

GENERAL STATUTES
OF THE ORDER OF
FRIARS MINOR CONVENTUAL

General Statutes

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– *Promulgated by*

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GENERAL STATUTES
OF THE ORDER OF
FRIARS MINOR CONVENTUAL

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Friar Joachim A. Giermek
The 118th Minister General of the Order
In succession to the Seraphic Patriarch

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LETTER OF PROMULGATION

Prot. n. 340/2001

«In this spirit is a pressing need today for every Institute *to return to the Rule*, since the Rule and the Constitutions provide a map for the whole journey of discipleship, in accordance with a specific charism confirmed by the Church.»

(Vita Consecrata, 37)

FRIAR JOACHIM A. GIERMEK

the 118th Minister General

of the Order of Friars Minor Conventual

in succession to the Seraphic Patriarch

My dear brothers in the Lord,

The years after the Vatican Council II, urged by the pressing invitation to return to the origin of one's own charism, our Order has accomplished a notable effort of renewal. The fruit of such lasting work, that were done in different General Chapters, are the constitutions and the General Statutes, which have been promulgated in definitive way by the Minister General Friar Lanfranco Serrini on October 4, 1984.

While the Constitution is made up of the "fundamental Law" of the Order, and as such, can be modified only with the consensus of the competent authority of the Church, the General Statutes are composed of the internal norms of the Order, formulated by the General Chapters, and modified according to the needs of times. It is for this reason that the General Statutes of 1984, up to today, have undergone modifications and updating, especially in the Extraordinary General Chapter of 1992 in Mexico and the Ordinary General Chapters of 1995 and 2001.

The introduction of the above mentioned variations and new articles (in particular of the degrees approved by the Chapter of Mexico) has made it necessary for a systematic review of the General Statutes and to put a new numbering of the articles, that have increased from 159 of the General Statutes of 1984 to 190 of the present General Statutes. A synoptic table of two

numberings, which has been added to the index, will make it easy to find the Quotations taken from the preceding documents to the actual General Statutes.

Therefore, by the virtue of the authority vested in me, I herewith order the publication and promulgate the renewed text of the General statutes of the Order. It has to have the force from the day June 3, 2001, the solemnity of the Pentecost.

The typical edition of the Statutes, on which the different translation will be based, is that of Latin, even if some of the modifications introduced were approved in the General Chapters done in Italian language (the degrees of the Extraordinary General Chapter of 1992 and other numbers of the General Statutes in the Ordinary General Chapter of 2001).

Promulgating now this edition of the General Statutes, I exhort you dear brothers, to receive it, together with the constitution, not just as a mere juridical instrument, but as a help for renewal of our life. We are called to holiness and, for us Friars Minor Conventual, the response is concretized in the fidelity to the gospel lived through the fidelity to the charism of St. Francis (the Rule), as it is suggested today by our particular legislation (constitutions and the General Statutes)

May the Immaculate Virgin Mary, the model of consecrated life, our Seraphic Father, St. Francis and all the Saints of our Order help us in this journey to holiness,.

Given in Rome, Santi Apostoli, June 3, 2001, solemnity of the Pentecost.

Friar Joachim A. Giermek
Minister General

Friar Carlo Vecchiato
Secretary General

CHAPTER I
THE NAME AND STRUCTURE OF THE ORDER

1 - In public documents our Order shall always use the title «**Order of Friars Minor Conventual (OFMConv.)**» Its members are known as «**Friars Minor Conventual**» In other circumstances, however, local denominations may be used, such as, e.g., «**Minoriten**» «**Franciszkanie**» «**Greyfriars** » «**Cordeliers**» etc. (Const. n. 1).

2 – A province may not be established unless it has at least five friaries and forty solemn professed friars. This is to insure adequate personnel for administration and apostolic works as well as for the formation of the youth and assistance of the elderly friars who are ill (Const. n. 28, §§ 1-2)

3 – §1 A province which is the only one in a given nation, or which it will be difficult to combine with other provinces for cultural, geographical or linguistic reasons, ceases to be a province when it has less than 25 friars or less than three friaries.

§2 A province that can be joined with another province in the same nation or, when possible, even in a different nation, ceases to be a province when it has less than 30 friars or less than four friaries.

§3. The suppression of a province is the responsibility of the General Chapter.

4- §1 The General Delegation is established by the Minister General with the consent of his Definitory. It is composed of at least two friaries and at least six friars in Solemn Vows.

§2 The Delegate General is appointed by the Minister General with the consent of his Definitory, after consulting the friars of the Delegation. He is aided by two or three councilors whom he proposes, and who are then elected by the assembly of the Delegation and confirmed by the Minister General.

§3 The Delegate General has the faculties and the duties stipulated in the decree of delegation. In particular he has the faculty to visit the communities, to issue letters of Obedience, to allow expenditures up to an amount determined by the Minister General and his Definitory.

§4 The Delegate General is a voting member of the General Chapter, provided that the delegation has more than ten friars in Solemn Vows. He participates as a voting member in the meetings of the Conference of his area.

5 - §1. Once a custody is established as a province, then the time for chapter begins. Within a full three months of this date the first provincial chapter should be convoked and celebrated. Meanwhile those exercising authority shall continue to do so.

§2. The date of the canonical foundation is that on which it was established as a province by vote of the general chapter.

6- §1 A Provincial Custody must have clearly articulated goals governing its life and mission which has to be approved by the Provincial Chapter. Both the Minister Provincial and Provincial Custos have to present their reports at the Provincial chapter evaluating the life and the mission of the custody, in the light of the goals previously approved by the Provincial chapter. A General Custody is to be evaluated in an analogous way.

§2 The Custody is, by nature, a transitory stage towards the establishment of a Province. Therefore, it must have a plan that permits it to reach such an objective.

7 - The establishment of a provincial custody requires, in addition to the permission of the Minister General with the consent of his definitory, at least three canonically erected friaries and at least nine solemnly professed friars, so that, in the prudent judgment of the provincial chapter, the custody is capable of leading a fraternal life and one that is sufficiently independent. The Minister Provincial draws up and signs the decree of establishment (Const. n. 28, §§ 1-3).

8 - Whenever - after a sufficient number of years and at the judgment of the respective General or Provincial authority – a Custody exhibits an inability to reach the established goals and risks falling into an unstable situation that is harmful to its life and mission, it is the duty of the higher authority to suppress that Custody and to bring it back under their direct control.

9 - A provincial custody, established according to the norms of the Constitutions, is a juridical person governed by the vicarious authority of the Provincial Custos, according to the norms of the Constitutions and the provincial statutes.

10 – A Province which has friaries at some distance from its own territory, but which have not yet been erected as a custody may appoint a delegate of the Minister Provincial for these friaries when it is appropriate; his powers and duties are to be defined in a decree of delegation.

11 - According to its capabilities each Province should have one of its friars in the General Custody of the Sacred Convent of Assisi in keeping with the needs of that Custody. Italian Provinces, furthermore, which exceed the number of one hundred members, shall send another friar for every one hundred members to the same custody. (Const. n 26, §2)

12 - §1. To establish a friary the following documents and information should be sent to the Minister General:

- a) the written permission of the local Ordinary;
- b) the results of the voting by the provincial chapter or, as the case may be, the approval of the Minister Provincial with the consent of his definitory;
- c) the reasons for establishing the friary, together with a brief description of the place and of the work to be done there by the friars;
- d) the name of the Saint in whose honor the new house will be dedicated;
- e) the postal address of the new friary.

§2. The date of the canonical foundation is the one noted in the decree of establishment issued by the Minister Provincial.

13 - §1 As far as possible, at least three friars should be assigned to each friary so that a genuine conventual life may be assured. A friary should not be established unless it can prudently be foreseen that three friars can live and work there.

§2 The friary which finds itself in a situation of less than three friars should be evaluated and resolved first of all by the Minister Provincial.

14 - In case the Provincial Chapter or the Minister Provincial with his definitory finds it opportune a filial house can be opened, which is not a canonically erected friary. Its superior is the delegate of a guardian of an established friary and that filial house is part of the conventual chapter of that friary to which all the friars of the community belong and are accountable.

15 - A filial house must not be opened if it is not within geographic proximity to its friary and which would not, therefore, allow real participation in the life of the friary.

16 - If a filial house which is already in existence and is not in conformity with the living of fraternal life, the minister Provincial with his definitory should proceed to examine the situation and to resolve it before the end of the term of office.

17 - It is the duty of the Minister General with the consent of his definitory to subordinate, or to join without suppressing, a friary which is already canonically erected to another friary in such a way that it becomes a filial house.

18 - §1 The transfer of a friary to another province is done after the consent of the Provincial Chapter, conveying the outcome to and obtaining the consent of the Minister General and his definitory, with a mutual agreement between the respective ministers Provincial with the consent of their definitories. If outside apostolates are involved, the local Ordinary is to be consulted as well.

§2 The transfer of a friary under the direct authority of the Minister General takes place after the consent of the Provincial Chapter and the acceptance of the Minister General. If outside apostolates are involved, the local Ordinary is to be consulted as well.

CHAPTER II

THE FORMATION OF THE FRIARS

19 - § 1. After profession, the newly professed, together with the one who received the profession and two witnesses to it, shall sign the register of profession.

