

Part One: Policies and Procedures

ARTICLE 9

Complaints of Sexual Abuse of Minors by Clergy- The Preliminary Investigation

On the Responsibility to Conduct a Preliminary Investigation

Code of Canon Law, Canon 1717 §1: “Whenever an ordinary has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous.”

Code of Canon Law, Canon 1719: “The acts of the investigation, the decrees of the ordinary who initiated and concluded the investigation, and everything which preceded the investigation are to be kept in the secret archive of the curia if they are not necessary for the penal process.”

USCCB, *Essential Norms* §6: “When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively.”

USCCB, *Essential Norms* Preamble: “For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in *CIC*, c. 1395, §2, and *CCEO*, canon 1453, §1 (*Sacramentorum sanctitatis tutela*, article 4 §1)¹.

Initial Response to Receiving a Complaint

9.1 As soon as possible after receiving a complaint of sexual abuse of a minor by a member of the clergy, the Moderator of the Curia will review the accused cleric’s files or background, make appropriate preliminary inquiries about the allegation, and prepare a report of all available information for the Bishop and the Board of Review. The Moderator may also inform the accused cleric of the complaint and request his response.

¹ *Essential Norms*, footnote 2: “If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

Current canonical jurisprudence has indicated that the definition of *delictum cum minore* in the motu proprio *Sacramentorum sanctitatis tutela* ‘...does not mean only physical contact or direct abuse, but includes indirect abuse also (e.g. showing pornography to minors; lewd indecent exposure in front of minors). Included also is the possession of, or downloading from the Internet of, pedophilic pornography...According to the praxis of the CDF such behavior is considered a *delictum gravius*.’ (Msgr. Charles J. Scicluna, Promotor of Justice for the Congregation for the Doctrine of the Faith, 2005).

9.1.1 Following the initial meeting of the Board of Review, the Board will advise the Bishop as to:

- Whether the information received ‘has at least the semblance of truth’ (cf. *Code of Canon Law*, Canon 1717 §1)
- Whether interim actions are required in order to provide for the safety of children and young people,
- Its recommendations concerning the scope and course of the investigation, and
- What, if any, further interim action should be taken with respect to the allegation.

9.1.2 Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Bishop for the sake of the common good (*Code of Canon Law*, c. 223 §2). The alleged offender may be requested to seek, or to voluntarily comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and the accused, as long as this does not interfere with an investigation by civil authorities (cf. USCCB, *Charter §5, Essential Norms §7*).

Initial Contact with the Accused Cleric

9.2 The Moderator of the Curia or his designee will communicate the complaint to the accused cleric, in writing and as appropriate, in a reasonable amount of time following the initial meeting of the Board of Review. When feasible, the complaint will be communicated to the accused in person.

9.2.1 If the accused is a cleric not incardinated in the Diocese of Crookston, the Moderator of the Curia will communicate the complaint to the accused cleric’s Bishop and/or the appropriate local and provincial superiors in an institute of consecrated life, society of apostolic life, or personal prelature. With this communication, the Moderator will request that the Bishop or superior direct the accused cleric and his agents to have no contact prior to the completion of an investigation with the complainant, the complainant’s immediate family, and/or the person who brought forth the complaint.

9.2.2 If the accused is a cleric incardinated in the Diocese, the Moderator of the Curia will offer the accused cleric appropriate help in obtaining assistance.

9.2.3 If the accused cleric is a permanent deacon incardinated in the Diocese, the Moderator will offer appropriate help in obtaining assistance. The response of the Diocese to an allegation against a married permanent deacon will take appropriate account of the effects of an allegation on the spouse and/or children of the deacon.

9.2.4 The person who communicates the complaint to the accused cleric will follow the provisions of these policies and procedures concerning the recommendation that the cleric retain an approved canonical advocate or qualified canonical advisor, as well as appropriate legal representation. The cleric may choose an advocate or advisor from the information provided by the Moderator of the Curia or from other sources. It is the personal responsibility of an accused person to retain and render payment to legal representation. In accord with Church law, the Diocese will supply canonical counsel to a priest when necessary (USCCB, *Essential Norms* §8A).

