni ritus*, II,18).

Sustenance and stole fees

Graeci-rutheni ritus, like its predecessor, held the Ordinary responsible for providing financial sustenance for his priests. He was also to set the amount of stole fees and emoluments in accordance with Canadian custom (*Fidelibus ruthenis*, II,18; *Graeci-rutheni ritus*, II,19-20).

Communication of jurisdiction

In general, the Ukrainian and Latin Ordinaries exercised jurisdiction only over their own faithful and clergy. However, where Ukrainian faithful resided without an established mission or a priest of their own, *Graeci-rutheni ritus* required the Ordinary to communicate his jurisdiction without exception to the local Latin Ordinary (II,21). Previously, *Fidelibus ruthenis* allowed for this possibility but did not make it obligatory. On the other hand, where similar circumstances existed regarding the Latin faithful, *Graeci-rutheni ritus* permitted Latin Ordinaries to communicate their jurisdiction to the Ukrainian Ordinary; unjustly, however, such communication was not obligatory (II,22).

Priestly obligations

Graeci-rutheni ritus included several new articles regarding priestly obligations:

1) Priests were to lead a holy life both interiorly and exteriorly. They were to receive the sacrament of confession often, spend time in daily prayer, visit the Divine Eucharist, make a devotion to the Mother of God, and perform an examination of conscience (II,25).

2) All priests were obligated to make a spiritual retreat at least once every three years for a time determined by the Ordinary (II, 26).

3) Each priest was bound by a special obligation to offer reverence and obedience to his Ordinary and to preach this same duty to the faithful (II,27).

4) While all priests were obligated to on-going education, especially in the area of the sacred sciences (II,28), junior clergy were required to take examinations for at least three years following their

ordination in the manner and subjects determined by the Ordinary (II,29).

5) Several times each year, all clergy were required to attend conferences on moral, liturgical, and other subjects; if prevented from attending, they were to submit written responses to proposed questions (II,30).

6) Pastors, quasi-pastors, and missionaries were obligated to preach on Sundays and feasts of obligation and to see to it that the faithful, especially children, received proper Catholic instruction. Clerics negligent in this responsibility were to be punished in proportion to the gravity of the offense (II,31).

7) In order to assist the Ordinary in the administration of the exarchy, some priests were required to attend meetings, sharing their own experience and advice (II,32).

The Faithful of the Ruthenian Rite (articles 33-43)

Obligation to observe the Ruthenian rite

Graeci-rutheni ritus includes a precept, not contained in *Fidelibus ruthenis*, obliging the Ukrainian faithful to observe the prescriptions of their own rite and to support their own parishes (III,33). However, where they lack their own churches or where the distance results in considerable inconvenience, the faithful have a grave obligation to attend the Divine Liturgy and receive the Divine Eucharist in the Latin Church. Ukrainian priests are to hold their faithful in strict adherence to this precept, yet such attendance does not bring about a change in membership, that is, the faithful still belong to the Ukrainian Church (III,34).

Transfer of rite

Ukrainian faithful desiring to transfer membership to the Latin Church were required to follow the procedure outlined in the decree *Nemini licere*⁸⁰ (III,34). The petition was to be forwarded to the Apostolic Delegate, who as of January 1, 1929, had received the necessary faculty to grant the favor.⁸¹ However, if the petitioner was

⁸⁰SACRED CONGREGATION FOR THE EASTERN CHURCH, Decree, *Nemini licere*, December 6, 1928, in AAS, 20 (1928), pp. 416-417.

⁸¹While *Nemini licere* required the petition to be sent first to the Ukrainian Ordinary, who in turn was to forward it to the Apostolic Delegate, *Graeci-rutheni ritus* made the former's intervention optional. Therefore, the Ukrainian faithful could transfer their membership to the Latin Church without the foreknowledge or

a priest, the request still needed to be sent directly to the Sacred Congregation for the Eastern Church. Priests of the Latin Church were prohibited from inducing the Ukrainian faithful to join the Latin Church (III,35).

Sacrament of confession

Ukrainian and Latin faithful were able to confess their sins validly and licitly to priests of either Church. However, priests could not absolve penitents of another Church from reserved censures and cases without the necessary faculty to do so. The Ordinaries were to inform one another of any such reservations (III, 36).

Reception of the Divine Eucharist and Holy Viaticum

Ukrainian and Latin faithful could receive the Divine Eucharist in any Catholic Church regardless of which Church they actually belonged to. However, whereas *Fidelibus ruthenis* required the Ukrainian faithful to receive the Paschal communion in their own Church and from their own pastor, *Graeci-rutheni ritus* allowed them to do so in any Catholic Church (III,38).

Where necessary and when a priest of another Church was unavailable, Ukrainian and Latin priests could administer the Divine Eucharist consecrated in another rite provided that they did so according to their own ritual.

Although the Holy Viaticum was to be received in one's own Church and from one's own pastor, it could be received from any priest in cases of necessity (III,39).

Celebration of funerals

In inter-ecclesial families, *Graeci-rutheni ritus* continued to consider it the right of the pastor of the deceased to perform funeral services and receive the emoluments arising therefrom (III,40).

Observation of feast days and fasts

In order to prevent any grave inconvenience, Ukrainians in Canada were permitted to observe feast days and fasts in accordance with local Latin customs. However, while *Fidelibus ruthenis* obligated Ukrainian faithful to attend the Divine Liturgy on Sundays and feast days in their own churches, *Graeci-rutheni ritus* did not include the

intervention of their own bishop or priest. On November 23, 1940, the faculty which had been granted to Apostolic Delegates was withdrawn and the Sacred Congregation for the Eastern Church again became the sole competent authority to grant such requests (Decree, *Quo firmior*, in AAS, 33 [1941], p. 28).

precept. Therefore, they could even fulfill this precept in any Latin church (III,42).

Associations of the faithful and Catholic publications

Graeci-rutheni ritus included norms regulating associations of Ukrainian faithful. Under the vigilance of the Ordinary, the faithful were encouraged to join those organizations which promoted the common good of the Church and which had been established or approved by proper ecclesiastical authorities. The Ordinary was to appoint a priest to oversee the workings of these associations, especially regarding matters of faith, morals, and discipline. Organizations which were secret, condemned, seditious, suspect, or which sought to evade ecclesiastical authority were to be avoided (III,43).

Graeci-rutheni ritus also placed Catholic newspapers, magazines, and periodicals under the vigilance of the Ordinary, and priests were prohibited from submitting articles or managing these publications without his explicit consent.

Marriages between Faithful of Mixed Rite (articles 44-48)

Spousal transfer of rite

Fidelibus ruthenis decreed that in order to prevent inconveniences which often arise with marriages among the faithful of different Catholic Churches, the wife could follow the rite of her husband; however, such conformation did not bring about a change in her church membership (IV,34). On the other hand, *Graeci-rutheni ritus* decreed that at the time of marriage or during its course she could indeed transfer her membership to that of her husband's Church (IV,45). Upon the dissolution of the marriage, she could return to her original Church if she so desired (*Graeci-rutheni ritus*, IV,44).

Canonical form

If at least the bride or groom was Ukrainian Catholic, the marriage was to be celebrated in accordance with the form prescribed by the decree *Ne temere* (*Fidelibus ruthenis*, IV,36; *Graeci-rutheni ritus*, IV,44). Whereas *Fidelibus ruthenis* required that the marriage be celebrated before the pastor of the groom (IV,37), *Graeci-rutheni ritus* decreed that the marriage be celebrated before the pastor of the bride, unless excused by a just cause (IV,45). In all cases, matrimonial dispensations were to be requested from the Ordinary of the bride (IV,46).

Children of mixed rite marriages

Children born in Canada of inter-ecclesial parents were to be baptized in the Church of the Catholic father and belonged to that Church regardless of where the baptism took place. However, illegitimate children belonged to the Church of the mother (IV,47-48).

UKRAINIAN CATHOLIC METROPOLITAN SEE OF WINNIPEG

The number of Ukrainian Catholics in Canada continued to grow over the years: 130,534 in 1931, 152,907 in 1941 and 164,765 in 1951.⁸² The number of churches, priests, and religious required to meet the spiritual needs of this growing flock likewise grew. When it became apparent that it was impossible for one bishop to govern such a vast exarchate, in the early 1940s Bishop Ladyka petitioned the Apostolic See for assistance. In 1943, Rome responded by providing him with an auxiliary bishop.

With the liquidation of the Ukrainian Catholic Church in Ukraine by the Soviet regime in 1946, fear arose as to whether the Ukrainian Church could survive in the diaspora without its Mother Church. Following a visit by Cardinal Eugene Tisserant in 1947, the Apostolic See hastened to help the Ukrainian Church in Canada by strengthening its hierarchical organization. The single exarchate was first divided into several smaller exarchates in 1948, each with its own bishop, and again in 1951. Then, on November 3, 1956, Pope Pius XII, with the Apostolic Constitution, *Hanc apostolicam*, erected the Ukrainian Catholic Metropolitan See of Canada, ensuring the preservation of the spiritual heritage of the Ukrainian Church in Canada.

Establishment of the Metropolitan See of Winnipeg*Historical background*

On April 3, 1943, Pius XII appointed Neil Savaryn, OSBM, as titular bishop of Iotanus and auxiliary to Basil Ladyka, assisting him in the governance of a growing exarchate.⁸³ Five years later, on March 3, 1948, with the Apostolic Constitution *Omnium cuiusvis ritus*, Pius XII divided the Apostolic Exarchate of Canada into three separate

⁸²DARCOVICH and YUZYK, *A Statistical Compendium on the Ukrainians in Canada: 1891-1976*, p. 172.

⁸³AAS, 35 (1943), p. 365.

exarchates: Central, Western, and Eastern.⁸⁴ Ladyka was named as Apostolic Exarch of the Central Exarchate;⁸⁵ Savaryn of the Western Exarchate;⁸⁶ and Isidore Borecky as titular bishop of Amanthus and Apostolic Exarch of the Eastern Exarchate.⁸⁷ At the same time, Andrew Roborecky was named titular bishop of Tanais and auxiliary to Ladyka.⁸⁸ The Apostolic Delegate conferred upon Ladyka the mandate to execute the instructions of the Holy See by having the contents of the papal bull brought to the attention of the faithful and clergy of the respective exarchates.⁸⁹

On June 17, 1948, the hierarchs of the three exarchates petitioned the Apostolic Delegate requesting that the Holy See create an ecclesiastical province for Ukrainians in Canada.⁹⁰ The bishops were of the opinion that such an action would raise the prestige of the Ukrainian Church in Canada, strengthen the laity in their faith and allegiance to the Roman Pontiff, and provide for increased discipline among the clergy. The request did not evoke an immediate favourable response. The intention of the hierarchs, however, was manifested, and as a partial measure on June 21, 1948, Pius XII bestowed upon Ladyka the honorary title of archbishop and titular bishop of Martyropolis in recognition of his service to the Ukrainian faithful.⁹¹

⁸⁴AAS, 40 (1948), pp. 287-290.

⁸⁵AAS, 40 (1948), p. 269.

⁸⁶Letter of Archbishop Ildebrando Antoniutti, Apostolic Delegate in Canada, to Bishop Neil Savaryn, February 28, 1948, Prot. no. 498/48; Archives of the Eparchy of Edmonton.

⁸⁷AAS, 40 (1948), p. 278.

⁸⁸AAS, 40 (1948), p. 279.

⁸⁹Letter and accompanying mandate, *Cum per Apostolicas*, of Archbishop Ildebrando Antoniutti, Apostolic Delegate in Canada, to Bishop Basil Ladyka, Apostolic Exarch of Central Canada, June 23, 1948, Prot. no. 1183/48; Archives of the Archeparchy of Winnipeg.

⁹⁰Letter of the Apostolic Exarchs of Central, Western, and Eastern Canada and the auxiliary bishop of the Central Exarch to Archbishop Ildebrando Antoniutti, Apostolic Delegate in Canada, June 17, 1948; Archives of the Archeparchy of Winnipeg.

⁹¹AAS, 40 (1948), p. 269. On September 13, 1948, Ladyka wrote Antoniutti inquiring as to whether as Archbishop of Martyropolis he was entitled to petition the Roman Pontiff for the pallium, a circular band of white woolen cloth with two hanging strips worn by Latin metropolitans, as a symbol of his authority in communion with the Bishop of Rome. In a letter of September 21, the Apostolic Delegate replied in the negative as the pallium is bestowed only upon metropolitans and not upon archbishops. In one sense, Ladyka's request can be understood as an

Maxim Hermaniuk, CSsR, born in Nove Selo, Galicia, on October 30, 1911, and who came to Canada in 1948, was named titular bishop of Sinna and auxiliary to Ladyka on January 13, 1951.⁹² Three months later, on March 19, 1951, with the Apostolic Constitution *De Ruthenorum*, Pius XII further divided the Central Exarchate into the Exarchates of Manitoba and Saskatchewan.⁹³ Ladyka was appointed Apostolic Exarch of the Manitoba Exarchate and Roborecky of the Saskatchewan Exarchate.⁹⁴

Later that year Archbishop Ildebrando Antoniutti, Apostolic Delegate, wrote to Ladyka requesting his opinion regarding a change in the designation of the Apostolic Exarchates for the Ukrainian Catholics in Canada.⁹⁵ The Sacred Congregation for the Eastern Church favoured the practice of designating dioceses and apostolic vicariates after the locality where the Ordinary resided or the city in which the Cathedral was situated. The following changes were proposed:

- 1) The Apostolic Exarchate of Toronto for the Faithful Ukrainians of the Byzantine Rite instead of the Apostolic Exarchate of Eastern Canada;
- 2) The Apostolic Exarchate of Winnipeg for the Faithful Ukrainians of the Byzantine Rite instead of the Apostolic Exarchate of Manitoba;
- 3) The Apostolic Exarchate of Saskatoon for the Faithful

attempt to further elevate the status of the Ukrainian Catholic Church in Canada in the eyes of his Latin counterparts. Both letters are found in the archives of the Archeparchy of Winnipeg.

⁹²AAS, 43 (1951), p. 283. Hermaniuk entered the Redemptorist novitiate in Holosko, Ukraine, in 1933 and completed his philosophical and theological studies at the Order's seminary in Belgium. Having returned to Ukraine, he was ordained to the priesthood in 1938. Again he returned to Belgium to pursue a licentiate and doctorate in theology, as well as a licentiate in oriental languages and history at the University of Louvain. He then served as professor at the Redemptorist Seminary in Belgium from 1943 to 1945. His appointment as vice-provincial for the Ukrainian Redemptorists in North America brought him to Canada in 1948. Until his appointment as auxiliary bishop in 1951, he also served as professor of moral theology and scripture at the Ukrainian Redemptorist Seminary in Waterford, Ontario, where he founded and edited the theological journal *Logos*.

⁹³AAS, 43 (1951), pp. 544-547.

⁹⁴AAS, 43 (1951), p. 283.

⁹⁵Letter of Archbishop Antoniutti, Apostolic Delegate, to Archbishop Ladyka, November 16, 1951, Prot. no. 2086/51; Archives of the Archeparchy of Winnipeg.

Ukrainians of the Byzantine Rite instead of the Apostolic Exarchate of Saskatchewan; and

4) The Apostolic Exarchate of Edmonton for the Faithful Ukrainians of the Byzantine Rite instead of the Apostolic Exarchate of Western Canada.

Ladyka supported the proposal and at the same time requested that "Ukrainian" be substituted for "Ruthenian" in all ecclesiastical documents issued as the latter was considered offensive to the Ukrainian faithful in Canada.⁹⁶ The proposal, however, was not implemented until 1956.

On April 15, 1955, Archbishop Giovanni Panico, Apostolic Delegate, on behalf of the Sacred Congregation for the Eastern Church informed Hermaniuk of his appointment as coadjutor bishop of the Apostolic Exarch of Winnipeg as a result Ladyka's failing health.⁹⁷

Hanc apostolicam, Decree of erection

On November 3, 1956, in an audience granted to Cardinal Eugene Tisserant, Secretary of the Sacred Congregation for the Eastern Church, Pius XII, with the apostolic constitution *Hanc apostolicam*,⁹⁸ erected an ecclesiastical province for Ukrainian Catholics in Canada, naming the Apostolic Exarchates of Edmonton, Saskatoon, and

⁹⁶Letter of Archbishop Ladyka to Archbishop Antoniutti, Apostolic Delegate, November 19, 1951; Archives of the Archeparchy of Winnipeg. Ladyka writes: "This would remove the opportunity from our enemies to criticize the Holy See, stating that the Ukrainians are insulted by Rome because it continues to use the terminology Ruthenian which is considered odious by the Ukrainians."

⁹⁷Letter of Archbishop Panico, Apostolic Delegate, to Bishop Hermaniuk, Auxiliary bishop to Ladyka, April 15, 1955, Prot. no. 757/55. At the same time, the Congregation left it to Hermaniuk's discretion as to whether he should choose to make it public. Four years earlier, on January 29, 1951, Archbishop Antoniutti, Apostolic Delegate, had written Hermaniuk on behalf of the Sacred Congregation for the Eastern Church indicating that he had been appointed Bishop Coadjutor of the Apostolic Exarchate of Central Canada for the Ukrainian Catholics (Prot. no. 227/51). Hermaniuk responded on February 1, 1951, that in accordance with the rules of his Redemptorist congregation, and in all humility, he could not accept the appointment. Both letters are found in the archives of the Archeparchy of Winnipeg.

⁹⁸AAS, 49 (1957), pp. 262-264. At the time of its erection the Province had 238 priests, 151 sisters, 522 parishes and missions, and over 200,000 faithful. See M. HERMANIUK, "Rozviy dukhovnoho zhyttya ukrayintsiv katolykiv Kanady," in S. IZYK, ed., *The First Ukrainian Catholic Metropolitan See of Canada*, Winnipeg, Ukrainian Catholic Archeparchy of Winnipeg, 1957, pp. 168-172.

Toronto as suffragans. At the same time he appointed Hermaniuk as Metropolitan of the Apostolic See of Winnipeg.⁹⁹

Metropolitan-elect Hermaniuk subsequently wrote to Archbishop Panico, Apostolic Delegate, renewing the request that the term “Ukrainian” be substituted for “Ruthenian” in the papal bull of erection, arguing that the term “Ruthenian” was injurious to the Ukrainian faithful and clergy.¹⁰⁰ Panico replied that he could not authorize the change on his own but referred the matter to the Sacred Congregation for the Eastern Church.¹⁰¹ On January 22, 1957, Cardinal Tisserant honoured the request and indicated that future correspondence would do so likewise.¹⁰² With this, forty-five years after the appointment of the first bishop for the Ukrainian faithful in Canada, and after considerable effort on behalf of the Ukrainian hierarchy in Canada, the term “Ukrainian” received official recognition from the Holy See.

On February 12, 1957, on the occasion of the Feast of the Three Holy Hierarchs—Basil the Great, Gregory the Theologian, and John Chrysostom—the papal bull regarding the erection of the ecclesiastical province was read in Winnipeg in the presence of the Apostolic Delegate. Hermaniuk was enthroned as the first Metropolitan of Winnipeg and the Apostolic Exarchates of Edmonton, Saskatoon, and Toronto were raised to the dignity of eparchies with Neil Savaryn, OSBM, Isidore Borecky, and Andrew Roborecky, respectively, their eparchs.

In his address, Archbishop Giovanni Panico, Apostolic Delegate, declared that the province’s erection was an acknowledgement of the level of organizational structure the Ukrainian Church in Canada had

⁹⁹The decisions of the Roman Pontiff were communicated to Bishop Hermaniuk by Archbishop Panico, Apostolic Delegate, on November 15, 1956, Prot. no. 2162/56; Archives of the Archeparchy of Winnipeg.

¹⁰⁰Letter of Archbishop Metropolitan-elect Hermaniuk to Archbishop Panico, Apostolic Delegate, January 9, 1957; Archives of the Archeparchy of Winnipeg.

¹⁰¹Letter of Archbishop Giovanni Panico, Apostolic Delegate, to Archbishop Hermaniuk, January 12, 1957, Prot. no. 2614/57; Archives of the Archeparchy of Winnipeg.

¹⁰²Letter of Cardinal Eugene Tisserant, Secretary of the Sacred Congregation for the Eastern Church, to Metropolitan-elect Hermaniuk, January 22, 1957, Prot. no. 609/51. On February 2, 1957, Hermaniuk informed the Apostolic Delegate regarding the contents of this letter. Both letters are found in the archives of the Archeparchy of Winnipeg.

attained.¹⁰³ He outlined the work of the metropolia in the years to come: 1) to consolidate and propagate the faith through the erection of Catholic schools, the formation of minor seminaries to foster priestly vocations, and the establishment of a major seminary to educate priests in the spirit of the Ukrainian Church; 2) to preserve and cultivate the Ukrainian rite; to bring about Church unity by being faithful to the Ukrainian rite; 3) to help rebuild the Mother Church of Ukraine when the time of freedom should arise; and 4) to develop the apostolate of the laity.¹⁰⁴

The Metropolitan See of Winnipeg is the first province to be erected in the history of the Ukrainian Catholic Church outside Ukraine. It derives its origins from the Metropolitan See of Kiev and all Rus', which lasted eight hundred years until it was liquidated by the Orthodox Church of Moscow in 1839, and the Metropolitan See of Lviv-Halych, established by Pius VII in 1807 and which once again flourishes following the Soviet regime.¹⁰⁵

Continued Growth and Development

Proposal to erect two new eparchies

Cardinal Joseph Slipyj, Major Archbishop, visited Canada June 14-July 20, 1968. He was impressed with the Ukrainian Church in Canada. Having returned to Rome, on August 24 he wrote Bishop Alexander Carter, President of the Canadian Catholic Conference, proposing the erection of two new Ukrainian eparchies in Canada: 1) for the province of British Columbia with its episcopal see in Vancouver and 2) for Quebec and the Maritime provinces with its see

¹⁰³Complete text published in S. IZYK, *The First Ukrainian Catholic Metropolitan See of Canada*, pp. 63-66 (Ukrainian) and pp. 67-71 (English).

¹⁰⁴Ibid., p. 70.

¹⁰⁵The Metropolitan See of Lviv-Halych was liquidated in 1946 when a pseudo-synod held in Lviv attempted to reject the resolutions of the Union of Brest-Litovsk of 1595-1596, to break canonical ties with the Pope of Rome, and to unite with the Orthodox Church of Moscow. (See G. FEDORIW, *History of the Church in Ukraine*, translated by P. Krawchuk, Toronto, St. Sophia Religious Association of Ukrainian Catholics in Canada, 1983, pp. 237-242.) In 1992, at the first Synod of the Ukrainian Catholic Church held on Ukrainian territory in nearly fifty years, the acts and decrees of this pseudo-synod were declared null and void (minutes of the Synod of Ukrainian Catholic Bishops, Lviv, June 16-31, 1992; Archives of the Eparchy of Edmonton). On July 10, 1958, another province, the Metropolitan See of Philadelphia, was erected for the Ukrainian faithful in the United States by Pius XII with the Apostolic Letter *Apostolicam hanc* (AAS, 51 (1959), pp. 156-157).

in Montreal. Slipyj also requested that the Eparchies of Edmonton and Toronto, from which the new eparchies were to be established, be raised to the dignity of archeparchies.¹⁰⁶

The proposal met with the acceptance of the Ukrainian Catholic Hierarchy of Canada during its meeting in Winnipeg on January 12, 1971.¹⁰⁷ However, despite efforts on the part of Bishop Borecky, Eparch of Toronto, a solid proposal regarding the erection of a see in Montreal never materialized and the project was quickly abandoned.¹⁰⁸ On the other hand, on October 26, 1969, Bishop Savaryn, Eparch of Edmonton, wrote Archbishop E. Clarizio, Apostolic Pro-Nuncio, requesting that the Eparchy of Edmonton be divided and from it the Eparchy of Vancouver be created.¹⁰⁹ The proposal received the approval of the Canadian Catholic Conference during its plenary assembly on April 21, 1971.¹¹⁰ As communicated by the Apostolic Pro-Nuncio on January 26, 1972, the Sacred Congregation for the Eastern Churches requested further clarification and an update on Savaryn's original petition of 1969 as to, in particular, the availability of personnel and financial means for the proposed eparchy.¹¹¹ Having received Savaryn's detailed report of July 31, 1972,¹¹² the Congregation responded that the division was not opportune at that time.¹¹³

¹⁰⁶Archives of the Canadian Conference of Catholic Bishops, Ottawa.

¹⁰⁷Archives of the Archeparchy of Winnipeg.

¹⁰⁸However, in recognition of the vast territory covered by the Eparchy of Toronto, on August 25, 1964, Paul VI named Michael Rusnak, CSsR, as titular bishop of Tzernicens and auxiliary to Borecky and Apostolic Visitor for the Byzantine-Slovaks in Canada (AAS, 57 (1965), p. 282).

¹⁰⁹Archives of the Eparchy of Edmonton.

¹¹⁰Item no. 16, official minutes, Canadian Catholic Conference.

¹¹¹Letter of Apostolic Pro-Nuncio, Guido Del Mestri, January 26, 1972, no. 16707, to Bishop Neil Savaryn, Eparch of Edmonton; Archives of the Eparchy of Edmonton.

¹¹²Archives of the Eparchy of Edmonton.

¹¹³"After a prolonged study of the proposal, the Sacred Congregation is convinced that it would not be opportune, at least for the moment, to divide the Eparchy of Edmonton by erecting a new one in British Columbia. The Sacred Congregation considers, on the other hand, indispensable that Your Excellency have an Auxiliary Bishop, in view of providing for the pastoral needs of your flock scattered over an immense territory. It would be your decision whether the Auxiliary should take residence in B.C., or not" (as quoted in a letter of Bishop Savaryn to Archbishop Guido Del Mestri, Apostolic Pro-Nuncio, February 27, 1974; Archives of the Eparchy of Edmonton).

However, in light of increased reported numbers of Ukrainian faithful in British Columbia,¹¹⁴ on June 27, 1974, Pope Paul VI erected the Eparchy of New Westminster with Jerome Chimy, OSBM, as its first bishop.¹¹⁵ At the same time Martin (Demetrius) Greschuk was named titular bishop of Nazianzus and auxiliary bishop to Savaryn.¹¹⁶

Request to elevate the Eparchy of Edmonton to an archeparchy

In 1966, in anticipation of the twenty-fifth anniversary of Bishop Savaryn's episcopal ordination, several members of the laity of the Eparchy of Edmonton petitioned the Holy Father to name him archbishop *ad personam*.¹¹⁷ As the petition went unanswered, a similar request was made by clergy on February 17, 1968.¹¹⁸ In his August 24, 1968 letter, Slipyj requested not only that Savaryn be distinguished as an archbishop but also that the Eparchy of Edmonton be raised to the dignity of an archeparchy. Thus, for Savaryn, any proposal to forge a new eparchy out of the territory of the Eparchy of Edmonton necessarily included its elevation to archeparchy and Savaryn being named its archbishop.

When the Eparchy of New Westminster was erected in 1974 and no mention was made of naming Edmonton an archeparchy, Savaryn wrote to Archbishop Guido Del Mestri, Apostolic Pro-Nuncio,

¹¹⁴Savaryn's original proposal of 1969 indicated that there were 24,500 Ukrainian Catholic faithful in British Columbia; 25,097 in his 1971 update; and 28,500 as indicated in his letter of February 27, 1974, to the Apostolic Pro-Nuncio. The latest figure was based upon the 1971 Canadian Census. The number of practicing Ukrainian Catholics had been grossly overstated and Bishop Chimy reported in his 1981 Annual General Statistical Questionnaire to the Secretariat of State, Rome, that there were only 7,500 faithful in the eparchy.

¹¹⁵PAUL VI, Apostolic Constitution, *Cum territorii amplitudo*, AAS, 66 (1974), pp. 470-471.

¹¹⁶AAS, 67 (1975), p. 31.

¹¹⁷See letter of Bishop Savaryn, Eparch of Edmonton, to Archbishop Guido Del Mestri, Apostolic Pro-Nuncio to Canada, August 30, 1974; Archives of the Eparchy of Edmonton.

¹¹⁸Letter of Rev. Basil Laba, Vicar General, Rev. George Kowalsky, Pastor of Saint Josaphat Cathedral, Rev. Michael Sopulak, Chancellor, and Rev. Jaroslaw Fedunyk, Protopresbyter of the Edmonton Protopresbyterate, to Archbishop E. Clarizio, Apostolic Pro-Nuncio in Canada, February 17, 1968. In a reply of June 3, 1968, Clarizio indicated that Pope Paul VI would address a special autographed message to Savaryn on the occasion of the anniversary of his episcopal ordination; however, no mention was made of any honorary title. Both letters can be found in the archives of the Eparchy of Edmonton.

requesting an explanation, since even the Canadian Catholic Conference had recommended the elevation during its assembly in 1971.¹¹⁹ Del Mestri replied that the official minutes of the Conference did not contain any such recommendation and, therefore, the matter had never been referred to the Sacred Congregation for the Eastern Churches.¹²⁰ Savaryn immediately wrote the Conference and demanded an explanation.¹²¹ As a result, the President of the Conference wrote the Congregation on September 19, 1974, clarifying the situation:

In reporting this discussion in the minutes of the meeting (*plenary assembly, April 21, 1971*) and in indicating to the Holy See that the Bishops of Canada had no objection to the erection of the proposed Eparchy of New Westminster it was inadvertently omitted that this proposal included no objection to the elevation of the Eparchy of Edmonton to the rank of Archeparchy with both Edmonton and New Westminster remaining subject to the Ukrainian Metropolitan of Canada, the Archeparch of Winnipeg, as is the tradition in the Oriental rites.¹²²

At an April 17, 1975 meeting of the Ukrainian Catholic hierarchs of Canada, Metropolitan Hermaniuk informed Savaryn that during a recent visit to Rome he had personally communicated to the Prefect of the Congregation the support of the Conference in this matter.

In 1978 Bishop Greschuk, auxiliary to Savaryn, once again raised the matter with the Apostolic Pro-Nuncio and the Congregation.¹²³

¹¹⁹Letter of Bishop Savaryn, Eparch of Edmonton, to Archbishop Guido Del Mestri, Apostolic Pro-Nuncio, August 20, 1974; Archives of the Eparchy of Edmonton.

¹²⁰Letter of Archbishop Guido Del Mestri, Apostolic Pro-Nuncio to Bishop Neil Savaryn, Eparch of Edmonton, August 26, 1974, no. 20850; Archives of the Eparchy of Edmonton.

¹²¹Letter of Bishop Neil Savaryn, Eparch of Edmonton, to the General Secretary, Canadian Catholic Conference, September 14, 1974; Archives of the Eparchy of Edmonton.

¹²²Letter of Archbishop Jean-Marie Fortier, President, Canadian Catholic Conference, to Cardinal Paul Philippe, Prefect, Sacred Congregation for the Eastern Churches, September 19, 1974; Archives of the Eparchy of Edmonton.

On the same day, the Apostolic Pro-Nuncio informed Savaryn that if he wanted to pursue the matter anew he should submit the matter first to his fellow Ukrainian Catholic hierarchs in Canada, and with their support, then to the Canadian Catholic Conference (Letter of Archbishop Guido Del Mestri, Apostolic Pro-Nuncio to Canada, to Bishop Neil Savaryn, Eparch of Edmonton, September 19, 1974, no. 20943). As the letter of Fortier had already clarified the position of the Canadian Conference, Savaryn deemed this action to be redundant in agreement with the Apostolic Pro-Nuncio.

¹²³Letters of Bishop Demetrius Greschuk, Auxiliary Bishop to Savaryn, to

Among his supporting reasons were: 1) the observance of the thirty-fifth anniversary of Savaryn's episcopal ordination; 2) the expectations of the faithful and the clergy upon the division of the Eparchy and erection of the Eparchy of New Westminster; 3) prestige in ecumenical gatherings, especially with the Orthodox Churches; and 4) recognition of the achievements of the Edmonton Eparchy. The Apostolic Pro-Nuncio conveyed the response of the Congregation, which indicated that the reasons given were not sufficient in and of themselves to warrant the elevation. The matter was not raised again.

CONCLUSION

When Ukrainians began emigrating to Canada in large numbers at the turn of the century, they met numerous challenges in adjusting to their new homeland. As the majority of them were Catholic, and did not have their own priests and hierarchy in Canada, one of the greatest challenges they faced was receiving proper pastoral care. As a result of an age-old ecclesiastical principle, the immigrants first found themselves under the jurisdiction and spiritual care of the established Latin Church.

In 1912, the Apostolic See, through the intervention of Metropolitan Andrey Sheptytsky and the Latin hierarchy of the Province of St. Boniface, appointed Nykyta Budka as the first bishop of the Exarchate for Ukrainian Catholic faithful in Canada. When Budka was granted ordinary jurisdiction over his flock, this marked a significant departure in papal legislation, which until 1912 had always subjected Eastern Catholics living outside their homeland to the authority of the local Latin Ordinary.

In 1956, the Apostolic See erected the Metropolitan See of Winnipeg, thus recognizing the permanency and maturity attained by the Ukrainian Church in Canada. However, despite its current hierarchical status, this Church has suffered greatly over the years. Two factors account for this hardship, both rooted in a false sense of superiority of the Latin Church over the Eastern Churches.

Archbishop Angelo Palmas, Apostolic Pro-Nuncio to Canada, June 24, 1978, and Cardinal Paul Philippe, Prefect, Sacred Congregation for the Eastern Churches, September 23, 1978. Both letters are found in the archives of the Eparchy of Edmonton.

First, the lack of familiarity with the liturgical, theological, spiritual, and disciplinary patrimony, culture and history of the Ukrainian Catholic Church by many of the Latin faithful—bishops, religious, and laity alike—has often resulted in confusion and misunderstanding. Chrismation with holy myron and married clergy are but two examples of this. In an attempt to abandon what the Ukrainian immigrants perceived as the stigma of belonging to an inferior culture and religion, tens of thousands of newcomers, in exchange for social acceptance, adopted the prominent Latin rite. The exodus continues today.

Second, legislation of the Apostolic See has in the past, and continues, to preclude the major archbishop and the synod of bishops of the Ukrainian Catholic Church from exercising any authority outside Ukraine. Despite repeated requests that the territorial boundaries of the Ukrainian Church be extended into the diaspora, the Ukrainian Church in Canada remains under the immediate jurisdiction of the Apostolic See. The lack of flexibility in this area continues to hinder the role of the major archbishop and the synod of bishops in providing proper pastoral care for the Ukrainian faithful in Canada.

While indeed the Ukrainian Church in Canada has continued to grow and develop over the years,¹²⁴ its future remains uncertain, making the treatment of these issues all the more pressing.

¹²⁴Today this Church in Canada has over 126,000 faithful and 400 parishes and missions served by one metropolitan, five bishops, 232 priests, 49 deacons, and 108 women religious, (CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *2004 Directory*, Ottawa, Concacan, 2004, pp. 82-83).

CHAPTER TWO

DOCUMENTS OF THE UKRAINIAN CHURCH

INTRODUCTION

The primary sources of the particular law of the Ukrainian Catholic Church in Canada originating with the Ukrainian Catholic Church itself are:

1) the individual decrees of the Ukrainian hierarchy in Canada which have the force of law for the entire Ukrainian Church in Canada, namely, those of Bishop Nykyta Budka, Bishop Basil Ladyka, and the Ukrainian Catholic Conference of Canada;

2) *Norms of the Ruthenian-Catholic Church in Canada*, promulgated by Bishop Budka on January 23, 1915, following an assembly of Ukrainian clergy in Canada, November 27-29, 1914, Yorkton;

3) *Norms of the Provincial Synod of the Winnipeg Metropolia*, approved by the Ukrainian hierarchy in Canada following a provincial synod held June 26-28, 1962, in Winnipeg. Although these *Norms* did not receive the approval of the Apostolic See, they still provide a window as to how the Ukrainian Church in Canada saw itself in the early 1960s; and

4) laws enacted by the Synod of Bishops of the Ukrainian Church.

For the most part, these sources are the result of the application of the particular law of the Ukrainian Church in Ukraine to the Ukrainian Church in Canada. In the process, the legislation has been modified to fit the Canadian context while still preserving the patrimony of the Ukrainian Church. This delicate balance between the old ways and the new is intriguing. Therefore, each of the canonical sources is studied here in greater detail.

INDIVIDUAL DECREES

Since the erection of the Exarchate of Canada for Ukrainians in 1912, the Ukrainian hierarchy has promulgated legislation on a wide

range of matters affecting the ecclesial life of its faithful in Canada. As discussed below, the decrees, directives, and pastoral letters of Bishops Nykyta Budka and Basil Ladyka, as well as those issued jointly by the Ukrainian hierarchy of Canada, form an integral part of the particular law of the Ukrainian Church in Canada.

Bishop Nykyta (Nicetas) Budka (1912-1928)

Nykyta Budka was appointed bishop on July 12, 1912 and served as Exarch for the Ukrainian faithful in Canada for fifteen years before taking seriously ill and returning to Lviv in 1927. He was born of poverty-stricken parents and devoted his early priestly life to helping Ukrainian peasants improve their lot. Metropolitan Sheptytsky took advantage of Budka's enthusiasm in working with the poor and, among other pastoral assignments, appointed him co-ordinator of immigration affairs on behalf of the Archeparchy of Lviv. In this capacity, Budka was responsible for those who in their desire to escape poverty and oppression emigrated from western Ukraine to various European countries.¹

His own humble beginnings, together with his love for the poor, made him an ideal candidate for missionary work among the Ukrainian peasants in Canada. It is not surprising that during his episcopate, he issued numerous decrees, directives, and pastoral letters aimed at aiding newcomers and providing structure and unity for the Ukrainian Church in Canada.

¹Following Budka's ordination to the priesthood in 1905 at the age of twenty-eight, Metropolitan Sheptytsky appointed him dean of the Theological Seminary in Lviv. He was temporarily relieved of these duties in order to pursue a Doctor of Divinity degree in Vienna, but was forced to abandon his studies due to ill health when he developed a digestive disorder as a result of poverty and malnutrition during adolescence. Having resumed his responsibilities at the Seminary, he often travelled to Bosnia and Prussia during the summers to visit Ukrainian emigrants and hold religious services and celebrate the sacraments for them. Under Sheptytsky's direction, he studied the objectives of the German Immigration Society of Saint Raphael and adapted these programs to the needs of Ukrainians. These efforts resulted in the establishment of the Saint Raphael Society for the Protection of Ukrainian Immigrants from Galicia and Bukovina. In 1911, the Society began publishing *Emigrant*, a monthly newspaper, with Budka serving as editor. Even after his appointment to Canada, out of his devotion to the poor with whom he had worked, Budka maintained his association with the Society, often submitting articles for publication. See M. SHYKULA and B. KORCHINSKI, *Pioneer Bishop*, pp. 36-38. On June 27, 2001 Bishop Budka was beatified by Pope John Paul II.

On June 6, 1913, through an Act of the Parliament of the Dominion of Canada, Budka secured the incorporation of the "Ruthenian Greek Catholic Episcopal Corporation of Canada."² The Act granted the Ukrainian Church in Canada the right to acquire, possess, administer, and alienate ecclesiastical goods necessary to pursue its proper objectives.³ In the same year, Acts were passed in the Legislative Assemblies of the Provinces of Alberta, Saskatchewan, Manitoba, and Ontario to provide for the incorporation of Ukrainian parishes and missions in these provinces.⁴ Budka also issued by-laws to be enacted by each parish or mission in the day-to-day operation of the congregation.⁵ These steps ensured that the churches and temporal goods of the Ukrainian Church in Canada were protected under civil law.

On November 27-29, 1914, Budka convoked an assembly of the Ukrainian clergy in Canada and subsequently promulgated the *Norms of the Ruthenian-Catholic Church in Canada*, which regulated the manner in which sacraments and sacramentals were administered; the rights and obligations of clergy, religious, and laity; and the administration of ecclesiastical goods. These *Norms* were supplemented by Budka in following years.⁶

²King George V, Chapter 191, *An Act to incorporate the Ruthenian Greek Catholic Episcopal Corporation of Canada*.

³Article 1 of the Act states: "The Right Reverend Nicetas Budka, Titular Bishop of Patara, deputed by the Holy Roman See as Bishop of the Ruthenian Greek Catholics of Canada in communion with Rome, and his successors in office, the Bishops appointed by the aforesaid See to hold jurisdiction over the Ruthenian Greek Catholics of Canada, of the same faith and rite and persevering in communion with the Roman Pontiff, are hereby constituted a corporation under the name of 'The Ruthenian Greek Catholic Episcopal Corporation of Canada,' hereinafter called 'the Corporation', for the purposes of administering the property, business and other temporal affairs connected with the said spiritual jurisdiction."

⁴King George V, Chapter 83, 1913, Alberta; Chapter 73, 1913, Saskatchewan; Chapter 127, 1913, Manitoba; and Bill 13, 1913, Ontario. Parishes and missions in the provinces of British Columbia, Nova Scotia, and Quebec were incorporated under "The Ruthenian Greek Catholic Episcopal Corporation of Canada."

⁵*Statut Rus'koyi Hreko-Katolyc'koyi Tserkvy v Kanadi/Constitution and By-Laws of the Ruthenian Greek Catholic Church in Canada*, 1913. The by-laws are based extensively upon those promulgated by Bishop Soter Ortynsky for the United States.

⁶Budka's decrees, directives, and pastoral letters are found in the Archives of the Archeparchy of Winnipeg, *Ruthenian Canadian*; his *Eparkhiyal'nyj Vistnyk* (Eparchial Newsletter; Year I, no. 1 (October, 1924) to Year IV, no. 7 (June, 1927)); and *Ukrayins'ki Visti/Ukrainian News*.

The vastness of the Canadian territory, its harsh climate, the lack of financial support from parishes and missions, and claims of disloyalty to Canada⁷ had a dramatic effect upon Budka's health throughout the years. When his condition did not improve, he was forced to return to Lviv, amidst claims of poor administration by his own clergy. From June, 1927, Reverend Petro Oleksiw, proto-syncellus, administered the Exarchate of Canada.⁸ In the following year, Budka resigned as Exarch of Canada.⁹

⁷On July 27, 1914, Budka issued a pastoral letter on the "Mobilization in Austria." The letter called Ukrainians in Canada to prayer, penance, and restraint in personal behaviour as their homeland, the Austro-Hungarian Empire, was invaded by the Russian army. It even urged them to return and to perform their military obligations if they had not already done so. Several days later, on August 6, 1914, when it became clear that Britain would declare war on the Austro-Hungarian Empire, Budka issued a second pastoral letter urging his faithful to ignore the first letter and to perform those duties expected of them as Canadians and loyal sons of the British Nation. Allegations of disloyalty escalated and in July, 1918, Budka was arrested. The case, however, was dismissed due to lack of evidence. In 1919, Budka was again charged with disloyalty. In his formal judgment of November 26, 1919, Judge Paterson cleared Budka of all charges, adding that there were no grounds to cast doubt upon his loyalty to Canada. See S. HRYNIUK, "The Bishop Budka Controversy: A New Perspective," in M. SHYKULA and B. KORCHINSKI, *Pioneer Bishop*, pp. 102-114.

⁸Oleksiw issued several decrees and pastoral letters. These appear in *Eparkhial'ny Vistnyk* (Year IV, no. 8 [September, 1927] to Year V, no. 15 [June, 1928]).

⁹His health having improved considerably, Budka was appointed in 1928 as Metropolitan Sheptytsky's auxiliary. On April 11, 1945—Good Friday—together with the entire Ukrainian hierarchy, Budka was arrested by Soviet officials despite his Canadian citizenship and was sent to a Siberian labour camp at Karaganda in the Republic of Kazakhstan. Three years later, on September 28, 1949, he died the death of a martyr. On November 23, 1988, Metropolitan Volodymyr Sterniuk, Administrator of the Major Archeparchy of Lviv, in an address to Canadian candidates for the priesthood whom he ordained, related:

I also have a common bond with Canada, because of Bishop Budka who ordained me to the priesthood. He died a beautiful death as related by a nurse from one of the Siberian camps. This nurse worked in a so-called Siberian hospital, serving primarily as a hastened death bed for the sentenced Ukrainian people who were no longer productive. At this hospital, they were given an injection to induce a quicker death.

At one time, a truckload of such victims were brought into the hospital. She began to attend to a fatally wounded young man, to be suddenly devastated beyond words. This mangled body was no other than her fiancé. The savagery of the Stalinist regime led to their separation and his imprisonment in Siberia. It was at this moment of despair that she was approached by Bishop Budka, who consoled and comforted her.

Bishop Basil Ladyka (1929-1948)

Following the profession of his monastic vows according to the Order of Saint Basil the Great in 1909, Basil Ladyka was sent to Canada. After graduating from the Grand Séminaire in Montreal, he was ordained to the priesthood in 1912 at the age of twenty-seven. He functioned as a missionary in Alberta, Saskatchewan, and Manitoba for twenty years before his appointment on May 20, 1929, as Budka's successor, and was therefore well-acquainted with the Ukrainian Church in Canada.

Like Budka, Bishop Ladyka promulgated much legislation for the Ukrainian Church in Canada during his episcopate.¹⁰ Many of these norms centred on the administration of sacraments and sacramentals with strict adherence to the traditions and ritual of the Ukrainian Church as prescribed by the Synod of Lviv, 1891, and the *Typikon* of Reverend Isidore Dol'nyts'ky. Ladyka was also particularly concerned about the formation of clerics and issued several decrees on priestly conduct.¹¹ He also strengthened the Ukrainian Church in Canada by promoting several lay organizations including the Ukrainian Catholic Brotherhood, the Ukrainian Catholic Women's League, and Ukrainian Catholic Youth.

As a result of a visit in June, 1947, by Cardinal Eugene Tisserant, Secretary of the Sacred Congregation for the Eastern Church, Canada

After the death of patients, they were stripped of their hospital garment. The corpse was placed into a paper bag, numbered and tagged and then hauled away into the nearby forest, where it was devoured by the wild animals of Siberia.

Bishop Budka, she said, refused the injection and lingered a while. The following day he said, "before the sun rises tomorrow, I will no longer be here." And so it happened.

With a semblance of respect and decency, he was not stripped of his garment. Bagged, numbered, and tagged, his mortal remains were disposed in a similar manner.

Reflecting upon the goodness of the man of God, who ministered to the least of his Brethren, several went out the following day to look once more upon him who was an angel of mercy to many. But all they found was a piece of the shirt sleeve from his gown. (Quoted in SHYKULA and KORCHINSKI, *Pioneer Bishop*, pp. 83-84.)

¹⁰His decrees, directives, and pastoral letters are found primarily in *Kanadiys'ky Yeparkhiyal'ny Vistnyk* (Canadian Eparchial Newsletter; 1930-1948).

¹¹Ladyka often included in his program of annual priests' conferences presentations on preaching, annual retreats, and priestly sanctity, behaviour, and obedience. These were later published in eparchial newsletters.

was divided into three Exarchates in March, 1948: Central, Western, and Eastern. With the division, the jurisdiction of each of the bishops of the three Exarchates was restricted to his respective territory.¹²

Ukrainian Catholic Conference of Canada

By late 1956, the Ukrainian Church in Canada consisted of the Metropolitan See of Winnipeg and three suffragan eparchies: Edmonton, Saskatoon, and Toronto. On February 9, 1960, Metropolitan Maxim Hermaniuk invited the bishops to the First Metropolitan Conference of the Winnipeg Province. The meeting took place on March 31, 1960 in Winnipeg and was the first of annual episcopal gatherings organized, in accordance with canon 351, §1 of *Cleri sanctitati*,¹³ to foster the common pastoral action of the Ukrainian Church in Canada.

Since its inception in 1960, the work of the Conference has included: 1) the convocation of the First Provincial Synod in 1962; 2) the issuance of numerous joint pastoral letters on various subjects; 3) addressing several common pastoral concerns, including vocations, married clergy, unity in liturgical discipline, introduction of Ukrainian and English in divine worship; 4) the erection of an inter-eparchial seminary; 5) the promulgation of ecumenical guidelines for relations with other Christians, in particular, the Orthodox; 6) the sponsorship of catechetical programs; 7) the relocation of the Metropolitan Andrey Sheptytsky Institute of Eastern Christian Studies from Chicago to Ottawa; and 8) the provision of a common voice for the Ukrainian Church in Canada regarding relations with the Apostolic See, the Synod of Bishops of the Ukrainian Church, the Canadian Conference of Catholic Bishops, religious

¹²In the first edition of his Central Exarchial newsletter, *Ladyka* communicated to his clergy, religious, and faithful that his jurisdiction was valid only within the Central Exarchate (*Vistnyk Tsentral'noho Ekzarkhatu Kanady*, 1948, 1). He also stated that all previous legislation for the Exarchate of Canada was considered binding within the Central Exarchate; however, subsequent decrees issued by individual bishops would have the force of law only within that bishop's particular territory.

¹³"The metropolitan who is not subject to a patriarch or archbishop, and, in his absence, the bishop who is the senior in rank in the province, shall see that the local hierarchs be called together whenever necessary at the seat of the metropolitan or of another bishop, in order to decide in mutual consultation what is to be undertaken in the eparchies to promote the welfare of religion, and they shall prepare the material to be acted upon by the future provincial synod."

and cultural organizations, and various levels of government.

Although the decrees of the Conference are not binding upon the Ukrainian Church in Canada—the Conference is not a legislative body—they have been, for the most part, implemented in each eparchy throughout Canada. This common action demonstrates the collegial character of the Ukrainian Church in Canada.¹⁴

¹⁴In recent times, the question has arisen as to whether the decisions of the Canadian Conference of Catholic Bishops (CCCC) bind the Eastern Catholic bishops. An overview of the development of the CCCC and its Eastern membership will be helpful in situating the problem.

Although meetings of the Canadian Episcopate took place on a regular basis for many years prior to the establishment of the CCCC, the Conference marks its formal foundation with the erection of a permanent Secretariate for the Catholic Hierarchy of Canada in 1944. The Constitution of the Conference was approved *ad experimentum* by the Consistorial Congregation in 1948 for a period of five years and adopted at a meeting of the Canadian Episcopate in the same year. After minor changes, the Constitution received permanent approval on January 23, 1955. (For the historical-canonical development of the Conference, see B. PRINCE, "Foundation of the Episcopal Conference in Canada," in *Studia canonica*, 1(1967), pp. 97-109).

Correspondence between Bishop Ladyka and the Secretariate of the CCCC, from as early as 1950, clearly indicates that the Ukrainian bishops of Canada have been members of the Conference from its inception. Article 4 of the 1978 Constitution of the CCCC states: "Every bishop, residential or titular *of any rite* within the Roman Catholic Church, who holds or has held office as a bishop in a Canadian diocese, or to whom the Apostolic See or the Episcopal Conference has entrusted some special work in Canada, is a member of the General Assembly" (italics added). Canon 450, §1, of the 1983 Latin *Code of Canon Law*, determined that Ordinaries of another Catholic Church *sui iuris* may be invited to be members of Latin Episcopal Conferences, with only a consultative vote, unless the statutes of a Conference give them a deliberative voice. Article 4.1 of the 1986 Constitution of the CCCC states that all Eastern Catholic bishops do enjoy a deliberative vote: "The Episcopal Conference includes as members all diocesan bishops and those equivalent to them in law, all coadjutor bishops, auxiliary bishops and other titular bishops who exercise in the territory a special office assigned to them by the Apostolic See or by the Episcopal Conference *of any rite* within the Catholic Church" (italics added).

It seems clear that decrees approved by the CCCC regarding the application of canons of the 1983 Latin *Code of Canon Law*, on alienation of Church property and ecclesiastical dress, for example, are intended solely for the Latin Church. However, a survey of Ukrainian bishops in Canada has indicated that several of them have participated in the voting process of certain decrees, whose outcome could have a major impact upon the two-thirds majority required to pass or reject a particular motion. A similar situation arises regarding other decisions of the CCCC which affect solely the Latin Church. It would be preferable to modify the CCCC Constitution whereby Eastern members maintain a deliberative vote on all matters except those which affect only the Latin Church, as is the case with the United States Conference of Catholic Bishops. In this manner, the collegial responsibility and collective activity of the Canadian Episcopate is maintained, while not unduly influencing matters

NORMS OF THE UKRAINIAN CHURCH IN CANADA

Within two years of his appointment, Bishop Budka convoked an assembly of all Ukrainian clergy in Canada. Preceded by a two day retreat, the assembly took place in Yorkton, Saskatchewan, on November 27-29, 1914. Perhaps the single most important consequence of the assembly was the promulgation of the *Norms of the Ruthenian-Catholic Church in Canada*.¹⁵ These *Norms* continue to form an integral part of the particular law of the Ukrainian Church in Canada as they were never abrogated in their entirety, and, where not contrary to common or particular law, they still have the force of law.¹⁶

Preparation

Article 3 of *Fidelibus ruthenis* granted the Ukrainian Ordinary the right and authority to establish rules and statutes for his faithful in Canada in matters which were not contrary to common ecclesial law. To this end, Budka charged Very Reverend Dr. A. Redkevych, professor at Saint Augustine Roman Catholic Seminary, Toronto, with the preparation of a draft of norms which would regulate: 1) the spiritual care of Ukrainian faithful; 2) the manner in which the sacraments and sacramentals were to be administered; 3) the rights and obligations of the clergy, religious, and laity; and 4) the administration of ecclesial temporal goods.

Redkevych wrote to several Latin dioceses across Canada asking for copies of their statutes to aid in the preparation of his own draft and so as not to introduce any norms or customs contrary to those

pertaining solely to the Latin Church.

¹⁵*Pravyla Rus'ko-Katolyts'koyi Tserkvy v Kanadi, Yorkton, Saskatchewan, November 29, 1914*, Winnipeg, Canadian Ukrainian Association, 1915. The text of the document in its original Ukrainian language and an English translation can be found in Appendix III.

¹⁶Unfortunately, the *Norms* have been forgotten, for the most part, despite their importance to the canonical discipline of the Ukrainian Church in Canada. Recent articles by Bohdan Kazymyra have helped to bring the document to light again. See B. KAZYMYRA, "Norms of the Ukrainian Catholic Church in Canada," in M. SHYKULA and B. KORCHIINSKI, eds., *Pioneer Bishop: The Story of Bishop Nicetas Budka's Fifteen Years in Canada*, Regina, Bishop Budka Council #5914 Knights of Columbus, 1990, pp. 125-127; and "Pravyla Ukrayins'koyi Katolyts'koyi Tserkvy v Kanadi 1915 roku Yepyskopa-ispovidnyka Nykyty Budky," in *Logos: A Journal of Eastern Christian Studies*, 34 (1993), pp. 601-622.

already in effect among the Latin dioceses in Canada.¹⁷ He also took into consideration several other sources: 1) the decree *Fidelibus ruthenis*; 2) meetings and discussions of Bishop Budka with the Latin bishops of Western Canada; 3) *Acts and Decrees of the First Plenary Council of Quebec*, 1909, of the Latin Church;¹⁸ and 4) the decree *Ad gravas et diuturnas*, the so-called *Concordat*, issued by the Apostolic See on October 6, 1863, concerning the regulation of relations between the Ukrainian and Latin Churches in Galicia, Ukraine.¹⁹

Although the Synod of Lviv (1891)²⁰ was not explicitly recognized

¹⁷His letter begins: "I take the liberty of humbly requesting Your Grace to have the kindness to send us a copy of the statutes of Your Archdiocese. We need these statutes in order to bring out the statutes of the Ruthenian Greek Catholic Diocese of Canada. It is of the greatest importance to the Ruthenian Bishop in his ordinances not to introduce any customs that would be in conflict with the customs of the Latin rite existing in Your Archdiocese and thus we would be informed on Your statutes..." (Archives of the Archeparchy of Winnipeg). Redkevych received replies from numerous Latin archdioceses and dioceses across Canada including Alexandria, Antigonish, Chatham, Chicoutimi, Joliette, Kingston, Le Pas, London, Prince Rupert, Québec, Rimouski, St. Boniface, St. John, Sept Îles, Trois Rivières, Toronto, and Victoria.

¹⁸On September 19, 1909, the First Plenary Council of Quebec brought together the Latin hierarchy in Canada. The Council was attended by thirty-four archbishops, bishops, vicars, and prefects apostolic from eight ecclesiastical provinces, twenty-nine dioceses, three vicariates, and two prefectures. The Council met for six weeks and produced 688 decrees, which became the foundation of the particular law of the Latin Church in Canada. Having received the approval of the Apostolic See, the Apostolic Delegate promulgated the decrees on April 25, 1912 (*Acta et decreta Concilii Plenarii Quebecensis Primi, 1909, Quebec, 1912*). See F. MORRISEY, "The Development of Particular Canonical Legislation in Canada," in *Église et théologie*, 11 (1980), pp. 223-245; and "The Development of Ecclesiastical Particular Law in Canada," in *Canadian Catholic Historical Association, Study Sessions* 50 (1983), pp. 141-158.

¹⁹*Collectanea*, p. 800, no. 2013.

²⁰The Synod of Lviv, the seventh provincial synod of the Ukrainian Church since 988, was convoked by Archbishop Sylvester Sembratovych (1885-1898), Metropolitan of Lviv-Halych, and took place September 24-October 8, 1891. The Synod was attended by Papal Delegate Archbishop Augustine Ciasca, Prefect of the Archives of the Apostolic See of Rome; Bishops Julian Pelesh, Eparch of Peremyshl', and Julian Kujilovs'kyj, Eparch of Stanislaviv; as well as numerous priests, religious, and lay representatives. The Synod was concerned with dogmatic, juridical, moral, and disciplinary matters of the Ukrainian Church within the context of the Lviv-Halych Metropolia. Its decrees were approved *in forma communi* by Pope Leo XIII on April 30, 1895, as communicated by the Sacred Congregation for the Propagation of the Faith on May 1, 1895 (*Chynnosty i rishennya rus'koho provintsyal'nobo sobora*, Lviv, Stavropyhiysky Institut, 1896). (See C. KORTCHAGUIN, *Karne pravo Ukrayins'koyi Katolyc'koyi Tserkvy*, Rome, Analecta OSBM, Series II, Section I, 1981, pp. 15-16).

as a source in the decree of promulgation of the *Norms*, careful analysis indicates that it greatly influenced the development of Redkevych's draft, in particular, regarding the administration of sacraments and sacramentals, celebration of the Divine Liturgy, rights and obligations of clergy, fasts and feast days, and the administration of church property.

During the three-day assembly on November 27-29, 1914, Budka presented the draft to the clergy for discussion. Each norm was evaluated in turn and modified until it met with their satisfaction. On the final day, the approved text was turned over to Redkevych for final editing and publishing.

The consultative process, by which the regulations were brought about, indicates the great value Budka placed upon the collegiality of the priesthood and the role priests share in the office of governance.

Structure and Content

The *Norms of the Ruthenian-Catholic Church in Canada* are divided into four sections: 1) decree of promulgation (pp. i-iii), 2) norms (pp. 1-59), 3) an appendix (pp. I-XIV), and 4) an alphabetical index of the entries (2 pages, not numbered).

Decree of promulgation

Bishop Budka promulgated the *Norms* on January 23, 1915. They obligated all priests involved in pastoral work among the Ukrainians in Canada and attained the force of law two months following their receipt. The *Norms* were to serve as a private manual of uniform juridical and practical procedure for Ukrainian priests in parish administration and in pastoral work. In Budka's words, they were intended to contribute to the success of the priests in the "salvation of the precious souls of Our Ruthenian faithful in Canada."

Budka was aware that the *Norms* were not exhaustive, and he planned to augment them in due time by further instructions and pastoral letters, for example, on the manner in which canonical visitations were to take place, and how ecclesial brotherhoods were to be organized. Where lacking, reference was to be made to general canon law. However, under no circumstances were practices or

The 1983 Synod of Bishops of the Ukrainian Church declared that all liturgical norms arising from the Synod of Lviv obligate the entire Ukrainian Church, with the exception of those norms subsequently revoked or modified (*Blabovisnyk*, 21 [1985], pp. 138-139).

procedures contrary to the *Norms* to be introduced or sustained. When certain regulations were difficult to comply with, priests were to inform the Ordinary of the particulars and act in accordance with his counsel. Finally, in order that a fuller edition might eventually be published, priests were to forward their experiences and insights.²¹

Norms

The document contains seventy-six regulations and procedures, alphabetically arranged according to title. In general, the norms legislate in the following areas: rights and obligations of clergy, priestly faculties, parish administration, pastoral care of the faithful, administration of the sacraments and sacramentals, religious education, lay organizations, relations with clergy and laity of the Latin Church, temporal goods, and secular authorities and law.

The underlying spirit of the document is the preservation of the Ukrainian Church. To this end, priests were obligated to use the liturgical books published by their Church in Ukraine. In particular, they were to observe the rubrics contained in the *Liturgicon* when celebrating the Divine Liturgy, the prescriptions of the *Trebnyk* when administering the sacraments and sacramentals, and the melodies of the *Irmologion* in singing the divine praises. That which was foreign to the ritual heritage of the Ukrainian Church was to be avoided.

Even though the *Norms* were influenced in several instances by legislation originally intended for the Latin Church,²² they still recognize the Mother Church in Ukraine as a source of the particular law of the Ukrainian Church in Canada. By integrating the canon law of the East with that of the West, Budka was successful in regulating the manner by which his priests were to administer parishes and provide pastoral care in the diaspora. Furthermore, in promulgating legislation early in the organizational life of the Ukrainian Church in Canada, Budka was able to ensure greater uniformity throughout.

²¹Unfortunately, a second edition never materialized.

²²For example, legislation on relations with the priests and faithful of the Latin Church; change of membership; reception of sacraments and sacramentals in the Latin Church; conformation of Ukrainian faithful to the Latin rite; excommunication; incorporation of ecclesial property; and separation of Church, nationality, and politics. In this regard, Russel Moroziuk argues that the *Norms* were strongly influenced by the aims and means of the Latin Church and that the spiritual identity they fostered was more Roman Catholic than Ukrainian Catholic ("The Ukrainian Canadian Church: The Quest for Identity," in *Diakonia*, 14 [1979], p. 115).

Appendix

The appendix contains Ukrainian translations of two decrees promulgated by the Apostolic See, namely, *Ne temere* and *Fidelibus ruthenis*. The former decree provided legislation on the canonical form to be observed in betrothals and marriages. The twelve articles of the decree are concerned with the valid celebration of betrothals, the definition of the term "pastor," valid and licit celebration of marriages, delegation to assist at marriages, danger of death, marriage in territories where a pastor is not available, registration in the parochial registers, censures for non-observation of the decree, and those obligated by the decree. The appendix also includes several remarks regarding the application of the articles of *Ne temere* within the Ukrainian Church in Canada. *Fidelibus ruthenis*, as previously stated, regulated mutual disciplinary relations between bishops, clergy, and faithful of the Ukrainian and Latin Churches in Canada.

NORMS OF THE PROVINCIAL SYNOD OF THE WINNIPEG METROPOLIA

Soon after the erection of the Metropolitan See of Winnipeg in 1956, preparations began for the convocation of a provincial synod of the Ukrainian Church in Canada. The synod was to take place in 1962 to mark the fiftieth anniversary of the erection of the Exarchate of Canada for Ukrainians in 1912 and the appointment of its first bishop. The jubilee celebrations were also to include a Eucharistic Congress and a conference of Ukrainian hierarchs in the diaspora.

The synod produced comprehensive norms intended to shape the ecclesial life of the Ukrainian Church in Canada. Although adopted by all of the hierarchs and clergy present, the norms did not receive the confirmation of the Apostolic See in light of the anticipated *aggiornamento* of the Second Vatican Council (1962-1965) and, therefore, were never promulgated. Yet, they provide an overview of how the Ukrainian Church in Canada saw itself in the early 1960s.

Historical Background

Conceptualization

Between 1949 and 1957 Pope Pius XII (1939-1958) promulgated legislation for the Eastern Catholic Churches in the form of four apostolic letters given *motu proprio*: 1) *Crebrae allatae sunt*, February 22, 1949,²³ 131 canons on the sacrament of marriage;

²³AAS, 41 (1949), pp. 89-117; acquired force of law on May 2, 1949.

2) *Sollicitudinem nostram*, January 6, 1950,²⁴ 576 canons on trials; 3) *Postquam apostolicis litteris*, February 9, 1952,²⁵ 325 canons on religious, temporal goods, and the meaning of words; and 4) *Cleri sanctitati*, June 2, 1957,²⁶ 558 canons on Eastern rites and on persons.

In particular, canon 344 of *Cleri sanctitati* required that metropolitans convoke, with the consent of their co-provincial bishops, synods as often as deemed necessary but at least once every twenty years. The Ukrainian hierarchy in Canada determined that the convocation of such a synod would bring about a renewal of faith and a strengthening of Christian practices. They also saw it as a means of introducing new ecclesial discipline among clergy, religious, and faithful. To this end, on February 9, 1960, Metropolitan Hermaniuk wrote to his fellow bishops inviting them to a conference in Winnipeg in accordance with canon 351, §1 of *Cleri sanctitati*.²⁷ During this First Metropolitan Conference held March 31, 1960, the bishops unanimously voiced their support for the convocation of a provincial synod.

Pre-synodal preparation

In preparing the synod, the co-provincial bishops also determined that they would use as a model the acts and decrees of the First Synod of the Exarchate of Western Canada, held in Edmonton November 11-13, 1952.²⁸ Basil Laba, mitred-archpriest and protosyncellus of the Exarchate of Western Canada, was charged with the preparation of a draft schema to be considered by the provincial synod. Being extensively involved in the Synod in Edmonton, and, as living witness to the traditions of the Metropolitan See of Lviv-Halych, he was

²⁴AAS, 42 (1950), pp. 5-120; acquired force of law on January 6, 1951.

²⁵AAS, 44 (1952), pp. 65-150; acquired force of law on November 21, 1952.

²⁶AAS, 49 (1957), pp. 433-603; acquired force of law on March 25, 1958.

²⁷“The metropolitan who is not subject to a patriarch or archbishop, and, in his absence, the bishop who is the senior in rank in the province, shall see that the local hierarchs be called together whenever necessary at the seat of the metropolitan or of another bishop, in order to decide in mutual consultation what is to be undertaken in the eparchies to promote the welfare of religion, and they shall prepare the material to be acted upon by the future provincial synod.”

²⁸Only three other assemblies have been convoked in the past century within the Ukrainian Church in the diaspora: Exarchate of Canada for Ukrainians, Yorkton, November 27-29, 1914; Archeprarchy of Philadelphia, October 7-8, 1959; Eparchy of Saint Josaphat, Parma, August 19, 1994.

chosen “to bring to the first provincial synod of Winnipeg the continuation of the great ideals of the almost one thousand year old Church in the native land.”²⁹

At the Second Metropolitan Conference, held in Saskatoon on July 4, 1961, the bishops approved further synodal preparations and on August 8, 1961, Metropolitan Hermaniuk established five pre-synodal commissions:³⁰ four eparchial,³¹ and one central coordinating commission³² with the responsibility of preparing a complete text of all of the acts and decisions to be read, reviewed, and adopted at the solemn sessions of the synod. At the same time, each of the commission members received a copy of the 116-page schema prepared by Laba and were asked to submit their observations and suggestions to the central coordinating commission.

²⁹Letter of Metropolitan Maxim Hermaniuk to Mitred-archpriest Basil Laba, April 2, 1960; Archives of the Archeparchy of Winnipeg.

³⁰Decree of Establishment of Pre-Synodal Commissions, Metropolitan Maxim Hermaniuk, August 8, 1961, no. 2.

³¹Members of the four eparchial commissions were: 1) Archeparchy of Winnipeg: Basil Kushnir, Joseph Puliak, Demetrius Shewchuk, Modeste Gnesko, OSBM, Nestor Hodowany, CSsR, Michael Klimchak, John Kristalovich, and Gregory Oucharyk. 2) Eparchy of Edmonton: George Kowalsky, Peter Kachur, Basil Chohey, Basil Kamenetsky, OSBM, Ewhen Kaminsky, Jaroslaw Fedunyk, Volodymyr Tarnawsky, and Basil Woloshyn. 3) Eparchy of Toronto: Basil Filevich, Bohdan Lipsky, Michael Zalesky, Peter Chomyn, Michael Rusnak, CSsR, Basil German, Michael Komar, and Basil Humeniuk. 4) Eparchy of Saskatoon: Volodymyr Ivashko, Stephen Harvanko, Myron Stasiw, John Olinek, Roman Chomiak, CSsR, Onufrius Pasichniak, Casimir Kucharek, and Rudolph Luzney.

³²Members of the original central coordinating commission were: Basil Laba, Boniface Sloboda, OSBM, Volodymyr Krayevsky, CSsR, Stephen Semchuk, Roman Dobriansky, Anton Luhovy, Zachary Zoloty, and Volodymyr Bozyk. Bishop Isidore Borecky, Eparch of Toronto, raised the concern that the entire membership of the central coordinating commission was composed of priests from the Archeparchy of Winnipeg, with the exception of Laba. For this reason, Borecky questioned whether the term “provincial synod” was proper or not. Instead, he proposed that the central coordinating commission be composed of the metropolitan, the three co-provincial bishops, a representative from each of the three male monastic orders in Canada—the Basilians, Redemptorists, and Studites—and two representatives from each of the four already established eparchial pre-synodal commissions (Letter to Metropolitan Maxim Hermaniuk, August 25, 1961, Archives of the Archeparchy of Winnipeg). Borecky’s proposal gained the support of all the bishops and on November 13, 1961, Hermaniuk established a new pre-synodal central coordinating commission. In addition to all the co-provincial bishops, the members were: Basil Kushnir, Demetrius Shewchuk, Basil Filevich, Basil Laba, Bohdan Lipsky, Boniface Sloboda, OSBM, Volodymyr Krayevsky, CSsR, George Kowalsky, John Olinek, Stephen Harvanko, and Teoktyst Vidow, Studite.

On February 24, 1962, Hermaniuk sent a copy of the proposed text, prepared by the coordinating commission during two working sessions November 29-30, 1961, and February 13-14, 1962, to all priests of the Ecclesiastical Province of Winnipeg. The priests were to study the document thoroughly and forward their observations and proposals to the central coordinating committee by April 15.³³ On behalf of the central committee, Laba was then given the task of preparing the final text to be circulated to each priest prior to the synod's commencement. Having completed their work, the pre-synodal commissions were thus dissolved.

Convocation

On May 2, 1962, Metropolitan Hermaniuk officially convoked the Synod in accordance with canon 340, §2 of *Cleri sanctitati*³⁴ to be held on June 26-28, 1962, in the Cathedral of Saints Volodymyr and Olha, Winnipeg.³⁵ Invited to take part in the synod with deliberative vote, in accordance with canon 341, §1,³⁶ were the Eparchs of Edmonton, Toronto, and Saskatoon. Those with consultative vote, in accordance with canons 341, §2³⁷ and 342, §2,³⁸ were the proto-

³³Appeal to the Clergy of the Winnipeg Metropolia, no. 5, 1962; Archives of the Archeparchy of Winnipeg.

³⁴"Bishops and other hierarchs of an ecclesiastical province who are outside the patriarchate and archiepiscopate are called together to a provincial synod. Such a synod is called by a metropolitan who is not subject to a patriarch or archbishop, and he, with the advice of all those who have the obligation to attend with a decisive vote, designates the place of the meeting within the territory of the province, and he also presides over it."

³⁵Decree of Convocation, May 2, 1962, no. 6; Archives of the Archeparchy of Winnipeg.

³⁶"In each synod there must take part with decisive vote, besides the president, the resident bishops, who in their place can send their coadjutor or auxiliary, also the titular bishops, the apostolic administrators of eparchies, the exarchs, and the administrators of vacant sees."

³⁷"Other members of both clergy, if invited to the synod, possess only a consultative vote, unless the Apostolic See or the synodal fathers, by secret vote, have granted to the president of a monastical association or the president of a monastical confederation a decisive vote."

³⁸"To an archiepiscopal and provincial synod, all those mentioned in §1 (the president of an association of monastical confederations, the president of a monastical confederation, and the supreme superiors of clerical religious institutes), the superiors of independent monasteries, without prejudice to particular law, and the other major superiors of clerical religious institutes who reside in the territory, and the eparchial consultants of every eparchy whose hierarch must take part in the

archimandrite of the Basilian Order of St. Josaphat, the proto-hegumens of the Basilian and Redemptorist Orders in Canada, and two priest-consultors from each of the four eparchies of the Winnipeg Metropolia. Also invited to take part in the synod with consultative vote, in accordance with canon 341, §2, were the protopresbyters, hegumens of the religious institutes in Canada, and all priests of the Winnipeg Metropolia, if their absence from pastoral responsibilities was not detrimental to the spiritual welfare of their faithful.

Deliberations

With the blessing of Pope John XXIII³⁹ and with the participation of Metropolitan Hermaniuk, the three co-provincial bishops, and 125 priests, the synod was officially opened on June 26. In his introductory remarks, Hermaniuk declared that the synod took its place among the assemblies, synods, and councils of the universal Church and, in particular, among those of the Ukrainian Church.⁴⁰ He stated that it was the task of the participants to conduct the synod in accordance with canon 349 of *Cleri sanctitati*, which states:

The fathers assembled in synod shall diligently study and decide what they deem, each for his own territory, suitable for the increase of faith, the improvement of morality, the correction of abuses, the reconciliation of controversies, the observation or introduction of the one and the same discipline.

He added:

All of these questions have been taken into consideration in one form or another in the proposed norms of the Synod which the Most Reverend Bishops and Reverend and Venerable Fathers have had the opportunity to review thoroughly, study, and personally evaluate. During the sessions of this Synod all the participants are, through the enlightenment of the Holy Spirit and particularly with the assistance of our Divine Saviour and His most-holy Mother, to comprehend properly all of the concerns of our Church in Canada and thus to diligently consider and prudently decide that which is required from us by the word of God and the spiritual good of our faithful.

Archbishop Sebastiano Baggio, Apostolic Delegate, presided at the synod's opening session. In his address, he identified the need of the

synod according to c. 341, §1, who send to the synod two consultors, designated collegially."

³⁹Letter of Cardinal Cicognani, Secretary of State, to Metropolitan Hermaniuk, June 16, 1962, no. 85594; Archives of the Archeparchy of Winnipeg.

⁴⁰Opening Address; Archives of the Archeparchy of Winnipeg.

Ukrainian Church in Canada to collect and codify its ecclesiastical laws in a truly Eastern spirit, taking into account recent legislation of the Apostolic See for the Eastern Churches, removing any foreign liturgical rites and practices which had been introduced, replacing them with those found in the true spiritual patrimony of its Mother Church, Ukraine:

The present Synod, planned as it is to adapt the latest legislation of the Canon Law for the Oriental Church and the liturgical reform inaugurated by the Sacred Oriental Congregation, and the restoration of the ancient rites and traditions of the Ukrainian Church to the present needs of the Ukrainian Catholic Church in Canada, will certainly have a salutary effect on the spiritual life of this Ecclesiastical Province, and it will serve to strengthen the bond of solidarity among your Clergy, religious and faithful in this country.

This Synod takes an added note of importance at this particular time. Besides the above-mentioned aims, it is to be hoped that this Synod will be successful in incorporating into the Ukrainian Catholic Church in Canada all the sacred customs and living traditions of Church life in the Ukraine—that country which has produced so many martyrs and saints for the Church.

With such lofty aspirations constantly in view, it will be the desire of the Hierarchy and clergy of this Ecclesiastical Province to comply with their duty of collecting and codifying the laws of the Ukrainian Church in Canada.⁴¹

Seven sessions were held during the three-day synod. Once the synodal officials were selected at the first session, the remaining sessions were dedicated to the reading, acceptance, or amendment of the norms which had been prepared by the pre-synodal commissions. At the concluding session, each participant, in turn, approached the holy table and affixed his signature to the acts and decrees.

In his concluding remarks on June 28, Hermaniuk thanked the members for their participation.⁴² He indicated that the acts and decisions would be forwarded to the Apostolic See for confirmation prior to promulgation in accordance with canon 350, §1 of *Clerici sanctitati*. In the interim, the participants were obliged to observe secrecy concerning matters discussed during the Synod.⁴³

⁴¹*Progress*, English Section, July 15, 1962.

⁴²Decree of Closure; Archives of the Archeparchy of Winnipeg.

⁴³“The synod being terminated, the president shall submit all minutes and decrees to the Apostolic See, and they shall not be promulgated before they have been confirmed by the same; meantime all those who took part in the synod must observe secrecy on the decisions and matters discussed....”

Post-synodal activity

Laba was subsequently mandated to:

1. Incorporate into the text and appendix of the norms of the synod all that which had been added or amended.
2. Ensure the accuracy of the Ukrainian text and English translation.
3. Organize all the acts, decrees, and appendix of the synod for presentation to the Apostolic See.⁴⁴

Hermaniuk was hopeful that the work would be completed as soon as possible and be ready for final editing upon his return from Rome, where he and all the Ukrainian hierarchs of Canada were attending the Second Vatican Council. His intention was to present the acts and decrees of the synod to the Apostolic See in 1963. The Congregation of the Clergy, responsible for reviewing the acts and decrees, had indicated to Hermaniuk that, although the acts and decrees would not be approved until after the Council, work would begin immediately once they were received. The Congregation added that if any clarifications were required the presence of the co-provincial bishops in Rome during the Council would ensure swift confirmation and subsequent promulgation.

The acts and decrees of the synod, however, were never approved by the Apostolic See. As a result of the *aggiornamento* of the Second Vatican Council, the synodal norms were deemed obsolete. Therefore, Hermaniuk was not able to promulgate the synodal acts and decrees.⁴⁵ They are preserved in the archives of the Archeparchy of Winnipeg.

Hermaniuk was fully aware, however, of the impact the Council might have had upon the convocation of a provincial synod and therefore, prior to convoking the synod, took steps to ensure that the results would not be in vain. In particular, on January 21, 1960, he wrote to Archbishop Acacius Coussa, Assessor of the Sacred Congregation for the Eastern Church,⁴⁶ requesting a complete copy

⁴⁴Letter of Metropolitan Hermaniuk to Very Reverend Basil Laba, September 8, 1962; Archives of the Archeparchy of Winnipeg.

⁴⁵The Sacred Congregation for the Eastern Church, having been notified of the successful completion of the Synod, in a letter to Hermaniuk on August 27, 1962, reminded him that the promulgation of the acts and decrees could not take place until they had been confirmed by the Apostolic See and that this would not occur until after the conclusion of the Council (Prot. no. 317/61); Archives of the Archeparchy of Winnipeg.

⁴⁶Archives of the Archeparchy of Winnipeg.

of the Eastern Code, including those canons not yet published,⁴⁷ as well as the probable date of the promulgation of the entire Code. If this were not possible, Hermaniuk added, would Coussa recommend that pre-synodal preparations begin even if the publication of the entire Code had not yet taken place? Coussa responded that it was highly probable that the Code would not be promulgated until after the Council;⁴⁸ however, that Hermaniuk should proceed with the synod's convocation. Coussa even offered to review the proposed decrees of the synod concerning the unpublished parts of the Code.

On August 24, 1961, as the opening of the Council drew near, Hermaniuk again wrote Coussa informing him that the decision to convoke the synod had indeed occurred and that pre-synodal preparations had commenced.⁴⁹ He invited Coussa to offer any observations and advice concerning the synodal process. Moreover, he inquired as to whether the commencement of the Council did not require in one way or another the synod's postponement. Coussa responded that the convocation of the Council would not only not be an impediment to the synod's celebration but that the experience the hierarchs would gain from the process would be of great benefit to the Council.⁵⁰

Therefore, in retrospect, it is unfortunate that Hermaniuk was prevented from promulgating the synodal acts and decrees, especially since the repeated advice received from Rome recommended that the synod be convoked and not delayed until after the Council.

Norms

Structure

The *Norms of the Provincial Synod of the Winnipeg Metropolia*⁵¹ are composed of several introductory general norms (nos. 1-10) and 231 articles divided into two parts: Persons (arts. 1-65) and Things (arts. 66-231). Part I on Persons contains three chapters, one each on clerics, religious, and the laity. The eight chapters of Part II on Things

⁴⁷Regarding the unpromulgated texts, see I. ZUZEK, "Les textes non-publiés du Code de Droit Canonique Oriental," in *Nuntia*, 1 (1975), pp. 23-31, and in *Nuntia*, 9 (1979), pp. 90-92.

⁴⁸February 2, 1960, Archives of the Archeparchy of Winnipeg.

⁴⁹Archives of the Archeparchy of Winnipeg.

⁵⁰August 31, 1961, Archives of the Archeparchy of Winnipeg.

⁵¹The Ukrainian original text of the document and an English translation can be found in Appendix IV.

treats of the sacraments, ecclesiastical consecrations and blessings, the celebration of the Divine Office, Divine Liturgy, sacred places, sacred times, the teaching office of the Church, and the administration of ecclesiastical goods.⁵²

Content

General norms (nos. 1-10)

Even though the *Norms* were never promulgated, perhaps the most important single consequence of the Synod was the need to identify clearly the sources of particular law of the Ukrainian Church in Canada prior to 1962, as stated in the first general norm:

1. Until now the particular law of the Ukrainian Catholic Church in Canada has been composed of:

a) Sacred Congregation for the Propagation of the Faith for the Matters of the Eastern Church, decree *Fidelibus ruthenis*, August 18, 1913, promulgated for ten years.

b) Sacred Congregation for the Eastern Church, Decree, *Graeci-ruthenitibus*, May 24, 1930, with some changes from the decree *Fidelibus ruthenis*, promulgated for ten years; extended for an additional ten years without change as communicated by the Apostolic Delegate for Canada by letter, March 9, 1941.

c) The Norms of the Ruthenian-Catholic Church in Canada, composed at the First Priestly Assembly, Yorkton, Saskatchewan, November 29, 1914, and published in Winnipeg in 1915.

d) Decrees of the Holy Apostolic See in individual matters, administration of the Ukrainian Catholic hierarchs in individual matters, and agreements of the Ukrainian Catholic hierarchy and the Latin rite hierarchy.

e) Decisions of the Lviv Provincial Synod, 1891, to the extent that they became custom in Canada.

In those matters under dual jurisdiction (*causa utriusque fori, causa mixta*), for example, property and marriage, Canadian civil laws, in agreement with ecclesial law, are also to be taken into consideration.

In addition to granting authority to the legislation of the Apostolic See and Bishop Budka, the synod gave official recognition to certain decisions of the Provincial Synod of Lviv (1891) as part of the particular law of the Ukrainian Church in Canada, thereby

⁵²The structure of the *Norms* significantly resembles that of the first three books of the *Codex iuris canonici* promulgated in 1917 for the Latin Church. Whereas Book I of that Code contained general norms, Book II treated of clergy, religious, and the laity, and Book III of sacraments, sacred places and times, Divine Worship, the teaching authority of the Church, benefices and other non-collegiate institutions of the Church, and ecclesiastical temporal goods.

recognizing the legislation of the Mother Church in Ukraine as a legitimate canonical source of the Ukrainian Church in Canada.

The general norms also decreed that, once the *Norms* were promulgated by the metropolitan (no. 8), all customs and laws contrary to the provisions of the synod would be abrogated (no. 2). The *Norms* could not contradict the decrees of the Apostolic See (no. 3). They were considered binding upon all hierarchs, clergy, and laity of the Ukrainian Church residing permanently or temporarily in Canada (no. 4). The metropolitan and the co-provincial bishops were the sole competent authority to interpret the *Norms* authentically (no. 5). A dispensation from the *Norms* could be granted by the metropolitan for the entire ecclesiastical province and by the hierarch for his own eparchy (no. 6), whereas a favour or dispensation from a public law petitioned from the Apostolic See was to be requested through one's own hierarch (no. 7). Clerics were responsible for educating the faithful concerning those norms affecting laity (nos. 9-10).

Persons (arts. 1-65)

Part I of the document treats persons and is divided into three chapters: clerics, religious, and laity. Chapter one draws extensively from *Cleri sanctitati* and is concerned with clerics, in general and in particular. Among the rights of clerics are certain privileges conceded by ecclesial law: reverence, litigation in all cases before an ecclesiastical judge, immunity from military service and public office alien to the clerical state, and adequate sustenance (art. 1); and ecclesiastical precedence and title (art. 2).

Clerical obligations include: leading a pious life worthy of imitation, spiritual exercises, frequent reception of the sacrament of reconciliation, and participation in annual retreats (art. 3); recitation of the Divine Office (art. 4); fraternal relations with other clerics (art. 5); reception of persons beyond reproach into service or residence (art. 6); ecclesiastical attire (art. 7); avoidance of establishments, offices, and games unbecoming to the clerical state (art. 8); residency (art. 9); continuing education and junior clergy examinations (art. 10); prohibition against entering into certain financial transactions (art. 11); and supplying the hierarch with a curriculum vitae (art. 12) and last will and testament (art. 13).

The section on clerics in particular determines the rights and obligations of the Apostolic See (art. 14), the Apostolic Delegate (art. 15), the metropolitan of the Ukrainian Church in Canada (art. 16), co-provincial bishops (arts. 17-22) and those eparchial curial offices and

organs which assist them in the governance of their individual eparchies (arts. 23-26), pastors (arts. 27-36), parochial vicars (art. 37), and rectors and chaplains (art. 38).

Chapter two on religious is based upon *Postquam apostolicis litteris* and distinguishes between religious institutes exempted from the authority of the local hierarch, that is, subject to the Apostolic See alone, those of pontifical right, and those of eparchial right (art. 39). Exempt religious institutes and those of pontifical right are subject to the authority of the local hierarch in all matters concerning their external apostolic work and to the authority of the religious superiors in those matters concerning their internal ordering. Religious institutes of eparchial right are subject to the authority of the local hierarch in both their external apostolic work and their internal ordering (art. 40). Articles 41-47 further delineate the rights and obligations of religious institutes as well as those of the local hierarch.

Chapter three on laity incorporates the norms of *Cleri sanctitati* that concern laity in general and the lay apostolate. Although common law attributed to laity the right to spiritual assistance from the clergy, the *Norms* treat only of their obligations, namely, recognition of membership within the Ukrainian Church (art. 48); knowledge of the basic truths of the Catholic faith, religious obligation, and rite (art. 49); awareness of the difference between Ukrainian Catholics and other faiths (art. 50); demonstration of proper reverence to clerics (art. 51); financial and manual support of the works of the Church (arts. 52-53); education of children by parents (art. 54); and proper conduct while partaking in ecclesiastical ministry (art. 55). Articles 56-64 are concerned with promoting the lay apostolate throughout the entire ecclesiastical province as well as within each eparchy and parish. Article 65 prohibits membership in organizations forbidden or not recommended by the Catholic Church.

Things (arts. 66-231)

The eight chapters of Part II treat things, that is: sacraments, sacramentals, divine office, divine liturgy, sacred places, sacred times, teaching office, and ecclesial temporal goods. Chapter one requires clerics to administer the sacraments willingly, avoiding all appearances of profitability, and in accordance with the ritual prescribed by the *Trebnyk* (art. 66). In general, the faithful are to receive the sacraments in their own Church and from their own priest; however, owing to the unavailability of a priest or the distance involved, they may receive the sacraments from another Catholic

priest. Articles 67-106 address the preparation, time and place, minister, candidates, and registration of the celebration of the sacraments of initiation, confession, anointing of the sick, sacred ordination, and marriage.

Chapter two, on consecrations and blessings, requires that these be administered in accordance with the prescriptions of the *Trebnyk* (arts. 107-112). Chapter three, concerned with the public, daily, and occasional celebration of the divine office (arts. 113-120), determines that priests celebrate only those divine services prescribed within the Ukrainian rite.

Articles 121-137, as listed in chapter four on the Divine Liturgy, require priests to adhere to the texts and rubrics of the *Sluzhebnyk* and ritual prescriptions of the *Ordo celebrationis* as approved by the Apostolic See.

Chapters five and six treat sacred places and sacred times, respectively. Articles 138-163 regulate the construction of churches and the erection of cemeteries, while articles 164-176 deal with feast days, fasts, sacred times, and privileged times in Canada.

Chapter seven, on the teaching office of the Church, is divided into the preaching of the word of God (arts. 177-186) and catechetical instruction (arts. 187-200). Having received the faculty from the local hierarch, priests are obligated to preach—even in English if the spiritual good of the faithful so requires—at each Divine Liturgy on Sundays and feast days and on other occasions where larger numbers of faithful are present. Although parents possess the primary responsibility of educating their children in the basic religious truths, Catholic schools and the Church augment that which is lacking and correct that which is in error. Ukrainian parents are obligated to send their children to Catholic schools and pastors are to see that parents do so. Pastors are also to provide adequate religious education in their own parishes, not only for children, but for adults as well.

The final chapter on the administration of ecclesial temporal goods (arts. 201-231) recognizes the inherent right of the Catholic Church to acquire, retain, and administer temporal goods. Among those ecclesiastical organs which assist the eparch in this matter are the eparchial econome and finance council, pastors, and parish councils.

SYNOD OF BISHOPS OF THE UKRAINIAN CHURCH

Concentrated efforts by the Ukrainian hierarchy throughout this century have resulted in the return of synodal governance within the

Ukrainian Church. Based upon gatherings of bishops instituted under Metropolitan Sheptytsky, the Ukrainian Church in Canada has organized episcopal conferences since 1951. These conferences were soon expanded to include all bishops in the diaspora, eventually developing into the Synod of Bishops of the Ukrainian Church.

While at first, these episcopal gatherings resembled those of the Latin Church, and, therefore, primarily apostolic and pastoral in nature, they were transformed under the leadership of Cardinal Josyf Slipyj into a legislative body, affecting all aspects of the Ukrainian Church. As an integral source of the particular law of the Ukrainian Church in Canada, their canonical-historical development is studied here.

Episcopal Gatherings Under Metropolitan Sheptytsky, 1927-1929

In the late 1920s, Metropolitan Andrey Sheptytsky organized two international episcopal conferences in which nearly all the Greek-Catholic bishops of the world participated.⁵³ The First Conference took place with the blessing of Pope Pius XI on November 29-December 7, 1927, in Lviv.⁵⁴ The primary purpose of the meeting was to plan material for subsequent conferences. To this end, four commissions were established to prepare material for future study on liturgy, the codification of Eastern canon law, pastoral action, and church organization, respectively. The bishops intended to meet again in two years and every five years thereafter.

⁵³See I. MONCZAK, "Rozvytok synodal'nosti v ukrayins'kiy katolyts'kiy tserkvi," *Blabovisnyk*, 21 (1985), pp. 9-13.

⁵⁴A report on the conference appears in the Lviv Archeparchial periodical *Nyva*, "Zyzyd nashykh arkhieriyiv," 22 (1927), pp. 425-428. This historical meeting attempted to provide a common dialogue for all Greek-Catholic Churches united by their Slavonic religious heritage. The conference was presided over by Metropolitan Andrey Sheptytsky and attended by Bishops Josaphat Kotsylovsky, Eparch of Peremyshl; Hryhorii Khomyshyn, Eparch of Stanislaviv; Nykyta Budka, Exarch of Canada; Basil Takach, Exarch for Ruthenians in the United States; Petro Gebej, Eparch of Mukachiv; Pavlo Gojdych, Administrator of Pryashiv; Dionysij Njardyj, Eparch of Krizhevci; and Cyril Kurtiev, Bishop of the Bulgarians of Thrace. Rumanian representatives were prevented from attending the conference by civil authorities. Originally the bishops intended to hold a Congress in 1926 to discuss various academic disputes within the Ukrainian Catholic Church ("Nash kongres," in *Nyva*, 21 (1926), pp. 1-3). However, reasoning that any resolutions arising from the Congress would be better implemented by ecclesial authorities, the bishops shifted their efforts to the organization of an episcopal gathering ("Zyzyd nashyx arxijerejiv," p. 426).

The Second Conference took place on October 21-29, 1929, in Rome, to coincide with the fiftieth anniversary of priesthood of Pius XI.⁵⁵ The conference treated matters of unity in ritual, liturgy,⁵⁶ discipline, ecumenism,⁵⁷ married and celibate candidates for the priesthood, and finances. The bishops also established an inter-eparchial commission to revise all liturgical books.⁵⁸

⁵⁵See P. CHOMYN, "Konferenciya ukrayins'koho hr. kat. epyskopatu v Rymi," in *Nyva*, 24 (1929), pp. 434-439. In attendance at the conference were Metropolitan Sheptytsky and Bishops Khomyshyn; Josaphat Kotsylovsky, Eparch of Peremyshl; Hryhor Lakota and Ivan Buchko, Auxiliaries of Peremyshl; Gebej; Gojdych; Njardyj; and Constantine Bohachevsky, Exarch of the United States. Bishops Ladyka and Takach did not attend.

⁵⁶In recognition of Sheptytsky as head of the Ukrainian Church, the Ukrainian bishops agreed to commemorate the Metropolitan during the divine praises.

⁵⁷Sheptytsky believed that a unified Ukrainian Church could be an effective ecumenical bridge between the Churches of the East and the West: He stated:

The previous conference was not the last but the first of a series of gatherings and meetings which have as their purpose to create a unified Church capable of fulfilling its historical mission in the East. For when our unified Church is to become, not only in theory, but in reality a bridge uniting East with West, when it itself is to represent in the eyes of the West, the East with its liturgy, ritual, discipline, and ecclesiastical tradition on the whole, and in the eyes of the East not in union with the Catholic Church, its strong organized unity, its great religious activity and great influence over all areas of religious-social life, then our Church must clearly possess within itself all the most important elements of both Churches.

In order to achieve this goal, our Church must itself be well organized, unite all scattered and separated eparchies which until now have so existed or are beginning to do so to the detriment of unity, and thus create one strongly organized entity, unified internally and externally with respect to liturgy, ritual, and discipline. This has been, and is, the main objective of these conferences (CHOMYN, "Konferenciya ukrayins'koho hr-kat. Epyskopatu v Rymi," p. 434).

⁵⁸Under the presidency of Sheptytsky, the commission was composed of nine delegates, one from each of the eparchies and exarchies existing at that time, namely, Lviv, Peremyshl, Stanislaviv, Mukachiv, Pryashiv, Krizhevci, Philadelphia, Pittsburgh, and Winnipeg. The revised texts were to be presented to the Apostolic See for final review and approval. In this manner all bishops united by the Old Slavonic language would gradually accept into use one and the same liturgical books ("Mizhepar-khialna obryadova komisiya," in *Nyva*, 25 [1930], p. 235).

The desired results were never realized, as the commission was not able to agree upon the final redaction of the liturgical texts even after several years of diligent work. Having reached an impasse, the bishops handed over the responsibility of editing the liturgical books to the Apostolic See. In 1938, Pope Pius XI established a Vatican liturgical commission charged with the preparation of a typical edition of Ruthenian liturgical books.

The Metropolitan's deteriorating health, lack of consensus among the parties involved regarding the question of ritualistic purification, and the political conditions in Europe prevented future conferences from being held.

Conferences of Ukrainian Catholic Bishops in the Diaspora

Canada, 1951

Created in 1912, the Apostolic Exarchate for Ukrainians in Canada was divided into the Exarchates of Manitoba, Western Canada, Eastern Canada, and Saskatchewan between 1948 and 1951. Archbishop Ladyka and the newly appointed bishops expressed a desire to meet and discuss mutual problems and concerns confronting their Church in Canada. The result was the First Conference of the Ukrainian Catholic Episcopate of Canada on October 11-12, 1951, in Ottawa.⁵⁹

The Conference discussed ways of strengthening the Ukrainian Church in Canada. In particular, the bishops agreed to work together on several projects: to begin preparation towards the convocation of an inter-exarchial synod; to erect an inter-exarchial seminary; to prepare a joint pastoral letter on vocations to the priesthood and religious life; to work towards a unified Ukrainian Catholic Press in Canada; and to undertake several joint publications, including a memorial book of Ukrainian emigration to Canada,⁶⁰ a schematism of Ukrainian Catholic Churches in Canada, a Ukrainian translation of the Sacred Scriptures, a catechism for children, and a history of the Ukrainian Catholic Church.

Canada and the United States, 1954

Bishop Hermaniuk was an active proponent of episcopal collegiality and sought to expand the Canadian Conference to include

⁵⁹Present at the conference were Bishops Neil Savaryn, Exarch of Western Canada; Isidore Borecky, Exarch of Eastern Canada; Andrew Roborecky, Exarch of Saskatchewan; and Maxim Hermaniuk, Auxiliary to the Exarch of Manitoba. Archbishop Basil Ladyka, Exarch of Manitoba, did not attend due to ill health.

⁶⁰In 1941, Ladyka published a memorial book commemorating fifty years of Ukrainian immigration to Canada (*Propamyatna knyha z nabydy zolotoho yuvileyu poselennya ukrayins'koho narodu v Kanadi*, Yorkton, Saskatchewan, Ukrainian Catholic Episcopal Ordinariate, 1941). During the 1951 conference, the bishops intended to update the 1941 edition by adding a second volume to the work or to publish an entirely new edition which would commemorate sixty years of immigration to Canada; however, neither project was ever realized.

the bishops of the United States. In December, 1953, on behalf of Ladyka, he proposed the idea to Archbishop Constantine Bohachevsky, Exarch of Philadelphia. Bohachevsky favoured the proposal and on January 5, 1954, wrote a joint letter together with Ladyka to each of the bishops in Canada and the United States inviting their opinion on the matter. The response was unanimous; however, the bishops recommended that their first meeting be limited to discussing lenten and forbidden times, as these were not uniformly regulated throughout their exarchates. Hermaniuk was asked to prepare the proposal.

During the Conference which took place on October 25, 1954, in Washington,⁶¹ the bishops resolved that such gatherings were indeed necessary if they were to be successful in formulating particular law for the Ukrainian Church in Canada and the United States. They turned to the Apostolic See for approval and direction in holding future conferences.

Unfortunately, the bishops were not able come to any consensus concerning lenten and forbidden times; however, they agreed to review Hermaniuk's proposal with their respective priest-consultors. Lengthy delays followed despite repeated attempts by Hermaniuk to expedite the process.⁶²

Free World, 1957-1962

Upon the occasion of Archbishop Hermaniuk's enthronement as Metropolitan on February 12, 1957, in Winnipeg, the attending Ukrainian bishops met and established a Conference of the Ukrainian Episcopate of the Free World. The Conference was convoked five times prior to the Second Vatican Council:

- 1) November 12, 1957, Toronto, coinciding with the annual meeting of the Canadian Conference of Catholic Bishops, November 13-14, in Ottawa;
- 2) November 2-3, 1958, Philadelphia, on the occasion of the

⁶¹ In attendance at the conference were Archbishop Bohachevsky and Bishops Savaryn, Borecky, Roborecky, and Hermaniuk. As auxiliary to Bohachevsky, Bishop Ambrose Senyshyn elected not to attend. Although he declined the invitation, Bishop Danylo Ivancho, Exarch of Pittsburgh for the Ruthenian faithful in the United States, was also invited in the hope of strengthening ecclesial ties between the two Churches.

⁶²Progress was further delayed when new hope had arisen that Ruthenian Bishop Ivancho's successor, Nicholas Elko, might be interested in attending the next meeting.

enthronement of Archbishop Constantine Bohachevsky as Metropolitan of Philadelphia;⁶³

3) October 12-14, 1959, Rome, marking the thirtieth anniversary of the episcopal conference convoked under the presidency of Metropolitan Sheptytsky in 1929;

4) August 8-10, 1960, Munich, on the occasion of the XXXVII International Eucharistic Congress; and

5) July 2-4, 1962, Winnipeg, in conjunction with the fiftieth anniversary of the appointment of the first Ukrainian bishop in Canada, Eucharistic Congress, and first provincial synod of the ecclesiastical Province of Winnipeg.

At the first Conference in 1957, the bishops equated their episcopal gatherings with those of the Latin Church. They determined that their Conference would not be a legislative body and, therefore,

⁶³Ruthenian Bishop Nicholas Elko, and his auxiliary, Stefan Kocisko, again were invited to the conferences. However, they elected not to attend. On November 29, 1958, they wrote Bishop Bohachevsky, stating that they were not able to participate in conferences designated for Ukrainian Catholic bishops:

Your Excellency:

We acknowledge receipt of your communications dated November 5 and November 18 under No. 2162/58.0., wherein you inform us of the plans being formulated for a conference of all Ukrainian Catholic bishops to be conducted in Rome during the month of October, 1959.

While it is kind of Your Excellency to extend the invitation for His Excellency, Bishop Stephen J. Kocisko, and myself to be in attendance, we nevertheless find it necessary to pursue a course and policy of action congruent with the official documents of the Holy See in our regard.

Parallel to Your Excellency's interests and responsibility for the Ukrainian people is our own grave responsibility to seek at all times the welfare and advancement of the Ruthenian faithful of Podkarpatska Rus under our jurisdiction. In an official document from the Sacred Congregation for the Oriental Church, dated June 18, 1924 under Prot. no. 13444/24, special instructions were committed to the Bishop of the Ruthenian Catholics in the United States, giving the basis for the necessary division into two Exarchates of the Ruthenians and Galicians and indicating the necessity for their maintenance as such. It was subsequently stated that to divert from this path of action would result in immense spiritual harm to the faithful...

With Your Excellency's knowledge regarding the social, political and religious backgrounds of these two separate national groups, you can surely appreciate our solicitude for the spiritual and material progress of our people, even while being in full accord with the wishes of the Holy See and being of one mind with all her commands and designs for us. We therefore feel confident that you will understand our preference to avoid any provocation of our faithful by pursuing an action alien to their thinking (Archives of the Archeparchy of Winnipeg).

resolutions would not have the force of law in each eparchy. Instead, the Conference was to provide orientation and direction to the bishops of the Free World. The episcopal sees of Winnipeg and Edmonton were designated as the permanent seat and secretariate of the Conference, respectively, in order to provide structure and stability.

In 1960, the bishops approved the "Statutes of the Ukrainian Catholic Conference" as prepared by Hermaniuk. Articles 2 and 4 determined the character, aim, and purpose of the Conference:

Art. 2. 1. The Ukrainian Catholic Conference is an organization existing with the consent and blessing of the Holy See which unites the Ukrainian Catholic bishops of all countries in the world for the purpose of conducting systematic study, arriving at common decisions and introducing into practice all the questions concerning the spiritual and national welfare of their people.

2. As such, the Ukrainian Catholic Conference is not identical with the Ukrainian Catholic Hierarchy, and its decisions, not being those of a synod, have no force of law.

Art. 4. The Ukrainian Catholic Conference exists for the following aims and purposes:

1. To keep all the Ukrainian Catholic bishops of the world in close contact for the purpose of maintaining and preserving unity of action in all matters of their pastoral duties.

2. To study, decide upon, encourage, maintain and co-ordinate all the ecclesiastical, religious, national and social activities which may help to preserve, strengthen and extend the Ukrainian Catholic Church.

3. To preserve the purity of the Ukrainian rite in all its practices, together with all the forms of its rich artistry in all the countries of Ukrainian settlement.

4. To provide for the organized protection of the rights of the Ukrainian Catholic Church, its beautiful rite, all its theological, liturgical and artistic traditions, and to work for its successful growth and development.

The Statutes also determined that the Conference would be divided into three organs:

1) General Assembly of bishops, composed of all Ukrainian Catholic bishops, residential or titular, to meet every five years (articles 9-21);

2) Administrative Board of the Conference, composed of a metropolitan-president, bishop-vice-president, and bishop-secretary, to act in the name of the Conference between meetings (articles 22-25);⁶⁴ and

⁶⁴Hermaniuk was elected as the first president, Buchko as vice-president, and Savaryn as secretary of the Administrative Board.

3) Supporting organs of episcopal commissions, General Secretariat, departments, and other agencies (articles 26-35).

On December 15, 1961, Hermaniuk sent the Statutes to the Apostolic See for review and approval. On February 9, 1962, Archbishop Coussa, Pro-Secretary of the Sacred Congregation for the Eastern Church, communicated his best wishes for the success of the Conference.⁶⁵ He suggested that a more suitable name for the Conference would be: "Conference of the Catholic Hierarchs of the Ukrainian Rite," and that article 2,1° be modified to indicate that the Conference is an organization inspired by canon 351 of *Cleri sanctitati*.⁶⁶ He also suggested that article 2,2° read: "Its decisions are rather directives or counsels and have no force of law, not being those of a Synod." He concluded that while the Metropolitan See of Lviv-Halych was impeded, the Statutes undergo a period of probation prior to final approval. Based upon Coussa's recommendations, the bishops adopted the Statutes under the name "Conference of Catholic Bishops of the Ukrainian Rite."

Archbishop Sebastiano Baggio, Apostolic Delegate, in addressing the Conference in 1962 in Winnipeg, indicated that its work was: 1) to coordinate the religious-social life of the Ukrainian Catholic faithful; 2) to ensure ritual uniformity, especially in liturgy and discipline; 3) to encourage bishops to participate in the conference for the common good of the Church, even though they were not obliged to attend; 4) to promote fraternal relations with Latin bishops; 5) to maintain mutual contact; 6) to support lay apostolate, especially concerning education and the press; and 7) to cultivate

⁶⁵Prot. no. 498/58; Archives of the Archeparchy of Winnipeg.

⁶⁶Canons 340-351 of *Cleri sanctitati* treat synods of patriarchates, archiepiscopates, and provinces of several rites and of several provinces. Canon 351, in particular, states:

1. The metropolitan who is not subject to a patriarch or archbishop, and, in his absence, the bishop who is the senior in rank in the province, shall see that the local Hierarchs be called together whenever necessary, at the seat of the metropolitan or of another bishop, in order to decide in mutual consultation what is to be undertaken in the eparchies to promote the welfare of religion, and they shall prepare the material to be acted upon by the future provincial synod.

2. It is expedient also that residential bishops, even if they have the honorary title of archbishop, who are not subject to a patriarch or metropolitan, exarchs who are in charge of a territory of their own, and apostolic exarchs, although they be of another Rite, take part together with the other Hierarchs of the same territory in the conferences mentioned in paragraph one.

priestly vocations, first for local eparchies, and second for future missionary activity in Ukraine.⁶⁷

Archiepiscopal Synods, 1963-1973

The Second Vatican Council marked a pivotal point in the history of the Ukrainian Church. It provided the Ukrainian hierarchy not only the opportunity to meet more frequently than in the past, but also an occasion to reflect upon the destiny of their Church. This reflection was without a doubt led by Archbishop Josyf Slipyj,⁶⁸ released from Soviet captivity in February, 1963.⁶⁹ Archbishop Slipyj, later honoured with the title and dignity of Cardinal,⁷⁰ was an accomplished theologian⁷¹ and, like Metropolitan Sheptytsky before him, a strong

⁶⁷Archives of the Archeparchy of Winnipeg.

⁶⁸Josyf Slipyj Kobernytsky Dychkovsky, was born on February 17, 1892, in Zazdrist', Galicia. Completing his formation at the Greek Catholic Theological Seminary and University in Lviv, he was ordained by Metropolitan Sheptytsky in 1917 at the age of twenty-five. Subsequently, he distinguished himself as a scholar, completing a Doctorate of Theology at Innsbruck, defending his habilitation at Innsbruck University, obtaining a *magister aggregatus* in dogmatics and a second habilitation at the Gregorianum in Rome, all by 1924. Slipyj demonstrated his aptitude in organizing Ukrainian theological studies by helping to found the quarterly *Boboslovyia* and the Ukrainian Theological Scholarly Society. He served as rector of the theological seminary and as the first rector of the Greek Catholic Theological Academy, which emerged as the greatest centre of Ukrainian Catholic theological study and training. Following the Soviet occupation of Western Ukraine after the outbreak of the Second World War, Sheptytsky named him his coadjutor in 1939. The nomination was subsequently ratified by Pope Pius XII. For a short biography on Slipyj, see W. LENCYK, art. "Slipyj, Yosyf," in *Encyclopedia of Ukraine*, Toronto, University of Toronto, vol. 4, pp. 750-752.

⁶⁹Archbishop Josyf Slipyj and the entire Ukrainian hierarchy were arrested and imprisoned in 1945 by Soviet authorities in an attempt to liquidate the Ukrainian Catholic Church. Through the efforts of Pope John XXIII, Slipyj was the only hierarch to gain his freedom, having spent eighteen years as a prisoner in the gulags; however, unable to remain in Ukraine, he was exiled to Rome. Today, together with Sheptytsky, Slipyj is considered to be one of the great Ukrainian churchmen of this century. See J. PELIKAN, *Confessor Between East and West: A Portrait of Ukrainian Cardinal Josyf Slipyj*, Grand Rapids, MI, W.B. Eerdmans, 1990.

⁷⁰Slipyj was elevated to the dignity of Cardinal on February 22, 1965. On the basis of Eastern tradition, he received the title of "His Beatitude" and was commemorated in the Divine Liturgy, together with the Pope of Rome, the local Ukrainian metropolitan, and the local bishop.

⁷¹As an authority on dogmatic theology and scholastic philosophy, Slipyj's works include: his habilitation theses *Die Trinitätslehre des byzantinischen Patriarchen*

promoter of East-West ecumenism. Slipyj was convinced that the Ukrainian Church, positioned both geographically and historically between East and West, was destined to become an important ecumenical bridge between both Churches. To this end, he and the entire Ukrainian hierarchy sought to improve the organization and prestige of their Church. During the remainder of the Council and in the following years, they took steps to return their Church to an Eastern form of synodal governance and to raise its dignity to that of a patriarchal church.

Six Archiepiscopal Synods were held in Rome from 1963 to 1973 under Slipyj's presidency:

- 1) September 27-November 28, 1963, during the second session of the Council;
- 2) September 13-November 19, 1964, during the third session of the Council;
- 3) September 13-December 6, 1965, during the fourth and final session of the Council;
- 4) September 29-October 4, 1969;⁷²

Photios and *De principio spirationis in SS Trinitate*, which attempted to reconcile Eastern and Western differences regarding the nature of the Trinity and the procession of the Holy Spirit; and several articles on the Union of Brest, the history of the Ukrainian Catholic Church, and the influence of Saint Thomas Aquinas on Ukrainian theology.

⁷²The minutes, resolutions, decisions, and related materials of the IV Archiepiscopal synod are recorded in *Blabovisnyk*, 5 (1969), pp. 79-130. The bishops had planned to hold their next meeting in Rome October 20-27, 1967, on the occasion of the one hundredth anniversary of the canonization of St. Josaphat. In preparation, Slipyj held a pre-synodal meeting with Archbishop Ivan Buchko and Bishops Platon Kornilyak and Volodymyr Malanchuk on December 6-8, 1966. The bishops prepared the agenda for the upcoming synod as well as finalizing plans to mark the anniversary. The minutes of this meeting were published in 1969 in *Blabovisnyk*, the official periodical of the Major Archbishop (V, 1969, pp. 77-79).

For various reasons the IV Archiepiscopal Synod was not held until 1969. In a letter to Pope Paul VI on April 11, 1970, the Ukrainian bishops of Canada stated that the source of the delay lay with the Eastern Congregation:

It is regrettable that, despite its many efforts, the Ukrainian Catholic Hierarchy had not been able to hold one common assembly between 1965 and September 1969. Your Holiness is aware that our Church, now persecuted in Ukraine and established in many countries of the free world, is faced with innumerable difficulties that are awaiting a solution. In that period other Particular Churches, who live and act in normal circumstances, have convoked even semi-annual collegial synods to resolve their problems. Yet every effort of our bishops to introduce collegial government in their Church in accordance with the decrees of the Second Vatican Council and the recent Synod of Bishops have been denied

5) October 31 to November 5, 1971, following the consecration of the newly renovated Ukrainian Church of the Mother of God of Zhyrovyci and the Holy Martyrs Saints Sergius and Bacchus, Rome, and after the symposium commemorating the 375th anniversary of the Brest-Litovsk union and 325th anniversary of the Uzhhorod union.⁷³

6) October 18-23, 1973, on the occasion of 350th anniversary of the martyrdom of St. Josaphat and the transfer of the human remains of Lviv-Halych Major Archbishop Joseph Sembratovich (1870-1882) from the Roman cemetery Campo Verano to the crypt of St. Sophia, Rome.⁷⁴

During the First Archiepiscopal Synod in 1963, the bishops agreed that decisions which received two-thirds of the vote of bishops in attendance have the force of law. They also agreed that any intervention at the Second Vatican Council be made, not on behalf of individual bishops, but, as an act of solidarity, in the name of the entire Ukrainian Church. As a result, whereas during the first two sessions of the Council Patriarch Maximos IV often spoke on behalf of the Eastern Churches, in subsequent sessions, Slipyj, in the name of the Ukrainian episcopate, defended the East from Latinization and Metropolitan Hermaniuk advocated episcopal collegiality. At the third session of the Council, in particular, Slipyj made a motion to raise the Lviv-Halych Metropolia to the dignity of a patriarchate.⁷⁵

During the Second Archiepiscopal Synod in 1964, Hermaniuk presented a written proposal on the establishment of the Lviv-Halych patriarchate, arguing that it was necessary in order to preserve ritual unity and ecclesial discipline and to coordinate missionary work.

While the Third Archiepiscopal Synod did not treat canonical matters, during the Fourth Synod held in 1969, the bishops drafted

by the Sacred Congregation for the Eastern Churches on the grounds that present canon law does not foresee such collegial action for Oriental Christians (Archives of the Eparchy of Edmonton).

⁷³The minutes, resolutions, decisions, and related material of the synod are recorded in *Blahovisnyk*, 7 (1971), pp. 49-85.

⁷⁴The decisions of the synod are recorded in *Blahovisnyk*, 9 (1973), pp. 52-53.

⁷⁵For an overview of the Ukrainian Church and the Second Vatican Council see W. DUSHNYCK, *The Ukrainian-Rite Catholic Church at the Ecumenical Council, 1962-1965*, New York, NY, Shevchenko Scientific Society, 1967; and A. SAPELAK, *Ukrayins'ka tserkva na II Vatykans'komu sobori*, Rome, Salesian Press, 1967.

a Constitution of the Ukrainian patriarchate with jurisdiction over all the faithful throughout the world and forwarded it to the Roman Pontiff for approval. Upon the conclusion of the Synod, on October 25, 1969, Slipyj forwarded a report on the proceedings and decisions to Cardinal Maximilian de Fürstenberg, Prefect of the Congregation for the Eastern Churches. On December 1, 1969, the Prefect responded that, first, under current canonical legislation, no one in the Ukrainian Church had the right to convoke a synod; and second, Slipyj's ecclesiastical authority was restricted to the Eparchy of Lviv.⁷⁶ On July 7, 1971, Pope Paul VI himself wrote Slipyj stating that the request to establish a Ukrainian patriarchate could not be honoured.⁷⁷

During the Fifth Archiepiscopal Synod in 1971, the bishops unanimously agreed that their episcopal gatherings were in nature

⁷⁶Prot. no. 388/69; Archives of the Archeparchy of Winnipeg. On December 15, Slipyj replied: "The decisions of more than twenty-one bishops are law for us. We have clarified the position of our Church... I must say that it is not a matter of defending my modest person, the galley-slave archbishop, but of defending the 1,000 year old rights of our Kiev-Halych Metropolia" (Archives of the Eparchy of Edmonton). On April 10, 1970, de Fürstenberg again wrote Slipyj reiterating that Pope Paul VI was not in favour of erecting a Ukrainian patriarchate; instead, the Roman Pontiff saw the Conference of Catholic Bishops of the Ukrainian Rite as the vehicle by which the Ukrainian bishops fulfilled their pastoral responsibilities (Prot. no. 388/69; Archives of the Eparchy of Edmonton).

⁷⁷The Roman Pontiff wrote:

At a meeting of the heads of the Congregations of the Roman Curia held on the 22nd day of the past month of June, the members of this commission explained from every possible angle the conclusions that they arrived at from their examination of the question assigned to them.

Having seriously weighed before the Lord the opinions of the Cardinal Fathers, even though Our mind was most inclined to accept your petitions, nevertheless, We have come with difficulty once again to the conclusion that it is impossible, at least at this time, to establish a Ukrainian patriarchate.

There are canonical, historical, spiritual and pastoral reasons which, due to contemporary circumstances, do not, alas, permit Us to satisfy the wishes and desires of the Ukrainian Catholic Hierarchy.

Firstly, it is to be noted that the canonical discipline of the Eastern Churches which now has been confirmed by the conciliar decree *Orientalium Ecclesiarum* and the explanatory note (Declaratio) concerning the word "aggregatus" given on the 25th of March 1970, limits the jurisdiction of the patriarchs within the boundaries of their own territory. Given the present norms in force, it is impossible to foresee whether reinterpretation and accommodation of the Eastern canonical law could bring about certain contemplated changes in the existing canons (Archives of the Eparchy of Edmonton).

true Eastern synods, not Latin conferences.⁷⁸ They proceeded to establish a permanent synod in accordance with canons 288-295 of *Cleri sanctitati*.⁷⁹ They also continued work on a draft of the Constitution of the Ukrainian Church. When it was completed, Slipyj sent it to all the Ukrainian bishops for review.⁸⁰ The draft evoked a strong response from the Apostolic See, which considered the persistence of the Ukrainian hierarchy in this matter as a challenge to its own authority. Cardinal Jean Villot, Secretary of State, in letters forwarded by various apostolic delegates to Ukrainian bishops throughout the world, challenged the validity of the action taken by Slipyj arguing that:⁸¹

1) The drafting as well as the distribution of the constitution took place without the knowledge of the Apostolic See.

2) No legitimate canonical basis can be found for such a constitution, as the Ukrainian Catholic Church has not been constituted as a patriarchate, and as a whole, has no intermediate jurisdictional structure between the episcopate and papal authority.

