

REPORT

120

ON

THE ISLAND OF PORTO RICO;

ITS

POPULATION, CIVIL GOVERNMENT, COMMERCE,
INDUSTRIES, PRODUCTIONS, ROADS,
TARIFF, AND CURRENCY,

WITH RECOMMENDATIONS,

BY

HENRY K. CARROLL,

U.S. Porto Rico

Special Commissioner for the United States to Porto Rico.

RESPECTFULLY SUBMITTED TO

HON. WILLIAM MCKINLEY,

PRESIDENT OF THE UNITED STATES.

October 6, 1899.

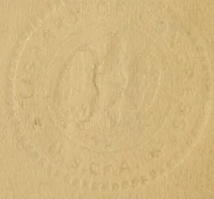
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WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1899.



SUMMARY.

First elementary schools:	
For boys.....	1
For girls.....	3
Second elementary schools:	
For boys.....	13
For girls.....	6
Auxiliary schools:	
For boys.....	3
For girls.....	0
Total schools.....	26
Official appropriation:	
For personnel.....	\$1,620
For materials.....	168
Total.....	1,788
Average attendance:	
Boys.....	697
Girls.....	273
Total.....	970

BUREAU OF EDUCATION, *San Juan, P. R., March 17, 1899.*

TEXT-BOOKS GENERALLY IN USE.

Grammar: Real Academia Española.
 Arithmetic: Martinez Garcia, Monclova, Emiliano Diaz, Ollero, Comas.
 Geography: Paluzie (Universal), Corton, and Janer (Porto Rico).
 Reading: Juanito, Fabulas, Manuscrito.
 Christian doctrine: Gil Esteves.
 History: Fleury, Calonge.
 Geometry: Vallin and Bustillo.
 Agriculture, industry, and commerce: Regulez.
 History of Spain: Ibo Alfaro.
 Writing: Sistema Garnierd.
 Hygiene: Del Valle Atilas.
 Elements of physics: Julian Lopez Catalan.
 Elements of natural history: Julian Lopez Catalan.

BUREAU OF EDUCATION,
San Juan, P. R., November 1, 1899.

THE CHURCH AND CHURCH PROPERTY.*THE CHURCH AND THE STATE.*

[Hearing before the United States Commissioner.]

SAN JUAN, P. R., *October 27, 1898.*

Father JUAN PERPIÑA É PIBERNAT, ecclesiastical governor and capitular vicar of Porto Rico. I begin by stating that the expenses of the church have been borne by the state and the people of this island since the discovery of the same. Part of these expenses were formerly met by tithes and the first fruits under the old Israelitish plan. What was further necessary in case these tithes did not meet the expenses of the church was supplied by the government. In addition to this, municipalities gave \$25 a month to each priest in their immediate jurisdiction. This state of affairs continued until the royal cedula of 1858, which decree, I think, though I am not sure, was given for the district of the Cathedral and San German, and was later extended to all the districts. By this royal order and subsequent dispensation gifts were created for the chapters and the parishes. This royal decree of 1858 abolished tithes and first fruits and made the government take

under its charge the entire pay of the clergy. When I came here in 1860 the bishop was in receipt of either \$18,000 or \$20,000 per year, I am not sure which. The last bishop, who recently left the island, had a salary of about \$10,000, that amount being arrived at by gradual diminution from the amount first mentioned. The ecclesiastical judge attached to the bishop's court is in possession of, or was in possession of, \$2,500 per year, and the fiscal officer attached to the bishop's court was in receipt of \$3,000 annually. The bishop's secretary has never received anything, but the bishop rewarded him by other means in his power, such as appointment as a prebend. This is in contradistinction to the custom adopted in France, where these officers get salaries. In virtue of Article VIII of the royal decree previously referred to, the dean of the chapter is paid annually \$3,000. The dignitaries of the church (a special class) have received \$2,500 each annually.

Dr. CARROLL. Who are included in the class of dignitaries?

Father PERPIÑA. There are three cathedrals or bishoprics—one is in Cuba, one is in Santiago, and one is here. None of them are in possession of a full complement of dignitaries or members of the chapter.

Dr. CARROLL. Are Porto Rico and Cuba in the same ecclesiastical province?

