

Our Most Holy Lord

**Pope Leo XIII**

by Divine Providence,

# Misericors Dei Filius

*Constitution On the Law of the Franciscan third Order secular*

**May 30, 1888 A.D.**

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**LEO BISHOP**

SERVANT OF THE SERVANTS OF GOD

*As a perpetual remembrance*

**T**HE MERCIFUL SON OF GOD, who, having placed a sweet yoke and light burden upon men, has looked to the interests of the life and salvation of all, (and) has left the Church founded by Himself as the heir not only of His power but also of His mercy, to propagate the good deeds brought forth through Him to all the ages of generations with always the same tenor of charity. On that account just as among these, which Jesus Christ did or precepted throughout His life, that gentle wisdom and greatness of unconquered kindness shown forth, so equally among each institute of Christendom [*rei christianaे*] a certain wonderful indulgence and leniency stands out, so that plainly even in this very matter the Church may seem to bear the likeness of God, who is Charity (1 John 4:16). Moreover that is the gift most proper to Her maternal piety, to wisely accommodate laws, as much as this can be done, to the times, to morals, yet always using the highest equity in precepting and adapting these. And yet this is

accomplished at once with Her custom of charity and wisdom, so that the Church may conjoining the absolute immutability and sempiternity of doctrine with a variety of prudent discipline.

Conforming Our soul and mind with this reasoning in the exercise of the Pontificate, We have reckoned by that judgement of Our office, to the extent that it is fair, to estimate the nature of the times, and to circumspect all things, lest any difficulty deter from the exercise of useful virtues. And now it has pleased Us to carefully weigh according to this norm the Franciscan sodality of the Third Order, which is called secular, and to diligently establish whether or not it be proper for its laws to be tempered in a limited manner because of the changed times.

That remarkable institution of Our Father Francis We have vehemently recommended to the piety of Christians by means of Our Encyclical Letter *Auspicato*, which We issued on September 17th last year. Moreover We issued it with this will and this unique purpose, that as many as possible be called back to the praise of Christian sanctity by Our timely invitation. Certainly the greatest origin both of the evils which press Us and of the dangers, which are feared, is the neglect of virtue by Christians: but men cannot for any reason attend to some of these, and yet disparage others, than by a quickened return privately and publicly to Jesus Christ, who can forever salve those approaching God through Him. (Heb. 7:25) All of the Franciscan institutes have already been set up to care for] the precepts of Jesus Christ: for neither did (their) most holy author intend any other end, than that the Christian life be more diligently exercised in them, as in a certain gymnasium. Truly did the first two Franciscan Orders, formed with the disciplines of great virtues, follow after him more perfectly and divinely: but these belonged to a few, namely to those to whom it was conceded by a gift of God to contend with a certain singular alacrity for the sanctity of the evangelical counsels. However, the Third Order was born fitted to a multitude: and (thus) it proclaims the monuments and reality of the just, integral, and religious morals of a superior age, as much as this is possible.

But We ought to prefer what has been accepted by God, the Author and Helper of good counsels, because the ears of the Christian people were not closed to those Our encouragements. Nay rather, from very many places there was brought forth a lively piety towards Francis of Assisi, and, far and wide, an increased number of those seeking to enter the sodality of the Third Order. On account of which, as an incitement to those running to drink (from its spirit), We have decided to undertake a plan, lest that salutary concourse of souls seem to be able to be impeded or retarded in any degree. And indeed, at first, We have ascertained that he Rule of the Third Order which Our predecessor, Nicholas IV, approved and confirmed by His Apostolic Constitution *Supra Montem* on August 18 [sic], 1289, does not entirely correspond those times and morals which now prevail. Hence since the duties undertaken cannot be completed without very great trouble and work, it was necessary to commute the very many chapters of its laws on the prayers of the members to this extent: that indeed, it is easily understood, they could not be accomplished without detriment to common discipline.