9.2.5 The person who communicates the complaint to the accused cleric will also normally communicate a precept directing the accused cleric and his agents to have no contact prior to the completion of an investigation with the complainant, the complainant's immediate family, and/or the person who brought forth the complaint.

9.2.6 At the time the Moderator of the Curia or his designee communicates the complaint to the accused, the accused cleric will be informed that a preliminary investigation into the complaint may be or has been initiated. During such an investigation information and proofs will be sought and the right of the cleric to be heard will be upheld (cf. *Code of Canon Law*, canon 50).

Initiating a Preliminary Investigation

9.3 The Bishop will decree the initiation of a preliminary investigation when he determines, after consultation with the Board of Review, that a complaint of sexual abuse of a minor by a cleric has 'at least the semblance of truth', unless such an investigation is clearly unnecessary (*Code of Canon Law*, canon 1717 §1).

9.3.1 The Bishop may determine that a preliminary investigation of a complaint is clearly unnecessary either because the complaint is manifestly frivolous or because the facts and circumstances of the alleged act are already well known. In the latter case, the Bishop will transmit the complaint promptly to the Congregation for the Doctrine of the Faith (cf. *Code of Canon Law*, c. 1717 §1; Pope John Paul II, *SST* §13).

9.3.2 The purpose of a preliminary investigation is to gain as clear and specific an understanding as possible of the facts and circumstances of the alleged act. During the investigation, information will be gathered that indicates whether the alleged action was committed by the accused and whether the action fits the canonical definition of the canonical delict of sexual abuse of a minor. The initiation of a preliminary investigation is not a conviction of the accused cleric.

9.3.3 When a preliminary investigation is to be undertaken, the Bishop will issue a written decree opening the investigation, with the reasons at least summarily expressed (cf. *Code of Canon Law*, canon 51). The decree will also appoint an investigator to conduct the inquiry, and authorize him or her to obtain whatever information or services are necessary and appropriate to conduct a thorough investigation of the allegation.

9.3.4 The Diocese will investigate complaints of sexual abuse of minors in accord with the principles of truth, honesty, openness, and justice, while respecting confidentiality, privacy and the reputation of persons. The Diocese will ensure, to the greatest degree possible that the protections of due process, both procedural and substantive, are provided to complainants and to accused persons.

9.3.5 The Diocese will cooperate with civil authorities concerning investigations of a complaint of sexual abuse of a minor, in accord with these policies and procedures.

Rights and Obligations of the Complainant and the Accused Cleric

9.4 When the Bishop decrees that an investigation be initiated, the Moderator of the Curia will communicate the decree and the complaint to the delegated investigator. The delegated investigator will communicate an authentic copy of the decree to the complainant and the accused cleric, along with an explanation of the rights and obligations of each during the investigation.

9.4.1 The rights and obligations of the complainant and the accused cleric include the following:

- the right to a fair, objective, and thorough examination of the complaint by competent and unbiased persons;
- the right to have one's good name, rights, and privacy protected;
- the right to due notice of proceedings;
- the right to offer evidence;
- the right to know the results of the investigation;
- the right to recourse or appeal, in accord with the norms of canon law;
- the obligation not to interfere with the investigative process;
- the obligation to provide accurate information;
- the obligation to observe any restrictions lawfully imposed.

9.4.2 Further, the rights and obligations of an accused cleric include:

- the right to know the nature of the complaint and the identity of the person who is alleged to have been harmed, whenever possible;
- the right to be heard in one's own defense and not to be required to implicate or incriminate one's self;
- the right to examine written records of proceedings and decisions;
- the right not to be punished with canonical penalties, except in accord with the norm of law (*Code of Canon Law*, c. 221 §3);
- the obligation not to have contact with the complainant during the investigation.

9.4.3 In accord with canon law, an accused cleric cannot be compelled to appear; he is not bound to respond to the complaint nor admit to any offense; and no oath will be administered to him (cf. *Code of Canon Law*, c. 1728 §2). If an accused cleric chooses to

appear, he will not be formally interrogated, unless he specifically agrees (cf. *Code of Canon Law*, c. 50).