Father PERPIÑA. No; Santiago de Cuba is a metropolis in church matters.

Dr. CARROLL. With what province is Porto Rico connected?

Father PERPIÑA. With none.

Dr. CARROLL. Is Santiago the metropolitan see of this ecclesiastical province?

Father PERPIÑA. Santiago is the headquarters to which all ecclesiastical matters are referred as the metropolitan of this island. The number of church dignitaries here is three. I should add here that Santiago has an archbishopric. The three dignitaries are the dean, the archdean, and the canon (chantre); it is he who attends to the singing. Canons receive \$2,000. There are five canons—two who are elected without competitive examination and three who are elected by competitive examination. The competitive canons are the penitentiary, who attends to punishments; the lectoral, whose duty is to explain the holy writings, and the magistrado, who has under his charge matters concerning preaching. The penitentiary has charge of confessions and all matters pertaining thereto, with special powers of confession conferred upon him by the bishopric and the Pope—that is, he has higher powers of absolution than any other priest. The examinations for these posts are very severe.

The racioneros and half racioneros—that is to say, priests who have not canonical rights, but are only concerned in the administration of canonical matters—receive the salary of \$1,500 a year each. There are four of them. The half racioneros get \$1,200 each.

The parishes are divided into *entrado*, which means “entrance;” *ascenso*, which means “ascendance,” and *termino*. The parishes of *termino* are usually vicarages—that is to say, the priests in charge of them have charge over other priests in the vicinity. The *termino* vicars are all paid \$125 a month in pesos. The *ascenso* parishes were paid 75 pesos a month and the *entrado* 50 pesos a month.

Dr. CARROLL. Did they have houses also?

Father PERPIÑA. I will speak of that later.

There are a great many parishes which have their own parish houses, paid for by the people of the parish and which belong exclusively to

the parish, and I wish here to prefer a complaint to the representative of the United States with reference to the town of Dorado. A rich man there by the name of Lopez built a church and a parish house and presented them to the parish, which facts can be proved and are generally known by everybody. The mayor placed there by the American forces has taken possession of the house and turned out the priest in charge.

Dr. CARROLL. Out of the church and house?

Father PERPIÑA. From the house alone; but you will understand that this is private property and no one has the right to turn the priest out of it, and I protest against the same. My protest has already been made to the priest himself at Dorado, but not to the central power here.

Dr. CARROLL. I have no administrative powers here in the island whatever. I think it would be well for you to call the matter to the attention of General Brooke, who has full authority to attend to the matter.

Father PERPIÑA. The royal cedula referred to has become, by reason of existing circumstances, a fatal thing to the church—that is, the present occupation of the Americans has made the working of that cedula fatal, and I will give you the reason. As has been shown, this royal cedula deprives the clergy of their tithes and first fruits and other small means of income which they had from the mayors of the different towns, and also took away from them the right of collection of fees for the administration of sacraments, and they are now absolutely without means of income of any kind whatever. The fact of the United States absolutely not recognizing the clergy, and wishing to establish immediately the separation of the church and the state, has left the clergy without any means of support. The people of the different parishes all over the country, having been accustomed to regard the priests not as ministers of God but as employees of the Government, are not now disposed to make them payments for the administration of their office, and this state of affairs leaves them without bread.

I, as head of the church, would have advised the United States to establish a separation between the church and state, because that is its Constitution, but not immediately and suddenly as it has done. The Catholic Church is destined to take care of the morals and the good conduct of the people of this island, and if their means of subsistence is taken away suddenly, I will have no clergy to look after the spiritual welfare of the people, and I consider that such a state of affairs will result in the moral degeneration of the people of the island. I, as head of the church, wish to beg of the commissioner that he recommend that the payment of the clergy be continued until such a time as a bishop could be brought here to the church and the church constituted under new auspices. This payment need not take the form of salary, but could be made as a sort of gratuity. I propose a plan under which that can be done, namely: That the municipalities take the place of the state and they pay out of their funds such salaries or gratuities as the Government may desire the clergy to receive; that in case the municipalities do not care to do this, the state can take it upon itself to do so—this measure being only temporary, as before stated. I am inclined to fear that if the municipalities are asked to contribute to the church they will refuse to do so. I respect the Constitution of the United States because Catholics have to respect the reigning power, but I think a plan might be arranged until a permanent eccle-

siastical government could be introduced here. I, as head of the church, will not consent that the municipalities, if they should make donations to the clergy, make them in the form of salary. We will accept them only in the form of gratuities; the church does not want to be dependent upon the municipalities. I think it is unnecessary to say that church property, including the buildings and the land, will remain the property of the church. I take that as an understood thing. From time immemorial the property of the church has belonged to the church. In most cases the churches have been built by the people, though now and then the state has helped in the erection of church buildings, but I understand that such property will be respected.