Then, also, there were other reasons in the same sodality, which claimed Our own attention. Most of all, the Roman Pontiffs, Our Predecessors, already having embraced the Third Order from the time of its birth with the highest benevolence, conceding to the members to be admitted several and sufficiently ample indulgences for the expiation (of their sins). The count of which has proved to be more confused in the course of years: and this is often disputed, whether or not

in certain cases it depends upon the Pontifical indulgence, and in what season, or by what kind, it is lawful that it be used. Certainly the desired prudence did not belong to the Apostolic See in this matter: and namely Pope Benedict XIV, in His Constitution *Ad Romanum Pontificem* on March 15, 1751, cared to remove prior doubts; nevertheless as soon as a (new) day began, not a few (more) were added.

Wherefore induced by the thought of disadvantages of this kind, We have appointed several Cardinals of the Holy Roman Church from the pre-existing Council for the Care of Indulgences and Sacred Relics, to review the earlier laws of the Tertiaries with care; likewise to examine all the indulgences and privileges related in the Registry [*commentarium*]: and having employed intelligent judgement, to refer to Us concerning this matter, what they judged to be retained and what to be renewed in accord with present conditions. Having accomplished this business, as commanded, they indeed were the ones to recommended [*auctores fuerunt*] to Us, that it was proper that (such) old laws be bent and accommodated to current [*has recentes*] customs of living, with not a few things unchanged [*immutatione nonnulla*] in certain chapters. But concerning the indulgences (which have been granted), so that no place be left for hesitation, and no cause for danger be protected, they have judged-lest anything come to pass unlawfully-that We decree, according to the example of Benedict XIV-on the condition that all their indulgences, which have heretofore been in force, be revoked and abrogated- that certain others be granted [*facturos*] for the benefit of [*ex*] the entire membership of the same.

Therefore that it be good and fruitful [*felix*], amplify the glory of God, and greatly ignite the studies of piety and of the rest of the virtues, We renew and sanction in this Letter by Our apostolic authority the Law of the Franciscan Third Order, which is called secular, to the extent that it is described below. Nevertheless, having done this, let nothing be thought to have been subtracted from the nature itself of the Order; rather We wish entirely that it continue to remain unchanged and whole. Besides We wish and command that the same members can employ the remissions of punishments, or indulgences, and the privileges, which are recounted in that index below, having preserved each and every [*sublatis penitus universis*] indulgence and privilege, which this Apostolic See at whatever time, and/or in whatever name, and/or form had conceded to the membership of the same in the past [*ante hanc diem*].

## The Law of the Sodality of the Franciscan Third Order

which is called *Secular*

### Chapter I

#### ON ADMISSION, NOVITIATE, PROFESSION.

§ I. Let it not be licit to admit [*cooptari*] anyone, except those older than fourteen years, and those (of) good morals, keepers of the peace, and in the first place proven in the sanctity of

Catholic profession, and in a visible obedience [spectato obsequio] towards the Roman Church and the Apostolic See.

§ II. Let wives, except those with the knowledge and consent of (their) husband, not be admitted, unless it seems otherwise to be done, by their priest-spiritual director [*auctore*], the judge of their consciences.

§ III. Let those admitted [*adlecti*] into the sodality wear, according to custom, the small scapular and one cord: let those who have not worn (these), not enjoy [*careant*] the established privileges and rights [*iuribus*].

§ IV. Let those men or women who would enter the Third Order, complete one entire [*ipsum*] year: then, having with due ceremony [*rite*] promised the Order, that they will observe the laws [*iura*] of God, be obedient to the word [*dicto*] of the Church; let them each pledge that if they have neglected [*deliquerint*] anything among these, which have been promised [*professi*], that they will satisfy for it (in the future).

## Chapter II

### ON THE DISCIPLINE OF LIVING.

§ I. Let members [*sodales*] of the Third Order in every refinement [*cultu*] and apparel [*habitu*], having disdained [*posthabita*] more sumptuous elegance, hold that, which is befitting to each (of them), the rule of moderation.