§ 2. The superior of a newly professed friar in solemn vows shall inform the pastor of the place where the friar was baptized about the profession. If that friar lives outside his own province, the superior shall notify the friar's major superior as well.

20 - Among the appropriate means required for sound spiritual formation are periods of recollection and dialogue and, especially, the supportive guidance of a spiritual director.

21 - To change the disposition of property after solemn vows - provided no additional rights in the matter have been acquired by others - and to dispose of property inherited subsequently or received under any other title by a friar after solemn profession, as well as to dispose of property not renounced at the proper time before profession, the permission of the major superior is required and, depending on what is involved, the consent of his definitory as well (Const. n. 10).

22 - Given the universal character of the Church and of our Order, clerical friars should acquire an adequate knowledge of Latin.

23 - § 1. Solemnly professed friars studying in major seminaries shall participate in the friary chapter unless, for a serious reason, the provincial statutes provide otherwise.

§ 2. In friaries where friars are still in religious formation or preparing for the priesthood under the supervision of a director, frequent meetings similar to friary chapters and following norms to be defined by the directory of formation should be provided, so that the friars can benefit from the meetings' formative benefits and be properly prepared for responsible participation in friary chapters.

24 – Normally, every friar who will be ordained to Holy Orders should obtain a graduate academic degree in theology.

25 - During the years of formation special notice should be taken of those young friars who show talents for formation work, leadership, teaching or scientific research.

26 - § 1. Friars who will not be ordained to Holy Orders shall pursue a specifically cultural, spiritual and Franciscan formation for at least three years after the novitiate in houses established for this purpose and receive a theological education appropriate to their needs through suitable courses.

§ 2. For the rest of the time up to their solemn profession these same friars shall be provided with appropriate formation in houses suitable for this purpose. (Const. n. 58 §1)

27- § 1. The first five years after priestly ordination or r solemn profession, friars priests and brothers should participate in an annual program of ongoing formation lasting about a week.

§ 2. In addition it is foreseen that there should be formative periods of three to four weeks- the frequency and content should be defined in the Provincial Directory of Formation – should be required of every friar for the purpose of helping the friar to discover continually the newness and the freshness of his vocation.

28 - Particular attention should be given to courses of ongoing formation that are done in Assisi and organized by various Conferences in a manner that the Provinces guarantee a sufficient number in attendance.

29 - To admit a permanent deacon to the priesthood it is necessary that, in addition to the requisite maturity, he should have pursued undergraduate secular studies for the required period of time and have received a diploma or an equivalent document, and follow a regular philosophical and theological course of studies in a seminary or some other appropriate place of formation (Const. n. 66, § 2).

30 - The Minister General with his definitory shall appoint a Secretary General for formation in the Order. Aided by the International Formation Commission, his task is to foster formation in the Order and to confirm its engagement, structures, and programs.

CHAPTER III

THE LIFE OF PRAYER WITH GOD

31 - § 1. « Houses of Prayer » are particularly appropriate to the needs of our time and the deeply felt longings of our friars.

§ 2. Such houses may serve several provinces or the whole Order.

§ 3. Houses of prayer should be staffed by a religious community which is to be the center of Franciscan inspiration and, according to local needs, they may be open to lay persons as well.

§ 4. Where such houses are established, appropriate precautions should be taken to guarantee their purpose, program, economic support, and conformity of life with that of other friaries (Const. n. 77, § 3).

CHAPTER IV

THE FAMILY LIFE OF THE FRIARS

TITLE I

FRATERNAL LIFE IN COMMUNITY

32- Every friary should have the necessary conditions to offer the possibility of:

- a) communal and personal prayer;
- b) authentic fraternal life;
- c) Friary chapters;

In addition every Friary, inasmuch as is possible, should be engaged in youth ministry and vocation promotion.

33 – The role of a Guardian as leader of the community, is vital to the life of the individual friar and to the fraternity as such. Consequently, every Guardian must:

- a) communicate the values of Franciscan life;
- b) facilitate co-responsibility in fraternal life;
- c) make necessary decisions;
- d) share responsibility for the spiritual life of the Friars;
- e) personalize his relationship with his confreres.

34 - Every friar has a right to live in community; therefore, commitments should not be taken which impede the exercise of this right.

TITLE II

THE FRIARY CHAPTER

35 - At the assigned time the friars are to convene for the friary chapter:

mmmmmm) to express and strengthen fraternal charity by confidently manifesting to one another their needs, their aspirations and their projects, and by providing also certain material and spiritual assistance for the common good and for the good of each friar;

nnnnnn)to promote especially the spiritual life of both the individual friars and the whole fraternity by arranging for spiritual conferences, instructions and practical applications, and by fostering the continued renewal of their life through approved penitential practices;

c) finally, to make it possible to discuss and resolve issues actively and responsibly for the proper conduct of the entire life of the fraternity.

36 - § 1. Within a reasonable time before the friary chapter, the Guardian should prepare the agenda and post it where all can see it.

§ 2. The friars should feel free to propose other matters to be treated - in writing if possible - so that the Guardian can insert them into the agenda.

37 - § 1. The friary chapter is to be conducted according to the special Directory for the purpose.

§ 2. With the consent of the chapter, temporally professed friars may also be admitted to those parts of the friary chapter which contribute to fraternal charity and the spiritual life and which do not call for any juridical acts.

38 - § 1. Moreover, the Guardian should take care to schedule the friary chapter so that, insofar as possible, all the friars of the community may be present.

§ 2. Individual friars may not absent themselves from participating in the friary chapter except for a reasonable cause to be approved by the Guardian.

§ 3. If, without a serious cause, the Guardian refuses to hold the friary chapter according to the sense of Const. n. 203, § 2, the Minister Provincial shall remedy the situation in an appropriate way.

39 - Under the guidance of a guardian the friars in the friary chapter make an annual program to enrich fraternal life and apostolic work and such a program should be evaluated at the end of the year.

TITLE III

THE CUSTOMS OF FRATERNAL LIFE

40 - § 1. When order of precedence is required, the following is to be observed:

a) in the entire Order: the Minister General, the Vicar General, former Ministers General, the Definitors General;

b) in the province: the Minister Provincial, the Vicar Provincial;

c) in the friary: the Guardian, the Vicar, solemnly professed friars, temporally professed friars, novices.

§ 2. Precedence among friars who hold the same office is determined first by seniority in solemn profession and then by age (Const. n. 101).

41 - The Guardian may give permission to travel within the borders of the country where he is Guardian, but not beyond thirty days. Permission to travel beyond these limits is given in writing by the Minister Provincial for his own subjects and by the Minister General for friars in friaries immediately subject to him (Const. n. 98).

42 - A just wage and social insurance in accordance with civil law shall be provided those who are hired to assist our friars in their work (Const. n. 100).

43 - § 1. A Mass with Morning or Evening Prayer is to be celebrated for each deceased friar in his own friary; in addition, all priests of the province shall offer the sacrifice of the Mass. Friars who are not priests shall attend the community Mass for the deceased or some other Mass.

§ 2. The same suffrages which are prescribed in a province for each friar are to be fulfilled in the entire Order for a deceased Pope and for a Minister General

who dies in office. Mass is to be celebrated in every friary of the Order for a deceased former Minister General.

§ 3. Suffrages for the deceased father, mother, brothers or sisters of one of our friars shall be prescribed in the provincial statutes (Const. n. 102, § 4).

44 - In addition to the funeral Mass, the friar priests who live in the novitiate house should celebrate one Mass for a deceased novice.

45 - To preserve the loving memory of the deceased friars and to remind the living friars of their obligation to fulfill suffrages for them, the following are prescribed:

mmmmmm) The major superior and the parents and relatives of the deceased friar are to be notified of his death as soon as possible;

nnnnnn) The major superior is to notify the General Curia of the death of a friar and, in each instance, inform his province by means of a circular letter containing a brief biography of the deceased and determining the suffrages to be performed according to the norms of the Constitutions and statutes.

c) This letter is to be sent to the editorial office of the *Commentarium Ordinis*.

d) A brief biographical sketch of the friar is to be inserted into the necrology.

TITLE IV

THE ADMINISTRATION OF PROPERTY

46 - In economic matters, chapter decisions or those of the Minister with his definitory should follow the discussions and programs that had been thought out and approved in common beforehand, in keeping with the Gospel counsels and our Franciscan spirit.

47 - § 1. Financial administration should be treated in the presence of the Minister Provincial with his definitory at suitable intervals. The provincial treasurer shall give them a quarterly report of the entire financial administration and, once a year, in the name of the Minister Provincial and his definitory and

according to the statutes, the treasurer shall send a financial report to all the friaries of the province. Moreover, at each provincial chapter he shall report on his entire administration since the last chapter.

§ 2. The Minister General with his definitory shall consider the financial administration of the Order once each quarter, at which time the treasurer of the Order is to provide a report. The treasurer of the Order shall present a comprehensive report on his entire administration at each general chapter (Const. n. 113).

48 - The designation of a religious as legal representative of a province or of some other juridical person is the responsibility of the Minister Provincial with the consent of his definitory, unless the provincial statutes decree otherwise (Const. n. 104).

