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“A Perfect, Irrevocable Gift”

Recognizing the Proprietary Church in Puerto Rico 1898–1908

DAVID MALDONADO RIVERA

A chart with three columns, respectively labeled “Autonomic Regime,” “Current Regime,” and “Comparison,” published in a local newspaper marked the ninth anniversary of the end of the Spanish–American War and informed readers about the political and legal climate of Puerto Rico in late July of 1907. The thirty-four points of comparison tersely parsed across the chart emphasized the gradual changes under the new state of affairs. The relationship between church and state was an example of the radical transformation that took place under the new regime. The chart described the situation under the Autonomic Charter of 1897 thus: “Freedom of Conscience. The Roman Catholic Apostolic religion is the religion of the state. The state is bound to maintain worship and its ministers. No other public ceremonies or manifestations shall be permitted except those of the Religion of the State (Art. 11 of the Constitution of 1876, at the present time in force in Spain). In the Spanish Penal Code, there used to be a chapter concerning offenses against Catholic worship and its ministers. The Council of Trent was a law of the Kingdom of Spain. Likewise, were the concordats celebrated with the Pope.”¹ The Foraker Act (Organic Act of 1900), which set the first civilian government under the American occupation of Puerto Rico, codified a new, disestablished reality:² “There is no state religion. All worship has the same consideration before the law. There is no budget for worship and clergy [*culto y clero*].” The comparison was succinct, but it betrayed a sense of relief related to this new

freedom, “Any sort of commentary is superfluous. We used to pay for the sustenance of worship and clergy under the Spanish regime. Today each religion is sustained by its followers.”³ This iteration of disestablishment entangled conscience, money, and property, while hinting at the corporate realities surrounding them. How the state and the church would recognize each other (and their respective properties) within this desired context of separation was still a matter of dispute.

This essay focuses on the period between 1898 and 1908, when the property disputes between the Catholic Church and the government of Puerto Rico served as a tutelary workshop to settle, borrowing from Brenna Bhandar’s recent study, the colonial lives of property.⁴ The resolution of these disputes re-created the juridical personality of the Catholic Church in Puerto Rico while it streamlined the concordats between Spain and the Vatican into American corporate law. Furthermore, the rulings in these cases framed the legal limits of municipal autonomy in Puerto Rico while clarifying the jurisdiction of the supreme court of that territory. This period post 1898 summons what Anthony Stevens-Arroyo notes as the obvious specter that has haunted scholarship devoted to the island’s religious developments in this context: the idea of “Americanization.”⁵ This term has operated as an unwieldy shorthand for different trends and movements: an emic political agenda of empire, modernity, colonialism, dependency, welfare, liberalism, capitalism, separation of church and state, gendered racialization, population control, neoliberalism, protestantization, among others. The expansive and exceptionalist nature of what “Americanization” can be is part of the problem with which I am concerned, but like Stevens-Arroyo and others, I focus on the effects of the entanglements of these processes and forces involved, even if the assemblage of these elements may no longer be called “Americanization.” The church property disputes at the dawn of the twentieth century in Puerto Rico illustrate how the translation of legal arrangements from different colonial regimes coded and privileged a particular legal option as the new status quo under disestablishment. The recognition of corporation sole for the Catholic Church in the Caribbean territory forms part of the trajectories of transition in the history of the legal incorporation of church property in the United States. While recent scholarship characterizes America’s first disestablishment (1776–1865) as a period during which individuals were empowered *vis-à-vis* the institutional control of various religious bodies, the proprietary church emerging across various legal contexts in the United States and Puerto Rico in the colonial context

of 1898 represents an example of an important shift in the state’s recognition of corporate prerogatives across colonial regimes and their various governing apparatuses.⁶

POSSESSION, RECOGNITION, AND CORPORATE MODES OF EXISTENCE IN 1898

The extension of the American frontier into the Caribbean and the contours of America’s first disestablishment entangle in the legal varieties of the corporate form post 1898. The parallel metaphors of incorporation at the core of this context are the proprietary capacity of the state to hold possessions that are not a part of it and the capacity for the state to administer a religious society’s legal existence and form of self-management.

