

MATRIMONIUM IUXTA FORMAM EXTRAORDINARIAM

§ 1. I, N.N., take thee, N.N., for my lawful wife, to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, until death do us part.

§ 2. I, N.N., take thee, N.N., for my lawful husband, to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, until death do us part.

Date (Signature of groom) (Signature of bride) (Signature of witnesses)

§ 3. We, the undersigned, do hereby certify in writing, in the presence of each other, that we realize and accept the fact that, by using the above mentioned form of marriage, we have effected an indissoluble and sacramental union by virtue of which we incur all the obligations and responsibilities which are the effects of a valid, sacramental matrimonial contract.

§ 4. Secondly, we do hereby certify in writing in the presence of each other that we understand and accept the fact that this marriage contract can have and will have no civil effects of any kind before the law of the State of ... nor in any other civil jurisdiction and, moreover, that this marriage contract into which we have entered may never be adduced as evidence in any civil court. We likewise promise that, as soon as it is legally possible, we will comply with the ceremonies required by the civil law, so that our marriage will be recognized also by the civil law.

§ 5. In testimony of this fact that we accept each and every one of these conditions, we do hereby affix our signatures in the presence of each other at ... on this ... day of ..., 19.... (Signature of groom) (Signature of bride)

We, the undersigned, do hereby declare in the presence of each other that we have seen and heard N.N. and N.N., Catholics, exchange matrimonial consent in our presence according to the following form:

APPENDIX

LETTER OF INSTRUCTIONS TO THE PRIEST ARRANGING FOR A MARRIAGE TO BE CONTRACTED ACCORDING TO THE EXTRAORDINARY FORM

DEAR FATHER:

Enclosed you will find a formulary which is to be used by N.N. and N.N. in the convalidation of their civil marriage (or in the contracting of marriage) according to the extraordinary juridical form of marriage as prescribed in Canon 1098, § 1.

N.N. and N.N. should with two witnesses assemble in one room of the rectory and you should instruct them in the procedure to be followed in the contracting (or convalidation) of this marriage. You should then retire from the room and return only after they have completed the ceremony. While N.N. and N.N. clasp right hands, the groom should read aloud the first paragraph and the bride the second paragraph in the presence of the two witnesses. Once this is done, the groom and the bride are to affix their signatures. The witnesses likewise are to affix their signatures and date the document.

After this is done, the contracting parties should then read aloud paragraphs three, four and five, insert the date and add their signatures. The two witnesses should then read aloud the concluding paragraphs, insert the date and affix their signatures.

The record of this marriage should be inserted in the matrimonial registers of your parish with the annotation that it was contracted without the presence of the priest, according to the extraordinary form. The enclosed formulary should then be returned to the Chancery for filing.

Thanking you for your cooperation in the matter, and with every best wish, I remain

Sincerely yours in Xto,

..... Chancellor.

"I, N.N., take thee, N.N., for my lawful wife, to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, until death do us part."

and

"I, N.N., take thee, N.N., for my lawful husband, to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, until death do us part."

In testimony whereof, we have simultaneously affixed our signatures at, on this, the day of, 19....

(Signature of witnesses)

.....

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of urgent necessity in Canon 1045. Vidal⁷⁵ and Oesterle⁷⁶ agree with this opinion. O'Keefe wisely notes that one should not be scrupulous in the interpretation of this phrase, and that when the other condition, i.e., the probable danger of grave harm in the deferring of the marriage till a dispensation is obtained from the Holy See, is certainly fulfilled, the first (*cum omnia parata sunt ad nuptias*) need give little trouble, provided in the judgment of the dispensing agent there is real urgency in the case.⁷⁷