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.

Father PERPIÑA. Father Sherman is mistaken; such is not the case.

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

Father PERPIÑA. 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?

Father PERPIÑA. 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?

Father PERPIÑA. 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?

Father PERPIÑA. 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?

Dr. CARROLL. I apprehend no difficulty in the confirmation to the church of the property given to it, unless some of the heirs of the donors should make a legal claim, in which case it would be a matter for the courts. It would seem to be advisable that the church should inquire into its title so far as possible with the view of having it confirmed in a legal way. It will not be the purpose of the United States to confiscate, for any purpose, property which rightfully belongs to the church.

Father PERPIÑA. I will leave that matter for the bishop who comes here to attend to. I could not undertake it without launching myself into an overwhelming sea of perplexities; moreover, such a work would require the services of a secretary, and I have no money with which to pay one.

Dr. CARROLL. Are the municipalities likely to lay claim to these buildings as municipal property?

Father PERPIÑA. I have no fear of that at all, unless some persons

from wrong motives look for opportunity to open unjust suits against the church. I do not anticipate such troubles, however.

Dr. CARROLL. Why have the municipalities ceased to pay the amounts you have referred to to the clergy?

Father PERPIÑA. That was a payment made before the royal cedula was published. That decree wiped out all payments of that kind and salaries were then paid out of the custom-house receipts of each district. The island is divided into a certain number of districts and the clergy have been paid from the custom-house of the district.

Dr. CARROLL. Do the clergy receive fees, matrimonial and others?

Father PERPIÑA. They are not allowed to receive any by law, but there have been abuses. Where these abuses have become known the clergy have been punished.

Dr. CARROLL. Is there no matrimonial fee?

Father PERPIÑA. Yes, but it is very small; any report to the contrary is false. When people have come to ask the sacrament of marriage or baptism and said they were unable to pay for it, the same has been performed gratuitously, at least in my time, and as far as I know.

Dr. CARROLL. Is there a considerable number of civil marriages here?

Father PERPIÑA. All marriages are solemnized by the church. We do not recognize anything as marriage which is performed in any other way. A person who is a Catholic is married always by the church; if not married by the church he is not married at all, as we view it.

Dr. CARROLL. Are many persons living here in the relation of marriage between whom the church ceremony has never taken place?

Father PERPIÑA. Many, many, many.

Dr. CARROLL. Are they generally negroes?

Father PERPIÑA. Yes; they are generally negroes. There are also married people who have two wives and live together like Moors. This is a very immoral country.

Dr. CARROLL. Are those persons outside the pale of the church?

Father PERPIÑA. Yes; the church would not bury such a person in consecrated ground.

Dr. CARROLL. Does the church have parochial schools?

Father PERPIÑA. No; previously in some small parishes where there were no schools the government allowed the clergy to establish parochial schools, but since the introduction of general education the schools have been taken out of their hands. They have only their system of schools for the education of young men for the priesthood.

Dr. CARROLL. Has it been the policy of the church to raise up a native priesthood?

Father PERPIÑA. The tendency of the bishop has always been to form the clergy from among the people themselves.

Dr. CARROLL. Are many of the present clergy natives of the island?

Father PERPIÑA. Before the coming of the Americans to the island the priests were nearly all from Spain, for the reason that the natives appear to have no desire to take up clerical matters. It would be greatly to the interest of the bishops if they should educate their priests from natives, because foreign priests are always desiring to go back to the Peninsula.

Dr. CARROLL. Are there colored priests?

Father PERPIÑA. That is forbidden.

Dr. CARROLL. Forbidden by whom?

Father PERPIÑA. By the clerical constitution of Spain. There are,

however, some persons who have colored blood in their veins who are in the priesthood, but they are persons who pass as white.