In the case of Puerto Rico, the Foraker Act of 1900 provided the island with a civilian government but left questions regarding the extension of the U.S. Constitution into the new territory. *Downes v. Bidwell*, one of the so-called Insular Cases, revealed that the levies on import duties for a shipment of oranges emerging from Puerto Rico under the Foraker Act did not conflict with Article I, Section 8, of the U.S. Constitution, which states that “all duties, imposts, and excises shall be uniform throughout the United States.” The decision of the concurrent justices of the Supreme Court of the United States recognized that Puerto Rico was a “territory appurtenant and belonging to the United States, but not a part of the United States.”⁷ Puerto Rico, however, was not a foreign country, but it “was foreign to the United States in a domestic sense,” a perplexing ontological argument for what constituted an unincorporated territory.⁸ This approach bestowed a sense of continuity to the constitution; there was no need for an amendment to address the new territories of the union.

The doctrine of territorial incorporation—and unincorporation—that the Supreme Court created in the Insular Cases represented one trajectory in the innovative developments in corporate thought at the dawn of the twentieth century. As Brook Thomas has suggested, “This movement in corporate law from the view that corporations are contractually bound by the terms of their charter to one in which they have an independent existence with a ‘personality’ that is greater than the sum of the contracting individuals is similar to the movement in the notion of the nation as strictly bound by the terms of its ‘charter’—the Constitution—which creates a compact of individual states, to one in which the

nation is a corporate body with certain powers inherent in its very existence.”⁹ The United States as a proprietary entity could possess territories as other countries could, while it also had to recognize, adjust, and adapt to other corporate bodies in its territories. The property disputes of the Catholic Church in Puerto Rico in the early years of the twentieth century show another fold of these corporate trends.

America’s “first disestablishment” weighed heavily in the legal imagination of American administrators, Puerto Rican government officials, and Catholic clergy at the conclusion of the Spanish–American War. As Sarah Barringer Gordon has characterized it, American disestablishment up to the antebellum period operated under some key principles: the identification of religious life as an arena of individual empowerment and the limitations on wealth and power of religious institutions. Although for the participants of the disputes in Puerto Rico these principles reflected the realities of the separation of church and state, one can argue that the effects of individual empowerment and institutional limitation set the confines of the state’s vision, recognition, and management of religious societies.¹⁰ This was, in other words, a system of “deep government involvement in religious institutions, rather than a strict separation or respectful support.”¹¹ The private law of religion and the legal incorporation of religious societies (as aggregate, trusteeship, corporation sole, and other variations) rendered devoid of divine sanction yet full of state presence the realm of land grants, donations, titles, deeds, mortgages, and bank accounts. The climate of the Great Awakenings, disputes over slavery, doctrinal controversies, and religious innovation fostered the growth of religious societies along with the processes of lawmaking and litigation related to their properties.

This expression of lay empowerment was a matter of contention among Catholics in various jurisdictions of the United States during the nineteenth century. The trustee system (and similar legal forms) viewed Catholic lay associations as powerful enough to win in the courts claims to property and even the removal of clergy in various states.¹² The legal resistance to these trends took the Catholic hierarchy decades to carve. The First Provincial Council of Baltimore in 1829 ruled against lay organizations claiming the titles of church property. Catholic hierarchs in the United States and Rome were willing to foster lay inclusion in the trustee system inasmuch as the bishop (or priest, in the case of a parish) held control over them. As a more palatable option for the Catholic hierarchy, specific corporation sole statutes gained some track in the period spanning from 1832 to 1904.¹³ Under their purview, the holders of the episcopal office and their successors would hold titles to property in the

jurisdictions in question. The legal laboratory to extend the viability of corporation sole arrangements for the Catholic Church extended to the new unincorporated territories of the United States.

THE CHURCH PROPERTY DISPUTES IN PUERTO RICO 1898–1908

By the end of the Spanish–American War, Cuba, Puerto Rico, and the Philippines had experienced Catholicism as the established religion of Spain and its colonies under the *patronato real* (royal patronage). In the case of Puerto Rico, dozens of reports surveying the natural resources, customs, population, governmental structures, and potentials of the Caribbean territory painted the realities of Puerto Rican Catholicism as overextended yet fragile. The expenditures related to priestly salaries, building upkeep, and related matters amounted to little over \$200,000. The clergy, barely reaching the hundreds, could barely engage a population of close to one million people. The island's topography and the spread of its population gave the impression of a two-tiered Catholicism, official and popular, whose former attachment to the state was in need to recast the legal demarcations of its new existence.¹⁴