§ II. Let them with extreme caution [*perquam caute*] abstain from dances [*choreis*], public spectacles [*ludis*], and the more shameless plays [*scaenis*], likewise from riotous processions [*comissionisbus*].

§ III. Let them frugally use food and drink: and let them neither sit down or rise from the table before having piously and gratefully invoked God.

§ IV. Having each observed the fast (for the Feast) of the Immaculate Virgin Mary, (as) likewise for (their) Father Francis, on the day before (each) solemnity: they are completely worthy of praise, if besides either the fast on Fridays, or the abstinence from meat on Wednesdays which are ferial days, they observe the ancient disciplines of the Tertiaries.

§ V. Let those admitted with due ceremony receive the Sacrament of Penance [*expianto*] during each month; likewise let them approach the Divine Table each month.

§ VI. It is pleasing that the Tertiaries who are members of the Clergy, because they daily recite the Psalms as a duty [*Psalmis dant operam*], be obliged to do nothing else in this regard [*in hoc nomine*]. Let laity, who neither fulfill (the duty of) the canonical (hours), nor the Marian prayers, known popularly as the Little Office of the Blessed Virgin Mary, employ the Lord's Prayer with the Angelic Salutation [i.e. the Hail Mary] and the Glory Be, twelve times each day, except if one's strength does not allow it.

§ VII. Let each of those to whom the drawing up [*factio*] of a (last will and) testament belongs, make a will in their own time concerning their affairs.

§ VIII. In family life let them strive to precede the others in (good) example: to promote the arts of piety, and the (very) best things. Let books or daily publications [*driaria*], from which destruction comes to virtue, be feared to be brought into their homes, and let them not permit (these) to be read by those, who are under their authority.

§ IX. Let them sedulously guard benevolent charity both among themselves and towards outsiders. Let them take care to reconcile discords, wherever they are able.

§ X. Let them not ever swear an oath, unless necessary. Let them flee from foul speech, (and) from uttering scurrilous jokes. Let them examine their consciences at Vespers, (concerning) whether they have done any such thing: if they have, let them correct the error by doing penance.

§ XI. Let them daily attend the divine services [*rei divinae*], who can do so in the proper manner [*commodo*]. Let them convene at the monthly meetings, which the Prefect has indicated.

§ XII. Let them contribute in common as they can [*pro facultate*] each one something of his own, from which either the more feeble of the number of the members, especially (those) weakened in strength, may be alleviated, or the dignity of the divine cult may be supplied [*consulatur*].

§ XIII. Let the Prefects, either themselves go to visit the sick member, or let them send one, who is to fulfill these duties of charity. Let the same, in the danger of death, warn and persuade the sick (member) so that he soon takes care of those things which pertain to the purification [*expiandum*] of the soul.

§ XIV. Let the members (who are) fellow city-dwellers, guests or hosts [*hospites*] convene at the funeral of a deceased member, and together recite [*adhibeant*] the Marian prayers instituted by Father Dominic, that is the Rosary, a third part for the heavenly solace of the deceased. Likewise let the priests during the divine service [*inter rem divinam*], (and) the laity, if they can, having received the Eucharist, pray piously (and) willingly for the semipiternal peace of (their) departed brother.

### Chapter III

#### ON OFFICES, ON VISITATION, AND ON THE LAW ITSELF.

§ I. Let the offices be passed on [*deferantur*] to the members called together to the Chapter [*conventum*]. The same shall be once every three years. Let the one who has been removed (from office), lest he protest without just cause, bear it as something to be yawned at [*oscitanter*].