3) The term "autonomous" is neither juridically perspicuous nor does it conform to the custom of other Eastern Churches.

4) Therefore, the Apostolic See cannot accept the constitution as canonically workable.

5) The Apostolic See, however, would not be opposed to consultation with Ukrainian bishops in view of updating the legislation of their Church, particularly for improving the structures of the present episcopal conference. Such a consultation would not involve discussion on the establishment of a patriarchate as the recent pronouncement of the Apostolic See is clear upon this matter.

⁷⁸The Apostolic See continued to regard the meetings of the Ukrainian hierarchs as episcopal conferences and not synods. When the 1972 edition of *Annuario pontificio*, the official yearbook of the Catholic Church, continued to list the "Conference of the Ukrainian Catholic Hierarchy" with Maxim Hermaniuk as its president, Hermaniuk wrote to Cardinal Villot, Secretary of State, indicating that the information was inaccurate. He argued that, from the moment of the release of Slipyj from captivity, the Ukrainian hierarchy began to govern their Church synodally in conformity with the decisions of the Second Vatican Council and the tradition of the Eastern Churches. Hermaniuk had informed the Sacred Congregation for the Eastern Churches as early as May 6, 1967, that he had resigned as president of the Conference (Archives of the Archeparchy of Winnipeg).

⁷⁹ The members of the permanent synod consisted of Slipyj and four bishops appointed for five years, namely, Hermaniuk, Senyshyn, Buchko, and Sapelak.

⁸⁰The draft was published in *Blahovisnyk*, 8 (1972), pp. 79-90.

⁸¹Letter of Archbishop Guido del Mestri, Apostolic Pro-Nuncio, to Ukrainian Hierarchs in Canada, September 27, 1972, Prot. no. 17692.

On October 12, 1972, the Ukrainian Catholic bishops of Canada responded to Villot's accusations:⁸²

1) The term "autonomous" does not appear at all in the constitution.

2) The claim that no legitimate canonical basis can be found for such a constitution is contrary to the declaration of the Sacred Congregation of the Eastern Churches dated December 23, 1963 which states: "... the Ukrainian Catholic Metropolitan of Lviv is to be regarded as Major Archbishop in accordance with canons 324-339 of the apostolic letter *Cleri Sanctitati*."⁸³ The canons in question recognize the major archiepiscopate as an intermediate jurisdictional structure between the episcopate and the papal authority. The recognition by the Apostolic See of the Metropolitan of Lviv as Major Archbishop was not an honour extended to the person of Slipyj, but an official reaffirmation of the Ukrainian Catholic Church as a major archiepiscopate.⁸⁴

3) The structure of an episcopal conference does not conform with canon 326, §1,8 of *Cleri sanctitati*, which requires a major archbishop to convoke an annual assembly of hierarchs.⁸⁵ Accordingly, the bishops of the Ukrainian Major Archiepiscopate are required to adhere to a synodal structure in their collegial activities. By virtue of *Orientalium ecclesiarum*, no. 7,⁸⁶ and by the declaration of the Congregation for the Eastern Churches of March 25, 1970,⁸⁷ this includes Ukrainian bishops outside the territory of their Major Archiepiscopate.

⁸²Archives of the Archeparchy of Winnipeg.

⁸³AAS, 56 (1964), p. 214.

⁸⁴Hermaniuk argued that the Ukrainian Church had been recognized as a major archiepiscopal church at the time of the Brest-Litovsk Union by Pope Clement VIII with his papal bull *Decet Romanum Pontificem* dated February 23, 1596 (WELYKYJ, *Documenta Pontificium Romanorum*, vol. 1, Rome, 1953, pp. 266-268). Hermaniuk further argued that this juridical structure was reconfirmed on the occasion of the restoration of the Metropolitan See of Halych by Pope Pius VII with his papal bull *In universalis Ecclesiae regimine* dated February 24, 1807 (ibid., vol 2, pp. 313-319).

⁸⁵The canon states: "Besides those matters which belong to him in his province in his capacity as metropolitan according to the norm of c. 320, it is the task of the major archbishop to call together every year, except that in which an archiepiscopal synod is held, the local hierarchs either of the whole archiepiscopate or of a province or of a region, for the purpose of an assembly, but in such a way that, in the latter instance, there is nobody during a period of five years at least who has not been invited."

⁸⁶"Wherever a prelate of any rite is appointed outside the territory of his patriarchate, he remains attached to the hierarchy of his rite, in accordance with canon law."

⁸⁷The declaration states:

In its solicitude for safeguarding and promoting the growth of the Eastern Catholic Churches, the Apostolic See believes that certain norms should be

The bishops added that it was unfortunate that the Apostolic See received, and took seriously, misleading information detrimental to its authority and hostile to the Ukrainian Church. They welcomed the suggestion of consultation in view of updating the legislation of their Church and suggested that the draft Constitution serve as a point of reference.

Despite continued Vatican opposition, during the Sixth Archiepiscopal Synod in 1973, the bishops proceeded with the promulgation of the "Patriarchal Constitution of the Particular Ukrainian Catholic Church."⁸⁸ The Constitution considers the

established for strengthening closer relations between the patriarchs and hierarchs of their rites who are set up outside the limits of the patriarchal territory and for promoting more effectively the welfare of the faithful of eastern rites who are living outside the patriarchate.

Wherefore the Sacred Congregation for the Eastern Churches, acceding to requests that the prescriptions of the third clause of no. 7 of the conciliar decree, *Orientalium Ecclesiarum*, be put into effect, by order of the Supreme Pontiff, makes the following declaration:

1. Eastern hierarchs, who have been set up outside the limits of the patriarchal territory, can take part with deliberative vote in the patriarchal synods of their own rite, whether these pertain to elections or to business matters.

2. The patriarch or, if the see is vacant or impeded, the patriarchal administrator is obliged to summon to the synods mentioned in no. 1 all and each of the hierarchs of his rite who have been set up outside the limits of the patriarchal territory.

3. With reference to the designation of hierarchs of his own rite for the faithful who are living outside the patriarchate, the patriarch in conjunction with his synod of elections can, at the proper time, propose to the Apostolic See a list of at least three fit candidates, but the Roman Pontiff retains the right to appoint to offices of this kind whomever he himself prefers.

The above-established norms will obtain for the interim until the Eastern canonical discipline has been reorganized in accord with the decrees and intent of the Second Vatican Ecumenical Council. In so far as necessary, the prescriptions of the current Eastern canon law are abrogated, but this does not mean that the jurisdiction of the patriarch is extended beyond the limits of his patriarchate. All things to the contrary notwithstanding, even those deserving special mention (AAS, 62 [1970], p. 179; *CLD*, vol. 7, p. 9).

⁸⁸The Constitution is composed of fifty-nine articles divided into sixteen titles:

1. Introduction. 2. Relations with the Roman Pontiff. 3. Patriarch or Major Archbishop. 4. Metropolitan Sees and Metropolitans. 5. Eparchies and Bishops. 6. Auxiliary Bishops. 7. Exarchates. 8. Particular Synod. 9. Permanent Synod. 10. Patriarchal Council. 11. Extraordinary Synod. 12. Cooperators of the Bishop: Priests, Deacons, and Lower Clerics. 13. Religious—Monks. 14. Laity. 15. Brotherhoods. 16. Administration of Temporal Goods. The entire document is published in Ukrainian, Latin, English, and Italian in *Patriyarkhal'ny Ustav Pomisnoyi Ukrayins'koyi*

decisions of the Union of Brest-Litovsk and the Conciliar Decree on the Eastern Churches to be the founding principles of the synodal structure for the Ukrainian Church. It recognizes the Ukrainian Church as one of the Eastern Churches with its own liturgical rite, ecclesiastical discipline, spiritual and theological heritage, and history, beginning with the baptism of Kievan Rus'-Ukraine by Prince Volodymyr the Great in 988. Articles 3-5 state that it is within the jurisdiction, and indeed the responsibility, of the Ukrainian Church to provide pastoral care for its faithful, not only in Ukraine, but throughout the entire world.⁸⁹ Articles 9-10 clearly define the system of governance of the Ukrainian Church as synodal.⁹⁰

(Rus'koyi) Katolyc'koyi Tserkvy/De constitutione patriarchali Particularis Ecclesiae Catholicae Ucrainorum (Ruthenorum), Blahovisnyk, no. 3, Castelgondolfo, 1974.

⁸⁹Article 3. The Ukrainian Catholic Church, in accordance with historical reality from the oldest times, that is, from the time of the creation of the Metropolitan Sees of Kiev and Halych, comprises all the faithful of the Ukrainian (Greek-Ruthenian) rite in Ukraine and beyond its borders, namely:

- 1) All eparchies and provinces of the Metropolitan Sees of Kiev and Halych, namely, the present-day Ukraine, Transcarpathia, and Bukovina.
- 2) All the faithful who, from the time of the Union of Brest emigrated from the above-mentioned provinces to Central, Southern, and Western Europe, to both Americas, to Africa, Asia, and Australia, as well as their descendants.

The jurisdiction of the Ukrainian Catholic Church is territorial, and beyond the borders of Ukraine is personal.

Article 4. The Divine founder of the Church, Our Lord and Saviour Jesus Christ, gave to St. Peter and to all the Apostles the power to teach, to sanctify, and to govern. This power was transferred and continues to be transferred to the successor of Peter, the Roman Pontiff, and to the bishops of the entire world, the successors of the Apostolic College.

The bishops, by virtue of Divine institution, occupy the place of the Apostles, to shepherd Christ's flock under the authority of the Roman Pontiff; from the first ages of Christianity they governed individual eparchies and provinces in accordance with their customs and rites.

Article 5. From the above flows the task of the Ukrainian Catholic Church to be concerned with the pastoral care of her faithful in the whole world, and in places where they live in greater concentrations to ensure their own pastoral care and their own hierarchy.

⁹⁰Article 9. The Head of the Particular Ukrainian Catholic Church is the Patriarch or Major Archbishop, the Metropolitan of Kiev and Halych. All metropolitans, archbishops, and bishops whether within the borders of Ukraine or beyond them, that is, in all places of Ukrainian settlements wherever they be, come under his jurisdiction.

Article 10. The Patriarch/Major Archbishop, together with the Particular Synod of all bishops, is responsible for the temporal and eternal good of the whole Ukrainian Catholic Church, before God as well as before the Roman Pontiff and the

Having reviewed the Constitution, Cardinal Villot requested that the various apostolic delegates inform Ukrainian bishops throughout the world that it was again rejected by the Roman Pontiff in its entirety.⁹¹

After efforts to convoke a Synod in 1976 were thwarted by the Apostolic See,⁹² and following a meeting in Rome on December 9-11, 1976,⁹³ the bishops again petitioned Pope Paul VI to recognize the

entire Universal Church of Christ.

⁹¹“After very careful consideration... it is regretted that, substantially, this new document does not permit a different conclusion to that arrived at previously, and indicated to you in my letter no. 17692, dated September 27, 1972” (Letter of Archbishop Guido Del Mestri, Apostolic Pro-Nuncio to Canada, to Archbishop and Metropolitan Maxim Hermaniuk, June 5, 1974, Prot. no. 20462; Archives of the Archeparchy of Winnipeg).

⁹²When the Eastern Congregation learned that the permanent synod was preparing to meet in Rome, it requested apostolic delegates to issue the following notification:

[T]he Sacred Congregation for the Oriental Churches, by disposition of the Holy Father, has instructed me to inform Your Grace (Excellency) that if you are invited by His Eminence Cardinal Slipyj to attend the Permanent Synod convoked in Rome for next May 8th, you are not authorized to participate in the said Synod, in consideration of its canonical nonexistence (Letter of Archbishop Angelo Palmas, Apostolic Pro-Nuncio to Canada, to the Ukrainian Bishops of Canada, May 3, 1976, Prot. no. 843; Archives of the Eparchy of Edmonton).

When the Congregation learned of a possible synod being planned for Philadelphia, where the Ukrainian bishops were to attend an International Eucharistic Congress, it again instructed the apostolic delegates to issue the following communiqué:

In the event that Ukrainian Bishops should go to Philadelphia to participate in the International Eucharistic Congress, it is their duty to comply with the disposition of the Holy See concerning the “Ukrainian Synods”, which synods cannot be held without the express authorization from the Holy Father. It is also their duty to observe the dispositions of the Holy See with regard to the commemoration of Cardinal Josyf Slipyj as Patriarch during the liturgical functions to be celebrated during the Eucharistic Congress: The Holy See, in effect, confirms that Cardinal Slipyj’s proper title is “Major Archbishop of Leopoli for Ukrainians” and not “Patriarch.” The Hierarchy is expected to set the example in this respect, and must not accept any impositions in this matter (Letter of Archbishop Angelo Palmas, Apostolic Pro-Nuncio to Canada, to the Ukrainian Bishops of Canada, June 22, 1976, Prot. no. 1147; Archives of the Eparchy of Edmonton).

⁹³A report on the meeting is found in *Blahovisnyk*, 12 (1976), pp. 94-95. Just prior to the commencement of the synod, Cardinal P. Philippe, Prefect of the Congregation for the Eastern Churches, sent a letter to the Ukrainian bishops

Ukrainian patriarchate, to allow the use of the title "Patriarch" during commemorations in the Divine Liturgy, and not to forbid the convocation of future synods. On March 27, 1977, the Roman Pontiff reconfirmed his earlier position communicated in writing on July 7, 1971, and May 24, 1975, that a patriarchate could not be established. At the same time, he emphasized that a major archbishop possesses no jurisdiction whatsoever outside of his territory.⁹⁴

On November 20, 1978, soon after the election of Pope John Paul II, Slipyj presented him a memorial outlining the plight of the Ukrainian Church. In his March 19, 1979 response, the Pope indicated that of all the reasons presented in support of the erection of a patriarchate the most convincing was the juridical unification of the Ukrainian Church.⁹⁵

Synod of Ukrainian Bishops in the Diaspora

Extraordinary, Rome, 1980

On February 5, 1980, Pope John Paul II, concerned with Slipyj's venerable age and with the affairs of the Ukrainian Church, convoked an extraordinary synod in Rome.⁹⁶ Its sole purpose was to appoint a coadjutor to Slipyj with the right of succession. At the same time, the Roman Pontiff granted Slipyj extraordinary faculties to convoke synods, still, however, with prior papal approval.⁹⁷ At the conclusion

reiterating the position of the Apostolic See that Slipyj could not convoke patriarchal synods because of their canonical nonexistence in the Ukrainian Catholic Church, neither could he convoke archiepiscopal synods without the prior authorization of the Holy See (Prot. no. 388/69; Archives of the Archeparchy of Winnipeg).

⁹⁴Archives of the Archeparchy of Winnipeg.

⁹⁵The letter is reproduced, together with a Ukrainian translation, in *Blahovisnyk*, 21 (1985), pp. 41-44.

⁹⁶A copy of the letter was sent to each Ukrainian bishop by Cardinal A. Casaroli, Secretary of State, on March 14, 1980, Prot. no. 38.616; Archives of the Eparchy of Edmonton. The letter is reproduced, together with a Ukrainian translation, in *Blahovisnyk*, 21 (1985), pp. 45-48.

⁹⁷An excerpt of the letter follows:

I have, therefore, come to the decision to appoint a coadjutor with right of succession to Your Eminence, after first calling a synod of all the Ukrainian bishops of the diaspora; and also to grant extraordinary faculties for other synodal meetings of the same bishops for the future at the will of the Supreme Pontiff.

I deem it opportune to set forth certain preliminary remarks which will facilitate the understanding and execution of what must be done.

In the first place, it must be noted that the exceptional and painful difficulties

of the extraordinary synod,⁹⁸ which took place on March 24-27, 1980, the Pope appointed Archbishop Myroslav Lubachivsky, Metropolitan of Philadelphia, as coadjutor.

Ordinary and Extraordinary, Rome, 1980-1991

Five ordinary synods were convoked in Rome prior to the Eastern Code acquiring the force of law on October 1, 1991: 1) November 25-December 2, 1980; 2) January 31-February 12, 1983; 3) September 22-October 5, 1985; 4) September 21-30, 1987; and 5) September 24-October 8, 1989. In addition, two extraordinary synods were convoked in Rome, the first, by Pope John Paul II on June 25-26,

which the Ukrainian Catholic Church continues to face in the homeland make it impossible to convoke a synod of bishops of the Ecclesiastical Province of Lviv (the Major Archbishop, in fact, is exiled and impeded, and the two suffragan sees of Peremyshl and Stanislaviv are vacant); hence, neither can the Major Archbishop invite to the archiepiscopal synod the "aggregated" hierarchs, namely, those residing outside the territory of the Province of Lviv.

In the second place, it is clear that through the granting of extraordinary faculties it is not intended to extend the jurisdiction of the Major Archbishop outside the limits of his territory, nor to erect a Ukrainian patriarchate: these questions have already been treated separately.

Having said this, I wish to communicate the following to Your Eminence:

1. For the nomination of the coadjutor with right of succession to the Archiepiscopal See of Lviv, as mentioned above, I have decided to convoke a synod of all the Ukrainian bishops in the diaspora and they shall be obliged to attend.

The synod, which will be presided over by myself or by my delegate, will have the purpose of presenting a terna of candidates, from whom, or if necessary, even apart from whom, I shall designate the coadjutor.

2. The Major Archbishop will be able, "at the will of the Supreme Pontiff," to convoke other synods, both to handle business and to propose candidates to the episcopate, proceeding in this manner:

— For every synod, a request to celebrate it will be presented to the Pope, together with the list of subjects to be considered.

— Once the authorization has been obtained, the Major Archbishop shall convoke all the Ukrainian bishops in synod.

— For these synods the Declaration of March 25, 1970 regarding aggregates shall be applied.

⁹⁸In his opening remarks, John Paul II explained why the synod had been determined "extraordinary:"

This Synod, which takes place by my convocation and under my presidency, is an extraordinary synod because it is a question of considering the nomination of a coadjutor with the right to succession of major archbishop, an act that requires the exercise of the pontifical authority; as well as the convocation, in this case binding, on the Ukrainian bishops who are outside the territory of the Major Archbishop of Lviv (Archives of the Eparchy of Edmonton).

1990; and the second, by Cardinal Lubachivsky on February 3-10, 1991.

At the conclusion of the First Ordinary Synod in 1980, Cardinal Slipyj sent the acts and decrees—together with a joint pastoral letter to the Ukrainian Catholic clergy, religious, and laity in Ukraine and in the diaspora—to the Roman Pontiff for approval.⁹⁹ On April 15, 1981, Cardinal Wladyslaw Rubin, Prefect of the Congregation for the Eastern Churches, informed Slipyj that the pastoral letter could not be published as it was not in the best interests of the Ukrainian Church, especially those faithful in the Soviet Union. Instead, he sent Slipyj an edited copy to be published.¹⁰⁰ As the letter had undergone substantial revision without synodal collaboration, Slipyj simply placed it in his archives without further action.¹⁰¹ When several Ukrainian bishops repeatedly inquired of the Apostolic See if the acts and decrees of the synod had received papal approval, Rubin wrote Slipyj on March 9, 1983,¹⁰² indicating that the edited pastoral letter, which contained the majority of the acts and decrees, carried with it papal approval.

On April 12, 1982, Slipyj established a permanent Secretariate in accordance with the mandate given him by the 1980 Synod,¹⁰³ whose

⁹⁹At this time, the hierarchs were reminded by the Congregation for the Eastern Churches that any matters and documents arising from the Synod could not be discussed or published until the approval of the Roman Pontiff (Letter of Archbishop Angelo Palmas, Apostolic Pro-Nuncio in Canada, to Ukrainian bishops of Canada, December 24, 1980, Prot. no. 11.462; Archives of the Eparchy of Edmonton).

¹⁰⁰Prot. no. 41/80; Archives of the Archeparchy of Winnipeg; *Blabovisnyk*, 21 (1985), pp. 71-73.

¹⁰¹Yet, much of the original pastoral letter was included in Slipyj's own sent on February 2, 1982, "to all bishops, priests, religious men and women, and to all brothers and sisters in Ukraine, in exile and in the diaspora, on the occasion of his ninetieth birthday" (*Blabovisnyk*, 16-20 (1980-1984), pp. 35-42). In this letter, Slipyj again raised the question of a Ukrainian patriarchate and ecclesiastical governance by a synod of bishops. This evoked strong criticism by the Congregation for Eastern Churches. On July 6, 1982, Cardinal Rubin reminded the Ukrainian bishops that the matter of a patriarchate had already been decided upon by the Apostolic See, and that, moreover, the synod of bishops had been a special concession of the Holy Father to the Ukrainian Church (Prot. no. 192/81; Archives of the Eparchy of Edmonton).

¹⁰²Prot. no. 143/81; Archives of the Eparchy of Edmonton; *Blabovisnyk*, 21 (1985), pp. 73-74.

¹⁰³Prot. no. 10798/82; Archives of the Archeparchy of Winnipeg.

function was to draft statutes governing the Synod, prepare agendas and material for future synods, and considers matters between synods. On June 24, 1982, Rubin informed Slipyj that the Secretariate and its membership had been approved.¹⁰⁴

That same day, the Secretariate sent each bishop a draft of the statutes for review.¹⁰⁵ Second and third drafts were sent on July 30 and November 12, 1982, respectively. During the Second Ordinary Synod in 1983, the statutes were adopted and forwarded for papal approval, together with the acts and decisions of the Synod. On February 25, 1984, Cardinal Casaroli, Secretary of State, informed Slipyj that the acts and decisions were approved, without modification, by the Roman Pontiff and could be published, with the exception of those acts concerning the Ukrainian Church in the Soviet Union.¹⁰⁶ At the same time, Casaroli stated that the statutes had been reviewed and revised by a commission of Vatican experts. The edited text was approved and confirmed by the Roman Pontiff *ad experimentum* for a period of seven years.¹⁰⁷

Articles 1-2 of the *Statutes of the Hierarchy of the Ukrainian Catholic Church* grant the Major Archbishop the right, with the approval of the Roman Pontiff, to convoke the Ukrainian bishops throughout the world in synod, and to determine the scope of

¹⁰⁴Prot. 143/81; Archives of the Archeparchy of Winnipeg. The letter is reproduced, together with a Ukrainian translation, in *Blahovisnyk*, 21 (1985), pp. 84-85. Rubin further instructed Slipyj that in future the positions of General Secretary and Acting Secretary were to be nominated at each synod. The names of the candidates were then to be submitted for approval by the Apostolic See.

¹⁰⁵The draft was based upon: the decrees of the Second Vatican Council; canon law of the Eastern Churches; Statutes of the Ukrainian Catholic Conference (1960); directives of Pope John Paul II in his letters to Cardinal Slipyj on March 19, 1979, and February 5, 1980; and proposed statutes prepared for the 1980 Synod.

¹⁰⁶Prot. no. 1222/84; Archives of the Archeparchy of Winnipeg. The letter is reproduced, together with a Ukrainian translation, in *Blahovisnyk*, 21 (1985), pp. 111-114.

¹⁰⁷The acts and decrees, and the statutes were promulgated in *Blahovisnyk*, 21(1985), pp. 117-146, with notification that they oblige all clergy and all faithful of the Ukrainian Church throughout the world (*ibid.*, p. 38). The statutes are composed of thirty-four articles divided according to seven titles: General Principles (arts. 1-2); Membership, Preparation, and Convocation (3-6); Secretariate (7-11); Synodal Commissions (12-15); Order of Procedure of Synodal Meetings (16-26); Synodal Decisions and Closure (27-33); and Amendments to the Statutes (34). An appendix to the document provides norms governing the nomination and election of episcopal candidates.

competency of each synod.¹⁰⁸ Articles 29-30 indicate that the decisions and resolutions of the synod require the approval of the Roman Pontiff prior to promulgation. However, once approved, the decisions and resolutions become particular law for the Ukrainian Catholic Church throughout the world.¹⁰⁹

On September 7, 1984, Cardinal Slipyj died at the age of 92. His successor, Archbishop Myroslav Lubachivsky, was named Cardinal by Pope John Paul II on May 25, 1985. In the same year, Cardinal Lubachivsky convoked the Third Ordinary Synod, at which time the bishops again petitioned the Roman Pontiff to elevate the Ukrainian Church to the dignity of a patriarchate.

Increased religious freedom in the Soviet Union presented the

¹⁰⁸Art. 1. Although current conditions render the convocation of a Synod of Ukrainian Bishops impossible in accordance with the norms of common law, the Major Archbishop of Lviv of the Ukrainians, with the consent of the Roman Pontiff, can convoke in Synod, in accordance with the articles of this Statute, all Bishops and other local Hierarchs of the Ukrainian Catholic Church, with the exception of Administrators of vacant eparchies and Syncelli who are not bishops.

Art. 2. 1. The Synod of Ukrainian Bishops, referred to in the previous article, can treat questions of a general character, which concern all ecclesiastical districts of the Ukrainian Catholic Church, as well as those which relate to the presentation to the Holy Father of candidates for the episcopate.

2. The Synod, in particular, in conformity with the spirit of the Second Vatican Council and with the documents of Episcopal Synods, promotes the development of all communities of the Ukrainian Catholic Church, according to its legitimate traditions; favours the preservation of spiritual and liturgical patrimony; ensures the application of the legislation of the Eastern Catholic Churches, in particular, that of the Ukrainian; and examines ecclesiastical matters of more urgency.

¹⁰⁹Art. 28. The Secretariate prepares separately a list of the decisions and resolutions of the Synod which the Major Archbishop presents together with the protocol to the Roman Pontiff for his approval. After the approval of the Roman Pontiff, the list of decisions and resolutions is sent to each Father of the Synod.

Art. 29. All Fathers of the Synod are obligated to implement in their Metropolias, Eparchies, or Exarchates the acts and decrees of the Synod within the confines of papal approval.

Art. 30. In between Synods, the Presidium, referred to in article 17 (*Major Archbishop together with two Bishops elected during the Synod*), continues to function. It ensures, with proper exhortation, the application of synodal decisions, their authentic interpretation, and it justly resolves matters of conflict. In cases of necessity, the Major Archbishop can convoke the Presidium together with the Secretariate.

Art. 31. It is appropriate for synodal decisions and resolutions to be the subject of study in every Metropolia, Eparchy, or Exarchy at meetings or periodical assemblies of priests for their successful practical application.

Ukrainian Church with an historic occasion when Pope John Paul II invited the bishops from Ukraine who had been clandestinely ordained, together with the bishops from the diaspora, to an Extraordinary Synod in Rome on June 25-26, 1990. The gathering provided an opportunity for the hierarchy to meet for the first time in over forty-five years and discuss the future of the Ukrainian Church in Ukraine and in the diaspora. The following day, June 27, the Ukrainian hierarchy adopted fourteen articles presented by the bishops of Ukraine which, among other matters, recognized the synodal nature of the Ukrainian Church, proper to all Eastern Churches. With this decision, Metropolitan Sheptytsky's dream of restoring full synodal governance to the Ukrainian Church throughout the world was realized.

During the 1991 Extraordinary Synod, the bishops discussed the preparation of a draft of the particular law of the Ukrainian Church. As the Eastern Code recognizes only territorial jurisdiction, the Synod also established a commission to prepare a *ius speciale* which, having received papal approval, would recognize not only territorial jurisdiction, but personal as well.

Synod of Bishops of the Ukrainian Church, 1992-2004

With the collapse of the communist Soviet Union, the canonical situation of the Ukrainian Church was normalized when Cardinal Lubachivsky returned to Ukraine on March 30, 1991 and took possession of the Major Archiepiscopal See of Lviv. In accordance with canon 103, he convoked four synods: 1) May 16-31, 1992, Lviv; 2) February 20-27, 1994, Lviv; 3) November 16-25, 1995, Rome; and 4) October 14-21, 1996, Lviv. His delegate and later successor, Cardinal Lubomyr Husar, in turn convoked seven additional synods: 5) September 14-20, 1997, Krekhiv-Lviv; 6) September 1-10, 1998, Krekhiv-Lviv; 7) September 1-8, 1999, Krekhiv-Lviv; 8) July 16-21, 2000, Buchach; 9) December 1-8, 2000, Rome; 10) January 24-26, 2001, Lviv; 11) July 1-5, 2001, Lviv; and 12) July 7-12, 2002, Kyiv; 13) September 24 - October 1, 2003, Lviv; and 14) October 5-12, 2004, Kyiv.

During the First Synod in 1992, the bishops made efforts to establish an appropriate structure and form of governance for the Ukrainian Church in accordance with the newly promulgated Eastern Code. They elected a permanent synod and appointed a major

archiepiscopal curia, and requested that the Apostolic See recognize the already existing Ukrainian patriarchate of Lviv-Halych and all Rus'. The Synod also established an episcopal commission to redraft its statutes in accordance with the Eastern Code and to continue work on the preparation of the particular law of the Ukrainian Church, while reviewing the question of territory and jurisdiction. The Synod also reaffirmed that the decrees of the 1720 Synod of Zamost continue to have the force of law, as they were never revoked by the Roman Pontiff or another Synod.¹¹⁰

Concerning the Ukrainian faithful in the diaspora, the First Synod also approved a *ius speciale* which modifies canons 148-149, on the power of the patriarch and synods outside of the territory of the patriarchal church. The proposal, in particular, grants wider rights to the Major Archbishop of the Ukrainian Church in caring for the faithful in the diaspora, even appointing bishops for them, with the consent of the Apostolic See:

Eastern Code

Canon 148, §1. It is the right and the obligation of the patriarch to seek appropriate information concerning

Proposed text

Canon 148, §1. It is the right and the obligation of the patriarch to care for the faithful which reside outside

¹¹⁰The decrees of the Synod of Zamost were approved *in forma specifica* by Pope Benedict XIII on July 19, 1724. In 1807, Pope Pius VII confirmed that the Synod obligated all Ruthenian Catholics, regardless of where they lived. The Synod has been criticized for having introduced certain elements alien to the spiritual patrimony of the Ukrainian Church, for example, the introduction of the *filioque* clause ("and the Son") in the Creed, the recitation of the Divine Liturgy (so-called "Low Mass"), and the prohibition against children receiving the Divine Eucharist. Yet, the Synod did bring about much needed unity in the administration of the sacraments as well as Church discipline and administration. (See C. KORTCHAGUIN, *Karne pravo Ukrayins'koyi Katolyts'koyi Tserkvy*, Analecta OSBM, Series II, Section I, Rome, 1981, pp. 11-15; and G. FEDORIW, *History of the Church in Ukraine*, translated by P. Krawchuk, Toronto, St. Sophia Religious Association of Ukrainian Catholics in Canada, 1983, pp. 175-177).

It is interesting to note that neither the *Norms of the Ukrainian Church in Canada* (1915) nor the *Norms of the Provincial Synod of the Winnipeg Metropolia* (1962) recognize the Synod of Zamost as a source of the particular law of the Ukrainian Catholic Church in Canada. It seems that its influence in Canada was nominal.

The matter of electing a new head of the Ukrainian Church was originally placed on the agenda of the 1992 Synod by Cardinal Lubachivsky. However, after consultation and reflection, he removed it, reasoning that the election, in accordance with Eastern canon law, could only take place when the major archiepiscopal see is vacant either through death or by resignation.

the Christian faithful who reside outside the territorial boundaries of the Church over which he presides even through a visitator sent by himself with the consent of the Apostolic See.

§2. The visitator, before he begins his function, is to go to the eparchial bishop of those faithful and present his letter of appointment.

§3. When the visitation is completed, the visitator is to send a report to the patriarch, who, after discussing the matter in the synod of bishops of the patriarchal Church, can propose suitable measures to the Apostolic See, with a view to providing everywhere in the world for the protection and enhancement of the spiritual good of the Christian faithful of the Church over which he presides, even through the erection of parishes and exarchies or eparchies of their own.

Canon 149. To fill the office of eparchial bishop, coadjutor bishop or auxiliary bishop outside the territorial boundaries of the patriarchal Church, the synod of bishops of the patriarchal Church elects, according to the norms of the canons on the election of bishops, at least three candidates and proposes them through the patriarch to the Roman Pontiff for appointment. Secrecy is to be observed, even toward the candidates, by all who in any way know the outcome of the election.

the territorial boundaries of his patriarchal Church and, having informed the Apostolic See, to visit them, either by himself, or through a visitator sent by himself.

§2. The patriarch is to inform in due time the bishop of those faithful of his visit; the visitator, before he begins his function is to go the eparchial bishop of those faithful and present his letter of appointment.

§3. When the visitation is completed, the patriarch, having discussed the matter in the synod of bishops of the patriarchal Church, can propose suitable measures to the Apostolic See, with a view to providing everywhere in the world for the protection and enhancement of the spiritual good of the Christian faithful of his Church, even through the appointment of bishops, according to the norms of the canons on the election of bishops, and through the erection of their own eparchies and exarchies with the permission of the Apostolic See.

Canon 149. To fill the office of eparchial bishop, coadjutor bishop or auxiliary bishop outside the territorial boundaries of the patriarchal Church, the synod of bishops of the patriarchal Church elects, according to the norms of the canons on the election of bishops, at least three candidates. It is then the right of the head of the Church to select one of the candidates, and with the consent of the Apostolic See, to appoint him.

While the First Synod focussed on ecclesiastical structure and governance, much of the deliberations of the Second Synod in 1994

centred on the discussion of disputed patriarchal territory¹¹¹ and on the review of the proposed synodal statutes.¹¹² Having learned that the *ius speciale*, presented to the Roman Pontiff on June 15, 1992, had been rejected, the bishops resubmitted the request. To date, a favourable reply from the Apostolic See has not been received.

The "Statutes of the Synod of Bishops of the Ukrainian Greek-Catholic Church" received final approval, with minor changes, during the Third Synod in 1995. The Synod also reviewed the work of the episcopal commission in drafting the particular law of the Ukrainian Church.

The Fourth Synod was held in 1996, commemorating the 400th anniversary of the Brest-Litovsk union and the 350th anniversary of the Uzhhorod union.¹¹³ With the failing health of Cardinal

¹¹¹During the previous synod, the bishops had determined that the territory of the Ukrainian Church coincided with the civil state of Ukraine as well as all eparchies of the Lviv-Halych Metropolia. Though the matter has been recently resolved in favour of the bishops, the Congregation for Eastern Churches at first disputed their claim. It argued that with the extinction of the Kiev Metropolia, the territory of the Ukrainian Church became restricted to the Lviv-Halych Metropolia, which extends not over all of present Ukraine, but only to that of the Archeparchy of Lviv and the Eparchies of Ivano-Frankivsk and Peremyshl. The Congregation requested that the Synod prepare a petition proposing the resolution of doubt for determination by the Roman Pontiff in accordance with canon 145, §2. The Congregation also indicated its willingness to appoint Apostolic Exarchs for the territories in question and, therefore, requested the Synod to present episcopal candidates for the same. The synodal fathers, keeping in mind the immediate pastoral needs of the faithful in these territories, discussed various plans of action. With the matter of a Ukrainian patriarchate being directly linked to that of territory, the Apostolic See requested that the Synod resubmit a study outlining historical, canonical, pastoral, and ecumenical arguments in favour of elevating the Major Archiepiscopate to the dignity of patriarchate.

¹¹²The proposed Statutes contain twenty-one articles divided into fourteen titles: Juridical Basis, Synod of Bishops, Rights and Obligations of the Synod, General Secretary, Agenda of Meetings of the Synod, Synodal Commissions, Order of Procedure of Synodal Meetings, Election of Major Archbishop, Election of Bishops, Preparatory List of Candidates, Election for Episcopal Offices, Election in Extraordinary Circumstances, Election of Other Officers, and Collaboration of the Synod with the Major Archbishop. The draft does not grant any additional powers to the major archbishop and synod outside of the territory of the major archiepiscopal Church; however, neither does it restrict the deliberative vote of bishops of the diaspora as allowed by canon 102, §2. The synodal fathers were requested to provide written responses to the proposed Statutes in due time.

¹¹³The Synod was preceded by a *sobor*, a major-archiepiscopal assembly, October 4-10, 1996, in Lviv, the first to be held in the Ukrainian Church since 1509. This

Lubachivsky, the Synod elected Bishop Husar as auxiliary bishop of the head of the Ukrainian Catholic Church, with wide-sweeping delegated powers. Under his direction, the Synod reorganized the major-archiepiscopal curia and restructured the episcopal commissions to function: Liturgy, Theology, Canon Law, Ecumenism, Beatification and Canonization, Marriage and the Family, Evangelization and Pastoral Planning, Catechetics, Monastic Life, Priestly Formation, Finance and Budget, Jubilee Year 2000, Youth, Secretariat of the Major-Archiepiscopal Assembly, Synodal Secretariat, and the Establishment of Boundaries for New Eparchies. The Synod also renewed its desire to pursue the recognition of a patriarchate of the Ukrainian Catholic Church.

The Fifth Synod in 1997 focussed its attention on the matter of unity, especially in the areas of liturgy and prayer, as a means of strengthening the Ukrainian Church. It also continued its work on the revision of the particular law of the Ukrainian Church, approved norms governing the work of the Secretariate of the Synod, and renewed its intent to pursue the recognition of a Ukrainian patriarchate.¹¹⁴

In 1998, the Sixth Synod entrusted the liturgical commission with the task of working out a detailed plan of liturgical renewal for the Ukrainian Church. It also sought to deepen its understanding of the place of the Ukrainian Church in the realm of the Universal Church, and examined the subject from various points of view—history, theology, church law, liturgy, and ecumenism.

worldwide assembly brought together the hierarchy and lay, religious, and clergy representatives of the entire Ukrainian Church in Ukraine and in the diaspora. The assembly as foreseen in the Eastern Code is a consultative body which assists the major archbishop and synod of bishops in dealing with matters of major importance, especially those concerning the apostolate and church discipline in the light of current circumstances. Many of the deliberations of this 1996 *sobor*, which focussed on the theme of “New Evangelization” as the Great Jubilee Year draws near, were incorporated into the final decisions of the subsequent synod of bishops of the Ukrainian Church. The second session of the *sobor* took place August 23-30, 1998. It focussed on the place and role of the laity in the Ukrainian Church. The third and final session of the *sobor* was held in Lviv, June 30 - July 4, 2002, with the theme: “Jesus Christ: Source of Renewal of the Ukrainian People”.

¹¹⁴The acts and decisions of the synods which took place from 1989 to 1997 were finally published, and thus officially promulgated, in a special edition of *Blahovisnyk*, Lviv, 1998. Included in the edition are the “Statutes of the Synod of Bishops of the Ukrainian Greek-Catholic Church,” approved in synod November 17, 1995.

The Seventh and Eighth Synods held in 1999 and 2000, respectively, received in first and second reading the proposed particular law of the Ukrainian Church.

The Ninth Synod was held in Rome to celebrate the Great Jubilee Year 2000.

Following the death of Cardinal Lubachivsky on December 14, 2000, the Tenth Synod elected Lubomyr Husar as major archbishop on January 25, 2001. Upon confirmation of the election by Pope John Paul II, His Beatitude Lubomyr was enthroned in Saint George Cathedral, Lviv, on January 28, the same day he was named a cardinal.

The Eleventh Synod, which immediately followed the papal visit to Ukraine in June 2001, and the subsequent Twelfth Synod held in 2002 for the first time in Kyiv, the birthplace of Ukrainian Christianity, accepted the final reading of the proposed particular law and recommended the project to His Beatitude for promulgation.

The text of the particular law appears in its entirety in *Blahovisnyk*, the official yearbook of the Ukrainian Catholic Church.¹¹⁵ Unfortunately, the text is presented on behalf of the synodal commission responsible for the drafting process rather than by His Beatitude Lubomyr, who alone is competent to promulgate laws of the synod of bishops of the Ukrainian Catholic Church (CCEO canon 112, §1). This raises the question as to whether the particular law can be considered promulgated or not in accordance with the norms of canon law.

Furthermore, the text appears in the 2001 issue of *Blahovisnyk*, which is problematic for two reasons: the particular law was not approved by the synod of bishops until the following year, that is, 2002; and the 2001 issue of *Blahovisnyk* did not appear until 2003 for lack of funding. This creates uncertainty as to the date of promulgation of the particular law, and therefore the date from which it has the force of law.

The Thirteenth Synod held in Lviv reviewed the structure of the patriarchal curia and the statutes of the patriarchal tribunal, as well as addressing the need to provide spiritual care for the hundreds of thousands of Ukrainians who, over the past decade, have left Ukraine for countries such as Italy, Spain, Ireland, Portugal, Greece and Turkey in search of employment and a better way of life.

¹¹⁵ *Blahovisnyk*, 1 (2001), pp. 104-130.

Finally, in Kyiv, the Fourteenth Synod studied once again the identity and vocation of the Ukrainian Catholic Church in relation to the universal Church by reviewing its ecclesiastical status and canonical structures in light of the return of its principal see to Kyiv.

CONCLUSION

In 1915, soon after his appointment, Bishop Nykyta Budka promulgated the *Norms of the Ruthenian-Catholic Church in Canada*, thereby providing for the uniform administration of parishes and sacramental life among Ukrainians who had begun to emigrate to Canada at the turn of the century. The *Norms*, together with individual decrees issued by Bishop Budka, Bishop Basil Ladyka, and the Ukrainian hierarchy of Canada, form an integral part of the particular law of the Ukrainian Church in Canada.

In studying this legislation, two observations can be made: 1) The various decrees promulgated by the Ukrainian Church in Canada are largely based upon the particular law of its Mother Church, the Ukrainian Church in Ukraine. It seems only natural that the bishops would introduce into Canada those norms, customs, and traditions with which their priests, religious, and faithful were most familiar. 2) These decrees, however, were adapted to the particular circumstances presented by life in a new country, Canada. In this way, the spiritual heritage of the Ukrainian Church was preserved, while changes beneficial to its organic development in Canada were introduced.

The particular law of the Ukrainian Church in Canada is neither complete nor up to date. Indeed, much of it is still based upon Bishop Budka's 1915 *Norms*. It no longer meets the needs of the people for which it was originally intended. The problem of determining what legislation is applicable in any given situation often leads to confusion among hierarchy, clergy, religious, and faithful. An attempt at *aggiornamento* was made by Metropolitan Maxim Hermaniuk when in 1962 he convoked a provincial synod. However, as a result of the convocation of the Second Vatican Council, the resulting norms were never approved by the Apostolic See.

The Synod of Bishops of the Ukrainian Church will play an important role in the process of *aggiornamento*. According to the *Code of Canons of the Eastern Churches*, the synod of bishops is the sole competent authority to establish particular law for the Ukrainian

Church. However, until such time as the territory and power of the patriarch and synod of bishops of the Ukrainian Church are extended throughout the world, or a *ius speciale* determines otherwise, disciplinary laws and other synodal decisions—unless liturgical in nature—have the force of law only inside the territorial boundaries of Ukraine.¹¹⁶ Yet, these same laws and decisions can also obtain the force of law where individual bishops promulgate them as eparchial law or if the Apostolic See approves them as universal law.¹¹⁷

During this period of *aggiornamento* or revision process, the Synod of Bishops of the Ukrainian Catholic Church must allow for degrees of diversity, taking into consideration the various historical, geographical, political, and economical differences among Ukrainians throughout the world. For example, circumstances in Ukraine are different from those in Canada, and vice versa. Yet, by remaining faithful to the patrimony of the Ukrainian Church, while allowing for legitimate diversity, the Ukrainian Church will be unified and strengthened through a renewed particular law.

¹¹⁶Can. 150, §2 states: “Laws enacted by the synod of bishops of the patriarchal Church and promulgated by the patriarch have the force of law everywhere in the world, if they are liturgical; if they are disciplinary laws, or if other decisions of the synod are in question, they have the force of law (*iuris*) within the territorial boundaries of the patriarchal Church.”

¹¹⁷Can. 150, §3 states: “Eparchial bishops constituted outside the territorial boundaries of the patriarchal Church, who desire to do so, may give the force of law to the disciplinary laws and other decisions of the synod in their own eparchies, provided they do not exceed their competence; if, however, these laws or decisions are approved by the Apostolic See, they have the force of law everywhere in the world.”

CHAPTER THREE

CLERICS: ORDINATION, RIGHTS AND OBLIGATIONS

INTRODUCTION

Having identified the major sources of the particular law of the Ukrainian Catholic Church in Canada, this study now demonstrates how these sources can be applied to certain contemporary canonical issues. In this regard, this chapter treats clerics, their sacred ordination, and their rights and obligations, while the following chapter deals with divine worship, especially the sacraments.

The Second Vatican Council (1962-1965) teaches: 1) The Church is the people of God (*Lumen gentium*, 9-17); 2) Laity, religious, and clergy alike, through baptism, are incorporated into the Body of Christ (11); 3) All Christian faithful share in the threefold mission of Christ to teach, to sanctify, and to govern (31); and 4) All are equal in regard to dignity and in building up the Church (33).

Pre-Vatican II ecclesiology, on the other hand, viewed the Church as a perfect society, sovereign in the spiritual realm. Rather than focussing attention on an ecclesiology of communion, theologians were concerned primarily with the Church's visible hierarchical structure. This hierarchical ecclesiology probably reached its highest expression at the First Vatican Council (1869-1870) with the solemn definition of the primacy of jurisdiction and the infallibility of the Roman Pontiff.

The greater part of the particular law of the Ukrainian Church in Canada, whether duly mandated or customary, predates the Second Vatican Council. It is, therefore, not surprising that the current body of legislation reflects a hierarchical ecclesiology. While norms outlining the rights and obligations of all the Christian faithful, but, in particular, of the laity and religious, are virtually nonexistent, this legal collection contains an abundance of decrees on clerics. The current chapter examines many of these decrees, especially in regard to sacred ordination, as well as the rights and obligations flowing from incardination.

SACRED ORDINATION

Chapter VI of title XVI of the Eastern Code on “Divine worship and especially the sacraments”, treats of sacred ordination in canons 743-775: article I considers the minister of the sacrament, while article II addresses the subject of ordination. The Code states that only a baptized man can be ordained validly (c.754). To be ordained licitly, however, the candidate must be chrismated with holy myron; possess the moral, physical, and psychological qualities in harmony with receiving a sacred order; have the required knowledge; and be free from all impediments (cc. 758 and 762). The Code defers to the particular law of each Church *sui iuris* the determination of additional requirements for licit ordination, namely, formation, canonical age, reception of lower orders, observation of interstices, permanent diaconate, and admittance of married men. It is these additional requirements that are studied here in light of the particular law of the Ukrainian Church in Canada, with special attention given to married clergy, an issue of current canonical and pastoral concern.

Articles III and IV of Chapter VI concern those things which must precede the reception of sacred orders, as well as the time, place, registration, and certification of ordination. According to canon 769 the authority who admits a candidate for sacred ordination is obliged to obtain: 1) a declaration signed by the candidate testifying he is ready to receive sacred orders and freely accepts them; 2) a certificate of baptism and chrismation with holy myron; 3) a certificate of sacred ordination received, if applicable; 4) if married, a certificate of marriage and written consent of his wife; 5) a certificate of completed studies; and 6) testimonial letters as to the good morals and life of the candidate. In addition, the Code implicitly permits the particular law of each Church *sui iuris* to determine other prerequisites surrounding the reception of sacred ordination. In this regard, the particular law of the Ukrainian Church in Canada includes norms on confession and spiritual retreat, declaration of intention, profession of faith and oath of fidelity, and the time and place of sacred ordination.

Requirements of Candidates for Sacred Ordination

Formation

Although integral to the life of any Church *sui iuris*, the training of candidates for sacred orders destined for ministry in the Ukrainian Church in Canada has, because of circumstances, received limited

attention from its hierarchy. Only in 1981 was a major seminary established in Canada, and for seventy-five years candidates received their spiritual, academic, and pastoral formation in Latin seminaries. The result has often been a clergy lacking a rudimentary understanding of the liturgical, theological, spiritual, and canonical patrimony of the Ukrainian Church, as well as its cultural and historical context in Canada.

Roman Pontiffs have repeatedly encouraged the Ukrainian hierarchy in Canada to erect a seminary for its own Church. Already in 1913, following Bishop Budka's appointment, the Apostolic See considered a priority the establishment of a major seminary.¹ Again in 1930, the Apostolic See renewed its request that a major seminary be erected in Canada, stipulating that if this were not possible in the near future, at least a minor seminary be established, as plans were nearing completion for the foundation of the Pontifical College of Saint Josaphat in Rome, a Ukrainian major seminary.² Largely through

¹"Not yet having Ruthenian priests born or educated in Canada, the Bishop of the Ruthenian rite, with all his strength and with the foreknowledge of the Apostolic Delegate, is to see to it that a seminary for the training of Ruthenian seminarians in Canada is established as early as possible. In the meantime, Ruthenian seminarians are to be admitted to the Latin seminaries with the consent of the Ordinary, but seminarians may not be admitted to the seminary, now or later, unless they promise before the Bishop to observe perpetual celibacy; and only celibates may be promoted to sacred orders in Canada" (*Fidelibus ruthenis*, art. 13).

²"Since it is necessary that there be native priests of good life, endowed with zeal and prudence, and learned in sacred sciences, the Ordinary shall see to it that as soon as possible at least a minor seminary be erected (since provision has been made to some extent at Rome for a major seminary), for the proper training of boys of the Greek-Ruthenian rite. Hence, the Sacred Congregation earnestly requests the Ordinary of the Ruthenians and the Apostolic Delegate to unite their efforts, and, with the aid of at least some of the Bishops of Canada, to prepare what may be needed for the establishment and erection of this seminary, according to the means and in proportion to the extent of the bishopric" (*Graeci-rutheni ritus*, art. 11).

"And in the meantime, or until the seminary is built, the Ordinary of the Ruthenians shall ask the Latin Bishops to receive in their seminaries one or two Ruthenian boys who show signs of an ecclesiastical vocation, and to train them there in piety and in the sacred sciences, with the observance, as regards celibacy, of the provisions of the last Article. And if at the conclusion of their studies they are not sufficiently acquainted with the ceremonies of their own rite, the Ruthenian Ordinary shall see to it that, as far as need be, they receive full and careful instruction from a priest of that rite" (*Graeci-rutheni ritus*, art. 13).

Although the Pontifical Ukrainian College of St. Josaphat in Rome traces its origin to 1639, its current name and location date back to 1932. While the College still serves as a major seminary, seminarians continue to receive their philosophical-

the efforts of Archbishop A. Langevin, a minor³ seminary for Ukrainians was established in 1912 in Sifton, Manitoba; however, for various reasons, it closed in 1917.³

theological training at Roman Catholic universities.

³The Missionary School in Sifton provided an opportunity for Ukrainian boys to receive an education, while nurturing vocations to the priesthood. Archbishop Langevin originally intended to found the school in Winnipeg under the direction of the Basilian Fathers. However, he chose Sifton as it was a seat of religious contention among Russian Orthodox, Seraphimite, Protestant, and Catholic missionaries, all competing for the souls of Ukrainian immigrants. Appropriately, the school was named St. Josaphat, a Ukrainian martyr for Christian unity. Administered by French-Canadian Ukrainian priests, its rectors included Reverend Josaphat Jean, the first Latin priest to adopt the Ukrainian rite, and Reverend A. Sabourin. Upon his arrival in Canada, Bishop Budka was severely criticized by the non-Catholic Ukrainian press for allowing non-Ukrainians to teach their children and minister in their churches. When relations worsened between Budka and the non-Ukrainian Catholic priests, who accounted for over half of the seventeen priests in Canada at the time of his arrival, all of these priests soon returned to the Latin Church, with the exception of Jean. With little staff and almost no funding, the Missionary School closed in 1917. (See KEYWAN, *A Turbulent Life: Biography of Josaphat Jean OSBM (1885-1972)*, pp. 41-50.) A convent of the Sisters Servants of Mary Immaculate was attached to the School with hopes of preparing Ukrainian girls for religious life. Unfortunately, fire virtually destroyed the School in 1924 and it was subsequently closed. (See POPOWICH, *To Serve is to Love: The Canadian Story of the Sisters Servants of Mary Immaculate*, pp. 97-102).

In addition to the secular minor seminary in Sifton, both the Ukrainian Redemptorist and Basilian Orders in Canada erected houses of formation. In 1909, Reverend Sozont Dydyk of the Basilian Order addressed the First Plenary Council of Quebec stating that the success of missionary activity among Ukrainians in Canada depended greatly upon the erection of their own seminary or novitiate. However, as a result of the lack of personnel and finances, as well as the First World War, the Basilian Order was not able to establish a novitiate until 1923. When these facilities in Mundare, Alberta, proved insufficient to accommodate a growing number of vocations, a new building was constructed in 1933 at the original Basilian settlement in Canada, eight kilometres southeast of Mundare. The initial site was then used as a house of formation for monk-students studying and preparing for the priesthood. In 1943, when the scholasticate and philosophy-theology studies were transferred to Grimsby, Ontario, the novitiate returned to Mundare. In 1968, it was moved to Ottawa, in 1976 to Glen Cove, New York, and in 1983 back to its current site, Mundare. In 1947, the house of priestly formation was moved to Glen Cove until 1998, when a house of studies was established in Edmonton. Since 1949 Basilian students from Canada study philosophy and theology in Rome. (See M. SOLOVEY, "Vasyliyan'sky novitsiyat u Kanadi," in *Propam'yatna knyha oo. Vasyliyan u Kanadi: 50 lit na sluzhbi Bohovi y narodovi (1902-1952)*, Toronto, Basilian Press, 1953, pp. 150-163).

The Redemptorists, arriving in Canada from Belgium in 1904, erected a novitiate in 1914 and a minor seminary in 1917, both in Yorkton, Saskatchewan. The minor

Following Maxim Hermaniuk's consecration as auxiliary bishop of Winnipeg, Archbishop Ildebrando Antoniutti, Apostolic Delegate, met with the Ukrainian hierarchy in Canada on July 1, 1951. He reminded them of the wishes of the Apostolic See that a major seminary be established in Canada as soon as possible. The bishops discussed the matter during the first conference of the Ukrainian episcopate in Canada, on October 11-12, of the same year, in Ottawa. However, due to a lack of qualified personnel and funding, the plan was not realized.⁴ When Archbishop Ivan Buchko, Apostolic Visitor for Ukrainians in Western Europe, reported on the plight of St. Josaphat Seminary in Rome in attracting students, the Ukrainian hierarchy of the Free World, during their conference on July 2-4, 1962, in Winnipeg, agreed to send their seminarians to Rome.⁵ The establishment of

seminary temporarily closed in 1926 when vocations dwindled and, again, criticism arose that former Roman Catholics should not educate future Ukrainian priests. However, it reopened in 1935, and as the number of students increased, it was moved in 1942 to new and larger facilities in Roblin, Manitoba, where it continued to function until its closure in 2002, as the only minor seminary, either secular or religious, in Canada. A major seminary was established in Yorkton in 1941. It was later moved to Waterford, Ontario, in 1948; to Meadowvale, Ontario, in 1953; back to Yorkton in 1960; and finally to Toronto in 1974 until its closing in 1996. Ukrainian Redemptorists currently receive their priestly formation at Gerard House in Toronto, the house of formation for the Edmonton-Toronto English-speaking Latin Redemptorist Province in Canada. (See B. BAYDA, ed., *Fifty Steps Forward: 50th Anniversary (1942-1992), Saint Vladimir's College, Roblin, Manitoba*, no city, Friesen, 1991, pp. 20-21).

⁴In a letter dated February 13, 1952, to all the Ukrainian bishops in Canada, Archbishop Ladyka outlined plans for the erection of a Ukrainian major seminary in Canada. Two proposals were presented. The first, and at the suggestion of the Apostolic Delegate himself, was that the seminary be established in Ottawa, attached to Saint Paul University. The second, favoured by Ladyka, and later, also by the Apostolic Delegate, was that all formation, including philosophical and theological, be provided by Ukrainian professors, at either Toronto, renowned as an academic centre in Canada, or Winnipeg, the centre of Ukrainian immigration (Archives of the Archeparchy of Winnipeg).

⁵This decision was incorporated into the norms of the First Provincial Synod of the Winnipeg Metropolia, whereby until a major seminary was established in Canada, seminarians would be educated in Latin seminaries, while promising students could be sent to Rome:

1. Pastors, who often do the work of two and personally experience the shortage of clergy in their eparchy, are to seize every indication of a priestly vocation in boys of their parishes and to cultivate it. Boys in their parishes, who manifest a priestly vocation, are to be directed towards junior high schools which are minor seminaries or like them. During vacations, pastors are to care for such boys in a special way and

a major seminary in Canada became even less a priority when a second major seminary in Rome, Saint Sophia, was erected in 1968, under the patronage of His Beatitude, Joseph Slipyj.⁶

Finally, on July 22, 1981, on the occasion of the twenty-fifth anniversary of the Ukrainian Metropolitan See of Winnipeg, the Ukrainian hierarchy established the first secular inter-eparchial major seminary in Canada. Seminarians of Holy Spirit Seminary, Ottawa, receive their human, spiritual and pastoral formation in-house and their academic formation at Saint Paul University. The transfer of the Metropolitan Andrey Sheptytsky Institute of Eastern Christian Studies, established in 1986 in Chicago, to Saint Paul University in 1990, has enhanced seminary formation by offering undergraduate and graduate degrees in Eastern Christianity.⁷ The Code grants each Church *sui iuris* great freedom in the establishment of a program of seminary formation, owing to the diversity among Churches, nations, and regions.⁸ In this light, the statutes and directory of Holy Spirit

support their religious vocation.

2. Until such time as the Winnipeg Metropolitan province has its own major seminary, the Hierarchs, during their annual conferences, are always to see to it that all their seminarians are gathered together in one major seminary and that a priest is appointed to celebrate for them the religious services in the Ukrainian rite and teach them liturgics, Church Slavonic, liturgical chant, Eastern theology, and Eastern canon law. It would be best if their seminarians were to be educated in the Pontifical Major Seminary in Rome (art. 94).

⁶The Pontifical Ukrainian minor seminary, founded in 1952 in Loury, France, was transferred to Rome in 1959. (See D. BLAZEJOWSKYJ, *Schematism of the Ukrainian Catholic Church: A Survey of the Church in Diaspora*, Analecta OSBM, Series II, Section I, vol. 45, Rome, 1988, pp. 1209-1210).

⁷Prior to 1990, Saint Paul University offered a significant number of courses in Byzantine Liturgy, Eastern Spirituality, Eastern Canon Law, Eastern Dogmatic Theology, and Ukrainian Church History. However, the presence of the Sheptytsky Institute, the only academic centre in the Western hemisphere to offer undergraduate and graduate degree programs in Eastern Christianity, ensures the ongoing rediscovery of the theological, spiritual, canonical and liturgical patrimony of the Eastern Churches, in particular, of the Ukrainian Church.

⁸Title X, chapter 1, of the Code, regulates the formation of clerics, including norms on the establishment and governance of seminaries (cc. 331-341) and the formation for ministry (cc. 342-356). Canon 348, in particular, foresees the programs of the major seminary spanning a period of at least six full years of philosophical and theological courses for those studying for the priesthood. In addition, canon 760, §1, permits the ordination of a deacon destined for the priesthood only upon the completion of the fourth year of the philosophical-theological curriculum, unless the synod of bishops determines otherwise.

Seminary, first approved in 1986, were recently revised.⁹

Canonical age

The Synod of Lviv (1891) determined that the prescribed age for ordination to subdiaconate was the completion of twenty-one years, twenty-two for diaconate, and twenty-four for priesthood.¹⁰ These canonical ages were adopted as custom by the Ukrainian Church in Canada. The Code, while generally deferring to particular law all matters regarding subdiaconate, prescribes the completion of twenty-three years for diaconate and twenty-four for priesthood;¹¹ the particular law of the Ukrainian Catholic Church confirms these canonical ages.¹² By virtue of the Code itself, a bishop can dispense a candidate from the required age by up to one year.¹³

Reception of lower orders

The ancient discipline of subdiaconate and minor orders differed among the Eastern Churches. Whereas the subdiaconate was considered to be a major order in some Churches, for example, the Armenian, Ethiopian, Malabar, and Maronite, for most others, it was a minor order. Likewise, minor orders differed in number and grade. However, in 1952, *Postquam Apostolicis*, in a desire to provide universal legislation in this matter, declared that the subdiaconate was a minor order for all Eastern Churches, albeit, with some major

⁹In addition to the norms of the Code, included in the revision process were those contained in the March 25, 1992 post-synodal Apostolic Exhortation on the Formation of Priests, *Pastores dabo vobis*, of Pope John Paul II (AAS, 84 (1992), pp. 657-804; *Origins*, 21 [1991-1992], pp. 717-759).

¹⁰The Synod decreed: "As to the age of candidates for sacred ordination: Although the ancient law of the Church prescribed the age of twenty for the reception of subdiaconate, twenty-four for diaconate, and thirty for priesthood, nevertheless, according to the legislation of the Council of Trent, which the Synod of Zamost exhorts us to follow, the prescribed age for sub-diaconate is twenty-one years completed, twenty-two for diaconate, and twenty-four for priesthood. We are now obligated to follow precisely these prescriptions" (title II, chapter 6, 1).

¹¹Canon 759, §1, states: "The age prescribed for the diaconate is twenty-three years completed, for the presbyterate twenty-four years completed, with due regard for particular law of a Church *sui iuris* requiring a higher age."

¹²Canon 100, Particular Law, Ukrainian Catholic Church, 2002.

¹³Canon 759, §2, states: "Dispensation beyond a year from the age required by common law is reserved to the patriarch, if it is a case of a candidate who has a domicile or quasi-domicile within the territorial boundaries of the patriarchal Church; otherwise, to the Apostolic See."

order obligations, including the recitation of the divine office¹⁴ and the diriment marriage impediment of holy orders.¹⁵ In 1965, the conciliar decree on the Eastern Catholic Churches relegated to particular law the determination of the subdiaconate and minor orders, as well as the rights and obligations attached to them.¹⁶

The Ukrainian Church has retained the subdiaconate and minor orders of candle-bearer, lector, and cantor.¹⁷ Following the abolition of these orders by the Latin Church in 1972, Cardinal Paul Philippe, Prefect of the Congregation for the Eastern Churches, consulted Metropolitan Hermaniuk as to the opinion of the Ukrainian hierarchs in Canada regarding the retention of the diriment marriage impediment of holy orders as it pertained to the subdiaconate.¹⁸ On August 13, 1973, Archbishop Hermaniuk replied that this matter could only be decided by the Synod of Bishops of the Ukrainian Church. However, he added that, after collegial consultation with his suffragan bishops, it was the canonical opinion of the Ukrainian Church in Canada to return to the discipline of the subdiaconate which existed prior to the promulgation of *Crebrae allatae*, *Postquam Apostolicis*, and *Cleri sanctitati*, namely, that minor clerics not be bound by the obligations of major orders. Therefore, in practice in Canada, subdeacons were no longer required to recite the divine office and were not prohibited from marrying after receiving the holy order of subdiaconate.¹⁹

¹⁴*Cleri sanctitati* decrees: "Clerics who are ordained subdeacons or in major orders, with the exception of those mentioned in canons 157 and 158, are obliged to recite the divine office publicly or privately in accordance with the norms of particular law" (c. 76).

¹⁵Canon 62 of *Crebrae allatae* states: "§1. Clerics in major orders attempt marriage invalidly. §2. The force to render marriage invalid is attached to the subdiaconate just as to major orders."

¹⁶Article 17 of *Orientalium ecclesiarum* declares: "For the subdiaconate and the lesser orders, their rights and obligations, the legislative authority of each individual church should make provision."

¹⁷In reality, the minor orders are but one order as they are always administered in one single liturgical rite.

¹⁸Prot. no. 22/73, January 22 and May 23, 1973; Archives of the Archeparchy of Winnipeg.

¹⁹The Synod of Lviv decreed that candidates studying for the priesthood who wanted to be married could marry only after completing their seminary formation: "... seminarians who wish to enter into marriage dare not do this before they have properly completed all their theological studies, and have already left the seminary,

The Code leaves it to the discretion of each Church *sui iuris* to retain or abolish the subdiaconate and other minor orders, and if retained, then also to determine their functions.²⁰ The particular law of the Ukrainian Catholic Church has indeed retained these orders.²¹ However, in practice, the Ukrainian Church does not recognize a permanent subdiaconate nor a permanent candle-bearer, lector, and cantor. These minor orders are almost always linked to the diaconate. They are received together on the same day, followed by the reception of major orders, usually the following day. Today, in Canada, the functions usually performed by those in minor orders are, for the most part, carried out by laity.²²

Interval between orders

The Church has on occasion prescribed a required period of time between the reception of the various grades of sacred orders. This interval was intended to afford candidates the opportunity to exercise the order they had received before receiving a higher one, thus enhancing their formation. Over the centuries, however, this period of time was reduced from one year to a matter of days. The Synod of Lviv recognized that which had been introduced by custom, namely, with the exception of minor orders and subdiaconate, which could be received on one and the same day, a one day interval was required between the reception of subdiaconate and diaconate, and eight days between diaconate and priesthood.²³ These intervals were adopted as

nor are they to be betrothed before this time under the penalty of exclusion from reception of holy orders. The untimely entrance into matrimony results in anxiety, namely, an aversion from required studies and an alienation from proper cultivation of piety, since a spirit, divided by desires, cannot adequately accomplish these tasks. Furthermore, an unduly strong desire to marry before receiving holy orders can result in the embracement of celibacy being seen as undesirable and even something to be frowned upon" (title VIII, chapter II, 14).

²⁰Canon 327 states: "If besides bishops, presbyters or deacons, other ministers, constituted in minor orders, generally called minor clerics, are admitted or instituted for the service of the people of God or to exercise the functions of the sacred liturgy, they are governed only by the particular law of their own Church *sui iuris*."

²¹Canon 98, Particular Law, Ukrainian Catholic Church, 2002.

²²It is interesting to note that in Canada the roles of lector and cantor, once reserved to males, are also performed by women. Only the candle-bearer is reserved, for the most part, to males in the form of altar boys in most parishes across Canada.

²³The Synod decreed: "As to the interval of time: Although the canons of the councils prescribed an interval of one year between the reception of one rite and the next, nevertheless, the Council of Trent deferred this matter to the discretion of the

custom in the Ukrainian Church in Canada. The particular law of the Ukrainian Catholic Church prescribes only one change to this practice, namely, a one year interval between diaconate and priesthood, not excluding the right of an eparchial bishop to determine otherwise in individual cases.²⁴

Permanent diaconate

Immediately prior to the Second Vatican Council, the Latin Church conferred first tonsure and orders only upon those candidates who were able and willing to be promoted to the priesthood.²⁵ Therefore, a permanent deacon, that is, a deacon who was not destined for the priesthood, was excluded. Though most of the Eastern Churches lacked permanent deacons, this was simply a fact and not a principle of law, as these Churches had no such general prohibiting legislation.

With the Second Vatican Council, the Synodal Fathers restored the permanent diaconate in the Latin Church,²⁶ and in the Eastern Churches where it had fallen into disuse.²⁷ Whereas in 1967, Pope Paul VI issued general norms regarding the permanent diaconate in the Latin Church,²⁸ the Decree on the Eastern Catholic Churches

bishop, who can shorten the interval on his own authority if this is to the advantage of the need and good of the Church. However, while not calling into question this right of the bishop, and with the exception of the rite of lectorate and subdiaconate, which, as practice has it, can be conferred in one ordination and on the same day, our Synod of Zamost decreed that the interval between the reception of subdiaconate and diaconate be ten days, and, likewise, ten days between diaconate and priesthood. Nevertheless, this interval, intended, for the most part, to give the newly ordained priest more time to exercise the order, is usually shortened even further today, and this on the basis of the authority which the bishop ordinarily receives from the Holy See. Therefore, in accordance with current practice, no interval whatsoever is maintained between lectorate and subdiaconate, as was the case with the Synod of Zamost, and, for the most part, one day between the subdiaconate and diaconate, and eight days between diaconate and priesthood. The current Synod permits only the preservation of that which was introduced by custom...." (title II, chapter 6, 2).

²⁴Canon 98, Particular Law, Ukrainian Catholic Church, 2002. The particular law also prescribes an interstice at the very least of one year for married candidates to the priesthood unless the eparchial bishop determines otherwise (c.99).

²⁵See canon 971, §1, of *Codex iuris canonici* (1917).

²⁶*Lumen gentium*, 29.

²⁷*Orientalium ecclesiarum*, 17.

²⁸Apostolic Letter, *Sacrum Diaconatus Ordinem*, June 18, 1967, in *AAS*, 59 (1967), pp. 697-704; Apostolic Letter, *Ad Pascendum*, August 15, 1972, in *AAS*, 64 (1972), pp. 534-540.

recognized the right of each Eastern Church *sui iuris* to determine its future.

Although the Ukrainian Church in Ukraine retained the permanent diaconate,²⁹ the Ukrainian Church in Canada did not share this experience from the outset. On September 6, 1967, only three months after the restoration of the permanent diaconate in the Latin Church, the Ukrainian hierarchy established the permanent diaconate in Canada during their annual conference.³⁰ At the same time, the hierarchy issued norms governing the acceptance of candidates for the permanent diaconate, and once accepted, their formation, ordination, incardination, and function.³¹ On April 24 of the following year,

²⁹Among the Ukrainians, Metropolitan Sheptytsky ordained several permanent deacons for ministry in Saint George Cathedral, Lviv, and for several Studite monasteries.

³⁰Archives of the Archeparchy of Winnipeg. In reality, the establishment of the permanent diaconate in the Ukrainian Church in Canada preceded that of the Latin Church in Canada. Not until January 20, 1969, were the norms prepared by the Canadian Conference of Catholic Bishops (prot. no. 2150/68) on the restoration of the permanent diaconate in Canada approved by the Sacred Congregation for the Sacraments (see CCCB Official Document, no. 166).

³¹Archives of the Archeparchy of Winnipeg. The text of the Decree follows:

Considering, on the one hand, the great spiritual and organizational needs of the Ukrainian Catholic Church in Canada, and on the other hand, the great shortage of priests who could carry out their priestly duties, we, the undersigned Bishops, in accordance with the tradition of our own and other Eastern Churches, also in compliance with the Decrees of the II Vatican Council (Constitution on the Church no. 29 and the Decree about the missionary activity of the Church no. 16) and following the instructions of Pope Paul VI's *Motu Proprio* "De Diaconatu Permanenti," dated June 18, 1967, hereby establish in the Ukrainian Catholic Church in Canada the Permanent Diaconate and the following candidates will be accepted to the Order of Deacon:

1. Single or married men between the ages of 25 and 50 years.
2. Those who completed at least a high school education.
3. Those who have established a means of support for themselves and eventually even for their families.
4. Candidates who wish to serve Christ's Church and their own Ukrainian people.

The candidates who apply for this position and are accepted to the diaconate, will be ordained deacons only after they have followed a course of spiritual formation and theological studies, which will last about three years in a special seminary.

The candidates will be accepted to the Order of Deacon by their respective Bishop and they will be incardinated into his diocese and ordained for his diocese.

Canonical status and forms of Church activities carried out by the deacon will be guided by the traditions of the Ukrainian Catholic Church and prescripts of canon law.

the bishops issued additional norms on doctrinal³² and spiritual preparation of diaconal candidates.³² These norms must now be revised in light of the Code, which permits the ordination of permanent deacons only after three full years of formation.³³

In recent times, the hierarchy in Canada sought to enhance the role of deacons. On February 9, 1987, they proposed a document that would have granted deacons ordinary faculties to distribute Divine Eucharist during the Divine Liturgy,³⁴ to preach the word of God,³⁵ to

Given in Ottawa, September 6th, 1967, at the Conference of the Ukrainian Catholic Hierarchy of Canada.

+ Maxim Hermaniuk, CSsR, Archbishop of Winnipeg for Ukrainians

+ Neil Savaryn, OSBM, Bishop of Edmonton

+ Isidore Borecky, Bishop of Toronto

+ Andrey Roborecky, Bishop of Saskatoon

³²Archives of the Archeparchy of Winnipeg. The text of the Decree follows:

The following program for the Deacon's training was officially accepted by the Ukrainian Catholic Hierarchy of Canada.

1. The subjects taken will be evaluated on a credit basis.

Dogmatic Theology	6 credits	100 hours
Moral Theology	6 credits	100 hours
Sacred Scripture	6 credits	100 hours
Canon Law	6 credits	100 hours
Church History	6 credits	100 hours
Church Liturgy	4 credits	60 hours
Ukrainian and Church Slavonic	3 credits	45 hours
Church Music and Chant	3 credits	45 hours
Ascetic Theology	3 credits	45 hours
Homiletics	3 credits	45 hours

2. Upon completion of all the lectures in any subject the candidate must pass an examination in that subject.

3. Spiritual formation of the candidate for the Diaconate will be under the Spiritual Director of the Deacon's Course.

4. In the program of spiritual formation there is included daily attendance at the Divine Liturgy (when possible), frequent Holy Communion, spiritual lectures, meditations and spiritual reading. On Sundays and holy days the candidates should take active participation in the various liturgical functions in the parish churches.

Ottawa, April 24th, 1968

+ M. Hermaniuk, Archbishop Metropolitan of Winnipeg.

³³Canon 760, §2, states: "If it is a case of a candidate who is not destined for the priesthood, it is permitted to ordain him deacon only after he has successfully completed the third year of studies mentioned in c. 354; if however it happens later that he is admitted to the priesthood, he must first complete his theological studies in the appropriate manner."

³⁴Canon 709, §1 determines that the ordinary minister of Divine Eucharist is the priest; however, a deacon may also distribute Divine Eucharist if the particular law

promote the lay apostolate, and to visit the sick, the poor, and the lonely. The draft would also have granted deacons several extraordinary faculties, including the right to celebrate all liturgical services where a priest was not present, to baptize, to distribute Divine Eucharist outside of the Divine Liturgy, and to administer the sacrament of anointing of the sick.³⁶ The draft, however, would not have authorized deacons to celebrate marriages.³⁷ On January 18,

of his own Church *sui iuris* permits it.

³⁵Canon 610, §3, states that deacons possess the faculty to preach unless particular law has determined otherwise.

³⁶The text of the draft follows:

I. By the reception of the sacrament of orders, deacons have the following faculties:

1. To perform, either with the bishop or a priest, all liturgical functions prescribed for deacons by the liturgical books of the Ukrainian Rite including the distribution of Divine Eucharist during the Divine Liturgy.

2. To preach the word of God in church and outside of the church.

3. To be the promoter of the lay apostolate among the People of God.

4. To respond, as directed by the pastor, to the needs of the parishioners, in particular, the sick, the poor, and the lonely.

II. Where there is no priest and when the general good of the faithful so requires, bishops can grant deacons the following additional faculties:

1. To celebrate without a priest all liturgical services of the Ukrainian Rite in accordance with the prescriptions of the liturgical books of this rite, even those parts which properly belong to a priest, for example, blessings upon the faithful by making the sign of the cross upon them, doxologies, other blessings, and dismissals.

2. To administer the sacrament of baptism, however, without the sacrament of chrismation with holy myron.

3. To distribute Divine Eucharist to the faithful outside of the Divine Liturgy, in accordance with the prescriptions of the Trebnyk.

4. To prepare the dying for death by distributing Divine Eucharist, in accordance with the prescriptions of the Trebnyk, however, with the exception of hearing confessions, and administering the sacrament of anointing of the sick and a plenary indulgence.

5. To celebrate the liturgical service of Supplication and to bless the faithful with the Most Holy Mysteries.

6. To perform the following rites of consecrations and blessings: blessing of water, homes, graves, flowers and plants, fruits, icons, banners, flags, and so on.

Bishops may grant these delegated faculties to those deacons who so request them, and with the prior knowledge of their pastor.

Given in Winnipeg, February 9, 1987.

+ Maxim, Metropolitan

³⁷Bishop Jerome Chimy, Eparch of New Westminster, held the sole opinion that permanent deacons of Eastern Churches could avail themselves of the faculties

1993, the hierarchy proposed a second document on the “Deacons’ Divine Liturgy”, which outlined the celebration of the Divine Liturgy by a deacon alone. The proposed ritual envisioned the complete celebration of the Divine Liturgy of Saint John Chrysostom or that of Saint Basil the Great, less the anaphora, with the distribution of pre-sanctified gifts.³⁸

granted Latin deacons in 1967 by the motu proprio *Sacrum Diaconatus Ordinem*, namely, to assist at and bless marriages, where there was no priest present, and with the delegation of the local hierach or pastor. On July 18, 1979, he wrote Cardinal Pierre Philippe, Prefect of the Eastern Congregation, expressing a positive doubt as to whether the motu proprio also applied to the Eastern Churches, and, if not, could it be applied in the case of the deacons of the Eparchy of New Westminster.

³⁸The text of the “Deacons’ Divine Liturgy” follows:

1. What is a “Deacons’ Divine Liturgy?” The Deacons’ Divine Liturgy is a new form of the Liturgy of the Pre-Sanctified Gifts, which according to the decree of the Lviv Synod, Pastors should celebrate every Wednesday and Friday of Great Lent, and on Monday, Tuesday and Wednesday of Holy Week (Lviv Synod, chapter IV, part. 1,3).

2. However, in accordance with the “Rites of celebrating Vechirnia (Vespers), Utrenia (Matins) and the Divine Liturgy” published by the Sacred Congregation for Oriental Churches in Rome in 1983, such a Liturgy of the Pre-Sanctified Gifts, as well as Vespers, may be celebrated only by a priest, either alone or with deacons, but never a deacon alone (cf. Fr. Isidore Dol’nyts’ky, “Typik” supplement, pp. 597-608).

3. This form of the Liturgy of Pre-Sanctified Gifts was included with Vespers service, where a part of Divine Liturgy with the exposition of the Pre-Sanctified Gifts and distribution of Communion to those who desired to receive it was attached to the Vespers service.

4. The form of “Deacons’ Divine Liturgy” is a new form of Liturgy of the Pre-Sanctified Gifts in our rite. It is new in that a Deacon may celebrate it alone, without a priest, not as a Vespers service, but with the Deacon’s part of the Divine Liturgy of St. John Chrysostom or St. Basil the Great, with exposition of the Pre-Sanctified Gifts and distribution of Communion to those who desire to receive it.

5. This new form of Liturgy of Pre-Sanctified Gifts, which appeared in our Rite after the Second Vatican Council, is a practical response by our Church, on the one hand to the great shortage of priests among our faithful, and on the other hand a response to the desire of our faithful to take an active part in such a Liturgy which they know well as to its order and musical melodies. They know the Liturgy well and love to sing it, whereas the Vespers service is more complicated and less known by them.

6. Prodded by such spiritual needs of its faithful, our Church decided to accept this form of Divine Liturgy of Pre-Sanctified Gifts, with certain conditions: It may be celebrated only when and where there is no priest; no stipend or intention is accepted; such a Liturgy may not be said for the intention of the living or deceased, as if it were the Bloodless Sacrifice of the Divine Liturgy which it is not.

7. However, such a Liturgy of Pre-Sanctified Gifts is very beneficial to the faithful, for it gives the faithful an opportunity to gather for community liturgical prayer; hear

Both in 1987 and 1993, the hierarchy in Canada deemed that the promulgation of these documents fell within the jurisdiction of the proper ecclesiastical authority of the Ukrainian Church, namely, its local synod of bishops. Although these proposals have been studied by the synod, as yet, no formal decrees have been issued. However, in practice, individual bishops in Canada have granted their deacons the aforementioned ordinary and extraordinary faculties, with the exception of anointing of the sick, which is reserved to a priest.

Admittance of married men

Both clerical celibacy and married clergy have always been greatly esteemed in the Ukrainian Church. However, at the turn of the century, the Apostolic See suspended the right of Ukrainian and other Eastern hierarchs in North America to accept and ordain married candidates to priestly ministry within their own eparchies. Eventually, all Eastern Churches in the Western hemisphere were bound in one way or another by the law of celibacy.³⁹

To stress and maintain the importance of the right of priestly candidates to marry, the Ukrainian hierarchy included married clergy as one of the only thirty-three articles of the Union of Brest (1595-1596).⁴⁰ The tradition of married clergy was later confirmed by the

the word of God proclaimed, and to receive Holy Communion.

8. In accordance with the spirit of the Second Vatican Council, faithful who do not have the opportunity to participate in the celebration of Divine Liturgy by a priest on Sundays and Holy days, but attend a Deacon's Liturgy, fulfill their obligation in this matter (cf. Decree on Eastern Churches in the Catholic Church, no. 15).

Given in Winnipeg, the 18th day of January, 1993

+ Metropolitan Maxim

³⁹For a canonical overview of clerical celibacy and married clergy, see V. POSPISHIL, "Clerical Celibacy in the Eastern Rite Catholic Dioceses of the United States and Canada," in *Diakonia*, 2 (1967), pp. 137-155; and "Compulsory Celibacy for the Eastern Catholics in the Americas," in *Diakonia*, 11 (1976), pp. 133-156, 259-280; G. MALONEY, "Married Ukrainian Priests," in *Diakonia*, 11 (1976), pp. 2-5; R. GARRITY, "Spiritual and Canonical Values in Mandatory Priestly Celibacy," in *Studia canonica*, 27 (1993), pp. 217-260; R. CHOLIJ, *Clerical Celibacy in East and West*, Leominster, England, Fowler Wright, 1989; C. COCHINI, *Apostolic Origins of Priestly Celibacy*, San Francisco, CA, Ignatius Press, 1990 (English translation of *Origines apostoliques du célibat sacerdotal*, Paris, Lethielleux, 1981). The information presented as factual in a number of these studies is, however, contested by other authors. For example, see K. COYLE, "Recent Views on the Origins of Clerical Celibacy," in *Logos: A Journal of Eastern Christian Studies*, 34 (1993), pp. 480-531.

⁴⁰This Union restored ecclesiastical relations between the Ukrainian Church and the Apostolic See. Article nine of its constitution states: "Married priesthood shall be

Synods of Zamost (1720)⁴¹ and Lviv (1891).⁴² Therefore, the spiritual patrimony of the Ukrainian Church, like that of many other Eastern Churches, distinguished between a vocation to the priesthood and a vocation to celibacy, two different gifts from God, which can coexist in the same person, or can be completely separate.

When Ukrainians began emigrating to the United States towards the end of the nineteenth century, the Congregation for the Propagation of the Faith issued an encyclical on October 1, 1890, addressed to Ukrainian hierarchs in Europe, insisting that only celibate priests, or widowers without their children, be allowed to minister in America.⁴³ The letter was prompted by the reaction of the Latin hierarchy in the United States, who considered married clergy

preserved intact, except for bigamists.” For an overview of the Union of Brest, B. GUDZIAK, *Crisis and Reform: The Kyivan Metropolitanate, the Patriarchate of Constantinople, and the Genesis of the Union of Brest*, Cambridge, MA, Harvard University Press, 1998; and R. MOROZIUK, *Politics of a Church Union*, Chicago, IL, Church Herald, 1983.

⁴¹See CHOLIJ, *Clerical Celibacy in East and West*, p. 170.

⁴²The Synod stated: “This Synod indeed firmly acknowledges that the celibate state is superior to that of the married state, according the words of the Apostle: ‘The unmarried man is anxious about the affairs of the Lord, how to please the Lord; but the married man is anxious about the affairs of the world, how to please his wife, and his interests are divided’ (1 Cor 7:32-33). However, the Catholic Church, for grave reasons, has permitted, and continues to permit, clerics of our rite the freedom, before the laying on of hands or the reception of minor orders, and according to the grace of God given them, either to perpetually remain in the celibate state, which would be best, or to marry a virgin” (title VIII, chapter II, 13).

Prior to World War I, a celibate clergy in the Ukrainian Church was virtually unknown outside of monastic vocations. Only in the 1920s in the eparchies of Peremyshl and Stanislaviv was compulsory celibacy introduced. At that time, Metropolitan Andrey Sheptytsky, Archbishop of Lviv, Bishop Josaphat Kotsylovsky, Eparch of Peremyshl, and Bishop Gregory Khomyshyn, Eparch of Stanislaviv, determined that, henceforth, only those candidates willing to accept sacred orders as celibates would be admitted to the seminary. Metropolitan Sheptytsky reversed his decision soon after; however, even in the seminary in Lviv, its rector, Josyf Slipyj, accepted very few married candidates, and these only after certain conditions were fulfilled, for example, the vacancy in a pastoral assignment and the presentation of a dowry by the wife sufficient to support a family. On the other hand, for the next twenty years, the seminaries in Peremyshl and Stanislaviv experienced great difficulties in attracting enough celibate seminarians to supply the needs of their eparchies, and on occasion, requested married priests from the Archeparchy of Lviv. (See POSPISHIL, “Clerical Celibacy in the Eastern Rite Catholic Dioceses of the United States and Canada,” pp. 138-139).

⁴³*Aliquibus abhinc, Collectanea*, vol. II, no. 1966, note no. 2, p. 357.

scandalous and a potential cause of great harm to religion and the ecclesiastical discipline of their Church. This imposed the greatest of burdens upon the Ukrainian Church in the diaspora as the number of celibate priests in Ukraine was extremely small.⁴⁴

In 1913, the same Congregation, with the decree *Fidelibus ruthenis*, applied similar restrictions to the Ukrainian Church in Canada. Articles 10-12 prohibited the ordination of married candidates in Canada, as well as the exercise of pastoral ministry by married clergy, excepting widowers with no children.⁴⁵ Articles 12 and 15 of *Graeci-rutheni ritus* (1930), extended these restrictions for ten years. This decree was renewed on March 9, 1941, for an additional ten years.

On December 23, 1929, the Congregation issued the decree *Qua sollerti*, regarding Eastern clerics from Europe who desired to go to North, Central, or South America, or to Australia, to minister to the faithful of their own Church.⁴⁶ Article 6 states: "Secular priests who have a wife shall not be admitted to exercise the sacred ministry in these countries, but only celibate priests or widowers." This text is often erroneously cited in studies regarding the prohibition against the acceptance and ordination of Ukrainian married priests in Canada

⁴⁴Soon after the promulgation of the decree, Reverend Alexis Toth, a married priest, was suspended by Archbishop Ireland of Minneapolis in 1891. Toth refused to return to Europe and, instead, joined the Russian Orthodox Church in the United States. Recently, he was declared a saint by that Church. Toth's situation was not unique. For example, Reverend Demetrius Seneta, a married priest in Canada, who, though baptized Ukrainian Catholic, received sacred orders in the Ukrainian Orthodox Church, later desired to return to the Catholic Church in 1930. Bishop Budka, aware of the significance this would have for other Catholics who had joined the Orthodox Church, petitioned the Apostolic See for permission to receive Seneta into his exarchate in Canada. The Apostolic See replied that, despite the fact that he was even willing to send his wife and family back to Europe, it was preferable that another priest, celibate, be requested in his place. Budka's petition was therefore declined and Seneta joined the Bukovinian Orthodox Church.

⁴⁵Despite the prohibition, it is reported that Bishop Budka ordained several Ukrainian married priests from the United States when their bishop, Soter Ortynsky, died in 1916. At first, this was apparently done with the implicit assumption that the candidates were not married. Later, Budka reasoned that he was neither entitled nor obliged to question the legal validity of the dismissorial letters which were prepared by the Ukrainian and Ruthenian apostolic administrators and presented to him by the candidates. (See POSPISHIL, "Clerical Celibacy in the Eastern Rite Catholic Dioceses of the United States and Canada," pp. 140-141.)

⁴⁶*Qua sollerti*, in *AAS*, 22 (1930), pp. 99-105; *CLD*, 1, pp. 17-24.

and the United States, as article 18 of this same decree clearly states that the norms contained therein do not apply to Ukrainians in these countries: "Ruthenians, however, who go to the United States of America or to Canada, to exercise spiritual ministry under the jurisdiction of Ordinaries of their own rite, are to observe the special decrees which have been enacted by this Sacred Eastern Congregation."⁴⁷ In Canada, this was the decree *Fidelibus ruthenis*, which already contained the same prohibition.⁴⁸

At the conclusion of the Second World War, numerous Ukrainian priests in Europe, many of whom were married, found themselves as displaced persons. On February 26, 1947, Bishop Ladyka petitioned the Congregation for the Eastern Church for permission to allow some of these priests to exercise pastoral ministry among the Ukrainian faithful in Canada.⁴⁹ In his response of April 19, 1947, Cardinal Eugene Tisserant, Secretary of the Congregation, stated that the Roman Pontiff, taking into consideration present circumstances resulting from the War, had looked favourably upon the request, not only for candidates destined for Canada, but also for the United States. At the same time, however, the following conditions were attached to the concession:

- 1) the priests in question are to provide the necessary documentation prior to being granted the faculty to hear confessions;
- 2) the admission of these married priests is always to be *ad tempus*, that is, provisional, and each priest is to agree in writing to return to his proper eparchy as soon as possible should the opportunity present itself; and
- 3) steps are to be taken by Bishop Ladyka to avoid possible scandal among Latin faithful, steps which include an explanation as to the special circumstances which have given rise to the concession,

⁴⁷On the other hand, the same article adds that the norms of *Qua sollerti* were indeed applicable to other Ukrainian priests from Europe destined for Central or South America, or Australia: "If for the same ministry they go to the other countries above named, they are to observe the provisions of this Decree."

⁴⁸Similarly, in the United States the decree *Cum data fuerit*, promulgated by the Congregation for the Eastern Church on March 1, 1929, prohibited the acceptance of married priests from Europe into that country (article 12, AAS, 21 (1929), pp. 152-159; *CLD*, 1, pp. 6-16). This decree is also often incorrectly applied to the Ukrainian Church in Canada.

⁴⁹Archives of the Archeparchy of Winnipeg.

as well as the ecclesiastical discipline of the Eastern Church regarding celibate and married clergy.⁵⁰

Cleri sanctitati, promulgated in 1957, while holding celibacy in high regard,⁵¹ recognized the legitimacy of married clergy in the Eastern Churches, according to their particular law.⁵² However, the prohibition against accepting and ordaining married candidates to the priesthood in certain countries still remained in effect. Nevertheless, in 1958, the Apostolic See permitted the Ukrainian hierarchy in Canada and the United States to accept and ordain married former seminarians of the Archeparchy of Lviv, who had been studying for the priesthood when the war broke out.⁵³

On February 2, 1971, Cardinal Maximilian de Fürstenberg, Prefect of the Congregation for the Eastern Churches, having learned that a Ukrainian bishop in Canada had ordained married candidates to the priesthood, sent a letter to the Ukrainian hierarchy in Canada reminding them that ordination of married men in Canada was forbidden.⁵⁴ Later, in 1974, Cardinal Maurice Roy, Archbishop of Quebec City, at the suggestion of Archbishop Guido del Mestri, Apostolic Pro-Nuncio, submitted a request to the Canadian Catholic Conference as to its opinion regarding the ordination of a married Lebanese candidate for the Maronite faithful in Quebec. The members of the Administrative Board of the Conference, during their meeting on March 13-14, 1974, recommended the following declaration be submitted to the Plenary Assembly scheduled in April:

⁵⁰Prot. no. 428/45; Archives of the Archeparchy of Winnipeg. By July of 1947, Bishop Ladyka had received permission from the Government of Canada, by way of a special Order-in-Council, to receive thirty-five priests into the Exarchate, the majority of whom were married.

⁵¹Canon 68 states: "The celibacy of the clergy, which corresponds and fits better with their state and the celebration of the divine mysteries, as it is witnessed by the unanimous tradition of both the Eastern as well as the Latin Church, shall be held in esteem by all."

⁵²Canon 71 states: "In regard to married men who wish to be admitted to the subdiaconate or major orders, either absolutely or with a dispensation either from the patriarch or the local Hierarch, but not from a syncellus, or even to those who are to be excluded from their reception, these Apostolic Letters do not change anything in the present discipline of each Eastern Rite."

⁵³See POSPISHIL, "Compulsory Celibacy for the Eastern Catholics in the Americas," p. 139.

⁵⁴Prot. no. 344/70; Archives of the Archeparchy of Winnipeg.

The CCC Administrative Board indicates that it sees no difficulty in terms of the Latin Rite, in accepting married men as candidates for the priesthood in the Oriental Rites in Canada in accordance with their laws and traditions.⁵⁵

On October 24, 1974, the Congregation for the Eastern Churches, having been informed of the intentions of the Conference, sent an unsigned note to Archbishop Jean-Marie Fortier, President of the CCC. The document clearly stated that the matter of ordination and reception of married clergy for ministry in Canada was reserved to the Apostolic See, and, therefore, was not a subject for consideration by a conference of bishops.⁵⁶ The item was subsequently removed, at the request of the Apostolic Pro-Nuncio, from the already prepared

⁵⁵Minutes of Administrative Board Meeting, no. 138, art. 17; Archives of the Archeparchy of Winnipeg.

⁵⁶The complete text of the note follows:

Concerning the conferment of the Order of Priesthood on married men of Oriental Rite and the exercise by them of the sacred ministry in Canada.

It must be stated beforehand, in consideration of the norms in force and of the constant practice followed up to now, that the point at issue cannot be the subject of any decision on the part of the Episcopal Conferences.

1) The Decree of the Sacred Oriental Congregation of the 23rd December, 1929, in fact, states (n. 6): "Ad sacrum ministerium exercendum in praefatis regionibus (in America scilicet et in Australia) non admittantur sacerdotes saeculares uxorem habentes, sed solum sacerdotes caelibes, aut vidui".

2) This prohibition is confirmed in the M.P. "Episcopalis potestatis," VIII, 2: "In ritibus in quibus non admittuntur clerici coniugati, a prohibitione exercendi ordinem presbyteratus facta coniugatis, qui eundem ordinem sine dispensatione Apostolicae Sedis receperunt." Thus, dispensation from the prohibition is expressly reserved to the Holy Father.

3) It is true that there have been exceptions with regard to Ukrainians, both in Canada and in the United States of America. But here it is a case of candidates for the priesthood, who had already been trained and had contracted matrimony in their homeland and who had found themselves, through circumstances beyond their control (war, expulsion), outside the Oriental regions. Their cases were examined separately and submitted to the Holy Father for decision.

4) It must be added that there have been—always among Ukrainians—other (5 or 6) "illegal" cases. In fact, some individuals (after having contracted matrimony) received Holy Orders in Oriental regions on the understanding—which was subsequently not adhered to—that they would exercise there the sacred ministry. Others received Holy Orders in Western regions on the pretext that these would be exercised at a later time, when it will be possible to return to the Ukraine.

5) In the light of what has been stated above, and notwithstanding the exceptions and irregularities referred to, it is clear that every decision on the matter in question is expressly reserved to the Holy See (Prot. no. 207/74; Archives of the Archeparchy of Winnipeg).

agenda of the Plenary Assembly, which was held in Quebec City on September 16-20, 1974.⁵⁷

However, as a result of publicity relating to the ordination of three Ukrainian priests in Canada in 1975, the Administrative Board again reviewed the matter during its meeting of February 25-26, 1976. The Board studied background material, prepared and presented by Metropolitan Hermaniuk, regarding the ordination of married candidates to the priesthood in Eastern Churches, in general, and in the Ukrainian Church, in particular.⁵⁸ Having reviewed the dossier, the Conference maintained its support for the ordination of married men for the Ukrainian Church in Canada.⁵⁹

Following the ordination of numerous priests in Ukraine in 1988 who were destined for ministry in Canada,⁶⁰ the Ukrainian hierarchy in Canada suggested that the Conference review once again its position as to married clergy. In response, the Executive Committee, during its meeting on June 14-15, 1989, recommended anew that all members of the Conference be consulted as to their willingness to inform the Apostolic See that bishops of the Latin Church have no objection to ministry in Canada by married Eastern Catholic priests, if such practice exists in that particular Eastern Church. On October 17, 1989, Archbishop James Hayes, President, communicated the results of the consultation to Cardinal Agostino Casaroli, Secretary of State: 77 placet; 1 non placet.⁶¹

It can be argued that the Eastern Code, in light of the Second Vatican Council, which affirmed the right and obligation of Eastern

⁵⁷On November 21, 1974, Archbishop Fortier wrote Cardinal Philippe, Prefect of the Eastern Congregation, informing him of the position of the Administrative Board of the Conference regarding married clergy as outlined during the March 13-14, 1974, meeting. Fortier stated that this position did not differ from the practice of the Apostolic See.

⁵⁸Minutes of Administrative Board Meeting, addendum 10; Archives of the Archeparchy of Winnipeg.

⁵⁹See letter of Reverend R. Drake Will, Assistant General Secretary, Canadian Conference of Catholic Bishops, to Cardinal Philippe, Prefect, Sacred Congregation for Eastern Churches, February 11, 1977; Archives of the Archeparchy of Winnipeg.

⁶⁰The Apostolic See stated that these priests, like those ordained in 1975, were ordained *in fraudem legis* and that they are suspended "a divinis" with reservation to the Holy See for their absolution prior to returning to active ministry. In reality, however, these priests were never suspended by their respective bishops.

⁶¹No. 1418, November 14, 1989, *For Your Information*, Canadian Conference of Catholic Bishops.

Churches to follow their own particular discipline,⁶² has abrogated the prohibition against the ordination of married clerics. Canon 373 states:

Clerical celibacy chosen for the sake of the kingdom of heaven and highly suited to the priesthood, is to be greatly esteemed everywhere in accordance with the tradition of the whole Church; likewise, the state of the married clergy as sanctioned by the practice of the early Church and of the Eastern Churches for centuries, is to be held in honour.

However, when a Saskatchewan married deacon was ordained to the priesthood in 1994, the first Ukrainian priest to be ordained in Canada in nearly twenty years, Reverend Marco Brogi, Undersecretary of the Eastern Congregation, stated that canon 758, §3, regarding the admittance of married men to holy orders, allows the practice according to the particular law of an Eastern Church *sui iuris* and the “special norms of the Apostolic See.”⁶³ Brogi added that, while the particular law of the Ukrainian Church allows married men to be ordained to the priesthood, the special norms of the Holy See limit the practice to Ukraine. In 1995, at the XII International Congress of the Society for the Law of the Eastern Churches, Boston, on Christian Priesthood in the East and West, Brogi reiterated the opinion that the prohibition banning ordination of married men in North America remains in effect, even though it could be removed at the request of Eastern hierarchs by presenting petitions to the Apostolic See on behalf of their Church *sui iuris*. To this end, the Ukrainian Church, through its Synod of Bishops, has made numerous written and

⁶²The conciliar Decree on the Eastern Catholic Churches states: “[The] Council solemnly declares that the churches of the East like those of the West have the right and duty to govern themselves according to their own special disciplines... All members of the Eastern Churches should be firmly convinced that they can and ought always preserve their own legitimate liturgical rites and ways of life, and that changes are to be introduced only to forward their own organic development” (*Orientalium ecclesiarum*, nos. 5-6).

The Decree on the Ministry and Life of Priests clearly recognizes the Eastern discipline of married clergy: “While recommending ecclesiastical celibacy this sacred Council does not by any means aim at changing that contrary discipline which is lawfully practiced in the Eastern Churches” (*Presbyterorum ordinis*, no. 16). More recently, this discipline has once again been confirmed by Pope John Paul II in his 1992 post-synodal Apostolic Exhortation on the Formation of Priests, *Pastores dabo vobis*, no. 29.

⁶³See *Western Catholic Reporter*, November 28, 1994, p. 3. Canon 758, §3 states: “The particular law of each Church *sui iuris* or special norms established by the Apostolic See are to be followed in admitting married men to sacred orders.”

personal interventions to the Apostolic See requesting that the prohibition be abrogated.⁶⁴ The Ukrainian hierarchy in Canada, in particular, addressed its most recent formal petition to Pope John Paul II on October 24, 1984. To date, a favourable response has not been received. The matter continues to be addressed through the synod of bishops of the Ukrainian Church.

Still, it could be argued that the Ukrainian hierarchy, in fact, need not submit such a petition, as the prohibition to accept and ordain married candidates to the priesthood in Canada lapsed on March 9, 1951, with the expiration of the twice-renewed decree *Graeciruthenis ritus*. No evidence has yet been presented to indicate that this decree was renewed beyond 1951. As the prohibition contained in the 1929 decree *Qua sollerti* does not appear to apply as such to Ukrainians in Canada, it could be argued that no special norms of the Apostolic See impede the acceptance and ordination of Ukrainian married priests in Canada.⁶⁵ Therefore, in virtue of canons 373 and 758, §3, it would seem that the Ukrainian hierarchy in Canada could, in good conscience, ordain married priests, which, in turn, would help alleviate the present shortage of Ukrainian clergy in Canada.⁶⁶

That Which Must Precede Sacred Ordination

Confession and spiritual retreat

Candidates for ordination in the Ukrainian Church in Canada, in accordance with the norms of the Synod of Lviv, were expected to receive the sacrament of penance⁶⁷ and undergo an eight-day

⁶⁴Until recently, the interventions have been undermined by the lack of unanimity among the Ukrainian bishops themselves, some of whom did not support married clergy.

⁶⁵Roman Cholij argues from another point of view that the special norms of the Apostolic See which restricted the ordination of married men in the diaspora only existed as decrees which restricted the movement of married clergy from Europe into the New World. With the promulgation of the Eastern Code, he concludes, all restrictions on the rights of Eastern Catholic bishops to ordain married men in the diaspora have been abolished ("An Eastern Catholic Married Clergy in North America: Recent Changes in Legal Status and Ecclesiological Perspective," in *Studia canonica*, 31 [1997], pp. 311-339).

⁶⁶Indeed, several married men have been ordained to the priesthood in Canada in recent years.

⁶⁷The Synod of Lviv stated that "candidates for ordination, before they receive the subdiaconate, as before the diaconate and priesthood, cleanse their conscience by receiving the sacrament of confession" (title II, chapter 6, 3).

retreat⁶⁸ before the reception of each sacred order. The particular law of the Ukrainian Catholic Church calls for a five day retreat,⁶⁹ but is silent on the reception of the sacrament of penance, though this is still common practice.

Declaration

To be licitly ordained, the Code requires that a candidate for the diaconate or priesthood provide his bishop or major superior a written declaration of his intention, readiness, and willingness to receive sacred orders.⁷⁰ The purpose of the legislation is to help the candidate carefully discern his intention and to manifest that intention in a verifiable manner. The requirement is motivated, to a large degree, by information gathered from laicization requests in which candidates include as one reason for their petition a lack of understanding and insufficient freedom at the time of their ordination. The particular law of the Ukrainian Church does not refer to such a declaration. However, candidates for sacred orders, in virtue of common law, are now bound to make it.

Profession of faith and oath of fidelity

The Synod of Lviv required that candidates make a profession of faith and take an oath of fidelity prior to receiving sacred orders.⁷¹ The practice, rooted in antiquity, is a public manifestation of personal

⁶⁸The Code defers to particular law the matter of pre-ordination retreats: "Every candidate for promotion to sacred ordination must make a spiritual retreat as determined by particular law" (c. 772). In this regard, the Ukrainian Church in Canada adopted as custom the norms of the Synod of Lviv, which prescribed: "As to the preparation for ordination, that which regards the worthy reception of sacred orders, in addition to that which the Synod of Zamost has prescribed based upon the Council of Trent, the current Synod declares, namely, that a candidate make an eight-day spiritual retreat before receiving minor orders, and, likewise, before diaconate and priesthood when these are conferred over a longer period. However, if the major orders are conferred in succession, without much time between Sundays or feast days, a one-day retreat is sufficient prior to the subsequent ordination" (title II, chapter 6, 3).

⁶⁹Canon 103, Particular Law, Ukrainian Catholic Church, 2002.

⁷⁰Canon 761 states: "For a candidate for the order of diaconate or presbyterate to be licitly ordained, he must submit to the proper eparchial bishop or to his major superior a declaration signed in his own hand, in which he attests that he will of his own accord and freely receive the sacred order and accept the obligations attached to it and that he will devoted himself perpetually to the ecclesiastical ministry, requesting at the same time that he be admitted to receive the sacred order."

⁷¹Title II, chapter 6, 3-4.

belief associated with certain offices or functions related to the teaching mission of the Church. In Canada, the Ukrainian Church adopted as custom the norms of the Synod of Lviv. The 1973 *Archieratikon*, and its 1988 Ukrainian translation, continue to require that candidates for the priesthood make a profession, as well as an oath of fidelity, not only to their own bishop, but also to the metropolitan and major archbishop of the Ukrainian Church and to the Roman Pontiff. This requirement seems to contradict the Code, which requires that only patriarchs (c. 76, §1) and major archbishops (c. 153, §3) at their election, and bishops (c. 187, §2) prior to their episcopal consecration, make a profession of faith and take an oath of fidelity in fulfilling the obligations of their office.⁷²

Time and Place

As to the time of ordination, the Ukrainian Church in Canada has continuously observed the norms of the Synod of Lviv, namely, that all ordinations take place on a Sunday or a feast day, with the exception of subdiaconate and lower orders, which can be conferred on an ordinary weekday.⁷³ The liturgical books of the Ukrainian Church further require that the major orders of diaconate and priesthood be conferred in a church during Divine Liturgy, while the

⁷²In 1989, the Congregation for the Doctrine of the Faith issued a revised profession of faith and an oath of fidelity (AAS, 81 (1989), p. 104). In particular, the oath of fidelity, previously prescribed solely for bishops, was extended to include those faithful, called to exercise an office in the name of the Church, enumerated in canon 833, nos. 5-8, of the 1983 Latin Code. Accordingly, in the Latin Church, the following categories of the faithful are required to make a profession of faith and take an oath of fidelity: 1) all who participate with either a deliberative or consultive vote in an ecumenical or particular council, in a synod of bishops or in a diocesan synod; 2) those promoted to the cardinalate; 3) all who are promoted to the episcopacy and those who are equivalent to a diocesan bishop; 4) diocesan administrators; 5) vicars general, episcopal vicars, and judicial vicars; 6) at the beginning of their term of office, pastors, the rector of a seminary and the professors of theology and philosophy in seminaries; and those to be promoted to the diaconate; 7) the rector of an ecclesiastical or Catholic university at the beginning of the rector's term of office; and, at the beginning of their term of office, teachers in any universities whatsoever who teach disciplines which deal with faith or morals; and 8) superiors in clerical religious institutes and societies of apostolic life in accord with the norm of the constitutions. These 1989 norms have not been included in the 1990 Eastern Code.

⁷³The Synod decreed that: "... the rites of diaconate and priesthood can only be conferred on two separate days, these being Sundays or feast days, however, not consecutive. In accordance with ancient tradition, the rites of lectorate and subdiaconate can be conferred also on weekdays" (title II, chapter 6, 2).

rites of subdiaconate and lower orders can be received at another time, though, also in a church. These prescriptions emphasize that an ordination is not a private affair, but a celebration of the worshipping community, and, therefore, should take place when and where the greatest number of Christian faithful can be present. In this light, canon 773 of the Code allows for ordinations, including diaconate and priesthood, to take place on a weekday if clergy, religious, and laity are more able to participate than on a Sunday or feast day.⁷⁴

Once sacred orders have been conferred, canons 773-775 stipulate that the particulars of the ordination, that is, the name of the candidate and the ordaining bishop, as well as the place and date, are to be recorded in a special book kept in the eparchial archives. The candidate is to receive a certificate of ordination and notification is to be sent to the pastor of the place where the baptism of the ordained is registered.

RIGHTS AND OBLIGATIONS

Through sacred ordination, clerics are endowed with certain rights and obligations. These are treated by the Code in chapter III, title X on clerics (cc. 367-393). The previous legislation on persons, *Cleri sanctitati*, had two chapters, one on the rights and privileges of clerics, and a second on the obligations of clerics. The revised legislation has restructured the matter, eliminating the four clerical privileges: the *privilegium canonis*, the *privilegium fori*, the *privilegium immunitatis*, and the *privilegium competentiae*.⁷⁵ Although these immemorial privileges did not find their way into the new legislation, the Code includes certain new rights, such as: the

⁷⁴The canon states: "Sacred ordination should be celebrated with the greatest number of Christian faithful possible in a church on a Sunday or feast day, unless a just cause suggests otherwise."

⁷⁵Article 1 of the proposed norms of the Provincial Synod of the Winnipeg Metropolia included the four clerical privileges:

1. Church law concedes to clerics canonical, juridical, and inviolable privileges.
2. Whoever injures a cleric through an act of disrespect, commits a sin of personal sacrilege and crime, for which the proper penalty is excommunication, subject to the local Hierarch (*privilegium canonis*) (*Cleri sanctitati*, c. 54).
3. Without the written permission of the local Hierarch, no one is free to sue a cleric; neither are clerics free to sue anyone before a civil judge (*privilegium fori*) (CS, c. 55).
4. Clerics are immune from military service and from public offices that are alien to their state (*privilegium immunitatis*); no one can deprive clerics of what is necessary for their decent living (*privilegium competentiae*) (CS, cc. 56 and 57).

right to obtain an office, ministry, or function to be exercised in the service of the Church; suitable sustenance, just remuneration, pension, social security, and health benefits for themselves, and if they are married, for their families; clerical association; and annual vacation. Several new obligations are also included: the obligation of providing an outstanding Christian example in leading family life and educating children, if married; serving outside their eparchy in missions or in regions experiencing a shortage of clergy; and fostering vocations.

According to canon 367, the cleric's first obligation is to proclaim the Kingdom of God and to make manifest the love of God in the ministry of the word and sacraments. Other obligations, revisited, for the most part, from previous legislation, include: holiness of life, the daily reading of and meditation upon the word of God; unremitting prayer; participation in liturgical celebrations, especially in devotions toward the mystery of the Divine Eucharist; examination of conscience; reception of the sacrament of penance; honouring the Mother of God; carrying out the other pious exercises of their own Church *sui iuris*; and spiritual direction and retreats. Clerics are also to show reverence and obedience to the hierarchy, and recognize and promote the dignity of the laity, especially in the mission of the Church.

The particular law of the Ukrainian Church in Canada includes several norms concerning the rights and obligations of clerics.

Spiritual Retreats

Canon 369, §2, emphasizes the importance of spiritual direction and devolves to particular law the manner in which clerics are obligated to participate in spiritual retreats. In 1915, Bishop Budka decreed that Ukrainian clergy in Canada were bound in conscience to make an annual retreat.⁷⁶ Although in 1957 *Cleri sanctitati* reduced

⁷⁶“Each priest of our eparchy is bound, in conscience, to make an annual retreat in order to feed his soul. A dispensation, granted for a grave reason, from making a common retreat with other priests at the appointed time does not also dispense a priest from making it separately. He is to do so in the nearest possible time, either with other Latin clerics or by himself. In order to care for the souls of others, our own souls must first be healthy so that we ourselves are not lost. Essentially, we are to heal ourselves first. Weekly confession, monthly at the very least, together with annual retreats, grant us the strength and graces of God necessary in our burdensome office” (*Norms of the Ruthenian-Catholic Church in Canada*, 1915).

this obligation to once every three years,⁷⁷ the prescriptions of Bishop Budka in this matter are still in effect. The Ukrainian particular law synodal commission proposes that all clerics participate in, at least, a five-day retreat annually, according to the norms of the eparchial bishop.⁷⁸

Celebration of Divine Praises

Canon 377 of the Code requires that all clerics celebrate the divine praises, also known as divine office or liturgy of the hours, according to the particular law of their own Church *sui iuris*. The divine praises according to Ukrainian usage are divided into nine parts: vespers, compline, midnight, matins, lauds, prime, tierce, sext, and none. The amount of time required to recite the divine praises in their entirety, for all practical purposes, precludes the obligation from being imposed upon one person.⁷⁹ Rather, they are a public function carried out by certain monasteries and churches.

Cleri sanctitati required that priests and deacons, as well as subdeacons, recite the divine praises publicly or privately in accordance with the norms of particular law (c. 76). Accordingly, in 1962, the Provincial Synod of the Winnipeg Metropolia proposed that Ukrainian clerics in Canada, including subdeacons, were obliged to recite privately one full part of the divine praises each day.⁸⁰ The 1983 Synod of Bishops reminded priests of their obligation to recite the

⁷⁷Canon 62 of *Cleri sanctitati* states:

1. All secular priests must at least every third year make a retreat for a length of time to be specified by their Hierarchs, in a pious or religious house designated by him. No one shall be exempted, except in a particular case, for a just reason, and with the explicit permission of the same Hierarch.
2. Those deacons who will not be promoted to the presbyterate are bound by the same obligation.

⁷⁸Canon 54, Particular Law, Ukrainian Catholic Church, 2002.

⁷⁹The Synod of Lviv attempted to introduce the obligation of daily private recitation of the divine praises by clerics (title IX, chapter 2, 3); however, in practice, the obligation was never fulfilled.

⁸⁰Article 4 of the proposed norms of the Provincial Synod states:

1. Each day, subdeacons and clerics of higher orders are to recite privately from the Holy Office one full part of the liturgical day (all the Hours count as one part). Public worship in a church of a part of the liturgical day constitutes one liturgical day.
2. Clerics involved in long-lasting pastoral work (3 hours) in a church or parish are thereby freed from the private recitation of the liturgical day, and by the local Hierarch, for a worthy cause.

divine praises, but did not specify to what extent this was to be done.⁸¹ The particular law of the Ukrainian Catholic Church obligates all clerics in the recitation of the divine praises publicly or privately, unless a just reason excuses them from this obligation.⁸² The previous proposal was more precise: deacons and priests, but not subdeacons, were freely to select portions of the divine praises in such a way that the daily recitation, in common or privately, totalled sixty minutes.⁸³

Celebration of the Divine Liturgy

Canon 378 of the Code states: "According to the norm of particular law clerics are to celebrate the Divine Liturgy frequently, especially on Sundays and holy days of obligation; indeed daily celebration is eagerly encouraged." Historically, by the eighteenth century, priests of the Ukrainian Order of St. Basil the Great celebrated the Divine Liturgy daily, out of devotion. However, by this same time, secular priests were exhorted to celebrate the Divine Liturgy, not daily, but on Sundays and feast days, and not for devotional, but pastoral reasons, so as to encourage attendance by the faithful at least on these days.⁸⁴ Later, in 1891, the Synod of Lviv included among the obligations of priests the daily celebration of the Divine Liturgy.⁸⁵

In 1915, Bishop Budka encouraged his pastors to introduce in Canada the custom of frequent and daily reception of Holy Communion by the Ukrainian faithful.⁸⁶ As a result, pastors were required to celebrate the Divine Liturgy daily, although priests who were not pastors did not incur the obligation. The particular law of the Ukrainian Catholic Church places upon all clerics, not only pastors, an obligation to celebrate the Divine Liturgy on Sundays and

⁸¹*Blabovisnyk*, 21 (1985), p. 139.

⁸²Canon 56, Particular Law, Ukrainian Catholic Church, 2002.

⁸³Proposed text, July 2000; Archives of the Archeparchy of Winnipeg.

⁸⁴See S. SENYK, "The Eucharistic Liturgy in Ruthenian Church Practice: Frequency of Celebration and Attendance before the Nineteenth Century," in *Orientalia Christiana Periodica*, 51 (1985), pp. 123-155.

⁸⁵Title IX, chapter II, 16.

⁸⁶See "Frequent and daily reception of Holy Communion," *Norms of the Ruthenian-Catholic Church in Canada*, 1915.

holy days of obligation, and it strongly recommends even daily celebration.⁸⁷

Unbecoming Activity

Canons 382-385 require that clerics avoid or abstain from certain activities, not because they are evil in themselves, but in so far as they are alien or unbecoming to the clerical state. Accordingly, clerics are: not to assume public office which entails a participation in the exercise of civil power; not to volunteer for military service; make use of civil exemptions from public functions and offices alien to the clerical state; not to take an active part in political parties and in the supervision of labour unions; not to exercise business or trade; and not to post bond. The detailed norms of the particular law of each Church *sui iuris*, as well as those of the eparchial bishop, are to be observed in this regard.

As for the Ukrainian Church in Canada, in 1915, Bishop Budka prohibited clerics from frequenting theatres, hotels, and restaurants as their presence in such establishments was considered scandalous by the laity.⁸⁸ Following the prescriptions of *Cleri sanctitati*, in 1962, the unratified Provincial Synod of the Winnipeg Metropolia also forbade clerics from attending certain entertainments, especially where alcohol was present; from games of chance; from practising medicine or surgery; and from campaigning for or assuming any public office.⁸⁹

⁸⁷Canon 57, Particular Law, Ukrainian Catholic Church, 2002.

⁸⁸The *Norms of the Ruthenian-Catholic Church in Canada* stated:

Priests are not only to be mindful that their souls remain pure and holy, but they are also obligated to avoid in their outward behaviour all that might be scandalous for others. Many things, which in a secular person neither offend nor scandalize others, or which are even permissible for him, are not becoming to a priest and can be perceived as scandalous for others. Since the frequenting of theatres, hotels, and restaurants, in particular, is unbecoming to a priest, and is almost always cause for scandal for others, We, therefore, prohibit priests from frequenting theatres, while allowing them to enter hotels and restaurants only out of necessity. However, priests are to be mindful that the hotels and restaurants they do frequent in these cases, do not have a bad reputation.

The private parties and recreational activities of a priest are to be such that not even the enemies of the Church and of the priesthood could find in them anything questionable. A priest's authority and influence in the community depends upon his good reputation.

⁸⁹Article 8 of the proposed norms states:

That which is defined as unbecoming to the clerical state is determined by time and place. For example, while clerics frequenting theatres in 1915 and in 1962 was considered scandalous, today, it is an opportunity for refinement. Therefore, the definition of what is unbecoming needs constant review by the particular law of the Ukrainian Church in Canada.