The possibilities of what this new arrangement between church and state could be was a matter of debate and speculation that predated the American occupation of the island. Years before the short-lived Autonomic Charter and the Foraker Act, Puerto Rican intellectuals and political leaders envisioned the boundaries and possibilities of the process of reimagining establishment and disestablishment. Public intellectual and later official historian of Puerto Rico Salvador Brau defended a constitutional arrangement where, "if the religion of the state is the Catholic religion, that of the municipality could be as varied as many as there are the individuals that compose it: this is what the Constitution [of 1876] declares."¹⁵ For others, freedom of conscience and no established religion identified a portion of the desired goals of Puerto Rican autonomy in relation to Spain.¹⁶

The American occupation appeared to its local supporters and detractors as a definitive break in the centenary traditions of clericalism that the *patronato real* and the concordats between Spain and the Vatican had extended globally. For Francisca Suárez, a freemason and Spiritist, this break signaled the extension of America's perceived social equality and economic dynamism into the Caribbean, "Praise to that nation that has known how to impede the disturbances of the priestly class, destroying its egotism and placing it in equal footing [with the

rest of society]. Blessed be for the prosperity of its states!”¹⁷ For others, there was less optimism regarding what had arrived to the island. Juan Perpiñá y Pibernat, the vicar capitular of the Diocese of Puerto Rico, lamented the end of Spanish sovereignty in the island territory and feared the coming economic challenges that this would pose for the Catholic Church there. Perpiñá envisioned a soft, almost imperceptible disestablishment that could still match Catholic doctrine: “Among Catholic principles, moreover, we cannot admit the doctrine of separation of church and state in the sense that the state shall not contribute to the material good of the church and the church to the moral and spiritual good of the state. Both powers perfect and complete each other. Furthermore, we can ensure that in general, the nations in which this separation is declared do not dismiss the resources that they should apportion for the purpose to look after [*atender*] the morality and religiosity of the people.”¹⁸ The military government of the island quickly shut down the vicar’s proposal. In the fall of 1898, the Catholic Church in Puerto Rico received the last disbursement of funds devoted to its operation, while the status of church property remained in a legal limbo.

Henry K. Carroll, a commissioner for the United States to Puerto Rico, shares an expansive overview of the early perception of the church property problem and the various legal alternatives pondered to settle it. Carroll visited nineteen municipalities and interviewed various members of the clergy, mayors, and government officials. According to the Spanish code in force in the island, ecclesiastical property was not publicly registered; there were no titles to claim the dozens of chapels, shrines, parochial houses, and churches across Puerto Rico. The discussion between Carroll and Perpiñá focused on this perplexing scenario:

DR. CARROLL. I understand from Father Sherman that the property is not held by the church, but is vested in the municipality, and that there is no way by which it can be confirmed to the church.

How then is the title to church and parochial houses held—by trustees or otherwise?

FATHER PERPIÑÁ. The church has no title in the sense of documents; it has always been an understood thing that these properties belong to the church.

DR. CARROLL. Was not the property bought of some one?

FR. PERPIÑÁ. Most of the lands held by the church were gifts, and the people who gave them did not bother about giving written titles. Most of the churches in the island were built on ground granted by the government. The government would say to a church, on the establishment of a new town,

“We will give you such and such a plot of ground in the middle of the town and you build a church.”

DR. CARROLL. Would not such a proposition, or decree, on the part of the governor be evidenced by some writing?

FR. PERPIÑÁ. Much of this property has been held by the church for several hundred years, and a paper lasts a hundred years and is then dust. Moreover, everything in the way of gifts to the church has been done in good faith without documentation.

DR. CARROLL. Then is not the title to some of the church property still in the original donors as a matter of record?

FR. PERPIÑÁ. I do not know anything more about the question than this: A pious man would say, “Here is a piece of land; I make you a present of it; build a church.” There may still exist some documents, but who knows where to find them?¹⁹

The ways of piety baffled Carroll’s expectations. There were no trustees to engage, and various government officials emerged as claimants of the properties in question. Under these circumstances, Carroll proposed that the state could honor the churches’ occupancy and give them the option to buy any properties from the municipalities that counted with the proper documentation. The state could also return the ecclesiastical property to the Catholic Church, unless the municipalities could produce title documents. During the first months of the occupation of Puerto Rico, various municipalities produced documents that ranged from old deeds to recent public registration under the current regime. It was the beginning of a new era of legal contention between church and state. An instance of legal tutelage would emerge across the greater United States.²⁰