49 - It is the duty of superiors and officials to:

- a) properly invest and deposit money in excess of what is needed for routine administration;
- b) see to it that friary bankbooks always have the separate signatures of two friars of the community;
- c) check that when properties or securities are registered in the name of a person, the title of the administrative office currently held by that person in whose name the properties or securities are registered is added to his signature;
- d) consult with financial experts.

50 - § 1. Administrators should strive diligently to keep the properties entrusted to them in good condition.

§ 2. It is the duty of the exactor to collect, with precision and punctuality, all income at the proper time and to deposit it securely.

§ 3. It is the duty of the econom (*economus*) to make purchases according to the friars' needs and within the limits of his authority.

51 - An inventory of all properties is to be taken when any new administration begins and is to be revised frequently. At the end of his term each administrator shall consign the revised inventory to his successor. Special inventories of precious objects, valuable by reason of artistic value, antiquity or intrinsic worth, are to be updated regularly.

52 - On completion of his term of office, every superior shall consign to his successor all the account books, signed by himself and by the other officials.

53 - § 1. Legal documents concerning the rights and properties of each juridical person are to be kept in a safe place, in conformity with the statutes.

§ 2. When a juridical person within the Order ceases to exist, its property accrues to the juridical person immediately superior to it. It is the duty of the Order's legal representative to safeguard the rights and property of suppressed provinces in the name of the entire Order.

54 - The following are proposed as administrative records (Const. n. 110):

- a) an account of income, kept by the exactor;
- b) an account of expenses, kept by the econom;
- c) a ledger balancing receipts and expenditures;
- d) the ordinary inventory;
- e) the inventory of precious objects;
- f) the Mass register;
- g) the register of foundation Masses (*Missae fundatae*).

55 - § 1. Stipends accepted for Masses shall not be spent, either in part or in whole, before the Masses are celebrated. Stipends, which cannot be satisfied locally, shall be sent to the Minister Provincial as soon as possible.

§ 2. Legacies involving perpetual obligations shall not be accepted, except for a serious cause and with the consent of the Minister General and the deliberative vote of his definitory. Legacies with temporary obligations are accepted only with the consent of the respective major superior following the deliberative vote of his definitory.

§ 3. Superiors shall be attentive that the intentions of our benefactors are fulfilled.

56 - § 1. Before any extensive construction or remodeling is initiated, the advice of building and finance commissions, if they exist, should be sought. Further, the counsel of experts is always to be called upon in the preparation of blueprints and other specifications. The competent chapter or minister with his definitory, carefully review, determine and implement all such plans.

§ 2. In every construction project a building expert shall be appointed as supervisor. His duty is to check that all the work is done as specified, to provide

the treasurer an account of the expenses, and to report on the entire project to the competent chapter or minister with his definitory.

57 – The Provincial Chapter shall determine the limits of extraordinary expenses beyond which the consent of the Minister General with his definitory is required.

58 - In alienating, mortgaging, or leasing immovable property or in contracting debts, the following are to be observed:

- a) whenever the amount of the sale, exchange or debt exceeds two-thirds of the sum established by the Holy See for that region, the prior approval of the Minister General with the consent of his definitory is required;
- b) with respect to the leasing of immovable property, chapters and the respective ministers and their definitories are to determine both the length of time of the lease and the annual rent to be received from it (Const. n. 103, § 3).

59 - § 1. It is the responsibility of the general chapter or, outside chapter, of the Minister General with his definitory, to determine the assessments to be levied on the provinces for the support of the activities of the Order, the missions, and the needy provinces (Const. n. 107, § 3).

§ 2. Likewise, it is the responsibility of the provincial chapter or of the Minister Provincial with his definitory to determine the assessments to be levied on individual friaries for the support of the activities of the province or of needy friaries (Const. n. 107, § 2).

60 - It is within the competence of a provincial chapter and, for a serious reason, of the Minister Provincial with his definitory, to evaluate the immovable property of the friaries and to determine whether such property should be sold or whether, in faithfulness to the intentions of the donors, the proceeds be used to support the activities of the friary and the province.

CHAPTER V

THE APOSTOLIC LIFE OF THE FRIARS

TITLE I

THE MISSIONARY ACTIVITY OF THE ORDER

61 - The juridical status of the missions of the Order may be one of the following:

- a) a province;
- b) a general custody;
- c) a provincial custody;
- d) a friary in a mission.

62 - § 1. The entire missionary effort consists in announcing the Gospel, through which a new ecclesial community is formed and the existing Church is renewed.

§ 2. Because the socio-cultural context is one of the principal factors in the process of evangelization, the friars, lest they weaken genuine human and evangelical values, should learn all that is necessary to adapt the proclamation of the Gospel to the local culture.

§ 3. Missionaries should be well trained to exercise their apostolic activity in the missions by learning the language, customs, history of the people and their cultural and religious traditions.

§ 4. They should strive to bring forth an indigenous ecclesial community capable of continuing the work of evangelization by itself, without depending on the presence of foreign missionaries.

§ 5. Faithful to the spirit of Franciscan life and also in keeping with existing circumstances and observing all legal norms, friars should take great pains to establish our Order in the mission land from the very start and to make it a part of the local Church. This entails the following: the foundation of Franciscan religious communities and the Secular Franciscan Order and, as far as possible, the inception and promotion of the contemplative life of the Poor Clares.

63 - § 1. Since the missionary vocation in its deepest sense is a special charism of the Holy Spirit, it should possess the following qualities to be verified:

- a) suitable natural ability on the part of the missionary for him to fit into a new social context;
- b) the free will to take on missionary work;
- c) acceptance and commission by the Church;
- d) the psychological and physical health necessary to endure special hardships.

§ 2. Specialized preparation of missionaries:

- a) should be obtained in suitable centers of the Order and other institutions competent in matters of contemporary methodology and pastoral missiology;
- b) should be obtained in some instances at missiological institutes providing scientific training;
- ooooooo) should be completed in all instances in the mission land itself (Const. n. 30).

§ 3. The Ministers Provincial are to be ready to offer their friars the possibility of living the Franciscan life outside their country, in a way that favors their discernment towards their missionary vocation *ad gentes*.

64 - § 1. It is the competence of only the Minister General with the consent of his definitory to accept a mission from the Ordinary of a place and, duly observing all legal norms, to establish a religious house. As far as possible, a mission should be entrusted to an individual province with the consent of its provincial chapter, or to several provinces jointly. No mission, however, shall be accepted by the provincial chapter without the prior approval of the Minister General with the consent of his definitory.

§ 2. In mission lands, and elsewhere if mission matters are concerned, opportunities should be explored for joint activities where such can be accomplished more efficiently by forming a consortium with episcopal conferences, with other communities and with their research institutes (Const. n. 146, § 2; 151, § 3).

65 - The friars should perfect and promote among the people of God:

- a) prayer as the most effective means for encouraging other forms of cooperation;
- b) the willingness to give material aid and also the time and energy required for the development of missionary activity;
- c) the desire to promote and sustain missionary vocations.

66 - § 1. The Secretary General for Mission Animation fosters awareness and commitment to the mission *ad gentes* throughout the Order, in the spirit of the Rule and the Constitutions, and taking into account the guidelines of the Church and those of the Franciscan family.

§ 2. He collaborates directly with the Minister General and his Definitory, in union with the Ministers Provincial and Custodes, in everything that pertains to mission promotion.

§ 3. His duties and his activities are defined and regulated by the special statutes approved by the Minister General and his Definitory (cfr. Const. n. 154, §4)

67- §1. The national or provincial secretariats shall send their financial contributions for the missions to the Treasurer General.

§ 2. Individual provinces or national secretariats may send economic aid directly to a particular mission but they most certainly should always inform the Treasurer General about the help given.

68 - Missions which ordinarily receive subsidies from the General Curia should, before they receive any funds, submit a budget at the beginning of the year.

69 – Economic requests to the General Curia from missionary circumscriptions must first be approved by their respective major superiors with the consent of their definitory.

70 - A careful accounting should be kept of the help given for the missions and annual contributions of the Order to the missions and they should be sent periodically to each respective destination.

TITLE II

THE PARISH APOSTOLATE

71 - § I Before signing a contract with the local ordinary to accept a parish the following documents and information are to be sent to the Minister General:

- a) a petition from the Minister Provincial which sets for the reasons for accepting the parish, a brief description of the buildings existing or to be built for the parish activities, and the number of parishes already entrusted to the province;
- b) a copy of the letter from the local Ordinary in which he offers the parish;
- c) the text of the proposed contract between the diocesan chancery and the province;

d) the approbation of the Minister Provincial with the consent of his definitory by which both the acceptance of the parish and the contract, at least in general outline, were approved. In this matter the Minister Provincial shall not fail to consult the friary chapter concerned.

§ 2. The final text of the signed contract should be sent to the General Curia (Const. n.147).

TITLE III

THE SECULAR FRANCISCAN ORDER

72- The Secular Franciscan Order (Third Order Secular) shares a common origin and charism with the First Order, to which its spiritual care has been entrusted by the Holy See (Const. n. 133, § 2).