Meeting with the Bishop

9.5 As soon as a preliminary investigation is initiated, the Bishop will offer to meet with the accused cleric. As was determined at the time of initial review, for the period of the preliminary investigation the Bishop may request that an accused cleric voluntarily refrain from the public exercise of sacred ministry and/or the exercise of an ecclesiastical office. In light of the seriousness of the alleged actions, the Bishop may issue a precept that includes a prohibition of certain activities² or decree the removal of the faculties of a cleric for the duration of the preliminary investigation³.

9.5.1 An ecclesiastical notary will be present if the Bishop chooses to make an official record of the meeting. At the beginning of the meeting, the Bishop will ensure that the accused cleric understands that anything he says may be introduced as evidence in a canonical or civil court and that, at present, civil authorities do not consider disclosures to the Bishop to be privileged. In accord with canon law, the Bishop cannot require the accused cleric to confess, sacramentally or non-sacramentally, to the complaint (cf. *Code of Canon Law*, Canon 1728 §2).

9.5.2 The accused cleric again may be requested to seek an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and to the accused cleric (cf. USCCB, *Essential Norms* §7). Prior to such a request, the Bishop will ensure that the accused cleric understands the voluntary nature of the request. If psychological testing is performed, the results may not be introduced as evidence without the accused cleric's consent (cf. *Code of Canon Law*, Canon 220).

9.5.3 When an accused cleric is willing to refrain voluntarily from the public exercise of sacred ministry and/or the exercise of an ecclesiastical office, the Bishop will discuss with him consideration for necessary expenses, his residence during the time of the investigation, and how his ecclesiastical responsibilities might be fulfilled. A request by the Bishop that the accused cleric voluntarily refrain from the public exercise of sacred ministry and/or the exercise of an ecclesiastical office is not a determination of guilt, nor is the cleric's acceptance of the request considered an admission of guilt.

² A precept 'is a decree which directly and legitimately enjoins a specific person or persons to do or omit something, especially in order to urge the observance of law' (*CIC*, c. 49).

³ The Bishop may remove any previously delegated faculties administratively (*CIC*, cc. 142 §1; 391 §1) and remove or restrict any *de iure* faculties as provided in law (e.g. *CIC*, c. 974 §1; cf. c. 976), to preach (*CIC*, c. 764), and to officiate at marriages (*CIC*, c. 1111).

9.5.4 At any point, an accused cleric may voluntarily resign from his ministerial position⁴ or request from the Roman Pontiff a dispensation from the obligations of the clerical state⁵ (cf. USCCB, *Essential Norms* §10). If the cleric freely requests dispensation, any precautionary measures employed by the Bishop will remain in effect until the Holy See communicates its wishes in the matter.

Responsibility of the Delegated Investigator

9.6 The delegated investigator will conduct the preliminary investigation, if necessary with the assistance of an investigative team. The results of the preliminary investigation will normally be reported to the Bishop and the Board of Review within six months of the initiation of the investigation.

9.6.1 The delegated investigator is to seek information that indicates whether the alleged act can be canonically proven, whether it is actionable according to the law of the Church, and whether a canonical penalty may be lawfully imposed. If necessary he/she will assemble an investigative team to assist in the preliminary investigation, which may include a canon lawyer, clinical specialists in the field of child sexual abuse, professional investigators, and other appropriate professional or expert assistance.

9.6.2 The age of a minor in canon law today for offenses against the sixth commandment committed by a cleric is eighteen (18) years of age⁶. For an offense committed in the United States prior to 25 April 1994, a minor is defined as a person under sixteen (16) years of age⁷.

⁴ The canonical procedures for voluntary resignation will then be observed (*CIC*, cc. 187-189) and the Bishop will issue a decree that includes specific restrictions for the duration of the investigation and/or penal processes (cf. *CIC*, c. 49).

⁵ A cleric who wishes voluntarily to petition the Roman Pontiff for dispensation from the obligations arising from ordination, also known as ‘laicization’, will receive assistance from the Moderator of the Curia. Once the petition is submitted by the cleric to the Bishop, the cleric must cease from exercising sacred orders until the Holy See makes a final disposition of the petition.