Marriage cannot be deferred without probable danger of grave harm. The previous conditions taken alone would not allow the ecclesiastical personages mentioned in Canon 1045 to employ this faculty. It must be conjoined with the fact that the marriage in question cannot be deferred without probable danger of grave harm till such time that a dispensation could be received from the Holy See.⁷⁸ If the marriage can be deferred, this must be done, because this clause has an invalidating effect upon non-compliance with its demand. When there is question of a priest assisting at a marriage in accordance with the precepts of Canon 1098, n. 2, it must be established that a timely approach is no longer possible, not only to the Holy See, but also to the local ordinary for the granting of the necessary dispensation or that every possible approach is attended with a danger of violation of a secret. Without doubt, it is not only the sacramental seal that is meant. It would have been superfluous for the legislator to mention it. Therefore, other secrets are to be honored and preserved in such a case. Secrets could arise from professional advice. A judge, a notary or other members of the diocesan tribunal, in regard to knowledge obtained through their offices, or ministers in the process instituted *super rato*, would be bound to secrecy. The same must be said of a priest who has been consulted in his priestly capacity. If there is danger of the violation

⁷⁵ *Loc. cit.*

⁷⁶ *Consultationes de Iure Matrimoniali*, page 131, footnote n. 72.

⁷⁷ *Op. cit.*, p. 143.

⁷⁸ If the local ordinary is the dispensing agent, it will be for him to decide whether the Holy See can be reached in time. In the event that the other ecclesiastical agents mentioned in Canon 1045 are to grant the dispensations, then it will be for them to decide whether the local ordinary can be reached in time.

of any of these secrets, the obligation of recurring to the local ordinary would cease. The parties are not obliged to betray themselves or to suffer harm from loss of good repute. As long as the impediment can remain occult and the parties reasonably request this, the secret must be preserved.⁷⁹ On the other hand, if indeed the impediment of its nature is public, i.e., it can be proved in the external forum, but *de facto* is occult, it seems that the obligation of preserving secrecy could not be rightly urged. The same would have to be said if the parties are willing to approach the local ordinary with their case.⁸⁰

Since the Code does not state otherwise, one is not obliged to, although one may, seek a delegate of the Holy See or of the local ordinary, as the case might suggest. If the conditions are verified, the local ordinary or the priest enjoys the power in virtue of the general law.

The Code demands no more than a probable danger; the mere possibility of it will not suffice, but full certainty regarding it is not required. The measuring of the danger or of its probability is left to the prudent judgment of the dispensing agent. He is to judge all the facts at hand; then, if with warrant he fears that serious harm will follow, he may dispense. The harm spoken of can be of various kinds, e.g., the loss of a considerable sum of money; the danger of a civil marriage and of a subsequent public concubinage; the contingent illegitimacy of a child already conceived; the future loss of good name for the parties; the loss of a position; eventual difficulty with the civil officials; consequent enmity and hatred for the priest; the emergence of serious arguments; the resulting scandal, etc. If there is doubt as to the sufficiency of the reason, presumed of course that *de facto* there is a reason, Canon 84 allows a dispensation to be granted licitly and validly.

One must remember, however, that the danger of grave harm, spoken of in this canon and in Canon 81, does not include already existing evils. Hence, public concubinage, illegitimate children, or current grave scandals, may not be adduced as reasons for using

⁷⁹ Vermeersch-Creusen, *Eptiome Iuris Canonici*, II, n. 311; Cappello, *De Matrimonio*, n. 237.

⁸⁰ Cappello, *loc. cit.*

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- P. 132 = marriages contracted before non-catholic & civil official - could be VALID
- P. 135 = a non-catholic can act validly as a witness
- P. 138, 139 = private marriage & witnesses is valid
- P. 152 = ... even a civil marriage is valid

P. 133 = IMP. Marriages before non-catholic is VALID

- P. 110 & 111 = one month
- P. 112
- P. 114 Understand these pages well.
- P. 113 = Very imp. = parties may contract a true & valid marriage before a minister or civil witness
- P. 36

P. 124, 125, 126, 127 most imp. to prove that marriage is VALID and that the SACRAMENT is present.

Rec. Canon 19 (* refer to c. 1098) = 1098 must be interpreted strictly

- P. 84
- P. 85 IMB N.O. of Trad Cot priest do not qualify.
- P. 71 military chaplains
- P. 72 IMP = "q2 ready = no gain.
- P. 77 Imp = If not proper delegated - not valid.
- P. 78 Cannot grant powers they do not have.
- P. 79 = FOPM = not really VALID & Excommunicated Bishops
- P. 81 = very imp
- P. 82 = " note well = must establish certainty that any former marriage is invalid
- P. 142 =