Clerical Attire

Canon 387 leaves to particular law the determination of proper clerical attire. In this regard, Bishop Budka decreed that his clergy in Canada follow the local custom, which at that time meant either cassock or clerics. Civilian clothing was prohibited.⁹⁰ Based upon *Cleri sanctitati*, which also required that clerics dress in accordance with the legitimate customs of the region and with the rules defined

1. Clerics are not to attend theatrical performances, movies, public parties, and beaches, which for them could be an occasion for sin or a scandal for others (*Cleri sanctitati*, c. 81).

2. Clerics are not to frequent taverns, bars, hotels, or other such establishments, where alcohol is served or consumed, unless for the purpose of obtaining something to eat (CS, c. 79).

3. Clerics are not to participate in hazardous games, for example, card games of chance, stock exchange, roulette, or races (*ibid.*).

4. Clerics are not to practice medicine, in particular, surgery, without permission from the Holy Apostolic See (CS, c. 80, 2).

5. Clerics are not to accept secular offices, especially if obligated to render an account before civil authorities (CS, c. 80, 2 and 3).

6. Clerics are not to campaign for public office or accept a mandate for public office without the permission of their Hierarch, as well as of the Hierarch where the election is to be held (CS, c. 80, 4).

7. Clerics are not to engage in professional commerce either by themselves or through an agent (CS, c. 83).

Article 11 states:

1. Without permission of the Hierarch, clerics are forbidden to cosign loans, unless by means of their own property, to take out loans for the purchase of new cars or to trade-in old cars for new ones.

2. Clerics are forbidden to hold other people's money. In addition, without the permission of the Hierarch, they are not to be executors of testaments of the laity.

⁹⁰“Regarding the wearing of cassocks, We decree that our priests rigorously adhere to the custom of the region in which they reside. Where it is the custom that they wear a cassock, that custom is to be preserved. However, where the contrary custom exists, they may wear black clothing, but all must wear clerical collars. We prohibit priests from wearing secular collars and ties, or bright-colored suits” (*Norms of the Ruthenian-Catholic Church in Canada, 1915*).

by the local hierarch (c. 77, §1), the Provincial Synod of the Winnipeg Metropolia proposed that clerics dress in a manner which readily identifies them as such.⁹¹ Again, however, they were not to dress in secular clothing without the explicit permission of their local bishop. Today, in practice, given the changing times and the decree approved by the Holy See for the Latin clergy of Canada,⁹² Ukrainian hierarchs in Canada afford their clergy greater freedom in respect to clerical attire, permitting the usage of civilian dress when they are not involved in official church functions. The particular law of the Ukrainian Catholic Church adds that the attire of a cleric should give witness to his spiritual dignity.⁹³

Residency

While canon 292, §1, obligates pastors to reside near the parish house,⁹⁴ canon 386, §1, places upon all clerics, even non-pastors, the requirement of residency.⁹⁵ Particular law determines the length of time they can be absent from the eparchy beyond which the permission of the bishop is necessary.

⁹¹Article 7 of the proposed *Norms of the Provincial Synod of the Winnipeg Metropolia* prescribed that: 1. Clerics are to dress in such a manner that others may readily identify them as clerics (*Cleri sanctitati*, c. 77). 2. Clerics are to dress in cassocks at public liturgical services and during pastoral ministry, as well as at retreats. 3. During regular office hours, clerics can dress in clericals. 4. In order for clerics to dress only in civilian clothing, they are to receive explicit permission from the local Hierarch.

⁹²In accordance with *CIC* c. 284, the Canadian Conference of Catholic Bishops has decreed that Latin clerics are to dress in such a way as to be identifiable as clerics. (CANADIAN CONFERENCE OF CATHOLIC BISHOPS, Official Document, no. 590, March 28, 1988; *Studia canonica*, 22 [1988], p. 459). Although the decree does not specify what constitutes clerical dress, the identifying sign, varying from place to place, could be the Roman collar, a crucifix or cross worn either on a lapel or around the neck. Permanent deacons are not bound by the decree.

⁹³Canon 62, Particular Law, Ukrainian Catholic Church, 2002..

⁹⁴The paragraph states: "The pastor is bound by the obligation of residing in the parish house near the parish church. However, the local hierarch, for a just cause, can permit him to reside elsewhere so long as the parochial ministry suffers no harm from it."

⁹⁵The paragraph states: "Clerics, even if they do not have a residential office, nevertheless are not to leave their eparchy for a notable period of time determined by particular law without the permission, at least presumed, of their local hierarch."

Bishop Budka decreed that all Ukrainian pastors were obligated to residency.⁹⁶ He did not need to extend the requirement to clerics, in general, as such would have been redundant considering that the scarcity of priests available for ministry in Canada necessitated that all clerics be assigned to parishes as pastors. The Provincial Synod of the Winnipeg Metropolia desired to extend the requirement to all clerics.⁹⁷ The particular law of the Ukrainian Catholic Church requires that clerics require the permission of the eparchial bishop should their absence from the eparchy exceed eight days.⁹⁸

Vacation

Canon 392 states that clerics have a right to an annual vacation as determined by particular law. The particular law of the Ukrainian Church in Canada does not address the matter. However, the particular law of the Ukrainian Catholic Church grants clerics the right to one month's annual vacation.⁹⁹ The proposal is based upon the pastor's right to one continual or interrupted month per year for

⁹⁶The *Norms of the Ruthenian-Catholic Church in Canada* state:

1) Every pastor is obligated to reside permanently in his parish, or in his mission, at a place designated by the Bishop Ordinary. Missionaries, however, may reside in another place within their mission territory when their pastoral obligations so require.

2) We strongly forbid a missionary to change his place of residence of his own accord without the permission of the Bishop Ordinary. Should the need arise to change place of residence, the missionary is to present a written request to the Bishop Ordinary, outlining the reasons.

3) Only for justifiable reasons can a pastor be absent from his parish or his mission territory for any length of time. These reasons include: Christian love, canonical obedience, an apparent need or the good of the church or faithful entrusted to his care, or the good of the State. Personal matters do not constitute a sufficient reason warranting an absence.

4) A missionary, who for pastoral reasons is absent for some length of time from his place of residence, although still within his mission territory, is to leave information as to where he can be reached. When he must be away from his mission territory, he is to notify his people, providing them the address of another priest whom they can contact in case of need.

⁹⁷Article 9 of the provincial norms states: "1. Even those clerics who do not have any pastoral assignment in the eparchy are not to be absent from it for a long time without the permission of the Hierarch (*Cleri sanctitati*, c. 84). When absent, they are to inform the Hierarch where they are staying, as well as their postal address."

⁹⁸Canon 61, Particular Law, Ukrainian Catholic Church, 2002.

⁹⁹Canon 64, Particular Law, Ukrainian Catholic Church, 2002.

his vacation (c. 292, §2). The days spent in an annual spiritual retreat are not counted as vacation days. The previous proposal added: 1) clerics may take their vacations only with the prior approval of their bishop, and 2) pastors, and assistants with the agreement of the pastor, are themselves responsible for a replacement during their absence.¹⁰⁰ The right to an annual vacation presumes that the necessary financial means are available to clerics in the form of suitable sustenance.¹⁰¹

Junior Clergy Exams

The examination of newly ordained priests in various theological subjects is a long standing practice in the Church. Bishop Budka, following the norms of the Synod of Lviv,¹⁰² introduced this custom among the Ukrainian clergy in Canada in 1915. For four years, junior clergy were required to take examinations in Sacred Scripture, dogma, moral theology, canon law, church history, and liturgy, among other subjects.¹⁰³ The conferral of ecclesiastical offices was based, in part, upon scores achieved on these tests. *Cleri sanctitati* repeated the canonical requirement,¹⁰⁴ as did the Norms of the

¹⁰⁰Proposed text, July 2000; Archives of the Archeparchy of Winnipeg.

¹⁰¹The Fathers of the Second Vatican Council felt strongly that priests have the means by which they could enjoy a vacation: "priests' remuneration should be such as to allow the priest a proper holiday each year. The bishop should see to it that priests are able to have this holiday" (*Presbyterorum ordinis*, 20).

¹⁰²The Synod made junior clergy examinations obligatory throughout the ecclesiastical province of Lviv-Halych. See title IX, chapter IV.

¹⁰³The *Norms of the Ruthenian-Catholic Church in Canada* state: "Junior priests are obligated to take annual exams regarding their theological studies during the first four years after ordination. The subject material for the exams will be determined at the beginning of each year. The exams are administered by those examiners appointed by the Bishop. Newly incardinated priests, and all others, can be subjected to the exams when, and to the extent that, the Bishop Ordinary deems necessary. Exemption from a competitive exam depends upon the success of each prior exam."

¹⁰⁴Canon 66 of *Cleri sanctitati* states:

1. All priests, unless they have been exempted by the local Hierarch for a good reason, must every year for three years after the completion of their curriculum of studies undergo an examination in various sacred sciences, conveniently designated in advance, according to the order determined by the same Hierarch.

2. In the appointment to ecclesiastical offices and benefices those ought to be preferred who, all other things being equal, have surpassed the others in these examinations.

Provincial Synod of the Winnipeg Metropolia in 1962.¹⁰⁵ Although the common law of the Code no longer includes the obligation, an earlier draft of the particular law of the Ukrainian Catholic Church proposed that the matter be left to the discretion of the eparchial bishop;¹⁰⁶ the promulgated particular law omits any reference to junior clergy exams.

Continuing Education

Junior clergy are not alone in requiring ongoing formation. Canon 372 also obligates those clerics who have completed their formal formation to continue studying the sacred sciences and pastoral matters.¹⁰⁷ In this regard, the Synod of Lviv encouraged clerics to enhance their formation, especially in the areas of Sacred Scripture, dogma, moral theology, catechesis, canon law, and liturgics.¹⁰⁸

In Canada, Bishop Budka required each priest to have a personal library which included reference material on all ecclesiastical disciplines; non-compliance could result in suspension.¹⁰⁹ Budka, as

¹⁰⁵Article 10, §2, of the proposed norms states: "Junior clerics, for the first four years of their priestly ministry, are obligated to undergo examinations in various theological subjects (Sacred Scripture, dogmatics, moral and pastoral theology, canon law, and liturgics), before a commission of eparchial examiners, at a time and manner designated by the Hierarchy, unless, because they possess an academic degree in theology, they are exempted by the Hierarchy (*Cleri sanctitati*, c. 66)."

¹⁰⁶Proposed text, July 2001.

¹⁰⁷The canon states:

1. After completing the formation which is required for sacred orders clerics are not to stop devoting attention to the sacred sciences. Indeed, they are to strive to acquire a more profound and updated knowledge and use of them through formative courses approved by their own hierarchy.

2. They are to attend conferences which the hierarchy has judged suitable for promoting the sacred sciences and pastoral matters.

3. Also, they are not to neglect to acquire for themselves as much knowledge of profane sciences, especially those sciences connected more intimately with the sacred sciences, such as those which cultured people ought to have.

¹⁰⁸See title IX, chapter III, 4-6.

¹⁰⁹The *Norms of the Ruthenian-Catholic Church in Canada* stated: "Each priest is under strict obligation to have the following books in his library: 1. Holy Scriptures, whose editions have been approved by proper authorities; 2. Dogmatics; 3. Morals; 4. Pastoral; 5. Canon law; 6. General Church history, as well as Rus' Church history; 7. Lives of the Saints, as well as the life of St. Josaphat; 8. Handbooks on catechesis and sermons; 9. Norms of the Ruthenian-Catholic Church in Canada; and 10. *Typikon*, edited by Fr. Prelate Isidore Dol'nyts'ky. Priests who do not have

well as his successor, Bishop Ladyka, organized regular clergy conferences which often included presentations intended to deepen knowledge and pastoral techniques. The Provincial Synod of the Winnipeg Metropolia exhorted clerics to continue their education, especially through mandatory participation in eparchial and protopresbyteral (deanery) meetings.¹¹⁰ The Code encourages bishops, in preparing a plan for clergy renewal within their own eparchies, to take full advantage of the means available to them, such as clergy conferences, study days, workshops, summer courses, ecclesiastical institutes, and sabbaticals.

Dignities and Insignia

In recognition of their exemplary ecclesiastical service, academic achievement, or ecclesiastical office, clerics may receive from their superiors a particular dignity. The Ukrainian Church knows several such honorary titles, namely, in order of grade, archdeacon (celibate or widowed), proto-deacon (married), proto-priest, kryloshany (canon), mitred proto-priest, mitred proto-presbyter, and archimandrite. The dignities of archdeacon, proto-deacon, and proto-priest can be conferred by the local bishop, while the remaining only by the major archbishop, either personally, or at the request of the local bishop.¹¹¹ With these dignities are associated certain insignia, for

these books in their libraries, or have prohibited books, will be suspended, without previous admonition, until they pass a competitive exam and procure the required books.”

¹¹⁰Based extensively upon canons 65 and 67 of *Cleri sanctitati*, article 10 of the proposed norms states:

1. Clerics are to permanently continue and increase their theological knowledge, acquired in theological schooling, so that they can give their faithful a healthy kernel of Christ's teaching and protect them from erroneous teachings (*Cleri sanctitati*, c. 65).

[...]

4. 1) Eparchial clerics, active in pastoral ministry or who have received the faculty for hearing confessions, are to take part in eparchial and protopresbyteral conferences, at which so-called cases of conscience in moral theology are resolved, and questions of canon law, liturgics, and other subjects are discussed (CS, c. 67). Secretaries of the conferences are to forward the minutes of all conferences to the Bishop's Chancery.

2) Hieromonks, active in pastoral ministry or who have received the faculty for hearing confessions, are also to take part in eparchial and protopresbyteral conferences, if similar conferences are not held in their monastic homes.

¹¹¹On October 14, 1979, Major Archbishop Josyf Slipyj issued norms regulating

example, pectoral cross, mitre, and crozier. Although in the past these clerics possessed additional rights, including that of benefice, Ukrainian clerics in Canada who have received these dignities retain only the right of precedence among other clerics.¹¹² Canon 388, for the most part, restricts the use of these dignities and insignia to the place where the authority who granted them exercises his own jurisdiction.

the conferral of ecclesiastical dignities in the Ukrainian Church. These norms are reproduced in *Blahovisnyk*, 13-15 (1977-1979), pp. 95-97.

¹¹²Article 2 of the proposed norms of the Provincial Synod of the Winnipeg Metropolia provide the current custom of the Ukrainian Church in Canada regarding the right of precedence and ecclesiastical dignities:

1. Right of precedence (*ius praecedentiae*) among clerics, which has its application at concelebrated liturgical services, processions, provincial synods, eparchial assemblies, and other instances, is determined according to the following norms:

- 1) First among other clerics is he who has authority over others, or a higher ecclesiastical dignity than others.
- 2) Eparchial clergy have a right of precedence over religious clergy.
- 3) Rite is not a determining factor.

2. Concretely, clerics have the right of precedence according to the following order:

- 1) Syncellus (vicar general);
- 2) Apostolic protonotary, mitred archpriest, and venerable archimandrite;
- 3) Papal house prelate and papal chamberlain (camerari);
- 4) Judicial vicar (officialis);
- 5) Eparchial consultors, which include the cathedral pastor and eparchial econome, and venerable eparchial consultors;
- 6) General superiors exempt from the jurisdiction of the local Hierarchy of religious institutes (protoiuhmens);
- 7) Eparchial chancellor;
- 8) Protopresbyters (deans);
- 9) Local superiors of religious institutes (hugumens) exempt from the jurisdiction of the local Hierarchy;
- 10) Eparchial pastors and parish administrators;
- 11) Religious pastors and parish administrators;
- 12) Rectors and chaplains, assistant pastors, and other clerics.

3. Eparchial clergy are favoured with the following titles: Very Reverend — syncellus, eparchial consultors, eparchial chancellor, and protopresbyters; Reverend — all other clergy; Very Venerable — general superiors (protohegumens) of religious institutes exempt from the jurisdiction of the local Hierarchy; and Venerable — local superiors and hieromonks; Very Illustrious — to those clerics who have an academic distinction (*Translation note: According to North American usage, this title would be simply rendered "Very Reverend"*).

CONCLUSION

Title X of the Eastern Code treats of clerics, their formation, enrollment in an eparchy, rights and obligations, and the loss of the clerical state. Although common law establishes general norms in these areas, which are to be adhered to by all Churches *sui iuris*, in several instances, the Code defers to particular law the determination of certain matters which may be peculiar to the ecclesiastical patrimony of each Church. This is especially true regarding sacred ordination, and rights and obligations of clerics. It is, therefore, the responsibility of each Church *sui iuris* to review its existing legislation and issue new decrees accordingly.

Indeed, the particular law of the Ukrainian Church in Canada provides in various ways for most, if not all, occurrences where common law makes a concession to particular law concerning requirements of candidates for sacred orders, those things which must precede sacred ordination, and time and place of ordination, as well as rights and obligations of Ukrainian clerics in Canada. However, it is readily discernible that these norms, where they have been legitimately promulgated, predate the Second Vatican Council, and, therefore, require substantial revision and updating.

In addition to the Code itself, several factors must be kept in mind during this process of *aggiornamento*, in particular, conciliar and post-conciliar decrees on clerics. As the proper ecclesiastical authority responsible for formulating particular law for the entire Ukrainian Church, the synod of bishops must also take into consideration the particular circumstances of its daughter churches in the diaspora. For example, the manner in which candidates for sacred ordination are prepared may require different methods in Canada than in Ukraine. In addition, the determination of new rights and obligations of clerics, not included in previous legislation, such as the right to suitable sustenance and just remuneration, and the obligation of married clergy in providing an outstanding Christian example in leading family life and educating children, are conditioned by time and place. By striking a balance between legislation which is beneficial to the entire Ukrainian Church, and that which is better determined by nation or region, for example, Canada, the Ukrainian Church as a whole will be strengthened.

CHAPTER FOUR

SACRAMENTS AND DIVINE WORSHIP

INTRODUCTION

Title XVI of the Eastern Code governs the liturgical life and celebrations of the Eastern Churches, providing general norms on sacraments, sacramentals, sacred times and places, veneration of the saints, and vows and oaths. The general norms are further delineated in the *Instruction for Applying the Liturgical Prescriptions of the Code of Canons of the Eastern Churches*, issued by the Congregation for the Eastern Churches on January 6, in 1996.¹ Liturgical norms, however, are more properly regulated by the liturgical law of each Church *sui iuris*.

The liturgical law of the Ukrainian Church in Canada is contained primarily in the liturgical books of the Ukrainian Church. In 1915, Bishop Budka enumerated among these: the *Sluzhebnyk* (Lviv, 1905)

¹Vatican City, Libreria Editrice Vaticana. The intention of the Instruction is to help the Eastern Catholic Churches fully realize their own identity by providing general orientation concerning liturgical laws valid for all these Churches. Until now the principles and norms of liturgical nature have been imbedded in the various liturgical books of each Church *sui iuris*. This arrangement has often resulted in the risk that they remain ignored, poorly coordinated, and poorly interpreted. The Instruction, therefore, attempts “to gather them in a systematic whole, completing them with further clarification” (n. 5).

More specifically, the Instruction—which is of a juridical-pastoral nature, taking its initiative from a theological perspective—has the following objectives:

- 1) to lead to a more profound understanding of the immense richness of the authentic Eastern traditions, which are to be scrupulously maintained and communicated to all the faithful;
- 2) to arrange the liturgical norms valid for all the Catholic Eastern Churches in an organic summary and to introduce recovery, where necessary, of the Eastern liturgical authenticity, according to the Tradition which each Eastern Church has inherited from the Apostles through the Fathers;
- 3) to exhort a permanent liturgical formation to be organized on a solid basis, for both the clergy—beginning with seminarians and formation institutes—and the people of God through schools of mystagogical catechesis; and
- 4) to list the principles in common for the elaboration of Liturgical Directories for the individual Churches *sui iuris* (ibid).

for the celebration of the Divine Liturgy; the *Trebnyk* (Lviv, 1905) for the administration of the sacraments and sacramentals; and the *Typikon* (Dol'nyts'ky, 1899) for other liturgical matters. Between 1940 and 1955, the Eastern Congregation published several liturgical books in Rome for Ukrainians and other Churches *sui iuris* which use Church Slavonic as their language of divine worship.² Several of these works have since been translated into Ukrainian and English.

The liturgical law of the Ukrainian Church in Canada is also based largely upon the liturgical norms arising from the Synod of Lviv (1891), the Assembly of Ukrainian Clergy in Canada (1914), and the Provincial Synod of the Winnipeg Metropolia (1962), as well as those of individual Canadian hierarchs. It is also determined by the liturgical norms enacted by the synod of bishops of the Ukrainian Church.³

²These include:

- 1) Divine Liturgy of St. John Chrysostom;
- 2) *Liturgicon* or *Sluzhebnyk* containing the Divine Liturgies of St. John Chrysostom, of St. Basil the Great, and the Presanctified Gifts;
- 3) *Ordo celebrationis* regulating the celebration of vespers, matins, and the Divine Liturgy;
- 4) Holy Gospels;
- 5) selected Gospels for Sundays, feast days, and other occasions;
- 6) *Apostol* containing the Acts of the Apostles and the Letters of Sts. Paul, James, Peter, Jude, and John;
- 7) selected *Apostol* for Sundays, feast days, and other occasions;
- 8) *Chasoslov* containing the divine office;
- 9) *Maly Trebnyk* for sacraments and sacramentals, funerals, and various other prayers and blessings; and
- 10) *Knyha molebnyk povny* for prayer services for various intentions.

³Canon 150, §2 of the Code states that "laws enacted by the synod of bishops of the patriarchal Church and promulgated by the patriarch have the force of law everywhere in the world, if they are liturgical laws."

The 1983 Major Archiepiscopal Synod of Bishops affirmed that the liturgical law of the Ukrainian Catholic Church is comprised of:

1. liturgical norms of the Synod of Lviv, with the exception of those norms which were revoked or changed;
2. norms published in *Ordo celebrationis*, Rome, 1941, and *Ustav boboslužben'*, Rome, 1958;
3. prescriptions and rubrics contained in the liturgical books published by the Apostolic See for the Ruthenian rite (*recensio Ruthena*) and their Ukrainian translations published by the Inter-eparchial Liturgical Commission of the Ukrainian Church; and
4. all liturgical norms published thus far in *Blahovisnyk* and all liturgical decisions of the Synod of Bishops (*Blahovisnyk*, 21 [1985], pp. 138-139).

As the Code requires that the sacraments and other acts of divine worship be celebrated according to the liturgical prescriptions of each Church *sui iuris*, it is necessary to identify these norms as they affect the Ukrainian Church in Canada in particular. Hence, the liturgical life and celebrations of this Church are examined below. Emphasis is given to those areas which the Code has deferred to particular law for determination. As the sacraments belong to the divine deposit of the Church, some general norms are also included for the sake of completeness.

SACRAMENTS

Baptism

Minister

The ordinary minister of baptism is a priest, although, in case of necessity, for example, in danger of death, the sacrament can be administered by a deacon, or in his absence or if he is impeded, by another cleric, a member of an institute of consecrated life, or by any other Christian faithful (c. 677).⁴ Outside necessity, however, it is the right of the proper pastor of the candidate to be baptized to confer the sacrament (*ibid.*). This principle is based upon the significance of baptism as entrance into the local Christian community, by which the person baptized obtains certain rights and obligations.

The Code prescribes several norms concerning enrolment in a Church *sui iuris* and the determination of the proper pastor (cc. 29-38). Those who have completed their fourteenth year of age can freely choose any Church *sui iuris* in which they are enrolled by virtue of baptism received in that same Church (c. 30); others are enrolled in the Church of the Catholic father, or of the mother, if only

⁴In regard to cases of necessity, the proposed norms of the Provincial Synod of the Winnipeg Metropolia state:

In case of emergency, a sick infant is to be baptized immediately after birth, privately, and without ritual (but with water). If the baptism is administered by someone other than a priest, the pastor is to verify that all things required for the validity of the baptism were observed, and see to it that the parents present the infant as soon as possible for the fulfilment of the rite of baptism, for the administration of the sacrament of chrismation with holy myron, and for registration in the parochial register of births and baptisms. The pastor is to instruct the faithful, especially the staff in birth centres, that, in case of emergency, they are obligated to baptize a sick infant, and that, if it is necessary to baptize, the baptism will be validly administered (art. 67, 2).

she is Catholic or if both parents by agreement freely request it (c. 29, §1).

Much of the particular law of the Ukrainian Church in Canada regarding membership in a Church *sui iuris* concerns inter-ecclesial marriages, which at one time involved mostly marriages between Ukrainian and Latin Catholics. Already in 1913, *Fidelibus ruthenis* determined that children of such unions belong to the jurisdiction of the pastor to whose Church their father belongs (art. 40). Accordingly, children born of a Ukrainian father were to be baptized in the Ukrainian Church, while children of a Latin father in the Latin Church.⁵ Even when children are baptized in another Church *sui*

⁵In 1915, Bishop Budka determined that the norm applied only to children born of inter-ecclesial marriages celebrated after the promulgation of *Fidelibus ruthenis*, while children born of marriages entered into previously were enrolled in the Church *sui iuris* of their parents according to sex. His argument follows:

“Therefore the Decree regulates that children born in Canada must follow the rite of the father. It is necessary to recall here that almost all those who contract mixed rite marriages, whether still in the old country or already in Canada, come from Galicia or Hungary. The decree *Ad gravas et diuturnas*, promulgated on October 6, 1863 (the so-called *Concordia*), is binding in Galicia and Hungary. That decree states: ‘Children born of a mixed rite marriage are to be educated in the rite of the parents according to sex’. Therefore, those families of mixed rite who contracted marriage before the decree, whether in Galicia or Hungary, or in Canada, did so according to the former legislation, that is, whereby sons followed the rite of their father and daughters the rite of their mother, and were thus educated. At first glance, it seems that the two decrees have created some confusion; however, this is not the case. The following are the juridical principles which lay aside all doubt:

1) Law is not retroactive (*lex retro non agit*). Therefore, children born in Canada of a mixed rite marriage prior to the promulgation of our Decree follow the rite of the parents according to sex.

2) The meaning of the law is to be understood from the end of the law (*Sensus legis eruendus est ex fine legis*). The purpose of our Decree is to remove, or at least lessen, the difficulties and hardships which arise as a result of a difference in rites. Therefore, children born in Canada of a mixed rite marriage after the promulgation of the decree, but to those families who also have children born prior to the Decree and which follow the rite of the parents according to sex, need not follow the rite of the father, but can be educated in accordance with the former legislation.

In addition, parents who contracted marriage prior to the promulgation of the Decree according to the former legislation or custom have full right to have their children follow the rite of the parents according to sex; the legislation does not take that right away from them since no law can violate the acquired right of a third party. Therefore, children who are in fact born after the promulgation of the Decree, but of a marriage contracted prior to the promulgation of the Decree according to the former legislation or custom, need not absolutely follow the rite of the father, even if in the same family no children were born before the promulgation of the Decree.

iuris out of grave necessity, their enrolment is determined by the Church in which they ought to have been baptized in as determined by law.⁶ *Graeci-rutheni ritus* confirmed these norms in 1930 (arts. 47-48). Based extensively upon *Cleri sanctitati*, the proposed norms of the Provincial Synod of the Winnipeg Metropolia also determined that children be baptized in the Church of the father.⁷ Since the Code now affords parents a choice in the matter, changes in the particular law of the Ukrainian Church in Canada are to reflect this innovation.

Celebration

Canon 676 states that baptism, in case of urgent necessity, is licitly administered by doing only those things which are required for validity. This includes the washing with water and the recitation of the customary Trinitarian formula. Outside the case of necessity, however, for liceity, the sacrament is to be celebrated according to the liturgical prescriptions of the Church *sui iuris* in which, according to the norm of law, the person to be baptized is to be enrolled (c. 683). In the Ukrainian Church, these prescriptions, expounded

Therefore, article 39 of our Decree concerns only those children born in Canada of a mixed rite marriage which was contracted after the promulgation of the Decree.

Other families can educate their children born after the promulgation of the Decree either according to the old legislation or according to the new" (*Norms of the Ruthenian-Catholic Church in Canada*).

⁶Article 40 of *Fidelibus ruthenis* states that "baptism received in another rite out of grave necessity, when a child is in danger of death or is born in a place where at the time of birth the proper pastor of the father was not available, does not bring about a change of rite."

In this respect, Bishop Budka concluded that: "Where a Ruthenian priest is requested to baptize in haste a child of a mixed rite marriage, before proceeding with the baptism, he is to discover whether or not all the children in this family follow, or perhaps, must follow, the rite of the father, in order to determine whether or not he should also confer the sacrament of chrismation with holy myron. In accordance with article 40, the unavailability of the proper pastor is a sufficient reason for a priest of another rite to baptize a child. However, a certificate of baptism must be sent to the pastor of the child, who is also to record the act in his own register" (*Norms of the Ruthenian-Catholic Church in Canada*).

⁷The proposed norms reiterated that enrolment in a Church *sui iuris* is determined by law, irrespective of the Church of the minister or the ceremonies: "The baptized belong to that rite in which they were, and should have been, legitimately baptized. If someone was baptized in a rite other than that determined by law, for whatever reason (with permission, by error, or by enticement), the baptized belongs to the rite prescribed by law. In such cases, the reception of baptism in another rite has no effect on membership" (art. 68, 3).

below, are contained in the *Trebnyk*. In addition, for an infant to be baptized licitly, there must be a founded hope that he or she will be educated in the Catholic Church, and at least one of the parents, or lawful guardian, consents (c. 681, §1). Requirements for the licit baptism of those who are no longer infants, that is, those who have attained the use of reason, include the manifestation of a desire to be baptized, sufficient instruction in the truths of faith and testing in the Christian life, as well as an expression of sorrow for personal sins (c. 682, §1). The Code emphasizes the importance of preparation for baptism and the role of the sponsor (cf. c. 686, §2).⁸ In practice, the Ukrainian Church in Canada requires parents of infants, together with sponsors, to undergo a period of preparation during which they are instructed in the meaning of the sacrament and the obligations which arise from it. Likewise, those who are no longer infants are also required to undergo a period of preparation and formation for complete Christian initiation (cf. c. 686, §2).

Parents have an obligation to ensure that infants are baptized as soon as possible in accordance with legitimate custom (c. 686, §1). In this regard, the Synod of Lviv bestowed upon pastors, and not parents, the obligation of baptizing infants as soon as circumstances permitted (title II, chapter I). Ukrainians in Canada, from the time of their immigration, also practised the custom of having infants baptized as soon as possible. However, the shortage of priests and their infrequent visits often dictated that these baptisms took place only weeks or months after the birth of a child. By 1962, the Provincial Synod of the Winnipeg Metropolia proposed that the obligation of having children baptized as soon as possible be again borne by parents.⁹ The current practice is to encourage baptisms within the first few months following birth.

⁸The Instruction adds: "Christian Initiation is a process of conversion, punctuated by some ritual moments which realize the wise pedagogy of salvation. Today, in the majority of the cases, the baptismal rite is celebrated together with the rites which prepare for it. It is precisely the nature of the progression of the itinerary of conversion which makes it beneficial to restore the ancient distinction in time between the preparatory part and that of the true and proper baptismal celebration. Re-establishing this separation will be even more meaningful when it concerns the Baptism of adults" (n. 45).

⁹Article 67, §1, of the norms states that "parents are to present their newborn for the holy sacrament of baptism as soon as possible. The pastor is to remind parents of this obligation during his sermons and in catechesis."

Baptism may be administered in one of three modes: immersion, pouring, or sprinkling, though immersion is the traditionally accepted method among most Eastern Churches as it most suitably symbolizes participation in the paschal mystery of the death and resurrection of Christ. The Ukrainian Church in Canada, on the other hand, adopted from the outset as custom the prescriptions of the Synod of Lviv, which decreed that baptism is to be administered by a triple pouring of water.¹⁰ Although pouring continues to be the most commonly employed method of baptism, more and more Ukrainian parishes in Canada are practising baptism by immersion. While the Code merely prescribes a “washing with natural water” (c. 675, §1), the Instruction indicates that the rite of baptism is to be administered by triple immersion.¹¹ The matter is to be referred to the synod of bishops of the Ukrainian Church for future direction.

Canon 687, §1, determines that, outside of a case of necessity, baptism is ordinarily celebrated in a church with due regard for legitimate customs. This norm underlines the theological premise that baptism, as a sacrament of entrance into the Christian community, should be celebrated where that community assembles in worship. Baptism may also take place in private homes if the particular law of a Church *sui iuris* permits it or with the permission of the local hierarch (§2). The Synod of Lviv determined that the proper place for the administration of baptism is a church, but due to the severe climate in Ukraine, it could also be celebrated in private homes.¹² This practice was adopted as custom by Ukrainians in Canada. The proposed norms of the Provincial Synod of the Winnipeg Metropolia, coinciding with current practice, prescribe a church as

¹⁰The Synod declared: “Regarding the mode of baptism, above all, the Synod decrees that baptism be administered according to the custom adopted by Us from time immemorial, namely, through a triple pouring of water” (title II, chapter I).

¹¹“Many liturgical books provide for the usual administration of Baptism through the rite of triple immersion. Maintained throughout the traditions of the Eastern Churches, it is a meaningful and highly expressive rite which is still present and encouraged today in the Western Church, though too often abandoned for simple reasons of convenience. The competent authorities should therefore seek ways to restore it, with prudence but also with zeal” (n. 48).

¹²The Synod decreed: “Regarding the place of baptism, the sacrament is ordinarily conferred in a church. However, in our regions, because of the severe climate, especially winter, the Synod of Zamost permits baptism to be celebrated also in private homes. In accordance with current practice, whereby, in these cases it is customary to bring children to be baptized to the parish residence, it is the opinion of the present Synod that this tradition can also be maintained” (title II, chapter I).

the ordinary place of baptism, while adding that, for a valid reason, baptism may also be celebrated in a private home.¹³ The particular law of the Ukrainian Catholic Church adds that should baptism be administered in private homes, the permission of the local hierarch is required.¹⁴

Although baptism is celebrated, for the most part, in the Ukrainian Church on a Sunday, both the Code and Ukrainian particular law are silent on this matter, allowing baptism to take place on any day. In addition, the Code does not require that a Christian name be given or added to the name chosen by parents. This practice, which was maintained by the early Ukrainian Church in Canada for several decades, no longer obliges.¹⁵

Sponsors

Canon 684, §1, states: “According to the most ancient tradition of the Churches, the person who is to be baptized should have at least one sponsor.” The term “sponsor” is used here instead of “godparent” to indicate more properly the function fulfilled by this person. If the candidate for baptism is an adult, the sponsor assists him or her in preparation for Christian initiation, as well as testifying before the Christian community as to the candidate’s moral character, faith, and intention. If the candidate is an infant, however, the sponsor is to present the child to be baptized and, during the post-baptismal period, to help him or her lead a Christian life and fulfill the obligations connected with it (§2).

Regarding the duties of sponsors, in particular, as they relate to children, Ukrainians in Canada adopted as custom norms approved by the Synod of Lviv, namely, that sponsors have a moral duty to

¹³Article 73 of the proposed norms state:

1. The holy sacrament of baptism is to be administered in a church and in those places permitted by the *Trebnyk*.
2. For a just cause, baptism may be administered in a parish home (private chapel or office) or in a private home. In the latter case, a proper liturgical table should be prepared for the administration of the sacrament.

¹⁴Canon 83, Particular Law, Ukrainian Catholic Church, 2002.

¹⁵The proposed norms of the Provincial Synod of the Winnipeg Metropolia state: “Parents have the right to choose the baptismal name of their child. If the parents adamantly request that their child be given an entirely secular name, foreign to the ecclesiastical calendar, the priest is to insist that the child be given a second baptismal name, one from the saints of the ecclesiastical calendar” (art. 71, 1).

ensure the child leads a truly Christian life.¹⁶ These responsibilities were affirmed by the proposed norms of the Provincial Synod of the Winnipeg Metropolia.¹⁷ While current practice shifts the obligation of spiritual education of children to sponsors only in the event that parents are negligent or incapacitated from fulfilling these responsibilities, the Code emphasizes that such an obligation is an ongoing responsibility of sponsors.

Sponsorship brings about a canonical effect of spiritual relationship which arises from baptism between a sponsor and the baptized person and the parents of the baptized. This relationship results in an impediment to marriage (c. 811, §1). The Code requires that, for a person to fulfill validly the role of a sponsor, he or she must: be himself or herself fully initiated with the sacraments of baptism, chrismation with holy myron, and Divine Eucharist; be a Catholic free from any canonical penalty, designated and intend to carry out the function of sponsorship; and not be a father, mother, or spouse of the person to be baptized (c. 685, §1). Additionally, for a person to assume licitly the role of sponsor, he or she should lead a life in harmony with the faith and the role to be undertaken, and be of the age required by particular law (c. 685, §2). The Synod of Zamost determined that sponsors must have at least reached the age of puberty.¹⁸ The particular law of the Ukrainian Catholic Church continues to require a minimum age of sixteen years completed.¹⁹

Although the general norm determines that only Catholics can fulfill validly the role of sponsor, since the promulgation of the Code, Eastern non-Catholics may now also do so, though always together with a Catholic sponsor.²⁰ By 1962, the proposed norms of the

¹⁶The Synod decreed that “pastors are to instruct godparents that they act in place of parents and are to instill in the children they held in baptism the norms of faith and good morals should it happen that their parents either abandon this their responsibility, or die, or on account of their absence or by whatever other impediment they themselves are unable to fulfill” (title II, chapter I, 3).

¹⁷The proposed norms state: “Godparents have the responsibility of educating and raising the child in the Catholic faith in the event that the natural parents fail to do so or the child is left an orphan” (art. 72, 2).

¹⁸Title III, 1a. According to the Synod, legal puberty was reached by males having completed their fourteenth year of age and by females having completed their twelfth year of age.

¹⁹Canon 82, Particular Law, Ukrainian Catholic Church, 2002.

²⁰Canon 685, §3, states: “For a just cause, it is permitted to admit the Christian

Provincial Synod of the Winnipeg Metropolia confirmed this practice among Ukrainians in Canada.²¹

Proof and recording

Ordinarily the sponsor is the principal witness by which the celebration of baptism can be proven. However, when the sacrament is administered in the absence of the Christian community, in danger of death, for example, the person who confers the baptism has the obligation of seeing to it that there be at least one witness present (c. 688). The pastor of the place where the baptism is celebrated is to record the particulars without delay in the baptismal register, including the Church *sui iuris* in which the baptized person is to be enrolled (c. 689, §1). This baptismal record also serves as the place for the additional annotations of adoption, chrismation with holy myron, sacred orders, perpetual profession in a religious institute, transfer to another Church *sui iuris*, and marriage, as well as validation, declaration of nullity, and dissolution of marriage (cc. 37, 296, §2, 842, and 1371).

faithful of another Eastern non-Catholic Church to the function of a sponsor, but always at the same time with a Catholic sponsor.”

²¹Article 72, 3 of the proposed norms states: “If the parents adamantly request that non-Catholics or public sinners be the godparents of their child, and their exclusion might injure the Church, the priest is to encourage the parents to choose two additional godparents of irreproachable character, who will make the renunciation and solemn promises in the child’s name and whose names will be recorded in the parish register.”

In 1966, in conjunction with the conciliar decrees, *Unitatis redintegratio* and *Orientalium ecclesiarum*, Major Archbishop Josyf Slipyj decreed that Eastern non-Catholics can function as sponsors for Ukrainian Catholics. At the same time, Ukrainian Catholics were permitted to function as sponsors for Eastern non-Catholics (*Blahovisnyk*, 2 (1966), pp. 44-46). In the following year, the Secretariat for Christian Unity extended this provision to all Eastern Churches (*1967 Ecumenical Directory*, no. 48). In 1993, the Pontifical Christian Unity Council reconfirmed this norm:

Because of the close communion between the Catholic Church and the Eastern Orthodox churches, it is permissible for a just cause for an Eastern faithful to act as godparent together with a Catholic godparent at the baptism of a Catholic infant or adult, so long as there is provision for the Catholic education of the person being baptized and it is clear that the godparent is a suitable one.

A Catholic is not forbidden to stand as godparent in an Eastern Orthodox Church if so invited. In this case, the duty of providing for the Christian education binds in the first place the godparent who belongs to the Church in which the child is baptized (*1993 Directory for Ecumenism*, no. 98).

Chrismation with Holy Myron

By the reception of the sacrament of chrismation with holy myron, the baptized receive the seal of the gift of the Holy Spirit and are made more proper witnesses and co-builders of the Kingdom of Christ (c. 692). As the sacrament must always be celebrated together with baptism in the Eastern Churches, except in case of true necessity, the Code prescribes relatively few canons for chrismation with holy myron in comparison with baptism (c. 695, §1).

Unlike the Latin Church, where, for the most part, the bishop is the ordinary minister of confirmation, in the Eastern Churches, all priests validly administer this sacrament to all Christian faithful of any Church *sui iuris*, including the Latin Church (c. 696, §1). For liceity, priests confer this sacrament only to the faithful of their own Church *sui iuris* (§2).²² From the outset, the celebration of chrismation with holy myron was proper to all priests of the Ukrainian Church in Canada.²³

The holy myron used in the sacrament is made from the oil of olives or other plants and from aromatics. According to the Code, its confection is reserved to a bishop, with due regard for particular law which may reserve this power to the patriarch (c. 693). The particular law of the Ukrainian Catholic Church does not restrict the confection of holy myron to the patriarch;²⁴ however, the *Archieratikon* prescribes that the eparchial bishop is to consecrate it on Holy Thursday of each year for his respective eparchy.²⁵

²²The Instruction exhorts Eastern priests to exercise pastoral prudence in the administration of the sacrament of chrismation with holy myron to the faithful of the Latin Church: "Eastern presbyters are to use their faculty of chrismating the Latin faithful with great discretion and contacting, as much as possible, the competent Hierarchs of that Church. In fact, Confirmation in the Latin Church is usually administered to children separately and at the end of a developed catechesis which in itself is a part of the Christian Initiation. To chrismate the Latin faithful who have not received this formation risks damaging the organic whole of the Christian Initiation used in the Latin Church" (n. 50).

²³In 1915, Bishop Budka included in the *Norms of the Ruthenian-Catholic Church in Canada* the right of Ukrainian priests in Canada to celebrate the sacrament throughout the country.

²⁴Canon 85, Particular Law, Ukrainian Catholic Church, 2002.

²⁵Pastors, having received newly consecrated holy myron, are to dispose of their supply from the previous year. In this regard, the proposed norms of the Provincial Synod of the Winnipeg Metropolia state: "Each year, following Easter, all independent priests (pastors, and parochial administrators and vicars who are permanently

As sacramental initiation is perfected by the reception of the Divine Eucharist, the Code prescribes that it be administered after baptism and chrismation with holy myron as soon as possible in accordance with the particular law of each Church *sui iuris* (c. 697; cf. c. 710).²⁶ Although more and more Ukrainian parishes in Canada

entrusted with pastoral care of a determined territory being the equivalent of pastors) receive from their Bishop newly consecrated holy myron which they are to use from then onward. Any unused holy myron from the previous year is to be burned. Consecrated holy myron is to be preserved in a suitable place in the sanctuary, most properly in a drawer in the tabernacle where available, or in a separate case specially designated for this purpose. It is not to be reserved in the tabernacle itself" (art. 76).

Based upon the Synod of Lviv (title II, chapter II), the particular law synodal commission of the Ukrainian Church had proposed that the ashes from burnt holy myron be disposed of in a sacrarium, which each parish is required to have. The sacrarium is not only to be used for ashes from burned holy myron, but also for disposal of holy water used in baptism and washing of hands after the celebration of chrismation and other anointings (proposed text, January, 1991; Archives of the Eparchy of Edmonton).

²⁶Speaking of the link between the sacraments of initiation, the Instruction states:

"Initiation is, in reality, the one and indivisible celebration of the entrance into the life of Christ, into the community that lives in him. This entrance, initiated with the first call to the faith, reaches its culminating point in the Paschal Mystery of Christ, in whose death we are immersed to be raised in his resurrection which renders us children of God and the temple of the Spirit. 'Anointed' by the Spirit for the work of the Kingdom, we are thus rendered fit to participate in the banquet of the Kingdom. This is the motivating factor in the composition of cann. 695 and 697 which prescribe the administration of the three sacraments of Baptism, Chrismation with the holy Myron, and Holy Communion in conjunction with or at least one not long after another....

"For historical and cultural reasons, such practices were abandoned by the Western Church, and the baptismal initiation was conferred to children in various successive moments. However, the ancient use was maintained intact and uninterruptedly in the East. This link is so strong that, in quite a number of contexts, the term 'Baptism' usually implies all three of the phases of Christian Initiation: this is the title attributed to them in many manuscript or printed euchologies.

"This practice was changed during the last centuries in different Eastern Catholic Churches under external pressure, based on spiritual and pastoral meanings altered by Latins, comprehensible but extraneous to the organic progress and not in line with the dynamism of the Eastern patrimony. In places where the traditional practice has been lost, the application of the norms prescribed in the content of the Code will require a true reform.... While the restored practice is being introduced, care should be taken to not interrupt the necessary, progressive catechesis of newly initiated children, as soon as they are ready to approach the comprehension of the mysteries of the faith, and to continue until they reach maturity.... The whole process will also require a

are returning to the earlier tradition of administering the Divine Eucharist with a drop of the blood of Christ to infants from the moment of baptism and chrismation with holy myron, these parishes are yet in the minority. For the most part, Ukrainians conform to the Latin practice of administering the Divine Eucharist to children only once they have acquired sufficient knowledge and preparation as to understand the mystery of Christ according to their capacity.

The particular law synodal commission of the Ukrainian Church first proposed in 1991 that the practice of First Holy Communion be maintained whereby children receive the Divine Eucharist only when they have reached the age of reason, more or less, at the age of seven years, at which time they can distinguish between the Body of Christ and ordinary food.²⁷ This is clearly in contradiction to the norms contained in the 1992 Catechism of the Catholic Church and in the Instruction, which prescribe that the Divine Eucharist be administered to baptized infants not only at the moment of baptism but on a regular basis thereafter.²⁸ Unfortunately, the commission in its latest

creative effort to adequately connect the new practice in the context of the current life. Though not an easy intervention, it is indispensable in order to truly revitalize one's own heritage, to the benefit of the universal Church" (no. 42).

²⁷In 1962, the Provincial Synod of the Winnipeg Metropolia proposed similar norms; however, article 80 contains a provision whereby children under seven years of age can also be admitted to the sacrament under certain conditions:

1. Children are to receive their first confession and first solemn Holy Communion at the age of seven or eight in such a manner, that the event becomes a solemn children's feast and is forever remembered by them.
2. A child, who has sufficient religious education and understanding regarding the Divine Body and Blood of Christ the Saviour, can receive the Divine Eucharist at an earlier age.

²⁸The Catechism states: "Having become a child of God clothed with the wedding garment, the neophyte is admitted 'to the marriage supper of the Lamb' and receives the food of the new life, the body and blood of Christ. The Eastern Churches maintain a lively awareness of the unity of Christian initiation by giving Holy Communion to all the newly baptized and confirmed, even little children, recalling the Lord's words: 'Let the children come to me, do not hinder them'" (n. 1244; see also nos. 1233, 1290, and 1292).

The Instruction adds: "Eucharist is the Bread of Life, and infants need to be nourished constantly, from then on, to grow spiritually. The method of their participation in the Eucharist corresponds to their capacity: they will initially be different from the adults, inevitably less aware and not very rational, but they will progressively develop, through the grace and pedagogy of the sacrament, to grow until 'mature manhood, to the extent of the full stature of Christ' (cf. Eph. 4:13). The sacrament is always a gift which operates efficiently, in different ways just as every person is different. Special celebrations which correspond to the various steps of

proposal has attempted to skirt the issue by permitting the eparchial bishop to legislate on the matter at his own discretion.²⁹

Divine Eucharist

Minister and celebration

The Code prescribes several norms regarding the celebration of the Divine Liturgy. Canon 699 states that only bishops and presbyters have the power to celebrate the Divine Liturgy. Deacons fulfill their role in the celebration according to the prescriptions of the liturgical books. Other Christian faithful participate in the Divine Liturgy in the manner determined by the liturgical books or particular law, and do so more fully when they receive the Divine Eucharist from the same celebration. While priests have the freedom to celebrate the Divine Liturgy individually, they should concelebrate with their bishop or with each other so as to manifest the unity of the priesthood and sacrifice. Above all, the pastoral needs of the faithful are to be taken into consideration (c. 700). Bishops and priests of different Churches *sui iuris* can concelebrate with the permission of the local hierarch (c. 701). A priest who is unknown to the pastor can celebrate the Divine Liturgy by providing a letter of recommendation from his own hierarch or in another way attest to his ordination and good standing (c. 703).³⁰

human growth can possibly be of some use for the pedagogy of the faith and to accompany specifically the indispensable catechesis of children and young people, but it must be clear that the initiation into the Mystery of Christ is totally complete upon receiving the first three sacraments" (n. 51).

More recently, the 1997 Synod decreed: "For pastoral reasons, and in the spirit of the decree of Vatican Council II *On the Eastern Catholic Churches*, the Synod of Bishops has determined to implement the following change in terminology: 'First Holy Confession and Solemn Holy Communion,' instead of 'First Holy Communion'" (*Blahovisnyk*, 1998, p. 41). This decree has been interpreted as a movement towards full initiation rites.

²⁹Canons 86 and 92, Particular Law, Ukrainian Catholic Church, 2002.

³⁰Regarding the *celebret*, Bishop Budka issued the following norms:

Priests who are not well known, or belong to another eparchy, are not permitted to celebrate the Divine Liturgy, or to be given some ecclesiastical activity, until they provide a document from their Ordinary. This document is to testify as to their canonical ordination and good standing, and that they are not subject to any censures.

The priest is to present the document to the local Ordinary, from whom he receives permission to celebrate the Divine Liturgy. The pastor, however, can permit him to celebrate the Divine Liturgy several times if he presents a

The Ukrainian Church knows three different Liturgies: the Divine Liturgy of St. John Chrysostom, used on most days of the year; the Divine Liturgy of St. Basil the Great, celebrated ten times during the year and which closely resembles that of St. John Chrysostom with a much lengthier Eucharistic prayer; and the Liturgy of Presanctified Gifts, used during Great Lent at which time elements consecrated on the previous Sunday are distributed.³¹ The Code allows for the celebration of the Divine Liturgy on any day except those which are excluded by the liturgical books of a Church *sui iuris* (c. 704). The Eastern Churches, for the most part, maintain as aliturgical all days of Great Lent with the exception of Saturdays and Sundays and the Feast of the Annunciation of the Mother of God, on which it is permissible to celebrate the Divine Liturgy.³² Regarding the Ukrainian Church in Canada, in 1915, Bishop Budka included among aliturgical days all

document from his own Bishop, even if the priest does not have permission from the local Ordinary.

These regulations obligate secular priests and their parishes, as well as religious and their parishes.

Church trustees are to be instructed not to allow any foreign priest to celebrate the Divine Liturgy in church, unless he presents a document from the Ruthenian Bishop in Canada, verifying his status (*Norms of the Ruthenian-Catholic Church in Canada*).

³¹The Liturgy of St. James, used once a year on the feast of St. James, October 23, has fallen into disuse among Ukrainians.

³²Commenting on c. 704, the Instruction exhorts the restoration of the ancient tradition of aliturgical days:

To specify which days are non-liturgical, the canon thus refers to the prescriptions of the liturgical books. These prescriptions are not the same for the various Churches *sui iuris* or, more specifically, for the great families of Eastern Churches. It is necessary to recognize that these prescriptions, although stated in the liturgical books and accordingly in force in many Churches *sui iuris*, have too often dropped into disuse in recent times, also due to influence from the Latin tradition. Their disappearance often entails besides the loss of the ancient tradition of non-liturgical days, abandoning the celebration of the liturgy of Presanctified.

Considering that the joyous and festive dimension of the Eucharist, experienced as an event and not as a habit, was alive in Christian antiquity and is maintained in many Eastern liturgies, the forsaking of such practice contributes to diminishing the full meaning of the Divine Liturgy, which is celebrated in an integral and solemn way at the conclusion and as a seal of a whole journey of preparation, punctuated by celebrations of various types. To recuperate an element so significant in the heritage of the undivided Church, it is necessary to proceed toward a revival of the discipline of non-liturgical days where it has disappeared in relatively recent times (n. 63).

Wednesdays and Fridays of Great Lent, as well as Monday, Tuesday, and Wednesday of Holy Week.³³ In recent times, only Good Friday has been preserved as aliturgical among most Ukrainian parishes in Canada.

As to the time of celebration, the early practice of the Ukrainian Church in Canada restricted the celebration of the Divine Liturgy to the morning. Current custom, for a just cause, permits the celebration to take place in the afternoon or evening. As to the frequency of celebration, although encouraged by the Code to celebrate daily (c. 378), only pastors, and not all priests, are required by the particular law of the Ukrainian Church to celebrate it for the faithful on Sundays and holy days of obligation. In order to binate, that is, to celebrate the Divine Liturgy twice on the same day, priests require the permission of the local hierarch.³⁴ Current liturgical law of the Ukrainian Church permits bination when there is a shortage of priests and there is a true pastoral need.³⁵

Regarding the place of celebration, the Code states that a Catholic priest can celebrate the Divine Liturgy in any Catholic Church, and should he desire to celebrate it in a non-Catholic church, he needs the permission of the local hierarch (c. 705). The Code is silent as to other places, sacred and profane, and, thus, the matter is relegated to the particular law of each Church *sui iuris* (c. 707, §1). As for the

³³The *Norms of the Ruthenian-Catholic Church in Canada* decreed that the Liturgy of Presanctified Gifts "is to be celebrated on Wednesdays and Fridays of Great Lent and on Monday, Tuesday, and Wednesday of Holy Week. Priests are not permitted to celebrate another Divine Liturgy on these days without the express written permission of the Bishop Ordinary. Reasons for which permission may be granted include: the need to celebrate the Divine Liturgy in order to administer Communion to the faithful, insufficient priestly income, etc. When permission is granted, the Divine Liturgy of St. John Chrysostom is to be celebrated on these days."

³⁴In 1915, Bishop Budka issued liturgical norms surrounding bination: "On the Feasts of the Nativity and Resurrection of Our Lord, Jesus Christ, and on the Feasts of the Descent of the Holy Spirit and Jordan, all Our priests are allowed to celebrate two Divine Liturgies if the need arises, that is, if a significant number of faithful or the poor would otherwise be deprived of the opportunity to attend the Divine Liturgy. In all other cases, priests who wish to binate must endeavour to obtain the proper permission from the Ordinary" (*Norms of the Ruthenian-Catholic Church in Canada*).

³⁵The synod of bishops of the Ukrainian Church decreed in 1983 that priests cannot binate without the permission of the local hierarch except for Sundays and holy days of obligation where at least twenty faithful could not conveniently attend another Divine Liturgy (*Blahovisnyk*, 21 (1985), p. 139).

Ukrainian Church in Canada, Bishop Budka issued norms in 1915 permitting the celebration to take place in private homes.³⁶ Current practice of the Ukrainian Church allows for the Divine Liturgy to be celebrated anywhere where the dignity of the celebration is not compromised.

The ordinary minister for the distribution of the Divine Eucharist is a priest. Particular law can also include deacons as ordinary ministers (c. 709, §1). At present, deacons in the Ukrainian Church in Canada distribute the Divine Eucharist as extraordinary ministers. However, the particular law of the Ukrainian Catholic Church has constituted deacons as ordinary ministers where the need arises.³⁷ The Code also permits the synod of bishops of each Church *sui iuris* to establish norms whereby other Christian faithful can distribute the Divine Eucharist (§2).³⁸ In recent times, when ordinary ministers are lacking and the needs of the Church so require, the Ukrainian Church in Canada has permitted the distribution of the sacrament by religious and laity.³⁹

³⁶The *Norms of the Ruthenian-Catholic Church in Canada* state:

Where there is no church, a priest is permitted to celebrate the Divine Liturgy in a private home, in a place best suited to the sanctity and dignity of the bloodless sacrifice. It is also permitted for a priest in a rural area to celebrate the Divine Liturgy on ferial days during winter in a private residence. However, priests are bound in conscience to ensure that the place where they celebrate the Divine Liturgy is best suited for this purpose.

Where one of the missionaries of the colonies resides some distance from the church and would like to celebrate the Divine Liturgy on ferial days in a private residence during the summer, then he must petition the Ordinary for permission, describing the room where the private chapel is to be erected.

³⁷Canon 91, Particular Law, Ukrainian Catholic Church, 2002.

³⁸The Instruction, however, exhorts that the distribution of the Divine Eucharist by non-clerics in major orders be restricted to cases of true emergency: “[R]eserving the distribution of the Eucharist normally to the priests has the scope of manifesting its highest sacredness. Even if this excludes enhancing the value of other criteria, also legitimate, and implies renouncing some convenience, a change of the traditional usage risks incurring a non-organic intrusion with respect to the spiritual framework to which it refers. Therefore, it is appropriate that the faculty of distributing the Eucharist by those other than the Bishop or the presbyter, or the deacon if so disposed by the particular law of each Church *sui iuris*, be exercised only in the case of true emergency” (n. 58).

³⁹In some cases, the distribution of the Divine Eucharist by laity has been restricted to males. This practice seems to be in contradiction with the canon which speaks of “other Christian faithful” and not the more restrictive “other male Christian faithful.” In issuing appropriate norms on this matter, the synod of bishops of the

Participation

Regarding the participation of laity in the Divine Eucharist, Bishop Budka encouraged Ukrainian priests in Canada to celebrate the Divine Liturgy daily so as to provide an opportunity for frequent reception of the Divine Eucharist by the laity.⁴⁰ At the same time, laity were obligated to receive the sacrament only once a year, at their so-called "Easter Duty", as well as Viaticum, that is, in danger of death.⁴¹ In 1962, the proposed norms of the Provincial Synod of the Winnipeg Metropolia confirmed these norms.⁴² However, the current practice among Ukrainians in Canada is to receive the Divine Eucharist each Sunday.

The Code prohibits those who are publicly unworthy, that is, those who obstinately persevere in manifest, serious sin, from receiving the Divine Eucharist (c. 712). The Code also precludes the reception of the Divine Eucharist, as well as the celebration of the Divine Liturgy, by those who, without having received the sacrament of penance, are conscious of having committed serious sin (c. 711). There is, however, a misconception among some Ukrainians that the sacrament of penance must be received each and every time the Divine Eucharist is received. From the times of the Council of Trent, the long-standing

Ukrainian Church must take into consideration the practice of other Churches *sui iuris* in Canada, including that of the Latin Church which does not discriminate by gender.

⁴⁰See "Frequent and daily reception of Divine Eucharist," *Norms of the Ruthenian-Catholic Church in Canada*.

⁴¹The *Norms of the Ruthenian-Catholic Church in Canada* state:

In order for the faithful to satisfy their canonical requirement of receiving Holy Communion at Easter, they must receive it in their own rite and from their own pastor. Where a priest of their rite does not reside permanently, or he does not arrive at a predetermined time, the faithful are to receive their Holy Communion from the priest of their own rite whom the Bishop has delegated to hear their Easter confession.

The faithful are to receive the Holy Communion as Viaticum, that is, when in danger of death, in their own rite and from their own pastor. However, in case of urgency, they may receive it from another priest, even of another rite.

⁴²The proposed norms state:

The faithful are obligated to receive Holy Communion during the Paschal season, which runs from the first day of Great Lent (Monday of the first week of Lent) until the first Sunday after Pentecost (Sunday of All Saints)" (art. 81).

Those gravely ill, in danger of death, are obligated to receive Holy Viaticum and may do so several times during their illness. The Holy Particle is to be moistened with wine before being given to the sick (art. 82).

teaching of the Catholic Church requires that only those conscious of serious sin are required to confess before receiving the Divine Eucharist. The Code does add that, in this case, if a serious reason is present and there is no opportunity for penance, faithful may still receive the Divine Eucharist by making an act of perfect contrition with the intention of confessing as soon as possible.

The Divine Eucharist is ordinarily distributed only during the celebration of the Divine Liturgy. However, for a just cause, for example, illness, old age, the presanctified on aliturgical days, or absence of a priest who can celebrate the sacrament, it can be distributed at another time (c. 713, §1).⁴³ In this event, the proposed norms of the Provincial Synod of the Winnipeg Metropolia decreed that it be administered in accordance with the rite contained in the *Trebnyk*.⁴⁴

The Code relegates to particular law the manner in which faithful are to prepare themselves for participation in the Divine Eucharist (c. 713, §2). The Ukrainian Church in Canada adopted as custom that of the Latin Church which in 1917 prescribed a total fast from midnight, subsequently reduced to a three-hour fast in 1957 and then to a one-hour fast in 1964.⁴⁵ The current practice among Ukrainians

⁴³See Instruction, nos. 60-61.

⁴⁴Article 79 of the proposed norms states: "Holy Communion is to be distributed to the faithful only at the Divine Liturgy, and only under both species. If, for a just cause, the Holy Communion is to be distributed outside the Divine Liturgy, priests are follow the rite prescribed in the appendix of the *Trebnyk*, pp. 51-53." The *Trebnyk* includes the "Rite of Reception of the Divine Eucharist Outside of the Divine Liturgy."

⁴⁵Article 84 of the proposed norms of the Provincial Synod of the Winnipeg Metropolia testifies to this adoption of Latin legislation:

1. As a result of the new prescriptions of the Apostolic See contained in the *motu proprio Sacram Communionem*, of March 19, 1957 (AAS, 59, p. 147), priests and the faithful are obliged to keep the Eucharistic fast thus:

- a) Priests, prior to the celebration of the Divine Liturgy, and the faithful, prior to the reception of Holy Communion, are to abstain from solid foods and from alcoholic beverages for three hours;
- b) Priests, prior to the celebration of the Divine Liturgy, and the faithful, prior to the reception of Holy Communion, are to abstain from all beverages, even non-alcoholic ones, for one hour (these include anything which, before taken in the mouth, is in liquid form);
- c) The sick can take medications without any cause for concern, even if these medications contain alcoholic components provided they are still considered medicine.
- d) In no case does water break the Eucharistic fast (water includes mineral

in Canada remains a one-hour fast as described in the Latin Code.⁴⁶ The Instruction, while recognizing that the reduction in the rigorous ancient norms of fasting has led to a greater participation in the reception of the Divine Eucharist by the faithful, encourages a restoration, at least partial, of an earlier tradition in order to raise the awareness of the value and meaning of the celebration of the mystery.⁴⁷ The particular law of the Ukrainian Catholic Church

water and water with small amounts of chemicals).

2. These same norms also obligate priests when celebrating the Divine Liturgy in the afternoon or evening, as well as the faithful who receive Holy Communion at these times.

3. Priests who intend to use the same chalice to celebrate a second Divine Liturgy within three hours or less from the first, are to rinse it with water only.

4. Priests and the faithful, who are able to follow the previous more strenuous norms concerning the Eucharistic fast (abstaining from food and drink, even water, from midnight before the celebration of the Divine Liturgy and the reception of Holy Communion), should continue do so in the spirit of mortification and piety.

⁴⁶Canon 919 of that Code states:

1. One who is to receive the Most Holy Eucharist is to abstain from any food or drink, with the exception only of water and medicine, for a least the period of one hour before Holy Communion.

2. A priest who celebrates the Most Holy Eucharist two or three times on the same day may take something before the second or third celebration even if the period of one hour does not intervene.

3. Those who are advanced in age or who suffer from any infirmity, as well as those who take care of them, can receive the Most Holy Eucharist even if they have taken something during the previous hour.

⁴⁷The Instruction states:

Rigorous observation of the eucharistic fast was a unanimous tradition, even if diversified in its forms, in all the Eastern and Western Churches up until the first reforms undertaken in this area by Pope Pius XII. It expressed and continues to signify the concern for a proper spiritual preparation for receiving the Eucharist, life-giving Bread come down from heaven. In the desire to facilitate access to the Eucharist, such practice has been greatly reduced in the Latin Church. A similar example was followed by many Eastern Catholic Churches, while those non-Catholic maintained their customs, even if perhaps less strictly. The change in the discipline of the eucharistic fast has contributed to the development of a greater participation in the Eucharist, although it has sometimes contributed to weakening the awareness of the extraordinary value and meaning of the mystery celebrated.

Can. 707 §1 of the *Code of Canons of the Eastern Churches* refers legislation in this regard to the particular law. An eventual restoration, at least partial, of the ancient norms for fasting in the Eastern Catholic Churches is valued opportune, taking into account the meaning of both the traditional practice, which does not

prescribes fasting at least one hour prior to the reception of the Divine Eucharist.⁴⁸

Reservation

The Code prescribes that in churches where public divine worship is celebrated, and where the Divine Liturgy is celebrated at least several times a month, the Divine Eucharist is to be reserved, under the vigilance and moderation of the local hierarch, with due regard for the norms of each Church *sui iuris* (c. 714). In the Ukrainian Church, the Divine Eucharist is reserved primarily for the administration of Viaticum, that is, for the dying, and for distribution to those not present during the celebration of the Divine Liturgy, especially the sick, as well as at the Liturgy of the Presanctified Gifts during Great Lent. Unlike the Latin Church, the Ukrainian Church, for the most part, does not practice a veneration of the Divine Eucharist outside the Divine Liturgy, such as a rite of Eucharistic exposition and benediction or Eucharistic processions.

In 1915, Bishop Budka issued several instructions regarding the preservation of the Divine Eucharist. He decreed: that it be preserved only in those churches in close proximity to the pastor's residence, and not in missions; that it be preserved under one kind only, namely, bread, and is to be kept in the tabernacle on the holy table; and that a sanctuary lamp filled with oil burn at all times before the tabernacle to indicate Christ's presence.⁴⁹ The proposed norms of the Provincial Synod of the Winnipeg Metropolia confirmed these

always exactly coincide with the Latin sensibility, and of the need to correspond with the different conditions of life in the world today (n. 62).

⁴⁸Canon 93, Particular Law, Ukrainian Catholic Church, 2002.

⁴⁹The *Norms of the Ruthenian-Catholic Church in Canada* state: "The Most Holy Eucharist may be preserved only in those churches which are in the vicinity of a priest's residence. Therefore, without the explicit permission of the Ordinary, no priest is to leave the Most Holy Mysteries in churches in the colonies, even if he visits them weekly. If he is required to visit the sick, then, unless he is at his place of residence at the time, he is permitted to carry the Most Holy Mysteries with himself, or celebrate the Divine Liturgy in the sick person's home. The key to the tabernacle, in which the Most Holy Mysteries are preserved, is always to be under the vigilance of the priest, who is to keep it in a proper and secure place. The key may not be kept on the holy table. It may, however, be kept in the sacristy, but under lock. The so-called 'eternal lamp', one that is oil-filled, is to be kept burning before the Divine Eucharist. The lamp is to be of a material which would not cause a fire. Where a true need arises, a dispensation from burning of the eternal lamp may be requested from the Ordinary."

liturgical prescriptions, adding that the hosts are to be renewed every two weeks and the old hosts properly consumed.⁵⁰

Offerings

Canons 715-717 treat of offerings for the celebration of the Divine Liturgy for the intentions made by the faithful. The Code no longer speaks of Divine Liturgy “stipends”, which suggests an exchange of goods for services or remuneration for completion of a contract. On the other hand, “offerings” signify that which is freely given by the faithful out of their concern for the material needs of the Church. While eparchial bishops have the right to fix the amount of the offering made on the occasion of the celebration of the Divine Liturgy (c. 1013, §1), they are to introduce the practice whereby only those offerings which are freely given by the faithful are received (c. 716). At the same time, priests are to celebrate the Divine Liturgy without any offering for the intentions of the faithful, especially for the needy.

In 1915, Bishop Budka decreed that Ukrainian priests in Canada adhere to the prescriptions of the Sacred Congregation of the Council of May 11, 1904, which determined that priests not accept more Divine Liturgy intentions than can be celebrated during the course of a year.⁵¹ Current practice varies greatly and, therefore, is a matter of

⁵⁰Article 85 of the proposed norms states: “Pastors are to reserve the Most Blessed Sacrament permanently in their parish, replacing it often (once every two weeks). An oil lamp is to be kept burning in front of the tabernacle in which is kept the Most Blessed Sacrament. The tabernacle is to be kept locked and the key is to be kept by the pastor. If the parish is a great distance from the parochial residence, or is not heated and not used in the winter, the local Hierarch can allow the pastor to keep the Most Blessed Sacrament in his private chapel (in which case, the norms regarding the erection of a private chapel are to be adhered to even more stringently). When necessary, the pastor is to wash the pyx.”

⁵¹The *Norms of the Ruthenian-Catholic Church in Canada* state: “We decree that our priests adhere to the norms established by the Congregation of the Council regarding the time in which a Divine Liturgy intention must be celebrated, namely, that a priest is to celebrate one intention in the course of a month, one hundred in the course of six months, and a greater or lesser number accordingly in a greater or lesser time (Sacred Congregation of the Council, May 11, 1904). (For example, fifty intentions are to be celebrated in the course of three months, at the most). Furthermore, no more intentions are to be accepted than that which can be celebrated during the course of one year, counted from the day of the reception of the intention. It is understood that when individuals request that their intentions be celebrated in a shorter period of time, or they themselves agree to a longer period, or give more intentions than can be celebrated in one year, their wishes are to be respected. Where a priest receives more intentions than he can celebrate in one year, he is to send the balance to the Bishop Ordinary at the end of the year. When, with

concern to be addressed by the synod of bishops of the Ukrainian Church.

Penance

Faculty to hear confessions

The Code reaffirms that only a priest, by means of reception of sacred orders, is the minister of the sacrament of penance. Yet, in order to celebrate the sacrament validly, a priest also requires the faculty to absolve sins (cc. 722-724). This faculty is determined by the relationship of the minister to the penitents and is conferred either by the law itself or by a special grant made by a competent authority. Thus, in virtue of his office and within his jurisdiction, the pastor and those who take his place, possess the faculty to hear confessions. Other priests who are not pastors, for example, assistant pastors, can receive the faculty by concession of the local hierarch.

In 1913, *Fidelibus ruthenis* determined that both Ukrainian and Latin faithful in Canada validly and licitly receive the sacrament of penance from an approved priest of either Church, even when a priest of their own Church is available.⁵² In 1915, Bishop Budka granted the faculty to hear confessions validly of Ukrainian faithful throughout Canada to every priest whom he accepted into the Exarchate of Canada. For liceity, outside the boundaries of their parishes or missions, these priests required the permission of the local Ukrainian pastor. Budka also determined that Ukrainian priests licitly hear the confessions of Latin faithful within their own territory. If they do so outside their own parish or mission, they require the approval of the local Latin bishop.⁵³ In 1962, the proposed norms of

the understanding of the Bishop, the priest gives intentions to another priest, whom he knows well, he is to remember that he is not freed from his personal obligation to celebrate these intentions until such time as he has assured himself that the other priest has indeed celebrated them. Priests who wish to send intentions to priests in another eparchy are to do so through that priest's Bishop, or, at the very least, with that Bishop's permission."

⁵²"The faithful of the Ruthenian rite, even in places where a Ruthenian priest is available, can validly and licitly confess their sins to, and receive absolution from, a priest of the Latin rite who is approved by the local Ordinary. Likewise, the faithful of the Latin rite can go to confession to a priest of the Ruthenian rite who is approved by his bishop, in places where there is a mission or church of the Ruthenian rite" (art. 28). In 1930, article 36 of *Graeci-rutheni ritus* reaffirmed this principle.

⁵³The *Norms of the Ruthenian-Catholic Church in Canada* state:

the Provincial Synod of the Winnipeg Metropolia extended the faculty of Ukrainian priests to hear confessions throughout their respective eparchies (art. 86). In 1967, in the spirit of *Orientalium ecclesiarum* (n. 16), the Canadian Catholic Conference decreed that every priest of any Church *sui iuris* having jurisdiction for confessions from his local Ordinary can everywhere in Canada absolve any person who asks him to hear his or her confession.⁵⁴ This norm was also implemented by the Ukrainian hierarchy in Canada. The Code now permits priests who enjoy the faculty of hearing confessions habitually, to do so everywhere in the world and for any of the Christian faithful unless the same faculty is revoked by the local hierarch in a special case (c. 722, §4) or even permanently for a serious reason (c. 726, §§1-2). With due regard for absolution in danger of death, the faculty also ceases by dismissal from office, from the loss of enrollment in an eparchy, or from the loss of domicile (c. 726, §3).

Reserved sins

The absolution of certain sins, that is, reserved sins, can be reserved to a determined ecclesiastical authority (c. 727). *Fidelibus ruthenis* decreed that Ukrainian priests could not, without the permission of the local Latin Ordinary, absolve the faithful of the Latin Church from those censures and cases reserved to him. The same was

1. Every Ruthenian priest, received into our eparchy and who has our approval, receives the faculty to hear the confessions of the faithful of the Ruthenian rite throughout Canada. However, this faculty can be licitly (*licite*) exercised outside the boundary of his territory—with the exception of cases of urgency—only with the permission of the local Ruthenian pastor.

2. In accordance with general custom and article 28 of our Decree, every Ruthenian priest who has our approval, in his own parish or mission territory can validly and licitly confess all faithful who approach him for confession, whether they are of the Ruthenian or Latin rite, and whether they reside within the boundaries of his missionary territory or not.

3. In order to hear confessions of Latin rite faithful outside of the boundaries of his parish or mission territory, a Ruthenian priest must have the approval of the Latin Bishop within whose diocese lies the lo, where he wants to confess faithful of the Latin rite. This same norm obligates Latin priests concerning the faithful of the Ruthenian rite. Therefore, We decree that each of our priests endeavour to obtain the required faculty from the Latin Bishop of the diocese in which his parish or mission territory is situated. (See “Relations with priests and faithful of the Latin rite” and “Sacrament of confession”).

⁵⁴See CANADIAN CATHOLIC CONFERENCE, September 8, 1967, Official Document No. 122.

also true for Latin priests confessing Ukrainian faithful.⁵⁵ In virtue of extraordinary faculties granted Bishop Budka by Pope Pius X in 1912, Ukrainian priests in Canada possessed the faculty to absolve from heresy, apostasy, and schism, as well as ecclesiastical censures reserved to the Apostolic See, excepting absolution of an accomplice in a sin against chastity.⁵⁶ Budka reserved unto himself the absolution of penitents from the sin of contracting marriage before a non-Catholic minister or before a civil judge.⁵⁷

The proposed norms of the Provincial Synod of the Winnipeg Metropolia confirm that in 1962 there were no sins reserved to the local hierarch in any of the eparchies in Canada (art. 91). Although the current particular law of the Ukrainian Church in Canada does not contain any reserved sins, the Code reserves to the Apostolic See absolution from censures arising from direct violation of the sacramental seal and absolution of an accomplice in a sin against chastity, and to the eparchial bishop the censure arising from procuring a completed abortion (c. 728). Other reservations cannot

⁵⁵Article 28 states: "Priests of the Ruthenian rite, however, cannot absolve the faithful of the Latin rite from censures and cases which are reserved in the Latin diocese in which they exercise the holy ministry, without the permission of the Latin Ordinary. The same thing in turn is true of the Latin priests as regards censures and reservations established by the Bishop of the Ruthenian rite." In 1930, *Graeci-rutheni ritus* repeated this article in its entirety, and added that: "to avoid difficulties which rather frequently occur in practice, let all Ordinaries inform each other of any reservations they may have made" (art. 36).

⁵⁶See *Norms of the Ruthenian-Catholic Church in Canada*.

⁵⁷*Norms of the Ruthenian-Catholic Church in Canada*. Budka added:

"We decree, however, that each of our approved confessors can absolve the following from reserved sins:

- 1) the sick who desire to receive the Divine Eucharist, even out of devotion;
- 2) parties prior to marriage;
- 3) those who are preparing for a long journey;
- 4) those who are not aware of the reservation and are confessing for the first time, at which time they are to be properly instructed and admonished;
- 5) those whose confession concerns their entire lives;
- 6) all penitents whose reputation may be damaged if absolution is deferred; and
- 7) all penitents in the course of an octave in church, in which a minimum three-day mission has been preached, with at least three sessions daily, starting from the second day of the mission until the eighth day after its completion."

Regarding certain cases whereby reservation of absolution lacks all force, see c. 729.

be made without the consent of the synod of bishops' of the Ukrainian Church (c. 727).

Frequency

Canon 719 states: "Anyone who is aware of serious sin is to receive the sacrament of penance as soon as possible; it is strongly recommended to all the Christian faithful that they receive this sacrament frequently especially during the times of fasts and penances observed in their own Church *sui iuris*."

In 1891, the Synod of Lviv decreed that Ukrainian faithful should receive the sacrament of penance at least three times a year: at Easter, the Feast of the Dormition of the Most Holy Mother of God, and Christmas.⁵⁸ However, conditions in Canada, in particular, the vastness of the country and the scarcity of Ukrainian priests, prevented Bishop Budka from implementing this norm. Instead, in 1915, he decreed that Ukrainians in Canada were obligated to receive the sacrament at least at Eastertime. He also determined that the time for Easter confessions runs from the first day of Great Lent until the Sunday of All Saints after the feast of Pentecost.⁵⁹ In 1962, the

⁵⁸"Regarding the sacrament of penance, pastors are to encourage the faithful entrusted to their care to receive the sacrament often, earnestly impressing upon them the ancient custom of the Eastern Church, cited by the Synod of Zamost: 'The faithful are to receive the sacrament of penance and Divine Eucharist, at the very least, three times a year, namely, at the Feast of the Resurrection of our Lord (whose non-observance of the obligation results in the penalty of excommunication), the Dormition of the Most Holy Mother of God, and the Nativity of Christ the Lord' (title 3, chapter 5). Though, in practice, this obligation later became relaxed and limited so that the sacrament was received, at the very least, once a year at Easter. However, this present Synod, considering serious matters, places upon pastors the obligation of instructing the faithful once again to embrace the ancient tradition in its entirety, confessing, at the very least, three times a year." (title II, chapter IV, 1).

⁵⁹In an attempt to ensure that the faithful fulfilled their obligation of supporting the financial needs of the Ukrainian Church in Canada, Budka prohibited his priests from hearing Easter confessions unless they satisfied themselves that their parishioners had paid up in full their parochial and eparchial dues:

Experience teaches that the faithful often attempt to celebrate their Easter confession with a Ruthenian or Latin rite priest, who is a stranger to them, intending not to pay the required parochial or eparchial taxes. In so doing, these faithful act *in fraudem legis*. In order to prevent this from happening and avoid disorder in the parish, We strongly forbid all our priests from hearing Easter confessions until they are certain that the penitent, whether from their own parish or from another, has fulfilled his or her obligation in paying the required taxes, or is exempt.

The necessary information can be gleaned from either the "parochial books" or "cards" given out for Easter confessions. Our faithful, still from the old

proposed norms of the Provincial Synod of the Winnipeg Metropolia, while affirming the obligation of Easter confession, recommended that the faithful receive the sacrament frequently, at other times of the year, especially before major feast days.⁶⁰ This remains the current practice of the Ukrainian Church in Canada.

General absolution

The Code, while recognizing that individual and integral confession is the only ordinary means by which the Christian faithful aware of a serious sin receive remission, foresees the possibility of general reconciliation without previous individual confession when the danger of death is imminent or when there is grave necessity, that is, when the supply of priests is insufficient to administer the sacrament individually to a larger than expected group of penitents and results in the deprivation of sacramental grace or reception of the Divine Eucharist (c. 720).⁶¹ The Ukrainian Church in Canada only knows individual reconciliation and therefore, its particular law contains no norms regarding general absolution. The Code has designated the eparchial bishop as the proper authority to judge

country, are accustomed to receiving “cards” for Easter confessions. Our wish is that, in general, “cards” for Easter confessions be used. In order to avoid all unpleasantness, the pastor is to announce, in advance, in church that he will not confess anyone who does not present such a card. These cards are to be distributed by the financial secretary, free of charge. Nothing else is to appear on the card other than the name and surname of the penitent, and the parochial seal or signature of the financial secretary. Cards are only to be distributed to those who have paid the required taxes, or were exempted by the pastor or trustees. The matter of payment of taxes is to be settled by a trustee, or preferably, by the financial secretary. Should the priest wish to assist them, he may do so, though not on the same day as the confessions, and never in the confessional itself (*Norms of the Ruthenian-Catholic Church in Canada*).

⁶⁰The proposed norms state:

The faithful are obliged to receive the sacrament of confession at least once a year (art. 88).

Pastors are to recommend that the faithful receive the sacrament of confession often, as well as provide them with the opportunity and convenience to do so, especially at such times as the Nativity of Christ, their parish feast day, and May Marian devotions. At times, pastors should invite another priest to hear the confessions of their own faithful. At the beginning and end of the school year, they should provide the sacraments of Holy Confession and Holy Communion for the students (art. 89).

⁶¹On the sacrament of penance and its ordinary celebration, see Instruction, nos. 88-90.

when a grave necessity exists and to determine general cases of such necessity after having consulted the local hierarchs of other Churches *sui iuris* who exercise power in the same territory (§3).⁶²

Indulgences

The sacrament of penance effects the forgiveness of sins. Indulgences, on the other hand, are defined by canon 992 of the Latin Code as “a remission before God of the temporal punishment for sin the guilt of which is already forgiven”, but are not part of the spiritual patrimony of the Eastern Churches. Even so, some of these Churches in communion with the Apostolic See, including the Ukrainian Church, have adopted this devotional discipline under Latin influence. For example, in 1915, Bishop Budka granted Ukrainian priests in Canada the extraordinary faculty to grant plenary indulgences to those who have for the first time returned from heresy, and to all faithful who repent at the hour of death, even if they cannot receive the Divine Eucharist.⁶³ Since Budka’s directive, several Ukrainian pilgrimage sites throughout Canada have been designated by the Apostolic See, visits to which gain indulgences. The most recent of these is the National Shrine of Saint John the Baptist, Ottawa.⁶⁴ The current *Trebnyk* prescribes a plenary indulgence to be administered to the dying.⁶⁵ As the Code has removed the institute

⁶²As regards the Latin Church in Canada, in accordance with c. 961, §2, of the Latin Code, the Canadian Conference of Catholic Bishops established criteria by which diocesan bishops can determine the cases in which there is need for recourse to general absolution. The criteria are based upon the number of penitents, the number of confessors, and the time required for confession (CCCB, June 11-12, 1986, Appendix I).

⁶³*Norms of the Ruthenian-Catholic Church in Canada*. The form for granting indulgences is found in the *Trebnyk* of the Stavropigia Institute Edition, 1905.

⁶⁴On June 24, 1991, Pope John Paul II decreed that plenary indulgences may be gained by the faithful who venerate the icon of the Mother of God of Perpetual Help in the Ottawa Shrine. In order to receive the indulgences, pilgrims must receive the sacraments of penance and Divine Eucharist, as well as offer prayers for the intentions of the Holy Father, on any of the following feast days: Nativity of Our Lord, Jesus Christ; Nativity of St. John the Baptist; and the Immaculate Conception, Nativity, Annunciation, Dormition, or Protection of the Most Holy Mother of God. In addition, individual faithful or families may also gain the indulgences once a year on a day of their choice.

⁶⁵The proposed norms of the 1962 Provincial Synod of the Winnipeg Metropolia confirm the practice of the day: “At the administration of the Last Rites, the priest is also to grant a plenary indulgence to the sick (Decree of the Sacred Congregation for

of indulgences from the common law of the Eastern Churches, the synod of bishops of the Ukrainian Church must determine the future of this discipline among its faithful.

Anointing of the Sick

Doctrinal understanding

Through the centuries, the sacrament of anointing of the sick came to be regarded in most Churches *sui iuris*, including the Ukrainian Church, as the sacrament of the dying, that is, for those whose death was imminent or almost certain. The Second Vatican Council sought to correct this misconception:

“Extreme Unction,” which may also and more fittingly be called “Anointing of the Sick,” is not a sacrament for those only who are at the point of death. Hence, as soon as possible as anyone of the faithful begins to be in danger of death from sickness or old age, the fitting time for him to receive this sacrament has certainly already arrived (*Sacrosanctum concilium*, 73).

The nature of the sacrament, therefore, more appropriately corresponds to a spiritual and physical healing of those gravely ill. Canon 737, §1 of the Code recaptures the essence of a much older tradition:

By the sacramental anointing of the sick performed with prayer by a priest, Christ's faithful who are gravely ill and sincerely contrite receive grace, by which, strengthened by the hope of eternal reward and freed from sins, they are disposed to amend their life and are helped to overcome their sickness or to suffer it patiently.⁶⁶

the Propagation of the Faith, March 22, 1912)” (art. 92, 4).

The 1986 Basilian *Trebnyk* in English translation prescribes the following prayer: “May our Lord Jesus Christ who gave the blessed Apostle Peter the power of binding and loosing, accept your confession through His compassion and mercy, and may He vest you in the garment which you received in baptism. And I, through the power invested in me by the Apostolic See, grant you a plenary indulgence and forgiveness of sins in the name of the Father, and of the Son, and of the Holy Spirit. Amen” (pp. 54-55).

⁶⁶As to the meaning of the sacrament as a healing of the sick, a sign of the coming of the Kingdom, see also Instruction, nos. 91-94. Even prior to the Council, the proposed norms of the Provincial Synod of the Winnipeg Metropolia attempted to set aright this misunderstanding: “Pastors, during their sermons and catechesis, are to instruct the faithful that they are obligated to influence ill family members to request a priest to administer the Last Rites in due time. They are also to teach the faithful that the purpose of the sacrament of Anointing with Oil is to restore to health the body and soul of the sick thus removing their aversion in receiving it” (art. 92, 2).

Minister

The anointing is validly administered only by priests (c. 739, §1). For liceity, on account of their special relationship to the sick of a given parish or community, pastors, assistant pastors, and their equivalents have not only an obligation to administer the sacrament but a right (§2).⁶⁷ Still, for a reasonable cause, any priest can do so licitly with at least the presumed permission of those enumerated above. This is consistent with the particular law of the Ukrainian Church in Canada.⁶⁸ Whereas the bishop in the Latin Church is the ordinary minister of blessing the oil used in anointing, any Ukrainian priest does so validly and licitly, though the synod of bishops of the Ukrainian Church may determine otherwise (c. 741). Some Churches *sui iuris*, including the Ukrainian Church, know the custom whereby the sacrament is administered by several priests (c. 737, §2).⁶⁹ However, the custom is almost never practised among Ukrainians in Canada, as the shortage of clergy precludes the assembly of seven priests, the number prescribed by the *Trebnyk*.

Divine Eucharist as Viaticum

When death approaches, the Divine Eucharist as viaticum, that is, food for the passage through death to eternal life, is administered to

⁶⁷In 1915, Bishop Budka decreed: "Nothing unites a priest more in love and affection for his faithful than caring for the sick of a parish. Therefore, a priest is not to wait until someone calls him to visit the sick, who may already be on his or her deathbed. A priest, as a good shepherd, and on his own volition, is to offer consolation and assistance to those who are ill. Caring for the sick is for a priest not only an act of compassion, but one of his most important obligations. Therefore, We decree that every priest is to visit weekly, on an appointed day, those hospitals, where Ruthenians usually are found.

"Likewise, We decree that our priests also willingly visit those sick who are in private residences, bringing them counsel and assistance under the given circumstances" (*Norms of the Ruthenian-Catholic Church in Canada*).

⁶⁸In 1913, *Fidelibus ruthenis* decreed: "Holy Viaticum should be received by the dying in their own rite, and from the hands of their own pastor; but in case of necessity, it is allowed to be received from any pastor; the priest, however, must administer it according to his own rite (art. 31)." This same norm was reiterated by *Graeci-rutheni ritus* (art. 39) in 1930.

⁶⁹The Instruction exhorts that the custom be preserved wherever possible in that "the concelebration of several priests better expresses the solicitude of the entire ecclesial community toward the sick, to affront and surpass together with him or her the dangers of the soul and the body" (n. 93).

the sick (c. 708).⁷⁰ The Second Vatican Council called for the preparation of a single continuous rite whereby the sick first receive the sacrament of penance, then anointing, and finally viaticum (*Sacrosanctum concilium*, 74). In the Ukrainian Church in Canada, these rites often continue to be administered in the order of penance first, then the Divine Eucharist, and finally anointing.⁷¹ In this order the integrity between penance and anointing of the sick, sacraments which both effect the forgiveness of sins, is lost. Moreover, when administered last, the Divine Eucharist as viaticum is “the completion and crown of the Christian life on this earth, signifying that the Christian follows the Lord to eternal glory and the banquet of the heavenly kingdom.”⁷² Implementation of the norms of the Second Vatican Council will restore a proper understanding of these sacraments by Ukrainian faithful in Canada.

Sacred Ordination

The sacrament of sacred ordination is more properly called “*rukopolozhennia*” in Ukrainian, that is, imposition or laying on of hands. From apostolic times, some among the Christian faithful have been called in a special way to share in the threefold office of Christ: to teach, to sanctify, and to govern. From apostolic times, without interruption, men have been constituted bishops, priests, and deacons through the imposition of hands and the working of the Holy Spirit. Canon 743 expresses the nature of this sacrament:

Through sacramental ordination performed by the bishop sacred ministers are constituted through the working of the power of the Holy Spirit; and they are accredited with and they share in varying degrees in the task and the power entrusted to his disciples by Christ the Lord to announce the gospel, to shepherd and to sanctify the people of God.

The canonical issues associated with laying on of hands addressed in the particular law of the Ukrainian Church in Canada, namely, requirements of candidates, that which must precede sacred ordination, and time and place of the sacrament, have been treated in Chapter Three.

⁷⁰Bishop Budka’s *Norms of the Ruthenian-Catholic Church in Canada* exhort priests to instruct the faithful concerning their obligation of receiving the Divine Eucharist in danger of death.

⁷¹See, for example, the Basilian *Trebnyks* of 1926 and 1986.

⁷²CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Communion of the Sick: Ritual and Pastoral Notes for Lay Ministers*, Ottawa, 1988, no. 25.

Marriage

Drawing from the conciliar decree, *Gaudium et Spes*, canon 776 of the Code describes Christian marriage as a covenant by which a man and a woman through irrevocable personal consent establish between themselves a partnership of the whole of life. The term “covenant” more adequately expresses the relationship of Christ to the Church than the legal term “contract,” used by the 1949 motu proprio *Crebrae allatae* on marriage. Through this covenant, a couple enters into a “partnership of the whole of life,” understood as a unique relationship based upon equality and fidelity which touches upon all aspects of life, and is no longer restricted only to sexual union or cohabitation. Avoiding a hierarchy of ends of marriage, the Code states that marriage is by nature ordered equally to the good of the spouses and the generation and education of children. As a partnership of the whole of life, the essential properties of marriage are unity and indissolubility. This fundamental shift in the theological understanding of the sacrament of marriage permeates the canons in this section.

Pastoral care and what must precede the celebration of marriage

Although *Crebrae allatae* in 1949 did include one canon on instruction of the parties as to the sanctity of marriage and the mutual obligations of spouses, the norm focussed on the parties’ freedom from marriage impediments. While not ignoring the canonical issue of freedom to marry, canon 783 of the Code identifies a three-fold preparation of the parties for the celebration of the sacrament: 1) General catechesis of the faithful as to the meaning of Christian marriage and its obligations and responsibilities; 2) Remote personal preparation of the parties in an attempt to ascertain their readiness and willingness to enter into and live out the marriage covenant; and 3) Post-celebration pastoral care intended to provide support and renewal for married couples. Regarding the prenuptial investigation, in particular, the Code defers to the particular law of each Church *sui iuris* the determination of norms concerning the examination of the parties and other means for inquiries, especially in relation to the reception of the sacrament of baptism and the freedom to marry (c. 784).

The particular law of the Ukrainian Church in Canada, for the most part, ignores both general and remote preparation of the parties prior to marriage, as well as any post-sacramental follow-up. A growing

number of pastors currently demand obligatory premarital marriage classes. The pastoral care of Christian faithful as it concerns preparation for the marriage state is an issue which must be addressed by the Ukrainian Church in Canada.

As for the investigation of the freedom to marry of the parties, both the *Norms of the Ruthenian-Catholic Church* in 1915 and the proposed norms of the Provincial Synod of the Winnipeg Metropolia in 1962 require the pastor to ascertain: baptism, chrismation with holy myron,⁷³ religion, and rite of the parties; proper age of the parties; absence of prohibitive and diriment impediments; free and wilful consent of the parties; and sufficient knowledge by the parties of the truths of the Christian faith. These same norms require the publication of marriage banns as a means of uncovering impediments and other circumstances which impede the celebration of a valid and licit marriage.⁷⁴ Although current practice varies considerably among Ukrainian eparchies in Canada and even among parishes within the same eparchy, for the most part, the institute of banns has fallen into disuse.

⁷³While canon 11, §2, of *Crebrae allatae* urged the reception of chrismation with holy myron prior to marrying, though not making it mandatory, the Eastern Code appears to be silent on the matter. However, the Instruction, clarifies the matter: "It should be noted that, differing from the Latin Code (can. 1065), the *Code of Canons of the Eastern Churches* uses only the term Baptism and does not allude to Chrismation with holy Myron. As previously mentioned, Chrismation with holy Myron must be administered in conjunction with Baptism in the Eastern tradition" (n. 80).

⁷⁴Already in 1915, Bishop Budka made marriage banns obligatory among Ukrainians in Canada; however, at the same time, he granted priests the faculty to dispense from their publication when they imposed a severe hardship upon pastors: "Common ecclesiastical law requires that, when the parties belong to different parishes, the banns be announced in both parishes.... In our circumstances, however, this will often be impossible to fulfil (on account of the vast territory, and because it is difficult to know at which colony the pastor can be found), since it may cause an excessive delay in the marriage. Keeping in mind the common law, which is to be observed in principle, We grant our priests the faculty to dispense from banns in another parish, free of charge. It is at the discretion of each pastor to judge the circumstances surrounding the dispensation" (*Norms of the Ruthenian-Catholic Church in Canada*).

Although *Crebrae allatae* in 1949 deferred to each Church *sui iuris* the determination as to whether marriage banns were obligatory or not, the Ukrainian Church in Canada continued to require their announcement on three consecutive Sundays and other holy days of obligation. See article 99 of the proposed norms of the Provincial Synod of the Winnipeg Metropolia.

Diriment impediments

An impediment is a circumstance or condition which disqualifies a person from entering into marriage. In the past, canon law distinguished between prohibitive and diriment impediments. Prohibitive impediments render a marriage illicit but do not affect its validity. *Crebrae allatae* included among prohibitive impediments simple vows, guardianship and adoption, mixed religion, marriages with lapsed Catholics and members of condemned societies, and marriages with public sinners. Diriment impediments render a marriage invalid and are the only impediments contained in the Code. Included among such impediments are lack of age, physical impotence, prior marriage bond, disparity of cult, sacred orders, public perpetual vow of chastity, abduction, crime, consanguinity, affinity, public propriety, spiritual relationship, and legal relationship.

For a just and reasonable cause, the local hierarch can dispense the Christian faithful from marriage impediments arising from ecclesiastical law, except holy orders, public perpetual vows of chastity in a religious institute other than of eparchial right, and conjugicide, which are reserved to the Apostolic See (c. 795). In danger of death, the local hierarch, or if he cannot be reached, even another priest, can dispense from all impediments except sacred orders (c. 796).

The particular law of the Ukrainian Church in Canada does not contain any prohibitive impediments, perhaps with the exception of lack of age.⁷⁵ Although the Code allows for the possibility of the establishment of diriment impediments by each Church *sui iuris*, the particular law synodal commission of the Ukrainian Church has not included any proposals in this regard.

⁷⁵The Eastern Code states that a male cannot validly enter into marriage until he has completed his sixteenth year of age and a woman her fourteenth. The particular law of each Church *sui iuris* can establish a higher age for the licit celebration of marriage (c. 800). This latter provision recognizes that a greater level of maturity may be required than that which is presumed at puberty. Consequently, the early Ukrainian Church in Canada adopted as custom that of the Latin Church as attested to by the proposed norms of the Provincial Synod of the Winnipeg Metropolis: "The father of a minor (those who have not completed their twenty-first year) is to grant permission for his child to marry, or the mother if the father is deceased, or the guardians if both are deceased. If the parents are separated, then the permission is to be granted by the parent raising the minor" (art. 97, 2).

The current practice of the Ukrainian Church in Canada is for pastors to request the permission of the local hierarch prior to blessing the marriage of minors, which the Eastern Code defines as those who have not completed their eighteenth year of age (c. 909, §1; cf. c.789, 4°).

Mixed marriages

A mixed marriage is one between two baptized persons, one of whom is Catholic and the other a member of a church or ecclesial community not in full communion with the Catholic Church (c. 813). *Crebrae allatae* severely prohibited Catholics, under the penalty of invalidity, from entering into such marriages (c. 50). The Code follows a more lenient attitude. Although still requiring special pastoral care, Catholics now validly enter into mixed marriages even without prior permission of the competent authority; for liceity, such permission is necessary.

In 1915, Bishop Budka issued special norms regarding the celebration of mixed marriages by Ukrainians in Canada. These norms express the negative attitude of the time, with such thinking based upon the belief that these marriages threatened the continued practice of the faith by the Catholic party as well as the Catholic baptism and education of any children.⁷⁶ Budka added that a dispensation could be granted provided that the Catholic and non-Catholic parties agree, in writing, to certain conditions.⁷⁷ These

⁷⁶The *Norms of the Ruthenian-Catholic Church in Canada* state: "Since marriages between Catholics and heretics or schismatics pose a great danger of loss of faith, both to the Catholic who contracts marriage, and to the children born of such marriages, therefore, in conformity with the Apostolic See, We decree that, at every opportunity, each pastor should admonish the faithful against such marriages and attempt to prevent their union by all permissible means."

⁷⁷The *Norms* require:

When these marriages cannot be prevented by any means, nor does the non-Catholic party wish to become Catholic, then a dispensation may be requested, providing:

- 1) the parties agree, in writing, to the required canonical conditions; and
- 2) that valid canonical reasons exist.

These canonical requirements are:

- a) both parties promise that they will not contract marriage before a non-Catholic pastor;
- b) the non-Catholic party promises that he or she will give the Catholic party full freedom to fulfil the requirements of his or her faith;
- c) the Catholic party promises to attempt to do what is in his or her power to convert the non-Catholic party to the Catholic faith; and
- d) both parties declare in the form of a contract that all the children will be raised in the Catholic faith.

All the promises and declarations are to be given in writing, and the declaration concerning the education of children in the Catholic faith is to be made in the form of a contract, with the precise preservation of requirements of the civil law. Pastors are obligated in conscience, under grave sin, to ensure that all the promises are fulfilled.

conditions were later confirmed by *Crebrae allatae* for all Eastern Churches.

Today, as a result of advances in the Church's understanding of ecumenism and religious freedom, as well as the frequency and social acceptability of mixed marriages, the Code has reduced the number and scope of conditions. The Catholic party is to declare that he or she is prepared to remove dangers of falling away from the faith and to promise to do all in his or her place to have the children baptized and educated in the Catholic Church (c. 814, 1°). The other party is no longer required to make any promises or guarantees, but is to be informed of the promise and obligation of the Catholic party (2°). Both parties are to be educated in the essential ends and properties of marriage (3°). For the most part, the practice of the Ukrainian Church in Canada does not comply with any of these requirements. Therefore, the particular law of the Ukrainian Church, in accordance with canon 815, must determine the specific manner in which the declaration and promise of the Catholic party are to be made, as well as how they are to be brought to the attention of the non-Catholic party. Ukrainian local hierarchs and pastors in Canada must also see to it that the Catholic spouse and children born of a mixed marriage receive post-marital pastoral care.

Consent

The teaching of the Catholic Church on matrimonial consent does not differ from one Church *sui iuris* to another. Therefore, the norms contained in the Code on consent are equally applicable to the Ukrainian Church. Canon 817, §1, in particular, defines marriage consent as “an act of the will by which a man and woman, through an irrevocable covenant, mutually give and accept each other in order to establish marriage.” The exchange of consent between the parties is essential to the marital covenant and, therefore, if compromised in any way, renders marriage invalid. Consent can be limited in several ways: 1) by an inability to make a responsible human act, to evaluate sufficiently the nature of marriage, and to assume its essential obligations; 2) ignorance about the nature of marriage; 3) error about the person; 4) fraud; 5) error about the unity, indissolubility, or sacramental dignity of matrimony if it determines the will; 6) simulation; 7) force or grave fear; and 8) marriage based on a condition (cc. 818-826). On the other hand, knowledge or opinion of nullity does not necessarily exclude consent (c. 823).

Canonical form

Canonical form signifies the external formalities which accompany the exchange of matrimonial consent during the celebration of marriage. In order to avoid clandestine or secret unions, the Council of Trent promulgated the decree *Tametsi* requiring the observance of canonical form by those marriages that involved at least one Catholic party. For validity, these marriages were celebrated before the proper pastor of at least one of the parties, or his delegate, and in the presence of at least two witnesses. The Tridentine legislation was extended to the entire Latin Church in 1909 by the decree *Ne temere* and to all Eastern Churches in 1949 by *Crebrae allatae*. By 1913, this legislation was applied to Ukrainians in Canada in *Fidelibus ruthenis*.

Canon 828, §1, of the Code states: “only those marriages are valid which are celebrated with a sacred rite, in the presence of the local hierarch, local pastor, or a priest who has been given the faculty of blessing the marriage by either of them, and at least two witnesses....” A sacred rite is defined as the intervention of a priest assisting and blessing (§2).⁷⁸

In virtue of their office, local hierarchs and pastors validly bless marriages everywhere within the boundaries of their territory, hierarchs and personal pastors within the boundaries of their jurisdiction, and patriarchs do so anywhere in the world, providing that at least one of the parties is enrolled in their Church *sui iuris* (c. 829). Within their territory, local hierarchs and pastors can give this faculty for a determined marriage to priests of any Church *sui iuris*. Only local hierarchs can also give to a determined priest a general faculty for all marriages (c. 830).

For liceity, marriages are to be celebrated by the local hierarch or pastor of the territory where either of the parties has a domicile, quasi-domicile, month-long residence, or actual residence in the case of a transient. They may also be celebrated in a place exclusively of another Church *sui iuris* or elsewhere with the permission of the proper hierarch or pastor (c. 831, §1). Marriages are to be celebrated before the pastor of the groom, unless either particular law

⁷⁸In this regard, the Instruction adds: “In the Eastern tradition, the priest, in addition to assisting, must bless the Marriage. To bless means to act as the true minister of the sacrament, in virtue of his priestly power to sanctify, so that the spouses may be united by God in the image of the flawless nuptial union of Christ with the Church and be consecrated to each other by sacramental grace” (n. 82).

determines otherwise or a just cause excuses (§2). This norm follows that previously decreed by *Fidelibus ruthenis, Graeci-rutheni ritus, and Crebrae allatae*. At the request of the parties themselves, even marriages between parties of different Catholic Churches *sui iuris*, celebrated in the church of the bride, are both valid and licit.

In danger of death or where circumstances continue for one month, when it is not possible without grave inconvenience to have present or have access to a duly-delegated priest, spouses may validly and licitly celebrate marriage before witnesses alone (c. 832). They are still to obtain a blessing from a priest, even a non-Catholic one, as soon as possible. This extraordinary form of marriage recognizes that the natural right to marry may be compromised in certain situations, as during wartime or persecution. In similar situations, Eastern non-Catholic spouses may also approach a duly delegated Catholic priest to bless their marriage (c. 833).

All Eastern Catholics, whether baptized or received into the Catholic Church, are bound to observe canonical form (c. 834, §1). If Eastern Catholics marry Eastern non-Catholics, canonical form is to be observed only for liceity. For validity, the blessing of a priest is required while observing the other requirements of law, for example, dispensations from impediments (§2). If these marriages take place before a non-Catholic minister other than a Eastern non-Catholic priest, a dispensation from canonical form is required. Unlike Latin Ordinaries, who have the right to dispense from canonical form (*CIC[1983]*, c. 1127, §2), Eastern hierarchs must still request the dispensation from the Apostolic See through the office of the respective papal legate (c. 835), or the patriarch, despite their ability to heal a marriage invalid because of lack of canonical form (c. 852).⁷⁹

For validity, the parties must be present at the same time and mutually manifest matrimonial consent. However, if the particular law

⁷⁹Following the promulgation of the motu proprio *Matrimonia mixta* on January 7, 1970 (AAS, 62 (1970), pp. 257-263), Latin, but not Eastern, bishops were authorized to dispense from canonical form in individual cases of mixed marriages. In 1971, the Ruthenian bishops of the Ecclesiastical Province of Munhall, Pennsylvania, obtained the faculty for their faithful (*Canon Law Digest*, vol. 7, p. 16). In 1976, the Eastern Congregation likewise authorized Bishop Isidore Borecky, Eparch of Toronto, to dispense from form, however, *ad casum* (Prot. no. 178/70; Archives of the Eparchy of Edmonton). In 1978, the Ukrainian hierarchy in Canada agreed to petition the Apostolic See for the faculty to apply the norms of *Matrimonia mixta* for their faithful; however, for various reasons, the request was never formulated.

of a Church *sui iuris* allows, the marriage can be validly celebrated by proxies (c. 837). The civil law of each country must be taken into consideration in determining particular law. Regarding consent, the Latin Church requires that spouses express their matrimonial consent in words or, if they are unable to speak, by equivalent signs (*CIC/1983* c. 1104, §2). Furthermore, this consent must be asked for and received by an official witness of the Latin Church (*CIC/1983* c. 1108, §2). On the other hand, in the Eastern Churches, consent, manifested in some perceptible form but not necessarily expressed in words, need not be asked for and received by the priest celebrating the marriage. This facilitates, in particular, the concelebration of marriage with non-Catholic ministers, during which, for validity, the Catholic priest bestows a blessing. It also reduces requests for double marriage ceremonies which are prohibited if they involve furnishing or renewal of consent (c. 839).

The proper place for the celebration of marriage is a parish church, though with permission of the local hierarch or pastor, it may be celebrated in another sacred place. Only the local hierarch can permit its celebration elsewhere, including private homes (c. 838, §1). The particular law of each Church *sui iuris* is to establish norms concerning the time of the celebration of marriage (§2). While in 1915, Bishop Budka decreed that Ukrainian marriages in Canada not take place before noon on Saturdays or Sundays,⁸⁰ as well as during prohibited times,⁸¹ in 1983, the synod of bishops of the Ukrainian

⁸⁰The *Norms of the Ruthenian-Catholic Church in Canada* state: "Marriages may not take place on Saturdays before noon nor on Sundays. It is permitted on Saturdays, by way of exception, to marry those parties whose reception the pastor is certain will not be excessive nor will involve alcohol, and the same parties have always been sincere and exemplary members of the ecclesiastical community. The parties may be married on Sunday after the Vespers service, and, in the colonies, after the Divine Liturgy, where Vespers are not celebrated that day, provided that both of the parties have attended the Divine Liturgy and have received Holy Communion. For all other cases, the pastor must endeavour to obtain the written permission of the Ordinary."

⁸¹The *Norms* denoted the following prohibited and sacred times:

1. All Wednesdays and Fridays.
2. From the beginning of the fast of St. Philip to Theophany, inclusive.
3. From the Monday of Cheesefare Sunday to Bright Saturday, inclusive.
4. During the fast of St. Peter.
5. During the fast of Dormition.
6. Beheading of St. John the Baptist.
7. Exaltation of the Holy Cross.

Church specified such times: 1) from the first day of Great Lent to Easter Sunday inclusive; 2) the day of the vigil of Christmas and Christmas day itself; and 3) the day of the vigil of Theophany and the day of Theophany itself.⁸² The particular law of the Ukrainian Catholic Church has determined that marriages not be celebrated during fasts, unless for a serious reason the marriage cannot be delayed.⁸³ This proposal coincides with the current practice of the Ukrainian Church in Canada.

After the celebration of the marriage, it is the obligation of the pastor of the place of marriage, even if he did not bless it, to record the particulars in the marriage register. He is also to send notification of marriage to the parish where the spouses were baptized if it is not his own parish (c. 841). The same pastor is also to see to it that notations regarding convalidations in the external forum, declarations of nullity, and dissolutions other than by death are recorded in the marriage and baptismal registers (c. 842). Marriages which the local hierarch permits to be celebrated in secret when the greater spiritual good of the parties so demands, are to be recorded only in a special register in the eparchial curia (c. 840).

Convalidation

A marriage can be invalid as a result of the presence of an undispensed impediment, defect of consent, or defect of form, and, in certain cases, from defect of proxy. In any of these cases, the marriage may be convalidated in either of two ways: simple convalidation or radical sanation. In a simple convalidation, the spouses, or at least one of them, renews consent, presuming the consent of the other party continues. Simple convalidation requires the cessation or dispensation of any impediments. If the marriage was invalid due to a defect of form, a new celebration is required. With simple convalidation, the marriage covenant comes into being from the moment a new marital consent is given (cc. 843-847). On the other hand, a radical sanation does not involve the renewal of consent, although it assumes its continual existence. Through the action of the local hierarch or the Apostolic See, the marriage is

For a valid reason, a priest may bless a marriage on Wednesdays, granting the required dispensation by himself. Marriage banns may also be announced during lenten times.

⁸²*Blabovisnyk*, 21(1985), p. 139.

⁸³Canon 110, Particular Law, Ukrainian Catholic Church, 2002.

considered valid from the moment of the initial consent (cc. 848-852).

Separation of spouses

Regarding the dissolution of the marriage bond, the Church teaches that a ratified and consummated marriage, that is, a sacramental marriage between two baptized persons consummated by sexual intercourse, cannot be dissolved by any human power nor by any cause other than death (c. 853). A non-consummated marriage can be dissolved by the Roman Pontiff (c. 862). Marriages involving two non-baptized persons can be dissolved by a subsequent marriage following the conversion and baptism of one of the parties in the Catholic Church. In certain cases, the Pauline Privilege can be invoked, having fulfilled the following conditions: a valid marriage exists between two unbaptized persons; one of the spouses is validly baptized; and the unbaptized spouse refuses either to cohabit either physically or peacefully (cc. 854-858). In the event of a polygamous marriage among the non-baptized, the converted party, having received baptism in the Catholic Church, is to celebrate marriage according to canonical form with his or her first spouse, or with another (c. 859). A non-baptized person, having later received baptism in the Catholic Church, can also celebrate another marriage when he or she cannot restore cohabitation with a non-baptized spouse due to captivity or persecution (c. 860). Finally, although not enumerated in the Code, marriages between a baptized and non-baptized party can be dissolved in virtue of the privilege of the faith by the Roman Pontiff using his vicarious ministerial power.

When living a common life is deemed impossible by one or both of the spouses, they may seek an ecclesiastical separation from a church authority while the matrimonial bond endures. Situations or actions which may bring about separation include adultery, serious danger to the innocent spouse or children, or something which renders common life too hard (cc. 863-864). Although the particular law of each Church *sui iuris* can establish other reasons, the Ukrainian Church has not done so.

SACRAMENTALS

Sacramentals are sacred signs which are directed toward the sanctification of people and the glory of God (c. 867, §1). Although they imitate the sacraments, sacramentals are signified and obtained

through the intercession of the Church and not through the action itself. The Code defers to particular law the determination of liturgical norms governing sacramentals. As for the Ukrainian Church, these norms are found in the *Trebnyk*, and include numerous consecrations and blessings such as: churches, holy tables, chalices, vestments, and other liturgical objects; feast days and special occasions such as the blessing of water and homes on Theophany, fruit on Transfiguration, pussy willows on Palm Sunday, and paschal food on Easter Sunday; children, families, elderly, and the sick; and new homes, schools, animals, bees, cars, airplanes, wheelchairs, and new wine.⁸⁴

SACRED PLACES

Churches

Churches are buildings exclusively dedicated for divine worship by consecration or blessing (c. 869). While consecration signifies that the church is permanently destined for sacred purposes, blessing denotes that, because of special circumstances, it is anticipated that the church will be used only for a certain time. Whereas the *Norms of the Ruthenian-Catholic Church in Canada* decreed in 1915 that only those churches which were free from debt were to be consecrated, the Code recommends, without any reference to indebtedness, that cathedral churches and, if possible, parish churches, churches of monasteries, and churches attached to religious houses be consecrated (c. 871, §1). The Code also reserves consecrations to the eparchial bishop, who can delegate the faculty to another bishop (§2). This norm explicitly abrogates the particular law of the Ukrainian Church in Canada which previously permitted bishops to bestow the faculty upon presbyters in cases of necessity.⁸⁵

In 1915, Bishop Budka also issued norms for the Ukrainian Church in Canada detailing the construction of churches, exterior and interior, as well as their furnishings, including the holy table and

⁸⁴See also articles 107-112 of the proposed norms of the Provincial Synod of the Winnipeg Metropolia regarding sacramentals and the Ukrainian Church in Canada. These articles exhort Ukrainian priests in Canada to observe strictly the liturgical norms contained in the *Trebnyk* when administering sacramentals.

⁸⁵The proposed norms of the Provincial Synod of the Winnipeg Metropolia attest to this practice, past and present: "Consecrations, which are reserved to a Bishop with the right of delegation, can be bestowed by a priest only in case of necessity having received written delegation, for example, to consecrate the site of a future church, cemetery, tabernacle, iconostas, or church bell" (art. 107, 2).

iconostas. These norms were reiterated by the proposed norms of the Provincial Synod of the Winnipeg Metropolia in 1962. In both instances, construction could not proceed without the prior approval of the Ukrainian bishop.⁸⁶ The Code reaffirms this requirement, adding that his consent is to be given in writing (c. 870).

In the event that a church has undergone major destruction and cannot be repaired, the eparchial bishop can relegate it to profane but not sordid use (c. 873, §1). If for other grave reasons a church cannot be used for divine worship, for example, the decrease of parish membership, the eparchial bishop can also relegate it to profane but not sordid use. Before doing so, he must first consult the presbyteral council and receive the consent of those who legitimately claim rights concerning the church (§2).

⁸⁶See “Churches and holy tables” in the *Norms of the Ruthenian-Catholic Church in Canada* and articles 138-152 of the proposed norms of the Provincial Synod of the Winnipeg Metropolia. Interestingly, both the 1914 Assembly of Ukrainian Clergy in Canada and the 1962 Provincial Synod addressed the type of cross to be erected upon churches as well as the necessity of an iconostas, topics of current debate among Ukrainians in Canada. The Assembly, while requiring a single-barred cross upon the main cupola or dome of the church, permitted three-barred crosses on side domes, which are often erroneously identified solely as Orthodox crosses: “The largest cross on the church is to be single-barred, and where the people insist upon a three-barred cross, the priest may permit it under the circumstances and in as much as this insistence is not motivated by hidden schismatic forces” (*Norms of the Ruthenian-Catholic Church in Canada*). The draft presented to the Provincial Synod contained a similar prescription; however, for reasons unknown, it was not accepted by the participants of the Synod: “The exterior appearance of the church is to correspond with the requirements of Ukrainian style. If the church has cupolas (domes), it is obligatory that the main dome have a single-barred (four point) cross (side domes may have triple-barred (eight point) crosses)” (art. 141, draft norms of the Provincial Synod of the Winnipeg Metropolia).

Regarding iconostases, both the 1914 Assembly and 1962 Provincial Synod considered their construction essential to proper theological and liturgical function: “Each community is to endeavour to have an iconostas in the church, for which, however, they must obtain separate approval of the Ordinary. Where it is not possible to erect an iconostas, it is necessary at least to construct the holy and diaconal doors, and stationary icons between them” (*Norms of the Ruthenian-Catholic Church in Canada*). “The iconostas is so integral to churches of the Ukrainian rite that churches (and chapels) without one are considered unfit for divine worship. Where one is lacking, the pastor is to see to it, and encourage the faithful, that one be erected. No other partitions (banisters) can substitute for an iconostas” (art. 144, proposed norms of the Provincial Synod of the Winnipeg Metropolia). In this same spirit, the particular law of the Ukrainian Catholic Church requires the erection of an iconostasis in each church (Canon 116, Particular Law, Ukrainian Catholic Church, 2002).

Cemeteries and Ecclesiastical Funerals

The Church possesses the right to own cemeteries (c. 874, §2). Likewise, all Christian faithful and catechumens have the right to an ecclesiastical funeral during which the Church prays for the deceased, honours their bodies, and offers hope to the living (c. 875). Yet, in the past, certain groups of people were denied ecclesiastical burial. According to the particular law of the Ukrainian Church in Canada, these included: non-baptized children; heretics, schismatics, apostates, and the excommunicated; those who deliberately commit suicide; notorious sinners who died without repentance; and members of forbidden societies.⁸⁷

These norms have been modified by the Code, which distinguishes between those to whom an ecclesiastical funeral can be granted and those to whom it is to be denied. Baptized non-Catholics, according to the prudent judgment of the local hierarch, can be given an

⁸⁷In 1915, Bishop Budka decreed that ecclesiastical burial is to be denied to:

- a) Children who have died without having been baptized. They are to be buried in an unconsecrated section of the cemetery, dedicated for this purpose.
- b) All heretics, schismatics, apostates, and those excommunicated by name and publicly; those who consciously and with premeditation committed suicide, unless they showed some signs of repentance before dying; those who publicly, that is, in the presence of witnesses, refused the reception of the Holy Mysteries in illness, and died unrepentant, and finally those who died as notorious sinners, without having repented.
- c) All those who belonged to organizations which are either condemned or forbidden by the Church, even when they in fact received the Holy Mysteries before dying if members of their organizations intended officially, and with distinguishing signs, to take part in the funeral. When a member of such an organization dies without having received the Divine Eucharist, while having shown signs of repentance, he may be given an ecclesiastical burial, but without great ceremony.
- d) The Church equally decrees that ecclesiastical burials are to be denied those whose neglect to confess their sins annually at Easter is publicly known, and who died without any signs of repentance. In this case, however, the pastor is to proceed with caution, and, if time permits, to seek the counsel of the Bishop; otherwise, he is to judge the case in a manner which best brings about the glory of God and the salvation of souls.