73- § 1. All friars should consider the Secular Franciscan Order as the modern, necessary complement to their charism, esteem it highly, and foster it zealously. Therefore, the friars should be solicitous that the tertiaries, trained in the school of evangelical perfection, be a leaven in their own secular sphere and witnesses to poverty, love, joy, peace, marital fidelity, obedience to the Church, apostolic Christocentrism and sincere devotion to the Virgin Mary.

§ 2. In promoting the Secular Franciscan Order, the Franciscan spirit, which answers the needs of young people, should be greatly emphasized.

74 - All the friars, from the time of their probation and throughout their years of study, should receive careful and diligent training in every aspect of the Secular Franciscan Order -- its history, legislation, and customs -- so that, from among these friars may be chosen spiritual assistants: men exemplifying the true Franciscan spirit and inspiring all tertiaries to walk in the footsteps of St. Francis. These friars should likewise foster mutual contact and collaboration with the other Franciscan families and with the Secular Franciscan Order under these other Franciscans' jurisdiction. Tertiaries should be encouraged to collaborate in every way in all Catholic apostolates.

75 - The friars assigned to care for the Secular Franciscan Order should remember that they are called to serve their brethren living in the world. Therefore, they should not become unduly involved in the Order's administration except in those matters specified by law.

76 - § 1. Suitable spiritual assistants for the Secular Franciscan Order are to be selected at every level of Jurisdiction after consulting the S.F.O. council.

§ 2. The spiritual assistants who represent the whole Order are selected by the Minister General; at the national level they are chosen by the conference of ministers provincial.

§ 3. The office of Spiritual Assistant for the Secular Franciscan Order is conferred for a period of six years.

§ 4. The provincial chapter, however, shall elect a spiritual assistant for the Secular Franciscan Order.

TITLE IV

THE MARIAN APOSTOLATE

77 - § 1. Faithful to the heritage of Saint Maximilian Kolbe, our friars should strive, as opportunity arises, to cooperate with both the general and national leadership of the Militia of the Immaculate, so that its growth and its apostolate might flourish in conformity with its statutes approved by the Holy See.

§ 2. In every province, and general custody a delegate for the Marian apostolate shall be appointed. Among other activities, he should, as opportunity arises, encourage the establishment of either a filial center or a group of the Militia of the Immaculate in our churches.

78 - § 1. The contract determining the expenses and the number of friars working at the International Center of the M.I. in Rome or elsewhere should be a written one.

§ 2. Whenever a province of the Order is associated with a seat or center of the M.I. their relationship is determined by a contract approved by the provincial chapter or, in cases of urgent necessity, by the Minister Provincial with his definitory.

§ 3. A friary, whose members wish to live faithfully according to the model and form of the M.I., should have its own statute, approved by the provincial or custodial chapter and delineating its nature and purpose.

§ 4. When the provincial chapter or, as the case may be, the major superior with his definitory, has approved the statute, the major superior shall seek out friars best qualified to establish this apostolate.

§ 5. When the directors of the M.I. request the full-time service of a friar, before the friar becomes involved in this apostolate, a contract between the directors and the superiors of the province or custody shall be drawn up determining the specific duration of his service.

79 - During their time of study our friars should be so instructed in all matters related to the Blessed Virgin Mary and her service that later they may be able to encourage and guide the various activities of the Marian apostolate.

TITLE V

ECUMENICAL ACTIVITY AND INTERRELIGIOUS DIALOGUE

80 - § 1. It is the responsibility of the Minister General with the consent of his definitory to appoint a General Delegate for ecumenism and interreligious dialogue. The general delegate represents the Minister General in transactions with the special ecumenical secretariat of the Holy See and at congresses and assemblies where the presence of the Order is required. He is required to present a report of his activities at the Ordinary General Chapter.

§ 2. Likewise, if deemed advisable, a delegate on the province level may be appointed by the Minister Provincial with the consent of his definitory.

§ 3. The general or provincial delegate shall keep the friars informed on the progress of the ecumenical apostolate. It should be his special concern that the directives of the Holy See regarding ecumenism be faithfully observed in practice (Const. n. 134).

81 - The delegate should take special care that an ecumenical spirit permeate the training of our friars during their studies in the theological schools of our Order. Courses of study should be available on questions of ecumenism and oriental theology. All theological disciplines should be so taught as to highlight their ecumenical dimension in an orthodox manner.

TITLE VI

JUSTICE AND PEACE AND THE SAFEGUARDING OF CREATION

82 – It is the duty of the Minister General with the consent of his definitory to nominate a general delegate for Justice, Peace and the safeguarding of creation. The General Delegate represents the Minister General at the pontifical council for peace and justice and at meetings and conferences where the Order's presence is required.

83 – In a similar way there should be a Provincial Delegate who must be nominated by the Minister Provincial with the consent of his definitory.

84 – The General Delegate and the Provincial Delegate, each in his own sphere, will keep the friars informed on the development of the service of Justice, Peace and the Safeguarding of Creation. It will be their special duty to encourage the activities of the friars in this direction.

85 – The International Commission for Justice, Peace and the Safeguarding of Creation, is composed of a representative from every conference and is coordinated by the General Delegate.

86 – The Delegate is available as a consultor to the formation directors who are responsible for drawing attention to social issues in the formation at all levels. Study programs on the social doctrine of the church should be offered to the friars according to the directives of the Congregation for Catholic Education.

87 – The General Delegate for Justice, Peace and the Safeguarding of Creation should present a report on his activities at the ordinary general chapter.

TITLE VII

SPECIFIC APOSTOLATES

88 - From the very time of their formation the friars should seek to esteem highly and honor the life and charism of the Poor Clares. They should, therefore, be ready and willing to offer them spiritual and material assistance.

89 - Each province shall take care that specific apostolates (e.g., a house of the Militia of the Immaculate, an ecumenical center, a publishing house, a school, etc.), if such exist, are in fact faithful to their established purposes. Each friar

engaged in these works should support these goals by the witness of his own life (Const. n. 120, § 3).

90 - Specific apostolates are governed by particular statutes approved by the provincial chapter.

CHAPTER VI

THE GOVERNMENT OF THE ORDER

TITLE I

WORKING PLAN OF THE ORDER

91 – The Order, on all levels, needs a plan of action whose objective is the Order's more meaningful and effective presence in the Church and in the world. Such a plan should:

- a) highlight fraternity and formation as priorities.
- b) take into consideration a pluriformity of activities that better express the specific aspects of the Order's charism.
- c) include an analysis of resources available – be that of personnel and finances – in order to assure that projects proposed can be carried out and sustained.

92 – Therefore, the Central administration of the Order must:

- a) verify whether, in their activities the jurisdictions are truly responding to the various local cultural situations;
- b) promote the development of conferences as well as the dialogue between the jurisdictions and between the conferences and the Order itself;
- c) facilitate collaboration in the areas of formation study and in the exchange of friars and economic resources;

d) direct the life and mission of the Order in the perspective of Justice, Peace and the Safeguarding of Creation.

e) be the voice of the Order to the Church and the world.

TITLE II

CELEBRATION OF CHAPTERS

Art. I-General Norms

Note: The legal norms for celebrating chapters are found in the Constitutions and General Statutes; the manner or method of conducting them, however, is found in the respective Directories.

93 - All changes which would interfere with the observance of electoral laws and rights are forbidden during the chapter period. This term begins with the formal announcement of the chapter, whether it be general or provincial.

94 - Ordinary chapters are to be conducted according to the Directory of Chapter Acts, approved by the general chapter. With allowance for differences, the same holds true for an extraordinary chapter or definitorial council and, with due observance of all legal norms, for a custodial chapter as well.

95 § 1. In the first session of the chapter, the secretary nominated beforehand by the Minister with his definitory is confirmed. Likewise, the steering committee (*Consilium praesidentiae*) is determined and, at the ordinary chapter, according to need, commissions can be formed to examine various chapter issues.

§ 2. The steering committee and the other commissions are composed of at least three voting members. The Praeses himself is the chairman of the steering committee; the chairmen of the other commissions are selected by their members. At the appointed time each of them must present a report to the chapter, signed by all the members of the commission. The newly elected Minister Provincial becomes a member of the steering committee by right (*Const. nn. 171; 182*).

96 - § 1. The steering committee must see to it that the chapter be conducted according to the Directory of Chapter Acts and that the norms of common and particular law are observed. So, too, doubts and questions concerning the agenda and voting procedures are to be resolved by this committee.

§ 2. It is also the responsibility of the steering committee to examine the minutes of the chapter and, if they are found to be accurate, to sign them together with the secretary in the name of the capitulars.

97 - § 1. The grievance committee shall check each report made to the chapter, with the exception of financial reports, soliciting all relevant information; it shall examine every signed compliant and report back to the chapter on all matters reviewed.

§ 2. The finance committee shall examine all the records of financial administration and give its evaluation of these to the chapter before any elections are held.

98 - Before elections the capitulars may, responsibly and charitably, discuss among themselves and with the Praeses of the chapter the best qualified candidates.

99 - § 1. Votes taken on proposals employ these formulas: affirmative (*placet*), negative (*non placet*), affirmative with reservations (*placet juxta modum*). Whoever uses the formula «affirmative with reservations», should, within twenty-four hours, present a signed explanation of his reservations (*a modus*) to the secretary of the chapter. After this period of time has elapsed, his reservations will not be considered.