⁶ The age of the person is based on the date on which the alleged offense was committed, or, if the offense occurred over a period of time, the date on which the alleged offense was first committed. The *Rescript of the Secretariat of State* for the United States (25 April 1994) granted a derogation from the *Code of Canon Law* to the United States for a period of five years, raising the age of a minor for offenses against the sixth commandment to eighteen (18) (*Protocol Number* 346.053). This derogation was extended for ten years to take effect on 26 April 1999 (cf. Letter of the Secretariat of State, 4 December 1998, *Protocol Number* 445.119/G.N.). Pope John Paul II made the norm of eighteen (18) years applicable to the universal Church in *SST* 4 §1.

⁷ 1917 *CIC*, c. 2359 §2; 1983 *CIC*, c. 1395 §2.

9.6.3 The canonical statute of limitations, called “prescription,” determines the time within which a criminal action may be prosecuted in an ecclesiastical forum. According to current canon law, the statute of limitations for the delict of sexual abuse of a minor by a cleric intervenes ten (10) years after the minor completes his/her eighteenth year of age⁸. In accord with the *Essential Norms*, the Bishop “may apply to the Congregation for the Doctrine of the Faith for a dispensation from prescription, while indicating relevant grave reasons,” when the case would otherwise be barred by prescription (USCCB, *Essential Norms* §8A).

9.6.4 Information will be sought as to the extent to which the alleged act was placed with use of reason and will. Imputability is presumed for an external violation of a law or precept, unless the contrary is otherwise apparent (*Code of Canon Law*, c. 1321 §3)⁹.

9.6.5 When an accused cleric makes an admission to the delict of sexual abuse of a minor during the preliminary investigation, the delegated investigator will communicate a report to the Bishop. The report will address the imputability of the offense to the cleric.

Contacting the Complainant and the Accused Cleric

9.7 At the earliest possible moment after receiving the decree initiating the preliminary investigation, the delegated investigator will write to the complainant and the accused cleric. The letter will indicate the information that is required for the investigation, how the investigation will be conducted, and certain time limits for introducing information.

9.7.1 The letters from the investigator will be sent by registered mail, together with an authentic copy of the decree initiating the preliminary investigation. When the complainant is a minor, the letter will be sent to the appropriate parent or guardian. When a complainant so requests, the investigator will send the letter to the attorney who represents the complainant.

9.7.2 The complainant will be provided thirty (30) days from the receipt of the letter to introduce information into the preliminary investigation. The investigator may request that specific information be provided to assist the Church in its investigation or that the complainant respond to specific questions concerning the alleged offense. The

⁸ Pope John Paul II, *SST* 5 § 1. In Church law, the statute of limitations begins to run from the day on which a single offense was committed or, if the offense is continuous or habitual, the day on which it ceased (*CIC*, c. 1362 § 2). For sexual abuse of a minor committed before 25 April 1994, the statute of limitations intervenes five (5) years after the person completes his/her eighteenth (18) year of age (*CIC*, c. 1362 §1, 2°). If the offense was committed before 27 November 1983, the norm is five (5) years from the date of the offense (1917 *CIC*, c. 1703, 2°). Also, the 25 April 1994 rescript for the United States stated: “With regard to canon 1362 §1, 2°: in those matters which pertain to the above delict, this norm is to be applied that the criminal action is not extinguished unless the following conditions have taken place: (a) the one who suffered the delict has completed the twenty-eighth year of age; and (b) at least one year has passed from the denunciation regarding the same delict, as long as the denunciation was made before the one who suffered the injury had completed the twenty-eighth year of age” (*Protocol Number* 346. 053).

⁹ Canon 1324 lists circumstances that mitigate the imputability of the offense. Canon 1326 states that a judge can punish more gravely ‘a person who has been established in some dignity or who has abused a position of authority or office in order to commit the delict’ (*CIC*, c. 1326 §1, 2°).

investigator may invite the complainant to meet with him or her and/or an investigative team. The complainant has the right to ask that such a meeting be conducted in a setting that is comfortable to all parties and has the right to bring an advisor to the meeting.