When in doubt, and when it is not possible to seek the counsel of the Bishop, the priest is to be guided by mercy. However, he is to be careful so that his actions do not result in scandal for the faithful or contempt for the faith (*Norms of the Ruthenian-Catholic Church in Canada*).

See also articles 154-163 of the proposed norms of the Provincial Synod of the Winnipeg Metropolia.

ecclesiastical burial when the proper minister is not available and unless it is against the will of the deceased (c. 876, §1). Non-baptized children, at the discretion of the local hierarch, can also receive ecclesiastical funeral rites providing their parents intended to baptize them (§2). Although the Church's preference is that bodies be buried, cremation is no longer forbidden unless it is chosen for reasons contrary to the conduct of Christian life, and provided scandal is avoided (§3). Among those to whom an ecclesiastical funeral is to be denied, the Code now includes only those sinners whose burial would cause public scandal to the faithful unless the deceased have given some signs of repentance prior to their death (c. 877).

SACRED TIMES

Sundays and Holy Days of Obligation

The first Ukrainian newcomers preserved in Canada those holy days of obligation practised in Ukraine as decreed by the Synod of Lviv (1891). In addition to all Sundays of the year, these included twenty-six immovable and ten movable feasts.⁸⁸ Although Budka's successor, Bishop Ladyka, later admitted that circumstances in

⁸⁸The Synod of Lviv decreed as feast days of the Ukrainian Church the following:

Immovable: Nativity of the Most Holy Mother of God (Sept. 8); Exaltation of the Holy Cross (Sept. 14); Passing into eternal life of St. John the Theologian and Evangelist (Sept. 26, transferred to Sunday); Protection of the Most Holy Mother of God (Oct. 1, transferred to Sunday); St. Demetrius the Great-martyr (Oct. 26); St. Josaphat the Priest-martyr (Oct. 31, transferred to Sunday); St. Michael the Archangel (Nov. 8); Presentation of the Most Holy Mother of God (Nov. 21); St. Nicholas (Dec. 6); Immaculate Conception of the Most Holy Mother of God (Dec. 9); Nativity of Our Lord Jesus Christ (Dec. 25); Synaxis of the Most Holy Mother of God and St. Joseph (Dec. 26); St. Stephen the Protomartyr (Dec. 27); Circumcision of Our Lord Jesus Christ, and St. Basil the Great (Jan. 1); Theophany of the Lord (Jan. 6); the Three Hierarchs: Sts. Basil the Great, Gregory the Theologian, and John Chrysostom (Jan. 30); Presentation of the Lord (Feb. 2); Annunciation of the Most Holy Mother of God (Mar. 25); St. George the Great-martyr (Apr. 23, transferred to Sunday); St. John the Apostle and Evangelist (May 8, transferred to Sunday); Nativity of St. John the Baptist (Jun. 24); Sts. Peter and Paul the Apostles (Jun. 29); St. Elijah the Prophet (Jul. 20, transferred to Sunday); Transfiguration of the Lord (Aug. 6); Dormition of the Most Holy Mother of God (Aug. 15); Beheading of St. John the Baptist (Aug. 29, transferred to Sunday).

Movable: Flowery (Palm) Sunday; Great and Holy Friday; Easter Sunday as well as Monday and Tuesday of Bright Week; Thomas Sunday; Ascension of the Lord; Pentecost Sunday; Holy Trinity Sunday; Holy Eucharist (transferred to Sunday) (title IV, chapter 6, 7).

Canada made it difficult for the faithful to observe the large number of holy days of obligation, specifically those which fell during the week, he did not legislate otherwise. This led to confusion among laity, religious, and clergy alike, especially regarding the sacrament of confession and whether non-attendance at Divine Liturgy on such feasts was to be considered a grave sin.

The Synod of Winnipeg (1962) determined that "In Canada native conditions do not favour the preservation of certain feast days which fall during the week," and attempted to reduce the number of holy days of obligation to six, in addition to Sundays.⁸⁹ The Synod also stated that feasts could be transferred to the nearest Sunday with the permission of the local hierarch.⁹⁰ As the acts and decisions of this synod were never promulgated, the holy days of obligation as decreed by the Synod of Lviv continue to remain in effect. In practice, they were not observed in their entirety by the faithful.

The conciliar decree *Orientalium ecclesiarum* (1964) decreed that patriarchal and archiepiscopal synods of bishops, as well as the Apostolic See, were competent to establish, transfer, or suppress feast days of their individual churches, while reserving the establishment, transfer, or suppression of feast days common to all Eastern Churches to an ecumenical council or the Apostolic See of Rome (n. 19).

The IV Archiepiscopal Synod (1969) determined that, "taking into consideration new common and economical conditions of life and work of our faithful, and the suppression by other autonomous Catholic Churches of certain holy days of obligation for their faithful, the Synod decrees in the spirit of the Second Vatican Council," that effective January 1, 1970, the number of holy days of obligation for the Ukrainian faithful throughout the world would be reduced to: all Sundays of the calendar year; Nativity of Our Lord Jesus Christ (Dec. 25); Theophany of the Lord (Jan. 6), Easter Sunday, and Pentecost Sunday, and the day following each; Circumcision of Our Lord Jesus Christ, and St. Basil the Great (Jan. 1); Annunciation of the Most Holy Mother of God (Mar. 25); Ascension of the Lord; and Dormition of the Most Holy Mother of God (Aug 15).⁹¹ Although the decisions of

⁸⁹These included: 1) Nativity of Our Lord Jesus Christ (Dec. 25), 2) Circumcision of Our Lord Jesus Christ, and St. Basil the Great (Jan. 1), 3) Theophany of our Lord (Jan. 6), 4) Annunciation of the Most Pure Virgin Mary (Mar. 25), 5) Ascension of the Lord, and 6) Dormition of the Most Pure Virgin Mary (Aug. 15) (art. 165).

⁹⁰Ibid., art. 167.

⁹¹*Blahovisnyk*, 5 (1969), p. 116.

this synod were never approved by the Apostolic See, the holy days of obligation in the Ukrainian Church in Canada were modified accordingly. The 1969 decision was reconfirmed during a synod held in 1983 and was promulgated as particular law in 1985.⁹²

The 1997 Synod resolved that the faithful of the Ukrainian Church are obliged to observe, in addition to Sundays, the following holy days of obligation:⁹³

- 1) Nativity of Our Lord Jesus Christ (Dec. 25);
- 2) Theophany of Our Lord (Jan. 6);
- 3) Ascension of Our Lord;
- 4) Annunciation of the Most Holy Mother of God (Mar. 25);
- 5) Dormition of the Most Holy Mother of God (Aug 15); and
- 6) Saints Peter and Paul (Jun. 29).

The particular law of the Ukrainian Catholic Church has made no changes to these holy days of obligation.⁹⁴

The Synod also encouraged the faithful to take part in the liturgical services on the following traditional feast days:

- 1) Circumcision of Our Lord Jesus Christ (January 1);
- 2) Transfiguration of Our Lord (August 6); and
- 3) Exaltation of the Holy Cross (September 14).

In accordance with the Code, the synod of bishops of the Ukrainian Church is competent to constitute, transfer or suppress holy days of obligation for the entire Ukrainian Church (c. 880, §2; cf. cc. 110, §1 and 150, §2). Yet, the synod is not to do so without having consulted other Churches *sui iuris* (c. 880, §2; cf. c. 40, §1). It would also seem prudent for the synod to take into consideration the particular conditions of the Ukrainian faithful in the diaspora.⁹⁵ The

⁹²*Blahovisnyk*, 21 (1985), p. 139.

⁹³*Blahovisnyk*, 1998, p. 41.

⁹⁴Canon 114, Particular Law, Ukrainian Catholic Church, 2002. The particular law further recommends the participation of the faithful in the other traditional feasts of the liturgical calendar of the Ukrainian Catholic Church.

⁹⁵Concerning the Ukrainian Church in Canada, the synod should consult in particular with the Roman Catholic Church as well as the Ukrainian Orthodox Churches in Canada. In accordance with *CIC(1983)* c. 1246, the Canadian Conference of Catholic Bishops has decreed that the holy days of obligation to be observed by the Roman Catholic Church in Canada are: all Sundays of the year, Christmas Day, the Feast of Mary, Mother of God. The feasts of the Epiphany, the Ascension, the Holy

synod may also suppress certain holy days of obligation that are common to all Eastern Churches, or transfer them to a Sunday, with the approval of the Apostolic See (c. 880, §3).

Canon 881 leaves the manner in which Christian faithful are obliged to participate on Sundays and feast days to the prescriptions or legitimate customs of their own Church *sui iuris*. Ukrainians in Canada are bound to follow the particular law of the Ukrainian Church, that is, they are to participate in the Divine Liturgy, hear the sermon, and refrain from heavy physical labor⁹⁶ (cf. c. 881, §§1 and 4). The faithful may fulfill this obligation from the evening of the vigil until the end of the Sunday or feast day (§2). The faithful are also encouraged to receive the Divine Eucharist on these days and even daily, if possible (§3).

Fasts, Sacred Times, and Privileged Times⁹⁷

As with holy days of obligation, it is not surprising that Ukrainian immigrants observed in Canada those fasts decreed by the Synod of Lviv (1891).⁹⁸ In addition to all Wednesdays and Fridays of the year, these included the Great Forty-day fasts before Easter and Christmas; the fast of Holy Week; the fasts before the Feast of Saints Peter and Paul and the Feast of the Dormition of the Most Holy Mother of God; and the fasts of St. John the Baptist and Exaltation of the Holy Cross. As the prescriptions regarding these fasts were rigorous—for example, in accordance with ancient Eastern discipline on fasting, the Ukrainian faithful were required to abstain from meat and dairy products during the entire Great Lent before Easter—the Synod

Sacrament of the Body and Blood of Christ (Corpus Christi) have been transferred to the following Sunday while the holy days of Immaculate Conception, Assumption, St. Joseph, the Apostles Sts. Peter and Paul, and All Saints have been suppressed. (CANADIAN CONFERENCE OF CATHOLIC BISHOPS, Official Document, no. 534, May 14, 1985; *Studia canonica*, 19 [1985], p. 179).

⁹⁶Canon 114, Particular Law, Ukrainian Catholic Church, 2002. See Synod of Lviv (1891), title IV, chapter VI, nos. 2-6; IV Archiepiscopal Synod (1969), no. 18; and Synod of Bishops (1983), Liturgical, VIII, 4. The obligation is also expressly mentioned in several documents for Ukrainians in Canada: *Graeci-rutheni ritus* (1930), art. 42; Synod of Winnipeg (1962), art. 165; *Kalendar Svitla*, 1985, p. 17; and *Blabovisnyk*, 1998, p. 41.

⁹⁷For an overview of fasts in the Ukrainian Church in Canada till 1950, see I. BALA, "Pist v ukrayins'kiy katolyts'kiy tserkvi v Kanadi," in *Logos*, 1 (1950), pp. 43-55.

⁹⁸Title XI. See also *Blabovisnyk*, 2 (1966), pp. 195-196.

relaxed the requirements on fasting.⁹⁹ As a result, among other relaxations, the faithful could eat meat during certain days of the fasts by reciting five Our Fathers and five Hail Marys for the laity, and Psalm 50 for clerics.

In 1915, Bishop Budka adopted the majority of the liturgical norms on fasting of the Synod of Lviv for the Ukrainian faithful in Canada.¹⁰⁰ In accordance with the practice of the Latin Church in Canada, he decreed that meat could be eaten on all Wednesdays of the year, with the exception of those during Great Lent. He later relaxed the fasting requirements during Great Lent and exempted certain groups of faithful from the fast altogether.¹⁰¹ Bishop Ladyka

⁹⁹Title XI.

¹⁰⁰The *Norms of the Ruthenian-Catholic Church in Canada* decreed:

I. Fasts:

1. Vigil of Theophany, January 5 (January 18 on the Julian calendar).
2. Great Lent: from Cheesefare Monday to Great Saturday, inclusive.
3. Fast of St. Peter: from the Monday after the Sunday of All Saints to June 28 (July 11), inclusive.
4. Fast of Transfiguration or Dormition: from August 1 (August 14) to August 14 (August 27), inclusive.
5. Beheading of St. John the Baptist, August 29 (September 11).
6. Exaltation of the Holy Cross, September 14 (September 27).
7. Fast of St. Philip: from November 14 (November 27) to December 24 (January 6), inclusive.
8. Wednesdays and Fridays, excepting those which are privileged. However, following the practice in Canada and in agreement with article 33 of our Decree, Wednesday is a fast day only during lent.

II. Privileged times:

1. From the Nativity of Christ to the Vigil of Theophany, inclusive, that is, from December 25 (January 7) to January 4 (January 17).
2. From the Sunday of the Publican and the Pharisee to the Sunday of the Prodigal Son.
3. Bright week.
4. From Pentecost Sunday to the Sunday of All Saints.

III. Prohibited and sacred times:

1. All Wednesdays and Fridays.
2. From the beginning of the Fast of St. Philip to Theophany, inclusive.
3. From the Monday of Cheesefare Sunday to Bright Saturday, inclusive.
4. During the fast of St. Peter.
5. During the fast of Dormition.
6. Beheading of St. John the Baptist.
7. Exaltation of the Holy Cross.

¹⁰¹“During Great Lent, faithful children of the Mother Church are to abstain from meat on Monday, Wednesday, and Friday. For those who find this difficult, they can eat meat on Monday, as well as on the other days of the week, but, each time, with

later issued annual general dispensations for Great Lent until 1948, at which time the Central Exarchate was divided. The dispensations, for the most part, permitted the faithful to eat meat on all the days of Cheese-fare week and during the Great Lent of Easter, with the exception of Wednesdays and Fridays, with the recitation of one Our Father and one Hail Mary for the laity, and Psalm 50 for clerics.¹⁰²

In 1949, the Congregation for the Eastern Church issued a decree modifying the previous law of abstinence and fast for Eastern Catholics.¹⁰³ The decree curtailed the faculties granted to Ordinaries in 1941 to dispense from the law on fasting.¹⁰⁴ The Congregation left

the obligation of reciting five Our Fathers and Hail Marys, and if it is a priest, he is to recite Have mercy on me, O God.... The first and following week of Great Lent are more strict regarding fasting. During these weeks, one is altogether to refrain from eating meat on Tuesday, Thursday, and Friday; however, the consumption of dairy products is allowed. The Episcopal Ordinariate in Canada dispenses even from these requirements and permits the eating of meat during the first and following weeks on Tuesday, Thursday, and Saturday, with the recitation of the above-mentioned prayers.... Whoever does not have butter can use lard.... Those exempt from the fast are:

1. children, and adults over the age of sixty;
2. persons who perform heavy labour and require great physical strength;
3. mothers who are nursing their children;
4. the sick and those after serious illness or operation; and
5. those away from home and where it is impossible to procure lenten foods”
(no date, cited in BALA, “Pist v ukrajins’kij katolyts’kij cerkvi v Kanadi,” p. 47).

¹⁰²See *Kanadiys’kyj Yeparkhijal’ny Vistnyk*, 1934, p. 4; 1935, pp. 4-5; 1936, p. 8; 1937, p. 11; 1939, p. 7; 1940,1, p. 15; 1941,2-3, p. 15; 1942,2, p. 5; 1943,3, p. 8; 1944,3, p. 6; 1945,2-3, p. 7; and 1947,3, p. 6. In 1941, at the onset of and on account of the Second World War, the Congregation for Extraordinary Ecclesiastical Affairs issued an indult granting Ordinaries of whatever Church the faculty to dispense from the law of ecclesiastical fast and abstinence, except for two days: Ash Wednesday and Good Friday in the Latin Church, and two days determined by the Ordinary in the Eastern Churches (*Attentis peculiaribus*, AAS, 1941 (33), pp. 516-517; *CLD*, 2, p. 363). It is not clear whether or not Bishop Ladyka received the indult, as communications were already difficult at the time. In any event, he did not modify his lenten dispensations during the war from previous years. See BALA, “Pist v ukrajins’kij katolyts’kij tserkvi v Kanadi,” pp. 49-50.

¹⁰³*Cum adversa rerum*, January 28, 1949, in AAS, 1949 (41), pp. 31-32; *CLD*, 3, pp. 495-496. On the same date, a similar decree was issued for the Latin Church by the Congregation for the Council (AAS, 1949 (41), pp. 32-33; *CLD*, 3, pp. 494-495).

¹⁰⁴The decree stated: “[T]he law of abstinence and fast is to be observed ‘if and as it is in effect in the respective rites,’ on the following days: I. Abstinence: on all Fridays; II. Abstinence and fast: 1) On the first day of the Great Lent; 2) On Friday of Holy Week; 3) On the vigil of the Nativity of Our Lord; or, for the faithful of the Byzantine rite, on the vigil of Epiphany; 4) On the vigil of the Assumption of Our Lady.”

it up to individual Ordinaries whether or not to implement the norms contained in the decree in their respective eparchies.¹⁰⁵

A joint Canadian-American conference of Ukrainian bishops, held in Washington on October 25, 1954, addressed the issue of lent and sacred times, which by this time was not uniformly regulated throughout North America. The hierarchs, led by Bishop Maxim Hermaniuk, were concerned that the lack of uniformity had resulted in the condition whereby many Ukrainian faithful, often not aware of their own liturgical discipline, had conformed themselves to the lenten and sacred times of the Latin Church, which were generally less severe. They were confident that, by adapting themselves to the conditions in the diaspora, they could curtail the exodus of their faithful to the Latin Church. Unfortunately, the bishops did not arrive at any consensus regarding the matter.

However, the Canadian Ukrainian bishops proposed several norms on fasting during their provincial synod in Winnipeg in 1962.¹⁰⁶ These

¹⁰⁵Although it is not known how the decree was implemented for Ukrainian faithful throughout the rest of Canada, Bishop Ladyka promulgated it for his faithful in the Central Exarchate by publishing it in its entirety in *Ukrainian News* (February 7, 1950). Ladyka added, "We recommend to the faithful the promulgation of the above decree and add that abstinence and fasting is to be understood in that the obligation of abstinence and fasting on the vigil of the Dormition of the Most Holy Mother of God, item four of the decree, does not obligate faithful of our rite in that such a prescription never existed among us. The Archbishop Ordinary permits, on those days of abstinence and fasting, eggs and milk products in the morning and evening. It is necessary to observe all regulations of the Great Fast in accordance with our rite."

In commenting on the decree, Bala states: "We [Ukrainians] do not officially distinguish between fast and abstinence. For us, fasting simply means abstinence from eating altogether either meat or dairy products. Nevertheless, in practice, pious people eat only one full meal on fast days, such as the Vigil of the Nativity of Jesus Christ, the Vigil of Theophany, to which the decree makes reference. On the vigil of the Nativity little is eaten during the entire day and only in the evening does our popular meal of twelve dishes take place; this is our ancient tradition. The same is true of the vigil of Theophany. From our time, pious people did not eat anything on the day before Theophany until they drank from the newly blessed water. On Good Friday, the faithful did not eat until the exposition of the holy shroud. The rigorous fast is observed by our faithful during the first and last week of Great Lent. Therefore, if one speaks about the obligation of fasting and abstinence from meat, our ancient practice of observing the fast is in keeping with the decree, almost to the letter" ("Pist v ukrayins'kiy katolyts'kiy tserkvi v Kanadi," p. 53).

¹⁰⁶See article 168, *Norms of the Provincial Synod of the Winnipeg Metropolis*.

norms, for the most part, were adopted for the entire Ukrainian Church in 1966 when Major Archbishop Joseph Slipyj, together with all the Ukrainian bishops, decreed that clerics, religious, and laity were obligated in conscience to keep the fast as follows:

1. On all Fridays of the entire year, with the exception of those privileged or upon which fall feasts of the Lord or the Mother of God, the faithful are to refrain from eating meat.
2. On the first day of Great Lent and Good Friday, the faithful are to refrain from eating meat and dairy products.
3. On the vigils of the Nativity and Theophany of Our Lord, and the feasts of the Exaltation of the Holy Cross and the Beheading of St. John the Baptist, the faithful are to refrain from eating meat, having only one full meal, with additional modest reinforcements according to local custom.

Those exempted from fasting are children who have not completed their 14th year, the elderly who have completed their 59th year, the spiritually and physically enfeebled, mothers, as well as those who are not completely in charge of their persons as a result of having taken upon themselves certain obligations.

Bishops, pastors, and confessors can grant further dispensations when needed in the spirit of our rite.

Let these great relaxations be at the same time a strong inducement and encouragement towards repentance, and avoidance of sin and offence against God. Let the Christian faithful recall that in families in which prayers have fallen silent, and in which the practice of fasting has fallen into disuse or even been forgotten altogether, hardly does a Christian spirit survive. Therefore, may these mitigated fasts result in reverence in prayer, in meditation and divine services, in almsgiving, in labour, and in frequent reception of the sacraments of reconciliation and Divine Eucharist.¹⁰⁷

The decree did not modify the practice of the Ukrainian Church regarding privileged weeks, during which it is permitted to eat meat on Fridays, which are determined accordingly:

- 1) from the Nativity of Christ to the vigil of Theophany;
- 2) from the Sunday of the Publican and Pharisee to the Sunday of the Prodigal Son;
- 3) from Easter Sunday to Thomas Sunday;
- 4) from the Descent of the Holy Spirit to the Sunday of All Saints; and
- 5) on Fridays upon which fall feasts of Our Lord or of the Mother of God, excepting those during Great Lent, the vigils of Christmas and Theophany, the Exaltation of the Holy Cross, and the Beheading of Saint John the Baptist.¹⁰⁸

¹⁰⁷*Blahovisnyk*, 2 (1966), pp. 197-198.

¹⁰⁸*Ibid.*, p. 196.

Although these liturgical norms were not approved by the Apostolic See, they were nevertheless implemented in Canada. Later, however, the synod of bishops promulgated these 1966 norms in 1983 without change, having received approval to do so from the Apostolic See.¹⁰⁹ The Synod also determined as sacred times, during which dances were forbidden, only the following:

- 1) from the first day of Great Lent to Easter Sunday inclusive;
- 2) the day of the vigil of Christmas and Christmas Day itself; and
- 3) the day of the vigil of Theophany and the day of Theophany itself.¹¹⁰

The Synod, while not legislating so, also recommended that the faithful refrain from dancing on other fast days.

As canons 880, §2 and 882 of the Code relegate to particular law of each Church *sui iuris* the constitution, transferral, or suppression of days of penance, as well as the manner in which the Christian faithful are obliged to observe fasting or abstinence, these 1966 norms on fasting form the particular law of the Ukrainian Church, and therefore, the Ukrainian Church in Canada. They have not been modified since.¹¹¹ However, the particular law of the Ukrainian Catholic Church prescribes that the faithful observe, in addition to Great Lent, the fasts according to the local customs of the place in which they live.¹¹²

VENERATION OF THE SAINTS, SACRED IMAGES AND RELICS

The Church recommends to the Christian faithful the special and filial veneration of the Mother of God, as well as other servants of God recognized as saints or blessed by the authority of the Church

¹⁰⁹*Blabovisnyk*, 21 (1985), p. 139.

¹¹⁰*Ibid.*

¹¹¹As with feast days, should the synod of Ukrainian bishops decide to modify its liturgical norms on fasts, the conditions of the diaspora must be taken into consideration, as well as of other Churches *sui iuris* (c. 880, §2). In Canada these include, in particular, the Latin and Ukrainian Orthodox Churches. At present, in accordance with canon 1253 of the *CIC(1983)*, the CCCB has decreed that the “days of fast and abstinence in Canada are Ash Wednesday and Good Friday. Fridays are days of abstinence but Catholics may substitute special acts of charity or piety on this day” (CANADIAN CONFERENCE OF CATHOLIC BISHOPS, Official Document, no. 535, 14-05-1985; *Studia canonica*, 19 [1985], p. 181).

¹¹²Canon 115, Particular Law, Ukrainian Catholic Church, 2002.

(cc. 884-885). These servants, as recognized by the Ukrainian Church, are listed in the *Menaion*, which contains the variable parts of the divine office of each movable and immovable feast, and special hymns, prayers, and life of each saint being commemorated. The manner in which sacred icons or images are displayed in churches to be venerated by the faithful is regulated by the particular law of each Church *sui iuris* (cc. 886-887). The Ukrainian Church, not unlike other Eastern Churches, prescribes the veneration of icons through burning tapers, incense, and displaying flowers. Finally, the Church recommends the veneration of sacred relics (c. 888). This is accomplished in the Ukrainian Church primarily through the celebration of the Divine Liturgy upon the antimimension, a large corporal in which relics of saints are sewn into a pocket in the cloth, sealed with wax, and signed by the bishop.

VOWS AND OATHS

Also included as acts of worship are vows and oaths. A vow is a deliberate and free promise made to God concerning some possible and better good. It must be fulfilled in virtue of religion. Canons 889-894 treat conditions, kinds, obligation, cessation, suspension, and dispensation of vows. An oath is the invocation of the divine name as a witness to truth (c. 895). The particular law of the Ukrainian Church in Canada does not contain any norms on vows and oaths as such.

CONCLUSION

Title XVI of the Code treats divine worship and especially the sacraments. For the most part, the Code itself does not intend to legislate on liturgical matters. However, as divine worship belongs to the divine deposit of the Church, the norms contained in Title XVI provide general norms on the sacraments, sacramentals, sacred times and places, veneration of the saints, and vows and oaths. More specific norms, on the other hand, are the proper subject of the liturgical law of each Church *sui iuris*.

Since the supreme law of the Church must always be the salvation of souls, and since it is through divine worship, especially the sacraments, that the mystery of Christ is communicated to the Christian faithful, the liturgical law of every Church *sui iuris* is of utmost importance. In this respect, it must undergo constant renewal so as to convey clearly this message to a people tempered by changing times and circumstances.

The synod of bishops of the Ukrainian Church, the proper ecclesiastical authority in establishing liturgical law for the entire Ukrainian Church, must take up the challenge of the *aggiornamento* of its liturgical law. It must do so by keeping in mind the general norms of the Code on divine worship as well as the distinct needs of Ukrainians living in different countries throughout the world. As for the Ukrainian Church in Canada, these needs include, among others, approved English translations of liturgical texts, guidelines on the administration of the sacrament of baptism during the Divine Liturgy instead of so-called “private baptisms”, instructions on infant communion, and modified norms on holy days of obligation and fasting.

CONCLUSION

The recent promulgation of the *Code of Canons of the Eastern Churches* has renewed interest in the canonical discipline of the Eastern Catholic Churches. The principle of subsidiarity, inherent in the Code, calls for the promulgation of the particular law of each Church *sui iuris*. The Ukrainian Church is responding to this call and is now in the process of collecting and revising its particular law. This process, however, will be incomplete unless it takes into account the entire body of canonical legislation of the Ukrainian Church, not only in Ukraine but wherever Ukrainians have settled throughout the world. To this end, the focus of this study has been to identify the particular law of the Ukrainian Catholic Church in Canada.

Included among the major sources of the particular law of the Ukrainian Catholic Church in Canada are: papal and curial pronouncements affecting the life of this Church; the *Norms of the Ruthenian-Catholic Church in Canada* (1915); decrees of the Ukrainian hierarchy in Canada; and decrees of the synod of bishops of the Ukrainian Church. Though not promulgated, the *Norms of the Provincial Synod of the Winnipeg Metropolia*, approved by the Ukrainian hierarchy in Canada in 1962, also constitute a major source of this body of law as they reflect customs and practices of the time.

Identifying these sources and determining their current canonical status clarifies the question as to the composition of the particular law of the Ukrainian Church in Canada, which until now has been uncertain. Collecting the sources into one corpus provides easy reference to the material for those with an interest in the canonical discipline of this Church.

Analysis of these canonical sources results in an appreciation of the one basic operating principle common to this entire body of legislation, namely, the implementation and adaptation of already existing legislation—whether of the universal Catholic Church or of the Church in Ukraine—to the particular conditions of the Ukrainian Church in Canada. Several examples of the manner in which this principle has been applied in Canada include: the formation and ordination of clerics for ministry in Canada; the prerequisite of

celibacy prior to the reception of holy orders; the administration of the sacraments in their abridged form; the introduction of the vernacular, both Ukrainian and English, in divine worship; the reduction of the number of obligatory feast days; and the modification of the law on fasting.

Further analysis of the sources leads to the conclusion that the particular law in question is in dire need of updating. Any revision, however, should likewise inculturate current ecclesial discipline into the life of the Ukrainian Church in Canada. It should be carried out in the spirit of the Second Vatican Council and the Eastern Code and be true to the canonical tradition of the Ukrainian Church as a whole, yet taking into consideration that which has evolved over the last one hundred years in Canada.

Ideally, the disciplinary renewal of the Ukrainian Church should begin with the promulgation of its particular law, followed by provincial synods, then eparchial assemblies, leaving to subsidiaries that which is more appropriately determined at the local level. However, in practice, this arrangement, moving from the universal to the particular, fails for two reasons:

1) The Code determines that disciplinary laws, enacted by the synod of bishops of the patriarchal Church, have the force of law only inside the territorial boundaries of that Church. Therefore, the particular law of the Ukrainian Church—outside the limited scope foreseen by the Eastern Code in addition to liturgical laws—once promulgated, will have no canonical impact upon the Ukrainian Churches in the diaspora, unless it is approved by the Roman Pontiff for the entire Ukrainian Church or individual eparchial bishops attribute to it the force of law within their own eparchies.

2) More than ten years have passed since the Code's promulgation. While the particular law of the Ukrainian Church as foreseen by the Eastern Code has been enacted by the synod of bishops, several more years will need to pass before the revision process reaches the provincial and eparchial levels.

Rather, then, it can be suggested that the process be carried out to varying degrees on all ecclesiastical levels simultaneously. In Canada, this could mean the convocation of a provincial synod, similar to that held in 1962, as well as individual eparchial assemblies. This manner would necessitate the establishment of several commissions nation-wide, with the mandate granted by the Ukrainian hierarchy in Canada to coordinate the process.

In the end, the revision of the particular law of the Ukrainian Church in Canada will ensure proper ecclesial order, bring about renewal among its faithful, and offer assistance, in some way, to the Mother Church in Ukraine. Work in this area needs to continue.

APPENDIX I

S. CONGREGATIO DE PROPAGANDA FIDE PRO NEGOTIIS RITUS ORIENTALIS ¹

DECRETUM

QUO STATUUNTUR MUTUAE RELATIONES DISCIPLINARES INTER EPISCOPOS LATINOS CANADENSES ET EPISCOPUM RUTHENUM ILLIUS REGIONIS, NEC NON INTER CLERUM ET FIDELES UTRIVSQUE RITUS.

Fidelibus ruthenis in regione Canadensi commorantibus superiore anno datus est Episcopus eiusdem ritus qui ordinaria potestate eos regat ac gubernet. Ne autem propter diversitatem ritus ac disciplinae dissensiones oriantur inter fideles ruthenos et latinos, sacra Congregatio christiano Nomini Propagando praeposita pro negotiis Rituum Orientalium, in plenariis comitiis diei 11 huius mensis, omnibus rite ac mature perpensis, quae sequuntur *ad decennium* statuenda censuit ad relationes mutuas episcopi, presbyterorum ac populi rutheni ritus cum episcopis, presbyteris ac populo latini ritus illius regionis componendas.

Caput I

De Episcopo rutheni ritus

Art. 1. Nominatio Episcopi rutheni ritus pro regione Canadensi, Apostolicae Sedi est unice et omnino reservata.

REGARDING MUTUAL DISCIPLINARY RELATIONS BETWEEN CANADIAN LATIN BISHOPS AND THE RUTHENIAN BISHOP OF THIS COUNTRY, AS WELL AS BETWEEN CLERICS AND FAITHFUL OF BOTH RITES.

A Bishop of the Ruthenian rite was appointed last year to rule and govern with ordinary jurisdiction over the faithful of that rite who are in Canada. To avoid any controversies which may arise out of ritual and disciplinary differences between the faithful of the Latin and Ruthenian rites, the Sacred Congregation, which heads the propagation of Christianity, for the affairs of the Eastern Rites, decided, after proper and mature consideration in the plenary session of the 11th day of this month, to establish the following matters to govern for a period of *ten years*, mutual relations between the Ruthenian rite bishop, priests, and faithful, and the Latin rite bishops, priests, and people, in Canada.

Chapter I

The Bishop of the Ruthenian rite

Art. 1. The appointment of the Bishop of the Ruthenian rite for Canada is solely and entirely reserved to the Apostolic See.

¹SACRED CONGREGATION OF THE PROPAGATION OF THE FAITH FOR THE AFFAIRS OF THE EASTERN RITE, Decree, *Fidelibus ruthenis*, August 18, 1913, in AAS, 5 (1913), pp. 393-399. English translation based upon that of *Graeci-rutheni ritus*, CLD, vol. 1, pp. 29-39.

Art. 2. Episcopus rutheni ritus sub immediata huius Apostolicae Sedis iurisdictione ac potestate est. Plenam autem iurisdictionem ordinariam et personalem exercet in omnes fideles rutheni ritus in regione Canadensi commorantes, sub dependentia tantum R.P.D. Delegati Apostolici pro tempore.

Art. 3. Eidem ius ac potestas competit regendi ac gubernandi gregem suum, ac leges et statuta condendi in iis quae iuri communi non adversantur. Ipsius insuper munus erit vigilare ut tum doctrina et boni mores, tum ritus et disciplina Ecclesiae Orientalis catholicae integre custodiantur.

Art. 4. Episcopus missiones ruthenas frequenter et regulariter visitare districte tenetur, ut gregem sibi concreditum apprime cognoscat, eaque omnia quae ad spirituale eius bonum attinent, melius provideat. Ad quod facilius assequendum utile erit universum territorium Canadense in regiones dividere, prout melius in Domino iudicaverit, quarum unaquaeque subcessive visitetur, ita ut unoquoque saltem quinquennio omnes missiones ruthenae episcopali subsint visitationi.

Art. 5. In visitatione rationes ab unoquoque rectore missionis exposcet administrationis bonorum missionis eiusdem, curabitque ne rector nomine et iure proprio ea retineat, pro quorum acquisitione fideles quovis modo subsidia contulerint. Ut autem securitati bonorum temporalium ecclesiarum summa cum diligentia prospiciatur, eiusdem erit, audito in pertractandis negotiis virorum peritorum consilio, eas tituli possessionis formas adhibere, omnesque prae scriptiones servare, quae civilibus legibus singulorum locorum respondeant, quaeque ecclesiasticorum bonorum administrationi, conservationi, ac tutae transmissioni faveant.

Art. 2. The Bishop of the Ruthenian rite is under the immediate jurisdiction and authority of this Apostolic See. He, however, exercises full ordinary and personal jurisdiction over all the faithful of the Ruthenian rite living in Canada, dependent temporarily only upon the Apostolic Delegate.

Art. 3. The said Bishop shall have the right and power to rule and govern his flock and to establish laws and statutes in matters which are not contrary to the common law. Moreover, his function will be to see that first doctrine and good morals, then the rites and discipline of the Eastern Catholic Church, be observed in their entirety.

Art. 4. The Bishop is strictly bound to visit frequently and regularly the Ruthenian missions entrusted to him so that he may be well acquainted with his flock and may better provide for all those things that concern its spiritual welfare. In order that he may more easily achieve this goal, the Bishop is to divide the entire Canadian territory into regions, as he may judge best in the Lord, of which each is visited successively in such a way that at least once every five years all the Ruthenian missions are subjected to the visitation of the Ruthenian Bishop.

Art. 5. During the visitation, the bishop shall demand an account from each rector of a mission of the administration of the goods of the mission, and he will see to it that the rector does not hold in his own name property for the acquirement of which the faithful have in any way contributed. In order that the most diligent provision be made for the security of the temporal goods of churches he will strive to take counsel in business matters of men of experience, and to use such forms of title deed and observe all the requirements which correspond to the civil laws of each place, and which favour the administration, conservation, and secure transmission of ecclesiastical property.

Art. 6. Controversiae si quae exoriantur inter Episcopum rutheni ritus et episcopos latini ritus Canadenses, deferantur in devolutivo tantum ad Delegatum Apostolicum Canadensis regionis, salva, item in devolutivo, appellatione ad Apostolicam Sedem.

Art. 7. Ordinaria residentia Episcopi rutheni ritus erit in urbe Winnipeg.

Art. 8. Ad constituendam annuam stipem pro sustentatione Episcopi, donec redditus stabiles habeantur, concurrere debent singulae ruthenae communitates, eidem solvendo, ad instar cathedratici, annuam praestationem certam et moderatam, ab ipso secundum aequitatem determinandam.

Art. 9. Episcopus quinto quoque anno plenam et accuratam relationem de statu personali, morali ac materiali missionum proprii ritus exhibeat Delegato Apostolico, qui eam transmittet ad S. Congregationem de Propaganda Fide pro negotiis Ritus Orientalis; atque iuxta morem apud episcopos Canadensis regionis inductum, singulis saltem decenniis ad sacra Apostolorum limina accedat, ut obsequium et obedientiam suam Pontifici Summo praestet, eique rationem reddat de pastoralis muneris implemento, deque omnibus quae ad ecclesiae suae statum et cleri populique mores ac disciplinam, animarumque sibi concreditarum salutem pertinent.

Caput II *De Clero rutheno*

Art. 10. Cum nondum habeantur sacerdotes rutheni qui vel nati vel saltem educati sint in regione Canadensi, Episcopus rutheni ritus, praevia intelligentia cum Delegato Apostolico, omni

Art. 6. Any controversies which may arise between the Bishop of the Ruthenian rite and the bishops of the Latin rite in Canada shall be devolutively referred to the Apostolic Delegate of Canada with due regard for a direct appeal to the Apostolic See.

Art. 7. The Ordinary residence of the Bishop of the Ruthenian rite shall be in the city of Winnipeg.

Art. 8. To ensure annual revenue for the subsistence of the Bishop, and until such time as there is stable revenue, each Ruthenian community must strive to provide him, in the nature of a *cathedraticum*, a certain and moderate amount, which he himself determines in an equitable manner.

Art. 9. The Bishop shall, every five years, give a full and accurate account of the personal, moral, and material condition of the missions of his rite to the Apostolic Delegate, who shall send it to the Sacred Congregation of the Propagation of Faith for the Affairs of the Eastern Rite, and also, according to the custom established by the bishops in Canada, he shall at least every ten years make a visit *ad limina* to pay his respects and obedience to the Supreme Pontiff, and to give him an account of his performance of the pastoral duty and of everything pertaining to the condition of his church, the morals and discipline of clergy and people, and the welfare of the souls committed to his care.

Chapter II *Ruthenian clergy*

Art. 10. Not yet having Ruthenian priests born or educated in Canada, the Bishop of the Ruthenian rite, with all his strength and with the foreknowledge of the Apostolic Delegate, is to see to it that a

studio curet ut Seminarium pro clericis ruthenis in Canada educandis quantocius instituat. Interim vero clerici rutheni in Seminaria latinorum de consensu Ordinarii admittantur. Sed non nisi qui se coelibatum perpetuo servaturos coram Episcopo promiserint, in Seminarium sive nunc sive in posterum admittantur; et non nisi caelibes ad sacros ordines in regione Canadensi exercendos, promoveri poterunt.

Art. 11. Ad sacrum ministerium exercendum apud fideles rutheni ritus non admittantur sacerdotes nisi sint caelibes vel saltem vidui et absque liberis, integri vita, zelo ac pietate praediti, sufficienter eruditi, lucri non cupidi et a politicis factionibus alieni.

Art. 12. Antequam habeatur numerus sufficiens presbyterorum ruthenorum qui in Canadensi regione educati fuerint, si providenda occurrat de suo rectore aliqua missio ruthenorum vel vacans vel noviter erecta, Episcopus rutheni ritus idoneum sacerdotem caelibem vel saltem viduum postulet ab episcopis ruthenis vel Galitiae vel Hungariae per tramitem S. Congregationis de Propaganda Fide pro negotiis Ritus Orientalis. Illi vero sacerdoti sive uxorato, sive viduo, sive caelibis, qui proprio Marte, neque ab Episcopo rutheno vocatus, neque a S. Congregatione missus, illuc perrexerit, Episcopus ruthenus nullas concedere potest facultates, sive celebrandi Sacrum, sive administrandi sacramenta, sive munia ecclesiastica quomodocumque obeundi.

Art. 13. Sacerdoti ex Europa mittendo praedicta S. Congregatio tradet documentum quo ipsi concedatur facultas ad assumendam spiritualem curam fidelium rutheni ritus sub dependentia Ordinarii rutheni Canadensis.

seminary for the training of Ruthenian seminarians in Canada is established as early as possible. In the meantime, Ruthenian seminarians are to be admitted to the Latin seminaries with the consent of the Ordinary, but seminarians may not be admitted to the seminary, now or later, unless they promise before the Bishop to observe perpetual celibacy; and only celibates may be promoted to sacred orders in Canada.

Art. 11. Priests may not be admitted to exercise the sacred ministry among the faithful of the Ruthenian rite unless they are celibates, or at least widowers with no children, of good life, endowed with zeal and piety, sufficiently learned, without avarice, and aloof from political factions.

Art. 12. Until there shall be a sufficient number of Ruthenian priests educated in Canada, whenever any mission of the Ruthenians, either vacant or newly erected, is to be provided with a rector, the Bishop of the Ruthenian rite may ask the Ruthenian Bishops of Galicia or Hungary, through the Sacred Congregation for the Propagation of Faith for the Affairs of the Eastern Rite, for priests who are celibate or widowed. But the Ruthenian Bishop can give no faculties, either to celebrate Mass, or to administer the sacraments, or to perform in any way whatsoever ecclesiastical functions, to any priest, married, widowed, or celibate, who on his own authority, that is, without having been called by the Ruthenian Bishop or sent by the Sacred Congregation, has come to Canada.

Art. 13. The aforesaid Sacred Congregation will give to a priest being sent from Europe a document which concedes the faculty to assume spiritual care of the faithful of the Ruthenian rite dependent upon the Ruthenian Ordinary in Canada.

Art. 14. Quilibet ruthenus sacerdos ex Europa proveniens et in Canadensi regione commorans pro fidelium ruthenitatis spirituali cura, semper manebit incardinatus dioecesi originis; attamen Episcopus ruthenus originis, iurisdictionem suam in eum nullimode exercebit, quoadusque ipse in Canada commorabitur: omnino et unice pendeat a iurisdictione Episcopi rutheni Canadensis.

In patriam autem supradicti sacerdotes redire aut revocari nequeant absque expressa licentia Ordinarii Canadensis, in scriptis concedenda.

Art. 15. Laici rutheni, cuiuscumque originis ac domicilii fuerint, qui sacros Ordines in Canada suscipere cupient, sub omnimoda iurisdictione manebunt Episcopi rutheni Canadensis, in cuius manus iuramentum missionis seu stabilitatis ad inserviendum in territorio emittent.

Art. 16. Omnes rectores missionum ruthenarum Canadensis domini sunt amovibiles ad nutum Ordinarii rutheni. Amoveri autem non poterunt absque causis gravibus et iustis.

Art. 17. Datur tamen facultas presbytero amoto, appellationem interponendi, in devolutive, contra decretum remotionis ad tribunal Delegati Apostolici, qui intra tres menses a die appellationis causam definire curabit, salvo semper iure recursus ad Sanctam Sedem, item in devolutive.

Art. 18. Sustentationi sacerdotis providebit Episcopus, salarium eidem assignando assumendum ex omnium ecclesiae proventuum massa seu cumulo.

Art. 19. Iura stolae et emolumenta sacri ministerii in singulis missionibus

Art. 14. Any Ruthenian priest coming from Europe, who stays in Canada for the spiritual care of the faithful of the Ruthenian rite, shall always remain incardinated in the diocese of his origin. The Ruthenian Bishop of his origin, however, shall exercise no jurisdiction over him as long as he remains in Canada, but the priest will be entirely and solely under the jurisdiction of the Ruthenian Bishop in Canada.

Such priests may not return to their country, nor be recalled to it, without the express permission of the Ordinary of Canada, to be given in writing.

Art. 15. Laymen of the Ruthenian rite, whatever be their origin or domicile, who desire to receive sacred orders in Canada, will remain entirely under the jurisdiction of the Bishop of the Ruthenians in Canada, before whom they shall take the mission oath, to remain permanently in the service of the territory.

Art. 16. All rectors of Ruthenian missions in Canada are removable at the will of the Ruthenian Ordinary. They cannot be removed, however, without a grave and just reason.

Art. 17. A removed priest, however, can have devolutive recourse against the decree of removal to the tribunal of the Apostolic Delegate who, within three months from the day of the appeal, must definitively decide the case, always with due regard for devolutive recourse to the Holy See.

Art. 18. The Bishop shall provide for the subsistence of the priest, by means of an assigned salary, from the revenue received from the aggregated or accumulated income of the churches in its entirety.

Art. 19. Stole fees and the emoluments of the sacred ministry in each mission

determinanda sunt ab Ordinario rutheno iuxta probatas diversorum locorum consuetudines. Ea tamen privato arbitrio extendere ad sacras functiones a taxa immunes, aut illa ultra taxam determinatam exigere, omnino vetitum est. Caveant insuper sacerdotes rutheni ne iura illa a vere pauperibus exigant; ac omnino vetitum est ea extorquere sub comminatione dilationis baptismi vel benedictionis matrimonii, aut fidelem solvendi incapacem excludere a quacumque sacra functione.

Art. 20. Sacerdotes latini ritus qui a S. Congregatione de Propaganda Fide facultatem obtinuerunt transeundi ad ritum ruthenum in auxilium Episcopi rutheni pro spirituali adsistentia fidelium ruthenorum, quoadusque in ritu rutheno permanebunt, unice et omnino sub iurisdictione Episcopi rutheni erunt. Sacra Congregatio autem vehementer hortatur episcopos latinos Canadenses clero locupletiores, ut Episcopo rutheno in animarum bonum aliquot sacerdotes ad tempus concedant, si ab eodem requirantur.

Art. 21. Si qui vero sunt sacerdotes regulares qui transitum ad ritum ruthenum obtinuerunt, ipsi in his quae ad vitam religiosam spectant, a propriis superioribus regularibus; in his vero quae ad curam animarum et ritum ruthenum pertinent, ab Episcopo rutheno dependent.

Art. 22. Episcopus ruthenus nonnisi in clerum et populum ruthenum iurisdictionem suam exercent; si tamen aliquo in loco existant fideles rutheni ritus, in eoque nondum sit missio ruthena constituta, aut nullus adsit presbyter eiusdem ritus, poterit tunc iurisdictionem suam in fideles ruthenos presbytero latino loci

shall be determined by the Ruthenian Ordinary according to approved customs of various localities. Nevertheless, it is entirely prohibited to increase those sacred functions free from tax or to demand a tax above the determined amount. Moreover, the Ruthenian priests should take care that this fee is not demanded from the truly poor; and it is entirely forbidden to compel it under threat of the delay of baptism or of the blessing of marriage, or to exclude a member of the faithful, who is unable to pay, from any sacred function whatsoever.

Art. 20. Priests of the Latin rite who have obtained or will obtain from the Sacred Congregation for the Propagation of Faith permission to transfer to the Ruthenian rite in order to help the Ruthenian Bishop in the spiritual care of the Ruthenians, shall, as long as they remain in the Ruthenian rite, be solely and entirely subject to the jurisdiction of the Ruthenian Bishop. But the Sacred Congregation vehemently exhorts those Latin Bishops of Canada who are well supplied with priests, that they lend some priests temporarily for the good of souls, if they are asked for them.

Art. 21. If there are any regular priests who have obtained a transfer to the Ruthenian rite, they shall be under their own regular superiors as regards matters which pertain to the religious life, but in those that pertain to the care of souls and to the Ruthenian rite, they shall be under the Ruthenian Bishop.

Art. 22. The Ruthenian Bishop shall exercise his jurisdiction only over the Ruthenian clergy and people. However, if in any place there are faithful of the Ruthenian rite, but there is no mission established there, or no priest of their rite, then the Ordinary can communicate his jurisdiction over the faithful of the

communicare, certiorato Ordinario.

Art. 23. Poterunt insuper episcopi latini Canadenses, certiorato Episcopo rutheno, iurisdictionem dare presbyteris ruthenis illis in locis in quibus fideles latini ritus adsunt sibi subditi, sed nullus adest presbyter latinus qui curam eorum gerere queat.

Caput III *De fidelibus ruthenis*

Art. 24. Fideles rutheni iis in locis in quibus nulla ecclesia nec sacerdos proprii ritus habeatur, ritui latino sese conformare valebunt; eisque eadem facultas conceditur etiam ubi propter longinquitatem ecclesiae suae non eam possint nisi cum gravi incommodo adire, quin tamen ex hoc ritus mutatio inducatur.

Art. 25. Transitus a ritu rutheno ad latinum laicis ruthenis qui verum et stabile domicilium in regione Canadensi constituerint, concedi nequit nisi a S. Congregatione de Propaganda Fide pro negotiis Ritus Orientalis, gravibus et iustis intervenientibus causis ab ipsa S. Congregatione cognoscendis, audito Episcopo rutheno Canadensi.

Art. 26. Si vero contingat ut hi quandoque in patriam revertantur, tunc etsi ex pontificio rescripto ritum latinum susceperint, licebit eis, Apostolica Sede exorata, ad pristinum ruthenum ritum redire.

Art. 27. Non licet missionariis latinis, sub poenis ab Apostolica Sede decernendis, quempiam ruthenum ad latinum ritum amplectendum inducere.

Ruthenian rite to a priest of the Latin rite at that place, giving notice to the Ordinary.

Art. 23. The Latin Bishops of Canada may likewise, with notice to the Ruthenian Bishop, give jurisdiction to the Ruthenian priests in those places where there are any of their subjects of the Latin rite, and where there is no priest of the Latin rite to take care of them.

Chapter III *The Ruthenian faithful*

Art. 24. The Ruthenian faithful, in places where there are no churches or priests of their rite, can conform themselves to the Latin rite. The same, likewise, is allowed where, owing to the distance, they cannot go to their own church without grave inconvenience; however, this does not bring about a change in rite.

Art. 25. Transfer from the Ruthenian rite to the Latin by lay Ruthenians who have established a true and stable domicile in Canada cannot be granted except by the Sacred Congregation for the Propagation of Faith for the affairs of the Eastern Rite, for grave and just reasons recognized by the same Sacred Congregation, and after having heard the Ruthenian Bishop of Canada.

Art. 26. Should it occur that these same persons eventually return to their native land, already having accepted the Latin rite by a pontifical rescript, they are allowed, with the permission of the Apostolic See, to return to their original Ruthenian rite.

Art. 27. Missionaries of the Latin rite are not allowed, under penalty determined by the Apostolic See, to induce any member of the Ruthenian rite to transfer to the Latin.

Art. 28. Fideles rutheni, etiam in locis in quibus adest presbyter rutheni ritus, apud sacerdotem latinum ab Ordinario loci adprobatum peccata sua confiteri et beneficium sacramentalis absolutionis valide et licite obtinere possunt. E converso fideles latini peccata sua confiteri possunt apud sacerdotem ruthenum ab episcopo suo adprobatum, in locis in quibus adest missio aut ecclesia rutheni ritus. Presbyteri vero rutheni absolvere non poterunt fideles latini ritus a censuris et a casibus reservatis in dioecesi latina in qua sacrum ministerium exercent, absque venia Ordinarii latini. Vicissim idem dicatur de presbyteris latinis quoad censuras et reservationes statutas ab Episcopo rutheno.

Art. 29. Omnibus fidelibus cuiusque ritus datur facultas, ut, pietatis causa, sacramentum eucharisticum quolibet ritu confectum suscipiant; ac insuper, ubi necessitas urgeat nec sacerdos diversi ritus adsit, licebit sacerdoti rutheno ministrare Eucharistiam consecratam in azymo; et vicissim sacerdoti latino ministrare in fermentato; at suum quisque ritum in ministrando servabit.

Art. 30. Quisque fidelium praecepto Communionis paschalis ita satisfaciet, si eam suo ritu et quidem a parochio suo accipiat.

Art. 31. Sanctum Viaticum moribundis ritu proprio e manibus proprii parochi accipiendum est; sed, urgente, necessitate, fas esto a sacerdote quolibet illud accipere; qui tamen ritu suo ministrabit.

Art. 28. The faithful of the Ruthenian rite, even in places where a Ruthenian priest is available, can validly and licitly confess their sins to, and receive absolution from, a priest of the Latin rite who is approved by the local Ordinary. Likewise, the faithful of the Latin rite can go to confession to a priest of the Ruthenian rite who is approved by his bishop, in places where there is a mission or church of the Ruthenian rite. Priests of the Ruthenian rite, however, cannot absolve the faithful of the Latin rite from censures and cases which are reserved in the Latin diocese in which they exercise the holy ministry, without the permission of the Latin Ordinary. The same thing in turn is true of the Latin priests as regards censures and reservations established by the Bishop of the Ruthenian rite.

Art. 29. All the faithful of whatever rite may for devotion receive the Sacrament of the Eucharist consecrated according to any rite, and besides, where necessity urges and there is no priest of the other rite available, a Ruthenian priest may administer the Eucharist which has been consecrated from unleavened bread; and conversely a priest of the Latin rite may administer that which has been consecrated from leavened bread; but each must follow his own rite in administering it.

Art. 30. Each of the faithful fulfils the precept of Paschal communion by receiving it in his own rite and from his own pastor.

Art. 31. Holy Viaticum should be received by the dying in their own rite, and from the hands of their own pastor; but in case of necessity, it is allowed to be received from any pastor; the priest, however, must administer it according to his own rite.

Art. 32. Funerum celebratio ac emolumentorum perceptio in familiis mixti ritus, ad parochum illius ritus pertineant ad quem defunctus pertinebat.

Art. 33. Ad vitanda gravia incommoda quae inde ruthenis evenire possent, facultas eis fit dies festos et ieiunia observandi iuxta consuetudinem locorum in quibus degunt. Attamen diebus dominicis et festis in utroque ritu in eandem diem incidentibus, sacrae liturgiae in ecclesia sui ritus, si in loco existat, rutheni interesse tenentur.

Caput IV

De matrimoniis inter fideles mixti ritus

Art. 34. Matrimonia inter catholicos ruthenos et latinos non prohibentur; sed ad vitanda incommoda quae ex rituum diversitate in familiis evenire solent, uxor, durante matrimonio, ritum viri sequi potest, quin ex hoc sui nativi ritus mutatio inducatur.

Art. 35. Soluta matrimonio, mulier proprium ritum originis resumere valet.

Art. 36. Matrimonia tum inter fideles mixti ritus, tum inter fideles ruthenos, servata forma decreti *Ne temere* contrahi debent.

Art. 37. Attamen matrimonia mixti ritus in ritu viri et ab eiusdem parochi erunt benedicenda.

Art. 38. Dispensationes matrimoniales in matrimoniis mixti ritus, si quae sint dandae vel petendae, dentur et petantur ab episcopo sponsae.

Art. 32. The celebration of funerals and the reception of emoluments in families of mixed rite, belong to the pastor of that rite to which the deceased belonged.

Art. 33. To prevent grave inconvenience which might accrue to Ruthenians, they are given permission to observe holydays and fasts according to the customs of the places in which they are staying. Nonetheless, on Sundays and holydays which fall on the same day in both rites, they have an obligation to assist at the Sacred Liturgy in a Church of their own rite, if there is one in the place.

Chapter IV

Marriages between the faithful of mixed rite

Art. 34. Marriages between Ruthenian and Latin Catholics are not forbidden; but to prevent the inconveniences which usually arise in families from the diversity of rite, it is provided that the wife may, during the marriage, follow the rite of her husband; however, this does not bring about a change from her native rite.

Art. 35. If the marriage is dissolved, the woman can return to her rite of origin.

Art. 36. Marriages, both between the faithful of different rites, and between Ruthenians, must be contracted with the observance of the form described by the decree *Ne temere*.

Art. 37. However, marriages of mixed rite must be blessed in the rite of the man and by his pastor.

Art. 38. Matrimonial dispensations in marriages of mixed rite must, when they are given or asked for, be given by or asked for of the bishop of the prospective bride.

Art. 39. Nati in regione Canadensi ex parentibus diversi ritus, ritu patris sunt baptizandi; proles enim sequi omnino debet patris ritum.

Art. 40. Baptismus in alieno ritu ob gravem necessitatem susceptus, cum nimirum infans morti proximus esset vel natus esset in loco in quo tempore nativitatis parochus proprius patris non aderat, ritus mutationem non inducit.

Art. 41. Infantes ad eius parochi iurisdictionem pertinent, cuius ritus est eorum pater.

Haec autem omnia Ssmus Dnus noster Pius div. prov. Papa X in audientia diei 13 augusti vert. anni, referente infrascripto huius sacrae Congregationis Secretario, rata habuit ac confirmavit, praesensque decretum edi iussit. Contrariis quibuscumque non obstantibus.

Datum Romae, ex aedibus huius S. Congregationis, die 18 augusti anno 1913.

Art. 39. Since children must follow completely the rite of their father, those born in Canada of parents of different rites are to be baptized in the rite of the father.

Art. 40. Baptism received in another rite out of grave necessity, when a child is in danger of death or is born in a place where at the time of birth the proper pastor of the father was not available, does not bring about a change of rite.

Art. 41. Children belong to the jurisdiction of the pastor to whose rite their father belongs.

His Holiness, Pius X, by the grace of God, in an audience on August 13 of this year with the undersigned of this Sacred Congregation, ratified and confirmed all these provisions, and ordered the present decree to be published. All things to the contrary notwithstanding.

Given in Rome, from the office of this Sacred Congregation, on the 18th day of August, 1913.

Fr. H. M. Card. GOTTI, *Praefectus*

Hieronimus Rolleri, *Secretarius*

APPENDIX II

SACRA CONGREGATIO PRO ECCLESIA ORIENTALI ²

DECRETUM

DE ADMINISTRATIONE ORDINARIA-
TUS GRAECO-RUTHENI IN REGIONE
CANADENSI.

Graeci-rutheni ritus fidelibus, qui in regione Canadensi commorantur, anno 1912 Episcopus Ordinarius eiusdem ritus constitutus est, qui ordinaria potestate eos regat atque gubernet; et pro spirituali huius ordinariatus graeco-rutheni administratione opportuna lege ad decennium a Sacra Congregatione de Propaganda Fide pro negotiis rituum orientalium die 18 Augusti anni 1913 latae sunt, quas leges Sacra Congregatio pro Ecclesia Orientali, mutatis rerum temporumque circumstantiis eo modo, qui sequitur, noviter aptare et praesenti decreto iterum ferre censuit et statuit.

Caput I

De Episcopo Ordinario graeco-rutheni ritus

Art. 1. Nominatio Episcopi Ordinarii graeco-rutheni ritus pro regione Canadensi Apostolicae Sedi reservata est.

Art. 2. Episcopus Ordinarius graeco-rutheni ritus in regione Canadensi huic S. Sedi erit immediate subiectus plenamque iurisdictionem ordinariam in omnes fideles graeco-rutheni ritus, permanentem vel

REGARDING THE ADMINISTRATION
OF THE GREEK-RUTHENIAN BISHOPRIC
IN CANADA.

A Bishop Ordinary of the Greek-Ruthenian rite was appointed in 1912 to rule and govern with ordinary jurisdiction over the faithful of that rite who are in Canada. For the spiritual administration of this Greek-Ruthenian bishopric, appropriate laws were enacted for ten years, on August 18, 1913, by the Sacred Congregation of the Propagation of the Faith for the Affairs of the Eastern Rites; and these laws, the Sacred Oriental Congregation has decided and determined by the present decree to adapt anew to the changed circumstances of affairs and times, in the following manner.

Chapter I

The Bishop Ordinary of the Greek-Ruthenian rite

Art. 1. The appointment of the Bishop Ordinary of the Greek-Ruthenian rite for Canada is reserved to the Apostolic See.

Art. 2. The Bishop Ordinary of the Greek-Ruthenian rite in Canada will be immediately subject to this Holy See, and will exercise full ordinary jurisdiction over all the faithful of the Greek-

²SACRED CONGREGATION FOR THE EASTERN CHURCH, Decree, *Graeci-rutheni ritus*, May 24, 1930, in *AAS*, 22 (1930), pp. 346-354. English translation from *CLD*, vol. 1, pp. 29-39. Canonical references are to the 1917 Latin Code of Canon Law.

ad tempus in regione Canadensi commorantes exercebit, sub dependentia R.P.D. Delegati Apostolici Canadensis.

Art. 3. Eidem ius ac potestas competit regendi ac gubernandi gregem suum ac leges et statuta condendi in iis quae iuri communi non adversantur. Praecipuum vero eius munus erit invigilare ut tum doctrina et boni mores, tum ritus et disciplina huic Ecclesiae propria, sancte et integre custodiantur. Eius igitur erit uniformitatem caeremoniarum in variis devotionibus nec non in tradendis Sacramentis secundum rubricas librorum liturgicorum a S. Sede approbatorum, introducere aut servare et eiusdem uniformitatis strictam observantiam a sacerdotibus suis expostulare.

Ad bonum regimen ordinariatus, Ordinarius constituat coetum saltem quatuor Consultorum, qui sint sacerdotes pietate, moribus, doctrina ac prudentia commendati, et in civitate episcopali seu Ordinarii, vel in locis vicinioribus, commorantes.

Art. 4. Ordinarius paroecias et missiones suae curae concreditas saepe visitare tenetur ita, ut, saltem singulis quinquenniis, ipse, vel per se, vel, si fuerit legitime impeditus, per Vicarium generalem, aut alium specialiter delegatum sacerdotem, lustret, ut gregem suum adprime cognoscat, eisque omnibus quae ad spirituale eius bonum attinet, melius provideat.

Art. 5. In canonica visitatione paroeciarum inquirat Ordinarius an parochi omnia paroecialia munera, praesertim visitationem infirmorum, puerorum instructionem, et, in diebus dominicis ac festis, verbi Dei praedicationem diligenter absolvant, videat insuper omnes

Ruthenian rite who are living permanently or temporarily in Canada, dependently upon the Apostolic Delegate of Canada.

Art. 3. The said Bishop shall have the right and power to rule and govern his flock and to establish laws and statutes in matters which are not contrary to the common law. His chief function will be to see that doctrine and good morals as well as the rites and discipline peculiar to this Church be observed faithfully and in their entirety. It will therefore devolve upon him to establish or to preserve uniformity in the ceremonies which are used in various devotions and in the administration of the sacraments according to the rubrics of liturgical books which are approved by the Holy See, and to demand the observance of the same uniformity by his priests.

For the good government of the bishopric, let the Ordinary appoint a board of at least four consultors, who must be priests commended for piety, good morals, learning, and prudence, and who live in the episcopal city or in the neighbourhood.

Art. 4. The Ordinary is bound to visit frequently the parishes and missions entrusted to his care, in such wise that at least every five years he personally, or, if he be lawfully prevented, through his Vicar General or some other specially delegated priest, shall cover the territory, and so that he may be well acquainted with his flock, and may better provide for all those things that concern its spiritual welfare.

Art. 5. In the canonical visitation of parishes, the Ordinary shall investigate whether pastors perform diligently all their parochial duties, especially the visitation of the sick, the instruction of children, and on Sundays and feast days the preaching of the word of God. He

libros baptismatum, matrimoniorum ac mortuorum; inventariumque bonorum ecclesiasticorum ex ultimo saltem bienio: ac rationes ab unoquoque rectore missionis expostulet, id est introspiciat ac probet libros proventuum et expensarum cuiuslibet ecclesiae, statum materiale eiusdem, debita ecc. Hac praesertim occasione diligenter advigilet ne abusus in disciplinam ecclesiasticam irrepant, praecipue circa administrationem Sacramentorum et Sacramentalium, cultum Dei et Sanctorum, praedicationem verbi divini, implementum piarum voluntatum; serioque curet ut puritas fidei et morum in clero et populo conservetur, ut in scholis puerorum ac iuvenum institutio secundum catholicae religionis principia tradatur. Si compererit irrepisse abusus, eos prudenter, sed fortiter compescat, adhibitis etiam, si opus sit, poenis canonicis.

Art. 6. Ut autem securitati bonorum temporalium ecclesiarum, coemeteriorum, scholarum et omnium eorum quae ad Ecclesiam pertinent, summa cum diligentia prospiciatur, curet Ordinarius, ne rector consiliumve administrationis nomine ac iure proprio retineat, pro quorum acquisitione fideles quovis modo subsidia contulerunt; atque satagat, audito in pertractandis negotiis virorum peritorum ac consultorum suorum consilio, eas tituli possessionis formas adhibere, omnesque praescriptiones servare, quae legibus civilibus respondeant, quaeque ecclesiasticorum bonorum administrationi, conservationi ac plenae in posterum transmissioni faveant. Itemque Ordinarius normas quas iudicaverit de bonis ecclesiasticis administrandis opportunas, statuatur.

shall, moreover, inspect all the records of baptisms, marriages, and deaths, and the inventory of ecclesiastical property for at least the last two years; and he shall demand of every rector of a mission an accounting, that is he shall examine and approve the books of receipts and expenditures of every church, its material condition, outstanding obligations, etc. On this occasion especially he shall diligently watch that no abuses creep in as regards ecclesiastical discipline, especially in the administration of the sacraments and sacramentals, the worship of God, devotion to the Saints, preaching, and the fulfilment of pious wills; and he shall take serious measures to safeguard the purity of faith and morals in clergy and people, and to see that the teaching in schools for children and young people be according to the principles of the Catholic religion. If he finds that abuses have crept in, he shall repress them prudently but with vigour, making use, if need be, of canonical penalties.

Art. 6. In order that the most diligent provision be made for the security of the temporal goods of churches, cemeteries, schools, and of all that belongs to the Church, the Ordinary should see to it that the rector or the council of administration do not hold in their own name property for the acquirement of which the faithful have in any way contributed. He should also strive to take counsel in business matters of men of experience and of his own consultants, and to use such forms of title deed and observe all the requirements which correspond to the civil laws, and which favour the administration, conservation, and perfect transmission of ecclesiastical property. The Ordinary is likewise to establish rules as he judges fitting for the administration of ecclesiastical property.

Art. 7. Annua sustentatio Ordinarii consistet in praestationibus ad instar cathedralium, quae iuxta aequitatem ab Ordinario, auditis suis consultoribus, determinabuntur, quasque singulae ecclesiae Ruthenorum ordinariatus solvere tenentur, servato more regionis. Rectores vero ecclesiarum respondere tenentur de exacta solutione harum praestationum et aliarum ab Ordinario eiusque consultoribus determinandarum, pro Seminario vel pro alumnis sacrorum, pro orphanotrophio, missionibus, etc.

Art. 8. Residentia Ordinarii ruthenici erit in urbe Winnipeg.

Art. 9. Ordinarius singulis quinquenniis plenam et accuratam relationem de statu personali, morali ac materiali missionum proprii ritus exhibeat Delegato Apostolico, qui, cum suis adnotationibus seu animadversionibus, eam transmittet ad S. Congregationem pro Ecclesia Orientali, atque singulis saltem decenniis ad sacra Apostolorum limina accedat, ut obsequium et oboedientiam suam Pontifici Summo praestet, eique rationem reddat de pastoralis muneris implemento, deque omnibus quae ad Ecclesiae suae statum et cleri populique mores ac disciplinam, animarumque sibi concreditarum salutem pertinent.

Art. 10. Controversiae, si quae exoriantur inter Ordinarium graeco-ruthenici ritus et Episcopos latini ritus Canadensis, deferantur ad S. Congregationem pro Ecclesia Orientali.

Caput II

De clero graeco-rutheno

Art. 11. Cum necesse sit ut habeantur sacerdotes indigenae, integrae vitae, zelo ac prudentia praediti, in scientiis sacris

Art. 7. The annual support of the Bishop shall consist of offerings in the nature of a *cathedraticum*, which shall be fixed in an equitable manner by the Ordinary, after hearing from his consultors, and which every church which belongs to the Greek-Ruthenian bishopric is bound to pay, according to the custom of the country. The rectors of churches shall be responsible for the full payment of these offerings and of the other offerings which shall be fixed by the Ordinary and his consultors, for the seminary or for the students thereof, for the orphanage, the missions, etc.

Art. 8. The residence of the Ordinary of the Ruthenian rite shall be in the city of Winnipeg.

Art. 9. The Ordinary shall, every five years, give a full and exact account of the personal, moral, and material condition of the missions of his rite, to the Apostolic Delegate, who shall send it with his annotations and remarks to the Sacred Oriental Congregation; and he shall at least every ten years make a visit *ad limina* to pay his respects and obedience to the Supreme Pontiff, and to give him an account of the performance of his pastoral duty and of everything pertaining to the condition of his church, the morals and discipline of clergy and people, and the welfare of the souls committed to his care.

Art. 10. Any controversies which may arise between the Ordinary of the Greek-Ruthenian rite and the bishops of the Latin rite in Canada shall be referred to the Sacred Oriental Congregation.

Chapter II

The Greek-Ruthenian Clergy

Art. 11. Since it is necessary that there be native priests of good life, endowed with zeal and prudence, and learned in

eruditi, curet Ordinarius, ut, quam primum erigatur Seminarium saltem minus (cum pro Seminario maiore aliquatenus Romae provisum sit) pro pueris graeci-ruthenis rite instituendis. Quare S. Congregatio enixe rogat Ordinarium Ruthenorum et Delegatum Apostolicum, ut, collatis consiliis, et adiuvantibus aliquot saltem Episcopis regionis Canadensis, omnia parent quae necessaria sunt ad hoc Seminarium excitandum et aedificandum, pro modo facultatum et amplitudine ordinariatus.

Art. 12. Ad subveniendum clericorum educationis expensis, tum rectores ecclesiarum tum ipsi fideles ritus graeci-rutheni in Canadensi regione pro posse contribuant. Enixe Ordinarius commendabit clero fidelibusque pium opus vocationum ecclesiasticarum, curabitque ut sacerdotes, praesertim parochi, pueros, qui indicia praebeant ecclesiasticae vocationis, a saeculi contagiis arceant, ad pietatem informant, divinaeque in eis vocationis germen foveant. Sed non nisi qui se coelibatum perpetuo servaturos coram Ordinario promiserint, in Seminarium admittere licebit, et non nisi coelibes ad sacros Ordines promoveri poterunt.

Art. 13. Interim vero seu donec Seminarium aedificatum fuerit, Ordinarius Ruthenorum roget Episcopos latinos, ut in sua Seminaria unum vel alterum puerum ruthenum qui indicia praebeat ecclesiasticae vocationis admittant, ibique ad pietatem et ad sacras scientias efforment, firmis quoad coelibatum quae in superiore articulo statuta sunt. Si vero studiis expletis non satis calleant caeremonias proprii ritus, Ordinarius Ruthenorum satagat, ut in iisdem, quatenus indigeant, per sacerdotem eiusdem ritus plene diligenterque

sacred sciences, the Ordinary shall see to it that as soon as possible at least a minor seminary be erected (since provision has been made to some extent in Rome for a major seminary), for the proper training of boys of the Greek-Ruthenian rite. Hence, the Sacred Congregation earnestly requests the Ordinary of the Ruthenians and the Apostolic Delegate to unite their efforts, and, with the aid of at least some of the Bishops of Canada, to prepare what may be needed for the establishment and erection of this seminary, according to the means and in proportion to the extent of the bishopric.

Art. 12. To defray the expenses of the education of clerics, let the rectors of churches and the faithful themselves of the Greek-Ruthenian rite in Canada, contribute what they can. The Ordinary will earnestly recommend to the clergy and faithful the pious work of ecclesiastical vocations, and will see to it that priests, especially pastors, apply themselves to guard from the contagions of the world, boys who show signs of an ecclesiastical vocation, to train them to piety, and to foster in them the seed of the divine vocation. But they may not admit to the seminary any but those who shall promise before the Ordinary to preserve perpetual celibacy; and only celibates may be promoted to sacred orders.

Art. 13. And in the meantime, or until the seminary is built, the Ordinary of the Ruthenians shall ask the Latin Bishops to receive in their seminaries one or two Ruthenian boys who show signs of an ecclesiastical vocation, and to train them there in piety and in the sacred sciences, with the observance, as regards celibacy, of the provisions of the last Article. And if at the conclusion of their studies they are not sufficiently acquainted with the ceremonies of their own rite, the Ruthenian Ordinary shall see to it that, as far as need

edoceantur.

Art. 14. Itemque, antequam habeatur numerus sufficiens presbyterorum graeco-ruthenorum indigenarum, qui in regione Canadensi instituti sint, si providenda occurrat de suo rectore aliqua missio ruthenorum vel vacans vel noviter erecta, Ordinarius postulare poterit sacerdotes ab Episcopus ritus graeco-rutheni; vel ab ipsis Episcopis canadensibus roget ut aliqui ex eorum clero, qui ritui rutheno adoptando pares sint, huiusmodi missionibus praeponi valeant, donec aliter provideri possit. Cuilibet vero sacerdoti, qui proprio Marte, seu neque ab Ordinario graeco-rutheno vocatus, neve ab aliquo Episcopo canadensi datus, aut a S. Congregatione missus, illuc perrexerit, Ordinarius ipse graeco-ruthenus nullas concedere potest facultates, sive celebrandi Sacrum sive administrandi Sacramenta, sive munia ecclesiastica quomodocumque obeundi.

Art. 15. Quoad autem sacerdotes ex Europae regionibus provenientes, ad sacrum ministerium exercendum apud fideles rutheni ritus non admittantur nisi sint coelibes (vel saltem vidui sine liberis) integri vita, zelo ac pietate praediti, sufficienter eruditi, et a politicis factionibus alieni.

Art. 16. Quilibet sacerdos, ex Europa proveniens et in regione Canadensi commorans pro fidelium ritus graeco-rutheni spirituali cura, manebit incardinatus dioecesi originis, nisi, servatis de iure servandis, incardinetur ab Ordinario graeco-rutheno regionis Canadensis. Interim tamen Episcopus originis iurisdictionem in eum nullo modo exercebit, sed praedictus sacerdos unice pendeat a iurisdictione Ordinarii graeco-rutheni praefatae regionis. In patriam redire aut revocari supradicti sacerdotes nequeant

be, they receive full and careful instruction from a priest of that rite.

Art. 14. Likewise, until there shall be a sufficient number of native priests of the Greek-Ruthenian rite who shall have received their education in Canada, whenever any mission of the Ruthenians, either vacant or newly erected, is to be provided with a rector, the Ordinary may ask the Canadian Bishops themselves to allow some of their priests who are ready to adopt the Greek-Ruthenian rite, to be placed in charge of these missions until other arrangements can be made. But the Greek-Ruthenian Ordinary can give no faculties, either to celebrate Mass, or to administer the sacraments, or to perform in any way whatsoever ecclesiastical functions, to any priest who has gone thither on his own authority, that is without having been called by the Greek-Ruthenian Ordinary, or given by some Canadian Bishop, or sent by the Sacred Congregation.

Art. 15. As regards priests who come from Europe, let none be admitted to exercise the sacred ministry among the faithful of the Greek-Ruthenian rite, unless they be celibates (or at least widowers with no children), of good life, endowed with zeal and piety, sufficiently learned, and aloof from political factions.

Art. 16. Every priest coming from Europe, who stays in Canada for the spiritual care of the faithful of the Greek-Ruthenian rite, shall remain incardinated in the diocese of his origin, unless he be incardinated with the observance of all the requirements of law by the Ordinary of the Greek-Ruthenians in Canada. But in the meantime, the Bishop of his place of origin shall exercise no jurisdiction over him, but the priest will be solely under the jurisdiction of the Greek-Ruthenian Ordinary of Canada. Such priests may not

sine expressa licentia tum Ordinarii originis, tum Ordinarii graeco-rutheni ritus regionis Canadensis in scriptis concedenda.

Art. 17. Laici rutheni cuiuscumque originis ac domicilii fuerint, qui sacros Ordines in Canada suscipere cupient, sub omnimoda iurisdictione manebunt Ordinarii rutheni ritus regiones Canadensis, in cuius manus iuramentum missionis seu stabilitatis ad inserviendum in territorio emittent.

Art. 18. Omnes rectores paroeciarum et missionum graeco-ruthenarum in regione Canadensi amovibiles sunt ad nutum Ordinarii graeco-rutheni ritus.

Art. 19. Congruae sustentationi rectorum paroeciarum et missionum consulat Ordinarius, pro modo muneris et facultatum, ex Ecclesiae proventibus, iuxta consuetudines regionis.

Art. 20. Iura stolae et emolumenta sacri ministerii in singulis missionibus determinanda sunt ab Ordinario graeco-rutheno, iuxta probatas regionis consuetudines.

Art. 21. Ordinarius graeco-ruthenis non nisi in clerum et populum graeco-ruthenum iurisdictionem suam exerceat.

Si tamen aliquo in loco existant fideles graeco-rutheni ritus, in eoque non sit missio constituta aut nullus adsit presbyter eiusdem ritus, Ordinarius iurisdictionem suam in fideles graeco-ruthenos presbytero latino loci communicet, certiorato Ordinario, quoadusque sacerdos graeco-ruthenus ibi habeatur.

return to their country, nor be recalled to it, without the express permission both of the Ordinary of their origin and of the Ordinary of the Greek-Ruthenian rite in Canada, to be given in writing.

Art. 17. Laymen of the Greek-Ruthenian rite, whatever be their origin or domicile, who desire to receive sacred orders in Canada, will remain entirely under the jurisdiction of the Ordinary of the Ruthenian rite in Canada, before whom they shall take the mission oath, to remain permanently in the service of the territory.

Art. 18. All rectors of the Greek-Ruthenian parishes and missions in Canada are removable at the will of the Greek-Ruthenian Ordinary.

Art. 19. The Ordinary shall provide for the suitable support of rectors or parishes and missions, in accordance with their office and his means, from the revenues of the Church, according to the custom of the country.

Art. 20. Stole fees and the emoluments of the sacred ministry in each mission shall be determined by the Greek-Ruthenian Ordinary according to the approved customs of the country.

Art. 21. The Greek-Ruthenian Ordinary shall exercise his jurisdiction only over the Greek-Ruthenian clergy and people.

However, if in any place there are faithful of the Greek-Ruthenian rite, but there is no mission established there, or no priest of their rite, the Ordinary shall communicate his jurisdiction over the faithful of the Greek-Ruthenian rite to a priest of the Latin rite at that place, giving notice to the Ordinary, until such time as there is a priest of the Greek-Ruthenian rite there.

Art. 22. Possunt pariter Episcopi latini canadenses, certiorato Ordinario rutheno, iurisdictionem dare presbyteris ruthenis illis in locis in quibus fideles latini ritus adsunt sibi subditi, sed nullus adest presbyter latinus qui curam eorum gerere queat.

Art. 23. Sacerdotes latini ritus qui a Sacra Congregatione pro Ecclesia Orientali facultatem obtinuerunt aut obtinebunt transeundi ad ritum ruthenum in auxilium Ordinarii rutheni pro spirituali adsistentia fidelium ruthenorum, quoadusque in ritu rutheno permanebunt, unice et omnino sub iurisdictione Ordinarii rutheni erunt. S. Congregatio autem iterum iterumque hortatur Episcopos latinos canadenses clero locupletiores, ut Ordinario rutheno in animarum bonum aliquot sacerdotes ad tempus concedant, si ab eodem requirantur.

Art. 24. Si qui vero sunt sacerdotes regulares qui transitum ad ritum ruthenum obtinuerunt, ipsi, in his quae ad vitam religiosam spectant, a propriis Superioribus regularibus, in his vero quae ad curam animarum et ritum ruthenum pertinent, ab Ordinario rutheno dependent.

Art. 25. Meminerint sacerdotes se debere sanctiorem prae laicis vitam interiorem et exteriorem ducere eisque virtute in exemplum excellere. Ideo frequenter ad Poenitentiae sacramentum accedant, quotidie orationi mentali per aliquod tempus incumbant, Sanctissimum Sacramentum visitent, Deiparam Virginem colant, conscientiamque suam discutiant.

Art. 26. Omnes sacerdotes debent tertio saltem quoque anno vel etiam frequentius, si opportunam habuerint occasionem, spiritualibus exercitiis per tempus a

Art. 22. The Latin Bishops of Canada may likewise, with notice to the Ruthenian Ordinary, give jurisdiction to the Ruthenian priests in those places where there are any of their subjects of the Latin rite, and where there is no priest of the Latin rite to take care of them.

Art. 23. Priests of the Latin rite who have obtained or shall obtain from the Sacred Oriental Congregation permission to transfer to the Ruthenian rite in order to help the Ruthenian Ordinary in the spiritual care of the Ruthenians, shall, as long as they remain in the Ruthenian rite, be solely and entirely subject to the jurisdiction of the Ruthenian Ordinary. But the Sacred Congregation again and again exhorts those Latin Bishops of Canada who are well supplied with priests, that they lend some priests temporarily for the good of souls, if they are asked for them.

Art. 24. If there are any regular priests who have obtained a transfer to the Ruthenian rite, they shall be under their own regular Superiors as regards matters which pertain to the religious life, but in those that pertain to the care of souls and to the Ruthenian rite, they shall be under the Ruthenian Ordinary.

Art. 25. Let priests remember that they are to lead a holier life than lay people, both interiorly and exteriorly, and excel them in virtue by way of example. Hence, they should frequently go to confession, and every day give some time to mental prayer, visit the Blessed Sacrament, be devout to the Blessed Virgin, and examine their consciences.

Art. 26. All priests must, at least every three years, or even oftener if they have a good opportunity, give themselves to spiritual exercises for a time to be fixed by

proprio Ordinario determinandum vacare; nec ab eis quisquam eximatur, nisi in casu particulari iusta de causa ac de expressa Ordinarii licentia.

Art. 27. Omnes speciali obligatione tenentur suo quisque Ordinario reverentiam et oboedientiam exhibendi eamque fidelibus saepius inculcandi.

Art. 28. Sacerdotes studia, praesertim sacra, ne intermittant, et in sacris disciplinis solidam illam doctrinam a maioribus traditam et communiter ab Ecclesia receptam sectentur, devitantes profanas vocum novitates et falsi nominis scientiam.

Art. 29. Expleto studiorum curriculo, sacerdotes omnes, nisi ab Ordinario ob iustam causam fuerint dispensati, examen singulis annis, saltem per triennium integrum in diversis sacrarum scientiarum disciplinis, antea opportune designatis, subeant, secundum modum ab eodem Ordinario determinandum.

Art. 30. Pariter saepius in anno, locis et diebus ab Ordinario praestitutis, conventus habeantur seu collationes de re morali et liturgica; quibus addi possunt aliae exercitationes, quas Ordinarius opportunas iudicaverit ad scientiam et pietatem clericorum promovendam. Si quis conventui interesse non poterit, resolutas quaestiones scripto mittat, secundum normas ab Ordinario determinatas.

Art. 31. Gravi obligatione tenentur parochi, quasi parochi, missionarii diebus dominicis ceterisque per annum festis de praecepto fidelibus, brevi Evangelii aut alicuius partis doctrinae christianae explanatione, verbum Dei nuntiandi necnon catholicam fidelium institutionem curandi, praesertim puerorum, secundum instructiones ab Ordinario receptas. Qui si

their Ordinary; and let no one be excused from them except in a particular case, for just cause, and with the express permission of the Ordinary.

Art. 27. All are bound by a special obligation to show reverence and obedience, each to his own Ordinary; and they must also frequently preach this duty to the people.

Art. 28. Priests must not cease from study, especially from sacred studies; and in sacred subjects let them follow the solid doctrine that has been handed down by tradition and is accepted in the Church, avoiding profane novelties of expression, and that science which is falsely so called.

Art. 29. After having finished their course of studies, all priests, unless they be for just cause dispensed by the Ordinary, must every year at least for three full years, take an examination in various branches of sacred science designated in advance, in the manner which shall be determined by the Ordinary.

Art. 30. Likewise several times a year there shall be held, at places and times designated in advance by the Ordinary, meetings or conferences on moral and liturgical subjects; to which may be added such other exercises as the Ordinary may judge helpful to promote the learning and piety of the clergy. If anyone is unable to attend a meeting, he shall send answers in writing to questions according to regulations to be made by the Ordinary.

Art. 31. Pastors, quasi-pastors, and missionaries are bound by a grave obligation to announce the word of God to the people by a brief explanation of the Gospel or of some part of Christian doctrine on Sundays and feasts of obligation throughout the year, and to attend to the Catholic instruction of the faithful, especially of children, according to the

negligentes reperti fuerint, pro gravitate culpaepuniantur.

Art. 32. Iuxta opportunitatem, Ordinarius graeco-rutheni ritus sacerdotes, saltem praecipuos, tum saeculares tum religiosos suae iurisdictioni subiectos congreget semel saltem in anno, ut etiam singulorum experientia et consilio uti valeat.

Caput III

De fidelibus graeco-ruthenis

Art. 33. Fideles graeco-rutheni tenentur observare praescripta sui ritus ac frequentare et libenter sustenare suas proprias ecclesias. Tamen in regionibus ubi desunt ecclesiae ac sacerdotes proprii ritus et ubi propter longinquitatem ecclesiae suae non eam possunt, nisi cum gravi incommodo, adire, debent, ut praeceptis Ecclesiae satisfaciant, Missam audire in ecclesia catholica alterius ritus, nec non Sacramenta accipere a presbytero alterius ritus. Huiusmodi observantia impense evulgetur, ac instent super hoc sacerdotes, cum de gravi praecepto agatur.

Art. 34. Frequentatio ex parte graeco-ruthenorum, etiam continua, ecclesiarum ritus latini, non inducit mutationem ritus. Circa transitum ab uno ritu ad alium, normae rite observentur a Sacra Congregatione pro Ecclesia Orientali datae per decretum *Nemini licere* diei 6 Decembris 1928. Idcirco fideles graeco-rutheni quod transitum spectat ad alium ritum, petitionem ad Delegatum Apostolicum mittant, et simul exponant veraciter causas canonicas, quae eundem transitum suadere videntur. Satius vero erit si hanc petitionem ad eundem Delegatum Aposto-

instructions received from the Ordinary. And if they are found negligent, they shall be punished in proportion to the gravity of the offense.

Art. 32. The Ordinary of the Greek-Ruthenian rite shall, as opportunity offers, at least once a year, gather together at least the principal priests, both secular and religious, who are subject to his jurisdiction, in order to be able to profit by each one's experience and advice.

Chapter III

The faithful of the Greek-Ruthenian rite

Art. 33. The faithful of the Greek-Ruthenian Rite are obliged to observe the prescriptions of their rite, and liberally to support their own churches. However, in places where there are no churches and priests of their rite, and where, owing to the distance, they cannot go to their own church without grave inconvenience, they must, in order to fulfill the precepts of the Church, hear Mass in a Catholic church of the other rite, and receive the sacraments from a priest of the other rite. This practice should be zealously disseminated, and priests should insist on it, since there is question of a grave precept.

Art. 34. Attendance on the part of the Greek-Ruthenians at the churches of the Latin rite, even though it be continuous, does not effect a change of rite. As regards the transfer from one rite to another, the regulations given by the Sacred Oriental Congregation in the Decree *Nemini licere* of 6 Dec., 1928, should be duly observed. Hence, to transfer to another rite, Greek-Ruthenians must send a petition to the Apostolic Delegate, and set forth truly the canonical causes which seem to make such transfer desirable. It will be better, however, that this petition be sent to the

licum transmittant per tramitem proprii Ordinarii.

Art. 35. Non licet sacerdotibus ritus latini quempiam graeco-ruthenum ad latinum ritum amplectendum inducere contra vel praeter canonica praescripta quae transitus ritus moderantur.

Art. 36. Fideles rutheni, etiam si adsit presbyter latini ritus, apud sacerdotem graeco-ruthenum ab Ordinario suo adprobatum, peccata sua confiteri et beneficium sacramentalis absolutionis, valide et licite obtinere possunt. Item, fideles graeco-rutheni peccata sua confiteri possunt apud sacerdotem latinum ab Episcopo suo approbatum. Presbyteri vero latini absolvere non possunt fideles graeco-rutheni ritus a censuris et casibus sibi reservatis ab Ordinario graeco-rutheno absque venia eiusdem. Vicissim idem dicatur de presbyteris graeco-ruthenis quoad censuras et reservationes statutas ab Ordinario latini ritus. Ad devitandas vero difficultates, quae frequentius in praxi occurrent, Ordinarii omnes a se reservatos casus, si qui sint, sibi invicem communicent.

Art. 37. Omnibus fidelibus cuiuscumque ritus datur facultas ut, pietatis causa, Sacramentum Eucharisticum, quolibet ritu confectum, suscipiant; ac insuper, ubi necessitas urgeat, nec sacerdos diversi ritus adsit, licebit sacerdoti graeco-rutheno ministrare Eucharistiam consecratam in azymo et vicissim sacerdoti latino ministrare in fermentato; at suum quisque ritum in ministrando servabit.

Art. 38. Quilibet orientalis valide ac

Apostolic Delegate through their own Ordinary.

Art. 35. Priests of the Latin rite are not allowed to induce any member of the Greek-Ruthenian rite to transfer to the Latin, contrary to or aside from the canonical provisions which govern changes of rite.

Art. 36. The faithful of the Latin rite, even if a priest of their own rite is available, can validly and licitly confess their sins to, and receive absolution from, a priest of the Greek-Ruthenian rite who is approved by his Ordinary. Likewise the faithful of the Greek-Ruthenian rite can go to confession to a priest of the Latin rite who is approved by his Bishop. But priests of the Latin rite cannot absolve the faithful of the Greek-Ruthenian rite from censures and cases which the Greek-Ruthenian Ordinary has reserved to himself, without the latter's permission. The same thing in turn is true of the Greek-Ruthenian priests as regards censures and reservations established by the Ordinary of the Latin rite. But to avoid difficulties which rather frequently occur in practice, let all Ordinaries inform each other of any reservations they may have made.

Art. 37. All the faithful of whatever rite may for devotion receive the Sacrament of the Eucharist consecrated according to any rite; and besides, where necessity urges and there is no priest of the other rite available, a Greek-Ruthenian priest may administer the Eucharist which has been consecrated from unleavened bread; and conversely a priest of the Latin rite may administer that which has been consecrated from leavened bread; but each must follow his own rite in administering it.

Art. 38. Any member of an Oriental

licite praecepto communionis paschalis satisfacit etiamsi alieno ritu communicet. Suadendum tamen est ut suo quisque ritu et in propria paroecia fideles praecepto communionis paschalis satisfaciant: qui vero in aliena paroecia satisfecerint, curent proprium parochum de adimpleto praecepto certiore facere.

Art. 39. Sanctum Viaticum moribundis ritu proprio a manibus proprii parochi accipiendum est; sed, urgente necessitate, fas esto a sacerdote quolibet illud accipere: qui tamen ritu suo ministrabit.

Art. 40. Funerum celebratio ac emolumentorum perceptio in familiis mixti ritus ad parochum illius ritus pertineant, ad quem defunctus pertinebat.

Art. 41. Ad vitanda gravia incommoda, quae inde ruthenis evenire possent, facultas eis fit festa et ieiunia observandi iuxta consuetudines locorum in quibus degunt, quae observantia minime inducit mutationem ritus.

Art. 42. Festis vero incidentibus, in utroque ritu, in diem eamdem, graeco-ruthenis suadetur ut intersint sacrae liturgiae in ecclesia sui ritus, si in loco habeatur, salvo tamen praescripto can. 1249 quoad satisfactionem legis de audiendo Sacro, quocumque catholico ritu Missa celebretur, sub dio aut in quacumque ecclesia vel oratorio publico aut semi-publico et in privatis coemeteriorum aediculis, de quibus in can. 1190, non vero in aliis oratoriis privatis, nisi hoc privilegium a Sede Apostolica concessum fuerit.

rite validly and licitly fulfils the precept of Paschal Communion, even if he communicates in a rite other than his own. It is desirable, however, that the faithful fulfill the precept of Paschal Communion, each in his own rite, and in his own parish church; and those who may have fulfilled it in another parish should take care to inform their own pastor of the fact that they have fulfilled it.

Art. 39. Holy Viaticum should be received by the dying in their own rite, and from the hands of their own pastor; but in case of necessity it is allowed to receive it from any priest; the priest, however, must administer it according to his own rite.

Art. 40. The celebration of funerals and the reception of emoluments in families of mixed rite, belong to the pastor of that rite to which the deceased belonged.

Art. 41. To prevent grave inconvenience which might accrue to Ruthenians, they are given permission to observe feasts and fasts according to the customs of the places in which they are staying; but such observance does not produce a change of rite.

Art. 42. When feasts fall on the same day in both rites, the Greek-Ruthenians are encouraged to assist at the sacred Liturgy in a church of their rite, if there is one in the place, but without prejudice to the provision of canon 1249 regarding the fulfilment of the law of hearing Mass in any Catholic rite in which the Mass is celebrated, in the open air or in any church or public or semi-public oratory, and in private chapels of cemeteries, mentioned in canon 1190, but not in other private oratories, unless this privilege has been granted by the Holy See.

Art. 43. Adsociationes fidelium ritus graeco-rutheni sint sub vigilantia Ordinarii, qui sacerdotem moderatorem nominet, ne forte abusus circa doctrinam, mores disciplinamve in eis irrepant. Ideo laude digni sunt fideles qui sua dant nomina adsociationibus ab auctoritate ecclesiastica erectis vel saltem commendatis; caveant autem ab associationibus secretis, damnatis, seditiosis, suspectis aut quae student sese a legitima auctoritate ecclesiasticae vigilantia subducere.

Pariter diaria, folia vel libelli periodica catholica sint sub vigilantia Ordinarii, nec in eis sine eius consensu sacerdotes scribant vel eadem moderentur.

Caput IV

De matrimoniis inter fideles mixti ritus

Art. 44. Matrimonia inter catholicos graeco-ruthenos et latinos non prohibentur; sed ad vitanda incommoda, quae ex rituum diversitate in familiis evenire solent, uxor, in ineundo matrimonio aut eo durante, ad ritum viri transire potest. Matrimonio autem soluto, assumendi proprii ritus originis libera est ei potestas.

Art. 45. Matrimonia tum inter fideles graeco-ruthenos, tum inter fideles mixti ritus, servata forma decreti *Ne temere* contrahi debent, ac proinde pro regula coram sponsae parochio celebrentur, nisi aliqua iusta causa excuset.

Art. 46. Dispensationes matrimoniales in matrimoniis mixti ritus, si quae sint

Art. 43. Associations of the faithful of the Greek-Ruthenian rite shall be under the vigilance of the Ordinary, and he shall appoint the priest who is to have charge, lest any abuse creep into them as regards faith, morals, or discipline. Hence it is praiseworthy on the part of the faithful to join associations which have been established or at least approved by ecclesiastical authority; they must, however, be on their guard against associations which are secret, condemned, seditious, suspect, or which seek to elude the supervision of lawful ecclesiastical authority.

Likewise Catholic newspapers, magazines, and periodicals are under the supervision of the Ordinary, and without his permission priests should neither write in them nor manage them.

Chapter IV

Marriages between the faithful of mixed rite

Art. 44. Marriages between Catholics of the Greek-Ruthenian and Latin rite are not forbidden; but to prevent the inconveniences which usually arise in families from the diversity of rites, it is provided that the wife may, at the time of the marriage or during its continuance, pass over to the rite of her husband. But after the marriage has been dissolved she is free to return to her own original rite.

Art. 45. Marriages, both between Greek-Ruthenians among themselves, and between the faithful of different rites, must be contracted with the observance of the form described by the Decree *Ne temere*, and hence should as a rule be celebrated before the pastor of the bride, unless some just cause excuses therefrom.

Art. 46. Matrimonial dispensations in marriages of mixed rite must, when they

petendae, petantur ab Ordinario sponsae.

Art. 47. Nati in regione Canadensi ex parentibus diversi ritus, ritu patris sunt baptizandi.

Art. 48. Infantes ad eius parochi iurisdictionem pertinent, cuius ritus est eorum pater, exceptis natis ex illegitimo thoro, qui sequuntur ritum matris.

Quae omnia Ssmus Dominus Noster Pius div. Prov. Papa XI rata habuit ac confirmavit, praesensque decretum ad decennium valiturum edi iussit.

Contrariis quibuscumque non obstantibus.

Datum Romae, ex aedibus Sacrae Congregationis pro Ecclesia Orientali, die 24 Maii 1930.

are needed, be asked for of the Ordinary of the prospective bride.

Art. 47. Persons born in Canada of parents of different rites, are to be baptized in the rite of the father.

Art. 48. Children belong to the jurisdiction to whose rite their father belongs, except those born illegitimately, who follow the rite of their mother.

His Holiness, Pius XI, ratified and confirmed all these provisions, and ordered the present Decree to be published, to be effective for ten years.

All things to the contrary notwithstanding.

Given in Rome, from the office of this Sacred Congregation for Eastern Church, on May 24, 1930.

A. Card. SINCERO, a Secretis

H. I. Cicognani, Adessor

APPENDIX III

NORMS OF THE RUTHENIAN-CATHOLIC CHURCH IN CANADA

YORKTON, SASKATCHEWAN

NOVEMBER 29, 1914³

Priest's Library	Dispensation from Marriage Im- pediments in Danger of Death
Bination	Eucharist—Sacrament
Theophany	Organizations not Recommended or Forbidden by the Church
Brotherhoods	Absolution of Sins Reserved to the Bishop
Mutual Aid	Case of Complexity (<i>causus perplexis</i>)
Eternal Lamp	Outward Conduct of a Priest
Statements and Reports	Change of Rite
Celebration of the Divine Liturgy in Private Homes	Incorporation of Churches
Relations with Priests and Faithful of the Latin Rite	Competitive Exams
Canonical Visitation	Catechesis
Visitation of Parishioners	Parochial Books
Marriage Times	Collections
Faculties of those Priests Who have Our Approval	Mixed Religion Marriages
Resurrection of Our Lord Jesus Christ	Religious
Retreats	Unknown Priests

³While the Assembly took place in November, 1914, the resulting Norms were not published until the following year. The outline provided here, though not part of the original document, is a general overview of the entire text, arranged according to the original Ukrainian alphabetical index. The Ukrainian text reproduced here follows the document's original spelling and format. A few minor typographical errors have been corrected.

- Newly-converted from Heresy or Schism
- Contraction of Debts by Churches
- Insurance
- Rite
- Priestly Garb
- Care for Immigrants
- Care of the Sick
- Care of the Poor and the Unemployed
- Marriage Banns
- Organization of Ecclesiastical Communities
- Parochial Divine Liturgy
- Preservation of the Divine Eucharist
- Preservation of Parochial Books and Documents
- Penance
- Baptismal and Marriage Certificates
- Consecration of a Church
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ПРАВИЛА
РУСЬКО-КАТОЛИЦЬКОЇ ЦЕРКВИ
в Канаді

ВІННІПЕГ, МАН, Р.Б. 1915

З Друкарні „Канадійсько - Української
Видавничої Спілки”

ВСЕЧЕСНОМУ ДУХОВЕНСТВУ
НАШОЇ ЕПАРХИЇ
МИР О ГОСПОДІ І АРХИЄРЕЙСЬКЕ
БЛАГОСЛОВЕНЄ

==== • =====

За ласкою Божою і при помочи
Нашої Покровительки Преблагосло-
венної Диви Марії даємо Вам отсим,
Дорогі в Христі Братя і Співробітники
на Нашій русько-католицькій церков-
ній ниві в Канаді, “Правила”, котрими
бажаємо завести одностайне посту-
пованє в заряді парохій і в Вашім
душпастирським діланю на цілій
канадійській території, що певно
причинить ся до помноження успіхів в
Вашій тяжкій праці для спасеня дорогих
душ Наших вірних Русинів в Канаді.

На основі Декрету “Вірним Русинам”
виданого Апостольскою Столицею дня
18 серпня 1913 р. для унормованя цер-
ковних відносин русько-католицької
Церкви в Канаді, по відбутій Нами
нарадї і дискусії з Високопреосвящен-
ними Архиепископами і Епископами
Западної Канади і по використаню
розпоряджень Епископів латинського
обряду а головно “Актів і Декретів
першого повного Собора в Квебеку” р.
1909, як також по узглядненю декрету
“Ад Гравес ет діутурнас”, або так званої
“Конкордії”, виданої Апостольскою
Столицею д. 6 жовтня р. 1863 для унор-
мованя відносин русько-католицької
Церкви в Галичині до латинської,

NORMS OF THE
RUTHENIAN-CATHOLIC CHURCH
in Canada

WINNIPEG, MAN., A.D. 1915

From the Press of the “Canadian - Ukrainian
Publishing Union”

TO THE REVEREND CLERGY
OF OUR EPARCHY
PEACE IN THE LORD AND OUR
EPISCOPAL BLESSING

==== • =====

By the Grace of God and with the help
of Our Protectress the Most Blessed Virgin
Mary, We give you, Dear Brothers and Co-
workers in Christ in Our Ruthenian-
Catholic ecclesiastical vineyard in Canada,
these “Norms,” by which we hope to bring
about uniform procedure in parish
administration and in your pastoral work
throughout the Canadian territory, so that
it will truly contribute to the multiplication
of success in your onerous work in the
salvation of the precious souls of Our
Ruthenian faithful in Canada.

On the basis of the decree *Fidelibus
ruthenis*, issued by the Apostolic See on
August 18, 1913, concerning the regulation
of the ecclesiastical circumstances of the
Ruthenian-Catholic Church in Canada;
and after meetings and discussions with
the Most Reverend Archbishops and
Bishops of Western Canada; and having
profited by the regulations of the Latin rite
Bishops, especially the Acts and Decrees of
the First Plenary Council in Quebec held in
1909; as well as having taken into
consideration the decree *Ad gravas et
diuturnas*, the so-called “Concordat”,
issued by the Apostolic See on October 6,
1863, for the regulation of relations of the
Ruthenian-Catholic Church in Galicia with

зладжено проект "Правил" і предложено на обради першого Собора русько-католицького духовенства западної Канади, що відбувся в Йорктон, Саск., в днях від 27-29 листопада 1914. На Соборі передискутовано всі поодинокі точки "Правил", доповнено або змінено деякі з них і поручено Всесвітлійшому о. Др-ови А. Редкевичови, Нашому ревному Помічникови і Референтови тих "Правил" на Соборі, щоби їх зладив до друку.

Дякуючи передовсім Всесвітлійшому Отцю Др-ови А. Редкевичови, за Ёго умітний і невсипущий труд коло зладження і видання сих "Правил", як також всім Всечеснійшим Отцям, учасникам Собора за їх практичні вказівки, оголошуємо сим "Правила русько-католицької Церкви в Канаді" яко Наші зарядження, обов'язуючі кожного Нашого священика, занятого в душпастирській праці.

Знаючи, що одностайне, законом унормоване поступоване всього Клиру в Епархії становить основу церковної організації і помножує успіхи праці на ниві церковній, Ми доложили всіх старань, щоби як найскорше дати Нашому Духовенству підручник такого правного і практичного поступованя.

Ми свідомі сего, що сей підручник не єсть еще вичерпуючий. Для того з одної сторони звертаємо увагу Нашого Духовенства, що сі "Правила" зовсім не звільняють їх від знаня і придержуваня загального церковного закона, а з другої сторони знова просимо, щоби всі Всечеснійші Отці збирали свої помічення чи то теоретичні, чи здобуті практикою, та присилали їх до Єпископського Ординариату, який з'ужие їх до повнійшого виданя "Правил".

В ніякім случаю не дозволяємо самовільно заводити або придержу-

that of the Latin Church; the proposed "Norms" were agreed upon and presented for discussion at the first Assembly of the Ruthenian-Catholic Clergy of Western Canada, in Yorkton, Saskatchewan, November 27-29, 1914. During the Assembly, each of the "Norms" was thoroughly discussed, brought to completion, or changed, and then handed over to Very Reverend Dr. A. Redkevych, Our ardent Assistant and Presenter of the "Norms" at the Assembly, for publication.

Thanks are to be given foremost to Very Reverend Dr. A. Redkevych, for his able and untiring labour in editing and publishing these "Norms", as well as to all Reverend Fathers, the participants of the Assembly, for their practical input. We promulgate these "Norms of the Ruthenian-Catholic Church in Canada" as Our rules which obligate each of Our priests engaged in pastoral work.

Knowing that uniformity, which regulates, according to law, the conduct of all Clerics in the Eparchy, constitutes the basis of ecclesiastical organization, and augments the success of labour in the ecclesiastical arena, We took pains to give Our Clerics a manual of juridical and practical procedure as soon as possible.

We are aware that this manual is not yet exhaustive. Therefore, We remind Our Clergy, that these "Norms" do not free them at all from the knowledge of, and adherence to, general canon law. We also ask once again that all Reverend Fathers collect their observations, whether theoretical or gathered from experience, and forward them to the Bishop Ordinary, who, in turn, will use them in the compilation of a fuller edition of the "Norms."

Under no circumstances do We allow the arbitrary introduction or keeping of

вати ся іншої практики та поступованя, як сего, що їх приписують “Правила”. Если яке розпоряджене окаже ся в якійсь місцевости неможливе до переведеня, тоді сьвященик має се подати Епископському Ординариятowi до відома і поступити відтак після Єго дотичного рішеня.

Умоляючи Всемогучого Бога о благословенство на сей вклад в наше церковне жите заряджуємо:

1. Правила русько-католицької Церкви в Канаді оголошені друком обовязують всі кожного Нашого сьвященика в два місяці по їх одержаню.

2. Диспензи з важних причин дані на письмі, мають бути в правилах занотовані wraz з їх числом і датою.

3. “Правила” суть все предметом конкурсового іспиту.

4. “Правила” суть книжкою особистою сьвященика. При зміні місця належить наслідникови подати евентуальні зміни чи місцеві практики до занотованя і ужитку, щоби зі зміною особи не зміняла ся практика.

5. Книжка ся єсть друкована виключно для ужитку наших сьвящеників. Не вільно єї продавати, чи давати кому другому, як лише руському сьвященикови в Канаді апробованому руським Епископом.

Дано в Торонто, Онт., в Духовнім Семинари, дня 23 січня, 1915 р.

Никита

Епископ Канадійських Русинів

practices or procedures contrary to those prescribed in these “Norms.” If a regulation proves impossible to fulfil in one particular locality, the pastor is to inform the Bishop Ordinary, and proceed in accordance with the latter’s decision in the matter.

Exhorting Almighty God to bless this contribution to our ecclesiastical life, we decree that:

1. The Norms of the Ruthenian-Catholic Church in Canada, thus published and promulgated, obligate each of Our priests two months from the day they were received.

2. Dispensations, granted for a grave reason and given in writing, must be annotated in the “Norms,” together with their protocol number and date.

3. These “Norms” are the subject of competitive exams.

4. These “Norms” are the personal property of each priest. It is, therefore, the responsibility of each priest who is transferred to inform his successor with any changes and any information regarding local customs so that such practices are not changed with the arrival of the latter.

5. This book is published for the exclusive use of Our priests. It may not be sold or given to anyone other than Ruthenian priests in Canada who are approved by the Ruthenian Bishop.

Given in Toronto, Ontario, at the Major Seminary, January 23, 1915.

Nykyta

Bishop of the Canadian Ruthenians

Бібліотека священника: — Кождий священник єсть строго обовязаний мати отсі книжки в своїй бібліотеці:

1. Св. Письмо, видане за апробатою дотичних властей;
2. Догматику;
3. Моральну;
4. Пасторальну;
5. Церковне право;
6. Загальну історію Церкви, а руської Церкви з окрема;
7. Житє Святих, а з окрема житє св. Йосафата;
8. Підручники до катехизації і проповідий;
9. Правила русько-католицької Церкви в Канаді; і
10. Типик, виданя о Пралата Ізидора Дольницького.

Священник, в котрого бібліотеці сих книжок не буде, або знайдуть ся заказані книжки, буде без попередного напименя суспендований, доки не здасть конкурсового іспиту і не справить собі потрібних книжок.

Біноване: — В перший день Рождества і Воскресеня Г.Н.І.Х. і Сошествія св. Духа і на Йордан позволяємо всім нашим священникам правити дві Служби Божі, если заходить потреба, т. е. еслиби в противнім случаю значне число вірних або убожші верстви були позбавлені нагоди вислуханя Служби Божої.

На всі інші случаї, мають священники, що бажали-б бінувати, постарати ся о дотичне позволене від Ординариятю.

Бінуючому священникови не вільно брати платних намірень на обох Службах Божих, лише на одній з них.

Если священник править обі Служби Божі в тій самій церкві і має лиш одну чашу, то по св. Причастію вірних нехай випе старанно з чаші НС. Тайни, відтак

Priest's Library: ² — Each priest is under strict obligation to have the following books in his library:

1. Holy Scriptures, in editions approved by the proper authorities;
2. Dogmatics;
3. Morals;
4. Pastoral;
5. Canon law;
6. General Church history, as well as Rus' Church history;
7. Lives of the Saints, especially the life of St. Josaphat;
8. Handbooks on catechesis and sermons;
9. Norms of the Ruthenian-Catholic Church in Canada; and
10. *Typicon*, edited by Fr. Prelate Isidore Dol'nyc'kyj.

Priests who do not have these books in their libraries, or have prohibited books, will be suspended, without previous admonition, until they pass a competitive exam and procure the required books.

Bination: — On the Feasts of the Nativity and Resurrection of Our Lord, Jesus Christ, and on the Feasts of the Descent of the Holy Spirit and Jordan, all Our priests are allowed to celebrate two Divine Liturgies if the need arises, that is, if a significant number of faithful or the poor would otherwise be deprived of the opportunity to attend the Divine Liturgy.

In all other cases, priests who wish to binate must endeavour to obtain the proper permission from the Ordinary.

A priest who binates may only receive a stipend for one of the Divine Liturgies, not both.

If a priest celebrates both Divine Liturgies in the same church and has only one chalice, after distributing Holy Communion to the faithful, he is carefully to

виполоче чашу і зілє до осібного начиня, відтак над чашою обмиє пальці вином і водою як звичайно і знова зілє до начиня. Се начинє з полоканем ховає до кивота і спожие при полоканю чаші на другій Службі Божій. Так виполокану чашу обітре сьвященик ручником, накриє як звичайно і може єї ужити до другої Служби Божої.

Еслиж має сьвященик дві чаші, то найлучше по як найстараннійшим спожитю НС. Тайн сховати чашу до кивота, а до другої Служби Божої ужити другої чаші і при кінци Служби Божої виполокати одну і другу чашу, спожити полоканє, як звичайно, і витерти обі чаші.

Если-ж Служби Божі мають бути відправлені в двох віддалених церквах, тоді має сьвященик по як найстараннійшим спожитю НС. Тайн, виполокати чашу вином, відтак над чашею пальці вином і водою і оба сі полоканя зняти до відповідного начиня, а відтак або: 1) полишити єго в кивоті до спожитя на Службі Божій слідуячого дня (если іменно сьвященик буде мав там Службу Божу); або 2) вибрати полоканя ватою і спалити; або 3) лишити в кивоті, щоби висохла сама; або 4) виляти “ін пісцінам”, если есть (Инстр. С. Конг. для Розширення Віри 11 марта 1858). Ся інструкция дасть ся застосувати в латинськїм обряді у всіх чотирох случаях, а в нашім найвідповіднійше є поступити як сказано під ч: 1 або 2. Сьвященик однак мусить все як найстараннійше спожити перед полоканем НС. Тайни.

Богоявленіє: — Йорданське водосьвятіє можна відправляти від навечерія Богоявленя аж до віддання Празника включно.

drink from the chalice, rinse the chalice and pour the rinsings into a separate vessel, wash his fingers, as usual, with wine and water over the chalice, and likewise pour the rinsings into the vessel. He places the vessel into the tabernacle, consuming the rinsings only after the second Divine Liturgy. He wipes the chalice with a purificator, covers it as usual, and then can use it for the second Divine Liturgy.

If the priest has two chalices, after the diligent consumption of the Most Holy Mysteries, it would best to place the chalice in the tabernacle and use the other chalice for the second Divine Liturgy. At the end of the second Divine Liturgy, he rinses and consumes both chalices and then dries them.

If the Divine Liturgies are celebrated in two separate churches, then the priest, after the diligent consumption of the Most Holy Mysteries, is to rinse the chalice with wine, wash his fingers with wine and water over the chalice, and pour both rinsings into an appropriate vessel, and then either: 1) place the vessel in the tabernacle for consumption at the Divine Liturgy on the following day (that is, if the priest will celebrate the Divine Liturgy at that church); 2) wipe dry the rinsings with cotton and burn it; 3) leave the rinsings in the tabernacle to air-dry; or 4) pour them into the *piscina*, if there is one (Instruction, Sacred Congregation for the Propagation of the Faith, March 11, 1858). This instruction affords the Latin rite all four possibilities, of which 1) and 2) are the most appropriate for our rite. Nevertheless, the priest, must always diligently consume everything prior to rinsing the Most Holy Mysteries.

Theophany: — The Jordan water blessing can be celebrated from the eve of Theophany until the leave-taking of the Feast, inclusive.

Брацтва: — Добре зорганізовані церковні брацтва приносять великі плоди так в життю моральнім вірних, як також в їх життю духовім. Вони можуть рівнож причинити ся до розцвіту добробуту материяльного громади і можуть стати рівнож помічними парохами в его душпастирській праці над громадою. Проте поручаємо Всечесним Отцям, щоби всюди по своїх парохіях основували брацтва затвердені Апостольською Столицею. Нашим бажанем єсть, щоби ширити всюда Брацтво Апостольства Молитви — і єму підпорядкувати брацтва і Тверезости і Щоденних вечірних спільних молитов в родині перед образом Св. Родини.

Ми небавом видамо окремих пастирський лист, про брацтва, тому тут даємо лише загальні вказівки. Звернемо лише єще увагу на кілька точок. Всі три висше наведені брацтва повинні мати як найбільше число членів — бо вони стремлять головно до піднесення морального і духового життя самого члена і яко такі, повинні заклопати в собі можливо найбільше число членів. Суть однак брацтва другого рода, яких цілею єсть не так власне освячене або власне добро члена, — але освячене і добро духове або материяльне других, не членів. До таких брацтв можна приймати лише вибрані особи — і тут не може розходити ся о чисельну, але лише о моральну силу і вартість брацтва. Тії брацтва мають бути помічними самому душпастиреви в его душпастирській і суспільній праці, а їх члени мають бути неначе Апостолами душпастиря, его науки і его стремлінь. Брацтва першого рода, до котрих належать ті, що висше вимінилисьмо повинні з часом обняти всіх членів парохії без виїмку. Се було-би найгарнійшим доказом невтомної праці душпастиря. Вони мають бути підкладом до основаня брацтв другого

Brotherhoods: — Well-organized ecclesiastical brotherhoods bring about much fruit in the moral and spiritual lives of the faithful. They can equally contribute to the material prosperity and well-being of the community, as well as be of assistance to the pastor in his pastoral work within the community. Therefore, We recommend to the Reverend Fathers that everywhere in their parishes there should exist brotherhoods which are approved by the Apostolic See. Our wish is that the Apostleship of Prayer be established everywhere, and, subordinate to it, the Confraternity of Temperance and of Daily Evening Common Family Prayer before the icon of the Holy Family.

A separate pastoral letter will soon be issued regarding brotherhoods; therefore, only general directives are given here. As such, We only draw attention to a few items. All three of the brotherhoods mentioned above should have as many members as possible since they, above all, strive to elevate the moral and spiritual life of each member and, therefore, should include as many members as possible. There also exist brotherhoods of the second degree, which have as their primary goal not the consecration or welfare of their own members, but the consecration and welfare, either spiritual or material, of non-members. Only certain individuals can be accepted into these brotherhoods, specifically selected to enhance the moral strength and value of the brotherhood, and not merely for the sake of increasing membership. The brotherhoods are to assist the pastor in his pastoral and social work, as apostles of the pastor, of his teaching and his goals. Brotherhoods of the first degree, to which belong those enumerated above, in time, should include all members of the parish, without exception. This would be the greatest evidence of the untiring labour of the pastor. They are to be the basis for the

рода, що мають за ціль піднесене морального і духового життя других осіб — не членів. Бо тільки сей зможе працювати успішно над душею другого, котрого власна душа єсть чиста і перенята наукою ним голошеною. Ніхто не може двигнути другого до рівня морального чи взагалі духового висшого понад сей, який він сам посідає. В сих брацтвах другого рода сьвященик повинен уважати, щоби членами єго були люде вибрані, щоби членство в таким брацтві було честію дуже трудною до здобуття.

Поки вийде Наш пастирський лист, в котрім будемо говорити головно про брацтва другого рода — поручаємо Всечесним Отцям, щоби основуванем брацтв першого рода підготовали ґрунт до успішного основаня прочих брацтв. В сей спосіб праця наша стане психологічно узасадненою, а при тім пляновою і одноцільною і при Божій помочи принесе красші успіхи.

Взаїмна поміч: — Руські сьвященики, головно сусіди, повинні оказати ся завсїгди готовими до несеня взаїмної помочи в душпастирській праці, наколи будуть о се прошені, розуміє ся в межах сих “Правил”. Головно завсїгди мають упевнити ся чи вірні з чужої парохії, або місії сповняють обовязок плачення парохіяльних і епархіяльних такс.