§ 2. The formula, «affirmative with reservations», counts as an affirmative vote. In a final vote for some proposal or plan, however, it is an invalid vote.

100 - In plenary sessions, a proposal under consideration that is contrary to common law, or one put forward by the steering committee as very important and adjudged as such by an absolute majority vote of the chapter, requires a qualified majority, i.e., a two-thirds positive vote of those present, for passage (Const. n. 160, § 3).

101 - If some capitulars have sufficient reason to believe that a certain proposal was disregarded, the proposal must be discussed on the floor, if a petition to this effect, signed by one-third of the voting members, has been received.

102 - To reopen discussion on a proposal already accepted or rejected, it is necessary that a petition be made to the steering committee and signed by at least one-third of the voting members and then be approved by a qualified majority of those present.

103 - It is the right of the moderator of the chapter to end discussion and bring an issue to a vote. Any voting member, however, may propose an end to the debate and an immediate vote, or the postponement of a vote. Such resolutions require approval by an absolute majority of those present.

104 - § 1. Before the third session of the chapter, if elections are to be held, the steering committee chooses three voting members to examine and tally the votes (*scrutatores*) and at least two friars to read them (*lectores*). At the appointed time these friars are proposed to the chapter for approval.

§ 2. During the chapter, issues of ordinary administration which cannot be postponed are settled by the Minister and his Definitory.

105 - Before the end of the chapter, or at some other appropriate time, the Minister, by virtue of his office, shall exhort all the friars to divine worship, to the observance of regular discipline, the Seraphic Rule and Constitutions, and to mutual charity and peace and the other religious virtues.

Art. 2-General Chapter

106 -§ 1. The ordinary general chapter shall be formally announced six months before it is celebrated. The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life shall have been sent previous notification.

§ 2. The chapter shall be held in a place determined by the previous chapter or, if necessary, in another location decided by the Minister General with the consent of his Definitory, having consulted however, the Ministers Provincial and the General Custodes (Const. n. 171).

107 -A province which, at the time of the celebration of ordinary provincial chapter has one hundred (100) solemnly professed friars, shall elect one deputy plus another one for every full complement of fifty (50) friars. The delegates are elected by written ballot in the provincial chapter. The number of friars residing in a provincial custody of the province are not counted for the election (Const. n. 173)

108 - § 1. In due time the Minister General should ask all the ministers provincial and custodes to send to the government of the Order proposals concerning topics to be treated in the General Chapter. Individual friars also can propose topics. A date should be set beyond which matters cannot be accepted.

§ 2. The Minister General with the consent of his definitory establishes the list of matters to be treated in the Chapter and sends it to all the capitulars with the topics presented in sufficient detail in an *instrumentum laboris*; which should be

sent at least two months before the Chapter so that the voting members may arrive at the Chapter duly prepared for it.

§ 3. During the course of the General Chapter new themes can, by exception, be proposed to the steering committee provided that they have been presented in writing with the signatures of one third of the capitulars.

109 - Before the first session, the Minister General with his definitors shall check the credentials of the voting members, who must verify their right to participate in the chapter.

110 - The steering committee consists of the Minister General, who is its chairman, the Vicar General, and the presidents of the regional groups (*coetus*).

111 § 1. To provide for the preliminary discussion of the problems of the Order, the following groups of deputies exist according to languages, regions, and other affinities: C.A.A. (North America and England); C.A.L (Latin America); C.E.C. (Central Europe); C.E.O. (Eastern Europe); C.I.M. (InterMediterranean); C.M. (Missions). Each group shall elect its own president, vice president and secretary.

§ 2. All friars, both voting members and consultants (*periti*), must be enrolled in one of the approved groups. The Minister General and the secretary of the chapter, however, are not obliged to be enrolled in any of the groups.

§ 3. With the permission of the president of one's own group and the president of another group, someone may attend a particular session of that other group without, however, the right to vote there.

§ 4. The presidents of the regional groups direct the members of their own group and confer with them, and forward the written results of their discussions on individual proposals to the central commission.

112 - The membership of the central commission is composed of one member per coetus, who is elected by his coetus and then confirmed by the chapter.

113 - Before the resolutions of each regional group are sent to the central commission it is advisable that information be exchanged among the coetus either through the delegates or the secretaries.

114 - The friars, who are consultants have only a consultative vote, whether in the central commission or in plenary sessions. They are present according to the

terms decided by the steering committee. In the sessions of the regional groups, however, it is the right of each group itself to determine whether or not the consultants enjoy active voice.

115 - An absolute majority of the votes of those present is required to suspend, amend, or complete the application of some norm of the General Statutes regarding the conduct of the general chapter, provided that at least one third of the voting members have prepared a written request for this to the steering committee.

116 - Moderators, instituted by the chapter, take turns presiding at the plenary sessions. A moderator announces the time of the sessions and the matters to be treated. In addition, he is responsible that the reports, discussions and voting proceed in an orderly fashion. If necessary, he shall consult with the steering committee and the other moderators and, in more serious matters, proceed only after obtaining the vote of the chapter. While acting as moderator, he shall yield the chair to one of his colleagues if he wishes to express his personal opinion. The moderator of the day should attend the meetings of the steering committee so as to be better informed of the developments in the deliberations.

117 - § 1. In the ordinary chapter the following reports, among others, are to be submitted and examined, which should be in the hands of the capitulars at the beginning of the Chapter:

- a) a report produced by the Minister General incorporating the reports of the Assistants General of the various areas of the Order, which they in turn will prepare on the basis of the reports of the Ministers Provincial, General Custodes, and Provincial Custodes;
- b) the report of the Procurator General;
- c) the report of the delegate General for Formation
- d) a report prepared by the General Treasurer;
- e) the report of the Secretary General for Mission Animation;
- f) the report of the Postulator General;
- g) the report of the General Delegate for the Second Order and congregations affiliated to our Order;
- h) the report of the Spiritual Assistant for the Secular Franciscan Order;
- i) the report of the International Assistant to the Militia of the Immaculate.
- j) the report of the Delegate General for Ecumenism and Interreligious Dialogue;
- k) the report of the Delegate General for Justice, Peace and the Safeguarding of Creation.

§ 2. The Minister General with the consent of his definitory can decide to have other reports presented in the Chapter whenever particular circumstances or activities of the Order require it.

§ 3. The reports of the Minister General, the Procurator General and the General Treasurer are to be read in their entirety in the Chapter. As for other reports, the minister General with his definitory, after consulting the presidents of the conferences and the federations of the Order, shall decide which ones will be read in their entirety at the Chapter.

§ 4. The Reports of the Assistants General of the coetus should be made available to the capitulars during the Chapter.

118 - § 1. Reports to be presented at the general chapter should be objective and factual and, when necessary, supported with appropriate explanations.

§ 2. Reports on the provinces and custodies should deal with the life and activities of the friars according to the Rule and Constitutions and with all other points helpful in delineating the status of the province or custody objectively.

§ 3. Therefore, anyone who gives a report should be prepared to answer subsequent questions from the capitulars.

119 - § 1. The Procurator General is elected by the chapter through written ballots. The Minister General may suggest one or more friars whom he considers qualified.

§ 2. The chapter elects the other Assistants General by written ballots: namely the respective Assistant for each regional group and the Secretary General. Each group of Provinces proposes one or more candidates for their respective Assistants.

§ 3. From among the newly elected Definitors, on proposal by the Minister General, one is elected by the chapter as Vicar of the Order.

§ 4. The newly elected Procurator General and Assistants become capitulars with full rights.

120- The General Treasurer is elected by the Chapter by written ballot on the proposal of the Minister General.

121- The treasurer of the friary where the chapter is held is responsible for the economic administration of the chapter and, assisted by the officials of the friary, shall provide for the needs of the capitulars. The expenses, to be paid by the provinces and custodies, must be approved by the finance committee.

Art. 3 - Provincial Chapter

122 - § 1. The ordinary provincial chapter is formally announced by the Minister General at least three months before it is held, unless there is a serious reason for acting otherwise.

§ 2. The Minister General may anticipate or postpone the ordinary chapter, but not by more than six months before or after the date.

123 - § 1. The Minister General, with the consent of his definitory and for a good reason, at the request of the Minister Provincial or General Custos and the deliberative vote of his definitory, may grant all the solemnly professed friars in that province or custody the right to participate as voting members in the provincial or custodial chapter.

§ 2. Provincial statutes may, for a good reason, grant all the solemnly professed friars in a provincial custody the right to participate as voting members in the custodial chapter.

124 - § 1. If the provincial statutes so decree, instead of being elected by delegates, the Minister Provincial may be elected by the direct suffrage of the friars, either through assembly or by mail ballot.