The early stages of the church property disputes in Puerto Rico (between 1899 and 1904) are characterized by the accumulation of municipal litigation against the Church’s claims and the interruption of various out-of-court settlements between the Vatican and Washington. The Church’s claims throughout this period focused on Article VIII of the Treaty of Paris (1898), through which Spain agreed to cede Puerto Rico to the United States. The article accepted the concordats between Spain and the Holy See (1851 and 1859) after different periods of *desamortización* (the seizure of property from the church and religious orders in Spain). More importantly, this article recognized what would amount to the legal incorporation of the Catholic Church in a new political regime.²¹

The municipality of Ponce was not the only one to challenge the Church’s claims, but its legal strategies spread across the island.²² First, the municipality obtained record of the grants and gifts dating back to 1827 that were used to



build one of the churches in dispute. Second, the municipality challenged the juridical personality of the Catholic Church.²³ At the time this proved to be a novel—if shortsighted in hindsight—strategy inasmuch as the parallel legal disputes in Cuba and the Philippines had not focused on this issue, and, in the case of latter, the decision of *Barlin v. Ramírez* provided the precedent to confirm a transtemporal juridical personality to the Catholic Church in the post-1898 context.²⁴

After a series of negotiation setbacks, the legislative assembly of the unincorporated territory passed a law that conferred jurisdiction to its supreme court to rule on this thorny matter on March 10, 1904. Representing the Catholic Church, Bishop James H. Blenk, the first American bishop of the Diocese of Puerto Rico, filed the suit that included the Ponce case and other pending ecclesiastical property cases in 1906. In the case of *La Iglesia Católica Apostólica y Romana en Puerto Rico v. Municipio de Ponce*, the three Puerto Rican (Catholic) members of the supreme court led a 3–2 decision that ruled in favor of the Church in all the cases under the court’s jurisdiction. The split perplexed jurists and politicians across the mainland including President Roosevelt.²⁵

One of the dissenting judges, Justice James H. McLeary, focused on the multiple ambiguities bypassed by the majority decision. First, it was not clear who was the complainant in the suit, either the church as an incorporated entity or the bishop. Second, the relationship between the religious orders and the church was not clear enough to the court to ensure if they could own property independently from each other. Moreover, even if the concordats of 1851 and 1859 between Spain and the Holy See were binding under the Treaty of Paris, the statute of limitations would have expired well before 1898, since the properties in question were seized in 1838. Finally, the colonial government of Puerto Rico made annual appropriations to fund the upkeep of various ecclesiastical properties and the salaries of the clergy, which favored the claims of the island’s municipalities. McLeary appeared exasperated by the absence of any records: “There is no title of any kind shown, emanating from the sovereignty of the soil or from the Insular Authorities from the time of Ponce de Leon down to the American occupation or anyone else.”²⁶ The municipality of Ponce’s appeal to this ruling and the failure to settle the issue by means of a commission—an approach that advanced some results in Cuba and the Philippines—took this case to the Supreme Court of the United States.

Chief Justice Melville Fuller led a unanimous ruling on June 1, 1908. This decision is a bewildering survey of European Christian history and Spanish law. Starting with Emperor Constantine, passing through the Visigoths, *Las*

Siete Partidas of King Alfonso, the Laws of the Indies, and the concordats of the nineteenth century, one thing persisted: the juridical personality of the Church and its claims to property. Fuller, moreover, interpreted the true intent of Article VIII of the Treaty of Paris thus: “This clause is manifestly intended to guard the property of the church against interference with, or spoliation by, the new master, either directly or through his local governmental agents. There can be no question that the ecclesiastical body referred to, so far as Porto Rico was concerned, could only be, the Roman Catholic Church in that island, for no other ecclesiastical body there existed.”²⁷ As part of the subsequent settlement, the Church received more than seventy properties and \$120,000 as compensation for some properties in the San Juan area that remained under control of the U.S. government. In the opinion of Bartholomew H. Sparrow, this was an example of a “multiculturalist defense” protecting the unique culture of Puerto Rico under Spain.²⁸