Коли-би трафив ся вірний, що не належить до ніякої церковної громади, то сьвященик має домагати ся від него щоби став членом сеї церковної громади, в якій мешкає. В сій ціли мусить вірний зложити або якусь квоту, або принайменше підписати заяву, що стане членом і буде платити належні такси. Сю квоту зглядно заяву, має ся переслати тому сьвященикови, до котрого належить дотична церковна громада.

existence of brotherhoods of the second degree, which have as their purpose the elevation of the moral and spiritual life of non-members. Because only that person whose own soul is pure and enlightened by knowledge can have a positive impact on the soul of another, no one can move another to a greater moral conversion or, in general, to a higher spiritual level above that which he himself possesses. The pastor is to be careful that the members of these brotherhoods of the second degree are specially selected so that their membership be an honour most difficult to achieve.

Until our pastoral letter is issued, in which we will speak primarily about brotherhoods of the second degree, we recommend that the Reverend Fathers establish brotherhoods of first degree in order to prepare the foundation for the successful establishment of other brotherhoods. In this way, our work can become psychologically grounded, being planned and with one goal in mind, and, with God's help, bring about greater successes.

Mutual aid: — Ruthenian priests, especially neighbouring, should always show their willingness to offer mutual aid in pastoral care when it is asked for, understood within the limits of these “Norms.” In particular, they must always ensure that the faithful of other parishes or missions fulfil their obligation of paying parish and eparchial taxes.

When a priest encounters faithful who do not belong to any ecclesiastical community, he is to request that they become members of the community in which they live. To this end, the faithful must deposit either some quota or, at the very least, sign a declaration that they will become members and will pay the appropriate taxes. This quota or declaration, must be sent to the priest of the respective ecclesiastical community.

Колиж довідає ся священник, що вірний належить вправді до певної церковної громади, але не платить такс, то має поступити собі так, як сказано в “Замітках до Тарифи”.

Вічне світло: — Де в кивоті переходять ся Іс. Тайни, там має стало світити ся лампа, наповнена оливою. Єсли-би однак заходила небезпека огню, то має та лампа світити ся принайменше в часі, коли відправляють ся в церкві богослуженя. Се єсть обовязком самого священника припильнувати, щоби сей припис був захований.

Викази і звіти: — Кождий священник єсть з’обовязаний прислати до Єпископської Канцелярії викази і звіти зі своєї парохії або місійного округу за кождий минувший рік, найдалше до кінця січня слідуочого року. Щоби улегчити працю священникам, Єпископський Ординарият розішле відповідні формулярі до виповнення. Наколи котрий зі священників вже довші літа перебуває на тім самім місци і вже раз виповнив формулярі, то в слідуочих роках має зазначити в поодиноких рубриках лише евентуальні зміни.

Відправа Служби Божої в приватних домах: — Де нема церкви, там вільно священникови відправляти Службу Божу в приватнім домі, в місци, яке найлучше відповідає святости і гідности безкровної жертви. Рівнож позволяємо священникам по кольоніях відправляти в зимовій порі Службу Божу в несвяточні дні в приватнім мешканю. Однак священники суть обовязані в совісти подбати, щоби місце, де відправляють Службу Божу, було як найвідповіднійше на сю ціль зладжене.

When a priest learns that certain faithful who belong to a given ecclesiastical community are not paying taxes, he is to proceed in accordance with what is prescribed under “Remarks Concerning Tariffs.”

Eternal Lamp: — Where the Most Holy Mysteries are preserved in the tabernacle, an oil-filled lamp is to be kept lit. If, however, there is danger of fire, the lamp must be lit at least during the celebration of liturgical services. It is the obligation of the priest himself to ensure that this norm is adhered to.

Statements and Reports: — Each priest is obliged to send to the Bishop’s Chancery Office statements and reports on his parish or missionary territory annually, at the latest by the end of January of the following year. To simplify matters for priests, the Bishop Ordinary will distribute appropriate forms for completion. In the event that a priest has served the same area for several years, and has already submitted the forms once, in subsequent years, he is only to note any changes.

Celebration of the Divine Liturgy in Private Homes: — Where there is no church, a priest is permitted to celebrate the Divine Liturgy in a private home, in a place best suited to the sanctity and dignity of the bloodless sacrifice. It is also permitted for a priest in a rural area to celebrate the Divine Liturgy on ferial days during winter in a private residence. However, priests are bound in conscience to ensure that the place where they celebrate the Divine Liturgy is best suited for this purpose.

Коли котрий з місіонарів на кольоніях мешкає далеко від церкви і хотів-би правити Службу Божу в несвяточні дні в приватнім помешканю і літною порою, то має просити Ординарият о дотичне позволене, описуючи кімнату, де би мала бути приватна каплиця.

Відношене до св'ящеників і вірних латинського обряду: — Зі св'ящениками лат. обр. повинні наші св'ященики жити всюди в дружних зносинах.

Що до несеня собі взаємної помочи в душпастирській праці мають з гори уложити ся між собою, бо тільки в сей спосіб можна буде уникнути всяких непорозумінь.

В права парохіяльні св'ященика лат. обр. нехай не важить ся ніхто з наших св'ящеників мішати. Тільки прошений або в дійсно наглій потребі і в неприсутности латинського св'ященика, може наш св'ященик сповняти зглядом вірних лат. обр. сі св'ященодійствія, котрі становлять виключне право пароха.

Що до епитрахильних доходів, побраних при сій нагоді, а іменно кому они мають припасти, нехай уложать ся св'ященики самі поміж собою.

В місцях, де нема тільки русько-католицька церква, а доїжджає св'ященик латинського обряду до своїх вірних, повинен наш св'ященик в порозуміню з тростисами оказати ся готовим відступити свою церков на відправу латинським св'ящеником і то, або даром, або за справедливе винагороджене. Не відповідало-би се однак духови Христовому, коли-би св'ященик або громада за принагідне відступлене церкви жадали винагородження більшого як треба, щоби покрити конечні видатки, получені з відступленем, як пр. опал, чищене церкви, св'ітло і т.п.

Where one of the missionaries of the colonies resides some distance from the church and would like to celebrate the Divine Liturgy on ferial days in a private residence during the summer, then he must petition the Ordinary for permission, describing the room where the private chapel is to be erected.

Relations with priests and faithful of the Latin rite: — Our priests should always maintain friendly relations with priests of the Latin rite.

Concerning mutual aid in pastoral care, priests are to arrange these matters among themselves in advance, thus avoiding any misunderstandings.

Care must be taken that none of our priests interfere with the rights of Latin rite pastors. Only when invited or out of urgent need, and when a Latin priest is not available, can a Ruthenian priest perform those priestly acts, with respect to Latin rite faithful, which otherwise constitute the exclusive right of the pastor.

Concerning stole fees received on these occasions, more precisely, to whom do they belong, let priests work this out among themselves.

In places where there is only a Ruthenian Catholic church and the Latin rite priest travels to visit his faithful, our priest, with the understanding of the trustees, should be willing to offer, free of charge or for a reasonable fee, our church to the Latin priest for services. However, for the occasional rental of the church, it would not be in keeping with a Christian spirit if a priest or the community asked for compensation greater than that which would be necessary to cover essential expenses arising from the rental, for example, heating, cleaning of the church, lights, etc.

Підчас торжественних процесійних обходів лат. обр. має ся дозволити даром ужити церковних дзвонів.

Єпископам лат. обр., що визитують свою єпархию, мають руські сьвященники враз з громадою віддати такі почести які віддають і власному Єпископови при сій нагоді. Головнож повинні просити Єпископа, щоби вступив і до їх церкви та уділив їм свого архиерейського благословеня.

При уділюваню духовної услуги вірним латинського обряду, коли зі слушних причин зайде потреба сего, мусить сьвященик упевнити ся, чи не дїлають они сего в тій ціли щоби уникнути плачення вкладок. Поступоване з ними має бути таке саме, як з подібними вірними нашого обряду.

Тому що ніхто не може змінити обряду без позволеня Конгрегації для Розширення Віри, проте нехай ніхто з наших сьвящеників не важить ся приймати вірних лат. обр. до своєї церковної громади.

Арт. 27 Декрету, наказує латинським сьвященикам під загрозою укараня через Апостольський Престол намовляти вірних греко-кат. обряду до зміни на латинський. Рівнож і Ми наказуємо Нашим сьвященикам, щоби не важили ся намовляти нікого з латинників до зміни їх власного обряду.

Візитація Канонічна: — Канонічну візитацію всіх парохій і місій зачнемо по скінченю перших відвідин всіх місцевостей, де живуть наші вірні. Дотеперішні Наші відвідини були лише в часті канонічні, були більше ориєнтацією, чим візитациєю. Тепер по виданю сих “Правил” можуть Всч. ОО. Душпастирі знати Наші від них домаганя і урядити ся так, що будуть

The Latin rite may use the church bells during their solemn processions, free of charge.

Ruthenian priests, together with their communities, are to show the same honour towards Bishops of the Latin rite when they visit their own dioceses as they do for their own Bishop on these same occasions. In particular, they are also to invite the Latin Bishop to visit their church and bestow his episcopal blessing upon them.

On the occasion of the administration of spiritual care to the faithful of the Latin rite, where so required by justifiable circumstances, priests are to ensure that this does not involve faithful who feign such circumstances in order to avoid the payment of fees. They are to be treated in the same manner as the faithful of our rite under similar circumstances.

Since no one can change rite without the permission of the “Congregation for the Propagation of the Faith,” let none of our priests dare to accept faithful of the Latin rite into their own ecclesiastical community.

Article 27 of our Decree forbids a Latin priest, under threat of censure by the Apostolic See, to induce the faithful of the Greek-Catholic rite to change to the Latin rite. Likewise, We also forbid our priests from inducing any of the Latins to change rite.

Canonical Visitation: — Once We have visited all the places where our faithful live, We will begin a canonical visitation of all parishes and missions. Until now, our visits have only been partially canonical, more in the form of orientation than visit. Now, following the promulgation of these “Norms,” the Reverend Pastors will be aware of our intentions, preparing themselves accordingly for a visitation at any moment.

готові кожної хвилині на візитацію. Часть церковна на візитації: прийняте, відправа, оглянене церкви, цвинтаря, се ще не всьо, бо до того треба додати катехизацію, проповідь, оглянене захристії, а відтак всіх книг парохіяльних, бібліотеки і т.д. О тім дамо докладну інструкцію в свій час; на разі до сказаного додаємо, що похваляємо сей наш народний звичай приймаючого Епископа, який і в Канаді задержав ся, з бандериями, брамами, витанем хлібом солию, передаванем ключів, бо він для дітий уроджених вихованих в Канаді є великою школою. Промову витанючого троста най сьвященик або сам уложить, або поправить, коли треба і витанючий най єї читає звичаєм тутейшим і коли хто говорить, най промова буде коротка: Витанемо... благословіть нас і наш хліб і сіль... — щоби уникнути неприємностей зацукованя. Діти при прийнятях Епископа все висувати наперед. По можности постарати ся о фотографа на сю памятну хвилю.

Візитоване парохіян: — Кождий парох, коли хоче успішно працювати над духовним добром повіреної єго душпастирській опіці громади, мусить вперед пізнати єї добрі і злі сторони, жерела і причини зіпсутя, - загалом - моральний стан не лише одиниць але і родин. Крім сего, для успішного душпастирства треба сьвященикови запізнати ся рівнож з родинними і житєвими відносинами своїх парохіян. Се може душпастир осягнути лише через то, що відвідає поодинокі родини в своїй парохії та, руководячи ся пастирською розвагою і ревностію, засягне потрібних інформацій, головно, що до сповнюваня духовних обовязків, що до науки і релігійного вихованя дітий, житєвих відносин родин і т. п., уникаючи однак всего, що моглоби виглядати на невідповідну цікавість, або що моглоби уразити когонебудь.

The visitation itself includes: a welcome, liturgical service, and inspection of the church and cemetery. However, to this, it is necessary to add a review of catechesis and preaching, inspection of the sacristy, all parochial records, library, etc. In this regard, We will issue detailed instructions in due time. At present, We simply wish to praise our native customs, which have been received into Canada, of the welcoming of a Bishop with banners, the construction of arches, greeting with bread and salt, and the handing over of the keys, as they are a great learning opportunity for children born and raised in Canada. The priest is either himself to prepare the greeting by the trustee, or edit it where necessary. Greetings are to be read according to local custom. The greeter is to be brief: "We welcome you... Bless us, and our bread and salt..." thus avoiding any unpleasant hesitation. Children are always to be placed in front. Wherever possible, this historical occasion is to be photographed.

Visitation of Parishioners: — Each pastor, if he wants to be fruitful in his work for the spiritual welfare of the community entrusted to his pastoral care, is beforehand to acquaint himself with its pluses and minuses, sources and reasons for corruption, that is, in general, the moral status not only of individuals but also of families. In addition, for fruitful pastoral care, a priest is to be familiar with the familial and day to day circumstances of his parishioners. The pastor may achieve this only by visiting each family in his parish and, guiding himself by pastoral prudence and reverence, obtaining necessary information, especially concerning the fulfillment of spiritual obligations, the education and religious upbringing of children, everyday circumstances of the family, etc. He is, however, to avoid all that might be construed as unsolicited probing or be offensive.

Проте наказуємо, щоби кожний душпастир відвідав раз в році всіх своїх парохіян, не як знакомий, але урядово як їх душпастир. Се єсть великий і тяжкий обовязок душпастиря і проте кожний як найсовіснійше має его виповняти. Тії ВВ. Отці, що самі збирають колекту по поодиноких родинах, тим самим сповнять сей свій обовязок, коли використають сі відвідини також для засягнення потрібних для душпастиря інформацій. Ходжене однак з йорданською водою не звільняє зовсім душпастиря від згаданого обовязку. Рівночасно наказуємо, щоби сьвященники ніякого винагородження не жадали при сім парохіальнім візитованю. Се візитоване має мати одинокую ціль, іменно докладне пізнане відносин і стану парохії.

Кожний душпастир має вперед заповісти в церкві вірним, коли буде їх відвідував і має виразно їм потолкувати ціль сих его відвідин, головнож звернути їх увагу на се, що не буде збирав ніяких датків ані колекти, але прийде до них, як їх душпастир, що за їх душі має здати на Божім суді рахунок. Се річ доказана досьвідом, що такі відвідини причиняють ся дуже много до сего, що парохіяне з більшим довірем будуть відносити ся до свого душпастиря і стануть его, більше любити, коли побачуть, що їх душпастир ревно займає ся їх добром, та що в сій своїй праці не шукає своєї користи, а знова душпастир пізнавши своє стадо, буде знав его потреби і болі, і дорогу, якою его має вести, але і способи, як трафити до серця своїх вірних.

Вінчання час: — Вінчати не можна в суботу перед полуднем і в неділю. В суботу можна виїмково звінчати сих, про котрих знає ся з цілою певністю, що не будуть справляти гучного весіля, ані не будуть давали горячих напоїв і котрі були все ревними і примірними членами церковної громади. В неділю по вечірні а на кольонїях, де случайно

Therefore, We decree that every pastor is to visit all parishioners annually, not as an acquaintance, but officially as their pastor. This is a great and serious obligation and is, therefore, to be conscientiously fulfilled. Those Reverend Fathers, who themselves take up collections among individual families, fulfil this obligation when they simultaneously gather the necessary pastoral information. However, visitations on the occasion of the Jordan water blessing do not entirely free the pastor from this obligation. At the same time, We decree that priests are not to ask for any remuneration on the occasion of these parochial visitations. This visitation is to have only one purpose, namely, to arrive at a true picture as to the circumstances and status of the parish.

Every pastor is to notify in church the faithful in advance as to when he will visit them. He is also clearly to inform them of the purpose of his visit, emphasizing that he will not be collecting any money or fees, but that, as their pastor, he will be required to render an account of their souls at the Last Judgment. Experience shows that these visits often result in greater trust and love of parishioners for their pastor when they see that he is zealously concerned with their welfare, not seeking his own personal gain. The pastor, better acquainted with his flock, will know the needs and sufferings of his parishioners, and, not only the path on which he is to guide them, but also the manner in which he is to win their hearts.

Marriage times: — Marriages may not take place on Saturdays before noon nor on Sundays. It is permitted on Saturdays, by way of exception, to marry those parties whose reception the pastor is certain will not be excessive nor will involve alcohol, and the same parties have always been sincere and exemplary members of the ecclesiastical community. The parties may be married on

не було-би того дня вечірні, по Службі Божій, можна звінчати женихів, если обоє вислухають Служби Божої і приступлять до св. Причастія.

Ві всіх інших случаях мусить постарати ся душпастир о письменне позволене від Ординарияту.

Власти сьвящеників Нами апробованих — Всім сьвященикам, Нами апробованим, уділяємо слідуючі власти:

I. Звичайні:

1. Голосити слово Боже.
2. Удільовати св. Тайни.

4. З важних причин розрешувати від одной або двох оповідий, а в наглим случаю і від всіх трох за “ляйсенсом”.

5. Правити в иньшій парохії за згодою пароха, або за особлившим позволенем Епископа але не інакше.

6. Слухати сповідей всіх сьвящеників в цілій епархії.

II. Надзвичайні:

Понад се надаємо їм також аж до відделіканя надзвичайні власти на основі властей, наданих Нам Сьвятійшим Отцем Папою Пієм X, дня 8 листопада 1912 р. на десять літ ч. 32576:

1. Розрешати і замінити шлюби звичайні на иньші побожні діла з виїмком шлюбів монахів і монахинь.

2. Розрешати від перепони злочину, коли жадне з женихів не допустило ся злочину убійства (*neutro patranте*) і привернути утрачене право “петенді дебітум”.

3. Розрешати в перепоні духового сродства.

Увага до 2. і 3.: Розрешене від супружних перепон під 2. і 3. дає ся лише під услівем, коли невіста не є пірвана силою, а як пірвана, не є вже під властїю того, що єї пірвав.

Sundays after vespers, and, in the colonies, after the Divine Liturgy where vespers is not celebrated that day, provided that both parties have attended the Divine Liturgy and have received Holy Communion.

For all other cases, the pastor must obtain the written permission of the Ordinary.

Faculties of those priests who have our approval: — All priests, who have our approval, are granted the following faculties:

I. Ordinary:

1. Preach the word of God.
2. Administer the holy sacraments.
- [3. missing in original text]

4. Dispense from one or two of the marriage banns for a grave reason, and in case of urgency, from all three with a “licence.”

5. Celebrate in another parish with the permission of the pastor, or with the explicit permission of the Bishop, though not otherwise.

6. Hear confessions of all priests throughout the entire eparchy.

II. Extraordinary:

In addition, We grant the following extraordinary faculties, until revoked, on the basis of the authority granted to Us by the Holy Father, Pope Pius X, on November 8, 1912, for ten years (Prot. 32576):

1. Dispense and commute simple vows for other pious acts, with the exception of the marriage of monks and nuns.

2. Dispense from the impediment of crime, where neither of the spouses has committed murder (*neutro patranте*) and restore the right of *petendi debitum* if lost.

3. Dispense from the impediment of spiritual relationship.

Remarks to 2. and 3.: The dispensation from the marriage impediments under 2. and 3. is to be granted only under the condition that the bride has not been abducted, and if she was abducted, that she no longer remains in the power of the abductor.

4. Благословити ризи і інші речі церковні потрібні до Служби Божої, з виїмком чаші, пушки, мелхізедека і ложочки.

5. Благословити осквернену церкву.

6. Розрешати від ереси і відступництва від віри і шизми - з виїмком тих, що стоять перед сьвяченнями і тих, що вирекли ся віри перед судом - по зложеню ісповідання віри.

7. Розрешати від всіх кар церковних задержаних Апостольській Столиці з виїмком "абсолюцію компліціс ін пеккато турпі".

8. Надати повний відпуст тим, що перший раз навернулись з ереси і всім вірним, що кають ся в годині смерти хоч-би і не могли прийняти св.Тайн. Форма надання відпусту в Требнику вид. Ставроп. Інст. 1905 ст. 46.

9. Бінувати, коли заходить конечна потреба, але лише за порадою Єпископа.

10. Правити Службу Божу годину перед сходом сонця і годину по полудни без служачого, під голим небом, під землею, лише в приличнім відповіднім місці. На случай, коли би могло вийти велике згіршене з того, що не править ся Служба Божа, вільно буде відправити її навіть без антимінса, коли забуто его взяти. Правити Службу Божу, хоть є присутні єретики, шизматики, невірні і викляті, коли інакше годі правити.

11. Нести Найсв. Тайни до хорого тайно, без сьвітла, затримати їх без сьвітла в приличнім місці для хорих, коли-би від єретиків або невірних грозило небезпеченьство сьвятотацтва.

12. Розрешати від посту, коли треба, але лише в поодиноких случаях, а не загально.

13. Благословити коронки, хрестики, медалики і надавати їм відпусти самим благословенем в формі хреста.

14. Позволяти своїм вірним в середу і п'ятницю, а в постах в понеділок, середу

4. Bless vestments¹ and other liturgical items necessary for the Divine Liturgy, with the exception of a chalice, ciborium, pyx, and spoon.

5. Bless a desecrated church.

6. Absolve from heresy, apostasy and schism - preceded by a profession of faith - with the exception of candidates for sacred orders and those who renounce their faith before a judge.

7. Absolve from all ecclesiastical censures reserved to the Apostolic See, with the exception of "absolution of an accomplice in a sin against chastity."

8. Grant full indulgences to those who have, for the first time, returned from heresy, and to all who repent in the hour of death, even if they cannot receive the Holy Mysteries. The formula for granting indulgences is found in the *Trebnyk* (Stavropigia Institute Edition, 1905), p. 46.

9. Binuate, when absolutely necessary and only after having consulted the Bishop.

10. Celebrate the Divine Liturgy one hour before sunrise and one hour after noon without assistants, under the open sky and underground, as long as there is an appropriate place. Celebrate the Divine Liturgy without an antimimension, when forgotten, in the event that more harm would result from not celebrating it. Celebrate the Divine Liturgy, even in the presence of heretics, schismatics, non-believers, and the excommunicated, when it is impossible to do otherwise.

11. Where the danger of sacrilege by heretics and non-believers exists, take the Most Holy Mysteries to the sick clandestinely without a candle, and preserve it for the sick in an appropriate place.

12. Dispense from fasting, where necessary, but for individual cases only, and not in general.

13. Bless rosaries, crosses, medals, and grant them indulgences by blessing them in the form of a cross.

14. Allow parishioners to serve meat on Wednesdays and Fridays, and, during

і п'ятницю, коли-би у них були на обіді, чи вечері не католики, подати м'ясо, але так, щоби з того не виходила погорда заповіді церковної і не було згіршення ні для католиків, ні для іновірців.

Увага: Всіх тих властей, уживати можна тільки безплатно. Лише при розрешенню від оповідий і духового сродства належить жадати таксу подану в Тарифі і переслати до Єпископської канцелярії.

Воскресеніє Г. Н. І. Х.: — Благословене пасок, може той сьвященик, котрого місійний округ обіймає шість або більше колоній, зачинати в понеділок великого тиждня.

Утреню Воскресну можна зачинати правити по колоніях в суботу від третьої години по полудни.

Духовні справи: — Кождий сьвященик Нашої Епархії має обов'язок совісти щорічно відбути духовні справи, для відсв'ячення душі власної. Звільнене з дуже важних причин відбути реколекції спільно з прочими сьвящениками в означенім часі, не звільняє еше від відбутя їх окремо і сьвященик має їх відбути в найблизшій можливій часі, або принагідно з латинським клером, або сам. Дбаючи за души других, мусимо передовсім самі бути здорові на душі, щоби нам не закинено: вилічи ся сам наперед. Тижневна, найменче місячна сповідь і річні духовні справи дадуть нам ту силу ласки Божої, якої нам треба до нашого тяжкого уряду.

Диспенза від супружних перепон в близькій небезпеці смерті:

Коли заходить близька небезпека смерті, тоді, на случай неприсутности Єпископа, або сьвященика Ним делегованого, може кождий сьвященик ві-

lent, on Mondays, Wednesdays, and Fridays, where non-Catholics are present at lunch or supper, provided there does not arise any contempt for the ecclesiastical commandments, nor scandal for Catholics or non-Catholics alike.

Remarks: All of these faculties may be used solely without a fee. Only on the occasion of a dispensation from marriage banns and from spiritual relationship is it permitted to collect any taxes, as described under "Tariffs," which are then to be forwarded to the Bishop's Chancery.

Resurrection of Our Lord Jesus Christ: — Easter baskets may be blessed, starting on the Monday of Holy Week, by priests whose missionary territory encompasses six or more colonies.

Resurrectional matins may be celebrated in the colonies from 3:00 pm on Saturday.

Retreats: — Each priest of our eparchy is bound, in conscience, to make an annual retreat in order to feed his soul. A dispensation, granted for a grave reason, from making a common retreat with other priests at the appointed time does not dispense a priest from making it separately. He is to do so in the nearest possible time, either with other Latin clerics or by himself. In order to care for the souls of others, our own souls must first be healthy so that we ourselves are not lost. Essentially, we are to heal ourselves first. Weekly confession, monthly at the very least, together with annual retreats, grant us the strength and graces of God necessary in our burdensome office.

Dispensation from marriage impediments in danger of death:

In the event of danger of death, and in the absence of the Bishop or the priest delegated by him, each priest can dispense from all impediments of ecclesiastical (but

всіх случаях уділити диспензу від всіх перепон церковного (не природного) закона, навіть явних, з виїмком перепони сьвященства і посвоячення в першій степені простої лінії з дозволених полових зносин.

Евхаристія — Св. Тайна: —

А: З огляду на вірних:

1. Вірні обох обрядів можуть приймаєти св. Причастіє в якому небудь обряді, без огляду на се, чи заходить потреба, чи хоче хтось лише з набожності причащати ся, чи єсть свого обряду сьвященик чи ні, чи в своїй чи в чужій церкві — словом завсїгди і всюди - з виїмком двох случаїв, котрі подаємо низше. Однак хоч-би хто і через ціле жите причащав ся в другім обряді, то се не може спричинити зміни обряду первісного. Гляд. "Зміна обряду".

2. Щоби вірні задосить учинили закониви о пасхальнім св. Причастію то мусять приймати єго в своїм власнім обряді з рук власного пароха. В місцях, де сьвященик власного обряду не перебуває стало, або не доїжджає в означенім часі мають вірні прийняти пасхальне св. Причастіє з рук того сьвященика свого обряду, котрого Епископ виделегує в їх околицю до слуханя пасхальної сповіди.

3. Св. Причастіє яко Напутіє, т. є. в небезпеченьстві смерти — мають прийняти вірні в своїм власнім обряді і з рук пароха: в наглій однак потребі можуть прийняти з рук сьвященика чужого і відмінного обряду.

Б. З огляду на сьвящеників:

Загальне правило наказує, що кожний сьвященик має осьвящати НС. Тайну Евхаристию і уділяти св. Причастія в своїм власнім обряді. До осьвячення може ужити сьвященик агнца уживаного в другім обряді тільки тоді, коли подорожує через околицю, якої мешканці належать до обряду відмінного від єго

not natural) law, and¹ even public ones, with the exception of the impediment of the sacred order of priesthood and affinity in the first degree of the direct line.

Eucharist - Sacrament: —

A. The faithful:

1. The faithful of both rites can receive Holy Communion in either rite - regardless of whether a need arises, or someone receives it purely out of devotion, or whether from a priest of their own rite or not, or whether in their own church or in another - always and everywhere, with the exception of the two cases given below. However, even if the faithful receive the Divine Eucharist in another rite their entire life, this cannot be construed to be a change of rite. See "Change of rite."

2. In order for the faithful to satisfy their canonical requirement of receiving Holy Communion at Easter, they must receive it in their own rite and from their own pastor. Where a priest of their own rite does not reside permanently, or he does not arrive at a predetermined time, the faithful are to receive their Easter Holy Communion from the priest of their own rite whom the Bishop has delegated to hear Easter confessions.

3. The faithful are to receive Holy Communion as Viaticum, that is, when in danger of death, in their own rite and from their own pastor. However, in case of urgency, they may receive it from another priest, even of another rite.

B. Priests:

Common law determines that each priest must consecrate and distribute the Most Holy Mysteries of the Eucharist in his own rite. A priest may consecrate a host that is used in another rite only when he is travelling in an area which is inhabited by the faithful of another rite, and when there is no church of his own rite. Priests are

обряду і коли нема там церкви єго обряду. В церкві свого обряду сьвященикови не можна ніколи уживати агнця уживаного в другім обряді.

Уділити св. Причастіє вірним (яко-гонебудь обряду) осьвячене в обряді відміннім від свого, може руський і латинський сьвященик лише тоді, коли заходить нагла потреба і нема сьвященика того обряду, в яким єсть осьвячена НС. Тайна Евхаристія.

Колиби отже руський сьвященик правив в костелі Службу Божу на агнці свого обряду, а приступали до св. Причастія вірні, хочби навіть всі латинського обряду, то він має їх запричащати після руського обряду, бо нема наглої потреби, а з другої сторони завсїгди вільно вірним приймати св. Причастіє в однім або другім обряді.

Рівнож коли-би був присутний і руський і латинський сьвященик, а тільки св. Тайни латинського обряду, то не вільно руському сьвященикови подавати латинського св. Причастія вірним руського обряду, але вірні можуть прийняти латинське св. Причастіє з рук латинського сьвященика.

Коли лучить ся, що сьвященик мусить подати св. Причастіє осьвячене в иньшій обряді як єго власний, то він має при подаванню заховати свій власний обряд причащання. Руський отже сьвященик зачинає від слів: Со страхом Божим і со вірою приступіте і т. д.

Заборонені і осуджені Церквою товариства: — Кари виклятя з Церкви підпадають сі, що належать до слїдуючих стоваришень: Массонів і Карбонаріїв; тих, що голосять Комунізм, Інтернаціоналізм або Нігілізм; стоваришень біблійних; “Амерікен Парти або “Кновнотінгізм”; “Амерікен Протектів Ассосіейшин” або А. П. А.; “Протестант Протектів Ассосіейшин” або П. П. А.;

never to use the host of another rite in churches of their own rite.

Ruthenian and Latin priests can distribute Holy Communion, consecrated in another rite, to the faithful of either rite only when an urgent need to do so arises, and a priest of the rite of the consecrated Most Holy Mysteries of the Eucharist is not available.

When a Ruthenian priest celebrates the Divine Liturgy in a Latin church using a host of his own rite, and the faithful, even if they are all of the Latin rite, approach to receive Holy Communion, he is to distribute it according to the Ruthenian rite, since there is no pressing need to do otherwise, and since it is always permissible for the faithful to receive the Holy Communion in either rite.

Likewise, when a Ruthenian and a Latin priest are both present, but the Holy Mysteries are only of the Latin rite, it is not permissible for the Ruthenian priest to distribute Holy Communion of the Latin rite to the faithful of the Ruthenian rite; however, they may receive it from the Latin rite priest.

On the occasion, when a priest must distribute Holy Communion consecrated in another rite, in doing so he is to follow his own rite for distribution. Therefore, a Ruthenian priest is to begin with: “Approach with the fear of God and with faith...”

Organizations forbidden or condemned by the Church: — Members of the following organizations incur the penalty of excommunication: Masons and Carbonari; those who support communism, internationalism, or nihilism; Biblical Sects; “American Party” or “Know-Nothingism;” “American Protective Association” or A.P.A.; “Protestant Protective Association” or P.P.A.; “Guardians of

“Гардіенс оф Ліберті” “Ліг де ль’Ансенъман”.

Зазначуємо, що не лише сі під падають клятві, задержаній Папі Римському, котрі дійсно, належать до висше наведених товариств, але також і сі, котрі їм якнебудь сприяють і не видають їх тайних провідників, доки не видадуть. Крім сего вірні не можуть учащати на представлення або забави, які сі товариства уряджують, ані читати їх часописий та книжок ними видаваних.

Сповідник перед уділенем розрішення мусить жадати, щоби каючий ся:

1) виступив з такого товариства;

2) щоби єго вирік ся, если не прилюдно, то бодай перед сповідником;

3) щоби видав всі книги, документи та відзнаки товариства які посідає, а то в сій цілі, щоби їх переслати до Ординарият, або, если єсть до сего важна причина, щоби їх спалити;

4) крім сего має сповідник наложити єму відповідну покуту та наказати, щоби часто приступав до сповіди. Нехай однак памятають сповідники, що лише перше, тут подане услівє, єсть необхідиме до важности розрішення.

Товариства заказані, без клятви суть: “Одд Фелловс”; “Сонс оф Темперенс”; “Кнайтс оф Питіяс”; “Індепендент Ордер оф Гуд Темпларс”.

Деякі зі згаданих товариств, суть рівночасно і асекураційними товариствами, або приносять інші матеріальні користи. Проте Апостольська Столиця дозволяє, щоби член остав в таких товариствах, если вписав ся до него в добрій вірі, т. є. не знаючи о сїм, що товариство єсть Церквою заказане, если нема небезпеки згіршення, або се згіршенє можна усунути заявою, що

Liberty;” and “Ligue de l’Enseignement”.

We note that the penalty of excommunication, whose absolution is reserved to the Roman Pontiff, is incurred not only by those who actually belong to these organizations, but also by those who aid them in any way and do not make known the names of their clandestine leaders, until such time as they do so. In addition, the faithful are not to attend presentations or parties organized by these groups, nor are they to read their periodicals or books.

Before granting absolution, a confessor is to verify that:

1) the penitent has withdrawn from the organization;

2) the penitent’s renunciation, if not made in public, is declared before a confessor;

3) the penitent turns over, in their entirety, all books, documents, and distinguishing signs of the organization that he possesses, so that they may be forwarded to the Ordinary, or, for a valid reason, burned;

4) In addition, the confessor is to assign the penitent an appropriate penance and admonish him or her to approach the sacrament of confession often. However, confessors are reminded that only the first of these requirements is necessary for valid absolution.

Organizations which are prohibited, but do not carry the penalty of excommunication are: “Odd Fellows,” “Sons of Temperance,” “Knights of Pythias,” and “Independent Order of Good Templars.”

Some of the above-mentioned organizations are, at the same time, insurance associations, or bring about some other material benefit. Therefore, the Apostolic See permits membership in these organizations, provided that: it is done in good faith, that is, without the knowledge that membership in the organization is prohibited by the Church; there is no danger of scandal, or that this scandal can be removed upon

належить ся до товариства тільки з матеріальних зглядів, а членови, або его родині грозила велика шкода з причини виступлення з товариства, під услівем, що ані членови, ані его родині не грозить небезпека перетягнення на сторону сектантів ані не заходить небезпека і що на похороні члена не схоче товариство відправляти свої якісь церемонії. Крім сего такий член не сьміє брати ніякої участі в зборах і т. д. товариства ані з ним не зносити ся. В поодиноких однак случаях має ся віднести завсїгди до Апостольського Делегата.

Задержаний Епископом гріх — Заклучене супружа перед некатолицьким пастором, або перед сьвіцьким урядом.

Крім сего Ординарият як найострійше забороняє посилати діти до некатолицьких шкіл без важних причин в місцях, де суть католицькі школи. Проте сьвященик розглянувши, по совісти обставини, може відмовити розршєня винним родичам. Коли однак прийдуть до сповіди діти, що їх родичі посилають до некатолицьких шкіл, то сї діти повинен сьвященик як найстараннійше приготувити до св. сповіди і розршити, если впрочім будуть розположені.

Постановляємо однак, що кождей Наш апробований сповідник може розршити від задержаного Нами гріха:

- 1) Хорих, що хочуть прийняти св. Причастіє, хочби зі самої побожності;
- 2) Женихів перед самим вінчанєм;
- 3) Тих, що вибирають ся в далеку дорогу;
- 4) Несьвідомих задержаня, коли перший раз сповідаються зі задержаного гріха, при чім належить їх докладно поучити і упімнути;
- 5) тих, що відправляють сповідь з цілого житя;
- 6) Всіх сповідаючих ся, если відложено розршєня грозить дійсно втратою доброї слави; і

demand; membership in the organization is intended solely for material consideration; he or his family would suffer a great loss by withdrawing from the organization; there is no danger, neither to the member, nor his family, that they will be drawn towards sects; there is no danger that the organization will want to perform some ceremony at his funeral. In addition, the members are not to take part in meetings, nor is the organization to have dealings with them. Individual cases, however, are always to be referred to the Apostolic Delegate.

Absolution of sins reserved to the Bishop: — Contracting a marriage before a non-Catholic pastor or before a civil judge.

In addition, where there are Catholic schools, the Ordinary most strongly forbids parents to send their children to non-Catholic schools without valid reasons. Nevertheless, a priest, having reviewed the particular circumstances, can refuse absolution to guilty parents. However, when children of parents who send them to non-Catholic schools approach for the sacrament of confession, the priest should diligently prepare them for confession and absolve them if they are properly disposed.

We decree, however, that each of our approved confessors can absolve the following from reserved sins:

- 1) the sick who desire to receive the Divine Eucharist, even out of devotion;
- 2) parties prior to marriage;
- 3) those who are preparing for a long journey;
- 4) those who are not aware of the reservation and are confessing for the first time, at which time they are to be properly instructed and admonished;
- 5) those whose confession concerns their entire life;
- 6) all penitents whose reputation may be harmed if absolution is deferred; and

7) Всіх сповідаючих ся протягом вісьмох днів в церкві, в котрій відбула ся бодай тридневна духовна місія, з трема принайменше науками денно, почавши від другого дня місії аж до осьмого дня по її скінченню.

Замотаний случай (Казус перпле-ксус): — Если викрие ся якась канонічна перепона до завязаня супружа в сам день вінчаня, коли вже всьо єсть при-готоване до весіля так, що не можна відложити вінчаня без великих при-кростий для сторін, то в сїм случаю, если перепона єсть явна, парох не може вінчати женихів, але має просити Епис-копа о диспензу. Еслиж перепона єсть тайна, тоді в сїм замотанім случаю, може сьвященик сам уділити диспензи від сеї перепони і повінчати женихів, повідом-ляючи сторону сьвідому перепони о сїм, що він уділяє їм потрібної диспензи.

Зверхне поведене сьвященика: — Сьвященики мають не лише уважати на се, щоби їх душа була чиста і сьвята, но їх обовязком єсть також уникати в своїм зверхнім поведеню всего того, що могло-би стати причиною згіршеня для других. Не одно, що у сьвіцкогo чоловіка анї не разить, анї не дає згіршеня другим, або що навіть єсть для него дозволеним, не лицьоє сьвященикови і спостережене у него може стати причиною згіршеня для других. А що головно відвідуване театрів, готелів та реставрацій не єсть вказане для сьвящеників і стає майже все причи-ною згіршеня для других, проте заказує-мо сьвященикам ходити до театрів, а до готелів та реставрацій позваляємо сьвященикам заходити тільки в случаях конечности. Мають однак завсїгди сьвя-щеники звертати увагу на се, щоби готель або реставрація, до котрих в таких случаях заходять, не були злої слави.

Приватні забави і розривки сьвя-щеника нехай будуть того рода і нехай так відбувають ся, щоби навіть і вороги

7) all penitents in the course of an octave in church, in which a minimum three-day mission has been preached, with at least three sessions daily, starting from the second day of the mission until the eighth day after its completion.

Case of Complexity (*casus per-plexus*): — If a canonical matrimonial impediment is discovered the very day of the wedding, when everything is prepared and the marriage cannot be delayed without great hardship for the parties, then, if the impediment is public, the pastor cannot marry the parties, but is first to request a dispensation from the Bishop. If the impediment is occult, then the priest himself can grant the dispensation and marry the parties; however, he is to inform the party who is aware of the impediment that the dispensation has been granted.

Outward conduct of a priest: — Priests are not only to be mindful that their souls remain pure and holy, but they are also obligated to avoid in their outward behaviour all that which might be scandalous for others. Many things, which in a secular person neither offend nor scanda- lize others, or which are even permissible for him, are not becoming to a priest and can be perceived as scandalous by others. Since the frequenting of theatres, hotels, and restaurants, in particular, is un- becoming to a priest, and is almost always cause for scandal for others, We, therefore, prohibit priests from frequenting theatres, while allowing them to enter hotels and restaurants only out of necessity. However, priests are to be mindful that the hotels and restaurants they do frequent in these cases, do not have a bad reputation.

The private parties and recreational activities of a priest are to be such that not even the enemies of the Church and of the

Церкви і священства не могли в них знайти нічого невідповідного. Повага і вплив душпастиря в громаді стоїть і упадає з его доброю славою.

Зміна обряду: — Арт. 25 і 26 нашого декрету розпоряджує, що Русинам свецького стану, котрі мають правдиве і стале домівство (доміціліум) в Канаді, може тільки Конгрегація для Розширення Віри для всхідного обряду дати позволене на зміну обряду з причин, які згадана Конгрегація по порозумінню з руським Єпископом узнасть за важні і слухні. А коли-би Русини, що змінили в Канаді свій обряд, коли-небудь вернули до старого краю, то вільно їм буде за дозволенем Апостольської Столиці вернути до руського обряду. Таким чином ані приноровлене до латинського обряду, хоч-би цілковите і триває через довгі літа, ані хрест прийнятий в латинським обряді, ані звичай причащати ся в латинським обряді, не може потягати за собою зміни обряду.

Если котрий з вірних хоче змінити обряд, то має вислати дотичне прошене до руського Єпископа, подаючи докладно і вірно причини, які его спонукують до сего кроку. Єпископ вискаже на письмі свою гадку і перешле письмо до сего Єпископа другого обряду, до котрого хоче петент перейти. Той знова Єпископ, подавши рівнож свою гадку, перешле подане петента до Конгрегації Розширення Віри, яка видасть остаточне рішення. Если-би хтось в підступний спосіб укритав свій рідимий обряд і прилучив ся до вірних і парохії другого обряду, то сей акт его, хочби тривав довгі літа, має бути уважаний за неправний і неважний, а священник, по викриттю такого підступного поступованя єсть обовязаний віддалити того вірного з церкви і відмовити ему всяких духовних услуг і відслати до пароха его рідимого обряду, евентуально повідомити сего пароха про случай.

priesthood could find in them anything questionable. A priest's authority and influence in the community stands and falls upon his good reputation.

Change of rite: — Articles 25 and 26 of our Decree determine that only the Congregation for the Propagation of the Faith for the Eastern rite, and for reasons which this Congregation, with the understanding of the Ruthenian Bishop, recognizes as valid and justifiable, can grant permission for the change of rite of lay Ruthenians who have a true and permanent domicile (*domicilium*) in Canada. Should Ruthenians, who have changed rite in Canada, return to their native land, they are free to return to the Ruthenian rite, with the permission of the Apostolic See. Neither conforming to the Latin rite, even completely and for many years, nor baptism received in the Latin rite, nor the custom of receiving the Divine Eucharist in the Latin rite, brings about a change of rite.

When one of the faithful wishes to change rite, he is to send a request to the Ruthenian Bishop giving detailed and truthful reasons which impel him to take this step. The Bishop is to give his opinion in writing and forward it to the Bishop of the rite to which the petitioner wishes to belong. The latter, supplying his own opinion, is to forward the petition to the Congregation for the Propagation of the Faith, which renders a definitive decision. Should someone of the faithful conceal, in a fraudulent manner, his native rite and join the faithful and parish of another rite, then this act, although enduring many years, is to be considered illicit and invalid. The priest who discovers the fraudulent action is obliged to dismiss the member from his church, deny him all pastoral care, send him back to the pastor of his native rite, and inform his pastor of the matter.

Колиж руський парох довідає ся, що хтось з вірних руського обряду підступно пристав до обр. лат., то має про се повідомити лат. пароха і жадати від него, щоби тому вірному відмовив всяких духовних услуг і відослав его до его родимого обряду. На случай непорозуміння має руський душпастир безпроволочно предложити справу свому Епископському Ординариятови.

Колиби котрий з ВВ. Отців довідав ся і мав певні докази на се, що якийсь латинський свьщеник намавляє вірних руського обряду до переходу на латинський, то нехай дасть Нам про се сейчас знати, без огляду на се, чи сей свьщеник поступив так лише в однім чи в більше случаях.

Інкорпорація Церков: — Кожда церков мусить бути заінкорпована або на Епископа, де нема еще окремого корпорацийного закона для нашої Церкви, або де вже есть такий закон, на руську Католицьку Епископську Корпорацію. А що справи інкорпорації суть дуже ріжнородні, длятого не можна поставити ніяких сталих правил. В кождім поодинокім случаю нехай Всечесні Отці звертають ся до Епископського Ординарияту, котрий подасть потрібні інформації.

Іспит конкурсний: — Молодші свьщеники суть з'обовязані складати через перші чотири літа рік річно іспит з богословських наук. Матерял до іспитів буде означений з початком кожного року. Іспитувати мають іспитувателі назначені Епископом. Свьжо прийті і всі прочі свьщеники можуть бути покликані до іспиту тогді і о скілько Епископский Ординарият се узнасть за потрібне. Звільнене від конкурсowego іспиту зависить від успіху попередного іспиту.

When a Ruthenian' pastor becomes aware that a member of the faithful of the Ruthenian rite fraudulently joins the Latin rite, he is to inform the Latin pastor, requesting that all pastoral care be denied and that the member be sent back to his native rite. Should some misunderstanding arise, the Ruthenian pastor is to present the matter, without delay, to the Bishop Ordinary.

When one of the Reverend Fathers learns, and can prove, that a Latin priest has induced the faithful of the Ruthenian rite to transfer to the Latin rite, he is to notify Us immediately, regardless of whether this priest has done so only once or several times.

Incorporation of churches: — Every church is to be incorporated, either in the name of the Bishop where separate incorporation legislation for our Church does not yet exist, or, where this legislation does exist, in the name of the Ruthenian Catholic Episcopal Corporation. Since the matter of incorporation is so varied, it is impossible to establish any steadfast norms in this regard. Therefore, the Reverend Fathers are to refer each case to the Bishop Ordinary, who will provide the necessary information.

Competitive exams: — Junior priests are obligated to take annual exams regarding their theological studies during the first four years after ordination. The subject material for the exams will be determined at the beginning of each year. The exams are administered by those examiners appointed by the Bishop. Newly incardinated priests, and all others, can be subjected to the exams when, and to the extent that, the Bishop Ordinary deems necessary. Exemption from a competitive exam depends upon the success of the prior exam.

Катехизация:

I. Всіх вірних в церкві на вечірні:

Кожний сьвященик має строгий обов'язок катехизувати в церкві і дорослих і діти. В сій цілі, на вечірні має мати стало катехитичні проповіді або вести катехитичну науку. Сьвященик, котрий занедбує сей сьвятий обов'язок стає причиною не лише релігійного незнання і несвідомости вірних, але і причиняє ся таким своїм поступованем до сего, що неосвідомлений в вірі нарід, легко дає ся відвести від своєї католицької віри ріжним іновірцям, котрі зі своєї сторони нічого не занедбують, щоби нашу віру знівечити в серцях вірних а заціпити свою науку.

Проте сьвященик недбалый в сім напрямі буде потяганий до як найострійшої відвічальности, а коли націмнення і нагана лишуть ся без наслідку підпаде суспензії.

Катехизация має обнимати всі правди нашої віри, а головно сі, якими ми католики відріжняємо ся від ріжних протестанцких сект і шизматиків.

Для катехитичних цілій приказуємо, щоби кожний сьвященик мав катехизм Спіраг'а - котрий єсть переведений на руську мову.

II. Дітий в школі:

Де обставини суть сего рода, що легко можна прийти до школи в означений законом час на науку релігії, там сьвященик єсть обов'язаний відвідувати сі школи і уділяти науки катехизму. Деж знова заходять поважні перешкоди, або трудности що до уділювання науки катехизму в школі, там сьвященик має в літнім часі збирати діти в церкві, або в яким відповіднім будинку щоденно найменше через цілий тиждень без перерви і уділяти їм перед і по полудни науки катехизму.

По більших містах де обставини сего вимагають належить учити діти

Catechesis:

I. All faithful in church at vespers:

Every priest has a grave obligation to catechize both adults and children in church. To this end, he is to give regular catechetical homilies or to conduct catechetical studies at vespers. A priest who neglects this sacred obligation is not only responsible for the ignorance of the faithful and their lack of religious knowledge, but also allows those who are ignorant regarding their faith to be easily led away from Catholicism by various non-Catholics who stop at nothing in order to destroy the faith in our people's hearts and replace it with their own teaching.

Therefore, a priest who is negligent in this area will be held accountable, and if the admonition and reproach are of no consequence, he will be suspended.

Catechesis is to include all truths of our faith, especially those in which we as Catholics differ from other Protestant denominations and schismatics.

For catechetical instruction, we require that every priest have a copy of Spirago's catechism, which has been translated into the Ruthenian language.

II. Children in school:

Priests are obligated to visit and offer catechetical instruction in those schools where circumstances permit religious instruction at appointed times. Where serious obstacles or difficulties arise concerning the administration of catechism in schools, priests are to congregate the children in the summer in a church, or in another suitable building, each day for at least one full and uninterrupted week, giving them catechetical lessons in the morning and in the afternoon.

In larger centres where circumstances are favourable, children are to receive

катехизму вечерами, в церкві або в церковній гали або в иньшій відповіднім льокалі.

Треба звертати увагу головню на се, щоби старанно приготувити діти до сповіди.

Спільна сповідь дітий має відбувати ся чотири рази до року с. е. на початку і на кінци шкільного року, перед Рождеством і Воскресенем Христовим. Де єсть відповідне число католицьких дітий там родичі і шкільні тростиси можуть жадати від учителя, щоби він учив дітий катехизму. Він буде міг однак се робити лише за дозволенем душпастиря. Де учитель до сего надає ся, там душпастир нехай сам просить єго о се, щоби він учив дітий катехизму, т. є. щоби виучував їх текст катехизмового підручника, що для душпастиря буде великою помочою в єго катехитичній праці. Однак також там, де учитель учить катехизму, душпастир єсть обовязаний особисто переводити катехизацию дітий в спосіб поданий висше, щоби пояснити дітям текст катехизму, котрий они виучили ся на память при помочи учителя і щоби переконатися, чи учитель не сїє часом злої науки.

Книги парохіяльні: — Кождий парох і місіонар мусить обовязково провадити слїдуючі книги:

1. **Метрики:** хрещень, вінчань і померших для цілої парохії або місійного округу і книгу оповідий.

2. **Книгу стану душ** (*liber status animarum*), окрему для кождої кольонії свого місійного округу. В тую книжку вписує душпастир членів своєї парохії або місії, враз з їх цілою родиною — зазначуючи при кождій з них єї моральне поведене і ревність в сповнюваню християнських обовязків. При дітях має

catechetical instruction in the evenings in a church, parish hall, or in another suitable place.

Emphasis is to be placed upon the diligent preparation of children for confession.

Confessions for children are to be organized four times during the year: at the beginning and end of the school year, and before Christmas and Easter. When there are a considerable number of Catholic children, parents and school trustees can request of the teacher that he or she teach the children catechism. However, the teacher can only do so with the permission of the pastor. Where the teacher is adept in catechesis, the pastor himself is to ask him or her to teach the children, that is, to teach them the material contained in the catechetical handbook. This will be of great assistance to the pastor in his own catechetical work. However, even where catechism is taught by a teacher, the pastor is obligated personally to oversee the catechesis of children, in the manner described above, in order to explain the catechetical material to the children, which they are to learn by heart with the assistance of the teacher, as well as to ascertain the correctness of the teacher's instruction.

Parochial books: — Every pastor and missionary is obligated to keep the following books:

1. **Registers** of baptisms, marriages, and deaths for the entire parish or mission territory, as well as the book of marriage banns.

2. **A book of the status of souls** (*liber status animarum*), one for each colony of his mission territory. Here, he is to record the names of the members of his parish or mission, together with their entire family, indicating the moral conduct and fervour of each in fulfilling his or her Christian obligations. Beside the name of

зазначити ся, чи були вже сповідані і припущені до св. Причастія. В сій книзі має рівнож бути поданий загальний стан і дух парохії, чи місії, з окремим углядненем товариств шкіл і учителів. З кінцем кожного року має записати ся в сю книгу число народжень, шлюбів і случаїв смерти. Ся книга має служити також до загальних записок, які можуть улегчити загальну орієнтацію і служити за вказівки до душпастирської праці. Вона має бути так ведена, щоби, коли прийде сьвіжий душпастир, міг з неї виробити собі докладний образ місії, головно єї чисельного і морального стану.

3. **Книгу брацтв**, для кожного брацтва окрему в котрій записує ся членів і всі справи даного брацтва.

4. **Книгу церковних приходів і розходів**, для кожної місії окрему. Ся книга єть призначена для ужитку самого сьвященика і має єму послужити до легчого провірення книг касових ведених секретаром фінансовим і церковним касиєром.

5. **Дневник парохіальний**, оден на цілу парохію або місійний округ. В сій книзі має душпастир записувати щоденно, а принайменше що тиждня або бодай що місяця важнійші події в єго парохії або місійнім дістрікті, як також свою власну працю і історію дістрікту, о скілько довідає ся. Дневник, се хроніка життя сьвященика і життя єго вірних.

6. **Книжку дїловодства**, де записує ся головно вислані або одержані урядові письма ординариятські, рядові або церковно-громадські — з поданем дати, справи і змісту в кількох словах, як також грошеві посилки.

7. **Книжка на вписуванє Служб Божих**. В сій книзі мають бути докладно списані всі інтенції отримані з якого небудь жерела і дати, коли зістали відправлені.

each child, he is to indicate whether he or she has received the sacraments of confession and Holy Communion. He is also to record the general status and spirit of the parish or mission, taking into special consideration school and teacher associations. At the end of each year, he is to record the number of births, marriages, and deaths. This book is also to serve as a comprehensive record aiding in general orientation and guide in pastoral work. The book is to be so kept that when a new pastor arrives, he will have an accurate picture of the mission, especially its numerical and moral status.

3. **A book of brotherhoods**, one for each, in which is recorded membership and all matters concerning the given brotherhood.

4. **A book of church income and expenses**, one for each mission. This book is intended for the personal use of the pastor to aid him in the audit of the financial books conducted by the financial secretary and ecclesiastical treasurer.

5. **A parochial diary**, one for each parish or entire mission territory. In this book, the pastor is to record daily and, at the very least weekly or monthly, the more important events of his parish or mission territory, as well as his own work and the history of the district, to the extent that he is able. This diary is the chronicle describing the life of the priest and of his faithful.

6. **A book of correspondence**, in which the pastor is to record, in particular, correspondence sent or received from the Ordinary, as well as private or church community related correspondence, recording the dates, subject and a brief summary of the contents, as well as monies received.

7. **Divine Liturgy book**. In this book are to be accurately recorded all stipends received from whatever source, as well as the dates when the Divine Liturgies were celebrated.

8. **Книга інвентара** церковного і парохіяльного, в якій мають бути точно записані всі речі, що суть власністю церкви або парохіяльного дому.

9. **Книга проповідей і оголошень**, в котрій має записувати сьвященик свої оголошення в церкві і теми проповідей які виголосив в році.

Всі вичислені книги має кожний сьвященик вести як найточнійше і має їх передложити до перегляду підчас канонічної візитації парохії. Сим розпорядженем не накладаємо ніякого нового тягару на душпастирів, се обовязок злучений нерозривно з урядом кожного душпастиря і то обовязок великої ваги.

Коли наш сьвященик зі слупних причин охрестить або увінчає або похоронить якого вірного латинського обряду, то акту сего не може вписувати в свої парохіяльні книги, але має переслати дотичний документ або латинському місцевому душпастиреви, або если єго в даній місцевості нема, дотичному латинському Ординариятови.

Колекти: — Наколи в місцях, де нема душпастиря для обох обрядів, вірні одного обряду передадуть душпастиреви відмінного обряду колекти, які роблять на спеціальні цілі, як будову власної церкви, і т. п., то обовязком сего душпастиря єсть записувати сї колекти в окремій книжці і переховувати їх на сю ціль совісно.

Нераз лучають ся кольонії, де вірні обох обрядів задумують будувати спільну церков і на сю ціль збирають складки. Як засаду треба прийняти, щоби до будови таких спільних церков не допускати. А коли вірні обох обрядів складають гроші, то належить записувати в осібних книжках датки від вірних руського і латинського обряду — і цілу справу передати Ординариятови, котрий в

8. **A book of church and parochial inventory**, in which are to be accurately recorded all property of the church and parish residence.

9. **A book of sermons and announcements**, in which the priest is to record his church announcements and the themes of the sermons he has delivered during the year.

Each priest is to keep all of these books as accurately as possible and is to present them for review at the canonical visitation of the parish. These norms do not impose any new responsibilities upon the pastor, as this obligation is joined to, and cannot be separated from, the office of pastor, and is of the utmost importance.

When one of our priests, for justifiable reasons, baptizes, marries, or buries a member of the Latin rite, he is not to record it in his own parochial registers, but is to forward the information either to the local Latin pastor, or, if he does not reside locally, to the Latin Ordinary.

Collections: — Where there are not pastors for both rites, the faithful of one rite are to give to the pastor of the other rite their collections taken up for special intentions, such as the building of churches, etc. It is the obligation of this pastor to record these collections in a separate book and conscientiously preserve them for their intended purpose.

It often happens in rural areas that the faithful of both rites consider building one common church, and, to this end, collect funds. It must be accepted as principle that the building of such churches is not permitted. Should it happen that the faithful of both rites have collected funds, the offerings are to be recorded in separate books, and the entire matter referred to the Ruthenian Ordinary who, with the

порозумінню з дотичним лат. Ординарјатом порішити, що треба робити.

Мішаної віри супружа: — Тому що супруже поміж католиками а єретиками або шизматиками получене єсть з великою небезпекою утрати віри так зі сторони католицької, котра заключує супруже, як також зі сторони дітий, народжених з такого супружа, проте Ми згідно з Апостольською Столицею наказуємо, щоби кождей душпастир при всякій нагоді перестерігав вірних перед такими супружами і старав ся всіми дозволеними способами перешкодити єго завязаню.

Колиж вже ніяким способом не дасть ся перешкодити завязаню такого супружа, ані сторона некатолицька не хоче прийняти католицької віри, тоді можна просити о диспензу если:

1) сторони дадуть письменну згоду на законом приписані услівя;

2) если суть важні канонічні приписи.

Услівя законом приписані суть:

а) приречене обох сторін, що не будуть заключали супружа перед некатолицьким пастором;

б) приречене зі сторони некатолицької, що полишить стороні католицькій повну свободу сповняти приписи свого віроісповіданя;

в) приречене зі сторони католицької, що буде по силам старати ся, щоби навернути некатолицьку сторону на католицьку віру;

г) заява обох сторін в формі контракту, що всі діти будуть виховані в католицькій вірі.

Всі ті приреченя і заяви мають бути дані на письмі, а заява що до вихованя дітий в католицькій вірі, має бути зроблена в формі контракту з точним захованем вимог місцевого цивільного закона. Душпастирі суть зобовязані в совісті під тяжким гріхом перестерігати,

understanding of the Latin Ordinary, will determine what is to be done.

Mixed religion marriages: — Since marriages between Catholics and heretics or schismatics pose a great danger of loss of faith, both to the Catholic who contracts marriage, and to the children born of such marriages, We therefore decree that, in conformity with the Apostolic See, each pastor, at every opportunity, should admonish the faithful against such marriages and attempt to prevent their union by all permissible means.

When these marriages cannot be prevented by any means, nor does the non-Catholic party wish to become Catholic, then a dispensation may be requested, providing:

1) the parties agree, in writing, to the required canonical conditions; and

2) that valid canonical reasons exist.

These canonical requirements are:

a) both parties promise that they will not contract marriage before a non-Catholic pastor;

b) the non-Catholic party promises that he or she will give the Catholic party full freedom to fulfil the requirements of his or her faith;

c) the Catholic party promises to attempt to do what is in his or her power to convert the non-Catholic party to the Catholic faith; and

d) both parties declare in the form of a contract that all children will be raised in the Catholic faith.

All the promises and declarations are to be given in writing, and the declaration concerning the education of children in the Catholic faith is to be made in the form of a contract, with the precise preservation of requirements of civil law. Pastors are obligated in conscience, under grave sin, to

щоби всі приречення були виповнювані.

Крім виповнення услівій, потреба до позволення на супружє мішаної віри єще і дуже важної причини — як пр. небезпека, що заключають супружє перед некатолицьким пастором, що возьмуть т. з. цивільний шлюб і т. п.

Оповідий такого супружа зовсім не голосить ся в церкві, лише жадає ся від сторін, щоби предложили “лайсенс”.

Душпастир має лише прийняти від женихів заяву, що заключають супружє, котру вони можуть висказати або словами присяги поданої в требнику, або иншими рівнозначними, і то не в церкві але в захристії, або в парохіяльній канцелярії, або в яким небудь домі і без жадних богослужебних риз і обрядів.

Наколи-би заходила дійсна небезпека, що женихи готові удати ся до іновірного сьвященника або пастора з сеї причини, що їм відмовле ся благословлення шлюбу в церкві і після приписаного обряду, то в сїм случаю треба справу предложити Епископському Ординарїатови до порішення.

Монахи — Монахи, що суть заняті в душпастирській праці, підлягають у всїм, що відносить ся до душпастирства і удїлюваня св. Тайн не своїм настоятелям, але Епископови. Проте всі зарядження Епископа, що відносять ся до душпастирів, обовязують не лише сьвіцьких сьвящеників, але також і монахів.

Незнані сьвященики — Незнаним або належачим до другої епархії сьвященикам не можна дозволити правити Службу Божу або справляти якісь церковні чинности, доки не викажуть ся грамотою виставленою їх Ординарїатом, котра має стверджувати їх законне висьвяченє, добрі обичаї і що вони не підлягають ніяким цензурам.

see to it that all promises be fulfilled.

In addition to the fulfillment of these conditions, a justifying reason must exist in order to grant the dispensation of mixed religion, such as the danger of contracting marriage before a non-Catholic pastor, of civil marriage, etc.

The bans of such marriages are not to be announced in church; instead the parties are to obtain a “license.”

The pastor merely receives from the parties a declaration that they are entering a marriage, which they can do using the words of the vows in the *Trebnyk* either verbally or in some other manner, however, not in the church, but in the sacristy, parochial office, or private residence, and without any liturgical vestments or rites.

Should a real danger arise that the parties are prepared to go to a non-Catholic priest or pastor as a result of their request being denied to have their marriage blessed in church and in accordance with the prescribed rite, the matter is to be referred to the Bishop Ordinary for his decision.

Religious: — Religious, who carry out pastoral work, are subject, in all things concerning pastoral care and the administration of the sacraments, not to their religious superior, but to the Bishop. Therefore all directives of the Bishop concerning pastoral care obligate not only secular priests, but religious as well.

Unknown priests: — Priests who are not well known, or belong to another eparchy, are not permitted to celebrate the Divine Liturgy, or to be given some ecclesiastical activity, until they provide a document from their own Ordinary testifying as to their canonical ordination, good standing, and that they are not subject to any censures.

Правильно має такий чужий сьвященик предложити згадану грамоту місцевому Ординарiятовi i дiстати вiд него позволене правити Службу Божу. Парох може однак дозволити йому правити Службу Божу кiлька разiв, если предложить грамоту вiд свого Епископа, хочби не мав позволеня вiд місцевого Ординарiяту.

Се розпоряджене обов'язує так сьвiцьких сьвященикiв i їх церкви, як також монахів i монастирськi церкви.

Церковних тростисiв треба поучити, що не можуть дозволити нiякому чужому сьвященикови правити Службу Божу в церквi, доки не викаже ся грамотою виставленою Епископом канадських Русинiв.

Новонаверненi з єреси або шизми: — Досить часто лучає ся, що єретики i шизматики навертають ся або приступають до католицької Церкви. Пiд єретиками треба розумiти розумiє ся i тих, що тут в Канадi пристали до якої небудь протестанцької церкви, або стали т. з. iндепендентами. Коли котрий з них хоче приступити до католицької Церкви, то треба придержувати ся такого поступованя:

1) Сьвященик має передовсiм совiсно вивiдати ся, чи постулянт хоче приступи до католицької Церкви з переконаня о єї правдивості, чи може єсть ведений до сего кроку нечесними мотивами.

2) Вiдтак треба єго обучити докладно о головних правдах католицької вiри.

3) За сей час має сьвященик предложити письменно справу Епископови i просити Єго о позволене прийняти постулянта до католицької Церкви. Тiльки за дозволенем Епископа можна приймати єретикiв або шизматикiв до католицької Церкви. Розгрішати вiд

The priest is to present the document to the local Ordinary, from whom he receives permission to celebrate the Divine Liturgy. The pastor, however, can permit him to celebrate the Divine Liturgy for several times if he provides a document from his own Bishop, even if the priest does not have permission from the local Ordinary.

These regulations obligate secular priests and their parishes, as well as religious and their parishes.

Church trustees are to be instructed not to allow any foreign priest to celebrate the Divine Liturgy in church, unless he first provides a document from the Ruthenian Bishop in Canada, verifying his status.

Newly-converted from heresy or schism: — It often happens that heretics or schismatics convert to or join the Catholic Church. Naturally, heretics are understood to also include those who in Canada have joined any Protestant Church or have become so called "Independents." When one of these wishes to join the Catholic Church, the following procedure is to be observed:

1) The priest is above-all conscientiously to determine if the postulant wishes to join the Catholic Church by persuasion or on his or her own accord, and whether his or her motives for doing so are honourable.

2) Then it is necessary to accurately instruct the postulant in the fundamental truths of the Catholic faith.

3) The priest is then to present the matter in writing to the Bishop, requesting permission to accept the postulant into the Catholic Church. Only with the permission of the Bishop can heretics and schismatics be accepted into the Catholic Church. Every priest in Canada having our approval

клятви має в Канаді кожний священник Нами апробований.

4) Діставши дотичні власти від Єпископа, треба совісно пересвідчитися, чи постулянт зівстав важно охрещений. Если заходять поважні сумніви що до важности хрещення — тут в Канаді сумніви уже часто будуть зовсім поважні — тогді треба насамперед охрестити постулянта під услівем: “если еще не хрещений.”

5) Відтак належить вислухати сповіди каючого ся з его цілого життя. Сповідати належить такого постулянта не в церкві, але в притворі. По сповіди не можна зараз розрішати каючого ся єретика, но треба его ввести до церкви і відобрати від него публичне ісповідане віри перед тетраподом, на котрім має бути положене св. Євангеліє. По ісповіданю віри каючий ся цілує св. Євангеліє, а священник уділяє ему розрішення уживаючи до сего звичайної форми. Відтак проголошує формальне прийняте постулянта до католицької церкви словами: “Властию даною мені Єпископом Кир Н., я ерей Н. принимаю тебе Н. до католицької Церкви.”

Коли-би однак каючий ся єретик був перед тим услівно хрещений, то і розрішене уділяє ся услівно.

Часто лучає ся, що Буковинці та Росіяне суть шизматиками в добрій вірі, отже лише матерьяльними і тому не підпадають клятві. Треба однак завсїгди для безпечности розрішити его від клятви.

Обдовжене церков: — Парох і тростиси можуть зятягнути довг на церковну громаду без окремого дозволу Ординарияту найвисше до висоти \$100. Щоби громада церковна могла засягнути більший довг, чи то в формі пожички, чи в який інший спосіб — на се треба згоди більшости громади і на основі тої, письменної згоди Єпископа.

can absolve from the censure of excommunication.

4) Having received the required faculty from the Bishop, it is necessary to ascertain whether the postulant has been validly baptized. If serious doubt arises as to the validity of baptism (in Canada, the doubt is often altogether serious), then it is necessary to baptize the postulant conditionally: “if not yet baptized.”

5) The priest is then to hear the confession of the penitent, encompassing his or her entire life. The confession is not to take place in the church, but in the vestibule. The penitent is not to be absolved immediately after confession, but first is to be taken into church and asked to make a public profession of faith before the tetrapod, upon which is to be placed the book of the holy Gospels. After the profession of faith, the penitent is to kiss the book of the holy Gospels, and then the priest is to grant absolution using the ordinary form. The priest is then formally to receive the postulant into the Catholic Church, saying: “By the authority given to me by Bishop (name), I, (name), a priest, receive you, (name), into the Catholic Church.”

However, if the penitent was previously conditionally baptized, the absolution is also granted conditionally.

If often happens that Bukovinians and Russians are schismatics in good faith and, therefore, do not incur the penalty of excommunication. However, to be certain, it is always necessary to absolve them from the censure.

Contraction of debts by churches: — The pastor and trustees can contract debts up to \$100.00 on behalf of the ecclesiastical community, without the explicit permission of the Ordinary. In order for the community to contract debt in a greater amount, whether in the form of a loan or some other manner, the majority of the community must be in agreement on the

В противнім случаю акт буде неправний і неважний.

Коли яка з церков вже єсть обдovжена, то парох має доложити всяких старань до сего, щоби церковні доходи були в першій мірі обернені на сплатенє сего довгу.

Священникови не вільно підписувати ніяких векслів або довжних скриптів церковної громади.

Обезпеченє: -- I. На случай смертї:

Кождий сьвіцький священник нашої Епархїї мусить бути обезпечений на случай смертї в однім з обезпечуючих товариств. Назву товариства і число своєї асекураційної поліси мають священники подати до Ординариятy. Священник, котрого не хоче прийняти в обезпеченє ніяке товариство, має про се рівнож повідомити Ординарият.

II. Церков: Кожда церков, як також всі церковні будинки мусять бути обезпечені в якімсь певнім асекураційнім товаристві. Асекураційну полісу має парох або переховувати в уряді парохїяльнім, або переслати до перехованя Епископського Ординариятy. Кождий священник має подати до Епископського Ординариятy назву асекураційного товариства, в котрім суть обезпечені церковні будинки і число поліси. Нашим бажанєм єсть, щоби всі церковні будинки, бодай всі одної провінції, були обезпечені в однім і тім самім асекураційнім товаристві. Ми подамо такі товариства до відома, як лише засягнемо докладні інформації. Наказуємо, щоби всі церковні будинки по кольонїях були або оборані або ровом окопані навкола для забезпеченя від огню коли горять прери або ліси. Се єсть дуже важна річ і має значіне при оглаті асекурації, бо асекураційні товариства числять собі оден процент більше премїї, де таких окопів нема.

matter. They must also have the written permission of the Bishop; otherwise, the act is illicit and invalid.

Where a church has already contracted debt, the pastor is to make every effort to ensure that the church income be applied foremost towards the repayment of the debt.

Pastors are not permitted to sign any bill of exchange or contraction of debt on behalf of the ecclesiastical community.

Insurance: — I. In the event of

death: Every secular priest of our eparchy is to be insured in the event of death with one of the insurance companies. He is to provide the Ordinary with the name of the company and the number of his insurance policy. Priests who do not wish to obtain insurance with any company are to notify the Ordinary.

II. Churches: All churches, as well as all church buildings, are to be insured by a secure insurance company. The pastor is either to preserve the insurance policy in the parochial office or forward it to the Bishop Ordinary for safekeeping. Each pastor is to provide the Bishop Ordinary with the name of the insurance company which has insured the properties and the policy number. Our desire is that all churches, at least those in the same province, be insured by one and the same insurance company. We will make known the names of such companies when we have obtained the necessary information. We require that, in the colonies, the area surrounding all ecclesiastical buildings be either ploughed or trenched to protect against prairie and forest fires. This is a very important matter, and has its merit in the payment of premiums, as insurance companies charge an additional one percent where these ditches do not exist.

Обряд: — Наказуємо, щоби сьвященники строго придержували ся всіх приписів обрядових поданих: для Служби Божої в “Службнику”; для уділювання св. Тайн і осьвячень в “Требнику”, видання Ставропигійського Інститута у Львові 1905 р.; а для всіх иньших церковних чинностей в “Типику”, виданім Отцем Пралатом Ізидором Дольницьким.

Одіж сьвященника: — Заряджуємо, щоби сьвященники Наші, що до ношення реверенди, строго придержувалися звичаю сих околиць — в яких перебувають. Де єсть звичай що сьвященники ходять убрані в реверенду, там того звичаю треба придержувати ся. Деж єсть противний звичай, там можуть носити чорну одіж, однак мусять мати все клерикальний ковнірець. Заказуємо сьвященникам уживати сьвітських ковнірців і краватки, або ясних убрань.

I. Опіка над імігрантами: В яким невідраднім положеню знаходять ся наші Русини, коли висядуть з корабля на канадійську землю, се кождому з нас відомо. Чужий край і незнане бесіди робить нашого імігранта зовсім без радним і безпомічним. Се використовують несовісні агенти не раз в нелюдяний спосіб. Проте кождий сьвященик, а головно сї, що суть в портових містах, мають сьвятий обовязок зайняти ся по силам і змозі сими бідними людьми та заопікувати ся ними. Головно повинні вони заопікувати ся молодими женьщинами та дівчатами, котрі дуже часто їдуть без ніякої опіки, щоби вони не дістали ся в несовісні руки. Добре би було, щоби сьвященники в портових містах постарали ся о таке місце поміж нашими людьми, де-би, сї женьщини знайшли захист певний і за малі гроші, доки не дістали-би якогось занятя.

Вже тепер суть стало на стациях і в пристанях в Квебеку сьвященники, котрі

Rite: — We decree that priests rigorously adhere to all ritual prescriptions given: for the Divine Liturgy, in the *Sluzhebnyk*; for the administration of sacraments and consecrations, in the *Trebnyk*, published by the Stavropygijs'kyj Institute of Lviv, 1905; and for all other liturgical rites, in the *Typikon*, published by Reverend Prelate Isidore Dol'nyc'kyj.

Priestly garb: — Regarding the wearing of cassocks, We decree that our priests rigorously adhere to the custom of the region in which they reside. Where it is the custom that they wear a cassock, that custom is to be preserved. However, where the contrary custom exists, they may wear black clothing, but all must wear clerical collars. We prohibit priests from wearing secular collars and ties, or bright-coloured suits.

I. Care for immigrants: We are all aware of the difficult situation in which Ruthenians find themselves when they disembark from their ships and step onto Canadian soil. Being in a foreign country and not knowing the language render the immigrants totally helpless and without resources. In addition, dishonest agents often take advantage of them in an inhuman way. Therefore, all priests, especially those in port cities, have the sacred obligation, according to their strengths and abilities, to be concerned with these needy people and care for them. Priests should especially care for the young women and children, who very often travel without any assistance, so that they do not fall into dishonest hands. It would be helpful if priests in port cities would endeavour to find inexpensive shelter for these women among our people, until such time as they can obtain employment.

Even now there are resident priests at railway stations and ports in Quebec who

занимають ся імігрантами. Та много могли би зробити еше в сїм напрямі і сї наші сьвященики, котрі суть в портових містах. Легко довідати ся, коли приходить корабель, чи потяг, котрий везе наших людей, та піти відтак чи до пристани чи на стацию, та подати бодай добрі ради нашим людям. Коли Бог позволить, що число наших сьвящеників збільшить ся, тогді ми будемо мати в кождім портовім місци окремого сьвященика, котрий буде мав опікувати ся імігрантами. Та і тепер не сьміємо занедбувати сего нашого обовязку, але треба нам в сїм напрямі робити, що в нашій силі.

II. Опіка над хорими: — Нічим так не з'єднає собі сьвященик любови і привязаня своїх вірних, як тим, що заопікує ся хорими в своїй парохії. Сьвященик не має чекати аж его хтось покличе до хорого, котрий лежить вже може на смертній постели. Сьвященик як добрий пастир має сам з власної охоти принести слова потіхи та прийти з помочю сим, що лежать зломані недугою. Опіка над хорими, се у сьвященика не лише діло милосердя, але оден з найважнійших його обовязків. Проте наказуємо, щоби по містах кождий душпастир відвідував що тиждня в означений день сї шпиталї, в котрих звичайно знаходять ся хорі Русини.

Кромі сего наказуємо рівнож, щоби наші сьвященики охотно відвідували і сих хорих, що лежать в приватних домах, та несли їм і пораду і поміч таку, яку в даних обставинах можуть їм дати.

Великою помочю в сїм ділі може стати для сьвященика сестрицтво женьщин, котре-би мало власне на ціли помагати сьвященикови в несеню опіки і помочи хорим. Таке Сестрицтво вже існує в кількох місцях і его праця вінчає ся гарним успіхом. І певною єсть річею,

concern themselves with immigrants. Much more could still be done to this end by our priests who are in port cities. It is a simple matter to find out when a ship or train carrying our people is scheduled to arrive, and then to go to the port or railway station and at least offer our people sound advice. When God permits the number of our priests to increase, then We will be able to have a delegated priest in every port city to care for these immigrants. Yet, even now, We cannot neglect this our obligation, but must do all that is in our power to assist these people.

II. Care of the sick: — Nothing unites a priest more in love and affection for his faithful than caring for the sick of a parish. Therefore, a priest is not to wait until someone calls him to visit the sick, who may already be on his or her deathbed. A priest, as the good shepherd, and on his own volition, is to offer consolation and assistance to those who are ill. Caring for the sick is for a priest not only an act of compassion, but one of his most important obligations. Therefore, We decree that every priest is to visit weekly, on an appointed day, those hospitals where Ruthenians usually are found.

Likewise, We decree that our priests also willingly visit those sick who are in private residences, bringing them counsel and assistance under the given circumstances.

The sisterhood of women, whose precise purpose is to aid priests in the care and assistance of the sick, can be of great assistance to priests. Such a sisterhood already exists in several places, and its work has been crowned with fine success. It is desirable that the sisterhood be established

що воно дасть ся оснувати всюда по містах і по кольоніях.

III. Опіка над убогими і безробітними: — Одним з обовязків душпастиря єсть се, щоби він ніс по можности поміч своїм убогим та безробітним парохіянам. Своім особистим впливом може кождей свьязценик много причинити ся до сего, щоби бідні дістали запомогу від добродійних товариств а безробітні заняте. Нашим бажанєм єсть, щоби в кождей парохії, головно по містах зістали основані парохіяльні спомагаючі товариства, котрі мали-би на цілі і спомагати убогих і помочи безробітним в вишукуваню занятя. Коли таке товариство зістало би законно признане, то могло-би дуже много добра зробити для наших бідних людей; приміром на се єсть таке товариство в Вінніпегу.

Оповіді: — Загальний церковний закон вимагає, щоби оповіди голосили ся в парохіях обоїх женихів, наколи они належать до ріжних парохій. Проте свьязценики мають обовязок перестерігати сей закон о скілько се в наших канадійських відносинах можливе. Крім сего вимагає закон, щоби на случай, коли котре з женихів не мешкає ще шість місяців в парохії де має відбути ся вінчане, голошено оповіди і в сій парохії або місійнім окрузі, з відки походить сторона.

Згаданих законів мають придержувати ся душпастирі в сих случаях, коли місцевість, з котрої сторона прийшла, має свого руського пароха або міسیونаря.

В наших однак обставинах часто буде се неможливе до переведеня — з огляду на широкі простори і з огляду на се, що не все легко знати, на котрій кольонії знаходить ся дотичний душпастир — через що проволікало-би ся дуже вінчане. Зазначуючи загальний

in all cities and colonies.

III. Care for the poor and the unemployed: — One of the obligations of a priest is to offer assistance, where possible, to the poor and the unemployed in his parish. Through his own influence, every priest can often arrange for the poor to receive aid from charitable organizations and to help the unemployed find work. Our wish is that there be established, especially in larger centres, parochial social assistance organizations, which have as their goal aiding the poor and assisting the unemployed in finding work. Should one of these organizations receive legal recognition, such as that in Winnipeg, this would be of great benefit for our poor.

Marriage banns: — Common ecclesiastical law requires that, when the parties belong to different parishes, the banns be announced in both parishes. Therefore, priests are obligated to observe this law in as much as this is possible under Canadian circumstances. In addition, the law requires that, where one of the parties does not have a domicile of six months in the parish in which the marriage is to take place, the banns are to be announced in the parish or local territory from which the party comes.

Pastors must adhere to these norms in those cases where the place from which the party comes has its own Ruthenian pastor or missionary.

In our circumstances, however, this will often be impossible to fulfil (owing to the vast territory, and because it is difficult to know at which colony the pastor can be found), since it may cause an excessive delay in the marriage. Keeping in mind the common law, which is to be observed in

закон, котрого в засаді належить ся придержувати, даємо власть сьвященикам диспензувати від оповідий в другій парохії, що має стати ся зовсім дармо. Осуд причин до звільнення полишаємо совісти душпастирів. Сей акт має бути занотованим в предшлюбнім протоколі. При звільнуваню від оповідий мають душпастирі всегда звертати на се увагу, чи дійсно єсть до сего вистарчаюча причина. За достаточну причину певно не може послужити се, що женихи хотіли би чим скорше звінчати ся.

Організоване церковних громад:

— Кожда церковна громада має бути з'організована на основі “Статута русько-католицької Церкви в Канаді”, виданого руським Епископським Ординариятм 1913 р.

Дістати можна сей Статут в Епископській Канцелярії. ВВ. Отці мають обовязок докладно витолкувати народови поодинокі точки статута а коли-би громада бажала зміни якої точки в Статуті, то сю справу мають ВВ. Отці предложити Епископському Ординариятви до порішення. Головна річ в цілій організації єсть, щоби церков і церковні будинки та посілости були заїнкорпоровані відповідно (Гл. під словом “Інкорпорация”). В організованю нових церковних громад належить поступати зі всякою терпеливостію, та сим не належить ся знеохочувати. Кермуючись любовію і душпастирською розвагою зможе сьвященик всюда перевести організацію після наших розпоряджень.

Парохіяльна Служба Божя: — В місцях, де нема канонічно еригованої парохії, душпастирі не суть з'обовязані ані “екс юстіція”, ані “екс карітате” правити Службу Божу в Неділі і Сьвята за парохіян. Випадає однак, щоби, з любови до душ повірених собі, в неділі

principle, We grant our priests the faculty to dispense from banns in another parish, free of charge. It is at the discretion of each pastor to judge the circumstances surrounding the dispensation. This act is to be noted in the pre-marriage protocol. The pastor is always to satisfy himself that a sufficient reason exists warranting the dispensation. However, the desire of the parties to marry as quickly as possible does not qualify as a sufficient reason.

Organization of ecclesiastical communities: — Every ecclesiastical community must be organized on the basis of the “Statutes of the Ruthenian Catholic Church in Canada,” issued in 1913 by the Ruthenian Bishop Ordinary.

A copy of the Statutes may be obtained from the Bishop's Chancery. The Reverend Fathers have an obligation to explain, in detail, each of the articles of the Statute to the faithful. Should the community wish to amend one of the articles, the Reverend Fathers are to refer the matter to the Bishop Ordinary for his decision. It is most important that the churches and church buildings, and their contents, be properly incorporated. (See “Incorporation”). In organizing new ecclesiastical communities, it is necessary to proceed with much patience, while not becoming discouraged. Motivated by love and pastoral prudence, a priest will be able to organize the community in accordance with our regulations.

Parochial Divine Liturgy: — Where there are no canonically erected parishes, pastors are neither obligated *ex iustitia* nor *ex caritate* to celebrate the Divine Liturgy on Sundays and feast days for the intention of the parishioners. It is proper, however, for pastors, out of love for the faithful

офірували за них безкровну жертву.

Переховуване НС. Тайни Евхаристії: — Переховувати НС. Тайну Евхаристії можна лише в тих церквах, при котрих священник має свій осідок. Дятого не вільно жадіному священникови без особного позволення Ординарияту лишати НС. Тайн в цервах на кольоніях, хочби там доїздив навіть що тиждня. Колиж лучить ся, що покличуть священника до хорого, тоді священник, если єсть на сей час в місци осідку, має взяти після потреби НС. Тайни зі собою, або у хорого відправити Сл. Божу. Ключик від кивота, в котрім переховує ся НС. Тайни, має бути завсїгди під дозором священника і переховувати ся в відповіднім і безпечнім місци. Не вільно лишати єго на престолі, а в закристії можна єго лишити, але в місци, яке можна замкнути на ключ.

Перед НС. Тайнами має світити ся т. з. вічна лямпа, наповнена оливою. Лямпа має бути сего рода, щоби не стала причиною огню. Диспенза від свічення вічної лямпи, де дійсна потреба заходить, може бути дана через Ординарият.

Переховуване парохіяльних книг і грамот: — Книги парохіяльні і грамоти повинні бути переховувані так, щоби були забезпечені від огню, крадіжки або знищення. До такого переховання найлучше надають ся огнетревалі каси або шафи, тому єсть пожаданим, щоби уряди парохіяльні їх мали і переховували в них також цінніші церковні знаряди.

Покута: — При сповіді вірних другого обряду, має сповідник уважати на се, щоби накладати такі молитви або такі діла покути, які суть в уживаню в обряді того, що сповідає ся.

entrusted to them, to offer the bloodless sacrifice for them on Sundays.

Preservation of the Most Holy Sacrament of the Eucharist: — The Most Holy Eucharist may be preserved only in those churches which are in the vicinity of a priest's residence. Therefore, without the explicit permission of the Ordinary, no priest is to leave the Most Holy Mysteries in churches in the colonies, even if he visits them weekly. If he is required to visit the sick, then, unless he is at his place of residence at the time, he is permitted to carry the Most Holy Mysteries with himself, or celebrate the Divine Liturgy in the sick person's home. The key to the tabernacle, in which the Most Holy Mysteries are preserved, is always to be under the vigilance of the priest, who is to keep it in a proper and secure place. The key may not be kept on the holy table. It may, however, be kept in the sacristy, but under lock.

The so-called "eternal lamp", filled with oil, is to be kept burning before the Divine Eucharist. The lamp is to be of a kind which would not cause a fire. Where a true need arises, a dispensation from burning the eternal lamp may be requested from the Ordinary.

Preservation of parochial books and documents: — Parochial books and documents should be preserved in such a manner so as to protect them from fire, theft, or ruin. Best suited for this purpose is a fireproof safe or cabinet. Therefore, it is desirable that the parochial office acquire one, in which precious church instruments are also to be preserved.

Penance: — When confessing the faithful of another rite, confessors are to be careful that they impose as penance those prayers or penitential works which are used in the rite of the penitent.

Посьвідки хресту і вінчання: — При кождім хресті і вінчаню, мають сьвященники видавати сторонам “посьвідки” на картках, виданих Епископським Ординариятм. Дохід зі сих карток іде на сиріцький епархияльний фонд. Картки сі завів Епископський Ординарият на се, щоби можна в данім случаю провірити в легкий спосіб чи дані особи суть важне охрещені евентуально звінчані.

Посьвячене церкви: — Лише сі церкви будуть в будучности Епископом посьвячені, котрі вільні суть від всяких довгів.

Пости, загальниці і заказані і осьвячені часи: —

I. Пости:

1. В навечеріє Богоявлення, 5 (н. ст. 18) січня.

2. Св. Чотиредесятниця: від Понеділка Сиропустного до Великої Суботи включно.

3. Петрівка: від Понеділка по Неділи Всіх Сьвятих до 28 червня (н. ст. 11 липня) включно.

4. Спасівка або Успенський Піст: від 1 (14 н. ст.) серпня до 14 (27 н. ст.) серпня включно.

5. В день Усікновенія глави св. Йоана Хрестителя, 29 серпня (11 вересня н. ст.).

6. В день Воздвиженія Честного Хреста, 14 (27 н. ст.) вересня.

7. Филиппівка: від 14 (27 н. ст.) падолиста до 24 грудня (6 січня н. ст.) включно.

8. Середи і Пятниці крім загальниць. Однак після практики в Канаді і згідно з арт. 33 нашого Декрету середа є днем постним лише в часі постів.

II. Загальниці:

1. Від Різдва Христового до Навечерія Богоявлення включно, т. є. від 25 грудня (7 січня н. ст.) до 4 (н. ст. 17) січня.

Baptismal and marriage certificates: — On the occasion of each baptism and marriage, priests are to provide the parties with certificates, issued by the Bishop Ordinary. Proceeds from these certificates are to be directed towards the eparchial orphanage fund. These cards were introduced by the Bishop's Ordinate to permit quick verification as to the valid baptism or marriage of a given party.

Consecration of a church: — In the future, only those churches which are free from debt will be consecrated by the Bishop.

Fasts, privileged times, and prohibited and sacred times: —

I. Fasts:

1. Vigil of Theophany, January 5 (January 18).

2. Great Lent: from Cheesefare Monday to Great Saturday, inclusive.

3. Fast of St. Peter: from the Monday after the Sunday of All Saints to June 28 (July 11), inclusive.

4. Fast of Transfiguration or Dormition: from August 1 (August 14) to August 14 (August 27), inclusive.

5. Beheading of St. John the Baptist, August 29 (September 11).

6. Exaltation of the Holy Cross, September 14 (September 27).

7. Fast of St. Philip: from November 14 (November 27) to December 24 (January 6), inclusive.

8. Wednesdays and Fridays, excepting those which are privileged. However, following the practice in Canada and in agreement with article 33 of our Decree, Wednesday is a fast day only during fasts.

II. Privileged times:

1. From the Nativity of Christ to the Vigil of Theophany, inclusive, that is, from December 25 (January 7) to January 4 (January 17).

2. Від неділі о Митарю і Фарисею до неділі о Блуднім Сині.

3. В Сьвітлий тиждень.

4. Від Сошествія св. Духа до Неділі Всіх Сьвятих.

III. Заказані і осьвячені часи:

1. Всі Середи і Пятниці.

2. Від початку Филипівки до Богоявлення включно.

3. Від Понеділка Сиропустного до Світлої Суботи включно.

4. В Петрівку, як висше.

5. В Спасівку, як висше.

6. В день Усікновенія глави св. Йоана Хрестителя, як висше.

7. В день Воздвиження Чесного Хреста, як висше.

З важних причин може сьвященик дати шлюб і в середу диспензуючи сам.

Оповіді можна голосити і в постнім часі.

Похорон церковний: — Похорону церковного належить відмовити:

а) дітям, котрі померли без хресту. Вони мають бути похоронені на непосьвяченій часті кладовища, призначеній на сю ціль.

б) Всім еретикам, шизматикам, відступникам, виклятим поіменно і явно; тим що сьвідомо з розмислу поповнили самоубійство, если вони не дали ніяких знаків каяня перед смертю: тим, котрі приподно т. є. при сьвідках відказали ся прийняти св. Тайни в недузї і померли нерозкаяні, вкінци тим, що вели явно згіршаюче житє і умерли без розкаяня.

в) Всім тим, що належали до товариств осуждених і заказаних Церквою і то навіть тоді, коли вони вправді прийняли св. Тайни перед смертю, але члени товариства офіціяльно і з відзнаками беруть участь в похороні.

2. From the Sunday of the Publican and the Pharisee to the Sunday of the Prodigal Son.

3. Bright week.

4. From Pentecost Sunday to the Sunday of All Saints.

III. Prohibited and sacred times:

1. All Wednesdays and Fridays.

2. From the beginning of the Fast of St. Philip to Theophany, inclusive.

3. From the Monday of Cheesefare Sunday to Bright Saturday, inclusive.

4. During St. Peter's Fast, as above.

5. During the Transfiguration Fast, as above.

6. Beheading of St. John the Baptist, as above.

7. Exaltation of the Holy Cross, as above.

For a valid reason, a priest may bless a marriage even on Wednesdays, granting the required dispensation himself.

Marriage bans may also be announced during lenten times.

Ecclesiastical burial: — Ecclesiastical burial is to be denied to:

a) Children who have died without having been baptized. They are to be buried in an unconsecrated section of the cemetery, designated for this purpose.

b) All heretics, schismatics, apostates, and those excommunicated by name and publicly; those who consciously and with premeditation committed suicide, unless they showed some signs of repentance before dying; those who publicly, that is, in the presence of witnesses, refused the reception of the Holy Mysteries in illness, and died unrepentant; and finally those who died as notorious sinners, without having repented.

c) All those who belonged to organizations which are either condemned or forbidden by the Church, even when they in fact received the Holy Mysteries before dying, if members of their organizations intend to take part in the funeral officially

Коли член такого товариства умре без св. Тайн, але зі знаками каяння, то можна его поховати, але без паради.

г) Церков наказує рівнож відмовити церковного похорону сим, про котрих люде знають, що вони раз в рік не відправили великодної сповіди і померли без ніякого знаку каяння. В сім случаю належить однак обережно поступати, а если час позволить то засягнути ради Епископа, еслиж ні, то розсудити так, як лучше буде на славу Божу і спасеніє душ.

В сумніві, коли не можна засягнути ради Епископа, нехай сьвященик більше поводить ся милосердієм, але і уважає, щоби з его діланя не вийшло згіршене вірних або погорда віри.

Преса і література: — Обовязком кожного сьвященика єсть звертати бачну увагу на се, щоби наш нарід не читав книжок або часописий, які виступають явно проти католицької Церкви та сїють засади впрост противні католицькій моралі. А ще більше належить остерігати нарід перед такими часописями, котрі під покришкою народолобства і поступовости підступним способом заціплюють в серця читачів нездорові засади та баламутять їх уми. Проти таких часописий треба виступати і в церкві і поза церквою, а тим, що їх читають упірно мимо напімнення, належить відмовити розршення, доки не перестануть їх читати. З другої сторони єсть обовязком всіх ВВ. Отців ширити нашу українську католицьку пресу і наші католицькі видавництва. Се і церковний і народний обовязок всіх ВВ. Отців ширити добрі письма поміж нашим народом, а

and with distinguishing signs. When a member of such an organization dies without having received the Holy Mysteries, while having shown signs of repentance, he may be given an ecclesiastical funeral, but without great ceremony.

d) The Church equally decrees that ecclesiastical burials are to be denied those whose neglect to confess their sins annually at Easter is publicly known, and who have died without any signs of repentance. In this case, however, the pastor is to proceed with caution, and, if time permits, seek the counsel of the Bishop; otherwise, he is to judge the case in a manner which best brings about the glory of God and the salvation of souls.

When in doubt, and when it is not possible to seek the counsel of the Bishop, the priest is to be guided by mercy. However, he is to be careful so that his actions do not result in scandal for the faithful or contempt for the faith.

Press and literature: — It is the obligation of every priest to make certain that our people do not read books or newspapers which clearly oppose the Catholic Church, and are in principle completely contrary to Catholic morals. Moreover, it is necessary to admonish the people against those newspapers, which, under the guise of love of the nation, proceed in a cunning manner to implant in the readers' hearts unhealthy principles, thus confusing their minds. It is necessary to speak out, in church and outside church, against such newspapers. Those who obstinately read them, despite admonition, are to be refused absolution until such time as they cease reading them. Instead, it is the obligation of all Reverend Fathers to propagate the Ukrainian Catholic press and Catholic publishers. It is the ecclesiastical and national obligation of all Reverend Fathers to propagate good reading material among our people,

випирати часописи і літературу, що лише підкопує мораль і для того Ми жадаємо, щоби ВВ. Отці сей свій сьвятий обовязок сповняли як найсовіснійше. Головно повинні сьвященики уважати на се, щоби в читальнях не було злих часописий та книжок.

Приноровлене вірних руського обряду до латинського: —

1. В місцях де нема ані руської церкви, ані русько кат. сьвященика, або де доїзд до руської церкви єсть з причини великого віддаленя полученний з великими трудностями, можуть вірні руського обряду приноровити ся цілковито до обряду латинського, з того однак ніяк не слідує зміна обряду. Арт. 24 Декрету. В таких місцях отже можуть вірні руського обряду приймати св. Тайни, заховувати сьвята і пости, слухати Служби Божої і взагалі виконати всі свої християнські обовязки після латинського обряду. Декрет однак не змушує їх до сего, бо каже виразно “валебунт”, а не “дебентг” або “тенентур” (пор. сказане від словом: Розрішене). Певно, що треба нам напаминати нарід, щоби в місцях, де нема ніколи своєї Служби Божої, або дуже рідко, він ходив до латинської церкви, щоби Тайну великопостної сповіди і великодного св. Причастія прийняв там з рук латинського сьвященика, однак змушувати вірних Русинів до сего не хотів ані Апостольський Престол, ані Нам не можна.

Причини до сего відомі кождому, хто знає відносини латинського і руського обряду в Галичині, звідки як раз походять наші вірні. Для простого народу віра, обряд і народність, се нерозлучні добра. За зміною обряду слідує у нашого народу все і зміна народности. Проте змушувати нарід до приноровлення до лат. обряду, се в очах загалу, латиньщити нашу Церков і

denouncing those newspapers and literature which only serve to undermine morals. Therefore, We require that the Reverend Fathers fulfill this their sacred obligation most conscientiously. Priests should pay particular attention in that there are no corrupt newspapers or books in reading rooms.

Conformation of the faithful of the Ruthenian rite to the Latin rite: —

1. Where there is neither a Ruthenian church nor a Ruthenian Catholic priest, or where the distance to a Ruthenian church is such that it presents great difficulties, the faithful of the Ruthenian rite can conform themselves to the Latin rite in its entirety. This act, however, does not bring about a change of rite. See article 24 of the Decree. Therefore, under these circumstances, the faithful of the Ruthenian rite can receive the sacraments, observe feast days and fasts, attend the Divine Liturgy, and, in general, fulfil all their Christian obligations according to the Latin rite. The Decree, however, does not compel them to do so, as it clearly states *valebunt* (they can), and not *debent* (they must) or *tenentur* (they are required to). (See “Absolution”). Of course, We must exhort the people that, where their own Divine Liturgy is never celebrated, or, at the most, rarely, they attend the Latin church, in order to receive the sacraments of confession and Divine Eucharist at Easter from a Latin rite priest. However, the Apostolic See did not want to compel them to do so, nor can We.

The reasons for this are well known to those familiar with the circumstances of the Latin and Ruthenian rites in Galicia, whence our people come. For the common people, faith, rite, and nationality are inseparable. For our people, a change in rite is the equivalent to a change in nationality. Therefore, to compel our people to conform to the Latin rite is, in the eyes of our people, to Latinize our Church

винародовлювати Русинів. Звідси ненависти, а навіть страшні братовбійчі війни поміж Русинами і Поляками і поміж Русинами уніятами і шизматиками; звідси і закиди проти Апостольської Столиці і Унії, що се вони провадять до винародовлення Русинів і до златинцєня руської Церкви. Що сї закиди зовсім безпідставні і проте неслухні, се видно хочби з сего послідного декрету, де Столиця Апостольська стає по стороні чистоти нашого обряду та забороняє строго змінити его або намовляти когось до зміни обряду.

Наш нарід рідко учає на латинські богослужєня ще і з тої причини, що лат. обряд, его форма і его язык для него зовсім незрозумілі. Треба отже нам поучати відповідно нарід о его християнських обовязках, о сїм, що віра, обряд і народність се річи зовсім відрубні та з натиском повтарають, що часове приноровленє до латинського обряду не потягає нїяк за собою зміни обряду. Спасенє душі се великий обовязок, се цїль, ходженє до церкви і приймає св. Тайн, се средства.

2. З огляду, що ріжниця календаря руського і латинського як і відмінна дисциплїна обох обрядів спричинює нераз вірним нашого обряду великі трудности в захованю святочних днів та постів, Апостольська Столиця дозволила Русинам в цїлій Канаді, без огляду на се чи єсть де руська церков або сьвященик, чи нї, заховувати дні сьвяточні і пости після звичаю і дисциплїни місцевостий, в яких они перебувають. В недїлі однак і сьвята, що припадають на той сам день в обох обрядах, суть обовязані вірні руського обряду вислухати Служби Божої у власнім обряді і в своїй церкві, єсли єсть в місци і в ній править ся тоді богослужєнє.

and assimilate the Ruthenians. There has been hatred, and even dreadful fraternal wars between Ruthenians and Poles, and between Ruthenian uniates and schismatics. Hence, there are even accusations against the Apostolic See and the Union that these favour the assimilation of Ruthenians and the Latinization of the Ruthenian Church. That these accusations are altogether unfounded, and, therefore, unjust, can be proven by this latest decree, in which the Apostolic See favours the purity of our rite, and strongly prohibits anyone from changing his or her rite, or inducing someone else to change theirs.

Our people rarely attend Latin liturgical services also for the reason that, for them, the Latin rite, its form and its tongue, is altogether incomprehensible. Therefore, it is necessary for us to instruct our people properly in their Christian obligations that faith, rite, and nationality are altogether distinct, and to reiterate emphatically that temporary conformation to the Latin rite does not bring about a change in rite. It is the salvation of souls that is our greatest obligation and end, whereas, attending church and receiving the sacraments is the means to that same end.

2. Aware that the differences among the Ruthenian and Latin calendar, as well as the different discipline of both rites, often cause great difficulty for the faithful of our rite in the observance of feast days and fasts, the Apostolic See has permitted Ruthenians throughout Canada, regardless of the presence or not of a Ruthenian church or priest, to observe feast days and fasts in accordance with the custom and local discipline of the place in which they reside. However, on Sundays, and feast days which fall on the same day in both rites, faithful of the Ruthenian rite are obligated to attend the Divine Liturgy in their own rite and in their own parish, if there is indeed a church where they reside and liturgical services are celebrated there.

Колиж нема Служби Божої в руським обряді, то сї, що придержують ся дисципліни латинського обряду, мають вислухати єї в церкві обр. лат. Розуміеть ся, що вони мусять ся в такий сьвяточний день повздержати від праці. Се часто може лучити ся по містах, так, що пр. вірні руського обряду не можуть заховати сьвята Різдва Христового в сей час, коли випадає після нашого календаря. Вони повинні отже заховати єго враз з латинниками. Єсть дуже пожаданою і вказаною річею, щоби душпастирі в такі латинські сьвяточні дні відправляли в своїй церкві богослуженє в часі, в яким звичайно вони відправляють ся в сьвята або неділі, щоби вірні могли в сей день також вислухати Служби Божої в своїм обряді та не відчувували ся від свого обряду.

Сповідь великопостну мають однак вірні відправити в часі означенім після руського обряду.

Причастія часте і щоденне: — Душпастирі повинні заохочувати людей до частого і щоденного св. Причастія. Се єсть бажанєм Ісуса Христа і Церкви католицької, щоби вірні як найчастійше приступали до св. Причастія і то не лише дорослі, але і діти, котрі вже раз були допущені до св. Причастія. (Св. Конгр. Соб. 20 Дец. 1905). Обовязком однак сьвящеників єсть поучити вірних, щоби не з людських зглядів, але з любови до Ісуса Христа в НС. Тайнах устаєного принимали часто або і щоденно св. Причастіє. Що до розположення душі, вимаганого до частого або щоденного св. Приастія, то сьвятости НС. Тайн відповідає найбільше, щоби приймаючі Евхаристийного Ісуса, були вільні від всякого простительного гріха, поповненого з розвагою; вистарчить однак, щоби були вільні від тяжких гріхів і приступали до св.

Where the Divine Liturgy is not celebrated in the Ruthenian rite, then those who follow the discipline of the Latin rite are to attend the Divine Liturgy in a Latin church. It is understood that, on feast days, the faithful are to refrain from working. It may often happen that the faithful of the Ruthenian rite may not be able to observe, for example, the feast of the Nativity of Christ at the time that it falls on our calendar. If this is the case, they should observe it together with the Latins. It is highly desirable and recommended that, during these Latin feast days, pastors celebrate the divine services in their own churches at the time they normally celebrate them on feast days and Sundays, so that, on these days, the faithful could also attend the Divine Liturgy in their own rite and not be estranged from it.

Easter confessions, however, are to be celebrated during the time which is prescribed by the Ruthenian rite.

Frequent and daily Holy Communion: — Pastors should encourage the faithful to receive Holy Communion frequently and daily. It is the wish of Jesus Christ and the Catholic Church that the faithful receive Holy Communion as frequently as possible, and not only adults, but also children who have been admitted to Holy Communion (Sacred Congregation of the Council, December 20, 1905). Priests, however, are obligated to instruct the faithful to receive Holy Communion frequently, even daily, not to impress others, but out of love for Jesus Christ in the Most Holy Mysteries. Concerning the disposition of the soul demanded by the frequent or daily reception of Holy Communion, the sacredness of the Most Holy Mysteries requires, above all, that those receiving the Eucharistic Jesus be free from all pardonable sin, committed deliberately. It suffices, however, that they are free of serious sin

Причастія з жалем щирим за всі гріхи і з постановою більше не грішити. Треба рівнож поучити нарід, що не конче треба сповідати ся перед кождим св. Причастиєм, що св. Сповідь єсть лише тоді конечною, коли хто має тяжкий гріх, а впрочім вистарчить жаль за гріхи повседневні. Однак сі, що причащають ся часто, або й щоденно, повинні і частійше сповідати ся, пр. що місяця, щоби сьвященик міг знати стан їх душі.

Заряджуємо проте, щоби сьвященики всюда заводили сей звичай частого і щоденного св. Причастія, бо досвід учить, яке велике благословене засилає Ісус на громаду, де сей звичай існує. Треба однак поучити вірних, що тільки за порадою сповідника можуть приступити до частійшого або щоденного св. Причастія. Щоби вірні могли часто або щоденно приступити до св. Причастія, то мусять бути добре обучені в правдах віри, а головно добре знати і розуміти науку о. НС. Тайні Евхаристії. Дятого наказуємо, щоби сьвященики часто проповідували о НС. Тайні Евхаристії і о частім і щоденнім св. Причастію, а празник Пресьвятої Евхаристії обходили з як найбільшим торжеством.

До поширення сего звичаю частого і щоденного св. Причастія причиняє ся брацтво Апостольства Молитви. Про се гляди під словом “Брацтва”.

Проповіді: — Кождий душпастир єсть обовязаний в неділі і в торжественні сьвята виголосити на Службі Божій і на вечерни проповідь так, щоби она була для кожного зрозумілою. В проповіді не сьміє сьвященик уживати слів образуючих одиниці або громаду, бо проповідь се голошене слова Божого. Если треба упімнути громаду, то се має

and approach Holy Communion with sincere sorrow for all their sins, together with a resolution to sin no more. It is equally necessary to instruct the faithful that it is not absolutely necessary to go to confession prior to each Holy Communion, but that Holy Confession is necessary only when someone has committed a serious sin, while sincere sorrow for their daily sins suffices. However, those who communicate frequently, even daily, should confess often, e.g. monthly, in order for the priest to be aware of the state of their souls.

Therefore, We decree that priests introduce everywhere the custom of frequent and daily reception of Holy Communion because experience manifests the great blessing which Jesus bestows upon the people where this custom exists. It is necessary, however, to instruct the faithful that they can receive Holy Communion frequently or daily only with the counsel of their confessor. In order for the faithful to receive the Holy Communion frequently or daily, they must also be properly instructed in the truths of the faith, in particular, the teachings on the Most Holy Eucharist. Therefore, We decree that priests preach often about the Most Holy Eucharist, and its frequent and daily reception, and that the feast of the Most Holy Eucharist be celebrated with as much solemnity as possible.

The Apostleship of Prayer is to assist in the propagation of this custom of frequent and daily reception of the Divine Eucharist. (See “Brotherhoods”).

Sermons: — Each pastor is obligated to preach at the Divine Liturgy on Sundays and solemn feast days, and evenings, in such a manner that his homilies can be understood by all. During a sermon, a priest is not permitted to use words intended to offend individuals or the community, as the sermon is the proclamation of the word of God. If it is necessary to

св'ященик зробити в лагідний спосіб по проповіді, а не в самій проповіді, в котрій можна лише в євангельський спосіб — і загально говорити про провини, їх згубні наслідки і т. д., що би тим способом розположити слухачів до успішного прийняття нап'имнення.

Рівнож всі справи політичної натури суть з проповідей виключені.

Крім сего кожний св'ященик має пляново проповідувати т. є. уложити собі плян проповідей бодай на пів року, плян, котрий-би представляв в собі якусь цілість. Доривочний вибір теми не приносить або жадного хісна, або дуже малий. Теми проповідей мають бути записані в книжці на се призначеній, котру підчас канонічної візитації має св'ященик предложити, яко документ своєї плянної праці. — З огляду на потребу ученя народу приказуємо уживати катихизму о. Шпірага і з него проповідувати особливо на вечірні. Проповідь взагалі не повинна тривати довше як пів години. На торжественні св'ята, проповідь має відповідати духови торжества. Для того, в торжественні св'ята треба перервати означений цикл проповідей, а вибрати тему, що відповідає св'ятові.

Протокол предшлюбний: — При переведеню предшлюбного протоколу мають душпастирі звертати увагу головню на се:

1) Чи обучені суть достаточню обоє женихи в правдах віри і чи знають молитви. Єслиж ні, то обовязком душпастиря єсть постарати ся о се, щоби перед шлюбом їх поучити принайменше о головних правдах віри.

2) Чи не звязане єсть котре з женихів вже попередним важним супружем. Про се треба як найсовіснійше упевнити ся, бо на жаль, лучають ся случаї каригідного ошуканя в сім згляді. На се головню треба звертати

admonish the community, the priest is to do so in a gentle manner - after, and not during, the sermon, which is to be centred on the Gospel alone - speaking, in general, about faults, their serious consequences, etc., so that, in this manner, he predisposes the faithful to the favourable reception of the admonition.

All matters of a political nature are likewise to be avoided in the sermon.

In addition, each priest is to preach according to a predetermined plan, that is, he is to prepare a plan for preaching for at least six months, which in and of itself will have some purpose. The random selection of themes is of very little benefit, if any at all. These themes are to be recorded in a book intended for this purpose, which the priest is to present during a canonical visitation as proof of his planned work. As a result of the need to instruct the faithful, We decree that priests use Fr. Spirago's catechism, and preach from it, especially in the evenings. In general, homilies should never last longer than one half hour. On solemn feast days, the sermon is to correspond with the spirit of the solemnity. Therefore, on solemn feast days, it will be necessary to abandon the planned cycle of sermons and choose a theme appropriate to the day.

Pre-marriage questionnaire: — During the administration of the pre-marriage protocol, the pastor is to ensure that:

1) both parties are sufficiently instructed in the truths of the faith and know their prayers. If not, then the pastor is obligated to instruct them in at least the essential truths of the faith before their wedding.

2) neither of the parties is already bound by a valid marriage. It is necessary for the pastor to satisfy his conscience in this matter as, unfortunately, cases of deception, worthy of reproof, occur in this regard. In particular, it is necessary to be

увагу при особах старших або вдівцях та вдовах. Предложеное “лайсенсу” не все есть достаточним доказом на правдивість заяви зі сторони женихів. Найлучше можна пересвідчити ся о сїм з дотичних документів або через достовірних свідків.

3) Чи дівчина не єсть ким при-силувана.

4) Чи не заходять иньші канонїчні перешкоди.

(Дяди також коментар до “Не Темере”).

Робітники в лісах і на желізничних дорогах - їх душпастироване: — Велику трудність справляє тепер душпастироване сих, що нераз цілими роками працюють по лісах або при будові нових торів. До сих трудно дістати ся, трудно їх зібрати разом і трудно нераз промовити до їх сердець. І для сих робітників здали-би ся окремі свьятиники. Але ми і тепер можемо ними бодай троха заопікувати ся. І так повинні сї свьятиники, з котрих парохій люде ідуть на таку роботу, старати ся про се, щоби вони перед своїм виїздом висповідали ся і дати їм відповідні науки, в котрих повинні наставати головно на се, щоби вони не занедбували молитви, та щоби вистерігали ся безбожних та нечистих бесїд. Колиж сї робітники повернуть назад, тоді знова повинні напїмнути їх в проповіді, щоби не пропивали або иншим способом не тратили заробленого гроша. Нераз лучить ся, що десь в місийнім окрузі свьятиника роблять як раз такі робітники. Тоді свьятиник повинен відвідати їх в якийсь означений час, та по можности відправити їм Службу Божу та заґріти проповідію до витрєваня в добрі.

Як найобережнійше треба уникати навіть підозріня, не наче-би свьятиник приїхав на се, щоби заробити гроші. Не

cautious with older people, and with widows and widowers. The presentation of a “licence” is not always sufficient proof of the truthfulness of the declaration of the parties. Proof is best ascertained from corresponding documents or through credible witnesses.

3) the bride is not compelled by force.

4) no other canonical impediments exist.

(See also the remarks concerning *Ne temere*).

Pastoral care of labourers in forests and on the railroads: — Great difficulty surrounds the pastoral care of those who often work for entire years in forests or on the construction of new railroads. It is often difficult to reach them, bring them together, and speak to their hearts. It would be most appropriate to designate several priests just for these workers. However, even now, We can offer them at least some assistance. Priests whose parishioners seek out these kinds of jobs are to ensure that they receive the sacrament of confession prior to their departure, as well as give them appropriate instruction, in particular, that they not be negligent in their prayers and that they guard themselves against impious and impure conversation. When these workers return home, they should again be reminded during sermons that they not squander or waste the money they have earned. It often happens that these workers find employment in one of the mission territories of our priests. Where this occurs, priests should visit them at an appointed time and, in as much as it is possible, celebrate the Divine Liturgy, preaching to them about persevering in their uprightness.

Priests are to avoid every suspicion that their visit is motivated purely by monetary compensation. On the contrary, they are

треба домагати ся від них нічого, а задоволити ся їх добровільними датками.

Розрішене: — 1. Не можна відмовити розрішення тим, що не з погорди, ані неприхильности, але з іншого якогось згляду не сповняють заповіди слухання Служби Божої в неділі і свята в місцях, де не править ся Сл. Божа в їх обряді, хоч могли-би вислухати Службу Божу відправлену в їх місцевости після обряду латинського. Кождий однак душпастир повинен напаминати їх, щоби слухали Служби Б. в латинських церквах, коли нема своєї, поучаючи їх, що через се вони сповняють обовязок слухання Служби Божої, а не змінюють свого обряду та вказуючи на се, що оден і той сам Христос приносить ся в жертву на наших і латинських престолах.

2. Тих, що не хочуть, хоч можуть, заплатити вкладок чи то парохіяльних чи епархіяльних, належить віддалити від сповіди яко нерозположених, если не приречуть щиро, що заплатять.

Самопоміч - Фонд німечних руських свьящеників в Канаді: — Щоби свьященикам нашої епархії, котрі з причини старости або недуги, яка опанує їх серед душпастирської праці, а не з їх легкодушности стануть на час, або досмертно нездібними до праці, забезпечити матеріяльну поміч, заряджуємо щоби кождий свьященик так свьіцкый як і монах в душпастирській службі, платив \$2.00 місячно до фонду німечних свьящеників, почавши від 1-го цвітня 1915 р.

Се заряджене даемо по засягненю гадки майже всего духовеньства нашої Епархії.

До заряду фонду буде выбрана окрема комісія зі свьящеників, котра випрацює відповідні статути, а Ординарият постарає ся о затвержене сеї інституції в Римі.

not to ask for anything, accepting only free-will offerings.

Absolution: — 1. Absolution cannot be denied to those who, not out of contempt nor out of ill-will, but for some other consideration, do not fulfill the precept of attending the Divine Liturgy on Sundays and feast days where the Divine Liturgy is not celebrated in their rite, even if they could attend the Divine Liturgy celebrated according to the Latin rite. Each pastor, however, is to remind the faithful that attendance at the Divine Liturgy in a Latin church, when not celebrated in a church of their own, fulfills the obligation to attend the Divine Liturgy, but does not change their rite. He is to explain to them that it is the one and same Christ that is offered as a sacrifice on the holy tables of both rites.

2. Those not willing, although able, to pay taxes, whether parochial or eparchial, are to be turned away from confession, as not being properly disposed—unless they sincerely promise to pay.

Self-assistance - Fund for disabled Ruthenian priests in Canada: — So that priests of our eparchy who, as a result of old age or illness, and not as a result of their own doing, are incapable of working, either for a short time or permanently, can receive some material assistance, We decree that every priest, secular or religious, engaged in pastoral ministry, contribute \$2.00 monthly to a fund for disabled priests, as of April 1, 1915.

We have enacted this decree only after having sought the input of almost all the clergy of our eparchy.

A separate commission of priests will be selected to administer the fund and develop appropriate statutes governing the fund. The Ordinary will arrange to have the institution approved by Rome.

Сьвіцкій супружний закон: — Ми завсїгди обстоюємо за сим, що про важність супружа має судити лише Церков, та що всі закони, які в сїм напрямі видає держава суть лише чистою узурпацією неналежних їй прав. Та в виду сего, що і Канадійські Правительства узурпували собі власть ставити услїва що до важности супружа і т. д., проте в інтересї сторїн і для уникнення неприємностей треба, щоби наші сьвященики узглядняли і приписи сьвіцких супружних законів. Сї закони суть окремі для кожної провінції Канади і суть оголошені в книжці під заголовком “Мерріедж Ект”. Сю книжочку дістає ся даром з “Департамент оф Агрікулчур”.

Нехай отже кождий сьвященик постарає ся о сїю книжку і придержує ся єї для уникнення неприємности зі сторони уряду.

Сестри - їх школи і сиротинці: — Най зважуть наші сьвященики як великої ваги суть в нашім церковно народнім житю сиротинці та школи, котрі ведуть наші руські законниці і нехай всі мають собі за обовязок причинити ся до їх розросту і сили. Передовсім треба глядіти за тими, що мають покликанє до монастиря та відповідно ними заопікувати ся і висилати до монастирів. Відтак повинні сьвященики посилати українські діти на вихованє до шкіл, які ведуть Сестри. А що Сестри суть змушені ходити по колектї, проте повинні сьвященики в своїх парохїях і місійних округах все горячо поручити Сестер милосердию парохїян.