Dr. CARROLL. Are the colored people allowed the benefits of the sacraments on the same basis as the whites?

Father PERPIÑA. In that respect there is perfect equality.

Dr. CARROLL. What was the reason for the discrimination against colored men in the priesthood?

Father PERPIÑA. I do not know the reason, but for myself I do not consider it desirable to see colored men with priestly robes administering the sacraments, and if I were a bishop I would never ordain a colored man.

Dr. CARROLL. Is there a race prejudice that would prevent it?

Father PERPIÑA. There is none. There has always been, though, a breach between the colored and the whites since the emancipation of the slaves in the island. I think the colored people have been conceded many more liberties than they should have received, and what they have not been conceded they have taken.

Dr. CARROLL. How many services are held in the parish churches? Are they held only on Sundays, and if only on Sundays, how many services a day?

Father PERPIÑA. That is a question that can not be answered in the way it is asked. The church is open every day. On Sunday there is only one mass, but anyone desiring a special mass can have it celebrated by paying for it. On week days there are two masses; the mass on Sunday, however, is a more solemn mass. The church is open all day.

Dr. CARROLL. Is there a sermon every day?

Father PERPIÑA. There is no rule about that; sermons are not preached as a matter of course. The magistrado preaches the lenten sermon. Sometimes a man provides in his will for certain services for a particular church, and that money is invested to pay the priest for the purpose named. San Francisco Church has several such provisions for services, and consequently has more sermons than others.

Dr. CARROLL. What are the principal ecclesiastical days of the year?

Father PERPIÑA. Our ecclesiastical days are not peculiar to the island, but are the same as those indicated in Catholic books everywhere. I think they are the same precisely as those observed in the United States.

Dr. CARROLL. I have been told that the women were very faithful to the church, but that the men seldom attended the sacraments or the confessionals.

Father PERPIÑA. As is generally the case in other places—for instance, in France and Spain, the woman is more generally religious than the man; but it is not true that the men of Porto Rico are entirely indifferent to religion or that the women do not try to influence the men in religious matters. There are men here who are extremely pious and good Catholics.

Dr. CARROLL. What about the positions left vacant by those priests who have gone to Spain?

Father PERPIÑA. As soon as it may become known that the clergy will be supported I can fill the parishes. The Spanish Government took from the Dominican and Franciscan monks, who were established here, in the year 1837 the property which they then held, and instead of selling this property to private individuals they rented it and have been receiving the rental or interest from those who hold the property.

I think that these rentals should no longer be paid to the Spanish Government, but should be paid to the church to which they belong.

Dr. CARROLL. Are the properties extensive?

Father PERPIÑA. Those sold outright were extensive, and as to them there is, of course, no remedy. I can not give the particulars of the property nor the amounts that have been paid; all I know is that they are the property of the church. You should inquire for a list of the property which paid censo, formerly belonging to the Dominican and Franciscan monks.

The budget of worship for 1897-98.

[Collated by order of the Vicario Capitular.]

CATHEDRAL CLERGY.

	Pesos.
1 bishop	9,000
1 dean	3,000
1 archdeacon	2,500
1 "chantre" (music)	2,500
1 penitenciario (discipline)	2,000
1 secretary	2,000
1 magistral	2,000
2 canons, at 2,000 pesos each	4,000
2 racioneros, at 1,500 pesos each	3,000
2 half racioneros, at 1,200 pesos each	2,400
Assistant clergy	6,000
For music	4,000
	42,400

PAROCHIAL CLERGY.

12 cures serving in parishes de termino, at 1,500 pesos each	18,000
21 coadjutors perpetual for the same parishes, at 600 pesos each	12,600
12 sacristans for the same parishes, at 150 pesos each	1,800
17 cures for parishes de ascenso, at 1,000 pesos each	17,000
17 coadjutors perpetual for the same parishes, at 600 pesos each	10,200
17 sacristans for the same parishes, at 150 pesos each	2,550
59 curas de ingreso, at 700 pesos each	41,300
13 coadjutors, at 600 pesos each	7,800
59 sacristans for 59 parishes de ingreso, at 150 pesos each	8,850
1 priest in charge of the church of Santo Domingo in San Juan	480
1 coadjutor in San Juan	360
1 priest in charge of Our Lady of Balbanera	500
1 priest in charge of the Church of the Carmelite Mothers	600
Maintenance of congregation of missionaries	6,000
	128,040

NOTE.—The foregoing estimates are not an exact statement of expenses, as some of the positions therein mentioned were always unoccupied, in which case the amounts not paid remained in the royal coffers.