This ruling placed the Diocese of Puerto Rico along the parameters of the Plenary Councils of both Baltimore (1884) and Latin America (1900), which favored arrangements closer to corporation sole as an alternative to avoid the disputes around trusteeism of the early nineteenth century. This decision also streamlined what appeared to contemporaries like Carl Zollmann as a problematic foreign element into the domestic forms of church corporations present in the United States in the early twentieth century: “the Roman Catholic Church, is a Spanish product, thrust upon us by the treaty of Paris and ill-suited to our conditions.”²⁹ The foreignness in question, however, was within the bounds of recognition in an imperial moment. The American excursion into the Caribbean and the Pacific was one framed by the rule of law;³⁰ moreover, it marked the proprietary church as the recognizable entity to emerge in a context of a broader proprietary alignment across the island. Property became a key node to navigate an evolving Puerto Rican secular as the Catholic Church in other American jurisdictions slowly ingrained corporation sole into its structures of governance.³¹

The proprietary church was also a state-disciplining resource. For various sectors in the island, *Ponce* meant a tutelary moment of clarification regarding what a regime of disestablishment may meet or fail to meet regarding broader political expectations. *El defensor cristiano*, a Methodist periodical published in the island, lamented that *Ponce* had all the trappings of a preordained outcome fixed by the pope and “Uncle Sam’s wealth and power.”³² *La correspondencia*, a newspaper championing the cause of Puerto Rican self-government, cheered the rightful defeat of local politicians who did not know how to abandon their petty grievances with the past regime and chose the Church as their target.³³

AFTERMATHS OF *PONCE*: VISIBILITY, CONTENTION, CHURCH REORGANIZATION

Ponce became the key ruling to frame the new administrative shapes of the Catholic Church vis-à-vis its religious and civic competitors across the island. The resolution of the church property cases inaugurated an era of adaptation in ecclesiastical administration that included the establishment of diocesan funds, the acquisition of new property, and investments in the sugar cane industry. During this period, the Diocese of Puerto Rico counted with an important ally in the Catholic Extension Society. Under the direction of Fr. Francis Clement Kelley, the Catholic Extension Society would disburse funds for the building of schools, the restoration of old temples, and the building of new ones. Bishops Blenk and Jones also coordinated the cultivation of lay associations, the arrival of various religious orders, and the publication of various periodicals across the island. These top-down initiatives did not take place in isolation from other Catholic sectors in the island. For instance, the Hermanos Cheos, a self-organized network of lay preachers—including men and women—active shortly after the American occupation, set at its task to evangelize, offer transportation to fellow Christians, and donate property to the Church hierarchy in San Juan (whose attitude toward the group oscillated between suspicion and accommodation).³⁴

The presences of Catholicism in disestablished Puerto Rico were now part of a textured imagination and performance of Christian diversity and competition. As Anne M. Martínez has shown, the inroads of protestant groups into Puerto Rico were an essential element in the characterization of Puerto Rico as a Catholic borderland that conflated risk and progress, a territory religiously up for grabs that needed the affect and generosity of American Catholics to survive the arrival of Protestantism to the Caribbean territory.³⁵ In this respect, both the local Catholic and protestant press often supplemented and mirrored each other's accounts: growth—whether Catholic or protestant—was relational, the result of the interaction of competing forms of Christianity under an ongoing disestablishment regime. For instance, while *The Catholic World* celebrated how “the new regime . . . has awakened all classes of people to the necessity of knowing their religion better, that they may be able to defend it with greater effectiveness. It has generated a healthy spirit of offence and of defence,” *El testigo evangelico*, a publication of the United Brethren, boasted superior rates of church attendance among protestants in comparison to Catholics in just a decade of evangelizing labor and in spite of what it perceived as governmental favoritism

toward Rome.³⁶ *Ponce* and its results highlighted the new realms of religious contention and its “benefits” across the Caribbean territory.



Ponce confirmed the standing of the juridical personality and the capacity of the Catholic Church to own property in Puerto Rico. This decision also set a line of continuity between the nineteenth-century concordats between Spain and the Holy See into American jurisprudence. The legal recognition of the Catholic Church in Puerto Rico made manifest one of the various modes of being and exceptions that this ecclesiastical body could claim in American law at the dawn of the twentieth century. This adaptation appears to have surprised audiences both domestic and foreign. Decades after the ruling, Fred Coudert, a member of the firm that was involved in various of the Insular Cases and who also served as counsel of the Catholic Church during the property disputes, reminisced on the exemplary nature of *Ponce*: “By decision of the Supreme Court we avoided all the civil dissension that came from conflicts between church and state in Latin countries. That’s never passed into history, and so far as I know, no one except a few lawyers has ever paid attention to that decision . . . but it illustrates the value of our Constitutional system.”³⁷ Coudert’s fancy showcases how the political and legal tutelage in which the *Ponce* decision took place was a key component of the regimes of disestablishment featured in early twentieth-century American imperial imagination.