Слуги сьвященика: — Слуги жіночого пола мають мати канонїчний вік і бути доброї слави та бездоганних обичаїв, так щоби їх побут в домі сьвященика не дав причини до підозрінь або згірше-

Civil marriage law: — We insist everywhere that only the Church is able to judge the validity of marriage, and that all laws issued by the State in this matter are only by way of pure usurpation of the Church's independent right. In view of this, and the fact that the Canadian government usurped for itself the authority to create conditions as to the validity of a marriage, etc., therefore, in the interest of the parties and to avoid unpleasantness, it is necessary that our priests take into consideration the prescriptions of civil marriage law. These laws are different for each Canadian province and are published in booklet form under the title “Marriage Act.” This booklet may be obtained free of charge from the Department of Agriculture.

Therefore, priests are to make every effort to obtain this booklet and adhere to it in order to avoid unpleasantness with the government.

Sisters - their schools and orphanages: — Our priests are to consider the great value that orphanages and schools, administered by our Ruthenian Sisters, have in our ecclesiastical and community life, and shall consider it an obligation to work towards their growth and strength. Above all, it is necessary to watch over those who manifest a vocation to monastic life, caring for them and eventually sending them to monasteries. For this reason, priests should send Ukrainian children to be educated in schools which are operated by Sisters. Since the Sisters are required to take up collections, priests are always to recommend them warmly to the charity of the parishioners of their parishes and mission territories.

Priestly servants: — Female servants must be of canonical age, have a good reputation, and have irreproachable conduct so that their stay in a priest's residence would not be an opportunity for suspicion

ня. Сьвященики нехай не допускають до сего, щоби слуги сі засідали спільно з ними до стола, або в їх товаристві показували ся на улиці або ішли на забави. Сьвященик нехай стереже ся всякого рода споуфаленя зі служачою і нехай ніколи не дозволяє служачій мішати ся в справи, що до неї не належать.

Служба Пржедєосьвященних дарів: — Ся служба має відправляти ся в Середи і Пятниці Чотиредєсятниці і в Понеділок, Второк і Середу Великого Тижня. Жадному сьвященикови не вільно правити в сі дни иньшої Служби Божої без окремого письменного позволеня на се уділеного Епископським Ординариятм. Причиною до позволеня може бути пр.: потреба Служби Божої для запричащаня вірних, недостаточна платня сьвященика і т. п. По одержаню позволеня має ся правити в сі дни Службу св. Йоана Золотоустого.

Службові інтенції: — Наказуємо, щоби наші сьвященики, придержували ся що до речинця відправи платної Служби Божої розпорядженя Конгреґації Соборів, котра постановляє, що сьвященник має відправити одну інтенцію протягом місяця, сто протягом шістьох місяців, а більше або менше число в відповідно довшим або коротшим речинци (S. Cong. Concilii, 11 Maii 1904). (Так пр. 50 інтенцій треба відправити протягом найдовше 3 місяців і т. д.). Відтак наказує дальше згаданий декрет, щоби не брати більше інтенцій як лише тільки, кільки можна відправити протягом одного року, числячи від дня одержаня інтенції. Розумієть ся, що, коли сторони бажають собі, щоби їх інтенція була відправлена в коротшим речинци, або самі годять ся на довший речинець, або дають більше інтенцій, як можна в році відправити,

or scandal. Priests are not to permit servants to eat with them at the same table, nor be seen in the same company with them on the street or at dances. A priest is to avoid all flirting with his servant, and he should never allow her to interfere in matters which do not pertain to her.

Liturgy of the Presanctified Gifts: — This divine service is to be celebrated on Wednesdays and Fridays of Great Lent and on Monday, Tuesday, and Wednesday of Holy Week. Priests are not permitted to celebrate another Divine Liturgy on these days without the express written permission of the Bishop Ordinary. Reasons for which permission may be granted include, for example: the need to celebrate the Divine Liturgy in order to administer Communion to the faithful, insufficient priestly income, etc. When permission is granted, the Divine Liturgy of St. John Chrysostom is to be celebrated on these days.

Divine Liturgy stipends: — We decree that our priests adhere to the norms established by the Congregation of the Council regarding the time in which a Divine Liturgy intention must be celebrated, namely, that a priest is to celebrate one intention in the course of a month, one hundred in the course of six months, and a greater or lesser number accordingly in a greater or lesser time (Sacred Congregation of the Council, May 11, 1904). (For example, fifty intentions are to be celebrated in the course of three months, at the most). Furthermore, no more intentions are to be accepted than can be celebrated during the course of one year, counted from the day of their reception. It is understood that when individuals request that their intentions be celebrated in a shorter period of time, or they themselves agree to a longer period, or they give more intentions than can be

то їх воля має бути ушанована. Колиж який священник прийме більше Служб Божих, як може в році відправити, то надвижку має з кінцем року переслати до Єпископського Ординариату. Колиж, за згодою Єпископа передасть якомусь иньшому, добре собі знаному священникови, то най не забуває, що він доти не єсть звільнений від особистого тягару відправити сі Служби Божі доки певно не знає, що тамтой священник сповнив сей обовязок. Священники, котрі хочуть дати Служби Божі до відправи священникови з другої епархії, мають переслати інтенції на руки Єпископа даного священника, або принайменше одержати згоду тогож Єпископа.

Сьпіванє Служби Божої: — Накаємо строго, щоби священники придержували ся як найточнійше Ірмольогійона при сьпіваню Служби Божої. Всякі довільні зміни в ариях сьпіваної Служби Божої мають бути раз на всегда виключені. Се зовсім не причиняє ся до піднесеня краси Служби Божої, коли священники самі собі довільно укладають ріжнородні, нераз з духом церковного сьпіву незгідні арії. Як у всім, так і тут кождий священник єсть в совісти обовязаний придержувати ся приписів Церкви.

Так само і иньших богослужебних сьпівах мають священники сьпівати стисло після Ірмольогійона.

Сповідник законниця: — Сповідати законниця в їх монастири може лише сей священник, котрий зістав до сего делегований Єпископом. Еслиж законниця суть поза монастирем, підчас подорожи, або з иньшої якої причини, тогді може їх сповідати кождий Нами апробований священник. Душпастир, назначений Єпископським Ординариатом на сповідника Сестер, має совісно заняти ся їх житєм духовим і сам в нім усовершенувати ся.

celebrated in one year, their wishes are to be respected. Where a priest receives more intentions than he can celebrate in one year, he is to send the balance to the Bishop Ordinary at the end of each year. When, with the understanding of the Bishop, the priest gives intentions to another priest, whom he knows well, he is to be aware that he is not freed from his personal obligation to celebrate these intentions until such time as he has assured himself that the other priest has indeed celebrated them. Priests who wish to send intentions to priests in another eparchy are to do so through that priest's Bishop, or, at the very least, with that Bishop's permission.

Singing of the Divine Liturgy: — We strongly decree that priests adhere, as accurately as possible, to the *Irmologion* in the singing of the Divine Liturgy. All arbitrary changes in the melodies of the sung Divine Liturgy are to be excluded once and for all. It does not elevate the beauty of the Divine Liturgy when priests themselves arbitrarily invent their own melodies, often without the spirit of liturgical music. As in all things, every priest is obligated in conscience to abide by the norms of the Church.

Concerning the singing of other divine services, priests are likewise to adhere to the *Irmologion*.

Confessors of female religious: — Only a priest, who has been delegated to do so by the Bishop, can confess female religious in their monasteries. Each of our approved priests can confess female religious if the latter are outside of their monastery, on a journey or for another reason. A pastor, appointed by the Bishop Ordinary as a confessor for Sisters, is conscientiously to be occupied with their spiritual life and his own.

Спори перед свѣцкими властями: — Звичайно з сего, що свѣщеники для полагодження спорів стають перед свѣцким судом, виростає для вірних навіть велике згіршене, а для самого духовного стану неслава. Проте наказуємо, щоби Наші свѣщеники навіть в спорах зі свѣцкими людьми і свѣцких справах, нікого не скаржили перед свѣцким судом, а самі кликані, щоби добровільно перед ним не ставляли ся, хиба що спору годі в иньший спосіб полагодити. Колиж розходить ся о контракти, довги, спадщини, документи і т. п. справи в котрих для успішного їх покінчення закон вимагає рішення свѣцкого судії, то мають свѣщеники перед тим, нїм предложать справу судії ужити всіх средств, щоби справу полагодити мирово і не вести нїякого судового спору. Заказуємо душпастирям без письменного позволення Ординариятю скаржити перед свѣцким судом свѣцкого чоловіка за гроші, які він винен Церкві за винаєм домів, або поля, або з иньшого якого титулу.

Сповідь: — Вірні русько-кат. обряду можуть сповідати ся або у свого або у латинського свѣщеника, без огляду на се, чи в їх місцевости єсть русько-катол. свѣщеник чи нї. То само відносить ся і до вірних лат. обр. з огляду на вибір сповідника в місцях де знаходить ся русько-катол. церков або місія. Се розпоряджене відносить ся і до пасхальної сповіди. Досвідучить, що часто лучає ся, що вірні старають ся відправити пасхальну сповідь у чужого свѣщеника руського або латинського обряду, в сїм намірі, щоби не оплатити належних такс парохіяльних або епархіяльних — вони ділають “ін фраздем легіс”. Щоби запобігти сему і протиділати дезорганізації, заказуємо строго кождому свѣщеникови слухати пасхальної сповіди вірних з власної чи з чужої парохії, доки не

Disagreements , before secular authorities: — When priests go before a secular judge in order to settle a dispute, it usually results in an even greater scandal for the faithful, and dishonour for their own spiritual status. Therefore, We decree that our priests, even when it concerns disputes with secular people or secular matters, never bring charges before a secular court, and, when called upon themselves, that their presence before the court not appear to be freely-willed, unless it is impossible to settle the dispute in another manner. Where contracts, debts, inheritances, documents, and other matters require the decision of a secular judge for their successful execution, prior to appearing before the court, priests are to attempt to settle the matter amicably and without any legal disagreements. We forbid pastors, without the written permission of the Ordinary, to bring charges against a secular person before a secular court concerning monies owed the Church by means of the rental of a home, land, or any other title.

Sacrament of confession: — The faithful of the Ruthenian-Catholic rite can receive the sacrament of confession from either their own priest or from a Latin priest, regardless of the local availability of a Ruthenian-Catholic priest. The same is also true of the Latin rite faithful where a Ruthenian-Catholic church or mission exists. This arrangement is also true of Easter confessions. Experience teaches that the faithful often attempt to celebrate their Easter confession with a Ruthenian or Latin rite priest who is a stranger to them, intending not to pay the required parochial or eparchial taxes. In so doing, these faithful act *in fraudem legis*. In order to prevent this from happening and avoid disorder in the parish, We strongly forbid all our priests from hearing Easter confessions until they are certain that the

будуть мали певности, що пенітент сповнив свій обов'язок плачення парохіяльних і епархіяльних датків згідно, що був звільнений від такого плачення.

Певности такої можна набрати або з “парохіяльних книжочок” або з “карток” видаваних для пасхальної сповіди. Наші люди ще з практики в старім краю привикли діставати до пасхальної сповіди “картки”. Нашим бажанем єсть щоби загально заведено “картки” до пасхальної сповіди. Для уникнення всяких неприємностей, душпастир має заповісти наперед в церкві, що не буде сповідав сего, що не викаже ся такою карткою. Картки сї має видавати секретар фінансовий зовсім за дармо. На картці сій не має бути нічого більше крім імени і назвиска пенітента, парохіяльної печатки або підпису фінансового секретаря. Картку сю дістає лише той, хто належні такси заплатив, або від плачення зістав через сьвященника і тростів звільнений. Справи плачення такс, мають полагоджувати тростиси, згідно секретар фінансовий, а коли душпастир хоче їм в тім помочи, то може, але не в сам день сповіди, а вжеж ніколи в сповідальниці.

Заказуємо як найострійше священникови в сповідальниці брати від пенітента неоплачені ним які небудь такси, або шукати в списі душ чи пенітент заплатив вкладки чи ні. Справа плачення такс має бути полагоджена поза сповідею.

Час, в яким можна відбути пасхальну сповідь тягне ся від першого дня Великого Посту, аж до неділі Всіх Сьвятих по Сошествію св. Духа.

Наказуємо, щоби душпастирі постарали о се, щоби в кожній церкві була або сповідальниця, або бодай відповідний клячник з решіткою до висування.

Пасхальну сповідь має попередити бодай коротка наука о св. Сповіди — в

penitent, whether from their own parish or from another, has fulfilled his or her obligation in paying the required taxes, or is exempt.

The necessary information can be gleaned from either the “parochial books” or the “cards” given out for Easter confessions. Our faithful, still from the old country, are accustomed to receiving “cards” for Easter confessions. Our wish is that, in general, the system of “cards” for Easter confessions be used. In order to avoid all unpleasantness, the pastor is to announce, in advance, in church that he will not confess anyone who does not present such a card. These cards are to be distributed by the financial secretary, free of charge. Nothing else is to appear on the card other than the given name and surname of the penitent, and the parochial seal or signature of the financial secretary. Cards are only to be distributed to those who have paid the required taxes, or were exempted by the pastor and trustees. The matter of payment of taxes is to be settled by the trustees, or preferably, by the financial secretary. Should the priest wish to assist them, he may do so, though not on the same day as the confessions, and never in the confessional itself.

We forbid, as strongly as possible, priests to receive any unpaid taxes whatsoever from a penitent in the confessional, or to search the parish list in order to verify whether or not he or she is paid up. The matter of payment of taxes is always to be settled outside of confession.

The faithful can make their Easter confession from the first day of Great Lent until the Sunday of All Saints which follows the feast of the Descent of the Holy Spirit.

We decree that pastors endeavour to have a confessional in each church, or at least an appropriate kneeler with an extendable grate.

Easter confessions are to be preceded by at least a short lesson on Holy

якій головно піднести належить найважливіший момент св. Сповіді с. є: жаль за гріхи — і відмовлене молитви „Исповідаю ся”.

Стале перебуванє: —

1) Кождий душпастир єсть обовязаний перебувати стало в своїй парохії або в своїй місії, в місци визначенім єму Епископским Ординариятм на сталий осїдок. Місіонарі однак можуть перебувати в иньшій місци свого місійного округа, коли сего вимагає ся їх душпастирський обовязок.

2) Заказуємо строго місіонарам змінити власновільно, без дозволу Епископського Ординрияту місце сталого осїдку. Єсли зайде потреба зміни осїдку, то місіонар має предложити письменно Епископському Ординариятви відповідне прошенє з поданєм причин.

3) Лише зі слухних причин може душпастир віддалити ся на якийсь час поза межі своєї парохії або свого місійного округа. Такою причиною може бути: християнська любов, канонїчний послух, очевидна потреба або добро церкви чи громади повіреної душпастиреви, добро держави. За слухну причину неприсутности не можуть уходити справи приватні пароха чи місіонаря.

4) Місіонар, котрий з душпастирських зглядів виїжджає на який час зі свого місця осїдку в свій округ місійний, має лишити адресу до сего місця, куда удає ся. Кољж мусить виїхати поза округ своєї місії, то має повідомити про се людий і подати адресу другого сьвященика, до котрого моглиби єго вірні звернути ся в наглій потребі.

Під обовязок сталого побуту підпадає і се, щоби місіонар точно приїзджував на кольонїї свого округа в означенім дні. Колиби місіонар зі слухної причини не міг приїхати на

Confession, highlighting the most important moment during the sacrament, namely, sorrow for one's sins, and the recitation of the prayer, "I confess...."

Permanent residence: —

1) Every pastor is obligated to reside permanently in his parish or in his mission, at a place designated by the Bishop Ordinary. Missionaries, however, may reside in another place within their mission territory when their pastoral obligations so require.

2) We strongly forbid a missionary to change his place of residence of his own accord without the permission of the Bishop Ordinary. Should the need arise to change the place of residence, the missionary is to present a written request to the Bishop Ordinary, outlining the reasons.

3) Only for justifiable reasons can a pastor be absent from his parish or his mission territory for any length of time. These reasons include: Christian love, canonical obedience, an apparent need or good of the church or faithful entrusted to his care, or the good of the State. Personal matters do not constitute a sufficient reason warranting an absence.

4) A missionary, who for pastoral reasons is absent for some length of time from his place of residence, although still within his mission territory, is to leave information as to where he can be reached. When he must be absent from his mission territory, he is to notify his people, providing them the address of another priest whom they can contact in case of need.

Also included under the obligation of permanent residency is the need for a missionary to arrive promptly on the appointed day at a colony of his territory. If, for justifiable reasons, he is unable to do so,

кольонію в означенім часі, то має повідомити про се відповідний час наперед дотичну кольонію, о скільки причина не єсть несподіваною чи наглою.

Парох віддаляючи ся зі слушної причини хочби лише на оден день зі своєї парохії, має постарати ся о заступника на час неприсутности. Парох чи місіонар, що з важних причин замірає виїхати поза межі своєї парохії або округу місійного на час, що заключає в собі неділю, або торжественне сьвято, або на протяг одного тиждня або на довше, має мати на се позволене Єпископського Ординариятю.

Парох чи місіонар кілька разів виїжджають поза округ парохії, або місії, мають завсїгди зважати на се, щоби їх неприсутність не спричинила якої шкоди громаді їм повіреній. Парох чи місіонар, котрі би важили ся без слушної причини виїхати поза межі своєї парохії, або свого місійного округу, суть обовязані в совісти звернути на користь своєї церкви або місії часть зі всіх своїх цілорічних доходів “*pro rata temporis*”.

Той місіонар, котрий заповівши свій приїзд на котрусь кольонію свого місійного округу, не додержує приреченя без достаточної причини має зложити \$15 на дотичну церков. Душпастир, що власновільно без слушних причин виїжджає поза межі своєї парохії або свого місійного округу, буде за се потягнений до строгої відвічальности.

Супружжя мішаного обряду: —

I. Мають заключати ся після декрету “*Ne temere*”, з тим однак виїмком, що має вінчати парох жениха, отже противно як сказано єсть в декреті “*Ne temere*”, Арт. 36 і 37.

III. Всі диспензи має уділяти Єпископ невісти, проте і парох невісти має

he is to notify the colony a reasonable time in advance in as much as the reason is unexpected or sudden.

A pastor, who for justifiable reasons, is absent from his parish, even for only one day, must find a replacement for the duration of his absence. If a pastor or missionary, for a grave reason, must be absent from his parish or mission territory for a time which includes a Sunday or a solemn feast day or for a period of one week or greater, he must first obtain the permission of the Bishop Ordinary.

Whenever Pastors or missionaries travel outside the territory of their parish or mission, they are always to be careful that their absence does not harm in any way the community entrusted to them. Pastors or missionaries who would dare to be absent from their parish or mission territory without a justifiable reason are obligated in conscience to return to the parish or mission a portion of their entire annual income *pro rata temporis*.

Missionaries, having announced their intended arrival at a colony of their mission territory, who do not keep their word and do not have a sufficient reason, are to pay that church \$15. Pastors, who on their own initiative and without a justifiable reason, are absent from their parishes or mission territories, will be held severely accountable.

Mixed rite marriages: —

I. Mixed rite marriages are to be contracted in accordance with the decree, *Ne temere*, but with the exception that they take place before the pastor of the bridegroom, that is, the contrary of articles 36 and 37 of the Decree.

[II. missing in original text]

III. All dispensations are to be granted by the Bishop of the bride. Hence, the pas-

постарати ся о них у свого Епископа і по одержанню їх, переслати враз з посвідкою виголошення оповідий до пароха жениха, котрому розуміє ся не можна вінчати женихів без диспензи одержаної на письмі. При прошенню о диспензу належить подати імя душпастиря, котрий буде вінчав женихів.

IV. Для уникнення невигод і непорозумінь, які в родинях повстають з причини ріжниць обряду мужа і жени, жена, як довго треває супруже може після декрету Арт. 34, придержувати ся обряду свого мужа, що однак не потягає за собою зміни єї первісного обряду. Декрет виразно каже: може, а не мусить, значить полишає до вибору жени, а зглядно взаїмному порозумінню мужа і жени. По смерти мужа або по законнім розв'язанню супружа, жена може але не мусить вернути назад до свого первісного обряду. Коли жена придержує ся обряду свого мужа, в такім случаю і парох мужа стає парохом жени, а церков мужа також єї парохіяльною церквою. У всіх отже духових потребах, не виключаючи великодного св. Причастія, св. Напутія, слуханя Служби Божої і т. д. має в сім случаю жена звертати ся до пароха мужа і до єго церкви. Через те іменно, що жена придержує ся обряду мужа, всі права єї первісного пароха зістають завішені, а переходять на пароха мужа.

Колиж жена не хоче іти за обрядом мужа, лише придержує ся свого первісного обряду, тогді парохом єї єсть священик тогож обряду що і вона, але всі вкладки на церковні видатки платить лише єї муж до церкви свого обряду.

Арт. 32 Декрету каже так: "Відправа похорону і гроші побрані з сеї нагоди в родинях мішаного обряду належать до пароха того обряду, якого був померший."

tor of the bride is to request dispensations from his Bishop, and upon their receipt, send them together with a declaration of bans to the pastor of the bride, who cannot proceed with the marriage until they are received by him. The name of the pastor marrying the couple is to be supplied together with the dispensation request.

IV. In order to avoid any difficulties and misunderstandings which can arise in families because of the difference of rite between the man and the woman, the woman, for as long as the marriage lasts, and in accordance with article 34 of the Decree, can follow the rite of her husband; however, this does not bring about a change in her original rite. The Decree clearly states "she can," not "she must," that is, the choice is entirely hers, or rather, settled between her and her husband. Upon the death of her husband, or after the legitimate dissolution of the marriage, she can, but is not obliged to, return to her original rite. Where she chooses to follow the rite of her husband, the pastor of her husband also becomes her pastor, and the church of her husband becomes her church. Therefore, for all spiritual needs, not excluding Easter Communion, Holy Viaticum, attendance at the Divine Liturgy, etc., she is to turn to the pastor of her husband, and his church. Consequently, all rights of her original pastor are suspended and are transferred to the pastor of her husband.

Should the woman not wish to follow the rite of her husband, but rather maintain her original rite, her pastor continues to be the priest of her rite. However, all dues for parish expenditures are only to be paid by her husband, and to the church of his rite.

Article 32 of the Decree states: "The celebration of funerals and the reception of emoluments in families of mixed rite belong to the pastor of that rite to which the deceased belonged."

Священники мають строго придержувати ся сего закона, без огляду на се як собі родина помершого чи помершої желає.

Мужа похоронює отже парох тогож обряду, якого він був. Жену, котра не ішла за свого життя за обрядом мужа, похоронює парох єї обряду. Жену, що за життя придержувала ся обряду мужа, похоронює парох мужа.

Колиби священник без слухних причин поступив в котрім небудь зі сих трох случаїв противно, має звернути неправно побрані гроші парохови, котрий мав право похоронити.

V. Що до дітий народжених зі супружа мішаного обряду, декрет постановляє: Арт. 39. “Діти народжені в Канаді з родичів мішаного обряду, мають бути хрещені в обряді батька; бо діти мусять цілковито іти за обрядом батька”.

Арт. 40. “Хрест, прийнятий в иньшій обряді в наглий потребі, коли іменно дитина знаходиться в небезпечі смерти або коли народить ся в часі, в котрім нема пароха того обряду, якого єсть батько дитини, не потягає за собою зміни обряду”.

Арт. 41. “Діти підлягають юрисдикції того пароха, котрий єсть того обряду, що їх батько.”

Декрет отже наказує, що діти які породили ся в Канаді, мусять іти за обрядом батька. Та треба зважити що майже всі ті що завязують супружа мішаного обряду чи то єще в старім краю, чи вже в Канаді походять з Галичини або Угорщини. В Галичині же і Угорщині обовязує декрет: “*Ad graves et diuturnas*” виданий 6 Жовтня, 1863 (т. з. “*Concordia*”), що каже так: “Діти народжені зі супружества мішаного обряду мають бути виховані в обряді родичів після пола”. Тії отже родини мішаного обряду, що заключили су-

Priests are to adhere strictly to this law regardless of the wishes of the family of the deceased.

Therefore, the husband is to be buried by the pastor of the rite to which he belonged. A wife, who did not follow the rite of her husband during her life, is to be buried by the pastor of her rite. If she followed the rite of her husband during her life, she is to be buried by his pastor.

Should a priest, without justifiable reasons, proceed in contravention to any of these three cases, he is to return the ill-gotten monies to the pastor who should have celebrated the funeral.

V. Concerning the children born of a mixed rite marriage, article 39 of the Decree states: “Since children must follow completely the rite of their father, those in Canada of parents of different rites are to be baptized in the rite of the father.”

Article 40. “Baptism received in another rite out of grave necessity, when a child is in danger of death or is born in a place where at the time of birth the proper pastor of the father was not available, does not bring about a change of rite.”

Article 41. “Children belong to the jurisdiction of the pastor to whose rite their father belongs.”

Therefore, the Decree regulates that children born in Canada must follow the rite of their father. It is necessary to recall here that almost all those who contract mixed rite marriages, whether still in the old country or already in Canada, come from Galicia or Hungary. The decree *Ad graves et diuturnas*, promulgated on October 6, 1863 (so-called *Concordat*), is binding in Galicia and Hungary. That decree states: “Children born of a mixed rite marriage are to be educated in the rite of the parents according to sex.” Therefore, those families of mixed rite who contract-

пруже перед декретом, чи то в Галичині або Угорщині, чи то в Канаді, заключали їх після давнього закону, т. є. так, що сини ішли за обрядом батька а доньки за обрядом мами, і так виховували діти. На перший погляд виходилоб отже замішане через сі два декрети. Та так воно не єсть в дійсности. Бо суть принципи правничі, котрі усувають всякі сумніви:

1) Закон в зад не ділає (*lex retro non agit*). Проте діти, що породили ся в Канаді зі супружеств мішаного обряду перед оголошенем нашого декрету ідуть за обрядом родичів після пола.

2) Змисл закона має пізнавати ся з єго ціли (*Sensus legis eruendus est ex fine legis*). Цілею нашого декрету єсть усунути або бодай зменшити невігоди та трудности, які може спричинити ріжниця обрядів, проте діти народжені в Канаді зі супружеств мішаного обряду в правді вже по оголошеню декрету, але в родинях, котрим також ще перед декретом народили ся діти, що ішли за обрядом родичів після пола, не мусять іти всі за обрядом батька, але можуть бути виховувані після старого закона.

Кромі сего родичі, що заключували супруже ще перед оголошенем декрету після давнього закона чи звичаю, мають певне право до сего, щоб їх всі діти ішли за обрядом родичів після пола і закон того права не відбирає їм - бо ніякий закон не нарушує набутого права третих осіб. Проте діти, що народили ся по оголошеню декрету вправді, але зі супружеств заключених перед оголошенем декрету після старого закона чи звичаю, не мусять конче іти всі за обрядом батька, хочби навіть перед декретом в сій самій родині не народили ся були ніякі діти.

Так отже Арт. 39 нашого декрету відносить ся лише до сих дітей, котрі

ed marriage before the decree, whether in Galicia or Hungary, or in Canada, did so according to the former legislation, that is, whereby sons followed the rite of their father and daughters the rite of their mother, and were thus educated. At first glance, it seems that the two decrees have created some confusion; however, this is not the case. The following are the juridical principles which lay aside all doubt:

1) Law is not retroactive (*lex retro non agit*). Therefore, children born in Canada of a mixed rite marriage prior to the promulgation of our Decree follow the rite of the parents according to sex.

2) The meaning of the law is to be understood from the end of the law (*Sensus legis eruendus est ex fine legis*). The purpose of our Decree is to remove, or at least lessen, the difficulties and hardships which arise as a result of a difference in rites. Therefore, children born in Canada of a mixed rite marriage after the promulgation of the decree, but to those families who also have children born prior to the Decree and who follow the rite of the parents according to sex, need not follow the rite of the father, but can be educated in accordance with the former legislation.

In addition, parents who contracted marriage prior to the promulgation of the Decree according to the former legislation or custom have full right to have their children follow the rite of the parents according to sex; the legislation does not take that right away from them since no law can violate the acquired right of a third party. Therefore, children who are in fact born after the promulgation of the Decree, but of a marriage contracted prior to the promulgation of the Decree according to the former legislation or custom, need not absolutely follow the rite of the father, even if in the same family no children were born before the promulgation of the Decree.

Therefore, article 39 of our Decree concerns only those children born in

народили ся в Канаді зі супружеств мішаного обряду, заключених в Канаді до оголошенню декрету.

Прочі родини можуть свої діти народжені по оголошенню декрету або виховувати після давного або після нового закона.

VI. Колиби в наглім случаю руський сьвященик хрестив дитину зі супружа мішаного обряду, мусить перед хрещенем упевнти ся, чи в сій родині всі діти ідуть зглядно мусять іти за обрядом батька чи ні, а се тому, щоби знав чи може уділити св. Тайну Миропомазаня чи ні.

VII. Після Арт. 40 неприсутність сьвященика того обряду, до якого дитина має належати, єсть достаточною причиною, щоб сьвященик другого обряду охрестив сю дитину. Посьвідку однак хресту має відослати до пароха дитини, котрий рівнож має сей акт записати у власні метрики.

VIII. При супружествах мішаного обряду, має душпастир зважати на се, щоби їх благословлене не відбувало ся в час осьвячений в однім або в другім обряді, або в день постний приписаний в однім з обох обрядів.

IX. Оповіді: В місцях де стало перебувають душпастирі обох обрядів, оповіди мають голосити оба душпастирі.

Оповіді можна зачинати голосити доперва тогді, коли обоє женихи задосить учинять вимогам законів.

Для осягнення цілковитої певности мають парохы придержувати ся такого поступованя: Парох жениха видає ему письменну посьвідку, що голошенню его оповідий нічого не стоїть на перешкодї; сю посьвідку має жених доручити пароху невісти, від котрого знова має доручити свому пароху подібну посьвідку що до невісти. Доперва по одержаню такої посьвідки, можуть парохы зачинати голосити оповіди.

Canada of a mixed rite marriage which was contracted after the promulgation of the Decree.

Other families can educate their children born after the promulgation of the Decree either according to the old legislation or according to the new.

VI. Where a Ruthenian priest is requested to baptize in haste a child of a mixed rite marriage, before proceeding with the baptism, he is to discover whether or not all the children in this family follow, or perhaps, must follow, the rite of the father, in order to determine whether or not he should also confer the holy sacrament of chrismation.

VII. In accordance with article 40, the absence of the proper pastor is a sufficient reason for a priest of another rite to baptize a child. However, a certificate of baptism must be sent to the pastor of the child, who is also to record the baptism in his own register.

VIII. The pastor is to ensure that mixed rite marriages are not to be blessed during the sacred or lenten time of either of the two rites.

IX. Marriage banns: Where there are resident pastors of both rites, banns are to be announced by both pastors.

The banns may begin to be announced only from the moment both parties satisfy all canonical requirements.

In order to arrive at absolute certainty, the pastors are to adhere to the following: The pastor of the bridegroom is to supply a written document indicating that nothing stands in the way of announcing his banns. The bridegroom is to give this document to the pastor of the bride, and obtain a similar document concerning the bride, which he gives to his own pastor. Then the pastors may begin announcing the banns.

Парох невісти мусить сейчас по виголошенню оповідий переслати парохви жениха свідоцтво оповідий, без котрого єму не можна приступити до благословлення шлюбу.

В околицях, котрі місіонарі обох обрядів відвідують лише в певних означених часах, оповіди повинні бути виголошені в засаді через обох місіонарів в сій парохії до котрої належать женихи. Колиж однак лучить ся, що протягом сего часу, в котрім оповіди мають бути голошені, лише оден з місіонарів єсть в даній місцевості, а другий не може приїхати, тогді той місіонар, без огляду на се, чи він єсть парохом жениха чи невісти, має по відбутім належно предшлюбнім протоколі виголосити оповіди в місци замешканя женихів, а відпис протоколу і сьвідоцтво оголошення оповідий має переслати місіонареви другого обряду.

На случай, коли би ані оден, ані другий місіонар не міг виголосити оповідий в сій церковній громаді, до котрої належать женихи, парох жениха має зажадати предложеня "ляйсенсу". В сім случаю відпадають такси за диспенсу від оповідий. В місци, де руський сьвященик лише часами доїжджає і руська громада винаймає на свої богослуженя латинську церков, котрої парох стало перебуває в місци, там на случай неприсутности руського сьвященика, має голосити в єго заступстві оповіди то сьвященик, котрий відступає Русинам свою церков, а се для того, бо ся церков єсть *quasi-parochialis* для місцевих Русинів.

В місцевості, де доїжджає або перебуває лише одного обряду сьвященик, він сам і голосить оповіди і вінчає женихів, без огляду на се, чи жених єсть одного з ним обряду чи відмінного. Обовязком єго переслати метрику шлюбу до Єпископа жениха коли сей належав до обряду відмінного.

Once banns have been announced, the pastor of the bride is to forward a declaration to this effect to the pastor of the bridegroom, without which he cannot bless the marriage.

In places which are visited by missionaries of both rites only at certain appointed times, the banns should, in principle, be announced by both missionaries in the parish to which the parties belong. Should it occur, however, at that time when the banns are to be announced, only one of the missionaries can be in the given place, then, regardless if he is the pastor of the bridegroom or the bride, and after the required pre-marriage protocol has taken place, he is to announce the banns in the parties' place of residence, and is to forward a copy of the protocol, as well as a declaration stating that the banns have been announced, to the other missionary.

Where neither of the missionaries can announce the banns in the ecclesiastical community to which the parties belong, the pastor of the bridegroom is to request that the parties obtain a "licence." In this case, taxes for the dispensation of banns are required. Where a Ruthenian priest visits only occasionally, and where the Ruthenian community rents the local Latin church which has a resident pastor of its own, and in the event that the Ruthenian priest is not available, the Latin priest is to announce the banns in his absence, as this church is a quasi-parish for the Ruthenians in that area.

Where only one priest of a particular rite visits or resides, that priest is to announce the banns, as well as marry the parties, regardless of whether the bridegroom is of the same rite or not. However, the priest is obligated to send a certificate of marriage to the Bishop of the bridegroom, if the bridegroom is of a different rite.

ТАРИФА ЦЕРКОВНИХ ОПЛАТ

Платня священника вносить:

Де стало перебуває священник і число вірних не перевищає 2,000 душ, місячно\$80.00

Коли число вірних вносить більше як 2,000 душ, місячно\$100.00

Крім сего має церковна громада постарати ся і оплачувати відповідне і відповідно уряджене помешкане для священника.

Кольонії, що бажають мати священника в Неділі або Свята в означених часах, мають платити священникови, після теперішних обставин, за кожді відвідини з окрема\$15.00

Сі гроші мають священникови вручити тростиси по укінченю недільних або святочних богослужень. Коли зайде потреба, щоби священник лишив ся на кольонії кілька днів, що посліднують по Неділі або Святі - не довше однак, як до слідууючої Пятниці виключно - то священник зробить се, не домагаючи ся за сей побут окремої заплати.

Крім сего має церковна громада оплатити дійсні кошти приїзду і відїзду священника, як також харч і помешкане на цілий час его побуту на кольонії.

Катедратікум і вкладки на покритте епархіальних видатків

1. Кожда родина, котрої батько є католиком руського обряду, має платити річно\$1.00

2. Кожда самостійна одиниця, що жие поза домом родичів, річно 0.50

3. В місцях, де священник не приїжджає частійше як шість разів до року, платять родини і самостійні одиниці лише половину поданої висше суми.

4. Парохії мійські, що стало мають священника, платять від загального

TARIFFS OF ECCLESIASTICAL TAXES

Remuneration of a Priest:

Where a priest resides permanently and the number of faithful does not exceed 2,000 souls, monthly..... \$80.00

Where the number of faithful exceeds 2,000 souls, monthly..... \$100.00

In addition, the parish community is also to provide and pay for a suitable residence, with proper furnishings, for the priest.

Colonies that desire to have a priest on a Sunday or a feast day at appointed times are to pay the priest, under current circumstances, for each visit15.00

The priest is to receive payment from the trustees at the conclusion of the religious service of the Sunday or feast day. Should the need arise whereby a priest must remain at the colony for several days following a Sunday or feast day, but no longer than the following Friday inclusive, he is not to request additional remuneration for this stay.

In addition, the parish community is to pay for all actual costs associated with the arrival and departure of the priest, as well as food and lodging for his entire stay at the colony.

Cathedraticum and Dues Required to Cover Eparchial Expenses

1. Each family whose father is a Catholic of the Ruthenian rite is to pay annually \$1.00

2. Each independent individual living outside the parents' home is to pay annually.....0.50

3. In places where the priest does not visit more often than six times a year, families and independent individuals are to pay only half of the above amount.

4. Town or city parishes which have a resident priest are to pay from their general

церковного доходу.....5%

А в часі будови церкви.....1%

5. Раз в рік, в означений і наперед заповіджений день піде сьвященик з тацою підчас Служби Божої, а зібрані жертви має переслати на духовний Семинар і на епархияльні школи.

6. Кождий сьвященик відправить раз в рік в означений наперед час в кождій парохії з окрема Акафист, з котрого дохід є призначений на сиротинський епархияльний фонд.

7. Кождий сьвященик має платити як катедратікум 5% від своїх доходів. В доходи вчислюємо тут: пенсію, хрести, шлюби і похорони.

До плачення повних такс суть обов'язані лише сі вірні, що самі або їх родини перебувають через цілий рік в сій самій парохії або місії. Прочі мають платити означені вкладки в міру свого побуту в якійсь парохії.

Сьвященики будуть принимати до великодної сповіди лише сих вірних, котрі викажуть ся карткою від фінансового секретаря.

Сим, що з власної вини не відправили великодної сповіди, сьвященик не буде сьвятити пасхи.

Платню для дяка і належитість за церковні треби для него ухвалює церковна громада на загальнім річнім мітінгу.

На покриті епархияльних видатків ухвалює церковна громада відповідні членські вкладки, котрих збиранем мають займатися тростиси.

Гроші зложені на удержанє Епископа, оплату Канцелярії, школи, сиротинці і прочі епархияльні видатки має переслати сьвященик до Епископської Канцелярії в слідуючих реченнях: Вкладки подані під чч. 1 і 2, з початком року; під ч. 4, чверть річно; під ч. 7, місячно. Прочі зараз по зібраню датків.

ecclesial income.....5%

While building a church.....1%

5. Once a year, on a determined and previously announced day, the priest is to take a collection during the Divine Liturgy for the seminary and eparchial schools.

6. Each priest is to celebrate once a year, and at a previously announced time, an Akafist in each parish. The income received on this occasion is to be designated for the eparchial orphanage fund.

7. Each priest is to pay 5% of his income as cathedraticum. Included here is income from: pension, baptisms, weddings, and funerals.

Only those faithful who themselves or their families reside in the same parish or mission during the entire year are obligated to pay the full taxes. Others are to pay the determined fees according to the extent of their stay in the parish.

Priests are to accept for Easter confession only those faithful who show their cards, which they receive from the financial secretary.

Priests are not to bless the Easter baskets of those who, through their own fault, have not made their Easter confession.

The parish council is to determine, at the annual general meeting, the amount to be paid to the cantor and church assistants.

In order to cover eparchial expenses, the parish council is to determine suitable membership dues. The trustees are to see that these dues are collected.

Priests are to forward to the Bishop's Chancery money collected for the support of the Bishop, Chancery tax, schools, orphanages, and other eparchial dues, in accordance with the following terms: dues received under n. 1 and 2, at the beginning of the year; under n. 4, quarterly; under n. 7, monthly; and others, immediately after their collection.

ЕПІТРАХИЛЬНІ ПРАВА:

Священикови належить ся за:

Акафист співаний.....	\$1.00	
Акафист читаний.....	0.50	
Вивід.....	0.50	
Вінчане:		
а) предшлюбний протокол.....	\$3.00	
б) виголошене оповідий.....	\$2.00	
в) шлюб.....	\$3.00	
Молебен до П. Д. Марії (співаний).....	\$1.00	
Молебен до П. Д. Марії (читаний).....	0.50	
Панахида.....	0.50	
Парастас.....	\$1.00	
Печатане гробу з панахидою:		
а) если цвинтар є при церкві.....	\$1.00	
б) если цвинтар є віддалений від церк- кві, то кромі висше поданої оплати за милю по.....	0.50	
Посвячене хреста.....	\$1.50	
Посвячене дому.....	\$5.00	
Похорон:		
а) відправлений лише в церкві:		
дорослого.....	\$5.00	
дитини.....	\$3.00	
(включно з запечатанем гробу, если цвинтар єсть при церкві)		
б) відправа в хаті помершого і су- провод тіла до церкви - з окрема....	\$5.00	
в) супровод тіла з церкви на цвинтар, віддалений від церкви не більше як одну милю і відправа на цвинтарі.....		\$5.00
г) похоронна проповідь з окрема.....	\$5.00	
д) за кожде св. Евангеліє, співане по дорозі з дому помершого до церкви або з церкви на цвинтар.....	0.25	
е) если цвинтар єсть віддалений від церкви дальше як одну милю, то за кожду милю, з виключенем першої, належить ся священикови, що супро- водить тіло.....		0.50

STOLE FEES:

Priests are entitled to:

Akafist (sung).....	\$1.00
Akafist (recited).....	0.50
Churching.....	0.50
Wedding:	
a) pre-marriage protocol.....	\$3.00
b) marriage banns.....	\$2.00
c) marriage.....	\$3.00
Moleben to the Most Pure Virgin Mary (sung).....	\$1.00
Moleben to the Most Pure Virgin Mary (recited).....	0.50
Panakhya.....	0.50
Parastas.....	\$1.00
Sealing of the grave with panakhya:	
a) if the cemetery is near the church	\$1.00
b) if the cemetery is some distance from the church, then, in addition to the above tax, for each mile.....	0.50
Blessing of a cross.....	\$1.50
Blessing of a home.....	\$5.00
Funeral:	
a) celebrated only in a church:	
adults.....	\$5.00
children.....	\$3.00
(includes the sealing of the grave if the cemetery is near the church)	
b) service in the home of the deceased and transfer of the body to the church - additional.....	\$5.00
c) transfer of the body from the church to the cemetery, when the distance from the church is no more than one mile, and service at the cemetery.....	\$5.00
d) funeral sermon - additional.....	\$5.00
e) each holy Gospel sung along the way from the home of the deceased to the church or from the church to the cemetery	0.25
f) if the cemetery is some distance from the church, of more than one mile, the priest who accompanies the body, for every mile, excluding the first.....	0.50

(Фіру має заплатити сей, хто замовляє похорон).

Похоронна панахида в церкві над домовиною (покроплене).....	\$2.50
Службу Божу співану.....	\$2.50
Службу Божу читану.....	\$1.00
Хрест і Миропамазане.....	\$1.00
За посьвідки, видавані при хресті і шлюбі на картках виданих Епископським Ординариятм.....	0.10

ОПЛАТИ ЗА УДІЛЕНЕ ШЛЮБНИХ ДИСПЕНЗ.

Одна оповідь.....	\$2.00
Дві оповіді.....	\$4.00
Три оповіді.....	\$6.00

Споріднене	Степень	Посвоячене
\$40.00	I/II	\$30.00
\$35.00	II	\$25.00
\$20.00	II/III	\$10.00
\$12.00	II/IV	\$6.00
\$6.00	III	\$4.00
\$5.00	III/IV	\$3.00
\$4.00	IV	\$2.00

Мішана віра.....	\$20.00
Духове споріднене.....	\$2.00
Публична чесність.....	\$2.00
Заказаний час.....	\$2.00

ЗАМІТКИ ДО ТАРИФИ

I. Що до платні сьвященника:

1) Треба стреміти до сего, щоби на всіх кольоніях завести платню \$15.00 за одні умовлені відвідини. Через таку практику уникає ся много неприємностей, а в разі перенесеня, душпастир нічого не втратить з належної ему платні ані не побере сего, щоби вже належало ся его наслідникови. Лише в сих кольоніях, де члени парохії платять свої вкладки всі точно і охотно, може поки що лишити ся сей звичай, що члени — кождий за себе — складають

(The use of a wagon is the financial responsibility of the one who orders the funeral).

Funeral panakhyda in church over the casket (aspersion).....	\$2.50
Divine Liturgy (sung).....	\$2.50
Divine Liturgy (recited).....	\$1.00
Baptism and Chrismation.....	\$1.00
Certificates issued for baptisms and weddings on cards issued by the Episcopal Ordinary.....	0.10

TAXES FOR THE GRANTING OF MARRIAGE DISPENSATIONS

One announcement.....	\$2.00
Two announcements.....	\$4.00
Three announcements.....	\$6.00

Consanguinity	Grade	Affinity
\$40.00	I/II	\$30.00
\$35.00	II	\$25.00
\$20.00	II/III	\$10.00
\$12.00	II/IV	\$6.00
\$6.00	III	\$4.00
\$5.00	III/IV	\$3.00
\$4.00	IV	\$2.00

Mixed religion.....	\$20.00
Spiritual relationship.....	\$2.00
Public Propriety.....	\$2.00
Prohibited time.....	\$2.00

REMARKS CONCERNING TARIFFS

I. Re: Remuneration of a Priest:

1) It is necessary to ensure that all colonies pay \$15.00 for each agreed upon visit. By this practice, much unpleasantness can be avoided, and once established, a priest does not lose anything from the remuneration to which he is entitled, nor does he take that which already belongs to his successor. Only where the parish members pay all their fees, on time and willingly, may the custom continue for the time being whereby the members, each on their own, pay their dues to the priest at the

означені вкладки на руки сьвященика в означений час - однак не підчас сповіди. Треба однак в заводженю сего розпорядження дуже оглядно поступати, щоби не викликати негодовань народу.

2) В кождім місійнім окрузі знаходять ся і такі кольонії, котрі не суть в силі заплатити сьвященикови 15 долярів за відвідини. Таких кольоній сьвященики не будуть залишати але мають їх відвідувати кілька разів до року і то не лише в робочі, але також в сьвяточні дні і по можности в неділі, а що до платні, то в сім случаю сьвященики мають руководити ся милосердієм і ревностию душпастирською. Головнож мають сьвященики подбати про се, щоби вірним на сих кольоніях дати нагоду відправити великодну сповідь і приготувити дітий до сповіди і до св. Причастия.

3) Де єсть звичай, що раз в році - на Великодні або Різдвяні сьвята — дохід з таци іде як сьвяточний дар для душпастиря або для Епископа або дяка, там треба сей звичай заховати.

4) З нагоди більших сьвят — як пр. Різдва, Великодня, Йордану або місцевих празників, не можна сьвященикови домагати ся більшої платні, як ся, котру подано висше. Богослуженя на сі торжественні сьвята має сьвященик розложити на поодинокі кольонії свого місійного округу після справедливости, маючи на оці не власну користь або вигоду, але добро повірених собі душ.

II. Що до спіграхильних прав:

1) Для дійсно убогих ВВ. Отці знижать оплати головно за хрест, вінчанє і похорон.

2) В ніякім случаю не можна сьвященикови відмовити хресту або вінчаня зі сеї причини, що петенти не суть в можности оплатити належної такси.

appointed time, though not during confession. It is necessary, however, in introducing this practice, to proceed with caution so as not to raise discontent among the people.

2) Each missionary territory also includes those colonies which cannot pay the priest \$15.00 per visit. Priests are not to abandon these colonies, but are to visit them several times a year, not only on ferial days, but also on feast days and, where possible, on Sundays. Concerning remuneration, priests are to conduct themselves with compassion and pastoral zeal. Above all, priests are to ensure that the faithful of these colonies are given opportunities to make their Easter confession and to prepare their children for confession and for Holy Communion.

3) Where once a year, at Easter or Christmas, the collection is customarily presented as a gift to the priest or the Bishop or the cantor, this custom is to be preserved.

4) On the occasion of greater feasts, such as Christmas, Easter, Jordan, or that of the parish patron, priests may not request any additional remuneration other than that given above. On these occasions, the priest is to schedule liturgical services in the colonies of his missionary territory according to the principle of equity, not for his own benefit or convenience, but for the good of his faithful.

II. Re: Stole fees:

1) Where the truly poor are concerned, priests are to reduce the amount of the stole fees, especially for baptisms, weddings, and funerals.

2) Under no circumstances is it permissible for a priest to refuse to confer baptism or matrimony where the petitioner is unable to pay the appropriate taxes.

3) За літійне мироване, сповідь і уділене св. Тайн хорому сьвященик не може домагати ся ніякої заплати, може однак прийняти добровільні жертви. Коли приїзд до хорого єсть полученій зі значними коштами, тогді може сьвященик домагати ся звороту дійсних видатків. Однак душпастирска розвага подиктує сьвященикови в дуже многих случаях, що не єсть вказаним домагати ся навіть тогді звороту дійсних коштів.

4) Сьвященик, котрий-би за сповідь, або за уділене св. Тайни хорому домагав ся винагородження, підпадає карі суспензії.

III. Загальні замітки:

1) Зі всіх висше наведених епархияльних доходів покриває ся видатки на удержане Єпископа, ведене Канцелярії, удержане шкіл і бідних учеників, виховане молодих сьвящеників, будову катедральної церкви і т. д. Кождий сьвященик єсть в совісти подбати про се, щоби подані датки впливали точно та щоби в сей спосіб Епархия мала потрібні средства на покритє численних видатків. Проте на загальних зборах має душпастир виразно потолкувати вірним сей їх обовязок подати помічну руку свому Єпископови.

2) Кождий душпастир має вести окрему книжку доходів епархияльних, котру має предложити в часі візитації.

3) Родини мішаного обряду мають платити парохияльні і епархияльні датки до громади чи церкви сего обряду, до котрого належить батько родини.

4) До плачення повних такс суть зобовязані лише сі вірні, що самі або їх родини перебувають стало через цілий рік в сій самій парохії або місії, а прочі мають платити датки відповідно до часу свого побуту в сіх місци.

5) Правдиво бідних, що хочуть стати членами церковної громади,

3) A priest may not request any remuneration for Lytia anointings, confessions, or for Sacraments given to the sick; however, he may accept a free-will offering. Where a visit to the sick involves considerable expense, the priest may request that he be reimbursed for actual expenses; however, in very many cases pastoral prudence may dictate that he not request reimbursement, even for actual expenses.

4) A priest who requests remuneration for hearing confessions, or for the administration of the Sacrament of the Sick, incurs the penalty of suspension.

III. General remarks:

1) Eparchial income indicated above is used to offset expenses incurred in the support of the Bishop, operation of the Chancery, support of schools and needy students, education of young priests, building of the Cathedral parish, etc. Each priest is bound in conscience to ensure that these taxes are properly collected so that the eparchy will have the necessary means to cover its numerous expenses. Therefore, at general meetings, the pastor is to remind the faithful that they have an obligation to offer assistance to their own Bishop.

2) Each pastor is to keep a separate book of eparchial income, which he is to present during visitations.

3) Families of mixed rite are to pay parochial and eparchial fees to the community or church of the rite, to which belongs the father of the family.

4) Only those faithful who, either themselves or their family, permanently reside in the same parish or mission throughout the entire year are obligated to pay the full amount of required taxes; others are to prorate the fees according to their stay in a given parish.

5) The truly poor, who wish to become members of an ecclesiastical

належить або зовсім звільнити від плачення такс, або принайменше знизити їх для них. Се має стати ся за взаїмним порозумінем тростисів і душпастиря і на річних зборах має оголосити ся хто і чому був звільнений.

6) Збиранем парохіяльних і епархіяльних датків мають ся займати тростиси. Сьвященники однак мають їм в сїм ділі помагати морально, а де зайде потреба і активно через збиране колекти, що нераз єсть конечним по містах.

7) Треба напаминати і при зви чаювати людей до сего, що би датки платити в місячних ратах.

8) За засаду треба прийняти: до духовної обслуги мають право лише сї члени церковної громади, котрі платять вкладки. За провину однак батька, котрий не хоче — хоч може — заплатити означених такс, не відповідають яні жінка ані діти, наколи вони не суть співвинні. Сеї засади має придержувати ся душпастир. Справедливість вимагає, щоби сї котрі хочуть користати з добродійств місцевої церкви і з духовних услуг сьвященника, поносили рівно і тягарі наложені на церковну громаду. Але та сама справедливість вимагає, щоби не потерпіли невинні. А такими невинними суть сї члени родини, котрі раді би заплатити громадою означені вкладки, але не можуть з браку гроша.

Відповідно до сего заряджуємо:

а) Сьвященники мають відмовляти всякої духовної услуги, що виходять на користь власної душі петента, тим особам, котрі обовязані суть, але не хочуть платити громадою означених датків. Виймок становить удлене св. Тайн в недузї. Сьвященик має однак і тоді упімнути такого, що він єсть в совісті обовязаний до реституції сего, чого з власної провини не заплатив.

community, are either to be exempted from the payment of taxes in their entirety or, at the very least, the amount should be reduced. This is to be done with the mutual understanding of the trustees and the pastor, and an announcement is to be made at the annual meeting as to who has been exempted and for what reason.

6) It is the responsibility of the trustees to ensure that the parochial and eparchial fees be collected. Priests, however, are to provide moral support, and where necessary, by actively taking up collections, which is often the case in larger centres.

7) It is necessary to admonish the people and accustom them to pay their taxes in monthly installments.

8) In principle, only those members of the ecclesiastical community who have paid their taxes have a right to spiritual care. However, where a father refuses, though able, to pay the required taxes, neither his wife nor children share in his guilt, unless they themselves are equally to blame. This principle is to be adhered to by the pastor. Justice demands that those who wish to benefit from the charity of the local church and the spiritual care of the priest should share equally in the burdens placed upon the ecclesiastical community. However, that same justice demands that the innocent not suffer. Included here are those members of a family who, though willing to pay the required taxes, cannot pay for lack of funds.

Accordingly, We decree that:

a) Priests are to refuse all spiritual care, beneficial to the soul of the petitioner himself, to those persons who are obligated, yet not willing, to pay the required taxes. By way of exception, is the administration of Sacraments to the sick. Even then, priests are to admonish the sick that they are bound in conscience to retribute that which they, of their own volition, did not pay.

б) Невинній жінці, котрої муж не хоче платити належних церковних датків, не можна відмовити тих духовних услуг, що виходять в користь її власної душі.

в) Рівнож не може св'ященик відмовити невинним дітям винного батька ніякої духовної услуги.

г) Дитину такого батька, котрий не хоче платити церковних датків, має охрестити св'ященик, але має рівночасно домагатися, щоби бодай одно з хрестних батьків було дійсним, активним членом церковної громади, а де в данім случаю не можна сего осягнути з сеї причини пр., що вже вперед родичі вибрали за кумів також нечленів і їх не можна не прийняти, то має жадати, щоби котрий небудь з членів просив св'ященика о охрещене дитини. Ся услуга духовна єсть в користь дитини самої, а уділяє її св'ященик не на прошене батька не члена, але на прошене того, що єсть дійсним членом парохії. Через такий спосіб поступованя можна буде уникнути много небажаних непорозумінь і наріканя. А щоби перед громадою показати, що нечлен не має ніякого права до духовних услуг св'ященика та, щоби покарати батька нечлена, нехай св'ященик навіть не прийме до відома від такого батька, що в него єсть дитина до хресту, але най скаже єму, що дитину охрестить, але під услів'ями поданими висше. Рівнож всі дані потрібні до запису дитини в метрики, має св'ященик прийняти не від батька, але від кумів членів або котрогось з інших членів церковної громади. Св'ященик так має поступати, щоби винний батько був завстиджений перед громадою. Таке завстиджене перед громадою буде мало свої добрі наслідки для тих, що не слухають шестої церковної заповіді, яка наказує совісно платити датки на покриті церковних розходів.

b) Spiritual care, which is of personal benefit to her soul, is not to be denied to an innocent wife, when her husband does not wish to pay the required taxes.

c) Likewise, spiritual care is not to be denied the innocent children of a guilty father.

d) A priest is to baptize the child of a father who refuses to pay his ecclesiastical taxes; however, at the same time, the priest is to demand that at least one of the godparents be a true and active member of the ecclesiastical community. Where this is not possible, because, for example, the parents have already chosen non-members as godparents and the parents cannot refuse them, then the priest must demand that a member (in good standing) request the baptism. Spiritual care is for the benefit of the child and the priest baptizes him or her, not at the request of the father who is a non-member, but at the request of the one who is a true member of the parish. In this way, many undesirable misunderstandings and complaints can be avoided. In order to demonstrate to the community that a non-member does not have the right to spiritual care, and in order to punish the non-member father, the priest is not even to accept notice from him that he has a child to be baptized. Rather, the priest is to inform him that he will baptize the child only under the above conditions. Likewise, the priest is to gather all necessary information for recording the child in the parish register not from the father, but from the godparents who are members of the ecclesiastical community or from another member. In this manner, the guilty father will be disgraced before the community, having a positive effect on all those who do not act in accordance with the sixth ecclesiastical commandment, which, in conscience, exhorts the payment of taxes used to cover ecclesiastical expenses.

д) Женихам, котрих батьки не хочуть платити означених вкладок, не можна рівнож відмовити благословлення їх шлюбу. Колиби однак лучило ся, що котресь з женихів булоби ноторично співвинне з батьком, то після пастирського розуміння в даних обставинах можна єго укарати якимсь иншим способом, але ніколи не можна відмовити благословлення шлюбу.

Колиж-би одно, або обоє женихи були самостійними одиницями і не платили означених вкладок, то мають перед голошенем оповіди зложити кожде за себе залеглі від початку біжучого місійного року аж до дня вінчання вкладки, а за час від дня шлюбу аж по кінець місійного року вкладку, яка припадає на одну родину. В сій ціли треба обчислити кілько виносить місячна вкладка і після сего означити кілько мають новоженці платити.

Так при хрестинах як і при вінчаню мусять душпастирі оглядно поступати, щоби або дитина не зістала без хресту або женихи не пішли до сектантів, щоби там заключити супруже і в наслідок сего не жили відтак в дійсности в конкубінаті. Дяди єще під словом: "Сповідь".

Такси за уділене диспенз шлюбних належить присилати до Ординарияту сейчас по одержаню диспензи. Коли єсть яка причина до зниження такси, то душпастир має єї подати в прошеню і рівночасно зазначити степень зниження такси.

Если петенти обоє суть зовсім убогі, то сю обставину має зазначити сьвященик в прошеню.

Торговля і фінансові підприємства: — Заборонюємо сьвященикам вести чи то особисто, чи через других торговлю та запускати ся в фінансові спекуляції, головно в гру на біржі. Сему

e) Neither may priests refuse to bless the marriage of those whose fathers refuse to pay their taxes. However, concerning marriages where one of the parties is equally and notoriously at fault together with the father, according to pastoral prudence, priests can reprove the party in some other manner, but never refusing to bless the marriage.

Where one or both of the parties are living on their own and have not paid their taxes, then, before the announcement of the marriage banns can take place, they are each to pay the amount proper to a single person, from the beginning of the current mission year until the day of their wedding, plus the amount proper to a family, from the day of the wedding until the end of the mission year. In this regard, it is necessary to calculate the amount of monthly dues, and then determine how much the newlyweds owe.

As with baptisms, priests are to proceed cautiously with marriages, lest a child remain unbaptized or the spouses go to the religious sects in order to contract marriage, and as a consequence live in actual concubinage. (See also "Confession").

Taxes for marriage dispensations are to be forwarded to the Ordinary at the time the dispensations are received. Where the taxes have been reduced, the pastor, when requesting a dispensation, is to supply the reason and also indicate the degree of the reduction.

If both petitioners are entirely without means, then the priest is to make note of this in the request.

Trade and financial undertakings: — We forbid priests, either by themselves or through others, from carrying on a trade or entering into financial speculation, especially the stock market. The prohibition,

заказови не противить ся однак організоване спілок якого небудь рода, котрі мають на цілі піднесене добробуту загалу, а не збогачене одиниць.

Учителі а сьвященники: — Се єсть нашим бажанем, а рівночасно се лежить і в інтересі нашої Церкви і нашого народу в Канаді, щоби сьвященство і учительство жило і працювало у взаїмнім порозуміню і згоді. Ми знаємо, що много єсть таких учителів, котрі навіть ворожо відносять ся до нашої Церкви, але знова се певна річ, що много єсть і таких, котрим не єсть обоятна доля нашої Церкви, та котрі розуміють і суть пересьвідчені, що з долею Нашої Церкви в Канаді єсть злучена нерозривно доля і будучність нашого народного розвою. Відповідним поступованем може сьвященик з'єднати собі бодай деяких учителів в своїм місійнім окрузі і таким чином промостить собі дорогу до порозуміння зі всіми учителями в окрузі. Учителі, се поки що майже виключно одинокі інтелігентні люди поміж нашим народом, котрі з нами стикають ся і котрих впливу не можна легковажити, бож вони виховують будучі покоління. Дятого треба нам доложити всіх старань, щоби з'єднати собі учительство та з ним спільно працювати. Коли ми занедбаємо то зробити, то зроблять се наші противники на шкоду і Церкви і народу. Ми не сьміємо ждати аж вони прийдуть до нас, ми мусимо самі старати ся зискати їх для себе. Найже проте кождий сьвященик старає ся з'єднати собі учителів та втягнути їх до здорової народної праці, бо доки учительство і сьвященство не буде спільно працювати, доси ми не можемо надіяти ся на всесторонні успіхи нашої праці.

however, does not oppose the organization of cooperatives of any kind, which have as their purpose the advancement of the common good, and not the profit of certain individuals.

Teachers and priests: — It is our wish, and at the same time, it is in the best interest of our church, as well as our people in Canada, that the priesthood and teaching profession live and work together in a sense of mutual understanding and agreement. We are aware that there are many teachers who relate to our Church with animosity; however, there are many who are not indifferent to the fate of our Church, and who understand, and are convinced, that it is inseparably linked to the fate of our people. Through proper conduct, a priest can gain the cooperation of at least some of the teachers in his mission territory, and thus prepare the way for a future accord with all the teachers in the territory. For the time being, teachers are almost the only educated individuals among our people, and whose influence cannot be taken lightly, as they educate future generations. Therefore, it is essential that We make every effort to gain their cooperation and work together with them. If We fail to do so, then our adversaries will, to the detriment of our Church and people. We must not wait for teachers to come to us, but must take the initiative to win them over for ourselves. Therefore, every priest is to endeavour to attract teachers unto himself, and draw them into sound work for the good of the people for until such time as the teaching profession and the priesthood work together, We cannot expect a united front in the success of our work.

Цвинтарі:— Сьвященники мають звертати бачну увагу на се, щоби цвинтарі були старанно удержувані. Цвинтар має бути так уладжений, щоби до поодиноких рядів гробів вела вигідна стежка або дорога. Гроби треба копати рядами, а на цвинтарі має бути полишене місце відмежене на похованих, котрим після церковних законів не належить ся церковний похорон. Ся часть має бути відмежена і непосьвячувана. На посьвяченій часті цвинтаря має стояти хрест. Вона має бути держана в пошанівку і тому не можна дозволити, щоби там ставали фіри і т. п. Ся часть цвинтаря має бути як найкрасше удержана.

Де на цвинтар єсть призначений великий пляц, там треба посьвятити лише якусь часть площі, а решту можна управляти або уживати на інші ціли.

Церкви і престоли:— Кожда громада, що хоче будувати церкву має вперед постарати ся о дотичний дозвіл русько-католицького Ординариату. Рівнож перед розпочатем будови церкви мусить бути присланий плян будови до затвердження. Найзвичайніша форма наших церков єсть вид грецького хреста (крижова) з більшою банею на середині. Великий хрест на церкві має бути однораменний, а деби люди конечно домагали ся трираменного хреста, там, після обставин, може сьвященик на се дозволити, о скілько се домагане не криє в собі змагань шизматичких.

При кожній церкві мусить бути хочби мала захристия, котра має знаходити ся по лівім боці престола. В пресвитерії, кромі храмового (запрестольного), не може знаходити ся більше образів. Тільки де нема іконостаса, можуть бути поміщені два намістні образи. Всі образи, а головно намістні, повинні відповідати духови нашої Церкви т. є.

Cemeteries: — Priests are to ensure that cemeteries are well maintained. Cemeteries are to be organized so that a convenient path or road leads to each row of graves. Graves are to be dug in rows and the cemetery is to have a separate section for the burial of those who, according to ecclesiastical law, are not entitled to an ecclesiastical burial. This section is to be segregated and left unconsecrated. On the consecrated section, a cross is to be erected. This section is to be treated with respect. Therefore, wagons, etc., are not permitted to park here. This section of the cemetery is to be maintained in as good order as is possible.

When a large piece of land is to be designated as a cemetery, only a portion of it is to be consecrated, while the remainder can be worked or used for another purpose.

Churches and holy tables: — Every community wanting to build a church, must first seek the permission of the Ruthenian-Catholic Ordinary. Also, before construction begins, the plans must be sent for his approval. The most common architectural style among our churches is that of the Greek cross (cruciform), with the largest dome above the nave. The largest cross on the church is to be single-barred, and where the people insist upon a three-barred cross, the priest may permit it under the circumstances, in as much as this insistence is not motivated by hidden schismatic efforts.

Each church must have a sacristy, however small, situated to the left of the holy table. No other icons can be placed within the sanctuary other than that of the patron of the church (behind the holy table). Only where there is no iconostas, can two stationary icons be set up. All icons, especially the stationary icons,

бути грецького або руського стилю. Обов'язком кожного священика єсть уважати на се, щоби розміщене образів в кораблі церкви відповідало вимогам естетики. Не можна безуслівно помішувати в церкві двох зовсім однаково намальованих образів.

Хоругви мають бути так порозміщувані, щоби не заважали в богослуженнях. В кожній церкві має знаходити ся тетрапод, а на ній має бути стоячий хрест поміж двома свічками в відповідних свічниках, хрест лежачий до цілованя, а на право від него образ або Ісуса Христа або П. Д. Марії або храмовий.

Кожда громада повинна постарати ся о іконостас до церкви, котрий мусить мати однак окрему апробату Ординарїату. Колиж не можна справити іконостаса, то треба постарати ся принайменше о царські і дияконські двері а поміж ними о намістні образи. Над царськими дверми має висіти образ тайної вечери, а поза дияконськими (на стінах) образи (або бічні престоли з тими образами) з права храмовий, з ліва св. Николая.

Що до головного престола, то кождий священик має строгий обов'язок перестерігати, щоби він був уряджений після приписів нашої церкви.

Престол в формі стола (не скрині) має стояти так, щоби єго можна було вигідно обійти і мусить стояти на підвисшеню; один степень звичайно вистарчить, а де заходить потреба можна дати два або найвисше три степені. За престолом має бути зроблене горне сідалище на підвисшеню так, щоби люди стоячі на церкві могли бачити священика, коли він сидить на горнім сідалищу.

Престол, на котрім править ся Служба Божя, має бути накритий трома обрусами з полотна (не хустками),

should reflect the spirituality of our Church, that is, of Greek or Ruthenian style. Each pastor is obligated to ensure that the arrangement of icons in the nave of the church reflects the required aesthetics. Without exception, no two identical icons are to be found in the church.

Church banners are to be placed in such a way as not to interfere with liturgical services. Each church is to have a tetrapod, upon which are to be situated an upright cross, between two candles with proper candle holders, a hand-cross for veneration, and to its right, an icon of either Jesus Christ, the Mother of God, or the patron.

Each community is to endeavour to have an iconostas in the church, for which, however, they must obtain separate approval of the Ordinary. Where it is not possible to erect an iconostas, it is necessary at least to construct the holy and diaconal doors, and stationary icons between them. Above the holy doors is to be placed an icon of the Last Supper, and beyond the diaconal doors (on the walls), on the right, an icon of the patron saint, and on the left, an icon of St. Nicholas; if not, then side holy tables with these same icons.

As for the main holy table, each priest has a great obligation to ensure that it constructed in accordance with the prescriptions of our church.

The holy table, in the form of a table and not a box, is to be positioned in such a way that one can easily go around it. It must also be elevated - one step is usually sufficient, and, where the need arises, two or three, at the most. Behind the table, is to be constructed a throne on high, elevated so that those standing in the church are able to see the priest when he is sitting.

The holy table, upon which the Divine Liturgy is celebrated, is to be covered with three cloths made of linen (not kerchiefs),

котрі-би закривали цілий престол; між другим а третим обрусом має бути положений антимінс, котрий мусить знаходити ся в кожній церкві. Коли в церкві єсть більше престолів і на кождім з них править ся Служба Божа, то кождий з них має мати свій окремиий антимінс.

Кивот має бути зроблений відповідно до нашого обряду. Чим менший тим лучший, щоби не засланяв сьвященика, коли сей сидить на горнім сїдалищу. В середині має бути кивот або вибитий шовком, або визолочений. Кивот мусить бути зроблений з як найбільшою старанностию. Скринок помальованих чи тапетованих не можна безусловно ставляти на престолі.

Під престолом не можна робити складу церковних річий. Де ще нема захристії, там можна поставити під престол скринку з церковними річами, але треба старати ся, щоби як найскорше побудувати захристію. На престолі не можна класти ніяких ані книжок ані річий непотрібних сьвященикови до богослуженя.

Забороняємо безусловно поміщувати на престолі які небудь фігури, а коли де такі знаходять ся, наказуємо їх сейчас усунути. На кивоті, в котрім переховує ся Іс. Тайни, не можна кромі хреста ставляти нічого.

Церков а народність: — Більше чим у других народів, звязана є у нас справа церковна з народною. Наш нарід домагає ся все — і се є дуже здорове — від Церкви впливу на жите позацерковне народу. Користаймо з тої здорової прикмети нашого Народу і йдім в народ. Всьо, чим він живе, що любить і ненавидить, що єго підносить і руйнує, повинно нас обходити і всюда повинні ми нести евангельску благу вість, всюда

which are to cover the entire holy table; between the second and third cloth is to be placed an antimimension, which is essential in every church. Where there are more than one holy table in the church upon which the Divine Liturgy is celebrated, then each of them is to have its own antimimension.

The tabernacle is to be constructed in accordance with our rite, the smaller the better so that the priest is not hidden when he sits on the throne on high. The interior of the tabernacle is either to be covered with silk or gold-plated. The tabernacle is to be constructed with the utmost care. Under no circumstances can a painted or wallpapered box be placed upon the holy table.

The area under the holy table cannot be used as a storehouse for liturgical items. Where as yet there is no sacristy, a box containing liturgical items can be placed under the holy table, but it is necessary to ensure that a sacristy be constructed as soon as possible. Neither books nor items not necessary for the celebration of liturgical services are to be placed upon the holy table.

We absolutely forbid the placement of any figures upon the holy table. Where found, these are to be removed immediately. The tabernacle, which is used for the reservation of the Most Holy Mysteries, may have only a cross atop, nothing else.

Church and nationality: — More so than among other nationalities, the Church and our people are closely linked. Our nationality requires - which is very healthy - that the Church influence secular life. Therefore, let us benefit from this arrangement. We should be concerned with all that affects our people - their livelihood, their likes and dislikes, what lifts them up and what drags them down. We should proclaim the Gospel message every-

освітлювати житеві справи Народу світлом Христової науки. Монополь патриотизму і злобне відділоване народного життя від впливу Церкви і священника, ведені в Канаді так свідомо і декуда успішно через людей без віри і засад, мають бути паралізовані умітною, тактовною працею патріотичного Нашого Священства. Горнене до єдності і освіти, любови і вдоволення через попиране, виховане молодіжи, школи, забави, представлення, походи, попиране здорової преси і кольпортажа добрих книжок, се всьо велика часть праці ревного, народного священника. Не висувати ся самому наперед, але впливати через своїх певних людей, оставляючи їм свободу рухів. Се потрафить кожний добрий священник, що має на оці своє високе зване і любить свій без таланний нарід.

Церков а політика: — За засаду повинні держати всі священники, що Церкви не можна мішати в політичні і партійні справи і не можна уживати церковного впливу на се, щоби допомогти одній політичній партії побідити другу. З другої однак сторони, Церкві не може бути річею обоятною, які закони панують в державі, не о скільки вони відносять ся до заряду самої держави, але о скільки вони можуть нарушувати права Церкви. Противно, Церков має навіть обовязок противити ся таким законам, котрі не годили-би ся з Христовою наукою та загрожували-би права Церкви. Проте коли зайдуть якісь квестії, котрі хоч називають ся політичними, але стоять в звязи з вірою, або моралею, або правами та добром Церкви, то нема сумніву, що священники не лише можуть, але в деяких случаях мають навіть стислий обовязок

where and enlighten the daily lives of our people with the light of the teachings of Christ. The monopoly of patriotism, and the malicious separation of the lives of our people from the influence of the Church and of the priest (conducted so conscientiously in Canada, and, in some cases, successfully by those without faith and conviction), must be paralyzed by the capable and tactful work of our patriotic priesthood. To a great extent, the work of a fervent and patriotic priest includes drawing others towards unity and education, love and (a sense of) contentment through support, nurturing of youth, schools, social gatherings, performances, outings, support of a healthy press, and distribution of good books. He should not place himself in the forefront, but exercise influence through people who have his confidence, giving them freedom to act. Every good priest can achieve this when he has in mind his noble calling and loves his own ill-fated people.

Church and politics: — All priests should maintain the principle that the Church should not interfere in political and party matters, and church influence should not be used to aid one political party at the expense of another. On the other hand, however, the Church cannot remain indifferent to the laws which govern the state, not so much as they relate to the administration of the state itself, but in as much as they may violate the rights of the Church. On the contrary, the Church even has an obligation to oppose those laws which do not correspond to the Christ's teachings and which threaten the rights of the Church. Therefore, when certain questions are raised, though political in name, but which are related to faith, morals, or the rights and good of the Church, then, without a doubt, priests not only can, but, in certain instances, have a strict obligation to take a public stand.

забрати в них публично голос. Тому в часі виборів мають в таких случаях напімнути нарід, щоби не давав голосів на сих, котрі відтак можуть шкодити Церкві. Щож знова до обставин, в яких сьвященики можуть або мають публично забирати голос в справах політично-церковних, то се буде річею Епископа осудити, чи вони суть того рода, що сьвященикам треба виступити явно, чи ні.

Вказівкам Епископа мають ся сьвященики повинувати. Від справ чисто політичних мають сьвященики держати ся зовсім осторонь, та не забирати в них, ані поза церквою а тим менше в церкві голосу. Сьвященики мають лише поручити загально нарід про їх обовязок підчас виборів яко вірних синів католицької церкви і добрих горожан і перестерегти головно перед перекупством, але ніколи не можуть ставати по стороні якої небудь політичної партії з чисто політичних зглядів.

Церковний сьпів: — Сьвященики повинні всіми силами старати ся, щоби мати дяка, котрий знає добре церковний (ірмольогійний) сьпів. В Канаді таких дяків єсть досить. На кольоніях може сьвященик так урядити, щоби мати одного доброго дяка на цілий місійний округ. В сей спосіб буде можна легко дати дякови відповідну платню. Брак добрих дяків справляє часто, що наші богослуженя, так гарні самі в собі своїм обрядом і сьпівом, тратять свою красоту, а не раз навіть місто підносити побожність народа, спричинюють озяблість або і згіршене вірних. Се певна річ, що гарний сьпів в церкві притягає людей на богослуженя, тай підносить їх торжественність.

Кромі сего мають сьвященики звертати на се дуже пильну увагу, щоби дяки не сьпівали за скоро та невиразьно. Богослуженє кожде має сю ціль, щоби

Therefore, during elections, the faithful are to be admonished not to give their votes in support of those candidates which could later injure the Church. It is up to the discretion of the Bishop to determine other matters for which priests may, or indeed are obligated to, make a public stand on certain political-ecclesiastical issues.

Priests are to comply with the directives of the Bishop. They are altogether to refrain from matters which are purely political, and are not to make a stand concerning these matters outside the church, even less so inside. Priests are to remind the faithful, as faithful sons of the Catholic Church and good citizens, in general terms about their obligations during elections, warning them especially against bribery. Furthermore, priests are never to take the side of any political party for purely political consideration.

Liturgical chant: — With all their resources, priests are to endeavour to have cantors trained in liturgical (irmologional) chant. These cantors are of a sufficient number in Canada. In the colonies, priests may arrange to have one qualified cantor for an entire mission territory. In this way, it will be easier to remunerate the cantor properly. When qualified cantors are lacking, our liturgical services, inherently lovely in ritual and music, lose their beauty, and often are received lukewarmly by the faithful, or even are a source for scandal, instead of strengthening the piety of the faithful. It is certain that good liturgical chant entices the faithful towards the liturgical services, and increases the solemnity of the services themselves.

In addition, priests are to pay careful attention that cantors not sing too slowly and enunciate properly. The purpose of the liturgical services is for the prayers and

слова молитов та богослужбених пісень підносили духа вірних до Бога. Та се буде можливе лише тоді, если слова сї будуть вимовлювані виразно та поволи.

Коли-би нарід не хотів оплачувати дяка, то радше ужити примусового средства — прм.: не сьпівати, а лише читати Службу Божу — чим нищити повагу богослуженя, позволяючи сьпівати людям, котрі не мають ні відповідного голосу, ні потрібного знаня.

Хлопці до услуги при богослуженях: — Гарний звичай існує в деяких наших церквах, що сьвященики уживають при богослуженях до услуги хлопців убраних в стихарийони. Нашим бажанем єсть, щоби сей звичай введено у всіх наших церквах. Се робить добре вражине на вірних, заохочує дітий до ревности для Церкви і причиняє ся до звеличення самого богослуженя. Бож се єсть о много гарнійше, коли відповідно убрані хлопці услугують при богослуженю, чим як се роблять нераз дуже невідповідно убрані незграбні старші братя. Сим звичаем зовсім не зносить ся уряду старших братів. Вони все мають старати ся о порядок в захристії, глядіти, щоби престол був відповідно прикрашений і т. д. Ходить лише о се, щоби при самім престолі услугували добре вишколені в сїм напрямі і відповідно прибрані діти. Справлене стихарийонів не много коштує, а справна услуга дітий причинить ся много і до естетичности богослужбених обрядів і до вдоволення самого сьвященика та вірних і усуне непотрібне і нераз дуже перешкаджаюче в богослуженю ходжене старших братів. Хлопців сих мусять однако сьвященики докладно научити до тичних обрядових церемоній.

religious hymns to raise the spirit of the faithful towards God. This will only be accomplished if the words are enunciated properly and slowly.

Where the faithful do not want to pay for a cantor, it is better to use a more convincing argument, for example, to recite the Divine Liturgy instead of singing it, rather than degrade the dignity of the liturgical service by permitting those people who have neither good voices nor the proper training to sing.

Altar boys: — A pleasing custom exists in some of our churches where boys, vested in sticharion, assist the priest at the liturgical services. Our wish is that this custom be introduced in all our churches. It makes a good impression upon the faithful, encourages reverence for the Church in children, and contributes to the exaltation of the liturgical services themselves. It is much more pleasing when boys, properly dressed, assist at liturgical services than when older men, often very improperly dressed and clumsy, do so. In no way is the administration of sacristans called into question here. These men are always to endeavour to keep order in the sacristy, to see to it that the holy table is properly adorned, etc. However, assistance at the holy table, itself, is better served by properly dressed children who are well-trained in this manner. The production of sticharia is not very costly and the skilful assistance of children adds much to the aesthetics of liturgical service rituals, the satisfaction of the priest himself, and the faithful, removing the unnecessary and often very frustrating movement of older men during divine services. Priests, however, are to ensure that the boys are properly instructed in the rubrics of the ceremonies.

Школи: — Обов'язуємо кожного священника, щоби запізнався зі шкільним законом "Публік Скул Ект", котрий можна дістати даром в кождім "Департамент оф Едюкейшен" сеї провінції, в котрій знаходиться ся его парохія, та щоби прочитав з него раз в рік парохіянам сі уступи, котрі мають значіне для нашої віри і народности і пояснив права прислугуючі шкільній громаді в даній провінції. Сі права суть в деяких провінціях великі, але по більшій часті не знані нашим людям і в слід за сим і не використані ними. Головнож мають священники представити громаді вагу уряду шкільних тростисів і завітати громадян, щоби на сей уряд вибирали таких людей, котрі постояли-би за права признані нашій народности і нашій вірі тутейшими законами. Добре було-би, щоби священники — головно по кольоніях — старали ся бути секретарями школи. Се віддало-би їм в руки контролю сего, що і як робить ся в школі.

По містах, де знаходяться католицькі школи, мають священники нагадати вірних, щоби посилати діти до сих, а не до безвіроісповідних шкіл. Де се з причини віддаленя не можливе до переведеня, так що діти мусять ходити до публичних безвіроісповідних шкіл, там мають родичі і душпастирі з подвійною ревностию дбати о се, щоби сі діти були докладно обучувані в правдах католицької віри. Спис таких дітей єсть конечно парохови потрібний. Наказуємо як найострійше, щоби священники всіми способами старали ся о докладне обучене о католицькій вірі сих дітей і не жалували в сім згляді ніякого труду, памятаючи на се, що від сего молодого покоління, котре ріжні секти старають ся перетягнути на свою сторону, залежить будучність нашої русько-католицької Церкви в Канаді. Що до обов'язку родичів в сім згляді, гляди під заголовком: "Задержані гріхи".

Schools: — Each priest is obligated to familiarize himself with school legislation, namely, the "Public School Act," which can be obtained free of charge from the "Department of Education" in the province in which his parish is located. Once a year, he is to read for his parishioners those sections which pertain to our faith and nationality, and he is to explain the rights available to the school community in the given province. In some provinces, these rights are extensive, while relatively unknown to our people and, therefore, not taken advantage of. Priests are especially to emphasize to the community the importance of the office of school trustee, and to persuade them to elect those individuals who will stand up for the rights granted our nationality and our faith by the local legislation. It is desirable for priests, especially those in the colonies, to endeavour to serve as school secretaries, allowing them to control what is done in the schools and how it is done.

In larger communities, where Catholic schools exist, priests are to admonish the faithful to send their children to these schools, and not to those which do not profess any faith. Where, because of distance, children are required to attend public schools that do not profess any faith, parents and priests are, with twice the amount of fervour, to ensure that these children are properly instructed in the truths of the Catholic faith. A list of these children is absolutely necessary for the pastor. We emphatically decree that priests employ all possible means to give proper Catholic instruction to these children. Priests are not to regret any difficulties encountered in this regard, recalling that upon this young generation, which various sects are trying to draw toward themselves, rests the future of our Ruthenian-Catholic Church in Canada. Concerning the obligation of parents, see "Reserved sins."

Юрисдикція:**А. Що до слухання сповідий: —**

1. Кождий сьвященик руського обряду, прийнятий до Нашої Епархії і апробований Нами, дістає юрисдикцію до слухання сповіди вірних руського обряду на цілу Канаду. Сю власть може він однак виконувати дозволено (ліціте) поза межами свого округу - кромі случаїв наглої потреби - лише за дозволенем місцевого руського душпастиря.

2. Після загального звичаю і Арт. 28 нашого Декрету, кождий руський сьвященик Нами апробований, може в своїй парохії або в своїм окрузі місійнім сповідати важно і дозволено всіх вірних, котрі приступають до него до сповіди, без огляду на се, чи суть руського чи латинського обряду, чи мешкають в его окрузі місійнім чи поза его межами.

3. Для слухання сповідий вірних лат. обряду поза межами своєї парохії, або свого місійного округу мусить мати руський сьвященик апробату від того латинського Єпископа, в котрого епархії лежить ся місцевість, в якій хоче сповідати вірних латинського обряду. То само правило обовязує і латинських сьвящеників з огляду на вірних руського обряду. З огляду на се наказуємо, щоби кождий з наших сьвящеників постарався о юрисдикцію у того латинського Єпископа, в котрого епархії лежить его парохія або місійний округ. Гляди однак під заголовком: "Відносини до сьвящеників і вірних лат. обряду" і "Сповідь".

4. Від гріхів задержаних Єпископом ніякий сьвященик не може розршити вірних без окремої на се власти одержаної від сего Єпископа, що задержує гріхи, о яку мусить окремо Его просити. (Гляди: "Гріхи задержані")

5. Сьвященики латинського обряду мають власть сповідати вірних русько-католицького обряду лише в межах

Jurisdiction:**A. Faculty to hear confessions: —**

1. Every Ruthenian rite priest, received into our eparchy and who has our approval, receives the faculty to hear the confessions of the faithful of the Ruthenian rite throughout Canada. However, this faculty can be licitly (*licite*) exercised outside the boundary of his territory - with the exception of cases of urgency - only with the permission of the local Ruthenian pastor.

2. In accordance with general custom and article 28 of our Decree, every Ruthenian priest who has our approval, in his own parish or mission territory can validly and licitly confess all faithful who approach him for confession, whether they are of the Ruthenian or Latin rite, and whether they reside within the boundaries of his missionary territory or not.

3. In order to hear confessions of Latin rite faithful outside of the boundaries of his parish or mission territory, a Ruthenian priest must have the approval of the Latin Bishop, within whose diocese lies the locality, where he wants to confess faithful of the Latin rite. This same norm obligates Latin priests concerning the faithful of the Ruthenian rite. Therefore, We decree that each of our priests endeavour to obtain the required faculty from the Latin Bishop of the diocese in which his parish or mission territory is situated. (See "Relations with priests and faithful of the Latin rite" and "Sacrament of confession").

4. No priest can absolve the faithful from those sins for which absolution is reserved to the Bishop without the required faculty to do so, which must be obtained from that Bishop. (See "Reserved sins").

5. Priests of the Latin rite possess the faculty to confess the faithful of the Ruthenian-Catholic rite only within the

загального закону, т. є. в своїй власній парохії або місійнім окрузі.

В ціли узискання власти розрішати від задержаних Нами гріхів, або розширення їх юрисдикції мають удати ся до Нашого Ординариятю.

Б. Що до уділованя прочих св. Тайн:

1. Кождий сьвященик Нами апробований може уділяти прочі св. Тайни лише в своїй парохії або в своїм місійнім окрузі.

2. Постановляємо однак, що на случай наглої потреби і неприсутности руського пароха, кождий душпастир Нами апробований має власть уділяти всі св. Тайни вірним з чужої парохії на їх прошенє, не лише в своїй власній парохії, або місійнім окрузі, але також в межах чужої руської парохії або місійного округу. Сю власть надаємо не лише сьвященикам сусідам, але всім взагалі душпастирам Нами апробованим, аж до виразного відкликання.

Може прилучити ся, що підчас коли душпастир єсть занятий в однім кінци свого місійного округу, випадє на другім кінци шлюб, котрого не можна відложити. В сїм случаю кождий душпастир Нами апробований може на прошенє дотичних людей, удати ся до сеї чужої парохії і там важно і дозволено звінчати новоженців. Розумієть ся, що єго обовязком єсть повідомити о сїм сейчас їх власного пароха і переслати дотичний документ до втягнення в парохіяльні книги. Сей случай можливий єсть лише в великих місійних округах.

3. Повинен однак сьвященик уважати, щоби сей акт вірних не був “ін фраздем sustentationіс парохі”, а був лише помочію вірним і собратови душпастирови.

Проте мусить перестерігати приписи подані що до плачення парохіяльних і епархіяльних такс.

confines of general law, that is, only within their own parish or mission territory.

In order to acquire the faculty to absolve sin for which absolution is reserved to Ourselves, or to augment their faculties, they must apply to the Ruthenian Ordinary.

B. Faculties to administer the other Holy Sacraments:

1. Every priest who has Our approval can administer other sacraments only within his own parish or mission territory.

2. We decree, however, that in cases of urgency and in the absence of the Ruthenian pastor, every priest who has Our approval has the faculty to administer all the sacraments for the faithful of another parish, when so requested, not only in his own parish or mission territory, but also within the boundaries of another Ruthenian parish or mission territory. We grant this faculty, not only to neighbouring priests, but to all priests who have Our approval, and until it is expressly revoked.

It may occur that while a pastor is preoccupied at one end of his mission territory, a wedding, which cannot be delayed, arises at the other. In this case, every priest who has Our approval can, at the request of the parties concerned, validly and licitly bless their marriage in that priest's own parish. The priest is obligated in this case subsequently to inform the proper pastor and forward the required information for registration in the parochial registers. This possibility can occur only in large mission territories.

3. However, the priest is to be cautious that this act of the faithful is not *in fraudem sustentationis parochi*, but is only by way of assistance to the faithful and his brother priest.

In this regard, it is necessary to observe the given norms concerning the payment of parochial and eparchial taxes.

4. Що до епітрахильних доходів, котрі побрав душпастир при сій нагоді - сьвященики самі уложать ся поміж собою.

5. Сьвященик, котрий-би кромі случаю поданого під ч. Б, осьмілив ся сьвідомо і власновільно нарушити права парохіяльні другого сьвященика, має звернути єму всі доходи, побрані при нагоді неправно присвоєних собі чинностей, а коли по першім канонічнім упімненю не кине свого неправного поступованя, підпаде суспензії!

Коли-би котрий з апробованих Нами сьвящеників переїзджав случайно через околиці, де наші вірні зістають без сьвященика свого обряду, то має власть уділяти їм всі св. Тайни. Любов ближнього наказує, щоби вірним при даній нагоді помочи по можности. Коли обслугу душпастирську мали ті вірні правильно місцевого сьвященика латинського обряду і у него є метрики дотеперішні, то таку випадкову обслугу належить записати до книг того сьвященика. Де того нема, записки прислати до Ординарият, до загальних метрик, щоби на случай потреби легко було найти метрики.

4. Priests are to settle the matter of the stole fee, received on this occasion, among themselves.

5. A priest, outside the case given above, who conscientiously and deliberately dares to violate the parochial rights of another priest, is to return all income received because of his unlawful activity. Having been canonically admonished, if he persists in his unlawful practice, he incurs the penalty of suspension!

Where one of our priests, who has Our approval, occasionally passes through a region where our faithful are without a priest of their own rite, then he has the faculty to administer all the sacraments for them. Love of neighbour requires that the faithful assist him as much as possible upon this occasion. When the pastoral care of these faithful has been properly entrusted to the local Latin rite priest, and he has a current parochial register, then the particulars of this occasional ministry are to be recorded in the register of that priest. Where such a register is lacking, the information is to be forwarded to the Ordinary to be recorded in a general register, so that, if needed, the records can be easily located.

APPENDIX IV

NORMS OF THE FIRST PROVINCIAL SYNOD OF THE WINNIPEG METROPOLIA⁴

WINNIPEG, MANITOBA

JUNE 26-28, 1962

General Norms (nn. 1-10)

Part I: Persons (art. 1-65)

Chapter I: Clerics (art. 1-38)

- A. Clerics in General (art. 1-13)**
 - 1. Rights of Clerics (art. 1-2)**
 - 2. Obligations of Clerics (art. 3-13)**
- B. Clerics in Particular (art. 14-38)**
 - 1. Holy Apostolic See (art. 14)**
 - 2. Apostolic Delegate (art. 15)**
 - 3. Metropolitan (art. 16)**
 - 4. Bishops (art. 17-22)**
 - 5. Eparchial Curia (art. 23)**
 - 6. Other Eparchial Curia Officials (art. 24)**
 - 7. Eparchial Consultors (art. 25)**
 - 8. Protopresbyters (art. 26)**
 - 9. Pastors (art. 27-36)**
 - 10. Parochial Vicars (art. 37)**
 - 11. Rectors and Chaplains (art. 38)**

Chapter II: Religious (art. 39-47)

Chapter III: Laity (art. 48-65)

- A. Obligations of Laity in General (art. 48-56)**
- B. Lay Apostolate (art. 56-64)**
- C. Organizations forbidden or not recommended by
the Catholic Church (art. 65)**

Part II: Things (art. 66-231)

Chapter I: Sacraments (art. 66-106)

General norm (art. 66)

⁴This outline is not part of the original document; however, it is provided here as a general overview of the entire text. Some minor grammatical corrections have been made to the original Ukrainian text reproduced here.

- A. Baptism (art. 67-75)
 - B. Chrismation with Holy Myron (art. 76-77)
 - C. Divine Eucharist (art. 78-85)
 - D. Confession (art. 86-91)
 - E. Anointing of the Sick (art. 92-93)
 - F. Sacred Ordination (art. 94-95)
 - G. Marriage (art. 96-106)
- Chapter II: Ecclesial Consecrations and Blessings (art. 107-112)
- Chapter III: Public, Daily, and Occasional Celebration of the Divine Office (art. 113-120)
- Chapter IV: Divine Liturgy (art. 121-137)
- Chapter V: Sacred Places (art. 138-163)
- A. Churches (art. 138-152)
 - B. Cemeteries (art. 153-163)
- Chapter VI: Sacred Times (art. 164-176)
- A. Feast Days (art. 164-167)
 - B. Fasts, Sacred Times, and Privileged Times (art. 168-176)
- Chapter VII: Teaching Office (art. 177-200)
- A. Preaching of the Word of God (art. 177-186)
 - B. Catechetical Instruction (art. 187-200)
- Chapter VIII: Administration of Ecclesial Temporal Goods (art. 201-231)

**ПОСТАНОВИ ПЕРШОГО
ПРОВІНЦІЙНОГО СИНОДУ
ВІННІПЕГСЬКОЇ МИТРОПОЛІЇ**

**Вінніпег, Манітоба
26-28 червня 1962**

Загальні постанови

1. Партикулярне право Укр. катол. Церкви в Канаді до цього часу становили:

а) Декрет Свщ. Конгрегації для Поширення Віри, Відділ справ Східної Церкви, "Фіделібус рутеніс" з дня 18 серпня 1913 р., виданий на 10 років.

б) Декрет Свщ. Конгрегації для Східної Церкви "Тресці рутені рітус" з дня 24 травня 1930 р., з деякими змінами у

**NORMS OF THE
FIRST PROVINCIAL SYNOD
OF THE WINNIPEG METROPOLIA**

**Winnipeg, Manitoba
June 26-28, 1962**

General Norms

1. The particular law of the Ukrainian Catholic Church in Canada until now has been composed of:

a) Sacred Congregation for the Propagation of the Faith for the Matters of the Eastern Church, Decree, *Fidelibus ruthenis*, August 18, 1913, promulgated for ten years.

b) Sacred Congregation for the Eastern Church, Decree, *Graeci-rutheni ritus*, May 24, 1930, with some changes to

декреті “*fidelibus ruthenis*”, виданий на 10 років; його продовження, без змін, на дальших 10 років подав до відома Апостольський Делегат для Канади письмом з дня 9 березня 1941 р.

в) Правила Русько-католическої Церкви в Канаді, уложені на Першому Священничому Соборі в Йорктоні, Саск., дня 29 листопада 1914 р., видані в Вінніпегу 1915 р.

г) Декрети св. Апостольського Престолу в поодиноких речах, зарядження укр. католических Єрархів в поодиноких речах, умовлення укр. католических Єрархів з Єрархами лат. обряду.

г) Рішення Львівського Провінційного Собору з 1891 р., наскільки вони сталися звичаєвою практикою в Канаді.

У речах обох судищ “*кавзе утріюсїве форі, кавзе міксте*”, наприклад маєткових, подружних, належить сюди зачислити теж канадські цивільні закони, згідні з церковним правом.

2. З хвилиною законного проголошення Першого Провінційного Синоду Вінніпегської Митрополії втрачують силу закону всі звичаї та всі правила, зарядження укр. католических Єрархів і їхні умовлення з Єрархами лат. обряду, противні постановам цього Синоду.

3. Постанови цього Синоду у нічому не можуть противитися декретам св. Апостольського Престолу.

4. Постанови Першого Провінційного Синоду Вінніпегської Митрополії обов'язують від хвилини їхнього законного проголошення Єрархів, духовенство і мирян цілої церковної провінції, як теж духовенство і мирян

the decree, *Fidelibus ruthenis*, promulgated for ten years; extended for an additional ten years, without change, as communicated in writing by the Apostolic Delegate for Canada on March 9, 1941.

c) The Norms of the Ruthenian-Catholic Church in Canada, prepared at the First Priestly Assembly, Yorkton, Saskatchewan, November 29, 1914; published in Winnipeg in 1915.

d) Decrees of the Holy Apostolic See in individual matters, decrees of the Ukrainian Catholic Hierarchs in individual matters, and agreements between the Ukrainian Catholic Hierarchs and the Hierarchs of the Latin Rite.

e) Decisions of the Lviv Provincial Synod, 1891, to the extent that they became custom in Canada.

In those matters under dual jurisdiction (*causa utriusque fori, causa mixta*), property and marriage, for example, Canadian civil laws, in agreement with ecclesial law, are also to be taken into consideration.

2. Once the decrees of the First Provincial Synod of the Winnipeg Metropolis are canonically promulgated, all customs, laws, and decrees of the Ukrainian Catholic Hierarchs, as well as any agreements with the Latin Rite Hierarchs, which are contrary to the norms of this synod, are abrogated.

3. The norms of this synod may not, in any way, contradict the decrees of the Holy Apostolic See.

4. The norms of the First Provincial Synod of the Winnipeg Metropolis, from the moment of their canonical promulgation by the Hierarchs, obligate the clergy and laity of the entire ecclesiastical province, as well as the clergy and laity of

укр. обряду, що часово, або й постійно перебувають у її границях.

5. Постанови Першого Провінційного Синоду Вінніпегської Митрополії автентично пояснює Митрополит разом з конпровінційними Єрархами.

6. Від постанов Першого Провінційного Синоду Вінніпегської Митрополії, зі справедливих причин, Митрополит уділює розршення для цілої церковної провінції, а Єрарх для своєї Епархії.

7. Коли б хто старався про якусь ласку публичного права від св. Апостольського Престолу, має це робити через свого Єрарха; коли б її одержав іншою дорогою, повинен це зголосити своєму Єрархові.

8. Митрополит церковної провінції проголосить постанови Першого Провінційного Синоду Вінніпегської Митрополії окремим письмом, яке буде прочитане по церквах, як теж надруковане у всіх епархіяльних тижневиках.

9. Душпастирі цілої церковної провінції повчать своїх вірних про ті синодальні постанови, які відносяться до мирян.

10. Один примірник друком виданих Дій і постанов Першого Провінційного Синоду Вінніпегської Митрополії має кожний духовник церковної провінції купити для себе; кожний душпастир має подбати, щоб один примірник був куплений для його парохіяльного уряду.

the Ukrainian Rite who temporarily or permanently reside within its boundaries.

5. The norms of the First Provincial Synod of the Winnipeg Metropolia are authentically interpreted by the Metropolitan together with the co-provincial Hierarchs.

6. For a just cause, a dispensation can be granted from the norms of the First Provincial Synod of the Winnipeg Metropolia by the Metropolitan for the entire ecclesiastical province and by each Hierarch for his respective eparchy.

7. A favour from a public law petitioned from the Holy Apostolic See is to be requested through one's own Hierarch; should the favour be received in some other manner, the Hierarch is to be notified.

8. The Metropolitan of the ecclesiastical province will promulgate the norms of the First Provincial Synod of the Winnipeg Metropolia by a separate decree, which is to be read in all churches and to be published in all eparchial weekly newspapers.

9. Priests of the entire ecclesiastical province are to educate the faithful about those synodal norms which concern the laity.

10. Each cleric of the ecclesiastical province is to purchase one published copy of the promulgated acts and norms of the First Provincial Synod of the Winnipeg Metropolia for himself. He is also to ensure that another copy is purchased for his parish council.

ЧАСТЬ I: ПРО ОСОБИ

PART I. PERSONS

Глава I: Про духовенство

Chapter I: Clerics

A. Про духовенство у загальному

A. Clerics in General

1. Права духовників

1. Rights of Clerics

Стаття 1. 1. Церковне право признає духовникам привілеї канону, судища і незайманности.

Article 1. 1. Church law concedes to clerics canonical, juridical and inviolable privileges.

2. Хто заподіяв би духовникові чинну зневагу, поповнює гріх особового святотатства і злочин, за який наложена кара виключення, застережена Єпархові місця (кан. 54, Про особи).

2. Whoever injures a cleric through an act of disrespect, commits a sin of personal sacrilege and crime, for which the proper penalty is excommunication, subject to the local hierarch (*Cleri sanctitati*, c. 54).

3. Без дозволу Єпарха місця на письмі нікому не вільно скаржити духовника і теж духовникові не вільно скаржити нікого перед цивільним судом (кан. 55, Про особи).

3. Without the written permission of the local Hierarch, no one is free to sue a cleric; neither are clerics free to sue anyone before a civil judge (CS, c. 55).

4. Духовник не може самочинно виконувати військової служби і публичних робіт, незгідних з його станом (привілегіум імунітатіс); ніхто не може позбавити його конечних засобів пристойного прожитку (привілегіум компетенціє) (кан. 56 і 57, Про особи).

4. Clerics are immune from military service and from public offices that are alien to their state (*privilegium immunitatis*); no one can deprive clerics of what is necessary for their decent living (*privilegium competentiae*) (CS, cc. 56 and 57).

Стаття 2. 1. Право першенства (юс прецеденціє) поміж духовниками (воно має своє примінення на соборних богослужбах, на процесійних походах, на Провінційнім Синоді, на Єпархіяльнім З'їзді і в інших випадках) розсуджується за правилами:

Article 2. 1. Right of precedence (*ius praecedentiae*) among clerics, which has its application at concelebrated liturgical services, processions, provincial synods, eparchial assemblies, and other instances, is determined according to the following norms:

1) Першим перед іншими духовниками є той, хто має над ними власть, або вищу від них церковну гідність.

1) First among other clerics is he who has authority over others or a higher ecclesiastical dignity than others.

2) Єпархіяльне духовенство має право першенства перед чернечим духовенством.

2) Eparchial clergy have a right of precedence over religious clergy.

3) Обряд не має ніякого впливу на першенство.

3) Rite is not a determining factor.

2. Конкретно духовники чергуються в такому порядку:

2. Concretely, clerics have the right of precedence according to the following order:

- 1) Синкел (Генеральний вікарій);
- 2) Апостольський Протонотар, Мітрофорний Протоєрей і почесний Архимандрит;
- 3) Домашній Папський Прелат і Паський Шамбелан (Камерарій);
- 4) Судовий вікарій (Офіціал);
- 5) Епархіальні радники, між ними катедральний парох і епархіальний економ, та почесні епархіальні радники;
- 6) Вищі настоятелі вийнятих з під юрисдикції Єрарха місця чернечих спільнот (Протоігумени);
- 7) Канцлер Епархії;
- 8) Протопресвитери (Декани);
- 9) Місцеві настоятелі вийнятих з під юрисдикції Єрарха місця чернечих спільнот (Ігумени);
- 10) Парохи і завідателі парохій з епархіального духовенства;
- 11) Парохи і завідателі парохій з чернечого духовенства; і
- 12) Ректори і капелани, сотрудники і інші духовники.

3. Епархіальному духовенству прислуговують титули:

Синкелові, Епархіальному радникові, Канцлерові Епархії і Протопресвитерові — Всечесніший (Вері Ревренд); кожному іншому духовникові — Всечесний (Ревренд); Вищим настоятелям (Протоігуменам) вийнятих з під юрисдикції Єрарха місця чернечих спільнот прислуговує титул — Високопреподобний, місцевим настоятелям і еромонахам титул — Преподобний. Духовникам, що мають академічний ступень прислуговує титул — Всесвітліший.

2. Обов'язки духовників

Стаття 3. 1. Духовники повинні вести святе життя і давати мирянам добрий приклад.

2. Кожної днини духовник повинен знайти для себе час на духовне чи-

- 1) Syncellus (vicar general);
- 2) Apostolic protonotary, mitred archpriest, and honorary archimandrite;
- 3) Papal house prelate and papal chamberlain (camerarius);
- 4) Judicial vicar (officialis);
- 5) Eparchial consultors, which include the cathedral pastor and eparchial econome, and honorary eparchial consultors;
- 6) General superiors of religious institutes (protohegumens) exempt from the jurisdiction of the local Hierarch;
- 7) Eparchial chancellor;
- 8) Protopresbyters (deans);
- 9) Local superiors of religious institutes (hegumens) exempt from the jurisdiction of the local Hierarch;
- 10) Eparchial pastors and parish administrators;
- 11) Religious pastors and parish administrators; and
- 12) Rectors and chaplains, assistant pastors, and other clerics.

3. Eparchial clergy are favoured with the following titles:

Very Reverend — syncellus, eparchial consultors, eparchial chancellor, and protopresbyters; Reverend — all other clergy; Very Venerable — general superiors (protohegumens) of religious institutes exempt from the jurisdiction of the local Hierarch; and Venerable — local superiors and hieromonks. Very Illustrious — to those clerics who have an academic distinction (*Translation note: According to North American usage, this title would be simply rendered "Very Reverend"*).

2. Obligations of Clerics

Article 3. 1. Clerics should lead a holy life and be a good example for the laity.

2. Clerics should find time daily for spiritual reading, in particular, the Holy

тання, зокрема на читання св. Письма, на духовне роздумування, на посіщення Нсв. Тайн і на іспитування сумління (кан. 61, 2, Про особи).

3. Кожний духовник повинен часто сповідатися, хоч раз на місяць (кан. 61, 1, Про особи).

4. Кожний єпархіяльний духовник, диякон і священник, обов'язаний відбувати річні духовні вправи в часі і в місці, що їх назначить Єрарх місця. Хто з них не взяв би участі у збірних духовних вправах, має відбутися їх окремо (кан. 62, Про особи).

Стаття 4. 1. Піддіякон і духовники вищих свячень мають кожного дня приватно відмовити з Часослова одну повну частину богослужби дня (всі Часи числяться одною її частиною). Прилюдно в церкві духовниками відслужені частини богослужби дня заступають богослужбу дня.

2. Від приватного відмовлювання богослужби дня звільнюють духовника довготривале (3 години) душпастирське зайняття в церкві або в парохії і Єрарх місця, з важної причини.

Стаття 5. 1. Духовники мають жити у братній любові і злагоді, у добросусідському відношенню, а де це можливе, спільним життям. Вони мають виявляти подібні почування усім католицьким духовникам.

2. Окрему ввічливість, виrozumілість і терпеливість мають душпастирі виявляти своїм вірним.

Стаття 6. 1. Духовник не сміє держати на службі або на мешканню осіб, які не були б беззастережено доброї слави і поведінки, виключуючих всяке підозрівання.

2. Духовник нехай не допускає до того, щоб особи, які є на його службі, або на мешканню у нього, вмішувалися у парохіяльні справи.

Scriptures, for spiritual meditation, for a visit to the Divine Eucharist, and for examination of conscience (CS, c. 61, 2).

3. Clerics should frequently receive the sacrament of confession, at least once per month (CS, c. 61, 1).

4. Eparchial clerics, deacons, and priests are obligated to take part in an annual retreat, length and time to be determined by the local Hierarch. If they do not take part in the common retreat, they are to make a retreat on their own (CS, c. 62).

Article 4. 1. Each day, subdeacons and clerics of higher orders are to recite privately from the Holy Office one full part of the liturgical day (the Hours count as one part). Public worship in a church of a part of the liturgical day constitutes one liturgical day.

2. Clerics involved in long-lasting pastoral work (3 hours) in a church or parish are thereby freed from the private recitation of the liturgical day, and by the local Hierarch, for a worthy cause.

Article 5. 1. Clerics are to live in brotherly love and concord, in good neighbourly relations, and where possible, in community. They are to display a similar attitude toward all Catholic clerics.

2. Clerics are to treat the faithful with special kindness, understanding, and patience.

Article 6. 1. Clerics are not to receive into service or residence persons for whom there are reservations concerning their reputation and conduct; these must be above every suspicion.

2. Clerics are to take care that persons in their service or residence do not interfere in parochial matters.

Стаття 7. 1. Духовник має зодягатися так, щоб кожний міг з його одягу пізнати, що він духовник (кан. 77, Про особи).

2. При відправі прилюдних богослужб і при душпастирських служеннях духовник має бути у священничій рясі. Так само він має являтися на духовні вправи.

3. У звичайних урядових годинах може бути в короткому священничому одязі (клерджі).

4. Щоб бути зодягненим зовсім по світському, духовник мусить мати на це виразний дозвіл Єрарха місця.

Стаття 8. 1. Духовникові не вільно бувати на театральних виставах, на кінових фільмах, на публичних забавах, на плажах, що були б для нього нагодою до гріха, або згіршенням для інших (кан. 81, Про особи).

2. Духовникові не вільно заходити до таверн, барів, готелів і до інших цього роду льокалів, де подають і п'ють алкоголь, хіба щоб у них щось з'їсти (кан. 79, Про особи).

3. Духовникові не вільно вдаватися у газардові гри, наприклад газардові гри в карти, біржі, рулета, перегони (там само).

4. Духовникові не вільно виконувати лікарської штуки, зокрема лікаря-хірурга, без дозволу св. Апостольського Престолу (кан. 80, 2, Про особи).

5. Духовник не може приймати світських урядів, зокрема таких з яких треба складати звіти перед світською владою (кан. 80, 2-3, Про особи).

6. Духовник не може кандидувати на посла і приймати посольського мандату без дозволу Єрархів, так місця, як і виборчої округи (кан. 80, 4, Про особи).

7. Духовникові не вільно займатися професійною торгівлею, ані самому, ані через агента (кан. 83, Про особи).

Article 7. 1. Clerics are to dress in such a manner that others may readily identify them as clerics (CS, c. 77).

2. Clerics are to dress in cassocks at public liturgical services and during pastoral ministry, as well as at retreats.

3. During regular office hours, clerics can dress in clericals.

4. In order for clerics to dress only in civilian clothing, they are to receive explicit permission from the local Hierarch.

Article 8. 1. Clerics are not to attend theatrical performances, movies, public parties or beaches, which for them could be an occasion for sin or a scandal for others (CS, c. 81).

2. Clerics are not to frequent taverns, bars, hotels, or other such establishments where alcohol is served or consumed, unless for the purpose of obtaining something to eat (CS, c. 79).

3. Clerics are not to engage in gambling, for example, in card games of chance, stock exchange, roulette, or races (*ibid.*).

4. Clerics are not to practice medicine, in particular, surgery, without permission from the Holy Apostolic See (CS, c. 80, 2).

5. Clerics are not to accept secular offices, especially if obligated to render an account before civil authorities (CS, c. 80, 2 and 3).

6. Clerics are not to campaign for public office or accept a mandate for public office without the permission of their Hierarch, as well as the Hierarch where the election is to be held (CS, c. 80, 4).

7. Clerics are not to engage in professional commerce either by themselves or through an agent (CS, c. 83).

Стаття 9. 1. Навіть такий духовник, що не має службового зайняття в Епархії, не сміє видалюватися поза її межі на довший час без дозволу Єрарха (кан. 84, Про особи). Видалюючись з Епархії він має Єрархові подати місце свого перебування і свою поштову адресу.

2. Духовник, що з важної причини, наприклад для студій, для лікування, довший час задержується в чужій Епархії, має зголоситися у її Єрарха і підчинюватися його владі і його наглядові, як довго перебуває у його Епархії (кан. 87, Про особи).

Стаття 10. 1. Кожний духовник повинен постійно продовжувати і збагачувати своє богословське знання, набуте в богословській школі, щоб міг своїм вірним подавати здорове зерно Христової науки і захоронювати їх від блудних навчань (кан. 65, Про особи). Він повинен теж дбати про свою загальну освіту і її плекати, бо вона буде підносити його авторитет в очах вірних.

2. Молоді духовники обов'язані впродовж перших чотирьох років їхньої священничої служби складати перед комісією епархіяльних екзамінаторів іспити з богословських предметів (св. Письма, Догматики, Моральної і Пасторальної Богословії, Канонічного права і Літургії) в реченнях і в черговому порядку, які припише Єрарх, хіба що когось, хто має академічний ступень зі св. Богословії, Єрарх звільнив би від складання іспитів (кан. 66, Про особи).

3. Кожний духовник повинен мати підручну бібліотеку книжок, які потрібні йому, щоб він міг успішно виконувати свою душпастирську службу, та пренумерувати католицькі журнали і часописи, щоб бути зорієнтованим в біжучих церковних подіях.

4. 1) Епархіяльні духовники, зайняті в душпастирській службі, або

Article 9. 1. Even those clerics who do not have any pastoral assignment in the eparchy are not to be absent from it for a long time without the permission of the Hierarch (CS, c. 84). When absent, they are to inform the Hierarch where they are staying, as well as their postal address.

2. Clerics, who, for a just cause, reside in another eparchy for an extended period of time, for studies or medical reasons, for example, are to present themselves to the local Hierarch to whose authority and vigilance they are subject for as long as they therein reside (CS, c. 87).

Article 10. 1. Clerics are to permanently continue and increase their theological knowledge, acquired in theological schooling, so that they can give the faithful a healthy kernel of Christ's teaching and protect them from erroneous teachings (CS, c. 65). Clerics are also to be concerned about their general knowledge, cultivate it, so as to help augment their authority among the faithful.

2. Junior clerics, for the first four years of their priestly ministry, are obligated to undergo examinations in various theological subjects (Sacred Scripture, dogmatics, moral and pastoral theology, canon law, and liturgics), before a commission of eparchial examiners, at a time and manner designated by the Hierarch, unless, because they possess an academic degree in theology, they are exempted by the Hierarch (CS, c. 66).

3. Clerics are to have on hand those reference books which aid in the success of their pastoral ministry and to subscribe to Catholic journals and periodicals in order to be apprised of current ecclesiastical events.

4. 1) Eparchial clerics, active in pastoral ministry or who have received the

наділені властю слухати св. Сповідей, є обов'язані брати участь в епархіальних і протопресвітерських конференціях, на яких розв'язується т. зв. випадки сумління з Моральної Богословії та обговорюються питання з Канонічного права, Літургії, чи інших предметів (кан. 67, Про особи). Секретарі конференцій мають предклати Єпископській Канцеларії протоколи усіх відбутих конференцій.

2) До участі в епархіальних і протопресвітерських конференціях обов'язані теж єромонахи, зайняті в душпастирській службі, або наділені властю слухати св. Сповідей, якщо подібні конференції не відбуваються у їхніх чернечих домах.

Стаття 11. 1. Без дозволу Єрарха заборонено духовникам давати позичкові запоруки, хочби їхнім власним майном, самим їм зятягати позички, на сплати купувати авта або промінювати старі за нові.

2. Духовникам заборонено брати у переховання чужі гроші. Без дозволу Єрарха не вільно теж духовникам бути виконавцями тестаменту мирян.

Стаття 12. Кожний духовник обов'язаний зложити при своїх свяченнях чи при інкардинації до Епархії в Єпископській Канцеларії точний перебіг свого життя і долучити до нього дві свої світлини, одну меншого, другу більшого формату. Духовники, що досі цього не зробили, зроблять це якнайскорше.

Стаття 13. 1. Кожний духовник обов'язаний зложити в Єпископській Канцеларії свій запечатаний тестамент. В окремій, теж запечатаній коверті він має подати ім'я і прізвище виконавця його тестаменту.

2. Духовник повинен назначити бодай одним з виконавців його теста-

faculty for hearing confessions, are to take part in eparchial and protopresbyteral conferences, at which so-called cases of conscience in moral theology are resolved, and questions of canon law, liturgics, and other subjects are discussed (CS, c. 67). Secretaries of the conferences are to forward the minutes of all conferences to the Bishop's Chancery.

2) Hieromonks, active in pastoral ministry or who have received the faculty for hearing confessions, are also to take part in eparchial and protopresbyteral conferences if similar conferences are not held in their monastic homes.

Article 11. 1. Without permission of the Hierarchy, clerics are forbidden to co-sign loans, unless by means of their own property, to take out loans for the purchase of new cars or to trade-in old cars for new ones.

2. Clerics are forbidden to hold other people's money. In addition, without the permission of the Hierarchy, they are not to be executors of testaments of the laity.

Article 12. Shortly after his ordination or incardination into an eparchy, each cleric is to prepare and forward to the Bishop's Chancery an accurate account of his life along with two photographs, one of a smaller format, the other larger. Clerics who have not yet done so are to do so as soon as possible.

Article 13. 1. Each cleric is to deposit in the Bishop's Chancery a sealed copy of his last will and testament. He is also to supply the name of the executor of his testament in a separate sealed envelope.

2. A cleric should name at least one priest among the executors of his will and,

менту священника і повідомити його про це за життя.

3. Духовник повинен пам'ятати, що його заощаджений гріш є частиною його приходів на церковній службі і в своєму тестаменті записати щось з нього на побожні і добродійні цілі або на католицькі установи.

4. Духовник повинен в своєму тестаменті записати книжки, що є його власністю, епархіяльній бібліотеці, а власний літургічний виряд і власну хатну обстановку записати парохії, у якій буде кінчити своє життя.

Б. Про духовників зокрема

Св. Апостольський Престіл

Стаття 14.1. Святійший Отець, Римський Папа, заступник Ісуса Христа на землі і переємник св. Ап. Петра, має у Христовій Церкві не тільки першенство почести, але і повноту влади правління і навчання. Цю владу Святіший Отець виконує при допомозі і раді Свщ. Конгрегацій, Урядів і Трибуналів, які становлять Папську Курію.

2. Усі справи Східних Церков, також і обрядово мішані справи, належать до окремої Свщ. Конгрегації для Східної Церкви, основаної *Motu proprio* "Деї Провідентіс" Венедикта Папи ХУ з дня 1 травня 1917 р.

3. Хоч кожному вірному усього католицького світу вільно звертатися просто до св. Апостольського Престолу (кан. 145, Про особи), то всеж-таки належить у цьому зберігати порядок службових доріг. Вірні східних обрядів мають свої прохання ласк і рішень та свої відклики пересилати до Свщ. Конгрегації для Східної Церкви через своїх Єрархів. До Свщ. Конгрегації для Східної Церкви можна пересилати теж справи, для яких компетентні є інші римські дикастерії, з проханням передати їх, куди належить.

while still living, he should inform this priest of the same.