§ II. Let the Curator, who is called the Visitator, diligently inquire, whether the laws have been sufficiently kept [*salvae leges*]. Therefore it pertains to him [*eius rei*] to go about in his official

capacity [pro potestate] to the places of the sodalities each year, and so far more frequently, if the matter requests it, and to hold a meeting (at which) the Prefect and all the members have been commanded to be present. If the Visitator recalls anyone to (his) duty by warning (and/or) commanding, or if he has decreed anything against anyone, let the latter accept this modestly, and let the same not refuse [*abnuat*] to pay (the penalty).

§ III. Let Visitators be picked from the First Order of the Franciscans or from the Third Order Regular, whom the Custodes or Guardians, if they have been asked, will designate. The duty of Visitator shall be forbidden to lay men.

§ IV. Let the members [*sodales*] (who) are disobedient and noxious be admonished of their duties two and three times: let those who do not obey, be commanded to leave the Order.

§ V. In these laws if any by chance be delinquent, let them know that they have undertaken no fault in name, except those which are otherwise precepted by divine law and the laws of the Church.

§ VI. If a grave and just cause prohibits anyone from observing any chapter of this law, it is licit that he be absolved from that part of the law, and that the same chapter be prudently commuted (to another obligation). Of which matter let the faculty and authority over the (afore)said pertain to the ordinary Prefects of the Franciscans both of the First and Third Order, likewise to the Visitators.

## The Index of Indulgences and Privileges

### Chapter I

#### ON PLENARY INDULGENCES.

To each of the Tertiaries of both genders, who having purified [*expiati*] themselves by the rite of Christian confession of those things to be let go (in order) to receive the sacred Eucharist, there is the right of qualifying for [*consequendi*] a plenary Indulgence, on the days and under the conditions [*caussis*] which are written below:

- I. On the day of admission (to membership).
- II. On that day when they each profess the Order for the first time.
- III. On that day when they convene for the monthly meeting or Conference, provided that they have visited any Church [*templum*] or oratory [*sacrum*] for the reason of piety, and have commended Christendom [*rem christianum*] to God in the customary manner [*de more*].
- IV. On October 4th, the birthday of (their) Father (and) Standard-bearer, Francis: on August 12th, the birthday of the virgin (and) Standard-bearer, Clare: on August 2nd, the feast of Mary, the Queen of Angels, on account of the basilica dedicated to Her: likewise on that solemn anniversary day of (their) heavenly Saint, in whose church the seat of their sodality has been constituted, provided that they have frequented that church for the reason of piety, and have commended Christendom [*rem christianum*] to God in the customary manner [*de more*].

- V. Once each month, on whichever day it pleases, provided that they have visited any church or public oratory for the reason of piety, and have persisted for some time [*aliquandiu*] in beseeching (God) according to the intentions [*ad mentem*] of the Supreme Pontiff.
- VI. As often, in zeal for a better life, they have gone on retreat [*secesserint*] for eight continuous days to employ (themselves) in the work of fixed meditations for the soul.
- VII. Likewise for those about to die, if they have implored the Holy saving Name of Jesus either in voice, or, if they have lost the ability to speak, in heart [*voluntate*]. Let the same enjoy the same right, if they do not partake in sacred Confession and the Eucharist, (and) have expiated (their) faults with grief of spirit.
- VIII. Twice a year, (when) having accepted the Benediction of the reigning [*nomine*] Supreme Pontiff, if they have entreated God for the intentions of the Pontiff for some time: and likewise, in virtue of this very law of entreaty, with them receiving the Absolution for which they appeal, that is the Benediction, through those days which are written below: I. The Nativity of Our Lord Jesus Christ: II. the solemn day of the Paschal Resurrection: III. the solemn day of Pentecost: IV. on the feast of the Most Holy Heart of Jesus: V. likewise of the Immaculate Conception of the Blessed Virgin Mary: VI. of Joseph Her spouse on the 19th day of March: VII. of the Impression of the most holy Stigmata of (their) Father Francis on the 17th day of September: VIII. of Louis, King of the Gauls, the heavenly Patron of the members of the Third Order on the 25th day of August: IX. of Elizabeth of Hungary on the 19th day of November.
- IX. Likewise once a month, if any have recited the Our Father, Hail Mary, and Glory Be fifteen times for the safety of Christendom, at the same time according to the intentions of the Supreme Pontiff, let them enjoy every right to expiate the stains on (their) soul, which they enjoy both who for the cause of religion perform [*obeunt*] the stational supplications in the City (of Rome), and who frequent the Portiuncula, the most holy places in Jerusalem, the shrine of James the Apostle at Compostella.
- X. On those days on which are designated the established supplications in the Roman Missal, if the church or oratory, in which according to custom they have commended the Christian community [*sedes*] to God, in the same church or oratory, throughout those very days let them enjoy the most ample right, which the citizens and guests in the City (of Rome) enjoy.