9.7.3 If the complainant does not respond, the delegated investigator will send a second letter offering ten (10) additional days to respond. This second letter will explain the effects of a refusal to participate in the preliminary investigation, which may include an inability to proceed with the investigation due to insufficient evidence.

9.7.4 In the initial letter to the accused cleric, the delegated investigator will request that the cleric and his canonical advocate meet with the investigator and, if applicable, the investigative team as soon as the complainant has completed introducing information. At this meeting, the cleric will be given an opportunity to examine the information that will be included in the proceedings of the preliminary investigation. The cleric will be provided ten (10) business days from the date of the meeting to respond to the complaint.

9.7.5 If the accused cleric does not respond to the delegated investigator's invitation to this meeting, the investigator will send a letter offering five (5) business days to respond. If the accused cleric declines to meet, the investigator will note that fact in the proceedings of the preliminary investigation.

Introducing Information into the Preliminary Investigation

9.8 The complainant and the accused cleric may introduce information into the investigation by means of public and private documents or by witness testimony. The delegated investigator will be attentive to the law of the Church that requires an ecclesiastical notary to witness all documents and testimony that are introduced into a canonical trial.

9.8.1 The information introduced into the preliminary investigation will normally include the testimony of the complainant, or the testimony of the parent or guardian of a complainant who is still a minor. The delegated investigator and/or investigative team may also request testimony or information from persons who make a complaint on behalf of another, or who may have knowledge of the alleged abuse, or who have knowledge about the life, morals, and reputation of the complainant and/or accused cleric (cf. *Code of Canon Law*, canon 1547). The complainant, accused cleric, or Promoter of Justice may introduce the record of a civil proceeding into the preliminary investigation. This record does not represent, however, conclusive proof of the facts found by the civil court.

9.8.2 The delegated investigator will review the accused cleric's official records, including his seminary records, according to the mandate of the Bishop. Any potentially relevant information contained in these records will be communicated to the Bishop promptly, who will determine its value for the investigation.

9.8.3 If the accused cleric presents information that might affirm his innocence, the delegated investigator will attempt to verify this information and will include the information in the proceedings of the investigation.

9.8.4 To the extent possible during the preliminary investigation, an ecclesiastical notary will administer an oath to persons giving testimony to tell the truth or at least to confirm the truth of their testimony, unless a grave cause suggests otherwise (*Code of Canon Law*, canon 1532) or the person refuses to take an oath (canon 1562 §2). The record of a meeting will be signed by those present and notarized by the notary. When the notary uses a tape recorder to ensure an accurate record of the testimony, the person who gives the testimony will be accorded an opportunity to review the transcript of the recording and an opportunity to offer corrections prior to signing the transcription. The recording will be permanently erased promptly after the transcription is signed.

The Report of the Delegated Investigator

9.9 When the evidence required by canon law has been collected, the delegated investigator will communicate a report to the Bishop and the Board of Review, together with the information gathered during the preliminary investigation. The report of the investigator will be included in the proceedings of the preliminary investigation.

9.9.1 The report of the investigator to the Bishop will state his/her opinion, in consultation with the investigative team, concerning the reliability and sufficiency of the evidence gathered during the investigation and the validity of the complaint. This report will include:

- the precise nature of the complaint;
- a summary of the information gathered during the preliminary investigation, including information concerning actions taken by public entities;
- any response made by the accused cleric to the complaint.

9.9.2 The report may also include:

- an initial assessment whether the alleged action is imputable to the accused cleric;
- a description of actions taken by the delegated investigator and the investigative team;
- identification of information requested by the investigator but not made available to him or her;
- a professional assessment of the accused cleric, if available and permitted by the cleric;
- recommendations concerning further steps to be taken by the Diocese.

9.9.3 In cases that would otherwise be barred by the statute of limitations, the delegated investigator's report will address any 'relevant grave reasons' for which a dispensation from the statute might be requested from the Congregation for the Doctrine of the Faith (cf. USCCB, *Essential Norms* § 8A).

The Review for Cause of the Board of Review

9.10 The delegated investigator will forward to the Board of Review his or her report and the proceedings of the preliminary investigation. The Board of Review will meet for a Review for Cause, following which it will offer the Bishop an independent report which may include an assessment of the complaint, an evaluation of the investigator's report, and an evaluation of the conduct of the preliminary investigation. The Board of Review may also address pastoral reasons for seeking dispensation from the canonical statute of limitations or for seeking non-judicial remedies to a complaint.