§ 2. In an election by direct suffrage, all solemnly professed friars enjoy active voice in accordance with Const. n. 206, except those mentioned in Const. n. 118 § 1

§ 3. Systems of election by direct suffrage:

a) *Direct Suffrage in Chapter or Assembly*

On the day and hour appointed, the friars who are electors assemble together with the Minister General or his delegate as Praeses, and carry out the election according to Const. n. 164, § 1 -4.

b) *Direct Suffrage by Mail Ballot*

1) The Minister General, Provincial Custos and the other friars who are electors send in their mail ballots for the election of the Minister Provincial by public post, taking due precaution for their safe delivery. A commission of three friars, chosen by the Minister Provincial with his definitory to count the ballots for the election of delegates, shall receive all the mail ballots, unopened, from the Minister. When the outer envelopes have been opened, the inner envelopes containing the ballots are mixed together and opened, and the number of votes received by each friar recorded. If anyone should have received the necessary majority according to Const. n. 164, the one elected shall be informed by the commission about the election and will be given twenty four hours in which to give his consent. The election is not to be made public until it is confirmed, according to the norms of Const. n. 164 § 4. The newly elected, however, assumes office only at the beginning of the third session of the Provincial Chapter.

2) If, however, no one should be elected, or if someone elected should have refused or should not have been confirmed, then the mail ballot is repeated according to Const. n. 164, § 3, or only once or twice, and if there is still no election, the right to elect passes to the provincial chapter, where five ballots are allowed.

c) Direct Suffrage by Mail Ballot Tallied in Chapter

The Minister General, the Provincial Custos and the other friars who are electors shall send in their ballots, enclosed in two sealed envelopes, to the provincial headquarters within the period of time determined by the Minister Provincial with his definitory. In a plenary session of the provincial chapter the outer envelopes are opened by tallymen appointed by the chapter itself. Then the inner envelopes are counted and mixed together and the ballots found within are read. The friar who receives the required majority of votes is elected Minister Provincial. If he does not accept the election or if he is not confirmed or if no one has received the required majority, the Minister Provincial is elected according to the norms of the Constitutions, with due observance of all relevant laws.

125 - § 1. So that everything needed for the chapter be prepared as exactly and properly as possible, the Minister Provincial shall notify the entire province as soon as possible regarding the time and place at which the chapter will be held. He shall order the election of delegates to be held as quickly as possible.

§ 2. After the official announcement of the ordinary chapter, the election of delegates is to be held. In this election all solemnly professed friars of the

province enjoy active voice. Those who are already capitulars *ex officio* are excluded from passive voice.

§ 3. The Minister Provincial who resigned his office during his four-year term is considered a former Minister Provincial with the right to participate in the Provincial Chapter immediately following his resignation, as well as in any extraordinary chapter and definitorial council - should such be held - and the following ordinary chapter. This applies as well to the Vicar who, on the resignation of a Minister Provincial during the quadrennium, succeeds him (Const. n. 192).

126 - One month before chapter, the Secretary of the Province publishes the names of those elected. Recourse against those elected or against the manner of election is permitted within fifteen days of the publication of the list of voting members. In this regard it should be noted: if any deputy should not have accepted his election or if he resigns after the election, always pursuant to the norms of Const. n. 168, § 2, then, if the election was conducted by mail ballot, whatever the reason for the vacancy or whatever system of mail balloting used to elect the delegate, the runner-up is elected. But, if the deputy was elected in a friary chapter, then the chapter, upon notice of the vacancy, shall immediately proceed to a new election.

127 - Before the first session, the Praeses, together with the Minister Provincial and the Secretary of the Province, examines the credentials or the minutes of the elections of the delegates. When this is done, the Secretary of the Province shall publish the list of voting members.

128 - The Minister Provincial with his definitory may determine whether the reports, with the exception of confidential matters, are to be made public at a reasonable time before chapter to the capitulars or even, if so desired, to all solemnly professed friars. If this is, in fact, done, a summary of the report is read in the chapter hall, together with the confidential material.

129 - Reports to be presented to a provincial chapter should be a true and objective presentation of the facts, supported by appropriate reasons to explain them. It is the chapter's right, after hearing the reports, to decide which portions of them are not appropriate to communicate to the other friars.

130 - After his election, the Minister Provincial should confer with his predecessor and with other friars so that, having considered the capabilities of each friar, he may draw up a list of those who could be proposed for various offices in the following sessions.

131 - § 1. The Minister Provincial may indicate one or several suitable candidates for the office of Definitor. It is the chapter, however, that elects the Definitors by written ballot.

§ 2. From among the newly elected Definitors, on nomination by the Minister Provincial, a Vicar and a Secretary are instituted in turn by the chapter through the use of counters. These offices may be held by the same person.

§ 3. The newly elected Definitors, the Capitular Custodian and the Provincial Custodes become capitulars with full rights.

132 – § 1. The celebration of the Provincial Chapter takes place in two parts: the first part is concluded after the fourth session, according to the norms of the Directory for the Celebration of the Ordinary Provincial Chapter.

§ 2. The primary task of the second part of the Provincial Chapter is to draw up the four year plan. The Minister General or his delegate also participates in this decisive phase of the Chapter to guarantee the Order's unified progress.

133 - Upon nomination by the Minister Provincial, the chairmen of commissions are instituted by the chapter through the use of counters. Outside of chapter this is done by the Minister Provincial with his definitory (Const. n. 194).

134 - § 1. Unless the provincial statutes determine otherwise, at least three months before the chapter is to be held, the Minister Provincial, sending a mail ballot for reply, shall ask each solemnly professed friar residing in a custody but enjoying provincial rights which friar he would propose to fulfill the office of Custos in that custody.

§ 2. The same three-friar commission established by the Minister Provincial with his definitory to open the sealed envelopes and tally the votes for the election of delegates (cf. Gen. Stat. n. 142, c), shall receive from the Minister Provincial all the unopened sealed envelopes sent in previously by the friars of the custody through public post, using due caution to ensure safe delivery. All the sealed envelopes are opened and, as it is done in the election of delegates, the ballots contained in them are counted, mixed together, opened, and the number of votes received by each friar tallied. The minutes of this procedure are drawn up in duplicate (by one of the commission members), signed by the other two friars and presented at the provincial chapter.

§ 3. The three friars receiving the highest tallies become the candidates to be voted upon for the office.

135 – § 1. The Chapter in Provincial Custodies, if allowed by Provincial Statutes, is convoked by the Minister Provincial and he or his delegate presides at it unless the Minister General is present (cf. Constitutions n. 183, §1). The Assistant General for the region also has the right to participate in it with voting rights.

§ 2. It is to be held in two parts, according to the Directory for the Celebration of the Ordinary Provincial Chapter. In the second phase the four year custodial plan is to be drafted.

136 - Decrees passed by a custodial chapter require the confirmation of the Minister Provincial with the consent of his definitory.

Art. 4 - The Election of Delegates to the Provincial Chapter

1) *The System of Electing by Friaries*

137 - § 1. In friaries where at least four friars assigned *de familia* enjoy active voice, the delegates are elected according to the following ratios between friars electing and delegates elected:

4- 7 Friars: one delegate;

8-14 friars: two delegates;

15-21 friars: three delegates;

22- 30 friars: four delegates;

31- 50 friars: five delegates;

51-100 friars: six delegates;

100 or more friars: seven delegates.

§ 2. These ratios may be modified by the provincial chapter, but keeping within the basic guidelines of the system, so that there will not be more than one delegate for four friars electing.

138 - If several friars are to be chosen delegates from the same friary, the Minister Provincial with the consent of his definitory decides the method of election, so that:

- a) either the delegates are elected one at a time by all the friars who enjoy active voice;

b) or all friars with active voice are listed in descending order of solemn profession and divided into as many groups as there are delegates to be elected. If necessary, the junior groups may have one more elector than the others. Each group then elects one delegate from (among the members of) its own group. The friar who is senior in profession within each group is its chairman.

139 - § 1. Friaries which have fewer than four friars with voting rights are arranged by the Minister Provincial with the consent of his definitory as follows:

a) either the friaries are grouped according to regions, so that in each group there are at least four electors;

b) or all the friars are listed in descending order of solemn profession and divided into vertical groupings of four to seven friars. Each group then elects one delegate.

§ 2. It is the right of the Minister Provincial with the consent of his definitory to decide whether the friars should gather in a designated friary to hold the election or whether the elections should be conducted by mail ballot.

§ 3. If a province should have only one friary with fewer than four friars enjoying active voice, the Minister Provincial with the consent of his definitory may unite them to another friary.

§ 4. The Minister Provincial casts his vote in the friary where he habitually resides.

140 - Friars residing outside their province and, according to the norms of the Constitutions, enjoying active and passive voice in the election, are distributed by the Minister Provincial with the consent of his definitory into groups, from which delegates shall be elected according to the aforementioned ratios. If these friars should be fewer than four, they shall be united to one or to several friaries and, first of all, to those friaries - if they exist - where there are fewer than four friars.

141 - In the election of delegates by written ballot, common law and our own particular law are to be observed. In an election by mail a relative majority suffices; in the case of a tie, however, the friar who is senior in solemn profession, then in age, is elected.

2) *The System of Electing Delegates by Triple Lists*

142 – Premises:

- a) Three months before the celebration of the Provincial Chapter, notice is given of the number of voting members already determined by the preceding chapter in view of the needs of the Province.
- b) The election is carried out by mail ballot.
- c) A commission of three friars, established by the Minister Provincial and his definitory, counts all the ballots and compiles the minutes of the election, which are to be cosigned to the minister Provincial.