NOTES

1. José Tous Soto, “Estudio comparativo entre el régimen autonómico español y la ley Foraker,” *El Aguila*, July 25, 1907, 9–10.
2. For a brief account of the changes and continuities of the Autonomic Charter and the Organic Act (Foraker Act) see José Trias Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven, Conn.: Yale University Press, 1997).
3. Tous Soto, “Estudio comparativo.” Unless otherwise noted, all translations are the author’s.
4. Brenna Bhandar, *The Colonial Lives of Property* (Durham, N.C.: Duke University Press, 2018).
5. Anthony M. Stevens-Arroyo, “Taking Religion Seriously: New Perspectives on Religion in Puerto Rico,” *Centro Journal* 18, no. 11 (2006): 214–23. On the political valences of “Americanization” during the first decades of the twentieth century in Puerto Rico, see Cesar Ayala and Rafael Bernabe, *Puerto Rico in the American*

- Century: A History Since 1898* (Chapel Hill: University of North Carolina Press, 2007), 70–88; and Julian Go, *American Empire and the Politics of Meaning: Elite Political Cultures in the Philippines and Puerto Rico during U.S. Colonialism* (Durham, N.C.: Duke University Press, 2008).
6. Sarah Barringer Gordon, “The First Disestablishment: Limits on Church Power and Property Before the Civil War,” *University of Pennsylvania Law Review* 162, no. 2 (2014): 307–72; Steven K. Green, *The Second Disestablishment: Church and State in Nineteenth-Century America* (Oxford: Oxford University Press, 2010); and Patrick W. Carey, *People, Priests, and Prelates: Ecclesiastical Democracy and the Tensions of Trusteeism* (Notre Dame, Ind.: University of Notre Dame Press, 1987).
 7. *Downes v. Bidwell*, 182 U.S. 244 (1901), at 287.
 8. *Downes v. Bidwell*, at 341.
 9. Brook Thomas, “A Constitution Led by the Flag: The Insular Cases and the Metaphor of Incorporation,” in *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution*, ed. Christina Duffy and Burke Marshall (Durham, N.C.: Duke University Press, 2001), 84.
 10. Gordon, “The First Disestablishment,” 307–72.
 11. Gordon, “The First Disestablishment,” 311.
 12. Patrick J. Dignan, *A History of the Legal Incorporation of Catholic Church Property in the United States* (1784–1932) (New York: P. J. Kennedy and Sons, 1937), 141–244; and Carey, *People, Priests, and Prelates*, 233–78.
 13. Vincenç Feliú, “Corporate ‘Soul’: Legal Incorporation of Catholic Ecclesiastical Property in the United States: A Historical Perspective,” *Ohio Northern University Law Review* 40 (2013): 445–46.
 14. Thomas Sherman, “A Month in Porto Rico,” *Messenger of the Sacred Heart of Jesus* 33 (January–December, 1898): 1074–81; and Anne M. Martínez, *Catholic Borderlands: Mapping Catholicism onto American Empire, 1905–1935* (Lincoln: University of Nebraska Press, 2014), 71–79.
 15. Salvador Brau, *Ecos de batalla* (Puerto Rico: Imprenta y Librería de Jose Gonzalez Font, 1886), 226.
 16. Silvia Alvaraz Curbelo, *Un país del porvenir* (San Juan, P.R.: Ediciones Callejón, 2001).
 17. Francisca Suárez, *Refutación al Vicario Capitular* (Mayagüez, P.R.: Tipografía Comercial, 1899), 12–13.
 18. *Boletín Eclesiástico de Puerto Rico* 28, no. 16 (September 1898): 169.
 19. Henry K. Carroll, *Report on the Island of Porto Rico* (Washington, D.C.: Government Printing Office, 1899), 654.
 20. On the history of Puerto Rican anticlericalism, see José Manuel García Leduc, *¡La pesada carga! Iglesia, clero y sociedad en Puerto Rico (Siglo XIX)* (San Juan, P.R.: Ediciones Puerto, 2009); and Samuel Silva Gotay, *Soldado católico en guerra de religión* (San Juan, P.R.: Publicaciones Gaviota, 2012).
 21. The relevant passages of Article VIII read thus:

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respects impair the property

of rights which law belong to the peaceful procession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civil bodies, or any other associations, having legal capacity to acquire and possess property in the aforesaid whatsoever nationality such individuals may be.