## Chapter II ON PARTIAL INDULGENCES

I. For each of the Tertiaries of either gender, if they have frequented a church or oratory, in which the seat of the sodality has been established, and have supplicated God on behalf of the safety of Christendom on that day the sacred Stigmata were divinely impressed upon (their) Father Francis, likewise on the feast of the saints King Louis, Elisabeth Queen of Portugal, Elisabeth of Hungary, Margaret of Cortona, and likewise on (any) other twelve days, which each prefers and the Prefect of the Order has approved, let this supplication be as seven years and seven times 40 days of satisfaction.

II. As often as they are present at Mass or the other divine offices, or at the public or private meetings of the members: (when) they have received the needy with hospitality: have reconciled disagreements, or have taken care to reconcile them: have processed in a procession rightly led: have accompanied the August Sacrament, when It is borne about, or, if they were unable to accompany, have, at the sound [*aeris signum*] of the bell, recited the Lord's Prayer with the Angelic Salutation one time: have recited fifteen times the prayer and same salutation for

Christendom, or for the souls of the deceased members, to commend them to God: have buried [*extulerunt*] the dead: have returned anyone deviating from their duty: have instructed anyone at all in the precepts of God and the other things necessary for salvation: or have done anything of this kind to anyone, for each and every one of these things, for the reason of each of these things, let one be allowed to expunge thirty days of punishment. Let it be allowed to the Tertiaries, if they prefer, each and all the above said indulgences, whether plenary or partial, to expiate the faults and punishments of the deceased.

### Chapter III ON PRIVILEGES.

I. It is lawful [*fas est*] for the priests of the order of Tertiaries (who) offer at whatever altar, on any three days [*tribus ex qualibet diebus*] of the week, to offer the Holy Sacrifice [*perlitare*], provided that [*modo*] they have not obtained a similar faculty of offering the Holy Sacrifice [*perlitare*] on another day.

II. To perform the sacred (sacrifice) for the souls of the deceased members (who are) to be purified, one shall offer the Holy Sacrifice [*perlitare*] in any place [*ubicumque*] to ask for pardon for (one of) the deceased.

And these things, each and every, as have been decreed above, We will that they be thus firm, stable, and approved in perpetuity: notwithstanding the Constitutions, Letters Apostolic, statutes, customs, privileges, and the Our other rules and those of the Apostolic Chancery and whatever things the (are) to the contrary. Therefore let it be licit to no one among men to violate these Our Letters in any manner, or in any part. If anyone, however, dares such a thing whatsoever against these, he will let him know that he has incurred the indignation of the Omnipotent God, and of His blessed Apostles Peter and Paul.

Given in Rome at St. Peter's, in the one thousand eighteen-hundred and third year of the Incarnation of the Lord, on the third day before the Calends of June, in the Sixth Year of Our Pontificate.

C. Card. Sacconi, pro-datary - Th. Card. Mertel

The Seal of the First Curia of Aquila and the Vice-counties.

Signed,

Registered in the Sacred Breif

I. Cugnonio.

*either explanations or the actual Latin words of which the former English word or phrase is a translation.*

*The enumeration is that of the original.*