ECCLESIASTICAL JUDICIARY.

	Pesos.
1 judge	2,500
1 fiscal	1,700
	4,200

NOTE.—When either of the two officers above mentioned are in enjoyment of other ecclesiastical salaries, they can only claim one-half of the salaries reserved as above.

The budget of worship for 1897-98—Continued.

EXPENSE OF BULLS.

Appropriation to the commissary of indulgences	350
Appropriation to the notary	270
	620
Conciliar Seminary	3,000

CATHEDRAL AND PARISHES—MATERIAL.

Appropriation for expense of material for the cathedral	3,000
Appropriation for 12 parishes "de termino," at 300 pesos each	3,600
Appropriation for 17 parishes "de ascenso," at 250 pesos each	4,250
Appropriation for 59 parishes "de ingreso," at 200 pesos each	11,800
For expense for the church of Santo Domingo	500
For expense for the church of Carmelite Mothers	200
	23,350

ECCLESIASTICAL JUDICIARY—MATERIAL.

Expense of office:	
Secretary for judge	75
Secretary for fiscal	60
	135

SUMMARY.

Amount required to meet expenses of the clergy for one year, salaries and supplies:

	Pesos.
Cathedral clergy	42,400
Parochial clergy	128,040
Ecclesiastical judiciary	4,200
Expense of bulls	620
Conciliar seminary	3,000
Cathedral and parishes—material	23,350
Ecclesiastical judiciary—material	135
	201,745

CLERICAL FEES.

SAN JUAN, P. R., *October 28, 1898.*

PEDRO PIZÁ, a Catholic priest, sought an interview with the commissioner with the object of ascertaining how he could disclaim allegiance to the Roman Catholic Church. He volunteered the following statement:

The Catholic Church has been much neglected on the part of the clergy. All the church property and buildings have been left in a state of poverty and disrepair. With respect to preaching, priests have not complied with their duties, and consequent indifference has resulted on the people's part. To show that the people are not inherently indifferent to religious teaching, I can state that when I took over the parish of Utuado a maximum attendance at the two daily masses was fifteen persons. When I left the parish, the minimum attendance was a hundred persons.

In spite of the law of 1858 the clergy has continued to collect heavy fees for the celebration of sacraments, leading to their nonobservance

by the country people in general. The fees collected have averaged about as follows:

Matrimony:	
Simple service	\$10.00
More elaborate service	16.00
Burial:	
Simple service	14.00
More elaborate service	22.00
Masses	1.00

These rates have been further increased, according to the ability of the person interested to pay.

SUBVENTIONS.

[Hearing before the United States Commissioner.]

SAN JUAN, P. R., *November 4, 1898.*

Señor Don JOSE LOPEZ Y ORTIZ DE ZARATE, an official of the institute and secretary of the board of health:

Mr. ZARATE. I have brought you a statement of what the state paid to the clergy of the island. As regards the fees charged by the clergy, it is impossible to give that. I paid a wedding fee of 16 pesos when I was married.

Dr. CARROLL. The secretary of the treasury, Mr. Blanco, stated that these fees had been abolished by law and that the priests had no authority for making such charges.

Mr. ZARATE. The fees are illegal. All functions of the church were supposed to be administered free of every charge, but many abuses have been committed, which have produced numerous complaints, but these complaints have been pigeonholed.

Dr. CARROLL. To whom were the complaints made?

Mr. ZARATE. To the central ecclesiastical authorities.

Dr. CARROLL. Can you give us any information regarding the property of the church—that property particularly which the church may have acquired by will or otherwise in recent years?

Mr. ZARATE. The church is the owner of a large amount of property in this and other cities of the island. Several properties are still under obligation to pay what is called censo, which is a charge on the property usually contracted by the free will of its original owner, who would leave the property to his heirs subject to this annual charge. The clergy continue collecting this. The church also owned several agricultural estates, notably in San German, where the church owned an estate called the Porto Coeli; but when the state took over the responsibility of maintaining the clergy, the lands belonging to this estate were nearly all sold to private parties.