9.10.1 The Chairperson of the Board of Review will prepare and send a report to the Bishop indicating whether the Board of Review has concluded that there is 'reasonable cause to suspect that the accused engaged in sexual abuse of a minor'. Other possible recommendations that the Board of Review may make are:

- that the complaint appears to have been substantiated and supported by sufficient evidence;
- that the complaint appears to be unfounded or to have been made falsely;
- that it appears that the complaint cannot be substantiated;
- that it appears that the complaint cannot be substantiated, but that the evidence appears to indicate that the accused cleric acted in an unlawful or improper manner.

9.10.2 The Board of Review may also offer recommendations concerning whether:

- the case should remain open pending conclusion of a civil or criminal action;
- further investigation by the investigative team is required;
- pastoral assistance should be offered to parishes, schools, and other diocesan institutions affected by the investigation, especially when a complaint has become known to the public.

9.10.3 When the Board of Review finds that a complaint cannot be substantiated, but that legitimate concerns remain about the future ministry of the accused cleric, the Board will offer recommendations to the Bishop concerning further actions to be taken by the Diocese.

Closing the Preliminary Investigation

9.11 The Bishop will consider the evidence gathered during the preliminary investigation, together with the reports and recommendations of the Board of Review and the delegated investigator. When he determines that sufficient information has been gathered, the Bishop will issue a written decree closing the preliminary investigation, with the reasons for his determination at least summarily expressed.

9.11.1 The Bishop may be assisted by two judges or experts in the law, according to his prudent judgment (*Code of Canon Law*, canon 1718 §3). He will weigh the information gathered during the investigation in light of the facts and circumstances presented, attentive as well to circumstantial evidence that might corroborate information presented by one of the parties.

9.11.2 When the Bishop determines that the information gathered in the preliminary investigation is insufficient or inconclusive, or that the preliminary investigation should remain open pending the conclusion of an investigation conducted by civil authorities, he may instruct the investigative team to continue the preliminary investigation if there is reason to expect that further efforts will provide useful information.

9.11.3 When the Bishop determines that the evidence gathered during the preliminary investigation indicates that the complaint is false, or that the evidence is not sufficient to establish the probability of a delict, he will issue a written decree giving reasons for the finding and declaring the accused cleric to be acquitted of the complaint made against him. Prior to returning the cleric to ministry, the Bishop may consult the Board of Review and request their recommendations. In accord with Church law, “every step possible will be taken to restore the good name of the person falsely accused” (USCCB, *Essential Norms* §13)¹⁰.

9.11.4 When the Bishop determines, after receiving the investigator’s report and the advice of the Board of Review, that the complaint ‘has at least the semblance of truth’, he will close the preliminary investigation and transmit the proceedings of the investigation to the Congregation for the Doctrine of the Faith. The communication of the proceedings to the Congregation for the Doctrine of the Faith is not a finding of guilt or a conviction of the accused cleric (John Paul II, *SST* §13).

9.11.5 At the conclusion of the preliminary investigation, the delegated investigator will notify the complainant and the accused cleric promptly of the results of the investigation. He/she will communicate to the accused cleric by registered mail:

- a copy of the decree closing the preliminary investigation;
- a copy of the report of the delegated investigator;
- a copy of the report of the Board of Review.

¹⁰ Steps for the restoration of the good name of a person falsely accused are listed in the section on ‘Penal and Administrative Processes’.

9.11.6 The proceedings of the preliminary investigation will be placed in the diocesan archives and retained in accord with the norms of canon law (cf. *Code of Canon Law*, cc. 489; 1719)¹¹.

¹¹ In accord with canon law, the proceedings will be retained for ten (10) years from the date on which they were placed in the archives, or from the day on which the appeals of the judicial sentence were exhausted, or they will be destroyed within one (1) year of the cleric's death. At either time, a summary of the case and the text of the definitive sentence or determination will be retained in the same archives (*CIC*, c. 489).