The aforesaid relinquishment of cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respects of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills, and other instruments forming part of notarial protocols or files, or which may be contained in executive or judicial archives, be the latter in Spain or in the islands aforesaid.

Elihu Root, *The Military and Colonial Policy of the United States. Addresses and Reports by Elihu Root*, ed. Robert Bacon and James Brown Scott (Cambridge, Mass.: Harvard University Press, 1916), xxi.

22. Carroll, *Report on the Island of Porto Rico*, 688.
23. Elisa Julián de Nieves, *The Catholic Church in Colonial Puerto Rico* (Río Piedras: Editorial Edil), 28–35.
24. David A. Lockmiller, “The Settlement of the Church Property Question in Cuba,” *Hispanic American Historical Review* 17, no. 4 (1937): 488–98; Winfred Lee Thompson, *The Introduction of American Law in the Philippines and Puerto Rico 1898–1905* (Fayetteville: University of Arkansas Press, 1989), 206–17; and *Barlin v. Ramirez* (1907): “It is suggested by the appellant that the Roman Catholic Church has no legal personality in the Philippine Islands. This suggestion, made with reference to an institution which antedates by almost a thousand years any other personality in Europe, and which existed ‘when Grecian eloquence still flourished in Antioch, and when idols were still worshiped in the temple of Mecca,’ does not require serious consideration.”
25. Louis Sulzbacher to Archbishop James H. Blenk, January 19, 1907, Archbishop Blenk, Puerto Rico II (a), Archives, Archdiocese of New Orleans, Louisiana; and Theodore Roosevelt to Elihu Root, undated, Archbishop Blenk, Puerto Rico I (c), Archives, Archdiocese of New Orleans, Louisiana.
26. *Decision of the Supreme Court of Porto Rico and Dissenting Opinion in the case of The Roman Catholic Church of Porto Rico vs. The People of Porto Rico* (Washington, D.C.: Government Printing Press, 1909), 34.
27. *Municipality of Ponce v. Roman Catholic Apostolic Church in Puerto Rico*, 210 U.S. 296 (1908).

28. Bartholomew H. Sparrow, *The Insular Cases and the Emergence of American Empire* (Lawrence: University Press of Kansas, 2006), 163.
29. Carl Zollman, *American Civil Church Law* (New York: Columbia University, 1917), 48.
30. Benjamin Allen Coates, *The Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century* (New York: Oxford University Press, 2016); and Efren Rivera Ramos, *The Legal Construction of Identity: The Judicial and Social Legacy of American Colonialism in Puerto Rico* (Washington, D.C.: American Psychological Association, 2001), 71–120.
31. Dignan, *Catholic Church Property*, 207–36; Frank T. Reuter, *Catholic Influence on American Colonial Policies 1898–1904* (Austin: University of Texas Press, 1967); and Tisa Wenger, *Religious Freedom: The Contested History of an American Ideal* (Chapel Hill: University of North Carolina Press, 2017), 34–46.
32. Quoted in Julián de Nieves, *The Catholic Church*, 60.
33. “La Mariposa,” *La Correspondencia*, July 1, 1908.
34. Gerardo Alberto Hernández Aponte, *La iglesia católica en Puerto Rico ante la invasión de Estados Unidos de América* (San Juan, P.R.: UPR DEGI, 2013), 347–63.
35. Martínez, *Catholic Borderlands*.
36. Rev. A. Alonso-Alonso, “Religious Progress in Porto Rico,” *Catholic World* 76 (1903): 449–50; *El testigo evangélico* VI, March 1, 1910; see also Michael Saenz, “Economic Aspects of Church Development in Puerto Rico” (Ph.D. diss, University of Michigan, 1961), 72–85.
37. Quoted in Virginia Kays Veenswijk, *Coudert Brothers: A Legacy in Law* (New York: Truman Tally Books/Dutton, 1994), 150.