Dr. CARROLL. Have you any idea of the income that the church receives from its investments and the annual dues you have referred to?

Mr. ZARATE. I have not; but I will see the ecclesiastical collector and try to get a statement of it.

Dr. CARROLL. Do you know what convents there are in the island?

Mr. ZARATE. There is only one to-day; it is under the charge of the Carmelite nuns and is situated in San Juan in front of the cathedral.

Dr. CARROLL. How is that supported; by charity?

Mr. ZARATE. They are very poor; we may say they have hardly

any funds. By an unforeseen accident the funds were carried off to Spain.

(Dr. Carroll at this point directed the attention of Mr. Zarate to an item in the budget of the provincial deputation providing for the payment of certain Sisters of Charity, and asked him to state the purpose of it.)

Mr. ZARATE. This is salary paid by the municipality to twenty-three Sisters of Charity, at 18 pesos a month each, for their services in the beneficencia and the insane asylum.

Dr. CARROLL. What is the seventh article of the first chapter of the third division of fomento in the estimates of the provincial deputation?

Mr. ZARATE. This is a pure business matter and a scandalous robbery. The amount of 12,940 pesos was paid to the Escolapian Fathers for the management of a college situated in the suburbs of San Juan, known as Santurce. In addition to this amount, each pupil paid 25 pesos a month to the priests for instruction.

Dr. CARROLL. Why are they called Escolapian Fathers?

Mr. ZARATE. Because they belong to the order of San Jose de Calasans, which founded this society of Escolapian Fathers.

Dr. CARROLL. What is the eighth item, called "Secret Heart of Jesus?"

Mr. ZARATE. It is an amount of 3,000 pesos paid by the municipality of San Juan to uncloistered nuns who manage a girls' school, in which each pupil pays from 35 to 40 pesos a month for instruction—also a piece of robbery. The municipality was obliged, in case the number of pupils did not come up to the regulation number, to pay out of its treasury such a sum as would complete the amount that they would otherwise have received.

Dr. CARROLL. Was this in pursuance of a contract that this amount of 3,000 pesos should be paid?

Mr. ZARATE. Yes; the Government pledged it.

REAL ESTATE OF THE CHURCH.

[Hearing before the United States Commissioner.]

SAN JUAN, P. R., *November 7, 1898.*

Mr. MANUEL DE CANEJA (CANONIGO LECTORAL). I have been directed by the vicar-general, in view of my having been secretary of the bishopric for twenty-three years, to come here to answer questions relating to his office.

Dr. CARROLL. The information furnished by the vicar-general and this gentleman (Señor Zarate) has been so full that I have but few additional points to be covered. I asked Mr. Zarate the other day a question which he preferred some one else should answer, respecting what property the church has received by will and otherwise in the last few years.

Mr. CANEJA. Real estate is not possessed to-day by the church, with the exception of the church buildings and parish houses in the various parishes of the island. What real estate was possessed formerly by the church was taken possession of by the government, and property to-day owned by the church and dedicated to pay the interest on holy works, such as charities, alms, etc., is in the form of censos, or mortgages, on real estate.

Dr. CARROLL. Have you any idea as to the amount of income from these sources annually for the entire island?

Mr. CANEJA. I wish it to be thoroughly understood that the amount collected from these mortgages is not, strictly speaking, income for the general use of the church, but is in the form of legacies willed by persons who have desired, for instance, to have certain masses celebrated on anniversaries of their death, or sermons, or some form of religious celebration maintained. These amounts are collected separately by each clerical district; for instance, that of the cathedral, perhaps amounting to \$3,000. To give you the total amount I should have to refer to the documents of each clerical section, as most churches have their own income, although small, from these sources.

Dr. CARROLL. There is, then, no invested fund or property from which the church receives income?