3. He should remember that his savings are a part of income received from ecclesiastical service and, therefore, allocate a portion of it for a devout and worthy cause or for a Catholic institution.

4. He should indicate in his testament that his personal books are to be allocated to the eparchial library, while liturgical and household effects are to be allocated to the parish in which he lives out his final days.

B. Clerics in Particular

Holy Apostolic See

Article 14. 1. The Holy Father, Pope of Rome, Jesus Christ's representative on earth, and successor to the Holy Apostle Peter, has not only the prerogative of honour in Christ's Church, but also full authority in matters of truth and teaching. The Holy Father carries out this authority through the assistance and counsel of the Sacred Congregations, Offices, and Tribunals which comprise the Papal Curia.

2. The Sacred Congregation for the Eastern Church, established by the *motu proprio Dei providentis* by Pope Benedict XV on May 1, 1917, is competent for all matters, including inter-ritual ones, pertaining to the Eastern Churches.

3. Without prejudice to the right of every member of the faithful in the entire Catholic world to address the Apostolic See directly (CS, c. 145), the following order is to be followed: Eastern Rite faithful are to forward their requests for favours and decisions, as well as their appeals, to the Sacred Congregation for the Eastern Church through their Hierarchs. Those matters which are the competency of other Roman dicasteries may also be sent to the Sacred Congregation for the Eastern Church, with the request that they be properly forwarded.

4. Духовники повинні у своїх проповідях поучувати вірних про верховний уряд в Церкві Святішого Отця, про всі заарядження і намірення Святішого Отця і таким способом плекати в їхніх серцях прив'язаність і відданість для нього.

5. Духовники доложать усіх старань, щоб якнайуспішніше проходили щорічні збірки Петрового гроша та зааряджені Єрархом збірки на папські харитативні і місійні діла.

Апостольський Делегат

Стаття 15. 1. Представником св. Апостольського Престолу в Канаді є Апостольський Делегат для Канади, що резидує в столиці Оттава.

2. Апостольському Делегатові прислуговує право на трон і балдахим при усіх церковних богослужбах і право першенства перед усіма Єрархами країни.

3. Апостольський Делегат в Канаді має власть розрешувати від припису кан. 88, парагр. 3, Апост. Письма "Кребре алляте" з дня 22 лотого 1949 р. і уділовати дозволу на вінчання женихів, католиків мішаних обрядів, перед парохом і в обряді невісти, якщо існують важні, Єрархами женихів визнані причини.

Митрополит

Стаття 16. 1. Первоєрархом Укр. катол. Церкви в Канаді є Митрополит, що резидує у Вінніпегу (235 Скоушія Стріт, Вінніпег, Ман.).

2. Митрополитові прислуговує право на вживання палія на церковних богослужбах у цілій його провінції, право першенства перед іншими кон-провінційними Єрархами і право на титул Преосвященнійший.

3. Митрополит скликає річні конференції Єрархів для обговорення спільних питань цілої церковної

4. Clerics, in their sermons, are to instruct the faithful concerning the universal office in the Church of the Holy Father, his directions and intentions, and in this manner cultivate in their hearts devotion and fidelity to him.

5. Clerics are to endeavour diligently to see to it that the annual Peter's pence collection and collections for papal charities and missionary work ordered by the Hierarch are as successful as possible.

Apostolic Delegate

Article 15. 1. The representative of the Apostolic See in Canada is the Apostolic Delegate for Canada, who resides in the nation's capital, Ottawa.

2. The Apostolic Delegate is favoured with the right of the throne and canopy at all liturgical services and the right of precedence before all other Hierarchs of the nation.

3. The Apostolic Delegate for Canada has the authority to dispense from the prescription of c. 88, §3 of the Apostolic Letter *Crebrae allatae*, February 22, 1949, and grant permission for the marriage of Catholics of mixed rites, before the pastor and in the rite of the bride, when, according to the Hierarchs of the parties, a just reason exists.

Metropolitan

Article 16. 1. The Protohierarch of the Ukrainian Catholic Church in Canada is the Metropolitan, who resides in Winnipeg (235 Scotia Street, Winnipeg, Man.).

2. The Metropolitan is favoured with the right to wear the pallium at liturgical services everywhere in his province, the right of precedence before all other co-provincial Hierarchs, and the right to use the title "Most Reverend".

3. The Metropolitan convokes annual conferences of the co-provincial Hierarchs to discuss common concerns of the entire

провінції та Провінційний Синод. Він є председником конференцій конпровінційних Єпархів і Провінційного Синоду, проголошує і разом з конпровінційним Єпархом автентично пояснює постанови Провінційного Синоду.

4. Митрополит пересилає письма св. Апостольського Престолу конпровінційним Єпархам і допильновує їхнього виконання, наглядає церковну карність в провінції і усуває її недоліки або повідомляє про них св. Апостольський Престіл.

5. Митрополит є другою інстанцією для рішень Церковних Судів конпровінційних Єпархій і для усіх інших відкликів з конпровінційних Єпархій.

6. Митрополитові прислуговує право відзначування духовників його Архиепархії вищими гідностями Східної Церкви, як гідністю митрофорного протоєрея і почесного архимандрита. Духовників конпровінційних Єпархій він може відзначити тими гідностями за згодою їхнього Єпарха, а еромонахів за згодою їхнього найвищого настоятеля чину.

Єпископи

Стаття 17. 1. Поодинокими Єпархіями управляють Єпископи, переємники св. Апостолів, звичайною пастирською, вчительською і законодавчо-судейською властю.

2. В управі Єпархією Єпископові є помічними: Єпархіяльна Курія, Збір єпархіяльних радників, і протопресвитери. Духовники-душпастирі виконують, як виручники Єпископа, свою службу на визначених їм в Єпархії місцях.

3. Кожний єпархіяльний духовник має прийняти і сумлінно виконувати такі обов'язки, які йому доручить його

ecclesiastical province as well as provincial synods. He chairs the conferences of the co-provincial Hierarchs and the provincial synod, promulgates, and, together with the co-provincial Hierarchs, authentically interprets the norms of the provincial synod.

4. The Metropolitan forwards correspondence from the Holy Apostolic See to the co-provincial Hierarchs and sees to their execution, oversees ecclesiastical discipline in the province, and removes deficiencies or informs the Apostolic See about them.

5. The Metropolitan is the second instance for decisions of the ecclesiastical courts of the co-provincial eparchies and for all other appeals of the co-provincial eparchies.

6. The Metropolitan is favoured with the right to name clerics of his Archeparchy with higher dignities of the Eastern Church, such as the dignity of mitred archpriest and venerable archimandrite. He can confer these dignities upon clerics of co-provincial eparchies with the consent of their Hierarch, and upon hieromonks with the consent of the highest superior of their order.

Bishops

Article 17. 1. Bishops, successors of the Apostles, govern individual eparchies with ordinary pastoral, magisterial, and canonico-juridical authority.

2. In the governance of the eparchy, the Bishop is assisted by: the eparchial curia, the college of eparchial consultors and protopresbyters. Pastors, as assistants of the Bishop, fulfil their ministry at the places assigned to them in the eparchy.

3. Each eparchial cleric is to accept and fulfil conscientiously those obligations assigned to him by his Bishop, taking

Єпископ, беручи до уваги добро Епархії. Всі парохії Вінніпегської Митрополії є вільного надання Єрарха місця (лібереколляціоніс). Єрарх місця може довільно змінювати усіх своїх душпастрів, подаючи їм до відома причини (про парохії, віддані в душпастирську обслугу ченцям, буде сказано в главі Про чернецтво, стаття 43, 1).

4. Єпископ повинен бути для своїх духовників в першу чергу батьком, а потім зверхником, і виявляти своїм духовникам батьківські поучування. Зате духовники мають повинуватися волі приказам свого Єпископа та сприяти усім його бажанням і наміренням, згідно з обіцяним йому канонічним послухом.

Стаття 18. 1. Єпископові прислуговує право і на ньому тяжить обов'язок управляти Епархією в духовних і в дочасних речах.

2. Зарядження Єпископа обов'язують всіх духовників і вірних Епархії. Він проголошує свої зарядження в такий спосіб, який вважає найбільше відповідним, наглядає над їхнім виконанням, як теж над виконанням усіх церковних законів.

Стаття 19. 1. Єпископ є обов'язаний перебувати в своїй Епархії, в неділі і в свята по приказу служити св. Літургію в наміренню всіх вірних Епархії, канонічно візитувати свою Епархію так, щоби впродовж п'ятох років сам, або через свого синкела звізитував цілу Епархію, раз на п'ять років відвідав св. Апостольські Пороги і що п'ять років зложити св. Апостольському Престолові звіт про стан своєї Епархії.

2. Єпископ є обов'язаний відбувати конференції зі своїми духовниками, принаймні чотири на рік, організувати духовні вправи для своїх духовників

into account the good of the eparchy. All parishes of the Winnipeg Metropolia are freely conferred by the local Hierarch (*libera collatione*). The local Hierarch can freely transfer all his clerics, informing them of the reason. (For parishes which are under the pastoral care of religious, see Article 43, 1).

4. The Bishop should in the first place be a father to his clerics, and then overseer, and display a fatherly attitude towards them. In exchange, clerics are to obey the will of the Bishop and favour all his wishes and intentions in accordance with their promise of canonical obedience.

Article 18. 1. The Bishop is favoured with the right, and has the obligation, to govern the eparchy in spiritual and in temporal matters.

2. The decisions of the Bishop obligate all clerics and faithful of the eparchy. He promulgates his decisions in the manner which he considers most appropriate, over-sees their implementation, as well as oversees the observance of all ecclesiastical laws.

Article 19. 1. The Bishop is obligated: to reside in his eparchy; to celebrate the Divine Liturgy on Sundays and feast days for the intention of all the faithful of the eparchy; to visit his eparchy canonically in such a way that within five years, either by himself or through his syncellus, he visits the entire eparchy; to visit the Holy Apostolic See once every five years; and to make a report on the status of the eparchy to the Holy Apostolic See once every five years.

2. The Bishop is obligated to hold conferences with his clerics at least four times a year, to organize retreats for his clerics (selecting the director, place, and

(назначити провідника, місце і відповідний час духовних вправ), принаймні раз на десять років відбутися зі своїми духовниками Епархіяльний З'їзд.

Стаття 20. Вказаним є, щоб Єпископ створив у своїй Епархії окремий священничий фонд, з якого мали б діставати підмогу духовники, що не мають вистачаючих приходів, як теж духовники, що часово чи постійно не є спосібні до праці (кан. 59, Про особи). Так само вказаним є, щоб Єпископ організував збірну асекурацію своїх духовників на випадок недуги і на випадок смерті.

Стаття 21. Єпископ має право понтифікацій у своїй Епархії (в чужій за дозволом Єрарха місця), право першенства у своїй Епархії (по Митрополитові провінції, але перед іншими Єпископами) і право уділювати сто-днівні відпусти на області своєї Епархії.

Стаття 22. Єпископ має право наділювати гідностями і відзнаками заслужених духовників своєї Епархії, а саме: гідністю почесного епархіяльного радника, протоєрея і вистуженого протопресвитера. Наділений котрою-небудь з гідностей духовник має право на вживання відзнак, названих в грамоті наділення його гідністю.

Епархіяльна Курія (Епархіяльне Правління)

Стаття 23. В склад Епархіяльної Курії входять: синкел (генеральний вікарій), судовий вікарій (офіціал), епархіяльний економ, канцлер, промотор справедливості і оборонець подружого вузла, епархіяльні судді і екзамінатори, парокси дорадники і нотарі. Одна особа

suitable time), and to hold an eparchial assembly with his clerics at least once every ten years.

Article 20. The Bishop is to establish in his eparchy a separate fund for priests to assist those clerics who do not have sufficient income, as well as those who are temporarily or permanently unable to work (CS, c. 59). He is also to organize collective insurance for his clerics in case of illness or death.

Article 21. The Bishop has the right to pontificate in his own eparchy (or in another eparchy with the permission of the local Hierarchy), the right of precedence in his own eparchy (after the Metropolitan of the province, but before other Bishops), and the right to grant one hundred day indulgences within the confines of his eparchy.

Article 22. The Bishop has the right to confer dignities and distinctions upon worthy clerics of his eparchy, namely, the dignity of venerable eparchial consultor, archpriest, and emeritus protopresbyter. A cleric who has received a dignity has the right to wear the insignia outlined in the document of conferral.

Eparchial Curia (Eparchial Administration)

Article 23. The eparchial curia is composed of: the syncellus (vicar general), judicial vicar (officialis), eparchial econome, chancellor, promoter of justice and defender of the bond, eparchial judges and examiners, pastor consultors, and notaries. These offices can be joined in the same

може виконувати (комулювати) більше урядів, коли це з природи речі собі не суперечить (кан. 429, 3, Про особи).

1. Синкел виконує свої обов'язки звичайною, але відпорученою властю в межах, визначених йому Єпископом і загальним правом. Він має бути назначуваний з епархіяльного, не чернечого духовенства.

2. Судовий вікарій розглядає звичайною, але відпорученою властю усі судові справи при допомозі епархіяльних суддів (авдиторів і вотантів), промотора справедливості чи оборонця подружого вузла і нотарів (актуаріїв).

3. Епархіяльний економ, який обов'язково мусить бути в кожній Епархії і обов'язково належати до Збору епархіяльних радників і до Маєткової Ради, заряджує епархіяльними дочасними добрами і наглядає їхнє правильне заряджування у цілій Епархії.

4. Канцлер заряджує, під оком Єпископа, Єпископською Канцеларією: веде книгу протоколів, які впливають до Єпископської Канцеларії і з неї виходять, впорядковує акти і складає їх чи до архіву чи до регістратури, веде архів, виготовлює і висилає всі урядові письма.

5. Епархіяльні екзамінатори відпитують іспити, які їм доручить відпитувати Єпископ.

6. Парохів дорадників вислухує Єпископ у випадках назначування і усування парохів.

7. Нотарі виготовлюють під наглядом канцлера письма Єпископської Канцеларії, а під наглядом судового вікарія письма Церковного Суду і стверджують однозгідність відписів з оригіналами.

person when this is not contrary to the nature of the office itself (CS, c. 429, 3).

1. The syncellus fulfils his obligations with ordinary but delegated jurisdiction within the limits established by the Bishop and by common law. The syncellus is to be appointed from eparchial clergy, and not religious.

2. The judicial vicar acts with ordinary but delegated jurisdiction in all judicial matters with the assistance of the eparchial judges (auditors and ponentes), the promoter of justice or the defender of the marriage bond, and the notaries (actuaries).

3. The eparchial econome, whose office is obligatory in every eparchy, is *ex officio* a member of the college of eparchial consultors and of the finance council and administers the eparchial temporal goods, overseeing their proper administration throughout the entire eparchy.

4. The chancellor, under the supervision of the Bishop, administers the eparchial chancery: he keeps the register of protocols which are received or sent from the Bishop's Chancery, arranges the acts in order and places them in the archives or in the registry, administers the archives, and prepares and sends all official documents.

5. The eparchial examiners administer those examinations entrusted to them by the Bishop.

6. The Bishop is to hear the pastor consultors in cases concerning the appointment and removal of pastors.

7. The notaries prepare, under the supervision of the chancellor, documents of the Bishop's Chancery, and under the supervision of the judicial vicar, documents of the ecclesiastical tribunal, and declare transcripts conformable with originals.

**Інші урядовці
при Епархіальній Курії**

Стаття 24. 1. Назначені Єпископом цензори книг переводять превентивну цензуру рукописів, що мають бути друковані і публіковані в Епархії і видають свою оцінку на письмі. Вони мають звертати окрему увагу на те, щоб видавані літургічні тексти і рукописи літургічного змісту стисло погоджувалися з виданнями текстів і приписами св. Апостольського Престолу.

2. Отці духовні асистенти епархіальних організацій опікуються церковними організаціями, для яких вони назначені і звітують про них Єпископові.

3. Єпископський секретар є приватним помічником Єпископа у всіх справах, які йому Єпископ доручить.

4. Правний дорадник є помічний Єпископові у всіх тих справах які торкаються цивільних законів.

Збір епархіальних радників

Стаття 25. 1. Окремим дорадчим тілом Єпископа є Збір епархіальних радників. Їх, чотирьох до шістьох, назначує Єпископ на час десятиох років з поміж духовників, близьких єпископського осідку, між ними обов'язково катедрального пароха і епархіального економа.

2. Єпископ не тільки засягає ради Збору епархіальних радників у всіх важніших справах, але має теж у випадках, де цього вимагають приписи права, дістати їхню згоду (кан. 459, 1, Про особи).

3. На случай опорожнення єпископського престолу, з яким вигасає теж власть синкела, Збір епархіальних радників перебирає управу Епархії, а до вісьмох днів колегіяльно вибирає Адміністратора Епархії.

**Other Officials
of the Eparchial Curia**

Article 24. 1. Episcopally appointed censors of books carry out preventative censoring of manuscripts which are to be printed and published in the eparchy, and give their evaluation in writing. They are to pay particular attention in that published liturgical texts and manuscripts of liturgical content strictly conform to the published texts and prescriptions of the Holy Apostolic See.

2. Spiritual assistants of eparchial organizations oversee those ecclesiastical organizations entrusted to their care and report on them to the Bishop.

3. The secretary of the Bishop is his personal assistant in all matters delegated to him by the Bishop.

4. The legal consultant is an assistant to the Bishop in all matters which concern civil law.

Eparchial Consultors

Article 25. 1. A separate advisory body of the Bishop is the college of eparchial consultors. The members, numbering between four and six, are appointed by the Bishop for ten years from among the clergy residing in proximity to the episcopal see. The pastor of the cathedral and the eparchial econome are ex officio members of the college.

2. The Bishop is not only to seek the advice of the college of eparchial consultors in all matters of greater importance, but must also obtain its consent in those cases prescribed by the law (CS, c. 459, 1).

3. In the event the episcopal see becomes vacant, at which time the authority of the syncellus also ceases, the college of eparchial consultors assumes the governance of the eparchy, and within eight days collegially elects an Administrator of the eparchy.

Протопресвитери (декани)

Стаття 26. 1. Протопресвитер наглядає над душпастирями своєї області, чи вони сумлінно виконують свої душпастирські обов'язки, чи придержуються обрядових приписів, перевірюють чи в церкві і в парохіяльній канцеларії є зберіганий належний порядок. Він візитує духовників душпастирів хоч один раз в році і відбуває з ними протопресвитерські конференції.

2. Протопресвитер вводить ново-назначених душпастирів в їхній уряд, опікується хворим духовником своєї області і дбає про його заступство, займається похороном померлого на його області духовника і переводить посмертний спис по ньому.

3. Раз у рік, а у випадках нагальної потреби негайно, протопресвитер дає звіт Єпископові.

4. Протопресвитерові прислуговує на його області право першенства перед усіми духовниками душпастирями.

Духовники Душпастирі

Стаття 27. 1. Душпастирі, назначені грамотою Єпископа, переймають свою службу з днем, названим у грамоті Єпископа. З тим днем вони приймають на себе всі обов'язки і набувають всі права свого уряду.

2. Введення душпастиря відбувається способом, який зарядить Єпископ.

Стаття 28. 1. Парохи, а нарівні з ними завідателі парохій (вікарії адміністратори, парохіяльні вікарії) і всі духовники, яким віддане душпастирювання визначеної округи на постійне, виконують свою душпастирську службу для усіх вірних своєї округи, не виключених церковними законами (кан. 489, 3, 1, Про особи).

2. Парохи і інші з ними в обов'язках і в правах зрівнані душпастирі

Protopresbyters (deans)

Article 26. 1. The protopresbyter is to oversee the pastoral activity of the pastors of his district as to whether they diligently carry out their pastoral obligations, preserve ritual prescriptions and keep proper order in church and in the parish office. He is to visit the clergy of his district at least once a year and to hold protopresbyteral conferences.

2. The protopresbyter installs newly appointed pastors in their offices, cares for the sick clerics in his district and finds substitutes for them, oversees the funeral of clerics of his district and concludes their affairs.

3. Once a year, and without delay in cases of urgent need, the protopresbyter is to give a report to the Bishop.

4. A protopresbyter enjoys the right of precedence before all clerics in his district.

Pastors

Article 27. 1. Pastors, appointed by decree of the Bishop, take canonical possession of their office from the day appointed in the episcopal decree. From that day, they incur all obligations and acquire all rights associated with their office.

2. Pastors take canonical possession of their office in the manner determined by the Bishop.

Article 28. 1. Pastors and their equivalents (vicar administrators, parochial vicars), and all clerics who receive a permanent pastoral appointment for a certain territory, fulfil their pastoral ministry for all the faithful within their region who are not excluded by ecclesiastical laws (CS, c. 489, 3, 1).

2. Pastors and their equivalents are to reside in the parish residence, unless the

мають замешкувати в парохіяльнім резиденціяльнім домі, хіба що Єпископ виразно дозволив би кому з них деінде замешкати і на цьому не терпіла б духовна обслуга вірних.

3. Душпастир, що виходить з дому, нехай залишить записку, де його шукати в наглих випадках.

4. В кожній парохіяльній канцелярії повинен бути визначений сталий час урядових годин.

Стаття 29. Парохи і інші з ними в обов'язках і в правах зрівняні душпастирі, що з важких причин опускають парохію на довше, як на тиждень, мають мати на це письмовий дозвіл Єпископа. У всіх випадках, навіть у випадку коротшої тижня відсутності в парохії, вони мають подбати, щоб через неї не терпіла духовна обслуга вірних. Вони мають лишити свого заступника в парохіяльних обов'язках і зголосити його вірним, а у випадку довшої тижня відсутності теж і Єпископові.

Стаття 30. Парохи і інші з ними в обов'язках і в правах зрівняні душпастирі мають право на 40 днів відпустки в році, одної безпереривної або перериваної.

Стаття 31. Парохи і інші з ними в обов'язках і в правах зрівняні душпастирі мають:

1) відправляти приписані богослужби, кожного дня св. Літургію, на неділях і святах теж Утреню, Вечірню або Молебень;

2) уділювати вірним св. Тайни і інші духовні послуги;

3) голосити вірним Боже слово і катихизувати вірних, головно молодь;

4) на неділях і святах по приказу служити св. Літургію за народ, т. зн. за вірних парохії;

Bishop clearly permits them to reside elsewhere, provided that the spiritual care of the faithful does not suffer.

3. A pastor who is away from his residence is to leave word where he can be found in case of an emergency.

4. Each parish office is to have regular appointed office hours.

Article 29. Pastors and their equivalents, who for a just cause are away from their parish for longer than one week must first receive the written permission of the Bishop. In all cases, even when absent less than one week, they are to ensure that the spiritual care of the faithful does not suffer. They are to leave a substitute in charge of parochial obligations and notify their faithful of their replacement. In the event their absence exceeds one week, they are also to notify the Bishop.

Article 30. Pastors and their equivalents regarding obligations and rights have the right to be absent for forty days in a year, continuous or interrupted.

Article 31. Pastors or their equivalents regarding obligations and rights are to:

1) celebrate the prescribed services, the Divine Liturgy daily, as well as matins, vespers, or moleben on Sundays and holy days;

2) administer the holy sacraments and other spiritual services;

3) preach the word of God and catechise the faithful, especially youth;

4) celebrate the Divine Liturgy for the intention of the people, that is, the faithful of the parish, on Sundays and holy days;

- 5) вести старанно всі парохіяльні книги і робити у них потрібні дописки;
- 6) під кінець року пересилати до Єпископської канцеларії копії метри-кальних книг;
- 7) вести парохіяльну хроніку;
- 8) підготовляти заповіджені кано-нічні візитації так, щоб вони прохо-дили справно і пристойно;
- 9) опікуватися вбогим і хворим своєї парохіяльної округи; і
- 10) частіше відвідувати своїх паро-хіян в душпастирських цілях.

Стаття 32. Відвідуючи парохіян, душпастир нехай вистерігається, щоб він бував у одних надто часто, а у інших може й ніколи. В розмовах нехай не говорить від'ємно про когонебудь з парохіян.

Стаття 33. Парохи і інші з ними в обов'язках і в правах зрівнані душпас-тирі мають право на епітрахильні доходи (треби) у висоті, прийнятій звичаєм або означеній церковним законом. Вбогим що не є спроможні винагородити душпастиря, він повинен робити духовні послуги даром. Інший духовник, що робив би духовні послуги вірним парохії, обов'язаний звернути пібрану винагороду їхньому власному душпастиреві, хіба що вірні виразно хотіли б призначити йому надвишку винагороди, більшої, як звичайно.

Стаття 34. Душпастир, що відій-шов з парохії на інше місце призначен-ня, не сміє ніяким способом вмішуватися у справи парохії, яку він залишив.

Стаття 35. Душпастиреві заборо-нено належати до організацій чи товариств політичного, чи хочби гро-мадянського характеру, які розділюють їхніх вірних на ворожі табори.

- 5) maintain all parochial books and make the necessary notations in them;
- 6) prior to the end of the year, send a copy of the parish registers to the Bishop's Chancery;
- 7) keep a parish chronicle;
- 8) prepare for prearranged canon-ical visitations so that they are conducted properly and appropriately;
- 9) care for the poor and sick of the parochial territory; and
- 10) frequently visit their parishoners for pastoral purposes.

Article 32. When visiting parishio-ners, the pastor is to take care that he does not visit some parishioners exceedingly often and others perhaps never. In his conversations, he is not to speak negatively about any of his parishioners.

Article 33. Pastors and their equi-valents regarding obligations and rights have the right to income arising from stole fees (ecclesiastical services) in amounts determined by custom or designated by ecclesial law. The pastor is to offer his services gratuitously to those who are unable to pay for them. Other clerics who have performed pastoral services for the faithful of the parish are obliged to turn over the offering to the pastor, unless the contrary will of those making the offering is certain concerning the sum that exceeds the usual fee.

Article 34. Pastors who have been assigned to another parish are not to interfere in any way in the affairs of their former parishes.

Article 35. Pastors are forbidden to belong to organizations, whether political associations or of civil character, which divide their faithful into hostile factions.

Стаття 36. Катедральний парох має право першенства перед усіма парохами Епархії.

Сотрудники

Стаття 37. 1. Сотрудники, а саме,

1) сотрудники помічники, приділені парохам, який задля старости, недуги чи іншої причини не може виконувати своєї служби;

2) сотрудники заступники, назначені на місце відсутнього або в службі завішеного пароха;

3) співдіючі сотрудники (вікарії кооператори), приділені парохам, який сам не може обслужити великої парохії, мають обов'язки і права, визначені їм грамотою їхнього назначення, зарядженням Єпископа і пароха та звичаєм і церковним законом.

2. Сотрудники мають по синівськи повинуватися приказам пароха і придержуватися його вказівок.

3. Відпочинкову відпустку сотрудники дістають від свого пароха.

Ректори і капеляни

Стаття 38. 1. Ректори і капеляни, назначені Єпископом для молитовниць шкіль, виховних інститутів, шпиталів, старечих домів, сиротинців і не вийнятих з під юрисдикції Єпископа чернечих спільнот, не можуть в своїх молитовницях виконувати ніяких парохіяльних функцій (кан. 521, Про особи). Капеляни шпиталів можуть і повинні, в наглих випадках, уділювати Св. Тайни Хрещення і Миропомазання народженим в шпиталі дітям та послідні св. Тайни вмираючим в шпиталі хворим.

2. Ректори і капеляни можуть в своїх молитовницях служити богослужби, навіть торжественні, коли цим не порушують парохіяльних богослужб. Якщоб віддаль молитовниці від

Article 36. The pastor of the cathedral has the right of precedence before all pastors of the eparchy.

Parochial Vicars

Article 37. 1. Parochial vicars, i.e.,

1) vicar administrators, assigned to a pastor who, because of an advanced age, illness or another reason, cannot fulfil his office;

2) vicar substitutes, appointed in the absence of the pastor or as a result of his removal from office;

3) vicar assistants (vicar co-operators), assigned to a pastor who by himself cannot adequately serve the needs of a large parish, have the obligations and rights indicated by their decree of appointment, by the commission of the Bishop and the pastor, and by custom and ecclesiastical law.

2. Parochial vicars are to comply respectively with the wishes of the pastor and follow his directives.

3. Parochial vicars are to seek the permission of the pastor regarding vacations.

Rectors and Chaplains

Article 38. 1. Rectors and chaplains, appointed by the Bishop, for chapels of schools, educational institutes, hospitals, homes for the elderly, orphanages, not exempting those of religious institutes under the jurisdiction of the Bishop, cannot perform any parochial functions in their chapels (CS, c. 521). Chaplains of hospitals can and should, in case of emergency, administer the holy sacraments of baptism and chrismation to infants born in the hospital as well as last rites to those dying in hospitals.

2. Rectors and chaplains can celebrate in their chapels divine services, even solemnly, provided they do not infringe on the parochial ministry. If the distance of the chapel from the parochial

парохіяльної церкви за цим промовляла, Єпископ може ректорам і капелянам доручити, щоб вони проповідували приявним на їхніх богослужбах вірним Боже слово, заповідали їм порядок своїх богослужб, свята, пости, загальниці, тощо.

3. Ректори і капеляни мають дбати про те, щоб їхні молитовниці були устатковані і прикрашені так, щоб у них богослужби були служені за обрядовими приписами.

4. Інші духовники потребують дозволу ректора чи капеляна на служіння св. Літургії і богослужб в їхніх молитовницях.

Глава II: Про чернецтво

Стаття 39. 1. Чернечі спільноти можуть бути:

- 1) вийняті з під власти Єрарха місця;
- 2) понтифікального права;
- 3) епархіального права.

2. Кожна чернеча спільнота, вийнята з під власти Єрарха місця, може поселюватися, в Епархіях Укр. кат. Вінніпегської Митрополії за дозволом св. Апостольського Престолу і Єрарха місця (кан. 8, парагр. 3, Про ченців). Чернечі спільноти понтифікального і епархіального права можуть в них поселюватися за дозволом самого лиш Єрарха місця.

3. Нові чернечі спільноти можуть Єрархи місця оснóвувати тільки у порозумінні зі св. Апостольським Престолом (кан. 8, 1, Про ченців).

4. Вже існуючі в Укр. кат. Вінніпегській Митрополії чернечі спільноти потребують дозволу Єрарха місця на оснóвання нового дому (кан. 8, 2, Про ченців).

5. Чернечі спільноти потребують дозволу Єрарха місця на місце, де має

church warrants it, the Bishop can charge the rector and chaplain to preach the word of God to the faithful present at their divine services, having informed them of the schedule of their own divine services, holy days, lents, privileged times, etc.

3. Rectors and chaplains are to see to it that their chapels are well maintained and ornamented and that the divine services are celebrated in accordance with the ritual prescriptions.

4. Other clerics require the permission of the rector or chaplain for the celebration of the Divine Liturgy and divine services in their chapels.

Chapter II: Religious

Article 39. 1. Religious institutes may be:

- 1) exempted from the authority of the local Hierarch;
- 2) of pontifical right;
- 3) of eparchial right.

2. Each religious institute exempted from the authority of the local Hierarch can establish itself in the eparchies of the Ukrainian Catholic Winnipeg Metropolia with the permission of the Holy Apostolic See and local Hierarch (*Postquam Apostolicis*, c. 8, 3). The permission of the local Hierarch is sufficient for religious institutes of pontifical and of eparchial right to establish themselves in these same eparchies.

3. The local Hierarch can establish new religious communities only with the approval of the Holy Apostolic See (*PA*, c. 8, 1).

4. Religious institutes already established within the Ukrainian Catholic Winnipeg Metropolia require the permission of the local Hierarch for the establishment of new houses (*PA*, c. 8, 2).

5. Religious institutes require the permission of the local Hierarch regarding

бути побудована їхня церква чи публична молитовниця (кан. 19, 2, Про ченців), як теж на побудовання школи, лікарниці чи іншого роду установи, відділеної від монастиря (кан. 9, 2, 1, Про ченців).

Стаття 40. 1. Чернечі спільноти, вийняті з під влади Єрарха місця, підлягають Єрархові місця у справах, які йому застерігає церковний закон (кан. 43, кан. 44, 3 і кан. 166, 2, Про ченців).

2. Чернечі спільноти понтифікального права підлягають влади Єрарха місця у всіх справах їхньої зовнішньої апостольської праці; в речах їхнього внутрішнього устрою вони підлягають управляючій влади (потестас домінатива) своїх вищих настоятелів.

3. Чернечі спільноти єпархіяльного права підлягають влади Єрарха місця так у своїй зовнішній апостольській праці, як і у своєму внутрішньому устрою.

4. Ширші права церковний закон застерігає Єрархові місця щодо жіночих спільнот хочби навіть вийнятих з-під його влади, як право визначувати, візитувати і наглядати їхню клавзуру (кан. 44, 2, 1 і 3, Про ченців), назначувати їм звичайних і надзвичайних сповідників та капеланів (кан. 57, 1, Про ченців), наглядати орудування їхнім майном (кан. 67, Про ченців).

Стаття 41. Єрарх місця обов'язаний кожного п'ятого року, особисто, або через свого відпоручника, візитувати усі чернечі спільноти своєї Єпархії, що не є вийняті з-під його влади, кожну з них згідно з приписами, поданими в кан. 44, Про ченців, як теж церкви і молитовниці чернечих спільнот, вийнятих з під його влади.

Стаття 42. Ченці не можуть перевозити в Єпархії ніяких збірок без доз-

the location of a church or public chapel they plan to establish (PA, c. 19, 2), as well for the construction of a school, hospice, or building of a similar nature, separate from the monastery (PA, c. 9, 2, 1).

Article 40. 1. Religious institutes exempted from the authority of the local Hierarch are subject to him in those matters stipulated by ecclesiastical law (PA, cc. 43; 44, 3; and c. 166, 2).

2. Religious institutes of pontifical right are subject to the authority of the local Hierarch in all matters concerning their external apostolic work; in matters concerning their internal ordering, they are subject to the governing authority (*potestas dominativa*) of their major superiors.

3. Religious institutes of eparchial right are subject to the authority of the local Hierarch both in their external apostolic work and in their internal ordering.

4. Ecclesiastical law grants the local Hierarch greater rights concerning female religious institutes, even those exempted from his authority. These rights include the right to establish, visit, and oversee enclosures (PA, c. 44, 2, 1 and 3), to name ordinary and extraordinary confessors and chaplains (PA, 57, 1), and to oversee the administration of temporal goods (PA, c. 67).

Article 41. The local Hierarch is obligated to visit once every five years, personally or through a delegate, all religious institutes in his eparchy which are not exempted from his authority, in accordance with the prescriptions given in PA, c. 44. He is also to visit those churches and chapels of religious institutes which are exempted from his authority.

Article 42. Religious are not to take up any collections within the eparchy

волю Єрарха місця, даного їм на письмі (кан. 171, 2, Про ченців).

Стаття 43. 1. Єрарх місця може передавати чоловічим клірикальним чернечим спільнотам в душпастирську обслугу парохії своєї Епархії або “modo precario,” або, за одобренням і на дальше зарядження св. Апостоцького Престолу, злучувати їх з чернечими, тільки чоловічими, спільнотами так в духовних, як і в дочасних речах “pleno iure”. Перші залишаються епархіяльними і тільки часово в душпастирську обслугу чернечим спільнотам відданими парохіями, другі стаються чернечими парохіями, на постійне злученими з моральною особою так в духовних, як і в дочасних речах. В одному і в другому випадку парохів і сотрудників назначають кумулятивно Єрарх місця і вищий настоятель чернечої спільноти: Настоятель предкладає, а Єрарх іменує і інсталує. Змінити пароха чи сотрудника може так Єрарх місця, як і вищий настоятель чернечої спільноти, повідомляючи один одного, без обов'язку подавати причин (кан. 494, 5 і кан. 497, Про особи).

2. Обов'язки і права парохів і сотрудників ченців є такі самі, як епархіяльних парохів і сотрудників.

Стаття 44. 1. Пожертви вірних, які впливають до рук душпастирів ченців, є призначені для парохії, хіба, що вони були б виразно призначувані для чернечої спільноти.

2. Коли парохія є злучена з чернечою спільнотою “pleno iure”, права парохії і права чернечої спільноти в дочасних речах треба окремо розглядати за текстом умовлення між Єрархом місця і чернечою спільнотою.

Стаття 45. Св. Місії, духовні вправи, великопосні науки, катехизації і всі інші

without the written permission of the local Hierarch (PA, c. 171, 2).

Article 43. 1. The local Hierarch can entrust to a male clerical religious institute the pastoral care of parishes of his eparchy either *modo precario* or, with the approval and with further direction of the Holy Apostolic See, unite them with male religious institutes in spiritual and temporal matters *pleno iure*. The former parishes remain eparchial parishes and are only temporarily in the pastoral care of a religious institute, while the latter parishes become religious parishes permanently united with a moral person in regard to spiritual as well as temporal matters. In either case, the pastors and parochial vicars are collectively appointed by the local Hierarch and the superior of the religious institute: the superior presents a candidate and the Hierarch appoints and installs him. The local Hierarch, as well as the superior of the religious institute, can transfer a pastor or a parochial vicar by notifying each other, without the obligation to supply the reason for the transfer (CS, cc. 494, 5 and 497).

2. Religious pastors and parochial vicars have the same obligations and rights as eparchial pastors and parochial vicars.

Article 44. 1. Offerings of the faithful received by clerics of religious institutes are intended for the parish unless it is clear that they are meant for the religious institute itself.

2. The rights of the parish and the rights of the religious institute concerning the temporal goods of a parish united with a religious institute *pleno iure* are governed by the agreement entered into by the local Hierarch and the religious institute.

Article 45. Pastors are to receive the permission and blessing of the local

духовні послуги, які ченці виконують для вірних Епархії, мають парохі заздалегідь зголошувати Єпархові місця з проханням його дозволу і благословення.

Стаття 46. Ченці, що займаються душпастирською, виховною, організаційною чи іншою цього роду працею між вірними Епархії, підлягають у ній власті Єпарха місця нарівні з епархіальним духовенством. Єпарх місця має право наглядати їхню працю, а коли б вони не виконували її як слід, в порозумінні з їхнім вищим чернечим настоятелем їх напаминати і потягати до відповідальности.

Стаття 47. Ченці не можуть приймати від Єпарха місця ніякого уряду, або обов'язку без попереднього і письмового дозволу їхнього чернечого настоятеля.

Глава III: Про мирян

A. Загальні обов'язки мирян

Стаття 48. 1. Миряни повинні знати, що вони є членами Укр. кат. Церкви і що вони є українського обряду.

2. Кожний мирянин повинен теж знати і признавати свою епархіальну і свою парохіальну приналежності, які в'яжуться з місцем його замешкання чи немов-замешкання (доміціліум ет квазі-доміціліум). В своїх епархіальних і парохіальних справах вони мають звертатися до власного Єпарха і до власного пароха. З-під власті свого власного пароха він не може бути вийнятий, хоч би виконував свої релігійні обов'язки в іншій парохіальній церкві.

3. Кожний мирянин повинен знати місце і дату свого народження і охрещення та своє метрикальне ім'я і

Hierarch before members of religious institutes offer missions, retreats, lenten talks, catechism, and other liturgical services to the faithful of the eparchy.

Article 46. Religious involved in pastoral work, education, organization, or some similar activity among the faithful of the eparchy are subject to the authority of the local Hierarch like that of eparchial clerics. The local Hierarch has the right to review their work, and should it be unsatisfactory, he may, in consultation with their religious superior, admonish and hold them accountable.

Article 47. Religious are not to accept any office or obligations from the local Hierarch without the prior and written permission of their religious superior.

Chapter III: Laity

A. Obligations of Laity in General

Article 48. 1. The laity should know that they are members of the Ukrainian Catholic Church and are of the Ukrainian rite.

2. They should also know and acknowledge their eparchial and parochial membership, which is determined by their place of domicile or quasi-domicile (*domicilium et quasi-domicilium*). They are to address their concerns of eparchial and parochial matters to their proper Hierarch and proper pastor. They can not be exempted from the authority of their proper pastor even if they fulfil their religious obligations in another parish church.

3. The laity should know the place and date of their birth and baptism as well as their name as it appears in the parochial

прізвище. Оскільки це можливе, він повинен мати в посіданні метрику свого народження і охрещення та являтися з нею у душпастиря, як цей робить йому послугу, записувану до метрикальних книг.

Стаття 49. 1. Кожний мирянин повинен знати основні правди католицької віри, свої релігійні обов'язки і свій обряд.

2. Кожний мирянин повинен мати молитовник, катихизм і св Письмо, а у своєму мешкальному домі св. Хрест і ікони, принаймні ікони Спасителя і Пресв. Богородиці.

Стаття 50. Миряни повинні знати різниці поміж своїм і чужими віровизнаннями. Вони не сміють ходити до церков, ані брати участі в богослужбах чужих віровизнань, наприкл. співати в хорі, грати на інструменті. Вони не сміють теж запрошувати іновірців до активної участі у своїх релігійних чинностях, наприкл. на хресних батьків своєї дитини, на свідків при заключуванню подружжя.

Стаття 51. Миряни повинні виявляти духовникам належну пошану. Зокрема свого душпастиря вони повинні шанувати, слухати його заряджень і помагати йому чим можуть у його парохіяльній і суспільній праці.

Стаття 52. Миряни повинні розуміти, що наша Церква в Канаді може існувати і діяти завдяки їхній прихильності й жертвенності для неї. Тому, що пожертви вірних є єдиним засобом будівництва і устатковування церков і всіх інших церковних установ, покривання парохіяльних видатків, винагороджування душпастирів, удержування Єпископської Курії і розгортання усієї церковної праці в Епархії, вірні обов'я-

register. To the degree that it is possible, they should have in their possession a copy of their birth and baptismal certificate so that when their pastor renders them a service to be entered into the parochial register.

Article 49. 1. The laity should know the basic truths of the Catholic faith, their religious obligations, and their rite.

2. The laity should have a prayer book, catechism book, and Sacred Scriptures, and in their homes, a holy Cross and icons, at the very least, the icons of Christ the Saviour and the Holy Mother of God.

Article 50. The laity should know the difference between their faith and the faith of others. They are not to go to churches of other faiths nor take part in their religious services, such as singing in the choir or playing instruments. They are also not to invite members of other faiths to active participation in their own religious activities, such as serving as godparents for their children, or being witnesses at marriages.

Article 51. The laity are to show proper respect for clerics. In addition, they are to show respect for their pastor, abide by his wishes, and assist him where they can in his parochial and community work.

Article 52. The laity should understand that our Church in Canada can exist and function only through their good will and generosity. Therefore, since the offerings of the faithful are the only means to ensure the building and erection of churches and all other ecclesial institutes, payment of parochial expenses, remuneration of clergy, subsistence of the episcopal curia, and development of all church work in the eparchy, the faithful are obligated in

зані в сумлінню і зі справедливости щедро жертвувати на всі ті цілі своєї Церкви. А вже найбільшу прислугу для своєї Церкви виявлять батьки, що віддадуть своїх дітей на службу Богові як священників, ченців і черниць.

Стаття 53. 1. Чоловіки повинні охотно приймати і сумлінно виконувати кожну церковну службу, на яку їх покличеться.

2. Жінки, в першу чергу членкині сестрицтв і побожних об'єднань, повинні дбати про чистоту і красу Божого дому. Вони повинні охотно віддавати свої послуги на різних парохіяльних і організаційних святах. Самі вони повинні являтися в Божому домі скромно і пристойно зодягнені і дбати, щоб їхні доростаючі дочки так само зодягнені приходили до Божого дому і взагалі скромно і пристойно зодягалися.

Стаття 54. 1. Батьки повинні заправляти своїх дітей вже змалку до релігійного життя. Вони повинні вчити дітей молитов, брати дітей зі собою до церкви і обов'язково посилати їх, де тільки це є можливе, до католицьких шкіл.

2. Батьки повинні дбати, щоб їхні доростаючі діти не ходили на такі забави і танці та не читали таких книжок і магазинів, що можуть потягати за собою моральне зіпсуття. Батьки повинні теж контролювати кінові, радіовисильні і телевізійні програми, якими цікавляться їхні діти.

Стаття 55. 1. Церковна прислуга і хлопці вівтарної дружини мають не тільки у святилищі, але і в церковній захристії, здержуватися від непотрібної і гамірної розмови та біганини. Якщо вони зодягаються на церковних богослужбах у ряси чи далматіончики, не сміють являтися у них поза церквою,

conscience and out of righteousness to donate generously towards all these ends of their Church. The greatest service that parents can give to the Church, however, is to offer their children for the service of God as priests, religious, and monastics.

Article 53. 1. Men should be willing to accept and conscientiously carry out all ecclesiastical services to which they are called.

2. Women, in the first place members of sisterhoods and religious associations, are to care for the cleanliness and beauty of the house of God. They are to give willingly their services for various parochial and organizational purposes. They are to dress modestly and decently when in the house of God, and see to it that their maturing girls do likewise in and out of church.

Article 54. 1. Parents are to educate their children from an early age concerning religious life. They are to teach their children prayers, bring them to church, and, where possible, are obliged to send them to Catholic schools.

2. Parents are to see to it that their growing children do not take part in such parties and dances, nor read such books and magazines which may bring about moral decay. Parents are also to monitor films, radio and television programs which may be of interest to their children.

Article 55. 1. Those who serve in church, including altar boys, are to refrain from unnecessary and noisy talking and running, not only in the sanctuary but also in the sacristy. If they dress in cassocks or dalmatics for liturgical services, they are not to wear them outside the church unless they are fulfilling their function, taking

хіба що виконували б поза нею свою службу, наприклад йшли у процесійному поході (кан. 529, Про особи).

2. Церковна прислуга коло вівтаря повинна мати окрему чорну рясу, подібну до священничої рясни.

Б. Апостолят мирян

Стаття 56. 1. В умовинах нинішнього часу, що відвертають людину від Бога Творця, від Христа Спасителя і від Його Церкви, або навіть обертають проти них, безумовно конечною являється співпраця мирян з нечисельним і перетяженим обов'язками духовенством у сповнюванні великого апостольського діла—відновлюванні усього в Христі.

2. Організована співпраця мирян з духовенством носить почесну назву Апостолят мирян, яка визначає мирянам їхнє високе завдання. Вони мають бути співапостолами Христової справи.

3. Вже саме особисте зразкове життя мирянина, його щира набожність і його добрі вчинки, будуть мати апостольський вплив на інших що, згідно зі словами Ісуса Христа, будуть бачити їхні добрі діла і прославляти Отця, що на небесах (Мт. 5, 16).

Стаття 57. Апостолят мирян діє через церковні організації, які оснóвувати, наглядати і розв'язувати може тільки церковна влада — св. Апостольський Престіл і Єпархи місця. Церковна влада видає грамоти ерекції тих організації, одобрює їхні статuti, визнає їх моральними особами, наділює їх привілеями і помагає їм духово через відпоручених для них духовних провідників.

Стаття 58. 1. Миряни повинні охотно приставати до церковних організації в своїй церковній провінції

part in a procession, for example (CS, c. 529).

2. Those who serve at the altar are to be dressed in black cassocks, like that of a priest.

B. Lay Apostolate

Article 56. 1. In the circumstances of our time, which turn people away from God the Creator, from Christ the Saviour and from His Church, or even turn them against these things, the need presents itself, without a doubt, for the co-operation of laity with the clergy, who are small in number and overburdened with obligations, in the fulfilment of the great apostolic work—the renewal of all in Christ.

2. The organized co-operation of the laity with the clergy carries the honourable title of "Lay Apostolate" which distinguishes the laity's august task—they are to be co-apostles in Christ's vineyard.

3. Even the personal exemplary life of the laity, their sincere piety and their good deeds, will have an apostolic influence on others who, in accordance with the words of Jesus Christ, will see their good acts and give praise to the Father who is in heaven (Mt. 5, 16).

Article 57. The lay apostolate acts through ecclesiastical organizations which only the church authority, that is, the Holy Apostolic See and the local hierarchy, can establish, oversee, and dissolve. This authority issues the decree of erection of these organizations, approves their statutes, recognises them as moral persons, grants them privileges, and assists them spiritually through the appointment of spiritual directors.

Article 58. 1. The laity should willingly join church organizations in their ecclesiastical province and in its eparchies.

і в її Епархіях та навпаки, повинні сторонити від таких організацій, що підозрілі, або й виразно осуджені Церквою (кан. 530, Про особи).

2. Зокрема повинні миряни горнутися до братств і до побожних об'єднань в Епархії і в парохії. Вступивши у їх члени, вони повинні являтися на їхніх засіданнях, загальних зборах, на спільних богослужбах, слухати своїх духовних провідників і давати будуючий приклад християнського життя.

3. Миряни можуть належати до більше чим одної церковної організації.

4. До церковних організацій не можуть належати іновірці, публичні грішники ані особи, що не виконують своїх релігійних обов'язків (кан. 541, Про особи).

Стаття 59. 1. Епархіяльні духовні асистенти організацій наглядають у повній залежності від свого Єрарха за працею епархіяльних організацій, для яких вони назначені. Вони плянують програму праці своєї організації. В порозумінні з місцевими асистентами вони дають ініціативу праці своєї організації у парохіях.

2. Епархіяльні духовні асистенти дають Єрархові місця звіти про діяльність своїх організацій і подають повідомлення про неї в епархіяльному часописі, або в окремих публікаціях.

Стаття 60. Місцеві духовні асистенти мають бути душею організацій, для яких вони назначені. Вони повинні добре зазнакомитися з членами своєї організації, оживляти їх духом апостольства, дбати про скріплення організації новими членами, намічувати для неї провідників, допильновувати, щоби члени організації вели прикладне

Conversely, they should avoid organizations which are dubious or explicitly condemned by the Church (CS, c. 530).

2. In particular, the laity should embrace the brotherhoods and pious unions within the eparchy and parish. Having joined their membership, they are to attend meetings, general elections, common liturgical services, listen to their spiritual directors, and be inspirational examples of Christian life.

3. The laity can have membership in more than one ecclesiastical organization.

4. Non-Catholics, public sinners, and those who do not fulfil their religious obligations are not to be admitted as members in church organizations (CS, c. 541).

Article 59. 1. The eparchial spiritual directors of organizations oversee the work of the eparchial organizations for which they are appointed in full subordination to their Hierarchy. They are to plan the program of activity of their organizations. In co-operation with the local directors, they are to initiate the work of their organizations in parishes.

2. The eparchial spiritual directors are to report on the activity of their organizations to the local Hierarchy and provide information about their work to the eparchial newspaper or other publications.

Article 60. The local spiritual directors are to be the soul of the organization for which they are appointed. They are to become well acquainted with the members of their organization, animate them with a spirit of the apostolate, be concerned about the building up of the organization with new members, point out leaders for them, and see to it that the

християнське життя. Вони повинні членам своєї організації давати релігійно-виховні науки і раз у рік уряджувати рокове свято організації.

Стаття 61. Місцеві духовні асистенти повинні заохочувати членів своїх організацій, щоб вони молилися за священнічі і чернечі покликання. Вони повинні впливати, щоб члени їхніх організацій брали участь в духовних вправах, влаштовуваних окремо для них, або для загалу вірних. Крім цього вони повинні закликувати членів своїх організацій, щоб вони передплачували, поширювали і піддержували релігійну пресу.

Стаття 62. Всі церковні організації взаємно доповнюють себе у їхній апостольській праці і так наче становлять одну духову родину. Вони мають, одні одним, при кожній нагоді виявляти свою прихильність і давати собі підтримку.

Стаття 63. Єрарх місця затверджує вибрані управи і наглядає орудування майном всіх організацій, визнаних Церквою.

Стаття 64. У кожній парохії повинні обов'язково існувати: Братство Почитання Нсв. Тайн, Братство Християнського Навчання, Апостольство Молитви, і Марійська Дружина.

В. Організації, які Католицька Церква забороняє, або їх не дораджує

Стаття 65. 1. Католицька Церква виразно осуджує під карою виклю-

members of the organization lead exemplary Christian lives. They are to give religious educational talks to the members of their organization and organize an annual feast of the organization once a year.

Article 61. The local spiritual directors are to encourage the members of their organizations to pray for vocations to the priesthood and religious life. They are to influence the members of their organizations to take part in retreats which are either organized especially for them or for the faithful in general. They are also to encourage the members of their organizations to subscribe to, aid in the expansion of, and support the religious press.

Article 62. All ecclesiastical organizations complement themselves in their apostolic work and, as such, constitute one spiritual family. At every opportunity, they are to show their good will toward each other and offer support.

Article 63. The local Hierarchy is to confirm elected representatives and oversee the administration of the goods of all organizations which are approved by the Church.

Article 64. The following organizations must exist in every parish: Confraternity of the Adoration of the Most Blessed Sacrament, Confraternity of Christian Doctrine, Apostleship of Prayer, and Children of Mary.

C. Organizations forbidden or not recommended by the Catholic Church

Article 65. 1. The Catholic Church explicitly condemns, under penalty of ex-

чення, застереженою звичайним способом св. Апостольському Престолові, організації, що тайно чи явно діють проти Католицької Церкви і її навчання, як рівнож ті, що діють проти законної державної влади.

2. Католицька Церква заборонює вірним під тяжким гріхом належати до організацій, які від своїх членів вимагають сліпого послуху проведові організації і присяги або обітниць, що вони не виявлять нікому, ані навіть Церкві, таємниць своєї організації. Членам усіх тих організацій Католицька Церква каже відмовити на св. Сповіді розрешення, якщо каятник не хоче розв'язатися з такою організацією, та християнського похорону, якщо він помер, не розв'язавшись з нею.

3. Католицька Церква остерігає вірних перед організаціями, що, хоч нею виразно не осуджені, є для вірних небезпечні по причині свого релігійного індеферентизму (наприклад ІМКА і ІВКА). Сповідник може відмовити на св. Сповіді розрешення каятникові, що, хоч поважно загрожений зв'язком з тими організаціями, не хоче з ними розв'язатися.

4. Католицька Церква каже відтягати вірних від соціальних клубових організацій, що нав'язні духом релігійного індеферентизму, бо ті клубові організації, хоч не виступають ворожо проти Католицької Церкви, мають свої упередження до неї та ослаблюють сили католицьких організацій з подібними цілями.

communication, reserved in the ordinary manner to the Holy Apostolic See, those organizations which secretly or openly oppose the Catholic Church and its teachings, as well as those organizations which act against the legitimate civil authority.

2. The Catholic Church forbids the faithful, under serious sin, to belong to organizations which demand from their members blind obedience to their leadership, and oaths or promises, not to reveal to anyone, even the Church, the secrets of their organization. The Catholic Church denies absolution during the sacrament of confession to members of all such organizations if the penitent does not desire to sever ties with them, as well as Christian burial if he or she dies without having done so.

3. The Catholic Church warns the faithful about organizations that, although not explicitly condemned, are a source of danger of religious indifferentism for the faithful (eg., YMCA and YWCA). A confessor may deny absolution during the sacrament of confession to a penitent who, although seriously threatened by ties with such organizations, does not wish to sever relations with them.

4. The Catholic Church recommends that the faithful stay away from social club organizations which are permeated with the spirit of religious indifferentism, since these clubs, although not openly opposed to the Catholic Church, have their prejudices towards it and weaken the strength of Catholic organizations with similar purposes.

ЧАСТЬ II: ПРО РЕЧІ

Глава I: Про св. Тайни

Стаття 66. 1. Душпастир повинен вірним уділювати св. Тайни охотно,

PART II: THINGS

Chapter I: Sacraments

Article 66. 1. The pastor is willingly to administer the holy sacraments to the

при слуханню св. Сповідей виявляти каянникам ласкавість і терпеливість, а в заосмотрюванні хворих останніми св. Тайнами пожертвуваність (коли він покликаний до хворого ніччю чи в зимову пору, на віддалене місце). При уділюванню св. Тайн він повинен уникати усього, що могло б викликати підозріння, що він уділює їх з користюлюбності.

2. Св. Тайни належить уділювати за обрядом, який приписує Требник, виданий за благословенням св. Апостольського Престолу в 1946 р. і за поясненнями Синоду.

А. Св. Т. Хрещення

Стаття 67. 1. Батьки мають приносити своїх новонароджених дітей до св. Хрещення можливо якнайскорше. Душпастир має батькам пригадувати цю їхню повинність у проповідях і катехизуваннях.

2. В загрозованих випадках належить хвору дитину хрестити сейчас після її народження, приватно і без обряду (з води). Якщо таке св. Хрещення уділював не священник, але інша особа, душпастир перевірить, чи збережені були всі вимоги важности св. Хрещення та подбає, щоб батьки в найскорішому часі принесли дитину для доповнення обряду св. Т. Хрещення, для уділення їй св. Т. Миропомазання і для вписання її у парохіяльні книги народжених і хрещених. Душпастир має повчити вірних, зокрема обслугу в родільнях, що вони обов'язані в наглих випадках хрестити хвору дитину і як її мають хрестити, щоби св. Т. Хрещення була важно уділена.

3. При хрещенню близнят, або збірному хрещенні більшого числа дітей, священник відмовляє молитви св. Т. Хрещення один раз, а дійства виконує

faithful, show kindness and patience to the penitent during the sacrament of confession, and offer the Last Rites to the sick in a spirit of sacrifice (especially when called out during the night, in winter, or from some distance). He is to avoid all that might raise suspicion, so that the administration of the sacraments would be most beneficial.

2. The holy sacraments are to be administered according to the ritual prescribed by the Trebnyk, published with the approval of the Holy Apostolic See in 1946, and with the explanations of the Synod.

A. Baptism

Article 67. 1. Parents are to present their new-born for the holy sacrament of baptism as soon as possible. The pastor is to remind parents of this obligation during his sermons and in catechesis.

2. In case of emergency, a sick infant is to be baptized immediately after birth, privately, and without ritual (but with water). If the baptism is administered by someone other than a priest, the pastor is to verify that all things required for the validity of the baptism were observed, and see to it that the parents present the infant as soon as possible for the fulfilment of the rite of baptism, for the administration of the sacrament of chrismation with holy myron, and for registration in the parochial register of births and baptisms. The pastor is to instruct the faithful, especially the staff in birth centres, that, in case of emergency, they are obligated to baptize a sick infant, and that, if it is necessary to baptize, the baptism will be validly administered.

3. On the occasion of the baptism of twins or a number of children, the priest is to recite the prayers of baptism once, whereas the action is accomplished over

над кожною дитиною окремо.

4. Перед хрещенням дорослого, священник має подбати, щоб він був достаточньо обучений в основних правдах віри і в основних речах християнського життя, а на хрещенні напімнути його, згл. допомгти йому, збудити в собі загальний жаль за свої особисті гріхи. Вказаним є, щоб дорослий після свого охрещення і миропомазання вислухав св. Літургії і прийняв на ній св. Причастя.

Стаття 68. 1. Дитина має бути хрещена і виховувана в обряді батька. В обряді матері має бути хрещена і виховувана дитина, народжена в подружжі матері католички і батька некаатолика, як теж дитина неповінчаної матері католички.

2. Дорослий, що походить від християнських батьків некаатоликів, має свободу вибрати обряд, у якому він хоче бути охрещеним. Одначе бажанням Церкви є, щоб такий хрещений задержував обряд своїх батьків (кан. 11, Про східні обряди).

3. Охрещений належить до обряду, у якому він був і мав бути законно хрещений. Коли хтось був хрещений в іншому обряді, як закон приписує, з якоїнебудь причини (дозволено, помилково або підступно), він належить до законом приписаного обряду. Охрещення в іншому обряді не має в тому випадку ніякого впливу на обрядову приналежність.

4. Священик, що охрестив когось, хто за приписами закону не є його обряду, має негайно переслати посвідку хрещення парохів чи Єрархові охрещеного з виправданням, де цього потреба.

Стаття 69. 1. Зміна обряду є застережена виключно св. Апостольському Престолові, який уділює дозволу на

each child individually.

4. Before the baptism of an adult, the priest is to ensure that the candidate has been sufficiently instructed in the basic truths of faith and matters of Christian life. At the baptism, the priest is to aid the candidate in awakening a general sense of repentance for his or her personal sins. It is desirable that the adult, having received baptism and chrismation with holy myron, participate in the Divine Liturgy and receive Holy Communion.

Article 68. 1. A child is to be baptized and educated in the rite of the father. A child born of a Catholic mother and non-Catholic father is to be baptized and educated in the rite of the mother, as is the child of an unwed Catholic mother.

2. Adults whose parents are baptized non-Catholics are free to choose the rite into which they are baptized. The desire of the Church, however, is that such candidates retain the rite of their parents (CS, c. 11).

3. The baptized belong to that rite in which they were, and should have been, legitimately baptized. If someone was baptised in a rite other than that determined by law, for whatever reason (with permission, by error, or by enticement), the baptized belongs to the rite prescribed by law. In such cases, the reception of baptism in another rite has no effect on membership.

4. A priest, having baptized someone belonging to another rite, is to send immediately notification of baptism to the proper pastor or Hierarch, together with an explanation where necessary.

Article 69. 1. A transfer of rite is reserved exclusively to the Holy Apostolic See, which it grants only for a serious cause

неї тільки з дуже важких причин і на-
завжди. Правдивість поданих у про-
ханні причин перевірює і потверджує
Єрарх просителя зміни обряду.

2. При правному переході батьків
на інший обряд переходять на змінений
ними обряд всі їхні недорослі діти,
хлопці до 14-го, дівчата до 12-го року
життя.

3. Жінці вільно при заключуван-
ню подружжя мішаного обряду або в
часі його тривання перейти до обряду
мужа. По смерті мужа їй вільно повер-
нутися до свого обряду (кан. 9, Про
східні обряди).

Стаття 70. 1. Дітей цивільно повін-
чаних батьків має священник хрестити,
якщо запевнене є католицьке вихо-
вання дітей. В парохіяльних книгах
народжених і хрещених він тоді не
виповнює рубрики про законність
дитини, а в заувазі принотовує: Батьки
дитини повінчані тільки перед цивіль-
ним урядом.

2. Дітей некатолицьких батьків
вільно священникові хрестити, якщо він
має певність, що дитина буде вихо-
вувана в католицькій вірі (батьки
обіцяють посилати дитину до като-
лицьких шкіл, хресні батьки окремо
ручать, що допильнують виховання
дитини в католицькій вірі.

Стаття 71. 1. Право на вибір
хресного імени дитини мають батьки
дитини. Коли б батьки упірно дома-
галися, щоб їхній дитині було надане
зовсім світське ім'я, чуже церковному
календареві, священник буде настою-
вати на батьків, щоб вони додали дитині
друге хресне ім'я Святих з церковного
календаря.

2. Вказаним є, щоб батьки пред-
кладали священникові документ заре-
єстровання їхньої дитини в цивільному

and with permanent effect. The Hierarch is
to investigate and verify the genuineness of
the reasons supplied by the petitioner in
his or her request for a transfer of rite.

2. If the parents lawfully transfer to
another rite, all their children (males up to
fourteen years of age, females up to twelve
years of age) are also transferred to the
same rite.

3. A wife who belongs to another rite
is at liberty to join the rite of her husband
at the time of marriage or during its
duration. At the death of her husband, she
is free to return to her own rite (CS, c. 9).

Article 70. 1. Children whose parents
were civilly married are to be baptized if
there is assurance that the children will be
raised in the Catholic faith. In the paro-
chial register of births and baptisms, the
priest is to leave the rubrics about the
legitimacy of the child blank, instead,
noting in the remarks: parents of the child
were married only before civil authorities.

2. A priest can baptize children of
non-Catholic parents if there is assurance
that they will be raised in the Catholic faith
(the parents promise to enrol the children
in Catholic schools; the godparents
separately promise that they will see to it
that the children are raised in the Catholic
faith).

Article 71. 1. Parents have the
right to choose the baptismal name of their
child. If the parents adamantly request that
their child be given an entirely secular
name, foreign to the ecclesiastical calendar,
the priest is to insist that the child be given
a second baptismal name, one from the
saints of the ecclesiastical calendar.

2. Parents are to provide the priest
with the civil document of registration of
their child so that the child's baptismal

уряді у тій цілі, щоби хресне ім'я і родинне прізвище дитини були однакові в цивільних і в церковних метрикальних книгах.

Стаття 72. 1. При хрещенню дитини повним обрядом двоє хресних батьків особисто або через своїх заступників, роблять відречення і хресні обіти іменем хрещеного. Дорослий і обучений хрещений має їх сам робити.

2. Хресні батьки беруть на себе зобов'язання обучити і виховати в католицькій вірі дитину, коли б рідні батьки це занедбали, або осиротили дитину. Для того хресні батьки мають бути бездоганними католиками.

3. Коли б батьки упірно домогалися, щоб хресними батьками їхньої дитини були іновірці, або явні грішники, а їхнє виключення загрожувало шкодою Церкві, священик вплине на батьків, щоб вони прибрали дитині ще двоє бездоганних хресних батьків, які будуть робити іменем дитини відречення і хресні обіти та будуть вписані в метрикальні книги.

4. Духовники можуть бути хресними батьками тільки за дозволом Єпарха місця, а ченці тільки за дозволом їхнього чернечого настоятеля.

5. Хресні батьки затягають з рідними батьками похресника і з похресником духове споріднення, що є розривною подружою перепonoю, яка розтягається виключно тільки на усіх них (духовне співбатьківство, духове батьківство).

Стаття 73. 1. Св. Т. Хрещення має бути з правила уділювана в церкві і на тих її місцях, які визначає Трєбник.

2. З важних причин можна св. Т. Хрещення уділити в парохіяльному (домашній молитовниці чи канцеларії),

name and surname are the same in both the civil and ecclesiastical registers.

Article 72. 1. At the baptism of a child with full ritual, two godparents, either personally or through proxies, make the renunciation and solemn promises in the name of the child. Adults who are instructed are to make them on their own.

2. Godparents have the responsibility of educating and raising the child in the Catholic faith in the event that the natural parents fail to do so or the child is left an orphan. Therefore, godparents are to be irreproachable Catholics.

3. If parents adamantly request that non-Catholics or public sinners be the godparents of their child, and their exclusion might injure the Church, the priest is to encourage the parents to choose two additional godparents of irreproachable character, who will make the renunciation and solemn promises in the child's name and whose names will be recorded in the parish register.

4. Clerics may serve as godparents only with the permission of the local Hierarch and religious only with the permission of their religious superior.

5. Godparents acquire a spiritual relationship with the natural parents of the baptized and with the baptized. This relationship is a marriage impediment which extends only to these individuals (spiritual co-parenthood, spiritual parent-hood).

Article 73. 1. The holy sacrament of baptism is to be administered in a church and in the places indicated by the Trebnyk.

2. For a just cause, baptism may be administered in a parish home (private chapel or office) or in a private home. In

або в приватному домі. В приватному домі належить для уділювання св. Т. Хрещення приготувати літургічно устроений столик

Стаття 74. 1. Священик обов'язаний безпосередно після уділення св. Т. Хрещення вписати охрещеного до своїх парохіяльних метрикальних книг народжених і хрещених, а на случай потреби відіслати теж посвідку охрещення, куди належить.

2. При вписі охрещеного у парохіяльні метрикальні книги народжених і хрещених душпастир має старанно приготувати такі речі, як наприклад узаконнення і адоптування охрещеного, зміну його імені і прізвища, закінчення ним подружжя, його рукоположення, зложення ним монашої професії, його канонічний перехід до іншого обряду.

Стаття 75. Важність св. Т. Хрещення, уділеної поза Католицькою Церквою належить розсуджувати (у випадках припинання еретиків і схизматиків на лоно Католицької Церкви, закінчення мішаних подруж, судового розглядання деяких подружних справ) за правилом: Віровизнання і секти, що визнають віру у Пресв. Тройцю, уділюють св. Т. Хрещення важно, коли зберігають матерію і форму і мають намірення робити то, що робить Христова Церква, хоч би в несуттєвих речах їхні навчання про Пресв. Тройцю, або про саму св. Т. Хрещення, не були точні. Віра у Пресв. Тройцю є часто зазначувана у метрикальних посвідках, видаваних урядами іновірців, надруком: Во ім'я Отця і Сина і Св. Духа. Амінь. Віровизнання і секти раціоналістичного і старозавітного духа та мало що з християнством пов'язані секти (мормони, духобори), оскільки вони загалом мають у себе звичай хрещення, хрестять неважно. Сумнівні випадки належить

the latter case, a proper liturgical table should be prepared for the administration of the sacrament.

Article 74. 1. After the administration of the sacrament, the priest is obligated to record without delay the baptism in the parochial register of births and baptisms and, if necessary, send a baptismal certificate wherever required.

2. When recording the baptism in the parochial register of births and baptisms, the pastor is also to note diligently such things as the legitimacy and adoption of the baptized, change of name or surname, matrimony, ordination, religious profession and canonical transfer to a different rite.

Article 75. The validity of the holy sacrament of baptism, administered outside the Catholic Church, is to be decided (in case of the reception of heretics and schismatics into the Catholic Church, mixed marriages, and the juridical investigation of certain matrimonial matters) thus: Denominations and sects, which profess belief in the Holy Trinity, validly administer the holy sacrament of baptism when they preserve matter and form, as well as have the intention of doing that which Christ's Church does, even if their teaching about the Holy Trinity, or about the holy sacrament of baptism itself, where non-essentials are concerned, is not exact. Belief in the Holy Trinity is often indicated on certificates of baptism which are issued by non-Catholic officials by: "In the name of the Father, and of the Son, and the of Holy Spirit. Amen." Denominations and sects of rationalist and Old Testament spirit and sects with little connection to Christianity (Mormons, Doukhobors), to the extent they even have a tradition of

предкладати до розсуджування Єрархові місця.

Б. Св. Т. Миропомазання

Стаття 76. Кожного року, сейчас після Великодня, всі самостійні душпастирі (парохи, парохіяльні завідателі і духовники, яким доручено постійне душпастирювання визначеної області на зразок парохів) відберуть від свого Єпископа новоосвячене св. Миро і будуть його від тоді уживати. Св. Миро з минулого року, зібране старанно у вату, вони спалють. Св. Миро вони мають зберігати у пристойному місці святилища, найкраще в шухлядці вдолі кивота, де така знаходиться, або в окремому на це призначеному сховищі. Не вільно його зберігати в кивоті.

Стаття 77. 1. Св. Т. Миропомазання уділюється безпосередню після хрещення, або після доповнення обряду хрещення.

2. Коли б укр. кат. духовник охрестив дитину, яка по приписам закону повинна належати до латинського обряду, йому строго заборонено миропомазувати дитину, хіба, що в поодиноких випадках він мав би на це окрему владу від свого Єрарха. Однак, коли б він помилково чи підступно миропомазував таку дитину, св. Т. Миропомазання була б важно уділена.

3. Нез'єдинених, приєднаних на лоно Католицької Церкви, належить миропомазувати, коли не можна довести, що вони були важно миропомазані.

В. Найсв. Т. Євхаристії

Стаття 78. 1. Священик повинен виявляти відповідну дбайливість у

baptism, baptize invalidly. Doubtful cases are to be referred to the local Hierarch for judgement.

B. Chrismation with Holy Myron

Article 76. Each year, following Easter, all independent priests (pastors, and parochial administrators and vicars who are permanently entrusted with pastoral care of a determined territory being the equivalent of pastors) receive from their Bishop newly consecrated holy myron which they are to use from then onward. Any unused holy myron from the previous year is to be burned. Consecrated holy myron is to be preserved in a suitable place in the sanctuary, most properly in a drawer in the tabernacle where available, or in a separate case specially designated for this purpose. It is not to be reserved in the tabernacle itself.

Article 77. 1. The holy sacrament of chrismation with holy myron is administered without delay after baptism or as part of the completion of the rite of baptism.

2. If a Ukrainian Catholic priest baptizes a child who belongs to the Latin rite according to the norm of law, he is strictly forbidden to chrismate the child with holy myron, unless, in individual cases, he has received explicit permission from his Hierarch. Nevertheless, if he should chrismate a child with holy myron in error or fraudulently, the sacrament is validly administered.

3. Separated Christians, at the time of reception into the Catholic Church, are to be chrismated with holy myron when it is difficult to ascertain if they previously received the sacrament validly.

C. The Most Holy Eucharist

Article 78. 1. Priests are to show proper concern for the quality of the

доборі матерії (видів) Найсв. Т. Євхаристії. Агнець і частиці мають бути вирізані з просфори, приготованої за літургічними приписами. Виноградне вино має бути гарантовано літургічне. Приготованих агнів і частиць може священник уживати хіба у випадку konieczности. Агнець і частиці мають бути дещо більші об'ємом і обов'язково квадратні.

2. На неквашеному хлібі не вільно укр. кат. священникові служити св. Літургію, ані не вільно йому розділювати св. Причастя неквашеними частицями, навіть вірним латинського обряду, за винятком таких випадків konieczности як: Уділення Напуття вмираючому, коли нема Найсв. Тайн на квашеному хлібі; докінчення св. Літургії, коли латинський священник, що її служив, захворів і нема іншого латинського священника, щоб її докінчив; спожиття, або розділення Найсв. Тайн на неквашеному хлібі, коли б їм загрожувала небезпека знищення або зневаження; случаю, передбаченого кан. 851, 2, К. к. пр. 3Ц.

3. Доливана до вина вода не сміє переходити одної п'ятої частини усього вина.

4. Щоб частиці не розсипалися в часі літургічних дійств, належить уживати дискоса з берегами.

Стаття 79. 1. Вірним уділюється св. Причастя тільки на св. Літургії і тільки під обома видами. Коли з важних причин прийшлося б священникові уділювати комусь св. Причастя поза св. Літургією, він має придержуватися обряду, який приписує Требник в своєму Додатку, стор. 51-53.

2. Згідно з галицькою традицією вірні приймають св. Причастя клячучи.

3. Вірні повинні завжди старатися приймати св. Причастя в своєму обря-

matter used for the Most Holy Sacrament of the Eucharist. The lamb and particles are to be cut from the prosphoron which has been prepared in accordance with liturgical prescriptions. Wine from grapes of the vine is to be guaranteed as liturgical. The priest can use pre-cut lambs and particles only out of necessity. The lamb and particles are to be somewhat larger in size and must be square.

2. Ukrainian Catholic priests are not permitted to use unleavened bread for the celebration of the Divine Liturgy, nor are they to distribute the Holy Communion in the form of unleavened particles, even to the faithful of the Latin rite, except: the distribution of Holy Viaticum to the dying when the Most Blessed Sacrament in leavened bread is not available; to complete a Divine Liturgy which has been celebrated by a Latin priest who becomes ill and another Latin priest is not present; when the consumption or distribution of the Most Blessed Sacrament of unleavened bread is in danger of destruction or abuse; and those cases foreseen by c. 851, 2 of *CIC* (1917).

3. The amount of water added to the chalice is not to exceed one-fifth of the amount of wine.

4. A diskos with a rim is to be used so that the particles do not fall off during liturgical activity

Article 79. 1. Holy Communion is to be distributed to the faithful only during the Divine Liturgy, and only under both species. If, for a just cause, Holy Communion is to be distributed outside the Divine Liturgy, priests are to follow the rite prescribed in the appendix of the *Trebnyk*, pp. 51-53.

2. In accordance with Galician tradition, the faithful are to receive the Holy Communion while kneeling.

3. The faithful are always to strive to receive Holy Communion in their own rite,

ді, зокрема діти перше св. Причастя, а дорослі пасхальне св. Причастя.

Стаття 80. 1. Першу св. Сповідь і перше торжественне св. Причастя дітей на їхньому 7-8 році життя належить завжди так влаштувати, щоб ця подія виходила торжественним діточим святом та назавжди залишалася у пам'яті дітей.

2. Дитину, яка має відповідне релігійне виховання і розуміє, що вона приймає у св. Причастю Тіло і Кров самого Христа Спасителя, можна допустити до св. Причастя у ранішому віці.

Стаття 81. Всі вірні обов'язані в пасхальному часі, який триває від першого дня Великого посту (понеділка 1-го тижня посту) до першої неділі по П'ятдесятниці (Неділі всіх Святих), прийняти пасхальне св. Причастя.

Стаття 82. Тяжко хворі, загрожені смертю, обов'язані прийняти св. Напуття і можуть його приймати більше разів в часі їхньої недуги. Вказаним є подавати хворому св. Частицю звогчену вином.

Стаття 83. Душпастир повинен заохочувати вірних, щоб вони приймали часто св. Причастя і поучувати їх про услів'я частого чи навіть щоденного св. Причастя.

Стаття 84. 1. За новими приписами Апостольського Письма *Motu proprio* "Сакрам Коммуніонем" з дня 19 березня 1957 (AAS, 59, 147) священників і вірних так обов'язує євхаристійний піст:

а) священник перед служінням св. Літургії, а вірні перед прийманням св. Причастя, мають через три години здержатися від солідної їжі і від алкогольних напунків;

especially children receiving First Holy Communion, and adults at Easter.

Article 80. 1. Children are to receive their first confession and first solemn Holy Communion at the age of seven or eight in such a manner, that the event becomes a solemn children's feast and is forever remembered by them.

2. A child, who, has sufficient religious education and understanding regarding the Divine Body and Blood of Christ the Saviour, can receive Holy Communion at an earlier age.

Article 81. The faithful are obligated to receive Holy Communion during the Paschal season, which runs from the first day of Great Lent (Monday of the first week of lent) until the first Sunday after Pentecost (Sunday of All Saints).

Article 82. Those gravely ill, in danger of death, are obligated to receive Holy Viaticum and may do so several times during their illness. The Holy Particle ought to be moistened with wine before being given to the sick.

Article 83. The pastor is to encourage the faithful to receive Holy Communion often and to instruct them on the conditions of its frequent, even daily, reception.

Article 84. 1. As a result of the new directives of the Apostolic Letter *Motu proprio Sacram Communionem*, March 19, 1957 (AAS, 59, 147), priests and the faithful are obliged to keep the Eucharistic fast in the following manner:

a) Priests, prior to the celebration of the Divine Liturgy, and the faithful, prior to the reception of Holy Communion, are to abstain from solid foods and alcoholic beverages for three hours;

б) священник перед служінням св. Літургії, а вірні перед прийманням св. Причастя, мають через годину здержатися від усіх напунків, хочби вони були неалькогольні (напунком вважається все те, що, заки взяти до уст, є у рлинному стані);

в) хворі можуть без ніякого обмеження приймати ліки, хочби вони містили в собі алькогольні складники, але належали до категорії ліків;

г) вода в ніякому випадку не порушує євхаристійного посту (під водою належить розуміти теж мінеральні води і води з дрібною домішкою хемікалій).

2. Ті самі приписи про євхаристійний піст обов'язують священника перед служінням пополудневої чи вечірної св. Літургії і вірних, що на них приступають до св. Причастя.

3. Священник, що двоїть св. Літургію перед впливом трьох годин і уживає при двоєнні ту саму чашу, вмиває її по першій св. Літургії самою водою.

4. Священник і вірні, що можуть зберігати дотеперішні строгіші приписи про євхаристійний піст, т. зн. здержуватися від їжі і від напунку, навіть від води, по півночі перед служінням св. Літургії і прийманням св. Причастя, повинні це робити в дусі умертвлення і набожності.

Стаття 85. Душпастир має постійно в церкві свого осідку переховувати Найсв. Тайни і їх правильно змінювати (що два тижні). Перед кивотом, у якому переховуються Найсв. Тайни, має горіти вічна оливна лампадка. Кивот має бути замкнений на ключ, якого береже душпастир. Якщо б церква була віддалена від парохіяльного дому, або зимою не огрівана і не уживана, Єрарх місця може дозволити

b) Priests, prior to the celebration of the Divine Liturgy, and the faithful, prior to the reception of Holy Communion, are to abstain from all beverages, even non-alcoholic ones, for one hour (these include anything which, before taken in the mouth, is in liquid form);

c) The sick can take medications without restriction even if these contain some alcohol provided they are still considered medicine.

d) In no way does water break the Eucharistic fast (water includes mineral water and water with small amounts of chemicals).

2. These same norms also obligate priests when celebrating the Divine Liturgy in the afternoon or evening, as well as the faithful who receive Holy Communion at these times.

3. Priests who intend to use the same chalice to celebrate a second Divine Liturgy within three hours or less from the first, are to rinse it with water only.

4. Priests and the faithful, who are able to follow the previous more strenuous norms concerning the Eucharistic fast (abstaining from food and drink, even water, from midnight before the celebration of the Divine Liturgy and the reception of Holy Communion), should continue do so in the spirit of mortification and piety.

Article 85. Pastors are to reserve the Most Blessed Sacrament permanently in their parish, changing it often (once every two weeks). An eternal oil lamp is to be kept burning in front of the tabernacle in which the Most Blessed Sacrament is kept. The tabernacle is to be kept locked and the key is to be kept by the pastor. If the parish is a great distance from the parochial residence, or is not heated and not used in the winter, the local Hierarch can allow the

душпастирєві переховувати Найсв. Тайни у його домашній молитовниці (в тому випадку будуть ще строгіше обов'язувати приписи про уміщення домашньої молитовниці). Кожний раз, коли це буде потрібне, душпастир вміє дарохранильницю.

Г. Св. Т. Покаяння

Стаття 86. 1. Кожний священик, уповажнений до слухання св. Сповідей своїм Єрархом, може їх слухати:

1) всюди у своїй Єпархії, за вийнятком т. зв. виключних місць другого обряду (церкви, парохіяльного дому) і місць, вийнятих з-під власти Єрарха місця чернечих спільнот (манастиря, домашньої манастирської молитовниці).

2) всюди в Канаді кожного священика, членів його родини і його хатної прислуги (Дії і рішення I Пленарного Квебекського Синоду, розд. XI, гл. 5, стаття 484, стор. 371).

2. На слухання св. Сповідей черниць треба священикові мати окрему власть від Єрарха місця. Коли б у священика, окремо не уповноваженого до слухання св. Сповідей черниць, поза своїм манастирським домом голосилася черниця з проханням св. Сповіді, він буде міг її висповідати на такому місці, на якому звичайно слухає св. Сповідей.

3. Парох, парохіяльний завідатель, духовник, якому віддане душпастирювання визначеної області на постійне, ректор і капелян можуть на своїй області уділити власти слухати св. Сповідей на протязі трьох днів кожному священикові якогонебудь католицького обряду, уповаженому слухати св. Сповідей у своїй Єпархії.

Стаття 87. У своїх розмовах і в проповідях священик повинен дуже

pastor to keep the Most Blessed Sacrament in his private chapel (in which case, the norms regarding the erection of a private chapel are to be adhered to even more stringently). Whenever necessary, the pastor is to wash the pyx.

D. Confession

Article 86. 1. All priests who have the faculty to hear confessions from their Hierarch may hear them:

1) everywhere in their own eparchy, with the exception of so-called exclusive places of another rite (churches, parochial residences) and places of religious institutes exempted from the authority of the local Hierarch (monasteries, private monastic chapels).

2) everywhere in Canada of another priest, members of his family, and his house servants (Acts and Decisions of the First Plenary Synod of Quebec, part XI, chapter 5, Article 484, p. 371).

2. Priests are to obtain a separate faculty from the local Hierarch in order to hear the confessions of female religious. If a female religious outside of her monastic house requests confession of a priest, who does not have a separate faculty to confess female religious, he may hear her confession in a place where he usually hears confessions.

3. Pastors, parochial administrators, and clerics who have permanently received a pastoral assignment of an appointed territory, rectors and chaplains, can grant the faculty to hear confessions, anywhere in their own territory, for a period of three days, to priests of any Catholic rite who have received the faculty in their own eparchies.

Article 87. In their talks and sermons, priests are to take care that they do

вистерігатися, щоб не стягнув на себе підозріння, що він зраджує таємницю св. Сповіді. Про речі зі св. Сповідей він загалом не повинен говорити, коли при розмові є приявні миряни. Коли б він мав поза св. Сповідю орудувати якусь справу каяника, нехай попросить від нього дозволу на те.

Стаття 88. Кожний вірний обов'язаний відбутися хоч раз у рік св. Сповідь. У Великодньому часі нехай він прийме св. Причастя, коли не має тяжкого гріха на сумління, хочби не сповідався.

Стаття 89. Душпастир повинен поручувати вірним і давати їм змогу і вигоду, щоб вони відбували часто св. Сповідь, особливо з таких нагод, як Христове Різдво, храмовий празник, травневі Марійські богослужби. Час до часу він повинен запросити до слухання св. Сповідей своїх вірних чужого священика. На початку і при кінці шкільного року він повинен зарядити св. Сповідь і св. Причастя для шкільної молоді.

Стаття 90. Св. Т. Покаяння належить уділювати з ось яким обрядом: Священик, одягнений в єпитрахиль, заки зачне сповідати робить перед престолом три поклони, переходить перед тетрапод і відмовляє Начало обичне включно до Прийдіте поклонімся. Відтак йде до сповідальниці слухати св. Сповідей. По їх закінченні він повертається до тетраподу, відмовляє Отпуст дня, цілує св. Хрест і св. ікону на тетраподі і відходить до святилища. Не повертається до тетраподу, але йде просто до святилища, відмовляючи Отпуст дня, якщо він заколючував би богослужбу.

not draw suspicion upon themselves that they are betraying the seal of the sacrament of confession. They are never to discuss matters arising out of the sacrament of confession in the presence of the laity. When they are required to treat a matter concerning some penitent outside of the sacrament, they are to ask him or her for permission to do so.

Article 88. The faithful are obliged to receive the sacrament of confession at least once a year. They are to receive Holy Communion during the Paschal season, even if they have not confessed, unless they are conscious of having committed a grave sin.

Article 89. Pastors are to recommend that the faithful receive the sacrament of confession often, as well as provide them with the opportunity and convenience to do so, especially at times such as the Nativity of Christ, their parish feast day, and May Marian devotions. At times, pastors should invite another priest to hear the confessions of their own faithful. At the beginning and end of the school year, they should provide the sacraments of Holy Confession and Holy Communion for the students.

Article 90. The sacrament of confession is to be administered in this manner: A priest, vested in epitrachelion, enters the sanctuary and makes three bows before the holy table. Going before the tetrapod, he recites the Usual Beginning up to and including "Come, Let us Worship." He then enters the confessional. When finished hearing confessions, he returns to the tetrapod, recites the dismissal of the day, kisses the cross and holy icon on the tetrapod, and returns to the sanctuary. When a liturgical service is in progress, and so as not to disrupt it, he goes directly to the sanctuary and there recites the dismissal of the day.

Стаття 91. В жадній з Епархій Укр кат. Вінніпегської Митрополії нема Єрархом місця задержаних гріхів.

Г. Св. Т. Оливопомазання

Стаття 92. 1. У тяжкій недужі, зарожуючій смертю, хворі, які дійшли до вживання розуму, обов'язані прийняти св. Т. Оливопомазання не більше як один раз, хіба що з їхньої недуги вив'язалася інша і така сама загрозна недуга.

2. Душпастир має в своїх проповідях і катехизуваннях повчати вірних, що родина хворого є обов'язана вплинути на хворого і закликати священника, який завчасу заосмотрив би його останніми св. Тайнами. Він має теж повчати вірних, що св. Т. Оливопомазання має на цілі привертати хворому здоров'я душі і тіла і таким способом усувати у них упередження до її приймання.

3. У випадках сумніву, чи неприємний хворий є розположений прийняти св. Т. Оливопомазання, або в сумніві, чи він ще живий, св. Т. Оливопомазання належить уділити йому услівно.

4. Заосмотрюючи хворого останніми св. Тайнами, священник має уділити йому теж повний відпуст (Декрет Свщ Конгрегації для Поширення Віри з дня 22 березня 1912 р.).

5. Тяжко хворого душпастир повинен часто відвідувати і помагати йому по християнськи зносити своє терпіння, а якщо така Божа воля, то і по християнськи умирати.

Стаття 93. В випадку konieczности священник важно уділює хворому св. Т. Оливопомазання одним помазанням чола великим пальцем, або вжитим до того інструментом.

Article 91. There are no reserved sins in any of the eparchies of the Ukrainian Catholic Winnipeg Metropolia.

E. Anointing of the Sick

Article 92. 1. Those gravely ill, in danger of death, and the sick, having reached the age of reason, are obligated to receive the sacrament of anointing of the sick no more than once, unless their illness results in another and similarly threatening illness.

2. Pastors, during their sermons and catechesis, are to instruct the faithful that they are obligated to influence ill family members to request a priest to administer the Last Rites in due time. They are also to teach the faithful that the purpose of the Sacrament of Anointing with Oil is to restore to health the body and soul of the sick, thus removing their aversion to receiving it.

3. When it is doubtful whether someone unconscious is properly disposed to receiving the Sacrament of Anointing with Oil, or even whether the person is alive, it is to be administered conditionally.

4. At the administration of the Last Rites, the priest is also to grant a plenary indulgence to the sick (Decree of the Sacred Congregation for the Propagation of the Faith, March 22, 1912).

5. Pastors are to visit frequently those gravely ill and help them bear their suffering in a Christian manner, and if such is the will of God, likewise to die in a Christian manner.

Article 93. In case of necessity, priests validly administer the sacrament of anointing of the sick by means of a single anointing on the forehead with the thumb or an instrument.

Д. Св. Т. Священства

Стаття 94. 1. Душпастир, що часто працює один за двох і на своїй власній особі досвідчує недостачу священників в Епархії, повинен підхоплювати кожний прояв священничого покликання у хлопців своєї парохії і його вирощувати. Хлопців своєї парохії, що проявляють священниче покликання, він повинен спрямовувати до повносередніх шкіл, які є Малими Семінаріями, або наближаються до них. В часі шкільних ферій душпастир повинен в окремий спосіб опікуватися такими хлопцями і піддержувати у них духа покликання.

2. Як довго в Вінніпегській Митрополічій провінції нема власної Духовної Семінарії, Єрархи на своїх річних конференціях подбають про те, щоб усі їхні питомці були скупчені в одній з Духовних Семінарій та щоб для них був приділений священник, який служив би їм богослужби в укр. обряді і вчив їх літургії, старослов'янської мови, церковного співу, східної богословії і східного канонічного права. Найкраще було б, якби їхні питомці могли виховуватися в Папській Великій Духовній Семінарії в Римі.

3. Духовний душпастир буде старатися, щоб свячення його парохіянина і перша ним служена св. Літургія виходила якнайторжественніше і діяли заохочуючо до священничих покликань.

Стаття 95. Звичай святкування священничих ювілеїв належить обмежити до 25- і 50-річчя священства, зате святкувати їх торжественно, з більшою участю духовників і вірних.

Е. Св. Т. Подружжя

Стаття 96. Коли у душпастиря являться женихи, що наміряють заклю-

F. Priesthood

Article 94. 1. Pastors, who often do the work of two people, and personally experience the shortage of clergy in their eparchy, are to seize every indication of a priestly vocation in boys of their parishes and to cultivate it. Boys in their parishes, who manifest a priestly vocation, are to be directed towards junior high schools which are minor seminaries or like them. During vacations from school, pastors are to care for such boys in a special way and support their religious vocation.

2. Until such time as the Winnipeg Metropolitan province has its own major seminary, the Hierarchs, during their annual conferences, are to see to it that all their seminarians are gathered together in one major seminary, and that a priest is appointed to celebrate for them liturgical services in the Ukrainian rite and to teach them liturgics, Church Slavonic, liturgical chant, Eastern theology, and Eastern canon law. It would be best if their seminarians were to be educated in the Pontifical Major Seminary in Rome.

3. The pastor is to ensure that the ordination of one of his parishioners and the priest's first Divine Liturgy are most solemnly celebrated, thus encouraging priestly vocations.

Article 95. The custom of celebrating the anniversary of ordination is to be restricted to the 25th and 50th, however they should be solemnly celebrated with the greatest participation possible of clerics and faithful.

G. Marriage

Article 96. When couples present themselves in order to contract marriage,

чити подружжя, він в першу чергу впевнить себе, чи він є компетентний їх вінчати. В тій цілі він поставить їм питання, якого вони віровизнання і обряду та де вони замешкалі. Після ствердження своєї компетенції їх вінчати, він може зачинати переводити з ними приписаний і в кожному випадку обов'язковий передвінчальний протокол. Предложений женихами дозвіл цивільного уряду на заключення подружжя, т. зв. лайценс, не є ще запорукою, що вони можуть заключити дозволене і важне церковне подружжя. Всі акти передвінчальних орудувань душпастир має складати в одну цілість (файл, фолдер) і переховувати їх в парохіяльній канцеларії. Тільки персональні документи він може видати їхнім власникам, зазначаючи, хто і коли їх вибрав.

Стаття 97. 1. Передвінчальний протокол має на цілі ствердити:

- 1) охрещення, миропомазання, віровизнання і обряд женихів;
- 2) повнолітність женихів;
- 3) вільний стан женихів;
- 4) відсутність заборонюючих і розривних перепон;
- 5) вільну і не силувану волю женихів; і
- 6) достаточне знання у женихів правд християнської віри.

2. Дозвіл на заключення подружжя неповнолітнім женихам (тим, що не скінчили 21-го року життя) дають їхні батьки, якщо батько покійний — матір, якщо обоє батьки покійні — опікун, якщо батьки розділені зі собою — те з батьків, на чийому вихованні є неповнолітний жених.

3. Вільний стан женихів і відсутність інших перепон, що стояли б на перешкоді до заключення їхнього наміреного подружжя потверджують батьки женихів, як теж предложені женихами документи.

the pastor is first to assure himself that he is competent to marry them. To this end, he is to inquire as to their religion and rite and where they live. After assuring himself of his competency to marry them, he can begin to conduct with them the prescribed, and in every case, obligatory, pre-matrimonial investigation. The presentation of the permission of the civil government to marry, the so-called "license", does not guarantee that they can licitly and validly contract marriage in the Church. The pastor is to gather all the pre-matrimonial acts administered together (in a file or folder) and preserve them in the parochial chancery. He is to return only personal documents to their owners, noting at the same time, who retrieved them and when.

Article 97. 1. The purpose of the pre-matrimonial investigation is to ascertain:

- 1) baptism, chrismation, religion and rite of the parties;
- 2) proper legal age;
- 3) freedom to marry;
- 4) absence of prohibitive and diriment impediments;
- 5) free and willful consent of the parties; and
- 6) sufficient knowledge of the truths of the Christian faith.

2. The parents of a minor (those who have not completed their twenty-first birthday) are to grant permission for his child to marry, or the mother if the father is deceased, or the guardians if both are deceased. If the parents are separated, then the permission is to be granted by the parent raising the minor.

3. Parents are to confirm the freedom of the parties to marry and the absence of any impediments which may stand in the way of the intended marriage, as well as any documents presented by the parties.

4. Женихів належить питати осібно бодай про те, чи вони заключають подружжя добровільно.

5. Женихів, що не є достаточо обучені в правдах християнської віри, душпастир має обучити принаймні на шістьох лекціях і упевнитися, що вони ті правди знають. Вказаним є дати женихам короткий і приступний катихизм, щоб вони навчилися з нього правд віри, евентуально теж молитов.

Стаття 98. 1. До передвінчального протоколу обов'язані предложити такі документи:

1) метрики народження, хрещення і миропомазання, коли вони не є вписані в метрикальні книги парохії, у якій мають вінчатися;

2) метрики смерти супругів, коли вони повдовілі;

3) вироки, або декрети Церковного Суду, коли їхні перші подружжя були проголошені неважними, або їхні перші супруги померлими.

2. Від обов'язку предкладання документів до передвінчального протоколу звільнює Єрарх місця, коли з іншого джерела є певним то, що мали б стверджувати документи. Єрарх місця дає теж дозвіл на стверджування доповнюючою присягою.

Стаття 99. 1. Душпастир голосить передвінчальні оповіди на трьох чергових неділях і святах, зазначуючи кожним разом, котра це з черги оповідь та пригадуючи вірним обов'язок донести йому про перепону, яка була б їм знана.

2. Якщо котре з женихів є замешкале в іншій парохії, оповіди мають бути голошені теж у його парохії.

3. Якщо котре з женихів є іншого католицького обряду, або замешкале в іншій Епархії, треба просити від його

4. The parties are to be interviewed separately, at least in relation to whether they contract marriage willingly.

5. Clerics are to instruct those parties who are not sufficiently educated in the Christian faith for, at the very least, six lessons, and then verify their knowledge. In this regard, the parties are to be given a short and easily comprehended catechism, so that they learn the truths of the faith, and subsequently prayers.

Article 98. 1. The parties are to present the following documents at the pre-matrimonial investigation:

1) certificate of birth, baptism, and chrismation with holy myron if they are not recorded in the register of the parish in which they are to be married;

2) certificate of death of their spouse, if they are widowed;

3) sentence or decree of an ecclesiastical court if their first marriage was declared invalid or their first spouse declared deceased.

2. The local Hierarch can dispense from the obligation of presenting documents at the pre-matrimonial investigation when the information has been verified by another source. The local Hierarch can also dispense from the verification by means of a supplementary oath.

Article 99. 1. The pastor is to announce pre-marriage banns on three consecutive Sundays or holy days, each time indicating the number of the announcement and reminding the faithful that they have an obligation to inform him of any impediment that they may be aware of.

2. If one of the parties resides in another parish, the banns are also to be announced in that parish.

3. If one of the parties belongs to another Catholic rite or resides in another eparchy, a testimonial letter is to be

Єрарха посвідки, що нема перешкод до заключення подружжя (Нігіль обстат).

4. У випадках заключування подружжя за розрішенням від заборонюючої перепони мішаного віровизнання, або розривної перепони різного богочитання душпастир голосить оповіди без окремого дозволу на те Єрарха місця, але при голошенню оповідей промовчує віровизнання чи неохрещення некатолицького жениха.

5. У випадках заключування подружжя не системою лайсенсу, а системою голошення оповідей, душпастир має строго зберегти усі вимоги цивільного права щодо голошення передвінчальних оповідей.

6. У випадках, коли передвінчальні оповіди не могли б бути виголошені, духовник душпастир має просити іменем женихів розрішення від церковного закону про голошення оповідей, подаючи причини, промовляючи за уділенням розрішення.

Стаття 100. 1. Всі прохання за розрішення женихів від подружжя перепон, від подружжя церковних законів і від обов'язку предкладання документів до передвінчального протоколу виготовляє іменем женихів і пересилає Єрархові місця душпастир, уповажений до вінчання, подаючи при цьому канонічні і розумні причини, промовляючи за уділенням розрішення.

2. У випадках розрішень від перепон споріднення і посвоячення має бути завжди долучене до прохання дерево споріднення чи посвоячення.

3. У випадках розрішень від перепон мішаного віровизнання і різного богочитання духовник душпастир зазначає, що женихи зложили правом приписані за поруки.

obtained from that party's Hierarch stating that nothing stands in the way of the marriage (*nihil obstat*).

4. In cases of the contraction of marriage with a dispensation from the impediment of disparity of worship or of mixed religion, the pastor is to announce the banns without any special permission from the local Hierarch, however, without revealing the religion or non-baptism of the non-Catholic party.

5. Where the system of marriage licenses is not used, but rather a system of announcing banns, the pastor is to safeguard strongly all the requirements of civil law regarding the announcement of pre-marriage banns.

6. Where the pre-marriage banns cannot be announced, the pastor is to request a canonical dispensation from the announcement of the banns, supplying the reasons why the dispensation should be granted.

Article 100. 1. All requests for dispensations from marriage impediments, from matrimonial canon law, and from the obligation of presentation of documents during the pre-matrimonial investigation are to be prepared by the pastor authorized to bless the marriage. They are then to be forwarded to the local Hierarch, together with canonical and sound reasons why the dispensation should be granted.

2. Requests for dispensations from the impediments of consanguinity and affinity are to include a tree of consanguinity or affinity.

3. In cases of dispensations from the impediments of mixed religion and of disparity of worship, the pastor is to indicate that the parties have made the prescribed guarantees required by law.

Стаття 101. 1. Важно благословить подружжя так своїх вірних, як теж посторонних женихів, парох, завіда-тель парохії і самостійний душпастир, якому віддане душпастирювання визначеної округи на постійне, коли:

- 1) на своїй області;
- 2) в прияві бодай двох свідків;
- 3) від женихів, з яких бодай одне є їхнього обряду;
- 4) відбирають заяву згоди на подружжя; і
- 5) благословлять їх священим обрядом (бодай рукою, не проказуючи благословлення словами).

На своїй області вони мають право відпоручувати в поодиноких випадках до благословлення подружжя кожного іншого священика і теж йому уділовати право відпоручування. При відпоручуванню завжди мусять бути виразно названі так відпоручений священик, як і женихи, яких подружжя він має благословити (кан. 87, 1, 1, Про Т. Подр.).

2. Єрарх місця, або парох можуть уділити загальну владь благословити подружжя на області парохії співдіючому сотрудникові (вікарієві кооператорові), якому тоді прислуговує теж право відпоручування (кан. 87, 1, 2, Про Т. Подр.).

Стаття 102. 1. Дозволено благословлять подружжя:

- 1) обоїх женихів свого обряду — душпастир невісти;
- 2) женихів двох різних католицьких обрядів — душпастир жениха;
- 3) женихів мішаного віровизнання, або різного богопочитання — душпастир того з женихів, що є католицького віровизнання і його обряду.

2. Українському душпастиреві може дати дозвіл благословити подружжя двоїх вірних латинського обряду, або

Article 101. 1. Pastors, parochial administrators, and independent pastors, who are permanently entrusted with pastoral care of a determined territory, validly bless the marriage of their faithful as well as transients:

- 1) within the limits of their territory;
- 2) in the presence of at least two witnesses;
- 3) when at least one of the parties is of their rite;
- 4) when marriage consent is manifested; and
- 5) when the parties are blessed with a sacred rite (at least by hand, without a verbal blessing).

They can delegate the faculty to bless the marriage to another priest within the limits of their territory for individual cases, and also grant the same priest the power to subdelegate. The delegation is always clearly to indicate the delegated priest as well as the parties whose marriage he is to bless (CA, c. 87, 1, 1).

2. The local Hierarch or pastor can grant the general faculty to bless marriages within the territory of the parish to the vicar assistant (vicar cooperator), who also enjoys the faculty to subdelegate (CA, c. 87, 1, 2).

Article 102. 1. Marriages are licitly blessed:

- 1) by the pastor of the bride when both parties are of his rite;
- 2) by the pastor of the groom when the parties are of two different Catholic rites;
- 3) by the priest of the party who is Catholic and of his rite when the parties are of mixed religion or of different faiths.

2. The Latin rite local Hierarch can grant a Ukrainian priest the faculty to bless the marriage of two Latin rite faithful, or of

вірного латинського обряду, який заключає подружжя з некатоліком, місцевий Єрарх латинського обряду, і навпаки, латинському душпастиреві може дати дозвіл благословити подружжя двоїх вірних українського обряду, або вірного українського обряду, який заключає подружжя з некатоліком, місцевий Єрарх українського обряду.

3. Дозвіл благословити подружжя двоїх женихів різного католицького обряду парохом і обрядом невісти є застережений св. Апостольському Престолові. Дозволу уділює Апостольський Делегат для Канади.

Стаття 103. 1. Неважно заключене подружжя може бути уважене в обличчі Католицької Церкви, або звичайним способом, або виліченням його в корені.

2. Подружжя, що було неважно заключене по причині незбереження правом приписаної форми, душпастир уважнює відновленням згоди на подружжя в прияві двох свідків і обов'язково уділенням благословенням відновляючим згоду на подружжя. Якщо подружжя було неважне по причині розривної подружжя перепони, душпастир уважнює його тим самим способом по уступленні перепони, або уділенню розршення від неї.

3. Коли подружжя уважнюють ті, що його неважно заключували перед некатоліцьким служителем, або жили у явному і згіршаючому наложництві, душпастир має просити для себе від Єрарха місця властей розрішити уважнюючих подружжя від церковних кар, які вони на себе стягнули.

4. Коли неважно заключене подружжя не може бути уважене звичайним способом, чи то через опірність тих, що його заключували, чи через таємність перепони, з якою вони його заключували, а згода на подружжя безсумнівно триває, душпастир, заподавши

a Latin contracting marriage with a non-Catholic, and likewise, the Ukrainian rite local Hierarch can grant a Latin priest the faculty to bless the marriage of two Ukrainian rite faithful, or of a Ukrainian rite party contracting marriage with a non-Catholic.

3. Permission for the pastor of the rite of the bride to bless the marriage of parties of two different Catholic rites is reserved to the Holy Apostolic See. The Apostolic Delegate for Canada can grant the necessary permission.

Article 103. 1. An invalidly contracted marriage can be validated in the Catholic Church either by simple convalidation or by radical sanation.

2. A pastor validates a marriage invalidly contracted, due to lack of canonical form, with the renewal of marriage consent by the parties in the presence of two witnesses and with the conferral of the obligatory blessing. In the same manner, a pastor validates a marriage, invalid because of a nullifying marriage impediment, once the impediment ceases or a dispensation is granted.

3. When the parties wish to validate their marriage, invalidly contracted before a non-Catholic minister or invalid because of notorious and public concubinage, the pastor is to request from the local Hierarch the authority to absolve the parties from the ecclesiastical penalty incurred.

4. When an invalidly contracted marriage cannot be validated by simple convalidation, either because of the opposition of the parties or because of an occult marriage impediment, and where, without a doubt, the marriage consent continues to exist, the pastor is to present

дійсний стан, пропонує справу Єрархові місця до вилічення подружжя в корені.

Стаття 104. 1. Кожне заключене подружжя душпастир вписує до парохіяльних метрикальних книг вінчаних, зазначаючи завжди свій службовий характер, або факт відпоручення. Коли женихи є уродженцями його парохії, він приготує заключення їхнього подружжя в своїх метрикальних книгах народжених і хрещених. Коли ж вони є сторонні, він пересилає повідомлення про їхнє заключене подружжя душпастирям їхніх місць народження в цілі такого самого приготування.

2. Кожне уважнюване подружжя душпастир вписує до парохіяльних метрикальних книг вінчаних за датами його неважного заключення, приготувавши вдолі впису факт його уважнення по вимогам церковного закону.

Стаття 105. 1. Важне і довершене подружжя, заключене по всім правовим приписам Католицької Церкви, є нерозривне. Його розриває щойно смерть одного зі супругів. З важних причин, названих в кан. 120, Про Т. Подружжя, Католицька Церква, може уділити супругам тільки розділу від стола, ложа і замешкання, але вони залишаються зв'язані подружжям вузлом.

2. У душпастиря можуть зголошуватися супруги і подавати йому причини, що є правовою підставою до:

1) їхнього розділу від стола, ложа і замешкання;

2) проголошення їхнього подружжя неважним по причині незбереження правом приписаної форми, заключення подружжя з розривною перепорою, від якої не було уділене законне розрешення, кваліфікованого страху і примусу кваліфікованої тілесної неспосібності супруга до подругого життя, поставлення умов, протилежного добрам подружжя;

the matter to the local Hierarchy for radical sanitation.

Article 104. 1. The pastor is to record each contracted marriage in the parochial register of marriage, always indicating his official ministerial status or the fact of his delegation. If the parties were born into his parish, he is to note the contraction of their marriage in his registers of birth and baptism. Otherwise, he is to send notification about their contracting marriage to the priest of their place of birth so that similar notations can be made.

2. The pastor is to record every validated marriage in the parochial register of marriage according to the date of their invalid contraction, noting in the entry the fact of its canonical validation.

Article 105. 1. A valid and consummated marriage, contracted in accordance with all the prescriptions of the Catholic Church, is indissoluble. It can only be dissolved by the death of one of the spouses. For a valid reason, as indicated in c. 120 of *Crebrae allatae*, the Catholic Church can grant a spouse separation from table, bed, and residence; however, their marriage bond remains intact.

2. Spouses may present their case to their pastor and give him reasons which legitimately support:

1) their separation from table, bed, and residence;

2) the invalidity of their marriage for reasons of: lack of canonical form, the presence of an invalidating impediment for which a dispensation was not granted, force and fear, physical incapacity to enter married life, stipulation of a condition, or opposition to the ends of marriage;

3) проголошення подружжя вигаслим (визнання супруга померлим);

4) розв'язання недовершеного подружжя;

5) розв'язання подружжя в користь віри.

У всіх тих випадках душпастир, вислухавши супруга(ів), пропонує справу Єпископському Церковному Судові, заподає дійсний стан справи і бодай у загальному доказовий матеріал (свідків і документи, поміж ними обов'язково свідоцтво вінчання). Єпископський Церковний Суд дає душпастиреві дальші вказівки, коли визнає, що справа надається до судового розглядання.

Стаття 106. Звичай святкування ювілеїв подружого життя належить обмежити до 25- і 50-річчя подружого життя. В день святкуваного ювілею супруги-ювіляти повинні вислухати благодарної св. Літургії і прийняти на ній св. Тайни Сповіді і Причастя. По св. Літургії душпастир може уділити супругам-ювілятам благословлення за обрядом, поданим у Требниках. Коли супруги-ювіляти є людьми заслуженими для Церкви, душпастир попросить для них теж благословлення Єрарха місця.

Глава II: Про церковні освячення і благословлення

Стаття 107. 1. Установлені св. Церквою освячення (того, що передається на службу Богові) і благословлення (того, що передається на спасенний вжиток людям) мають бути виконувані з нагод і обрядом, що їх приписує Требник.

2. Освячення, застережені Єпископові з правом відпоручення, священник може виконувати тільки у випадку, як дістав письмо відпоручення,

3) the proof of freedom to marry (proof of death of a spouse);

4) the dissolution of a non-consummated marriage;

5) the dissolution of a marriage by the privilege of faith.

In all these cases, the pastor, having heard one or both of the parties, is to present the matter to the Episcopal Ecclesiastical Court. He is to provide an accurate description of the matter, and, at least in general, supporting material (witnesses and documents, always together with a marriage certificate). The Episcopal Ecclesiastical Court will notify the pastor that the case, if accepted, is proceeding to judicial investigation.

Article 106. The custom of celebrating marriage jubilees is to be restricted to 25th and 50th anniversaries. On the day of the anniversary, the jubilarians are to participate in a thanksgiving Divine Liturgy and receive the holy sacraments of confession and Divine Eucharist. After the Divine Liturgy, the priest may bless the jubilarians according to the rite prescribed in the Trebnyk. If the jubilarians have dedicated themselves to the work of the Church for many years, the pastor is to request for them a blessing from the local Hierarch.

Chapter II: Ecclesial Consecrations and Blessings

Article 107. 1. The administration by the Holy Church of consecrations (that which is dedicated for divine worship) and blessings (that which is directed for the salvific use by people) is to be fulfilled during the times and in accordance with the ritual as prescribed by the Trebnyk.

2. Consecrations, which are reserved to a Bishop with the right of delegation, can be bestowed by a priest only in case of necessity having received written delega-

наприкл. освятити площу під будову церкви, цвинтар, кивот, іконостас, дзвін. Коли б у парохії Єпископ освячував основи храму, або готовий храм, душпастир подбає про те, щоб освячення вийшли якнайторжественніше, з великою участю духовників і вірних.

3. Літургічні ризи, книги, чаша з додатками та інша літургічна утвар засадничо освячується самим їхнім вжитком. Коли б однак фундатори просили від душпастиря ще окремого освячення тих речей, він освятить їх обрядом, поданим в Требниках.

4. Колиб вірні просили від душпастиря благословлення не поданого в Требнику виданому з благословлення св. Апостольського Престолу в 1946 р., (благословлення дому, виводу невісти після вінчання), він теж уділить благословлення обрядом, поданим в інших Требниках.

Стаття 108. Душпастир має обов'язково виконувати торжествені освячення і благословлення, зв'язані з празниками церковного року, як Йорданське Водосвяття в Навечеря і в день Богоявлення, освячення шукток в Квітну неділю, благословлення пасхи і іншої їжі в день Пасхи, овочів в день Господнього Переображення, зілля в день Успення ПДМарії.

Стаття 109. В святойорданському часі душпастир обов'язково обійде зі свяченою водою усі дома своїх парохіян і поблагословить їх при співі кондака Богоявлення. Тому, що не є заборонено уділювати благословлення іновірцям, він може відвідати зі свяченою водою і їхні дома, як тільки є певний, що вони його радо зустрінуть, а вірні цим не згіршаться.

tion, for example, to consecrate the site of a future church, cemetery, tabernacle, iconostas, or church bell. When a Bishop consecrates the foundations of a church, or one whose construction is completed, the priest is to ensure that the consecration is carried out in all solemnity and with a large participation of clerics and faithful.

3. Liturgical vestments, books, chalice with accessories, and other liturgical church vessels are essentially blessed by their use. Nevertheless, should the benefactors ask the priest for a separate consecration of these items, he is to consecrate them according to the rite prescribed in the Trebnyks.

4. Should the faithful ask a priest for blessings for which the Trebnyk, published with the approval of the Apostolic See in 1946, does not provide (blessing of homes, churching of the bride after marriage), he is to administer the blessings according to the rite prescribed in other Trebnyks.

Article 108. The pastor is obligated to perform the solemn consecrations and blessings associated with feast days of the ecclesial year, such as the Jordan Water-Blessing on the eve and day of Theophany, consecration of pussy-willows on Palm Sunday, and the blessing of Easter bread and other foods on Easter, of fruits on the feast day of the Transfiguration of our Lord, of herbs on the feast day of the Dormition of the Most Pure Virgin Mary.

Article 109. During the season of Holy Jordan, the pastor is obligated to visit the homes of all his parishioners and bless them with holy water while the kondak of Theophany is sung. Since it is not forbidden to administer blessings to non-Catholics, he may visit even their homes with holy water, but only if he is certain that they willingly welcome him and that his own faithful are not scandalized by this.

Стаття 110. Відчитування екзорцизмів є священникові заборонене, якщо він не має на те виразного дозволу Єрарха місця.

Стаття 111. На те, щоб освячуванним предметам надавати відпусти, потрібні священникові окремі власти.

Стаття 112. 1. При уділюванню св. Тайн, як теж на освячуваннях і благословленнях священник робить рукою знак св. Хреста тільки там де літургічні рубрики кажуть йому “назнаменувати”, або виразно кажуть благословити.

2. Священик завжди благословить рукою, ніколи ручним хрестом. Ручний хрест він тільки підносить вгору, проказуючи слова “Христос воскрес,” по Отпустах на богослужбах празника Пасхи, Світлої седмиці, Неділь 2-6 по Пасці, Середи Переполовлення, віддань Томиної неділі, Переполовлення і Пасхи, празника св. Юрія Побідоносця, де він є храмовим Святим.

Глава III: Про прилюдну, дневну, і принагідну церковну богослужбу

Стаття 113. 1. Маючи на пам'яті Христові слова “Бо де є двоє або троє зібраних в моє ім'я, там я є посеред них” (Мт. 18,20) і Його часті напимнення, що треба завжди молитися і не переставати (Лк. 18,1 і 21,36), вірні Христової Церкви від найранших її початків “перебували в науці апостолів, в спільноті ломання хліба і в молитвах (АД. 2,42). Це “перебування” з ходом часу розвинулося в богослужбу дня, примінену змістом до пори дня, а торжественністю до днів церковного календаря.

2. В умовинах нинішного часу, зокрема на поселеннях, з правильної богослужби дня можуть прилюдно

Article 110. Priests are forbidden to perform exorcisms without the explicit permission of the local Hierarch.

Article 111. Priests require a special faculty in order to attach indulgences to blessed objects.

Article 112. 1. During the administration of the holy sacraments, as well as at consecrations and blessings, a priest is to make the sign of the cross by using his hand only when the liturgical rubrics so prescribe or explicitly indicate to bless.

2. A priest always blesses with his hand and never with a hand cross. The priest only raises upwards the hand cross while saying “Christ is Risen” after the dismissal of divine services of the feast of Easter, Bright Week, the second through sixth Sundays after Easter, Wednesday of Mid-Easter Season, leave-taking of Thomas Sunday, leave-taking of Mid-Easter and of Easter, and the feast of St. George the Triumphant where he is the patron saint.

Chapter III: Public, Daily, and Occasional Celebration of the Divine Office

Article 113. In remembering the words of Christ, “Where two or three are gathered in my name, there am I in their midst” (Mt. 18:20) and His frequent exhortations to pray always and without ceasing (Lk. 18:1 and 21:36), the faithful of Christ's Church, from the earliest of its beginnings, “devoted themselves to the apostles' instruction and the communal life, to the breaking of bread and the prayers (Acts 2:42). This “devotion,” in the course of time, developed into the liturgical day, conformed itself to the time of day and by solemnity to days of the ecclesiastical calendar.

2. Today, because of circumstances, particularly in the colonies, practically only vespers, all-night vigils, and matins from

відправлятися хіба тільки Вечірні, Всеночні і Утрені на неділях і святкових днях. Де і скільки разів це можливе, душпастир повинен відправляти бодай ті богослужби дня. Де час не дозволював би на повну відправу тих богослужб дня, священник повинен старатися відправити їх в скороченій формі, приписаній для приватного відчитування Часослова.

3. Для відправи богослуж душпастир повинен забезпечити свою церкву дяком, який достаточо знав би церковний спів і устав. З уваги на те, що старші віком дяки, які мали потрібне знання церковного співу і уставу з рідного краю, переводяться, він повинен, або сам підучувати нових дяків, або спрямовувати їх на дяківські курси.

4. Де не можна було б відправляти ніякої богослужби дня, а тільки саму св. Літургію, душпастир повинен відправляти принагідні богослужби, як Молебні і Акафісти.