143 – § 1. Three equal lists or groupings are to be formed, arranging the friars of the province with active and passive voice in order of profession, in such wise as to form groups by profession of older, middle-aged and younger friars. Those who are capitulars, by virtue of some other right lack passive voice; their names should be marked with an asterisk. less they be elected a second time.

§ 2. The friars, in whatever group they are, shall elect half the number of the delegates from their own group and half from the other two groups. A ballot is invalid if the number of votes for those in one's own group or the total in the other two exceeds one half of the number of delegates to be elected; a ballot with less than half the number is still valid. But a ballot is also invalid if the elector does not vote for at least one person in each group. If someone should designate, albeit invalidly, a person already a capitular by some other right, the ballot remains valid so long as the total number of votes permitted, whether in one's own group or in the other two, is not exceeded.

§ 3. A third of the total number of delegates is elected from each group, i.e., from those who have received the highest number of votes among the friars of that group.

144 - The province delegates may be elected from a single list in which are placed the names of all the friars with passive voice, except those who are voting members ex officio.

3) *The mixed system of electing delegates (both friaries and Province)*

145 - § 1. Once the provincial chapter has been formally announced, the election of friary delegates should take place as soon as possible.

§ 2. In friaries where there are at least four friars assigned de familia who enjoy active voice, the following ratios between the friars electing and delegates elected shall be observed:

4-12 friars: one delegate

13 or more friars: two delegates

§ 3. In provinces with more than a hundred solemnly professed friars the ratios are:

4-15 friars: one delegate

16 or more friars: two delegates

§ 4. In friaries where two delegates are to be elected, they are chosen one at a time from among the friars enjoying passive voice. On the first and second ballots an absolute majority is required for the election of each delegate. In the third and final ballot a relative majority suffices. The document of election is to be signed by all the friars electing.

§ 5. Friaries in which fewer than four friars with the right to vote are assigned shall be suitably united by the Minister Provincial with the consent of his definitory so that in each group there are at least four electors.

§ 6. Friars who reside outside the province and enjoy active voice in the election shall suitably be united in a single list by the Minister Provincial with the consent of his definitory. Delegates shall be elected from among these friars according to the ratios given above. But if they are fewer in number than four they shall be joined to one or more friaries, first of all those -- if there are any -- where there are fewer than four friars.

§ 7. The Minister Provincial casts his vote in the friary where he habitually resides.

146 - Once the friary delegates have been elected in this manner, the remaining delegates (i.e.- the difference between the number of those voting determined by the provincial chapter and the number of voters already elected by the friaries) are chosen by all those who have active voice. The election is carried out by mail ballot from a single list on which are placed the names of friars who have passive voice and from which are excluded friary deputies and those who are voting members by some other right. The election may also be conducted by using a triple list, according to the criteria of- Gen.. Stat. n. 143, § 1.

147 - The method described above may be modified by the provincial statutes that the election of delegates can be carried out both by groups of friaries (i.e. on a regional basis) and by the province at large.

TITLE III

THE MINISTER GENERAL AND HIS DEFINITORY

148- § 1. If the Minister General is away from Rome at the same time as the Vicar, he shall appoint one of his definitors as his delegate to carry out the routine duties of administration as he would perform them.

§ 2. If both are impeded from fulfilling their office, the delegate assumes the ordinary government of the Order, unless other provisions have been made.

149 - If the offices of both the Minister General and the Vicar become vacant for whatever reason, the defintor who is senior in profession assumes the ordinary government of the Order and convokes the general chapter, to be held no sooner than three months and no later than six months from the date when the office of Minister General became vacant.

150 - The Minister General with the consent of his defintory has the duty to provide for the government of a general custody or even of a province which, because of the small number of friars or for any other reason, has become incapable of leading an autonomous life. All such cases are to be made known to the very next general chapter.

151 § 1. Any friar who, in conscience, believes that he cannot carry out a decree of his Minister Provincial may have recourse to the Minister General. In making such recourse the friar shall provide a clear explanation of his reasons and append an authentic copy of the decree of his Minister Provincial.

§ 2. The Minister General shall consult first with the minister Provincial then, after seeking the advice of his own defintory he shall resolve the case in a fatherly way.

TITLE IV

THE OFFICES OF THE GENERAL CURIA

152 - The principal offices and secretariats of the General Curia are that: of the General Procuratorship, the General Secretariat, the secretariat for mission animation, the secretariat for Formation, the secretariat for Ecumenism and Interreligious Dialogue, the General Postulation for the causes of saints, the secretariat for nuns of the Second Order and for religious Institutes of the Third

Order, the Spiritual Assistant to the Secular Franciscan Order, the general directorate of the Militia Immaculate, The secretariat for Justice, Peace and the Safeguarding of Creation, and the general treasury (Const. nn. 162; 181).

153 - Offices and secretariats shall be governed by special norms enacted by the Minister General with his definitory and shall conduct their respective activities immediately subordinate to the Minister General.

154 - The offices and secretariats should maintain close contact with provincial commissions and with similar offices in other religious institutes, especially those closely related to us.

155 -A copy of any business carried on with the General Curia shall be kept in the provincial archives.

TITLE V

THE MANNER OF CONDUCTING DEFINITORY MEETINGS

156 - In each session of a definitory, the superior shall submit the business on hand to open and fraternal discussion, according to an agenda provided the members beforehand in reasonable time and accompanied by sufficient explanation. The defintors, too, may propose items beforehand for discussion.

157 - § 1. Defintors should express their views on the basis of their knowledge and according to their conscience. By voting conscientiously they should promote the good of the Church and of the Order. In matters of greater complexity they may request a suitable recess for further reflection, or that some question be resolved by secret ballot.

§ 2. When the superior requires the consent or counsel of his definitory, he himself does not have the right to vote (cf. can. 127). If, however, the superior acts with his definitory in a quasi-collegial manner then he can vote (cf. can. 119).

§ 3. The major superior may seek the counsel of any absent member of the definitory by telephone, when there is a really genuine difficulty in convoking the members and there is an urgent need to reach a decision (can. 127, § 1).

§ 4. In cases of urgent necessity, when there is a really genuine difficulty in convoking the members, the major superior may seek the counsel of the

definitors by letter or phone, especially by a conference call, except in those cases in which a secret vote is required by common or particular law.

158 - The secretary shall record all proceedings. In each meeting of a definitory the minutes of the previous meeting shall be read and, if they are found to be accurate, signed by all the definitors who were present.

159 - Laws and directives of the supreme authority in the Church and in the Order bearing on the life of the friars shall be published regularly in the *Commentarium Ordinis*, together with explanations, when needed.

TITLE VI

THE MINISTER PROVINCIAL AND HIS DEFINITORY

160 - If the offices of both Minister Provincial and Vicar Provincial should become vacant or should they both be impeded in the exercise of office, the definator who is senior in profession assumes the ordinary government of the province and informs the Minister General, of the vacancies at once. The Minister General, in turn, shall convoke a chapter (Const. n. 163).

161- § 1. A Minister Provincial or General Custos who wishes to spend more than one month outside the confines of his jurisdiction shall notify the Minister General of this beforehand.

§ 2 The norms governing the absence of a Provincial Custos and of a Guardian shall be defined in the province statutes (Const. n. 167, § 3).

TITLE VII

THE MINISTER PROVINCIAL AND GUARDIANS

162 – At least once a year the Minister Provincial organizes a meeting of the Guardians so that they can have the possibility of studying the problems of the Province and have the opportunity to exchange information and experiences. The General and Provincial Custos act in the same manner.

TITLE VIII

THE GENERAL CUSTOS AND HIS DEFINITORY

163 - The election of a General Custos and of his definityory requires the confirmation of the Minister General or his delegate.

TITLE IX

CANONICAL VISITATION

164 - § 1. In conducting a canonical visitation the Ministers shall ordinarily proceed in a manner that is at once fraternal and pastoral. Their first concern shall be religious observance and the spirit of fraternal communion.

§ 2. For a serious reason the Minister General with the consent of his definityory may decree an extraordinary visitation of any province.

165 - § 1. The ordinary canonical visitation includes all the friars, their houses and places of worship. (c.f. can. N. 628 § 1).

§ 2. In the visitation which the Ministers make, they shall act humbly and charitably towards their confreres, listen to them, strive to really know them, and exhort them to a greater fidelity to the evangelical life to which they have committed themselves through their religious profession. Furthermore, the Ministers should help the friars and the community to evaluate their life and their ministry carefully. They should pay particular attention to how the life of prayer and fraternity are lived out in community as well as to the community's fidelity in celebrating the friary chapter. They shall admonish those who are negligent in these matters humbly and patiently.

§ 3. The ministers shall not forget to examine whether the friars are giving witness to poverty. Should they come upon superfluous goods in our houses that are not in keeping with our life of poverty they shall order them removed.

166 – The friars should behave in a trusting manner with the Visitor, whose legitimate questions they are obliged to answer according to the truth in charity; moreover, no one is permitted in any way to divert the friars from this obligation or otherwise to impede the scope of the visitation (c.f. can. 628 § 3).

167 - § 1. After the visitation, the Ministers shall call the friars together and give them fraternal advice, warnings or commands concerning those things

which are to be done, discontinued or corrected so as to ensure greater progress in their life and apostolic work.