Стаття 114. *Обов'язково повинен душпастир відправляти Великі Повечер'я в днях Христового Різдва і Богоявлення, Поклони і Страсти в Великому пості, Вечірню з виставленням плащаниці у Велику П'ятницю і Воскресну Утреню в день Пасхи. В Навечер'я і в день Богоявлення він повинен обов'язково відправити Йорданське Водосвяття, а впродовж місяця травня бодай два рази у тижні відправляти Богородичний Параклис.*

Стаття 115. Душпастир може прилюдно служити тільки ті богослужби, що приписані в українському обряді, вживаючи при їхній відправі риз, що приписані в українському обряді.

Стаття 116. Виставлення Найсв. Тайн для прилюдного почитання вірних, на престолі перед кивотом, а не на

the proper liturgical day can be publicly celebrated on Sundays and feast days. Where and as many times as possible, the pastor should celebrate at least these divine services. Where time does not allow for the celebration of these divine services in their entirety, the priest is to try to celebrate them in a shortened form as prescribed for the private recitation of the Divine Office.

3. For the celebration of the divine services, the pastor should ensure that his parish has a cantor who is competent concerning church music and norms. Since older cantors, who acquired the necessary knowledge in church music and norms in their native country, are dying out, the pastor is either to train new cantors himself or direct them to cantors' courses.

4. Where it is not possible to celebrate a portion of the liturgical day, except the Divine Liturgy itself, the priest should celebrate occasional divine services such as Molebens and Acathists.

Article 114. The pastor is obligated to celebrate great complines on the days of Christ's Nativity and Theophany, services of the Prostrations and the Passion during Great Lent, vespers with the exposition of the burial shroud on Great Friday, and resurrectional matins on Easter Sunday. On the eve and on the day of Theophany, he is obligated to celebrate the Jordan water-blessing, and during the month of May, he is to celebrate, at least twice a week, the paraclisis of the Mother of God.

Article 115. The pastor is to celebrate only those divine services that are prescribed by the Ukrainian rite. At their celebration, he is to use the vestments prescribed by the Ukrainian rite.

Article 116. The exhibition of the Divine Eucharist for veneration by the faithful, on the holy table before the tabernacle and

причілку кивота, мусить бути завжди виправдане якоюсь відповідною нагодою, як св. Місія, великопосні науки, зарядження молитов у якомусь церковному наміренні.

Стаття 117. 1. Душпастир повинен дбати про те, щоб церковні богослужби були вселюдно співані, бодай ті їх частини, що є незмінні і вірним більше знані.

2. Нелітургічні пісні релігійного змісту можна співати в церкві перед богослужбою, в її перервах і по ній, одначе треба добирати кращі з них текстом і мелодією.

3. Спів хором, якщо хор є належно вишколений, належить обмежувати до більш торжественних церковних богослужб.

4. Вживання на церковних богослужбах дзвіночків та більших і менших органів український обряд виключає.

Стаття 118. 1. При відправах таких принагідних богослужб, як торжественне св. Хрещення і Миропомазання, вінчання, похорон, душпастир повинен іти на зустріч бажанням родини, оскільки вони не порушують святости місця і порядку богослужби.

2. Принагідних богослужб, як вінчання і похорон, не вільно служити більшій кількості священиків, як трьом, за винятком священичого похорону.

3. На похоронах може бути голошена в церкві тільки одна і то священича проповідь на тему вічних правд. Мирянам вільно промовляти на похороні тільки над гробом покійника. На вінчаннях належить уникати: впровадження женихів до нутра церкви мирськими особами та співів, незгідних з українським обрядом.

not on the side of the tabernacle, is always to be justified by an appropriate occasion, for example, a mission, lenten retreat, or prayers for some religious purpose.

Article 117. 1. The pastor is to see to it that the divine services are publicly sung, at least those parts that are fixed and are more familiar to the faithful.

2. Non-liturgical hymns of religious content may be sung in church before, during, or after a divine service, but only those best suited in text and melody.

3. Choral singing, by a properly trained choir, is to be restricted to more solemn divine services.

4. The use of bells as well as smaller and larger organs during divine services is excluded by the Ukrainian rite.

Article 118. 1. At the celebration of occasional divine services, such as solemn baptisms and chrismations with holy myron, marriages, and funerals, the pastor is to accommodate the wishes of the family in as much as these do not affect the sacredness of the place and order of the divine service.

2. No more than three priests are to celebrate occasional services, such as marriages and funerals, with the exception of a priest's funeral.

3. The only address to be permitted at funerals is that of the priest's sermon on the theme of the eternal truths. The laity are permitted to speak at funerals only at the grave of the deceased. At weddings, the introduction of the bride and groom by the laity to the faithful present in the church and the use of music which is not in accordance with the Ukrainian rite is to be avoided.

Стаття 119. Похоронні і поминальні богослужби священник служить в багряних, або в чорних ризах (також на днях попразденств Господних і Богородичних празників). В світлих ризах служить їх на неділях, празничних днях, в Світлу седмицю і на діточих похоронах.

Стаття 120. На всіх принагідних богослужбах, не служених при престолах, священник може уживати колпака, знімаючи його з голови в таких місцях, як само хрещення і миропомазування, відбирання вінчальної присяги, читання св. Євангелії, співання "Вічная пам'ять". На богослужбах дня, а вже ніяк на св. Літургії, хочби служеній поза церквою, священникові не вільно уживати колпака.

Глава IV: Про св. Літургію

Стаття 121. З усіх церковних богослужб найважливішою є Божествена Літургія. Вона не є тільки прославлюванням Бога, але теж жертвою Нового Завіту, у якій Ісус Христос через руки священника жертвує себе безкровним способом за людей Небесному Отцю. Подібно, як хресна жертва була осередком нашого відкутлення, її безкровне відновлювання на св. Літургії є осередком усього церковної богослужби. З уваги на вирізнення св. Літургії поміж богослужбами, на її популярність і на можливість служити їй без труднощів в усіх обставинах, душастир має служити св. Літургію не тільки на неділях і святкових днях, але кожного дня і в означеній годині, щоб вірні мали нагоду її вислухати, евентуально приступити на ній до св. Причастя. Від означеної години він може відступити у випадку, як вірні просять відслуження св. Літургії в їхньому наміренню ранше, або пізніше.

Article 119. Priests are to celebrate funeral and memorial divine services while vested in dark red or black vestments (even during post-festive feast days of the Lord and the Mother of God). Bright vestments are to be used on Sundays, feast days, Bright Week, and for funerals of children.

Article 120. At all occasional divine services that are not celebrated at the holy table, the priest may use a kolpak, removing it at times such as the actual baptism and chrismation, exchange of marriage vows, reading of the Holy Gospel, and singing of "Eternal memory." However, he is not permitted to wear it for services of the Divine Office, and by no means for the celebration of the Divine Liturgy even if it is celebrated outside a church.

Chapter IV: Divine Liturgy

Article 121. Of all divine services, the Divine Liturgy is the most important. It is not only the glorification of God, but also the Sacrifice of the New Testament in which Jesus Christ, through the hands of a priest, sacrifices Himself to the Heavenly Father in a bloodless way for the people. As the Sacrifice on the Cross is the centre of our redemption, its bloodless renewal in the Divine Liturgy is the centre of all the divine services. Aware of the distinction between the Divine Liturgy and other divine services, its popularity, and the possibility of its celebration without difficulty in all circumstances, pastors are to celebrate the Divine Liturgy, not only on Sundays and feast days, but daily and at announced times so that the faithful have the opportunity to attend and receive the Holy Eucharist. The pastor may deviate from the announced hours in cases where the faithful request the celebration of the Divine Liturgy at an earlier or later time for their own intentions.

Стаття 122. 1. При служенню св. Літургії священник має придержуватися текстів і рубрик Службника та обрядових приписів Уставу служіння (Ордо celebrationis), виданих св. Апостольським Престолом..

2. Священик має служити таку св. Літургію, яку приписує церковний устав і зберігати на ній церковним уставом приписані змінні часті. Йому не вільно замість довшої Літургії св. Василя Великого служити коротшу Літургію св. Івана Золотоустого. Йому не вільно теж служити св. Літургію на днях, у яких мається служити Служба Напередосвячених Дарів. Тільки тоді, як священник мав би двоїти Літургію св. Василя Великого, він буде міг служити одну Літургію св. Василя Великого, а другу св. Івана Золотоустого. На служення Літургії св. Івана Золотоустого замість Служби Напередосвячених Дарів священник мусить мати виразний дозвіл Єрарха місця.

Стаття 123. Св. Літургію священник повинен служити з належним приготуванням до неї: Бути в стані освячуючої ласки, зберегти евхаристійний піст, зробити коротке (ок. 15-хвилове) роздумування, відмовити приписані молитви перед іконостасом. Похвально є ранше служення св. Літургії відчитати дневну богослужбу, включно до 1-го Часу.

Стаття 124. 1. По відмовленню приписаних молитов перед іконостасом священник входить до святилища, робить перед св. Трапезою три малі метанії, цілує за чергою св. Трапезу, св. Євангелію, і св. Хрест і зодягається у повні священничі ризи.

2. Священик зодягається у ризи, або при окремому столику по правій стороні св. Трапези, т. зв. наризнику, або

Article 122. 1. At the celebration of the Divine Liturgy, priests are to adhere to the texts and rubrics of the Sluzhebnyk and the ritual prescriptions of the order of celebration (*Ordo celebrationis*), published by the Apostolic See.

2. Priests are to celebrate that Divine Liturgy which is prescribed by the order of celebration and to preserve according to ecclesial order the prescribed changeable parts. They are not to celebrate the shorter Divine Liturgy of St. John Chrysostom instead of the longer one of St. Basil the Great. They are also not to celebrate the Divine Liturgy on those days for which the Liturgy of the Presanctified Gifts is prescribed. Only when priests are required to celebrate the Liturgy of St. Basil the Great twice on the same day, can they celebrate the Liturgy of St. Basil the Great for one and the Liturgy of St. John Chrysostom for the other. In order for priests to celebrate the Liturgy of St. John Chrysostom instead of that of the Presanctified Gifts, they are to receive the explicit permission of the local Hierarch.

Article 123. Priests are to prepare themselves properly for the celebration of the Divine Liturgy: be in the state of sanctifying grace, keep the Eucharistic fast, make a short meditation (fifteen minutes), and recite the prescribed prayers before the iconostas. The recitation of the divine office up to and including the order of the first hour, prior to the celebration of the Divine Liturgy, is praiseworthy.

Article 124. 1. Having recited the pre-scribed prayers before the iconostas, the priest enters the sanctuary, makes three small bows before the holy table, kisses, in order, the book of the holy table, the Gospels, and the cross, and then vests himself in full priestly vestments.

2. The priest vests either at a separate table to the right of the holy table, the so-called vesting table, or in the sacristy. While

в захристії. При одяганню кожної з риз він відмовляє приписану для неї молитву. Стихар і епитрахиль він благословить, але їх не цілує; фелон благословить і цілує; пояса і наркуавиць не благословить і не цілує. Т. зв. наплечника він не одягає.

Стаття 125. 1. Зодягнений у всі ризи, священник переходить до Трапези Предложення, вмиває коло неї руки, робить перед нею три малі метанії, проказуючи за кожною з них "Боже, милостив буди мні грішному," і служить Проскомидію. Агнца священник вирізує з просфори копієм, частиці укладає на дискосі за поданим в Службниках взірцем. На торжественно служеній св. Літургії священник обкаджує покровці, держачи їх над кадильніцею, покриває ними Предложення і обкаджує його перед молитвою Предложення. На молитві Предложення, при словах "Благослови Предложеніє сіє," він не благословить рукою.

2. На Проскомидії священник робить намірення, у якому хоче служити св. Літургію і воно, оскільки не відкликане, діє в часі освячування Дарів.

Стаття 126. На звичайній, не торжественно служеній св. Літургії, читаній так, щоб вірні його чули, священник не вживає кадила, одначе зберігає всі інші обряди торжественно служеної св. Літургії, обов'язково робить оба Входи.

Стаття 127. Тому, що по старому звичаю Східної Церкви на тому самому престолі служить св. Літургія тільки один раз у день, де є більше священників (в парохії, в монастирі), вони повинні служити св. Літургію соборно, її солітургізувати. Від того правила можна відступити, якщо в церкві крім голов-

vesting he recites the prescribed prayers. He blesses the sticharion and epitrachelion, but does not kiss them; he blesses and kisses the phelonion; he neither blesses nor kisses the cincture or the cuffs. He does not wear the so-called amice.

Article 125. 1. Fully vested, the priest goes to the prothesis, washes his hands, makes three small bows each time saying, "God, be merciful to me, a sinner," and celebrates the prothesis. With a lance, the priest cuts the Lamb out of the prosphoron and places particles on the diskos in the order prescribed in the Sluzhebnyk. At the solemn celebration of the Divine Liturgy, the priest incenses the veils, holding them over the censer, covers the prepared gifts, and incenses the gifts before the Prayer of Preparation. During the Prayer of Preparation, at the words "Now bless this offering," he does not bless them with his hand.

2. At the prothesis, the priest makes an intention for which he wishes to celebrate the Divine Liturgy and, insofar as it is not retracted, acts during the consecration of the gifts.

Article 126. During an ordinary, non-solemn, Divine Liturgy, read in such a way so as to be heard by the faithful, the priest does not use incense. Nevertheless, he adheres to all other rituals of a solemnly celebrated Divine Liturgy, and is obliged to make both entrances.

Article 127. In accordance with the ancient tradition of the Eastern Church whereby the Divine Liturgy is to be celebrated on the same holy table only once on any given day, where there are several priests (in a parish or monastery), they are to concelebrate the Divine Liturgy. It is permissible to deviate from this norm if in the

ного святилища є ще бічні святилища (пареклезії, а не бічні, до стіни приликаючі престоли), або потреба вірних вимагає служіння більшого числа св. Літургій. У загальному треба держатися такої засади: Не стільки св. Літургій, скільки є священиків, а стільки, скільки їх вимагає потреба вірних.

Стаття 128. На соборно служеній св. Літургії:

1) Проскомидію відправляє один зі солітургізуючих священиків.

2) Оба Входи робить, благословить і мирствує вірних тільки начальствующий священик.

3) Єктенії читають за чергою старшинства солітургізуючі священики, починаючи від начальствующого, який читає Мирну єктенію; кожний священик читає цілу свою єктенію з її возгласом; тільки Просительні єктенії можна читати частями, так як вони переділені тихою молитвою; тихі молитви на єктеніях з їхнім возгласом відмовляє кожний зі солітургізуючих священиків.

4) Слова освячення всі священики проказують дещо тихше, як начальствующий, артикуловано і рівночасно, вказуючи правою рукою на освячувані Дари. Якщо б котрий зі солітургізуючих священиків опізнився складом слова, не потребує непокоїтися і сумніватися у важности свого освячення, бо освячення є спільним ділом усіх солітургізуючих священиків.

5) До Причастя св. Тілом приступають солітургізуючі священики від лівої руки, до Причастя св. Кров'ю від правої руки начальствующого священика. Перед начальствующим священиком вони не роблять ніяких поклонів.

6) По св. Причастю відбирає від начальствующого священика чашу і

church, besides the main sanctuary, there are side chapels (parecclesias, and not side holy tables abutting the wall), or the needs of the faithful require the celebration of additional Divine Liturgies. In general, the following principle is to be adhered to: the number of Divine Liturgies to be celebrated is not to correspond to the number of priests, but to the needs of the faithful.

Article 128. At a concelebrated Divine Liturgy:

1) The prothesis is to be celebrated by one of the concelebrating priests.

2) Only the principal celebrant makes both entrances and blesses the faithful.

3) The litanies are read by the concelebrating priests in order of seniority, beginning with the principle celebrant, who recites the litany of peace; each priest recites an entire litany including its exclamation; only the Rogatory litany may be divided at the point of its recited prayer; the recited prayers of the litanies, as well as their exclamations, are recited by each of the concelebrating priests.

4) The words of consecration are recited articulately and at the same time by all concelebrating priests, though somewhat quieter than the principal celebrant, while they point to the consecrated Gifts with their right hand. Should one of the concelebrating priests fall behind with his words, he need not be troubled nor doubt the validity of his consecration, since the consecration is a common act of all the concelebrating priests.

5) For the reception of the Holy Body, the concelebrating priests approach from the left side of the principal celebrant, and for the Holy Blood, from the right. They do not make any bows before him.

6) After Holy Communion, the concelebrating priest who is closest to the principal celebrant from his left side takes

дискос з покровцями найблизчий від його лівої руки солітургізуючий священник і переносить їх на Трапезу Предложення.

Стаття 129. На торжественно служеній св. Літургії священник обкаджує св. Трапезу з усіх боків, запрестольну ікону, Преложення, а вийшовши перед іконостас — ікони його правої і його лівої сторони; відтак він обертається до храму і обкаджує крилоси і вірних. Кадило може вкладати до кадильніці обслуга. При першій вкладанню кадила священник відмовляє молитву кадила “Кадило Тебі приносим...,” при усіх дальших проказує “Благословен Бог наш...”

Стаття 130. Зробивши перед св. Трапезою три поклони з приписаними молитвами, священник підходить до св. Трапези, цілує св. Євангелію, бере її обома руками і, креслячи нею знак св. Хреста, зачинає служити св. Літургію словами: “Благословено царство”. Такий самий знак св. Хреста священник робить св. Євангелією під кінець св. Літургії, коли при возгласі Благодарственної ектенії “Яко Ти еси освященіє наше...” кладе св. Євангелію на середину св. Трапези.

Стаття 131. Важніші завваги щодо правильного служіння св. Літургії такі:

1) Священник відмовляє на ектеніях потихо молитви перед їхніми возгласами, а не по возгласах; на Сугубій і на Просительних ектеніях відмовляє їх там, де вони поміщені у тих ектеніях.

2) Дієсловні форми ектенійних прошень “Господу помолімся”, “Господа просим”, “предадим” є закликуючі, тому належить їх вимовляти “помолімся”,

from him the chalice, and diskos with the veils and places them on the prothesis.

Article 129. At a solemn celebration of the Divine Liturgy, the priest incenses the holy table from all sides, the icon behind the holy table, the prepared gifts, and going before the iconostas, the icons on his right and left sides; he then turns to the choirs and faithful, and censes them. The incense can be placed in the censer by the altar servers. At the first placement of incense in the censer the priest says the prayer of incense, “Christ, our God, we offer You incense...” and subsequently says, “Blessed be our God....”

Article 130. Having made three bows with the prescribed prayers before the holy table, the priest approaches the holy table, kisses the holy Gospel book, takes it in both his hands, and making the sign of the cross with it, begins to celebrate the Divine Liturgy with the words, “Blessed be the kingdom...”. The priest makes the same sign of the cross with the book of the holy Gospels at the end of the Divine Liturgy, when at the exclamation of the ektene of thanksgiving, “For You are our sanctification...,” he places the book of the holy Gospels on the centre of the holy table.

Article 131. Important remarks regarding the proper celebration of the Divine Liturgy:

1) The priest is to recite the prayers in a low voice at the litanies before their exclamations, and not after. At the Insistent and Rogatory litanies, he is to recite them there where they are found in the text.

2) Since the verbal forms of the invitations of the ektene “Hospodu pomolym-sja” (Let us pray to the Lord), “Hospoda prosym” (Let us ask the Lord), and “preda-

“просім”, “предадім” з їхніми правильними акцентами.

3) Замість Антифонів можна брати Ізобразительні і Блаженні на св. Літургіях неділь, Богородичних празників і їхніх попразенств та днів нарочитих, бдінних і поліелейних Святих.

4) При словах “воплотивийся” на пісні Єдинородний Сине і “воплотившагося” на Вірую ні священник, ані вірні, не схиляють голови.

5) При благословленнях і мирствуваннях вірних священник не відступає на бік св. Трапези; на возгласі Трисвятої пісні він не обертається до вірних і не благословить їх.

6) На Малому вході священник благословить напрям св. Трапези, а не св. Євангелію (її він тільки цілує) з місця перед іконостасом.

7) На Трисвятій пісні священник робить на собі знак св. Хреста і поклін тільки три рази, на Славі, або на останньому Святий Боже хіба тоді, коли переходить на них за св. Трапезу.

8) На читанню Апостола священник сидить на стільці біля горного сідалища, т. зв. сопрестолії, а як не виходить за св. Трапезу, то, звернений лицем до храму, стоїть перед нею зі спущеними вділ руками.

9) Св. Євангелію священник читає перед Царськими дверми, завжди звернений лицем до храму. По прочитанню св. Євангелії він її закриває, цілує і кладе на праву сторону св. Трапези, або ставить перед кивотом.

10) По Великім вході священник відкладає на бік, але не на св. Євангелію, малі покровці, а великим покровцем (воздухом) покриває чашу і дискос.

dym” (Let us commend ourselves) are invocatory, they are to be pronounced “pomolimsja”, “prosim”, and “predadim”, with the proper stress.

3) It is permitted to substitute the antiphons of the Divine Liturgy with the Typica and Beatitudes on Sundays, feasts of the Mother of God as well as their post-festive periods, and feasts of saints having their own service, vigil or polieley.

4) Neither priests nor the faithful are to bow their heads at the words “to be made flesh” during the hymn “Only-begotten Son” and the Symbol of Faith.

5) When blessing the faithful, the priest does not move to the side of the holy table; at the exclamation of the Thrice-holy Hymn, he neither turns to face the faithful nor does he bless them.

6) During the Small Entrance, while standing before the iconostas, the priest blesses in the direction of the holy table but does not bless the holy Gospel book (he only kisses it).

7) At the Thrice-holy Hymn, the priest signs himself with the sign of the cross and bows only three times, and at the “Glory be” or the final “Holy God” only if he is moving to the back of the holy table.

8) At the reading of the Epistle, the priest sits next to the throne on high, the so-called “soprestolija”; however, if he does not go behind the holy table, he is to turn to face the faithful, and stand with his hands at his side.

9) The priest is to read the holy Gospel before the holy doors while always facing the faithful. After reading the holy Gospel, he is to close it, kiss it, and place it on the right side of the holy table or in front of the tabernacle.

10) After the Great Entrance, the priest is to place the small veils to the side, but not on the book of the holy Gospels, and is to cover the chalice and diskos with the large veil (the aer).

Перед Символом Віри священник робить три малі метанії, відмовляючи по тихо “Возлюблю Тя, Господи...” при кожній з них; по першій метанії він цілує Воздух над дискосом; по другій Воздух над чашею; по третій св. Трапезу вдолі Воздуха.

11) У Символі віри священник і вірні проказують слова “і Сина”.

12) На Серафимській пісні “Побідную піснь поюще” священник цілує зложену звізду і кладе її на бік, не роблячи нею на собі знаку св. Хреста.

13) На словах освячення священник нахилюється і вказує правою рукою на Дари, які освячує. По одних і других словах освячення він робить перед освяченими Дарами глибший поклін.

14) На словах “Твоя от Твоїх” священник креслить навхрест держаними, в правій руці, дискосом, в лівій руці чашою, знак св. Хреста понизше грудей.

15) По Епиклезі священник не робить ніякого поклону перед св. Дарами.

16) По “Ізрядно...” священник покриває чашу, або рушничком, або малим покровцем.

17) По молитві “Благодатію і щедротами...” нема умивання рук.

18) Агнця священник ломить і укладає на дискосі за взірцем, поданим в Служебнику; священник причащається частю, положеною вдолі дискоса (з витисненими знаками ХС).

19) Св. Кровію священник причащається, держачи у правій руці чашу, а лівою рукою підкладаючи собі під бороду рушничок. Запричащавшись, він втирає рушничком собі уста, потім береги чаші, та згортає з дискоса Св. Частинці до чаші. На цьому місці він

Before the Symbol of Faith, the priest makes three small bows, each time saying quietly, “I will love You, O Lord...;” at the first bow, he kisses the veil covering the diskos; at the second, the veil covering the chalice; and at the third, the holy table beneath the large veil.

11) The priest and the faithful are to recite the words “and the Son” during the Symbol of Faith.

12) During the Seraphic hymn, “Singing, crying...,” the priest kisses the asterisk and places it to the side but does not use it to sign himself with the sign of the cross.

13) At the words of consecration, the priest bows his head and with his right hand points to the gifts to be consecrated. After both the first and second words of consecration, he is to make a deep reverence before the consecrated gifts.

14) At the words, “We offer to You, Yours of Your own...,” the priest crosses his arms, the diskos in his right hand and the chalice in his left, and makes the sign of the cross below the height of his chest.

15) After the Epiclesis, the priest is not to bow before the Holy Gifts.

16) After “Especially...,” the priest is to cover the chalice with either the purificator or the small veil.

17) There is no washing of hands after the prayer “Through the grace, mercies and loving-kindness...”

18) The priest is to break the Lamb into pieces and place them on the diskos according to the manner given in the Sluzhebnyk; he is then to communicate with the particle which was placed at the bottom of the diskos (imprinted “XC”).

19) The priest is to communicate the All Holy Blood while holding the chalice in his right hand and placing a purificator in his left under his chin. Having communicated, he is to wipe his lips with the purificator and then the lip of the chalice, then gathers the particles from the diskos

може умити собі пальці в окремій посудині з водою (сакрарії) і втерти їх окремим рушничком.

20) Проводячи вірним молитву св. Причастя, священник ні перед нею, ані по ній, не проказує слів “Во імя Отця і Сина і Св. Духа”.

21) Св. Дари священник переносить на трапезу Предложення так, що у правій руці держить чашу, а в лівій дискос і зложені на ньому звівду і покровці. На торжественно служеній св. Літургії священник обкаджує Св. Дари перед переносенням їх на трапезу Предложення.

22) Зробивши поклін перед зложеними на трапезі Предложення Св. Дарами, священник повертається до св. Трапези і звиває ілітон, який він розвивав на прошенню Єктенії оглашених “Єлиця оглашенні ізидіте...”.

23) По відмовленню Заамвонної молитви перед іконостасом, священник входить до святилища, схилюється в сторону трапези Предложення і відмовляє потихо молитву “Ісполненіє закона...”.

24) Кінцеве благословлення “Благословеніє Господне на вас...” священник уділює з Царських дверей і з того місця творить Отпуст.

25) На воскресних і на дневних Отпустах завжди поминається св. Апостолів, автора св. Літургії, храмового святого і Святого чи Святих дня. На празничних Отпустах не поминається ні св. Апостолів, ні храмового Святого.

26) Т. зв. колінопреклонні молитви по св. Літургії не існують.

27) Священник споживає рештки Св. Дарів, вмиває чашу і втирає дискос обов'язково при трапезі Предложення по закінченні св. Літургії. Св. Трапезу він цілує, коли відходить від неї, або по

into the chalice. At this point, he may wash his fingers with water in a separate vessel (sacrarium) and dry them with another purificator.

20) In saying the prayer of the Holy Eucharist to the faithful, the priest is neither before nor after to say the words, “In the name of the Father and of the Son and of the Holy Spirit.”

21) The priest is to transfer the holy gifts to the prothesis in such manner that the chalice is held in his right hand, and the asterisk and veils, placed upon the diskos, in his left. At the solemn celebration of the Divine Liturgy, the priest is to incense the holy gifts before transferring them to the prothesis.

22) Having made a reverent bow before the holy gifts on the prothesis, the priest is to return to the holy table and fold the corporal, which he had unfolded at the petition of the ektene of the catechumens, “All who are catechumens, leave...”

23) Having said the prayer behind the ambo before the iconostas, the priest is to enter into the sanctuary, bow in the direction of the prothesis, and say in a low voice the prayer, “Being the fulfilment of the Law...”

24) The priest is to give the final blessing, “The blessing of the Lord...,” from the royal doors and also is to say the dismissal from the same place.

25) At resurrectional and daily dismissals, the priest is always to commemorate the holy apostles, the author of the Divine Liturgy, the patron saint, and the saint or saints of the day. At festal dismissals, the priest is not to commemorate the holy apostles nor the patron saint.

26) The so-called kneeling prayers after the Divine Liturgy do not exist.

27) After the conclusion of the Divine Liturgy, the priest is obligated to consume the remainder of the Most holy gifts, wash the chalice, and wipe the diskos. He is to kiss the holy table when he leaves it, or at

закінченні св. Літургії, або по спожиттю Св. Дарів.

28) Роздягаючись з риз, священник відмовляє "Нині отпущаєш" з отпустительними тропарями.

29) По кожній відслуженій св. Літургії священник повинен зробити коротке (ок. 15-хвилинне) благодарення, найрадше відмовити молитви по св. Причастю, які є подані в Служебнику.

Стаття 132. На св. Літургії священник і його прислуга (асиста) не клякають на коліна; тільки один раз у році, в день П'ятдесятниці, клякають на молитві "Царю небесний". Священник, при ніяких каянних словах не вдаряється в груди. Руки вгору він підносить, не опираючи їх до боків тіла, на молитві Великого Входу, на Херувимській Пісні, на словах "Горі ім'ям сердца" і на молитві "Отче наш".

Стаття 133. 1. На служення св. Літургії в пополудневих, або вечірних годинах уділює дозволу Єрарх місця, синкел тільки за окремим відпорученням Єрарха місця.

2. Дозвіл на служення св. Літургії в пополудневих, або вечірних годинах може бути уділений не тільки на неділі і святкові дні по приказу, але кожного разу, коли цього вимагає "загальне добро," т. зн., коли значне число вірних бажає вислухати св. Літургії. Значне число вірних треба приймати за приписами про двоєння св. Літургії, отже ним буде ок. 25 вірних.

3. Пополуднева або вечірня св. Літургія є літургією дня (противно, як подекуди у празники Христового Різдва і Пасхи служена північна св. Літургія). Якщо священник вже одну св. Літургію

the conclusion of the Divine Liturgy, or after having consumed the Most holy gifts.

28) While removing his vestments, the priest is to recite the prayer, "Now You dismiss...", as well as the dismissal troparia.

29) After each celebration of the Divine Liturgy, the priest should make a short thanksgiving (approximately 15 minutes), reciting most advisably the prayers after the Divine Eucharist, which are given in the Sluzhebnyk.

Article 132. At the Divine Liturgy, the priest and his assistants do not kneel; only once a year, on Pentecost Sunday, do they kneel during the prayer "Heavenly King." The priest is not to strike his breast at any penitential prayers. At the prayer of the Great Entrance, the Cherubicon, at "Let us lift up our hearts...", and at the Our Father, he is to raise his hands, not resting them at his sides.

Article 133. 1. The permission of the local Hierarch, or of the syncellus, and only if he has received special delegation from the local Hierarch, is required for the celebration of the Divine Liturgy in the afternoon or evening.

2. Permission to celebrate the Divine Liturgy in the afternoon or evening can be granted, not only for Sundays and feast days, but whenever the "general good" warrants it, that is, when a considerable number of faithful wish to celebrate the Divine Liturgy. A considerable number of faithful is to be understood in accordance with the prescriptions for the bination of the Divine Liturgy, therefore, approximately twenty-five faithful.

3. An afternoon or evening Divine Liturgy is the liturgy of the day (unlike the celebration of a midnight Divine Liturgy on the feasts of Christmas and Easter). If a priest has already celebrated a Divine

служив в дополоудневих годинах, то пополоуднева або вечірна св. Літургія є двоєною і йому не вільно приймати за неї стипендію. Вірним, що вже причащалися того дня перед полуднем, не вільно другий раз приступати до св. Причастя на пополоудневій, або вечірній св. Літургії.

Стаття 134. Коли б священникові укр. обряду приходилося служити св. Літургію в церкві латинського обряду, він крім просфори (Агнця і частиць), риз і книг, має взяти зі собою звізду, копіє і ложочку, а також антимінс, який покладе під ілітон.

Стаття 135. На служення св. Літургії поза церквою і богослужебною молитовницею, під отвертим небом (полевою), в домівці або в приватнім домі, священник мусить мати окремий дозвіл Єрарха місця. Тоді її вільно служити на устроєному престолі, на якому знаходиться антимінс. При служенню св. Літургії під отвертим небом Св. Дари мусять бути повністю забезпечені перед вітром.

Стаття 136. Неторжественним способом служена св. Літургія має тривати разом з Проскомидією найменше пів години. Священник, що служив би її в коротшому часі, провинявся б поспіхом і неввагою.

Стаття 137. Священник, що видалюється поза свою Єпархію, має просити для себе від Єрарха місця посвідки (целібрету), що він є його священником, вільним від церковних кар, нічим не перешкоджуваним служити св. Літургію.

Liturgy in the forenoon, then an afternoon or evening Divine Liturgy is a bination and he is not permitted to receive a stipend for it. The faithful who have already communicated in the morning are not permitted to receive Holy Communion a second time at an afternoon or evening Divine Liturgy.

Article 134. A priest of the Ukrainian rite who is to celebrate a Divine Liturgy in a Latin rite church, is to take with himself, in addition to a prosphoron (Lamb and particles), vestments, and liturgical books, an asterisk, lance and spoon, as well as an antimimension which he is to place under the corporal.

Article 135. In order to celebrate the Divine Liturgy outside of a church or chapel, that is, under the open sky (field mass), in a hall or in a private home, the priest is to receive the permission of the local Hierarch. It is then permissible to celebrate the Divine Liturgy on a properly organized holy table, upon which is placed an antimimension. During the celebration of the Divine Liturgy under the open sky, the Most holy gifts are to be fully protected from the wind.

Article 136. A recited Divine Liturgy, including the Service of Prothesis, is to last at least one half hour. A priest who celebrates it in a shorter period of time, is guilty of rushing and carelessness.

Article 137. A priest who travels outside his own eparchy is to ask his local Hierarch for a letter (*celebret*) attesting that the priest belongs to his eparchy, is free from ecclesiastical penalties, and that nothing stands in the way of his celebrating the Divine Liturgy.

Глава V: Про св. Місця
A. Церква

Стаття 138. Церковна будівля має своїм зверхнім виглядом вирізняватися від світських будівель, можливо теж бути відділена від них з усіх сторін вільним місцем, а всередині, як Божий дім і св. місце богослужби, вона повинна бути удержувана чисто і так устаткована, щоб настроювала вірних до набожності. Душпастир і церковна прислуга мають не тільки допильнювати в церкві взірцевого порядку, але теж зберігати всі міри обережності перед обезсвященням або знищенням Божого дому. Церква має бути замкнена на ключ в дневних годинах, у яких вірні ледве чи будуть її відвідувати, в нічних годинах обов'язково замкнена. Зокрема треба берегти церкву перед небезпекою вогню.

Стаття 139. 1. Божий дім має бути виключним місцем богослужби і задержувати свій святий характер. Його не вільно вживати для ніяких світських цілей, хочби це були харитативні, або церкві прислужні імпрези (бінга, лотерії, базарі). На те, щоб в церкві могли відбуватися релігійні конференції або релігійні концерти, треба було б мати дозвіл Єрарха місця.

2. На роблення фотографічних знімок в церкві (на Архиерейській св. Літургії, на вінчанню), оскільки воно не перешкоджує богослужби і не розсіває уваги вірних, дає дозвіл душпастир.

3. На торжественних богослужбах в церкві можуть являтися відділи організацій у своїх одностроях і зі своїми прапорами, оскільки це організації прихильні для Церкви.

4. Перед входом до церкви можна робити збірки на світські цілі тільки за виразним дозволом Єрарха місця.

Chapter V: Sacred Places
A. The Church

Article 138. Church buildings should have their own distinctive style, set apart from secular buildings, if possible, even separated from them completely by open space. As a house of God and a holy place of worship, the interior of churches should be kept clean and well-ordered so as to inspire piety in the faithful. The pastor and those who assist him are not only to see to the exemplary orderliness of the church, but are also to take all necessary steps against desecration or destruction. The church is to be locked during the day when the faithful are not likely to visit and it must certainly be locked during the night. In particular, the church must be protected against fire.

Article 139. 1. The house of God is to be a place reserved exclusively for divine worship and is to retain its sacred character. It is not to be used for any secular purpose, even if charitable or beneficial to the church (bingos, lotteries, bazaars). In order for religious conferences or religious concerts to be held in a church, the permission of the local Hierarch is necessary.

2. With the pastor's permission, photographs may be taken in church (at Pontifical Divine Liturgies, at weddings) insofar as this does not interfere with divine worship and does not distract the faithful.

3. Branches of organizations may participate in liturgical services in church, wearing their uniforms and bearing their flags, insofar as these organizations are favourable towards the Church.

4. Collections for secular purposes can be taken up at church entrances only with the permission of the local Hierarch.

Стаття 140. У випадках будови нової церкви, церковний заряд має предложити Єрархові місця не тільки плян і кошторис, але теж проєкт внутрішнього устаткування церкви, передусім її святилища. Він має теж просити, щоб Єрарх місця назначив церкві св. Патрона.

Стаття 141. Своїм зовнішнім виглядом церква має відповідати вимогам українського стилю. Якщо на церкві є копули (бані), їх належить забезпечувати перед атмосферичними діланнями, щоб до нутра церкви не протікала вода з воздушних опадів.

Стаття 142. Нутро церкви має бути поділене на три часті: святилище, храм вірних і притвор. Святилище має бути бодай одним ступенем вище нави церкви (може бути вище 1-3-ма ступенями). В самому святилищі нема ніяких ступенів і доступ до св. Трапези є вільний з чотирьох сторін.

Стаття 143. Святилище є відділене від храму вірних іконостасом, поза який воно висувається т. зв. солеєю. На солеї, перед намісними іконами, стоять дві грубші свічі, які належить засвічувати в часі усіх богослужб.

Стаття 144. Іконостас є такий сутєвий в церкві українського обряду, що церква (також молитовниця) без нього вважається непридатною до богослужби. Де його нема, душпастир повинен подбати і заохотити вірних, щоб його поставлено. Ніякі інші перегороди (баляски) не заступають іконостасу.

Стаття 145. 1. У святилищі мають знаходитися крім св. Трапези побіч неї два пристінні столики, трапеза Предложення і наризник, або хоч трапеза Предложення, а за св. Трапезою Горне

Article 140. At the construction of a new church, the church committee is to present the local Hierarch, not only with a plan and budget, but also with a proposal for the interior of the church, above all, the sanctuary. The committee is also to request that the local Hierarch designate a patron saint for the church.

Article 141. The outward appearance of the church is to correspond with the requirements of Ukrainian style. If the church has cupolas (domes), they are to be protected from the elements so that water due to precipitation does not leak inside the church.

Article 142. The interior of the church is to be divided into three sections: sanctuary, nave, and narthex. The sanctuary is to be constructed so that it is at least one step (and can be up to three steps) higher. There are to be no steps in the sanctuary itself and the holy table is to be accessible from all sides.

Article 143. The sanctuary is to be separated from the nave by an iconostas, outside of which is located the so-called solea. Two large candles, lit during all liturgical services, are to be placed on the solea before the stationary icons.

Article 144. The iconostas is so integral to churches of the Ukrainian rite that a church (and chapel) without one is considered unfit for divine worship. Where an iconostas is lacking, the pastor is to see to it, and encourage the faithful, that one be erected. No other partitions (banisters) can substitute for an iconostas.

Article 145. 1. The sanctuary, in addition to the holy table, is to have two smaller tables butted against the wall, one on each side of the Holy Table, namely, the prothesis and vesting tables, or at least the

сідалище і сопрестоля, уставлені під запрестольною іконою.

2. На св. Трапезі квадратної форми, обов'язково відсуненій від стіни так, щоб можна було вигідно робити приписані на богослужбах Входи і її обкадрувати, мають знаходитися:

1) два обруси, горішний звисаючий з усіх боків, зложений на них ілітон і вложений між ними антимінс, якщо церква не є посвячена Архиєреєм і не є у плиту св. Трапези вложені св. Мощі;

2) книга св. Євангелії, зложена на звиненому утроє ілітоні по середині св. Трапези;

3) кивот, оскільки можливо не великий, мініятурної форми храму, або гробу настромленим хрестом (там, де не було б кивота, має знаходитися стоячий св. Хрест);

4) ручний хрест, положений з правого боку св. Євангелії;

5) подушцинка під служебник, положена з лівого боку св. Євангелії (Служебник можна теж класти на аналой, уставлений з лівого боку св. Трапези);

6) свічники з поодинокими, або з потрійними свічками (можна замість свічників уставити за св. Трапезою семираменний свічник з лампками, наповнюваними оливою);

7) на св. Трапезі біля кивоту можна примістити т. зв. сакрарій, посудину з водою і з окремим рушничком, якими священик вмиває і втирає пальці по згорненні Св. Дарів до чаші.

3. Ні на св. Трапезі, ані коло неї, ані внутр неї, не повинно знаходитися ніщо не потрібне до богослужби (реліквіярі, статуетки ангелів, природні чи штучні квіти, переносні східки, дзвіночки).

Стаття 146. До святилищ мають вступ тільки священик, диякон і церковна прислуга.

prothesis. Behind the Holy Table is to be the "throne on high" and additional seats situated beneath the sanctuary icon.

2. Upon the holy table, which is to be square in form and separated from the wall so that processions and incensations can easily be performed, are to be found:

1) two linens, the upper draping on all sides, an iliton placed upon the upper linen, and an antimimension placed between both linens if the church has not been consecrated by a Bishop and there are no sacred relics contained in the holy table;

2) Holy Gospels placed upon a thrice-folded corporal in the centre of the holy table;

3) a tabernacle, not too large, in the form of a miniature church or tomb with a cross on top (when there is no tabernacle, an upright cross is to take its place);

4) a hand-cross placed to the right of the Holy Gospels;

5) a pillow placed under the Sluzhebnyk, to the left of the Holy Gospels (the Sluzhebnyk may also be placed upon the analogion positioned to the left of the holy table);

6) candlesticks with single or triple candles (instead of candlesticks, a seven-barred candlestick with oil-filled lamps may be positioned behind the holy table);

7) the so-called sacrarium, positioned next to the tabernacle, filled with water, with its own purificator, which the priest uses to wash and dry his fingers after placing the holy gifts into the chalice.

3. Nothing else that is non-essential for divine worship is to be placed on, near, or in the holy table (reliquary, statues of angels, natural or artificial flowers, bookrest, or bells).

Article 146. Only priests, deacons, and church assistants are permitted to enter the sanctuary.

Стаття 147. В передній часті храму вірних, напроти св. Трапези, має знаходитися тетрапод, на якому стоять хрест і два свічники та лежать храмова або празнична ікона і ручний хрест. Свічки повинні світитися на тетраподі так довго, як довго в храмі є вірні. По боках тетраподу знаходяться крилоси для дяків, а перед крилосами можуть стояти офірники.

Стаття 148. 1. Церкву належить прикрашувати іконами і мозаїками, а не статуями.

2. В церкві належить уживати хрестів з мальованим або різьбленим розп'яттям.

Стаття 149. Побажаним є, щоб біля церкви знаходилася своїм виглядом до вигляду церкви достосована дзвіниця бодай з одним дзвоном, якого треба уживати з таких нагод, як заголошування богослужб, дзвонення на Достойно єсть, на Великдень, на витанні Архидіакона.

Стаття 150. Маючи на увазі помітний вплив населення з дрібних місцевостей до містечок і до великих міст, належить кращі церкви будувати в містечках і у великих містах; у великих містах будувати їх більше, а в дрібних місцевостях вдовольнитися скромнішими будівлями.

Стаття 151. 1. Узгоджуючи бажання вірних, Єпарх місця назначає церкві св. Патрона. Патронатів, що не відповідають церковному календарю, або у ньому зовсім не знаходяться (Церква ПДМарії, Церква Взяття до неба ПДМарії, Церква Неустаючої Помочі ПДМарії, Церква св. Родини, Церква Христа Царя) належить уникати.

Article 147. A tetrapod is to be positioned at the front of the nave, opposite the holy table, upon which are placed an upright cross, two candles, an icon of the church patron or feast, and a hand-cross. The candles are to be lit for as long as there are faithful present in the church. On the sides of the tetrapod are to be positioned special seats for the cantors, and, in the front of these, offertory stands may be placed.

Article 148. 1. The church is to be adorned with icons and mosaics, but not with statues.

2. It is proper to use only those crosses with either a painted or engraved corpus upon them.

Article 149. It is desirable that a bell-tower be erected, similar in architecture to that of the church, and with at least one bell. Among other occasions, it is to be used to announce the commencement of liturgical services, at "It is truly right...", at Easter, and to welcome a Bishop.

Article 150. Considering the sizeable emigration of people from smaller communities to towns and cities, it is proper to build better churches in these centres—larger churches in bigger towns and cities, and more moderate structures in rural areas.

Article 151. 1. Taking into consideration the wishes of the faithful, the local Hierarch is to designate a patron saint to the church. Patrons which do not conform to the liturgical calendar or are not found there altogether, are to be avoided (Church of the Most Pure Virgin Mary, Church of the Assumption or the Perpetual Help of the Most Pure Virgin Mary, Church of the Holy Family, Church of Christ the King).

2. Належить теж уникати назначування того самого св. Патрона двом сусідючим церквам, які придержуються того самого церковного календаря, бо на цьому терпить торжественне святкування храмових празників.

Стаття 152. Внутрішнє устаткування молитовниці і побічного святилища (параклезії) має відповідати, оскільки це можливе, усім вимогам внутрішнього устаткування церкви. Св. Трапеза у них має бути обов'язково відсунена від стіни.

Б. Цвинтар

Стаття 153. В Канаді існують цвинтарі: католицькі (загальні і окремі українські), конфесійні чужих віровизнань, комунальні і бізнесові приватних компаній. Обов'язком душпастиря є допильнувати, щоб його померлі парохіяни були завжди похоронювані на католицьких цвинтарях.

Стаття 154. Католицький цвинтар має бути посвячений Єпископом, або його відпоручником, огорожений і вдержуваний у гідному стані. По середині цвинтаря має стояти більший хрест або цвинтарна молитовниця. На краю цвинтаря має бути залишене неосвячене місце на похоронювання неохрещених дітей, самогубців і нерозкаяних публичних грішників. Можна частину цвинтарного поля відпустити іншому християнському віровизнанню, з тим, що ця частина буде відділена від освяченої католицької частини цвинтарного поля та що на ній будуть похоронювані тільки покійники іншого віровизнання.

Стаття 155. Де нема католицького цвинтаря, або де родина покійника подає важні причини, душпастир може

2. Equally to be avoided is the designation of the same patron to two neighbouring churches which follow the same liturgical calendar since the solemn celebration of parish feast days will suffer as a result.

Article 152. The interior ordering of a chapel and the adjoining sanctuary (parakleziji) are to conform, insofar as possible, to all the requirements of the interior ordering of a church. It is obligatory that the holy table be away from the wall.

B. Cemeteries

Article 153. The following types of cemeteries exist in Canada: Catholic (general and those for Ukrainians), non-Catholic, common, and those operated by private businesses. It is the obligation of the pastor to see to it that the members of his parish are always buried in Catholic cemeteries.

Article 154. Catholic cemeteries are to be consecrated by a Bishop or his delegate, enclosed by a fence, and maintained in good condition. In the centre of the cemetery is to be a large upright cross or a cemetery chapel. At the edge of the cemetery, an unconsecrated section is to be set aside for the burial of unbaptized children, those who have committed suicide, and non-repentant public sinners. A section of the cemetery may be reserved for the use of another Christian denomination with the condition that it be separated from the consecrated Catholic section and that it be used only for the burial of non-Catholics.

Article 155. Where there are no Catholic cemeteries, or where the family of the deceased provides valid supporting

похоронити католицького покійника на комунальному, або на бизнесовому цвинтарі, вийняtkово теж на цвинтарі іншого християнського віровизнання. У тих випадках він освятить виділене на гріб місце перед похоронною відправою, без окремого дозволу Єрарха місця.

Стаття 156. На католицькому цвинтарі може бути похоронений іновірець, якщо він є членом мішаної з католицькою родини, зокрема некатолицький супруг, який вінчався за розршенням від подружжя перепони мішаного віровизнання і додержував зложені при вінчанні заперук. І навпаки, можна було б похоронити католицького покійника на цвинтарі іншого християнського віровизнання, якщо він є членом мішаної родини, зокрема супругом, що вінчався за розршенням від подружжя перепони мішаного віровизнання і у його подружжя були додержані зложені при вінчанні заперуки.

Стаття 157. На поодиноких гробах католицьких покійників має стояти намогильний хрест, а коли б на них були поставлені намогильний пам'ятник, або намогильна плита, тоді хрест має бути зображений на пам'ятнику або плиті.

Стаття 158. Покійника похоронює його душпастир без огляду на те, де покійник вмирав і де відбувається його похорон. Священик, який похоронив покійника, чужого парохіянина, має звернути пібрану виноградну душпастирєві покійника цілістю, а коли б це зробив за здогадочною згодою душпастиря (зимова студінь, віддаль)—половину одержаної винагороду.

Стаття 159. На похорон самогубця за скромною відправою (Панахидою і запечатанням гробу), з участю одного

reasons, the pastor can bury a Catholic in a communal or commercial cemetery, and, by way of exception, even in that of another Christian faith. In such cases, the priest is to bless the spot set aside for the grave prior to the burial, without any special permission from the local Hierarch.

Article 156. Non-Catholics may be buried in Catholic cemeteries if they are members of mixed Catholic families, especially non-Catholic spouses who were married with a dispensation from the marriage impediment of mixed religion and were faithful to the promises given at the time of marriage. Likewise, Catholics may be buried in cemeteries of another Christian faith if they are members of mixed religion families, and especially if they were married with a dispensation from the marriage impediment of mixed religion and were faithful to the promises given at the time of marriage.

Article 157. A sepulchral cross is to be erected on every Catholic grave. If a monument is erected or a stone plate is placed on the grave, then the cross is to be engraved on the monument or plate itself.

Article 158. The deceased is to be buried by his or her pastor regardless of where he or she died and where the funeral takes place. If a priest buries a member of another parish, he is to hand over any stipend received, in its entirety, to the pastor of the deceased; if the burial took place with at least the implicit permission of the pastor (in the cold of winter, involving a great distance), he is to receive half the stipend.

Article 159. The local Hierarch can grant permission for the simple celebration of a funeral (panakhyda and sealing of

священика, без вношення тіла до церкви, може дати дозвіл Єрарх місця, якщо будуть докази що самогубець наложив на себе руки в стані безвідповідальності.

Стаття 160. Похорон з церковними відправами не належиться нерозкаяним публичним грішникам. Одначе для відхилення зла (відштовхнення родини покійника від Церкви) Єрарх місця може дати теж дозвіл на похорон нерозкаяного публичного грішника зі скромними відправами.

Стаття 161. У випадках ексгумації тіла покійника і його перенесення на інше місце належить придержуватися приписів цивільного закону і заряджень Єрарха місця.

Стаття 162. Кожного року в часі Пятдесятниці, у якому можна надіятися привітної погоди, душпастир має відправити збірну Панахиду на місцевому цвинтарі за спочиваючих на ньому покійників, а після того, на бажання родин, правити Панахиди на поодиноких гробах покійників. Роковий "хід на гроби" він заповість вірним на церковній богослужбі і подбає, щоб його відбуту торжественно (виголосить на цвинтарі проповідь про пам'ять і молитву за покійників).

Стаття 163. 1. На поминальних рокових днях, принаймні в суботу перед М'ясопусною неділею і в суботу перед неділею св. Пятдесятниці, душпастир повинен відслужити заупокійну св. Літургію по померлих парохіянах.

2. В Великому пості душпастир має відправляти т. зв. Сорокоусти, себто, Службу Напередосвячених Дарів, згл. Літургію св. Івана Золотоустого з Парастасом.

the grave) of a suicide, with the participation of a single priest and without the body being brought to the church, provided that it is evident that the person committed suicide while in a state of irresponsibility.

Article 160. Non-repentant public sinners are to be deprived of an ecclesiastical funeral. However, in order to avoid harm (the distancing of the family of the deceased from the Church), the local Hierarch can also grant permission for the celebration of simple burial rites.

Article 161. In cases of the exhumation of a body and its transferal to another place, the regulations of civil law and the directions of the local Hierarch are to be adhered to.

Article 162. Each year, during the season of Pentecost, at times when favourable weather can be anticipated, the pastor is to celebrate a common panakhyda at the local cemetery, and then, if so requested by the families, celebrate a panakhyda at individual graves. At liturgical services, he is to announce the time of the annual "procession to the graves" and see to it that it is solemnly carried out (offering a sermon at the cemetery about remembering and praying for the deceased).

Article 163. 1. At annual memorials, at least on the Saturday before Meat-fare Sunday and the Saturday before Pentecost Sunday, the pastor should celebrate a memorial Divine Liturgy for the deceased members of his parish.

2. During Great Lent, the pastor is to celebrate so-called "Sorokousty" services, that is, the Liturgy of the Presanctified Gifts, or the Liturgy of St. John Chrysostom with Parastas.

Глава VI: Св. Часи
A. Святкові дні

Стаття 164. 1. Св. Церква присвятила кожний день року почитанню пам'яті якоїсь важної події Божого Об'явлення, або пам'яті якогось Святого чи більшого числа Святих. Систематичний уклад усіх свят в році називається церковним календарем, який зачинається 1-им вересня, а кінчиться 31-им серпня слідуючих по собі років.

2. Свята церковного календаря діляться на:

а) неподвижні (нерухомі) і подвижні (рухомі);

б) Господні, Богородичні і Святих (різних родів: апостолів, мучеників, преподобних, святителів і інших); і

в) великі (нарочисті), середні і малі.

Докладний перегляд неподвижних свят з їхніми знаками (подвижні свята не мають) поданий у Служебнику, Апостолі і в Часослові.

Стаття 165. Великі свята, деякі середні, а навіть малі (Собор Пресв. Богородиці, пам'ять св. Первомученика Стефана), св. Церква наказала своєю заповіддю святкувати нарівні з неділями церковного року, т. зн. вислухати на них набожно св. Літургію і проповідь та здержатися від тяжких робіт. Українці католики, так на рідних землях, як і на поселеннях, святкують свята по наказові Церкви, прийняті на Львівському Соборі з 1891 р. і вчислені у його Чинностях і рішеннях (стор. 137) крім деяких, що були вийняті, згід наказу (зредуковані). В Канаді господарські умовини не сприяють зберіганню тих свят, коли вони припадають на буднях. Тому, що це може занепокоювати сумління вірних, Синод

Chapter VI: Sacred Times
A. Feast Days

Article 164. 1. The Holy Church has dedicated each day of the year in honour of an important event in God's revelation or the memory of one or more Saints. The systematic ordering of all the feasts of the year is called the liturgical calendar, which begins on September 1 and ends on August 31 of the following year.

2. Holy days of the liturgical calendar are divided into:

a) immovable (fixed) and movable (unfixed);

b) those in honour of the Lord, the Mother of God, and the Saints (various grades: apostles, martyrs, the venerable, Bishops, and others); and

c) major (solemn), lesser, and minor.

A detailed overview of the immovable feasts, along with their symbols (movable feasts do not have any), are given in the Sluzhebnyk, Apostol, and Chasoslov.

Article 165. The Holy Church, by its own commandment, places the celebration of the major feast days of the liturgical year, some of the lesser, and even some of the minor (Synaxis of the Mother of God, St. Stephen the Protomartyr) on the same level as Sundays, for example, with the pious attendance at the Divine Liturgy, to hear the sermon, and to refrain from heavy labour. Ukrainian Catholics, both in their native land, and in the diaspora, according to the commandment of the Church, observe those feast days enumerated by the Synod of Lviv in 1891 and listed in its Acts and Decisions (p. 137), with the exception of those later suppressed. In Canada, working conditions do not favour the preservation of certain feast days which fall

постановляє, що в усіх Епархіях Укр. кат. Вінніпегської Митрополії святами по наказові Церкви, які звичайно припадають на буднях, залишаться на будуче:

1. Різдво ГНІХриста;
2. Обрізання ГНІХриста, св. Василя Великого;
3. Богоявлення Господне;
4. Благовіщення ПДМарії;
5. Вознесення Господне; і
6. Успення ПДМарії.

Святом по наказові Церкви у поодиноких парохіях залишається їхній храмовий празник, коли вони його святкують на будні. Тільки у ті свята, коли вони припадуть на буднях, вірні так само, як на всіх неділях церковного року, обов'язані набожно вислухати св. Літургію і проповідь та здержатися від тяжких робіт, оскільки від цього не виправдують їх важні причини, а душпастир обов'язаний відслужити св. Літургію за народ, т. зн. за вірних парохії.

Стаття 166. В усі інші свята, які досі були святами по наказові Церкви душпастир повинен відслужити парохіальну св. Літургію, оскільки можна торжественну і з проповідю, щоб вірні мали змогу з набожності святкувати і ті свята, які вони звикли зберігати. Священик не є обов'язаний у ті свята служити св. Літургію за народ.

Стаття 167. Всі свята мають бути святковані на своїх календарних днях. На те, щоб якесь свято могло бути перенесене зі своєю богослужбою з будня на одну з найблизчих неділь, треба мати дозвіл Єрарха місця.

during the week. Therefore, so that this does not weigh heavily upon the consciences of the faithful, this Synod decrees that, throughout the Ukrainian Catholic Winnipeg Metropolia, only the following feast days will be observed on weekdays:

1. Nativity of Our Lord Jesus Christ;
2. Circumcision of Our Lord Jesus Christ; St. Basil the Great;
3. Theophany of Our Lord;
4. Annunciation of the Most Pure Virgin Mary;
5. Ascension of Our Lord; and
6. Dormition of the Most Pure Virgin Mary.

The feast day of an individual parish's patron saint continues to be a day of obligation when celebrated the day on which it falls. Only if it falls on a weekday, the faithful, as with all Sundays of the liturgical year, are obligated by the pious attendance at the Divine Liturgy, to hear the sermon, and to refrain from heavy labour, inasmuch as they are not excused by a just cause. On these days, the pastor is obligated to celebrate the Divine Liturgy for the people, that is, for the intention of the faithful of his parish.

Article 166. On all other feast days, the pastor should celebrate the Divine Liturgy for the parish, as solemnly as possible and with a sermon, so that the faithful have an opportunity, out of piety, to celebrate even these days, which they are used to observing. On these days, priests are not obligated to celebrate the Divine Liturgy for the people.

Article 167. All feast days are to be celebrated on their proper calendar days. In order for some feast day to be transferred from a weekday to the nearest Sunday, the permission of the local Hierarch is required.

**Б. Пости, освячені часи,
загальниці**

Стаття 168. Беручи до уваги це, що особливіші умовини в Канаді не сприяють теж зберіганню постів, прийнятих Львівським Собором з 1891 р. і досі практикуваних українцями католиками в Канаді, Синод постановляє, щоб у всіх Епархіях Укр. кат. Вінніпегської Митрополії обов'язував на будуче піст (повздержання від м'ясних страв) тільки:

1. у всі середи і п'ятниці Різдвяного і Великого постів;
2. у всі інші п'ятниці церковного року, за винятком п'ятниць чотирьох загальниць;
3. в Навечер'я Христового Різдва і Господнього Богоявлення; і
4. у святкові дні Всемірного Воздвиження чесного і животворного Хреста і Усічення чесної голови св. Івана Хрестителя.

У Велику П'ятницю обов'язує повздержання від набілу та від яєць.

Нема посту для парохіян і для гостей, якщо в посний день випаде у парохії храмовий празник.

Стаття 169. Синод поручає вірним, щоб вони з набожності зберігали всі пости, які досі обов'язували і які вони звикли зберігати.

Стаття 170. Обрядово мішані родини повинні зберігати пости за обрядом батька родини.

Стаття 171. Від зберігання посту є звільнені:

1. вбогі, що не мають пісних страв;
2. тяжко працюючі;

**B. Fasts, Sacred Times,
and Privileged Times**

Article 168. Taking into consideration that particular conditions in Canada do not favour the preservation of those fasts as enumerated by the Synod of Lviv in 1891, and which until now have been practised by Ukrainian Catholics in Canada, this Synod decrees that throughout the Ukrainian Catholic Winnipeg Metropolia henceforth only the following fasts (abstention from meat) are to be observed:

1. all Wednesdays and Fridays during the Christmas and Great fasts;
2. all other Fridays of the liturgical year, except the four privileged Fridays;
3. vigils of the Nativity of Christ and the Theophany of Our Lord; and
4. feast days of the Universal Exaltation of the Precious and Lifegiving Cross, and the Beheading of St. John the Baptist.

On Great Friday, the faithful are also obliged to fast from dairy products and eggs.

If a fast day coincides with the parish's patron feast day, parishioners and their guests are not required to keep the fast.

Article 169. The Synod encourages the faithful to continue to observe, out of piety, all fasts which until now were obligatory and to which they have become accustomed.

Article 170. Inter-ritual families should observe those fasts proper to the rite of the father.

Article 171. Exempted from fasting are:

1. the poor who do not have lenten foods;
2. those who perform heavy labour;

3. ті, що харчуються на місцях праці;
4. ті, що знаходяться в довшій подорожі;
5. хворі і немічні;
6. жінки, що є в тяжі і ті, що самі кормлять немовлят; і
7. діти до сьомого року життя.

Сам старечий вік не звільнює від повздержання від м'ясних страв.

Стаття 172. Тільки ті, що з важких причин дістали розрешення від зберігання посту, мають за кожноразове їдженя м'ясної страви відмовити один раз Отче наш і один раз Богородице Діво, а духовники і ченці один раз псалом Помилуй мя Боже.

Стаття 173. Закон про освячені часи Синод постановляє обмежити до загальним законом Східної Церкви щодо вінчань і весільних гостин приписаних освячених часів на Різдвяному і Великому постах (кан. 97, 2, Про. Т. Подр.). Освячений час на Великому пості зачинається понеділком 1-го тижня посту.

Стаття 174. Просителі розрешення від церковних законів про піст і про освячений час мають в своїх проханнях завжди подавати важні причини, промовляючи за уділенням їм розрешення.

Стаття 175. Закон про загальниці залишається таким, як досі був, з тою різницею, що на усіх чотирьох загальницях нема ні посту, ані освяченого часу.

Стаття 176. Душпастир кожним разом заповість піст, освячений час і загальницю вірним, зібраним в церкві на богослужбі.

3. those who eat at their workplace;
4. those on a long journey;
5. the sick and frail;
6. those who are pregnant or nursing; and
7. children who have not completed their seventh year of age.

Old age itself does not exempt one from abstaining from meat.

Article 172. Those, who for a just cause have received a dispensation from fasting, are to pray one Our Father and one Hail Mary each time they eat meat; clerics and monks, the psalm, "Have mercy on me, O God..."

Article 173. The Synod decrees that the law on sacred times before Christmas and during Great Lent, as it concerns marriages and weddings, be governed by the common law of the Eastern Church (CA, c. 97, 2). The sacred time of Great Lent begins on the Monday of the first week of Lent.

Article 174. Those who request a dispensation from liturgical law on fasts and sacred times are always to include in their petition reasons for which the dispensation should be granted.

Article 175. The law concerning privileged times remains the same as in the past with the exception that, during the four privileged times, there is neither fast nor prohibited time.

Article 176. Pastors are to remind the faithful during liturgical services of approaching fasts, sacred times, and privileged times.

Глава VII: Про вчительську службу
A. Проповідкування Божого слова

Стаття 177. Душпастир, пам'ятаючи на Христові слова, сказані до Апостолів на розставанні з ними, "Отже йдіть і навчайте..." (Мт. 28,19) і на слова апостола ласки, св. Павла, "Бо горе мені, коли б я не проповідував (1 Кор. 9,17), повинен використовувати всі нагоди і засоби, щоб навчати повірене йому стадо. Особливішу увагу він повинен присвячувати молоді своєї парохії, яка часто виростає без шкільного релігійного виховування і в релігійно байдужому та загрозовому середовищі.

Стаття 178. Благословення (канонічну місію) на голошення Божого слова Єрарх місця уділює душпастиреві (парохові, завідателеві, сотрудникові) грамотою його назначення. Всі інші епархіяльні і позаепархіяльні священники потребують окремої власти від Єрарха місця на те, щоб вони могли у його Епархії проповідувати, голосити св. Місії, духовні вправи і великопосні науки. Подібної власти від Єрарха місця потребують духовники і миряни на релігійні передачі по радіовисильнях.

Стаття 179. В першу чергу душпастир обов'язаний проповідувати Боже слово на кожній св. Літургії неділь і святкових днів. Одначе він не повинен проминати й інших нагод, як є більше число вірних в церкві.

Стаття 180. Душпастир повинен уложити собі такий плян проповідей, щоб він впродовж означеного часу (2-3 років) міг вичерпати цілість правд віри і обичаїв. Цим основним пляном він не буде в'язатися аж так, щоб час до часу не виголосив вірним евангельської гомілії, літургічної, або якоїсь принагідної проповіді.

Chapter VII: Teaching Office
A. Preaching of the Word of God

Article 177. The pastor, calling to mind the words of Christ to the Apostles at His parting, "Go, therefore, and make disciples..." (Mt. 28:19) and the words of the Apostle of grace, St. Paul, "I am ruined if I do not preach" (1 Cor. 9:17), should take advantage of all opportunities and means to teach the flock entrusted to him. He should pay particular attention to the youth of his parish, who are often raised without public religious education, and in a religiously indifferent and threatening environment.

Article 178. The local Hierarch grants pastors, administrators, and parochial vicars, in their decree of appointment, the faculty (canonical mission) to preach the word of God. All other eparchial and extra-eparchial priests require from the local Hierarch the faculty to preach, give missions, retreats, and lenten missions in his eparchy. Clerics and laity require a similar faculty from the local Hierarch for religious radio programs.

Article 179. Above all, the pastor is obligated to preach the word of God at each Divine Liturgy on Sundays and feast days. Nevertheless, he should not omit other occasions when a larger number of the faithful are assembled in church.

Article 180. The pastor should prepare for himself a series of sermons so that within a certain period (two to three years), he touches upon all truths of the faith and morals. He is not to restrict himself to this basic plan so stringently that, on occasion, he is unable to preach evangelical, liturgical, or thematic sermons.

Стаття 181. Душпастир має старанно приготуватися до проповідей, дбати про те, щоб його проповіді були змістовні, цікаві і для вірних приступні. Вони не сміють бути задовгі (тривати довше як 15 хвилин). Душпастир, молодий священик, повинен навіть накреслювати собі проповідь на письмі, однак її не читати, але голосити вірним з пам'яті.

Стаття 182. У своїй проповіді душпастир не сміє особисто вразити когонебудь з вірних.

Стаття 183. 1. Душпастир повинен у своїх проповідях частіше пригадувати вірним їхні християнські обов'язки, як відмовлювання щоденних молитов, ходження до церкви на богослужби в неділі і в святкові дні, зберігання постів, ведення примірного життя в родині, дбайливого виховування дітей, давання пожертв на церковні потреби і на добродійні цілі, береження себе від усякої сектантської пропаганди. Він повинен теж частіше остерігати вірних перед непоміркованістю в уживанню алкоголів, перед погонею за майном і за розвагами та закликувати їх до доброго співжиття в парохії і в громаді.

2. Молодь парохії душпастир повинен частіше нагадувати, щоб вона шанувала і слухала батьків та остерігати її перед небезпеками, якими для неї можуть бути деякі кінові вистави, деякі танці, невідповідні книжки та ілюстровані магазини і т. п.

3. При зручно підібраних нагодах душпастир повинен остерігати старшу молодь перед небезпекою закладання мішаних подруж.

Стаття 184. Пам'ятаючи на те, що святе не годиться мішати зі світським, душпастир повинен у проповідях уни-

Article 181. The pastor is to prepare himself diligently for his sermons, seeing to it that they are meaningful, interesting, and easily understood by the faithful. They are not to be too lengthy (no more than fifteen minutes). A newly ordained priest should even sketch out his sermon on paper; however, he is not to read but deliver it from memory.

Article 182. During his sermons, the pastor is not to chastize any of the faithful personally.

Article 183. 1. During his sermons, the pastor is often to remind the faithful of their Christian obligations, such as reciting their daily prayers, attending Church on Sundays and feast days, observing lent, leading an exemplary life in the family, solicitously educating children, the giving of offerings for ecclesiastical needs and charitable purposes, and the guarding of oneself from all sectarian propaganda. The pastor is also often to caution the faithful about the excessive use of alcohol and the quest for material wealth and amusement. He is also to exhort them to participate in community life, within and outside of the parish.

2. The pastor is often to admonish the youth of the parish to respect their parents and to listen to them. He is also to caution them about the dangers of certain movies, dances, unsuitable books and illustrated magazines, etc.

3. At carefully selected times, the pastor is to caution the older youth as to the dangers of entering into mixed marriages.

Article 184. Being aware that it is not appropriate to mix the sacred with the profane, the pastor is to avoid all that is not

кати всього, що не є релігійне. З проповідю він навіть не повинен лучити парохіяльних заповідань. Їхнє властиве місце є в парохіяльному бюлетені. Коли б з konieczности душпастир мусів щось заголошувати в часі св. Літургії, хай це зробить коротко по Заамвонній молитві.

Стаття 185. Кожного року душпастир повинен подбати, щоб у Великому пості його вірні вислухали бодай коротких наук, які приготовляли б і настроювали б їх до прийняття св. Тайн Сповіді і Причастя. Що кілька років він повинен подбати, щоб у його парохії відбулася кількадевна св. Місія. Для молоді і для парохіяльних організацій він повинен щорічно устроювати бодай коротенькі духовні вправи.

Стаття 186. Де цього вимагало б духовне добро вірних, душпастир буде просити дозволу Єрарха місця на проповідування Божого слова вірним в англійській мові.

Б. Релігійне навчання

Стаття 187. 1. Перше навчання дітей найелементарніших релігійних правд, законів і практик є завданням родинного вогнища, у якому дитина проживає свій дошкільний вік. Душпастир повинен часто пригадувати батькам, що їхнім обов'язком сумління є заціплювати в душах своїх дітей перші зав'язки релігійного життя. Школа і Церква продовжують опісля це батьківське навчання, поповнюють його, і поправляють його, де воно було б неточне.

2. В парохіях, передусім по містах, дуже побажаним є організування Діточих садків, куди працюючі батьки могли б віддати своїх дітей на опіку і науку. Так само побажаним є у них організування сталої Рідної Школи, бо навчання в

religious in his sermons. He is not even to link parish announcements with his sermon; rather, their proper place is in the parish bulletin. When he must make an announcement during the Divine Liturgy, out of necessity, he is to do so briefly after the Ambo Prayer.

Article 185. Each year, during Great Lent, the pastor is to organize a short mission for his parishioners, intended to prepare and encourage them to receive the sacraments of Confession and Communion. Once every several years, he is to arrange a mission in his parish, which is to last several days. He is also to organize each year at least a shorter retreat for the youth and parish organizations.

Article 186. Where the spiritual good of the faithful demands it, the pastor is to ask the local Hierarch for permission to preach the word of God in English.

В. Catechetical Instruction

Article 187. 1. The first instruction of children in the most basic of religious truths, laws and practices is the responsibility of the family in the home, in which the child lives out his or her pre-school years. The pastor is often to remind parents that they are obligated in conscience to impart the first principles of religious life to their children. School and Church continue the instruction initiated by parents, augmenting it and correcting it where it is found lacking.

2. In parishes, especially in larger centres, it is greatly desired that kindergartens be organized where working parents bring their children for care and education. It is also desirable that Ukrainian schools be organized since the instruction received

Рідній Школі буде прислугуватися теж рідній Церкві. В Рідній Школі діти навчаться рідної мови, близької літургічній мові, і будуть розуміти свої церковні богослужби.

3. Там, де в часі літніх ферій є устроювані вакаційні курси для шкільної молоді по літніх таборах, душпастир зацікавить батьків тими курсами та буде старатися спрямувати до них якнайбільше молоді зі своєї парохії.

4. Діточі садки, Рідні Школи і вакаційні курси будуть під наглядом епархіяльної Шкільної Кураторії.

Стаття 188. Важким обов'язком душпастиря є у проповідях, на слуханні св. Сповідей і на приватних стрічах настоювати на батьків, щоб вони посиляли своїх дітей до католицьких шкіл, якщо вони існують в парохії, або в місцевості. Він повчить батьків, що:

1) посилення дітей до католицьких шкіл є їхнім строгим обов'язком, від якого можуть виправдувати тільки дуже важні причини;

2) посилення дітей до акатолицьких шкіл і на науку релігії чужого віровизнання є заборонене самим Божим правом та, що від цієї заборони не можуть виправдувати ніякі причини;

3) так само строго є заборонене батькам віддавання своїх дітей до акатолицьких виховних інститутів.

Найкраще буде, як парох доложить усіх старань, щоб мати у парохії свою цілоденну школу.

Стаття 189. Обов'язок релігійного навчання в парохії тяжить на душпастиреві. Він за нього відповідає і не може його повністю передавати на інших осіб, хоч може користуватися поміччю інших осіб у релігійному навчанні.

from them will likewise benefit the Ukrainian Church. In these Ukrainian schools, children will learn their native language, similar to that used in divine worship, and thus will be able to understand the liturgical services.

3. Where courses are organized for school children at summer camps during summer holidays, the pastor is to raise the interest of parents in these courses and to encourage as many children as possible from the parish to attend.

4. Kindergartens, Ukrainian school and summer courses are administered by the eparchial school curator.

Article 188. The pastor, in his sermons, hearing of confessions and private encounters, has a grave obligation to urge parents to send their children to Catholic schools where they exist in the parish or in the community. He is to inform parents that:

1) they have a grave obligation, for which only very important circumstances can excuse, to send their children to Catholic schools;

2) the law of God itself forbids, for which no reason can excuse, the enrolment of Catholic children in non-Catholic schools with religious instruction in another faith; and

3) also strongly prohibited is the enrolment of children in non-Catholic educational institutions.

Most desirable is for the pastor to do all that is possible to have a full-day school in his own parish.

Article 189. The obligation of religious instruction in the parish rests with the pastor. He is responsible for it and cannot delegate it to others in its entirety; however, he can avail himself of the assistance of others in religious instruction.

Стаття 190. Якщо в школах парохії навчання релігії входить у програму навчання, душпастир має відбувати його правильно в класах і годинах, визначених йому програмою. Коли це школи, у яких навчання релігії уділюють особи латинського обряду, душпастир має в кожній класі (групі) навчати дітей літургії свого обряду бодай по 30 хвилин тижнево. У тих школах він має допильновувати, щоб шкільні діти ходили на богослужбу свого обряду і приймали св. Тайни в своєму обряді.

Стаття 191. Якщо в школах парохії (публичних школах) навчання релігії не входить в програму навчання, душпастир у співдії з батьками подбає про дозвіл управи школи (скул борду) відбувати навчання релігії в школі поза шкільними годинами і буде навчати релігії в групах, бодай по 30 хвилин тижнево у кожній з них. Вірних своєї парохії душпастир напімне, щоб вони у виборах шкільних радних не голосували на осіб, які вороже ставляться до Католицької Церкви і можуть противитися навчанню релігії в школі. Шкільних радних католиків, які беруть участь в шкільних засіданнях, він напімне, щоб вони обстоювали право навчання релігії в школі і не допускали до схвалювання противних постанов.

Стаття 192. Душпастир повинен вдержувати добрі зв'язки з місцевим учительством, а зокрема з тими учителями, від яких він може сподіватися доброго релігійно-морального впливу на шкільну молодь.

Стаття 193. Якщо б навчання релігії не могло відбуватися в школі, душпастир підшукає місце і час на те, щоби дітей парохії навчати релігії в групах і годинах по його розсудкові. А коли б він

Article 190. The pastor is to provide religious instruction, where it is part of the parochial school education program, during those classes and hours designated by the program. In schools where religious instruction is provided by individuals of the Latin rite, for at least thirty minutes each week in each class (group), he is to teach the children the liturgics of their own. He is also to see to it that they attend liturgical services in their own rite, as well as receive the sacraments in their own rite.

Article 191. If in certain parochial schools (public) religious instruction is not part of the education program, the pastor, in collaboration with parents, is to seek the permission of the school authority (school board) to use the school after hours for the purposes of religious education, and is to teach the children in groups, each group for at least thirty minutes per week. The pastor is to admonish the faithful of his parish not to vote for those school trustees who appear hostile to the Catholic Church and who may oppose religious instruction in schools. The pastor is also to admonish Catholic school trustees, in their meetings, to defend the right of religious instruction in schools and not to allow the enactment of any resolutions to the contrary.

Article 192. The pastor is to maintain good rapport with the local teachers' association, in particular with those teachers whom he believes will have a good religious-moral influence on the children.

Article 193. If it is not possible for religious instruction to take place at a school, the pastor is to arrange another suitable place and time to teach children religion. If he is unable to do so, he then has no other

не міг підшукати місця, відповідного на правильне навчання релігії, не залишається йому нічо інше, як навчати релігії в церкві. Для тої цілі він може використовувати вільні шкільні дні і час по церковних богослужбах. Батьків він напімне, щоб вони брали зі собою дітей на богослужби і казали їм задержуватися по богослужбах на науку релігії.

Стаття 194. 1. Душпастир обов'язаний кожного року в часі літніх ферій зорганізувати в своїй парохії вакаційне навчання релігії для дітей, що в часі шкільного року не побирали правильної шкільної науки релігії.

2. Наука релігії у вакаційному часі повинна тривати бодай два тижні. Крім навчання релігії, по 3-4 години денно, належить у тому часі навчати дітей теж української грамоти і мови.

3. Коли б душпастиря у вакаційному навчанні релігії заступали інші особи, черниці або миряни, душпастир повинен дати їм потрібні вказівки і посібники (катехизм, церковний співаник), повинен подбати про пристойне приміщення і належну винагороду для них. Він сам повинен показуватися між дітьми, особливо ранком, щоб служити для них св. Літургію.

Стаття 195. Душпастир, маючи на пам'яті приклад Божественного Спасителя, повинен огоргати окремою духовною опікою дітей своєї парохії: знакомитися з ними, ласкаво їх трактувати, бути для них виrozumілим і терпеливим. Літом, в час привітної погоди, він повинен дітям своєї парохії урядити спільну прогульку. Окрему прогульку він повинен урядити для хлопців вівтарної дружини.

Стаття 196. В деяких виїняткових випадках (віддалі, недуги, виразного прохання) душпастир може користува-

choice but to teach in the church itself. He is to take advantage of those days when children are not in school, as well as times after the liturgical services. He is to admonish parents to bring their children with them to Church and then stay afterwards so that he can offer their children some religious instruction.

Article 194. 1. The pastor is obligated to organize a summer catechism program in his parish each year for those children who, during the year, did not receive sufficient religious instruction in school.

2. The summer catechism program is to last at least two weeks, during which, in addition to religion, the children are also to receive instruction in Ukrainian writing and language, three to four hours daily.

3. Where the summer catechism program is taught by religious and lay persons, the pastor is to provide them with the necessary instructions and material (catechism and church song books), and see to it that these instructors have proper accommodations and remuneration. He is personally to visit the children, especially in the morning, in order to celebrate the Divine Liturgy for them.

Article 195. The pastor, mindful of the example offered by the Divine Saviour, should embrace in particular the spiritual care of the children of his parish: befriend them, treat them with kindness, and offer them understanding and patience. In summer, when the weather is favourable, he should organize an outing for them, as well as a separate one for the altar boys.

Article 196. In certain cases (distance, illness, personal request), the pastor can offer religious instruction by correspon-

тися для навчання релігії заочною кореспонденційною метою. Ця метода може мати своє примінення у навчанні старшої шкільної молоді і дорослих осіб, які не мали змоги набути потрібне знання релігії. Душпастир висилає тоді обучуваній особі поштою тему, яка становить лекційну цілість, а обучувана особа, заосмотрена у потрібні посібники, опрацьовує її і пересилає душпастиреві до оцінки. По році або якомусь довшому часі заочного навчання душпастир може перевести з кореспонденційно обучуваною особою усний іспит.

Стаття 197. 1. Де це тільки було б можливе повинен душпастир зорганізувати парохіяльне Братство Християнського Навчання, яке охоплювало б в парохії всіх, хто може релігійне навчання подавати, або його спомагати.

2. Сам душпастир повинен добре зазнайомитися з організацією і з програмою праці Братства Християнського Навчання, щоб він міг популяризувати між своїми вірними його завдання і методу праці.

Стаття 198. Душпастир обов'язаний обучувати в правдах католицької віри і в релігійних практиках неофітів, яких він має хрестити. Конвертитів на лоно Католицької Церкви він має докладно повчити про різниці між наукою віровизнання, яке вони покидають, і наукою Католицької Церкви.

Стаття 199. Маючи на увазі те, що батьки, які повинні давати своїм дітям перше релігійне навчання, самі дуже часто не побирали правильного релігійного навчання, душпастир буде давати теж їм катихитичні поучення при кожній сприятливій нагоді.

Стаття 200. Епархіяльні Шкільні Кураторії будуть укладати програми

dence. This method may have its particular application in the instruction of older students and adults who did not have an opportunity to acquire necessary religious knowledge. He is to mail the student one theme, constituting one entire lesson, and the student, having been supplied with the necessary materials, is to complete and return it to the pastor for correction. After a year or more of instruction by correspondence, the pastor may conduct an oral exam with the student, who received instruction by correspondence.

Article 197. 1. Where possible, the pastor is to organize a parochial Confraternity of Christian Doctrine which includes all those in the parish who can teach, or help with, religious education.

2. The pastor himself is to become well acquainted with the organization and program of the Confraternity of Christian Doctrine in order to promote its work and methods among the faithful.

Article 198. The pastor is obligated to instruct neophytes, whom he is to baptize, in the truths and religious practices of the Catholic faith. He is to instruct converts to the Catholic Church properly as to the differences among the religious teachings of their denomination and those of the Catholic Church.

Article 199. Mindful that parents, who are responsible for providing children their primary religious education, have often themselves not received proper religious instruction, the pastor is also to provide them with catechetical instruction at every favourable occasion.

Article 200. The eparchial school curators are to establish programs of

релігійного навчання у всіх його формах, видавати посібники і інструкції, уряджувати катихитичні конференції і курси.

Глава VIII: Про заряджування церковними дочасними добрами

Стаття 201. Католицька Церква має власне право набувати дочасні добра, їх посідати і ними орудувати, бо вони є необхідні для досягання її цілей (кан. 232, Про церк. доч. добра).

Стаття 202. В Канаді Католицька Церква втішається повною свободою. Однак вона не має від держави матеріальної підтримки, за винятком деяких дрібних полекш. В матеріальному огляді Католицька Церква опирається в Канаді повністю на пожертвах вірних. Вірні повинні уважати собі щедру жертвенність на потреби Церкви своїм святим обов'язком та розуміти, що їхні пожертви для Церкви з хвилиною віддання стаються власністю Церкви і право ними заряджувати має виключно церковна влада.

Стаття 203. 1. Правними моральними особами і підметами посідання дочасних дібр та орудування ними є в Канаді всі церковні клітини (Епархія, парохія, чернечий чин, монастир, церковні виховні і добродійні установи, церковні видавництва, кредитові спілки і інші), які державна влада такими визнала і затвердила їхні статuti (чартери).

2. Визнані державною владою церковні моральні особи мають право посідати так нерухоме (поле, дома), як і рухоме майно (готівку, шери, бонди) і ними орудувати.

3. Церковні моральні особи заступають перед державною владою Єпископ і його відпоручники, як рівнож

religious instruction, in all its forms, provide materials and instructions, and organize catechetical conferences and courses.

Chapter VIII: Administration of Ecclesial Temporal Goods

Article 201. The Catholic Church has the inherent right to acquire, retain, and administer temporal goods which are necessary for the achievement of its objective (PA, c. 232).

Article 202. The Catholic Church in Canada enjoys complete independence. It does not, however, receive any material support from the state, with the exception of some minor easements, and thus relies completely upon the material offerings of the faithful. Therefore, the faithful have a sacred obligation to donate generously towards the needs of the Church. Furthermore, they are to understand that these offerings become the property of the Church, which has the exclusive right to administer them.

Article 203. 1. In Canada, all ecclesiastical entities (eparchy, parish, religious order, monastery, educational and charitable institutions, ecclesial publishers, credit unions, and so on) which the state recognizes and approves of their statutes (charters), are deemed moral and physical persons, capable of the acquisition and administration of temporal goods.

2. Ecclesiastical moral persons, recognized by the state, have the right to retain and administer immovable property (land, homes), as well as movable (liquid assets, shares, and bonds).

3. Ecclesiastical moral persons are represented before the state by the Bishop and his delegates, as well as the general

вищий настоятель чернечого чину і його відпоручники.

Стаття 204. 1. Церковні спільноти, що вже самим загальним правом не є визнані моральними особами, стаються ними перед Церквою на основі ерекційної грамоти Єрарха місця.

2. Єрарх місця має нагляд над заряджуванням дочасними добрими моральних осіб, визнаних такими загальним церковним правом, або його ерекційною грамотою, і відповідає за те, щоб вони не пропали для Церкви, не понесли втрати, але протівно, щоб вони приносили користь для Церкви. Він назначає управителів церковними дочасними добрими, відбирає від них правильні звіти і візитує їх.

Стаття 205. Джерелами прибутків укр. кат. Епархій в Канаді є:

1) парохіяльний катедрастик у висоті 10 відсотків загального звичайного доходу парохії. Надзвичайні доходи парохії, як фонди будови і розмальовування церкви, будови резиденції, залі, школи, є вільні від парохіяльного катедрастику. Парох, або церковний заряд виплачують парохіяльний катедрастик з парохіяльної каси кожного місяця, або що три місяці дорогою звичайної парохіяльної адміністрації;

2) канцеларійні такси, за виїнятком тих, які Єрарх місця має вислати св. Апостольському Престолові за уділені розршення;

3) різні дарування від організацій, установ і поодиноких осіб.

Стаття 206. Джерелами прибутків укр. кат. Єрархів в Канаді є:

1) винагороди з нагоди переводжених Єрархом канонічних візитацій,

superior of religious institutes and his delegates.

Article 204. 1. Ecclesiastical associations, which are not recognized as moral persons by the common law itself, can be constituted moral persons in the Church on the basis of a decree of erection granted by the local Hierarchy.

2. The local Hierarchy is to oversee the administration of the temporal goods of moral persons recognized by ecclesial common law or by decree of erection. He is not only to protect them against all loss, but to ensure that they bring about some benefit for the Church. He is to appoint stewards of ecclesiastical temporal goods, receive proper accounting from them, and visit them.

Article 205. The sources of income of the Ukrainian Catholic eparchies in Canada are:

1) parish cathedraстик in the amount of ten per cent of the general ordinary income of the parish. The extraordinary income of the parish, such as building and painting funds for churches, building of residences, halls, and schools, are exempt from parish cathedraстик. The pastor or parish committee is to pay the parish cathedraстик from the parochial treasury, either each month or every three months, by way of normal parochial administration;

2) chancery taxes, with the exception of those which the local Hierarchy must send to the Holy Apostolic See in lieu of dispensations granted;

3) various gifts from organizations, institutions, and individuals.

Article 206. The sources of income of the Ukr. Cath. hierarchy in Canada are:

1) remuneration received on the occasion of canonical visitations, con-

свячень церков, празничних богослужб;

2) половина різдвяної і великодної таци, званої “даром любови”;

3) різні особисті дарування для Єрарха.

Стаття 207. 1. Річні збірки на Петрів гріш, на харитативні діла Святішого Отця, на сиротинці і на інші добродійні цілі переходять через Єпископську Канцеларію і є відпроваджувані, куди належить.

2. На случай якоїсь окремої потреби Єрарх місця може зарядити надзвичайну збірку, вислухавши епархіяльних радників (кан. 243, Про церк доч. добра).

Стаття 208. 1. Цілим майном Епархії заряджує Єрарх при допомозі епархіяльного економа та доданих йому урядовців і Епархіяльної Маєткової Ради, якої він є предсідником, а епархіяльний економ обов'язковим членом (кан. 263, Про церк доч. добра).

2. В речах більшої вартости Єрарх засягає поради Епархіяльної Маєткової Ради, деколи потребує її згоди і дозволу св. Апостольського Престолу (кан. 263, 4, Про церк доч. добра).

3. Побажаним є, щоб Єрарх місця мав правного дорадника, доброго знавця цивільного права і доброго християнина, для забезпечування церковного майна і його оборони.

Стаття 209. На власність Епархії переходить майно нижчої церковної моральної особи, коли вона вигасає.

Стаття 210. В Канаді майно укр. кат. парохій звичайно обмежується до

segregation of churches, and parochial feast day liturgical services;

2) one half of the Christmas and Easter collections, the so-called “gift of love”;

3) various personal gifts.

Article 207. 1. The annual collections for Peter's pence, charitable works of the Holy Father, orphanages, and for other charitable purposes, are to be sent to the Bishop's Chancery, and are then forwarded accordingly.

2. Should the need arise, the local Hierarch, having heard the eparchial consultors, may decree that an extraordinary collection be taken up (PA, c. 243).

Article 208. 1. The Hierarch administers the temporal goods of the eparchy with the assistance of the eparchial econome and his assistants, and of the eparchial finance council, of which he is president and of which the eparchial econome is a member ex officio (PA, c. 263).

2. In matters of greater importance, the Hierarch is to hear the eparchial finance council, requiring, at times, its consent, and the permission of the Holy Apostolic See (PA, c. 263, 4).

3. It is desirable that the local Hierarch have a legal counsellor, an expert in civil law and a good Christian, for the security of ecclesiastical property and its protection.

Article 209. The property of a subordinate ecclesiastical moral person, upon its extinction, becomes the property of the eparchy.

Article 210. The property of Ukrainian Catholic parishes in Canada is

церков, парохіяльних резиденцій, парохіяльних цвинтарів, церковних заль і до гроша в готівці. Джерелами прибутків парохій є збірки з тац, членські вкладки парохіян, пожертви з офірника, церковні дарування, цвинтарні вкладки згль оплати за місця на парохіяльному цвинтарі, доходи з імпрез в користь парохії, датки за вживання церковної залі, евент. теж ренти з церковних лавок.

Стаття 211. В церковній залі, коли вона знаходиться під церквою, або в безпосередньому сусідстві церкви, є заборонені уживання алькогольних напиків, газардові гри і публичні танці.

Стаття 212. Все парохіяльне майно має бути обов'язково вписане на епархіяльний чартер. Де це досі не сталося, Єрарх місця і душпастир доложать усіх старань, щоб воно було зроблене в найкоротшому часі.

Стаття 213. Майном парохії заряджує душпастир при допомозі Церковного заряду. Склад Церковного заряду і розподіл чинностей поміж його членів мають відповідати вимогам епархіяльного статуту і умовинам поодиноких парохій.

Стаття 214. Членам Церковного заряду можуть бути тільки ті з парохіян, що правильно ходять на богослужби, приступають до св. Тайн, втішаються добрим іменем, є розсудливі і досвідчені в господарських справах і точно платять парохіяльні вкладки.

Стаття 215. 1. Членів церковного заряду вибирає парохія, а одержавши їхню згоду, предкладає їх до затвердження Єрархові місця.

ordinarily limited to churches, parochial residences, parochial cemeteries, church halls, and liquid assets. The sources of income of parishes are plate collections, membership dues, collection box offerings, church grants, cemetery dues in the form of payment for a plot in the parochial cemetery, parish fundraisers, church hall rentals, and possibly from church pews.

Article 211. It is forbidden to have alcoholic beverages, gambling and public dances in church halls where they are situated directly under the church or attached to it.

Article 212. It is obligatory that all parochial property be registered under the eparchial charter. Where this is not the case, the local Hierarch and the pastor are to make every effort to see that this is done as soon as possible.

Article 213. The property of the parish is administered by the pastor with the assistance of the parish council. The membership of the parish council and the distribution of offices among its members is determined by the requirements of eparchial statutes and the circumstances of each parish.

Article 214. Membership on the parish council is restricted to those parishioners who regularly attend liturgical services, receive the holy Sacraments, enjoy a good reputation, are prudent and experienced in financial matters, and pay their parochial dues faithfully.

Article 215. 1. The parish council membership, elected by the parish, accepted by the electees, is to be presented to the local Hierarch for confirmation.

2. Вибрані і Єрархом місця затверджені члени Церковного заряду обов'язані зложити на першому засіданні нового заряду на руки душпастиря присягу, що вони будуть совісно, слухняно і безкорисно виконувати свій уряд та радою і ділом щиро помагати в праці своєму душпастиреві.

3. Некарних, некорисних, або й шкідливих членів Церковного заряду може душпастир за відомом Єрарха усунути і заступити їх іншими.

Стаття 216. Церковний заряд відбуває періодично свої засідання, які скликає і на яких предсїдає душпастир, або ним назначений заступник. Засідання Церковного заряду, скликані без відома або уповажнення душпастиря, як теж усі на них винесені рішення є неважні, хїба, що душпастир додатково удобрив би їх.

Стаття 217. Рекордовий секретар записує до окремої книги все те, чим займалися засідання Церковного заряду. Протоколи (рекорди) підписують предсїдник і рекордовий секретар.

Стаття 218. Парохіяльну касову книгу веде душпастир при помочі фінансового секретаря. У ній він точно записує всі прибутки парохії, що вплинули з церкви або з парохіяльної канцелярії. Готівку негайно передає до банку, а всі прилоги зберігає в парохіяльній канцелярії. Всі парохіяльні організації переводять свої конта і фонди через парохіяльну касу.

Стаття 219. Всі виплати з парохіяльної церковної каси полагаджуються чеками. Чеки підписує душпастир, евент. ще один член Церковного заряду.

2. The elected, and confirmed members of the parish council, at the first meeting of the new council, are obligated to take an oath before the pastor that they will conscientiously and without desire for personal gain fulfill their office, and by their counsel and action will truly aid in the work of their pastor.

3. With the knowledge of the Hierarchy, the pastor can remove and replace any member of the parish council who is disobedient, unproductive, or malicious.

Article 216. The parish council is to meet periodically. Its meetings are convoked and presided by the pastor or his delegate. Meetings of the parish council which are convoked without the prior knowledge or authorization of the pastor, and any decisions resulting from such meetings, are invalid, unless the pastor subsequently approves them.

Article 217. The recording secretary is to keep the minutes of the parish council meeting in a special book. The minutes are to be signed by the president and recording secretary.

Article 218. The pastor, with the assistance of a financial secretary, is to keep the parochial financial books. He is to accurately record all income of the parish which has been received by the church or by the parochial chancery. Bank deposits are to be made without delay. All financial records are to be preserved in the parochial archives. All parish organizations manage their own accounts and funds through the parochial treasury.

Article 219. All payments from the parochial ecclesiastical treasury are to be made by cheque. The pastor and, when possible, also a member of the parish council are to sign the cheques.

Стаття 220. Контролю парохіяльної каси переводить протопресвітер, або відпоручник Єрарха місця один раз в році та передає одну копію звіту душпастиреві, а другу пересилає Єрархові місця. По закінченні ділового року, до 60 днів, душпастир виготовляє річний господарський звіт парохії з відповідними заввагами і пересилає його до Єпископської канцеларії.

Стаття 221. Обов'язком Церковного заряду є у співдії з душпастирем дбати про все рухоме і нерухоме майно парохії, постійно звертати увагу на пристойний вигляд церкви, резиденції, цвинтаря і церковної залі; дбати про те, щоб церква, резиденція і церковна зала були асекуровані на таку суму, яку вони представляють зі своєю обстановкою; дбати про належну винагороду душпастиря(ів) і церковної прислуги.

Стаття 222. Душпастирям належить така винагорода:

Парохіві і завідателеві парохії — місячна платня з парохіяльної каси висотою принаймні \$200., епітрахильні доходи і половина різдвяної і великодної тац, званих “даром любови”; сотруди́кові — місячна платня з парохіяльної каси висотою принаймні \$150. і одна третя часть епітрахильних доходів. Там, де є два сотруди́ки, парохіві належить половина епітрахильних доходів, а кожному зі сотруди́ків одна четверта часть.

Стаття 223. Церковну прислугу наймає і винагороду для неї назначає душпастир, порозумівшись з членами Церковного заряду.

Стаття 224. Парохіяльна каса оплачує податки і асекурації за парохіяльне

Article 220. An audit of the parochial treasury is to be conducted annually by the protopresbyter or by a delegate of the local Hierarch. One copy of the audit report is to be given to the pastor and another to the local Hierarch. Within sixty days of the end of the financial year, the pastor is to prepare an annual parish financial statement with corresponding notations and forward it to the Bishop's Chancery.

Article 221. In cooperation with the pastor, it is the obligation of the parish council: to see to the welfare of all movable and immovable property of the parish; to care for the upkeep of the church, residence, cemetery, and church hall; to see that the church, residence, and church hall are insured for their full value, including furnishings; to ensure that the pastor(s) and ecclesial assistants are properly remunerated.

Article 222. Pastors are entitled to the following remuneration:

Pastors and parish administrators: monthly salary from the parochial treasury in the amount of at least two hundred dollars, stole fees, and one half of the Christmas and Easter collections, that is, the so-called “gift of love.” Assistants: monthly salary from the parochial treasury in the amount of at least one hundred and fifty dollars and one third of stole fees. If there are two assistants, the pastor is to receive one half of the stole fees and the assistants one quarter each.

Article 223. Ecclesiastical assistants are to receive the remuneration assigned to them by the pastor, who is first to discuss the matter with the members of the parish council.

Article 224. The parochial treasury: covers the expenses and insurance of the

майно, світло, опал, воду і телефон в церкві, резиденції і церковній залі, оплачує літургічне вино та старається про хатну обстановку для резиденції. Душпастиреві, який власним автотранспортом доїздить на богослужби, вона покриває кошти подорожі.

Стаття 225. На кожне зяття довгу, який перевищує квоту \$1000., парохія потребує апробати Єрарха місця на письмі.

Стаття 226. Церковний заряд є колегіальним, дорадчим і допоміжним тілом і ніхто з поодиноких його членів не є правно відповідальним за заряджування майном парохії. Відповідальність поодиноких членів церковного заряду є чисто морального характеру.

Стаття 227. Де церковний заряд був би вибраний, зложений, або діяв би інакше, як постановляє Синод, Єрарх місця і душпастир будуть старатися узгіднити його вибір, склад і працю з постановами Синоду.

Стаття 228. Майном чернечої спільноти, чину згл. монастиря, якщо монастир є окремою правною особою, заряджують вищі і місцеві настоятелі чину згідно зі своїми статутами (конституціями) при допомозі своїх синакс (капітул) і урядовців, яких передбачують статуту (економів, прокураторів).

Стаття 229. Всі чернечі спільноти епархіяльного права мають кожного року і на кожний заклик предкладати Єрархові місця свій господарський звіт. Єрарх місця може усунути з уряду осіб, що виконували б уряд невміло, або недбайливо. В речах більшої вартости ті спільноти потребують згоди Єрарха

parochial property, the lights, heating, water, and telephone of the church, residence, and church hall; purchases liturgical wine; and provides household furnishings for the residence. It also covers travelling costs of the pastor if he uses his own vehicle for liturgical services.

Article 225. The parish requires the written approval of the local Hierarch for every contraction of debt exceeding one thousand dollars.

Article 226. The parish council is a collegial, consultatory and auxiliary body and therefore, individual members are not juridically responsible for the administration of the property of the parish. The responsibility of individual parish council members is purely of a moral character.

Article 227. Where a parish council has been elected, established or acts in contradiction to the norms of this Synod, the local Hierarch and pastor are to endeavour to see to it that its correction in adherence to these norms.

Article 228. The property of a religious institute, order or monastery, if the monastery is a separate moral person, is administered by the general and local superiors in accordance with its statutes (constitution) with the assistance of its chapter and officials as provided for by the statutes (econome, procurator).

Article 229. All religious institutes of eparchial right are to forward their financial statements to the local Hierarch each year and upon request. The local Hierarch can dismiss those individuals who have been incompetent or negligent in their administration. In matters of greater importance, for validity, these institutes

місця до важности акту (купна, продажу, зяттягнення довгу).

Стаття 230. Всі жіночі чернечі спільноти мають предкладати Єрархові місця звіт зі заряджування віном черниць при нагоді візитацій і на кожний заклик

Стаття 231. Чернець душпастир має вести окремі інвентарні і рахункові книги парохії, яку він обслуговує, і вписувати до них все те, що він від кого небудь набуває на річ парохії.

require the permission of the local Hierarch (acquisition, alienation, contraction of debt).

Article 230. All female religious institutes are to give a report of the administration of their dowry to the local Hierarch at the time of his visitation and upon request.

Article 231. A pastor who is a member of a religious institute is to keep separate inventories and financial records for the parish which he serves, and is to record all that he acquires in the name of the parish, whatever its source.

Note to Reader: The Winnipeg Archeparchy archive copy of the *Norms of the First Provincial Synod (1962)* is signed by the Ukrainian Catholic Bishops of Canada and by all participating clergy. These signatures have been scanned and are reproduced in the following six pages.

+ Мелкисет
Агем. Мусурма. Византия.

+ Космополиты Грекия

+ Тимотеос - Епископ Тарсуса

+ Андрей Писаревский
Епископ Саконья.

1. Мр. Ваван Кунис, нафс Канефли и Мрамор Суса 89.

2. Мр. В. Спиридион, нафс Канефли, мхамонск Синогу

3. Ероким Хемий, р. 1832. Сед. Кетимур.

4. Донифант Кандог, 1833. - Тромозиянск.

5. Воротимурт Парбекки 1834. Тромозиянск.

6. Ибрагим Сивук, махденла и д. Крар Суса 89.

7. Илья. Иосиф Тирек - Девон и нафс

8. Мавр. Павел Дорфавевон - Тарсус

9. Мемисро Мевук, махбенла, махмур Архидионий

10. И. Осимтик. Канисер, Саконья, Рак

11. Г-р. Михайло Залостени, ортодоксальнск

12. Иако. Кизименск - Крар в Тромозиянск

13. Вавант Канемурт Суса, нафс нафс Канефли и Мрамор Суса 89

14. Вавант Кандог, Епископ Саконья;
нафс Канефли и Мрамор Суса 89.

- o. Іммануїл Парнабівський Архид. радник, гелан, нарок
- o. Іван Іванчук - Архид. радник, гелан і нарок - Букуресть.
- o. Радзіс Мельник зав. архид. радник і гелан Св. Миколая Біаруца
- o. Іван Крушталович радник і нарок Трусів. Рогітні Біаруца
- o. Євген Кошук радник, гелан і нарок об. Корупа і Кізія у Ім. Кієвськ. Діа.
- o. Іван Табульєв, гелан, нарок і гелан Ріи і нарок Біаруца
- o. Іван Кошук, гелан, радник Марад. Біаруца; гелан і нарок Біаруца
- o. І. І. Шабель, в. н. г. - архид. радник Св. Іларіона в. н. г. Біаруца
- o. Володимир Іванко, Сакатин, гелан Євросейдлові Біаруца
- o. Антон Мухомор, каноник, нарок
- o. пр. Іван Кошук, Євросейдлові Біаруца

o. Рішення Колегіуму з Біркірмі
 про коордінаторів Євросейдлова
 Дієцезії.

- o. Євген Іванчук, Кошук, гелан Св. Іларіона Євросейдлові Біаруца
- o. Роман Закревський, нарок і гелан - Біаруца, нарок
- o. Іван Іванчук, нарок і гелан Євросейдлові Біаруца
- o. Роман Романюк, нарок і гелан, Св. Іларіона, нарок
- o. Володимир Іванко, нарок і гелан Св. Іларіона, нарок
- o. Іван Іванчук, гелан і нарок, Біаруца
- o. Іван Іванчук, нарок і гелан, Біаруца, нарок
- o. Іван Іванчук, гелан і нарок - Біаруца, нарок
- o. Франц Бобанд, в. н. г. Біаруца - Меморандум Біаруца
- o. Іван Іванчук, в. н. г. Біаруца об. Біаруца і Біаруца і Біаруца

- 6. Michael Rusnak C.S.R., Protosmyther, Toronto, Khumen - Toronto
- 7. Тейро Кфубофута Dekan Canada, Sask
- 8. Мероги Канар КВВ. нар. парук. Египетом.
- 9. Аурмаб Дзифона, х.и. Тухан и Парох - Кокхон, Сак.
- 10. Еврей Олтонек, парох з Розу, Ман.
- 11. Промонаб Хусеи парох - Премон-Талом ОНТ.
- 12. Микайло Млбкун парох, Аржан, Селл
- 13. Семю Франк, парох, Вагшн, Ман.
- 14. Володимир. Томук. — Парох
- 15. Исидор Каненчук — парох в Емелберн, Ман.
- 16. Антони В. Фрек — парох в мовремен Вобу. Ман.
- 17. Д. Милоша Канар, парох укл. д. Буга в Канон, Сас.
- 18. Аурпи Задель, нарпа Промонисозис, Ман.
- 19. Микаи Сатрине нарпа Монгел. Ружен.
- 20. Кокемоуца Омарфем. нарпа в м. Абул. Абдул.
- 21. Аурмур Лубенски нарпа Дромелер.
- 22. Р. Анжун-р Паилушн. нарпа Паилул.р, Ман.
- 23. Звеза Фотобук, парох, Сугбуфе, Онт.
- 24. Исидор Фромалук — парох в. Лосафана - Бинниел
- 25. Франк Данданук, нарпа
- 26. Евангел Згарек. нарпа в Омеис. Ман.
- 27. Жан Перейра нарпа Омаба, Онт.
- 28. Ели Рудак нарпа, в. Анне, Бинниел
- 29. Матвей Коробин О.М.Т. нарпах.
- 30. Анжунт Анжун Веник нарпах — гуннаметр
- 31. Евангел Франк Томас КВВ — руннаметр
- 32. Винариг Тигчаонни, г.с.в.в. — Парох - Вентуер. Б.К.

- o. Тетрарх Брандес КСВ. - нароч нарх ст. Вормия - Титопонна
- o. Касаев Укларук. 2 СВВ, В. Ед, Д. Ед - нарх ^{Клима} ^{Мелица} ^{Алтан}
- o. Корнелий Т. Таскани, КСВВ, нароч.
- o. Луккич Лоренс сс. Югук В. Вейланд Мав.
- o. Иван Меркуц, нароч в Воевуде, Мав.
- р. Михаил Серенс РНЗБ. - сс. Югук. 438 King Ski Toponi ^(St. Scharfers)
- o. Топи Кованоз - Нароч, Франс Вилсон, Рит.
- р. Мерси Тунгитский - нароч Weland i Niagara Falls, ОНМ.
- o. А. Хорванов нарх андер саст.
- o. Арсен Сиодозан, 2 СВВ сс. Югук ст. Хукор, Вил. с. Кан.
- o. Василь Таларук сс. Югук Канар, Анна
- o. Юан М. Треско, рсс. — Римита F.
- o. Вонан Сувилеван сс. Югук Лосер ст. Вил. i' Анзи - Римонд.
- o. Тетрарх Зарубан, сс. Регис
- o. Мих. Вегеро, ВНЗ. - Хофрон, Сак.
- o. Антони Музика - Хогар Анносу ^{Нароч.}
- р. Методий Рубертин ^{В. М. П. Топонто}

- o. Пасиуь Чоні, нарох і сікери, сунгу
- o Володимир Сибит нарох
- o. Меодриць Гурко нарох.
- o. Роман Хабережний нарох
- o. Василь Дурман - П а р о х - П а р о х о у, Дан.
- o Иван Мангат Па р о х Р о р д н о у с м а н
- o. Яакоб Геллені нарох
- o. Василь Каронік, нарох Каурау, А. П.
- o. Венон Іванюка в. П. С. нарох Родиско, Ноа.
- o. Иван Курма, л. Н. Т. нарох.
- o. Троп Муніхольскі - нарох.
- o. Уропій Орішук - нарох
- o. М. Гасюк - нарох
- o. Володимир Амар - нарох - Сіфірск, Кан.
- o. Владислав Крук - нарох - Келлек, Сак.
- o. А. Усенко - нарох - Менден.
- o. М. Труманскі - нарох - Мус. Дроздск.
- o. Володимир Філік. - нарох Багінск Сак.
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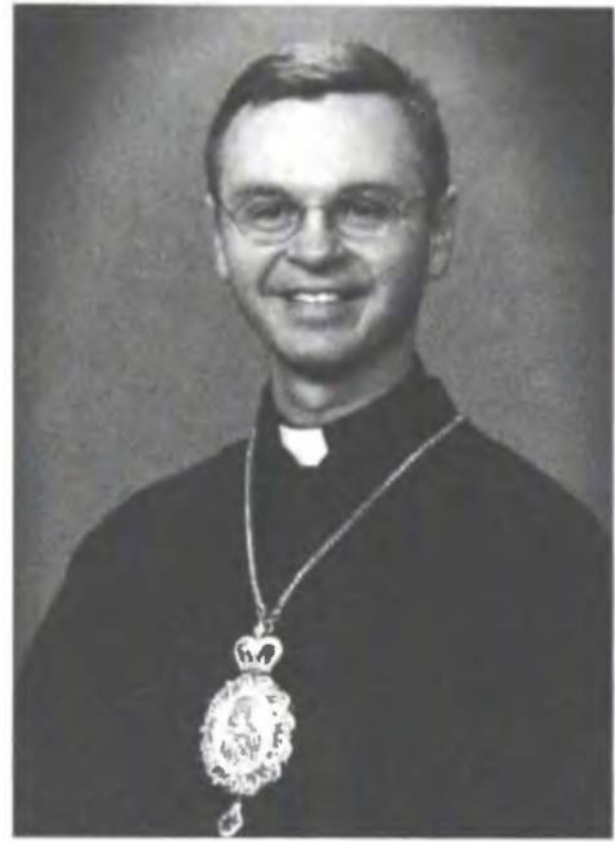
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ABOUT THE AUTHOR

Bishop David Motiuk was born in Vegreville, Alberta and raised in nearby Lavoy. He is the youngest of five children of a religious family. After studying computer science and business applications, he entered Holy Spirit Seminary in Ottawa and studied at Saint Paul University where he attained his Bachelor's in theology.



Ordained to the priesthood in 1988, he was granted his Master's and Licentiate in Canon Law at Saint Paul University in 1989. He returned to Alberta, where he served as pastor for a number of parishes, and as Chancellor for the Eparchy of Edmonton. At the request of his bishop, he pursued further graduate studies in Rome, completing his doctorate in Eastern Canon Law at the Pontifical Oriental Institute in 1996.

Upon his return to Canada, he served as Rector of Holy Spirit Ukrainian Catholic Seminary in Ottawa from 1996 to 2001. In Ottawa, he was also a frequent sessional lecturer at Saint Paul University, teaching in the Faculty of Theology (Metropolitan Andrey Sheptytsky Institute of Eastern Christian Studies) and the Faculty of Canon Law.

Bishop David was ordained to the episcopacy in June 2002 in Edmonton, Alberta, by His Beatitude Lubomyr (Husar) and assigned as Auxiliary Bishop for the Ukrainian Catholic Archeparchy of Winnipeg. He continues to serve as canonical advisor on the Code of Canons of the Eastern Churches at the national, diocesan and local levels, and is frequently sought out as a speaker by Canon Law Societies throughout the world.

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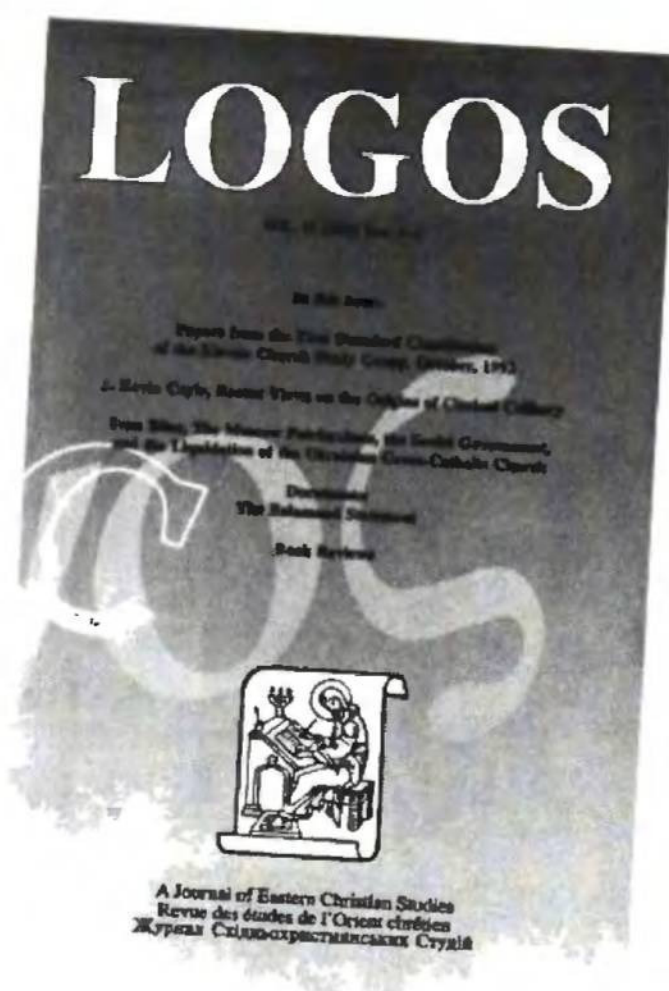
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A continuation of
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Trimestre (1950-1983)
ISSN 0024-5895

Published by the Metropolitan
Andrey Sheptytsky Institute of
Eastern Christian Studies at Saint
Paul University, and the Yorkton
Province of the Ukrainian
Redemptorists.



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Faculty, students and staff of the Faculty of Canon Law, Saint Paul University
(Academic year 2004-2005)

The Faculty of Canon Law at Saint Paul University was established in 1929 as an academic unit of the University of Ottawa, which at that time was under the direction of the Missionary Oblates of Mary Immaculate. In its first year, the Faculty of Canon Law had a total of eleven students. The Faculty's first dean was J.-M.-R. Villeneuve, O.M.I., the future cardinal and archbishop of Quebec.

In the course of its history, the Faculty has had both successful and lean periods. The years before and during World War II were especially difficult. However, following the war, there was a surge of interest and increased enrollment. In the immediate aftermath of the Second Vatican Council, the Faculty again suffered a period of decline. Indeed, in 1968, the continued existence of Canada's sole Faculty of Canon Law was in serious doubt. The university (renamed "Saint Paul University" in 1965) resisted calls to close the Faculty. Spurred by conciliar renewal and the revision of the Code of Canon Law, bishops slowly began to send more students. The international travels of Father Francis G. Morrissey, O.M.I., then dean of

the Faculty, contributed to the spread of the Faculty's reputation, making it one of the most respected in the world.

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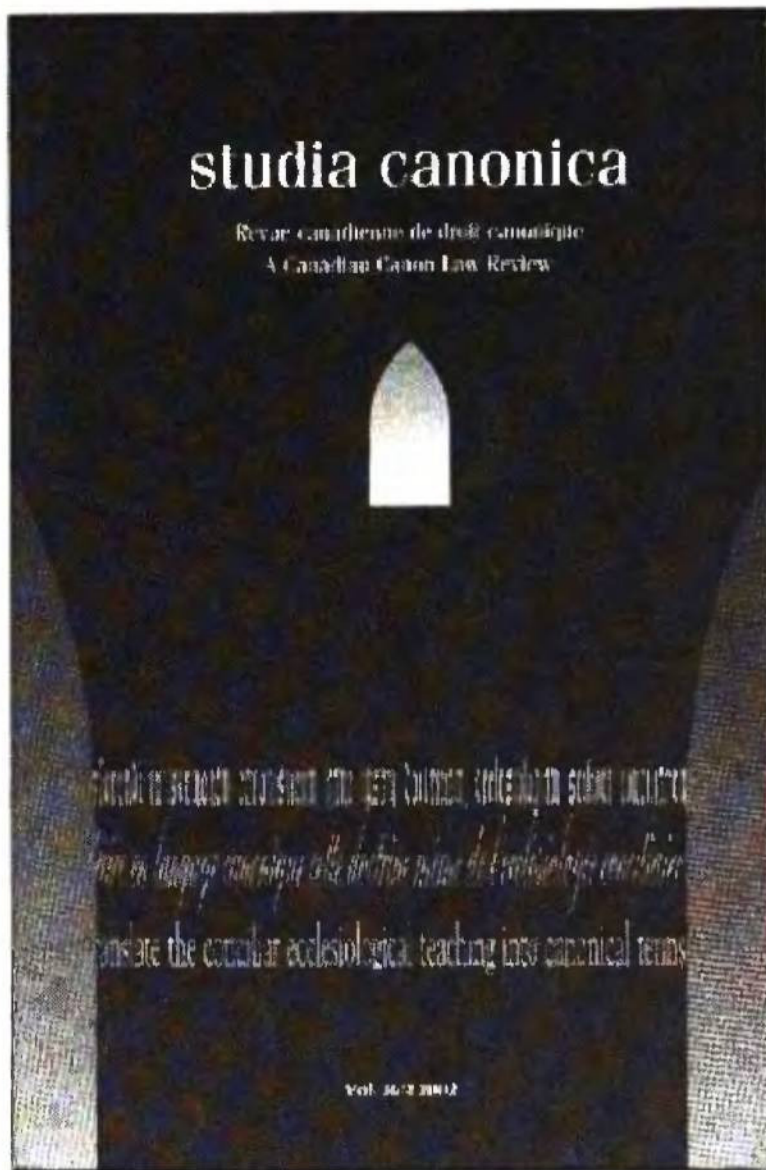
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revue canadienne de droit canonique
A Canadian Canon Law Review



Studia canonica is a scholarly journal on canon law published twice a year by the Faculty of Canon Law (Saint Paul University) in Ottawa, Canada. First published in 1967, the journal is in its 39th year of publication.

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**The Metropolitan Andrey Sheptytsky Institute
of Eastern Christian Studies
and the
Faculty of Canon Law
Saint Paul University, Ottawa (Canada)**

ISBN 189593714-0



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