§ 2. A record of the visitation and of any decree concerning those matters which are to be observed by the friars or reported to the community shall be recorded in the friary chapter book.

§ 3. In the reports which they presented to the ordinary provincial chapter, the Ministers shall express their own evaluation on the life and the activities of the friars and point out the spiritual and material deficiencies if they exist.

168 – During a visitation the Minister Provincial must supply the Visitor with all the necessary information on the life and activities of the friars of the Province.

169 - § 1. The Capitular Custos, having completed the visitation which he conducts during the year immediately preceding the ordinary provincial chapter, shall make a report on individual friaries at the chapter. It is also his duty to examine the religious life, the governance, and the economic administration of the province, to inquire into the conditions of the material assets and contracts entered into by the Province, local communities or individual friars; and to investigate the more important issues brought to his attention by the friars.

§ 2. If anything of major importance or urgency should arise from the visitation, the Custos refers it as soon as possible to the Minister Provincial. Also, as often and in whatever form may be determined by the Minister Provincial, the Custos should offer his collaboration in the formulation and evaluation of the programs of the Province. He should mediate harmony in cases of strained relations between the Minister Provincial and the friars.

170 - § 1. A former Minister Provincial may not fill the office of Capitular Custos immediately after his term of office has expired. This applies as well to the Vicar who, on the resignation of a Minister during his term, succeeds him (Const. n. 192).

§ 2. For a better understanding of certain issues in the province, the Capitular Custos may, with the permission of the Minister Provincial, participate in the sessions of the provincial definitory on a case by case basis.

171 - In provincial custodies where there is no Capitular Custos, in place of the Capitular Custos of the province - if the provincial statutes so provide - the

Provincial Custos conducts the visitation of his own custody. In this case he himself makes the required report to the provincial and custodial chapters.

172 – The Minister Provincial and the Provincial Custos shall present to the Provincial Chapter their own reports on the state of the Custody (c.f. General Statutes n.6 §1)

TITLE X

FRATERNAL COOPERATION AMONG THE PROVINCES

173 - In our Order all the friars, friaries, Provinces/Custodies participate in one and the same universal fraternity. In order to promote fraternal life and the development of this fraternity the Minister General, as leader of the entire Order, together with his Definitory and other officials of the central government, must encourage communication, foster unity, preserve the sound traditions of the Order and facilitate a broad and critical Franciscan vision of our presence in the world.

174 - Collaboration is becoming ever more indispensable for the life of the Order. It must be carried out among the jurisdictions in the broadest way possible:

- a) on all levels of formation, from vocation promotion and initial formation, through to ongoing formation (retreats, spirituality programs...);
- b) in sharing friars and economic resources for apostolic and missionary activities;
- c) in the assistance rendered to elderly and infirm friars.

175 - §1 Transfiliation of a friar from a province to a provincial custody of his own or of a different province, or to a general custody, may be either temporary or perpetual. It requires the consent of the friar involved, as well as that of the Ministers of both provinces or custodies, who have themselves received the prior consent of their respective definitories. In the case of a general custody, one also needs the consent of the Minister General (Const. n. 206, § 5).

§ 2. When a new province or general custody is established, all the friars who are actually working in its territory are *ipso facto* affiliated to the new province or general custody, unless they reconfirm affiliation with their native province within three months (Const. n. 27).

176 - Transfers of friars from a general custody to friaries outside the custody may be effected only with the consent of the Minister General.

TITLE XI

THE GUARDIAN AND THE FRIARY CHAPTER

177 - § 1. In the ordinary administration of the friary the Guardian is assisted by the friary chapter as his council in those instances designated by the formulas: "**The guardian with the consent** " or "**with the counsel of the friary chapter**" or "**having consulted the chapter.**"

§ 2. In these cases the norms of the Constitutions concerning the number of voting members (Const. n. 160, § 2) and of the General Statutes concerning the manner of proceeding (nn. 35 ss.) are to be observed.

178 - § 1. The friary chapter acts collegially only in those matters strictly placed under its authority and indicated by the formulas: "**It is the right of the chapter**"; "**it is the responsibility of the chapter**"; "**the chapter determines**"; and like expressions.

§ 2. In dealing with the matters mentioned above, the presence of two-thirds of the voting members is required for the validity of the deliberations (Const. n. 160, § 1).

179 - § 1. Voting members of the friary chapter are the Guardian himself (as *praeses*) and every friar in solemn vows legitimately assigned *de familia* to that friary by the major superior (Const. nn. 203, 166, § 3; Gen. Stat. n. 23).

§ 2. Voting members for the election of delegates according to these General Statutes (nn. 137;138; 139, § 1; 145, §§ 4-5) are determined by the Minister Provincial with the consent of his definitory.

180 - In friaries where are found temporarily and exceptionally only two friars in residence *de familia*, when matters to be resolved require a juridical act, they are to proceed according to the Constitutions, n. 112, § 2. The opinion of both friars is to be expressed and recorded in a special book after the manner of a friary chapter.

181 - The friary chapter should institute its secretary. His duty is to faithfully record all acts in a book of minutes and read these at the following chapter so

that their accuracy can be verified before they are signed by those who were present.

182 - The Guardian must implement deliberations approved by collegial decision. Further, when the Guardian must have recourse to the chapter for consent or counsel, he should follow the norms of the Constitutions (n. 158, § 1). The Guardian should endeavor as well to implement other decisions reached by fraternal agreement.

TITLE XII

THE GOVERNMENT OF A FRIARY IMMEDIATELY SUBJECT TO THE MINISTER GENERAL

183 - General friaries - namely, those immediately subject to the jurisdiction of the Minister General - may be located in Rome and outside it. Such friaries in Rome are established to serve one or another of the following specific purposes: the central government of the Order, academic formation at the Pontifical Faculty of St. Bonaventure, or some form of general apostolate of the Order (the Sacred Penitentiary at the Vatican Basilica, service in the Roman Curia, general assistance to the Second and Third Orders, and direction of the Militia of the Immaculate). General friaries are established outside of Rome solely for special and weighty reasons which *de facto* render incorporation of the friary into any province or general custody impossible (Const. n. 29, § 1).

184 - The institution of a Guardian for the aforesaid friaries is carried out according to the norms of Constitutions n. 204, following a prior fraternal consultation of the friars of the community.

185 - Friars who are members of the definitory of the Order belong *de familia* to a general friary by virtue of their canonical election. All other friars are assigned by letters of obedience from the Minister General in conformity with n. 206 § 4 of the Constitutions.

186 - In transferring a friar from his respective province or custody to a friary immediately under his jurisdiction, the Minister General will first consult the Minister Provincial or Custos; in the letter of obedience he will indicate the type of service that the friar will perform in the general friary, the duration of his service, and other necessary details in agreement between the Minister General and the Minister Provincial or Custos of the friar involved.

187 - While a friar resides in a general friary, the friary will provide for all his legitimate needs in keeping with our manner of life.

188 - Friary rights are to be exercised by the friar in the friary where he is assigned by the Minister General *de familia*; provincial rights, however, are to be exercised in his own province or custody.

189 - § 1. Each friary shall conduct its own financial administration under its own officials, according to the norms of law.

§ 2. Twice a year the general treasurer shall examine the account books of the general friaries in Rome. On these occasions, as the case may warrant, he should supplement the friary income or withdraw surplus money. Once a year, unless otherwise stipulated, general friaries outside Rome shall submit a report to the general treasurer, who should then take action in view of the circumstances, according to the norms cited above.

190 - The friary in which the Penitentiaries of the Vatican Basilica reside is governed according to norms contained in the Apostolic Letter of Pope Clement XIV, dated 10 August 1774. Hence, in its particular statutes, to be approved by the Minister General with his definitory, the prescriptions of these General Statutes are to be harmonized with those contained in the Apostolic Letter.

**SYNOPTIC TABLE
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PORMULGATED IN 1984
(With additions of 1989 and 2001)**

2001	1989	48	28	98	69
		49	29	99	70
		50	30	100	71
1	1	51	31	101	72
2	2	52	32	102	73
3		53	33	103	74
4		54	34	104	75
5	3	55	35	105	76
6		56	36	106	77
7	4	57	37	107	78
8		58	38	108	79
9	5	59	39	109	80
10	5 bis	60	40	110	81
11	5 ter	61	41	111	82
12	7	62	42	112	83
13	6	63	43	113	84
14		64	44	114	85
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16		66		116	87
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24		74	53	123	94
25		75	54	124	95
26	13 bis	76	55	2001	1989
27		77	56	125	96
28		78	57	126	97
29	14	79	58	127	98
30		80	59	128	99
31	15	81	60	129	100
32		82		130	101
33		83		131	102
34		2001	1989	132	103
35	16	84		133	104
36	17	85		134	105
37	18	86		135	106
38	19	87		136	107
39		88	61	137	108
40	20	89	62	138	109
41	21	90	63	139	110
2001	1989	91		140	111
42	22	92		141	112
43	23	93	64	142	113
44	24	94	65	143	114
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167	137 *
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- acts as a college ("The minister general **with** his definitory") in which case the major superior may vote 157,2;
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