Mr. CANEJA. No. As I said before, there are parish houses which in most cases belong to the parish church, but not in all cases. These are chiefly of stone, but sometimes of wood, and were built in most cases by subscription of their respective congregations, or by general donations, in which the municipalities sometimes lent a hand. The censo is the right of the church to collect a dividend on the income of certain houses. This, as I have said, has usually been acquired by will and is a right which is a permanent charge upon the property. The owner of the property subject to the censo, on the sale of the same, sells the property subject to that charge. This is perpetual unless the interested party wishes to redeem the same.

Dr. CARROLL. Which can be done, presumably, for a sum agreed upon?

Mr. CANEJA. It must be for the exact amount which was deeded. This censo, although perpetual with regard to the church, is not perpetual with regard to the owner of the property affected by it—that is to say, he can have it transferred from one property to another—and it is common for owners of houses subject to censo to apply to the bishop to have the tax removed from one property to another. Should the property proposed constitute a due guaranty the church never refuses to make the transfer. When the amount of the censo is accounted the church does not consider it is entitled to hold the sum realized for its own uses, but has to invest it again in some form, so that it will produce an income by which to respect the will of the testator.

Dr. CARROLL. I would like to ask in whom the titles of churches and parochial houses is vested?

Mr. CANEJA. As the parish priests have lived continuously in the parish houses since their construction without title, the title thereto can be considered one of possession only and not of documentation. As regards the churches, the hypothecary law of Spain in one of its paragraphs expressly prohibits the inscription of churches; consequently the title of these is also one of possession only.

Dr. CARROLL. I would like to ask what services are held regularly on Sunday? What are the usual services at the cathedral?

Mr. CANEJA. When the church was at its full enjoyment of powers here, with its various officials, the celebrations of the holy sacraments were conducted with full pomp and magnificence, and 12 masses were sung every Sunday. Owing to the reduced number of the clergy now officiating, most of them having gone away on account of lack of means of support, not more than three masses are celebrated, of which only one is sung. To-day the solemn mass is sung accom-

panied by the organ only. Formerly it was sung accompanied by musical instruments and a choir.

Dr. CARROLL. Do the people commune at the high mass or only at the two stated masses?

Mr. CANEJA. They can partake of the sacraments at any of the masses they wish, but they usually prefer to do it at the early mass, as the sacrament has to be celebrated while fasting, and no one cares to fast longer than is necessary. We priests have to do it as a matter of duty, except on Holy Thursday, when everybody participates in the sacrament at the holy mass held at 10 o'clock.

Dr. CARROLL. About how many communicants are there under the present régime.

Mr. CANEJA. Communion is celebrated in various churches in San Juan, the churches of Santa Ana, San Jose, San Francisco, the church of the Carmelite Monks, the chapel of the San Franciscan Order, the chapel of the Beneficencia, the chapel of San Ildefonso, the chapel of the Orphanage, the chapel attached to the hospital used by the order called Siervas de Maria, the chapel of the arsenal, Christ Church, the Santa Rosa Chapel and Cemetery, the chapel of the cemetery, and the chapel of the prison. Those are the principal ones. It is impossible to give you an idea of the number of communicants of all of them.

Dr. CARROLL. I simply was inquiring about the number at the cathedral.

Mr. CANEJA. There are from one to two hundred a month there, but a larger number in the churches of San Jose and Santa Ana, because of the larger number of priests attached to them.

Dr. CARROLL. How often are confirmation services held?

Mr. CANEJA. We don't have them, because the bishop is not here. When he was here he held confirmation services in a parish every Sunday, and as he paid his visits through the island, remaining four, five, or eight days in a town, he conducted those ceremonies.

Dr. CARROLL. I would like to ask about baptism. I suppose it is universal in the island?

Mr. CANEJA. Yes.

Dr. CARROLL. Is it performed at the house where the child is born or in the parochial houses?

Mr. CANEJA. In the churches. Under very strict laws it is compulsory for baptisms to be performed in the churches, the exceptions being those of utmost necessity or the approach of death.

MARRIAGE FEES.

[Hearing before the United States Commissioner.]

AGUADILLA, P. R., *January 21, 1899.*

Dr. CARROLL. According to the returns I have received from the municipalities, the number of illegitimate births is almost equal to that of legitimate births. How do you explain that?

Mr. TORREGROSA (a lawyer). That is of very remote origin. It dates from the time of slavery. It is owing a great deal to the pernicious influence and example given by the slaveowners, who, when they saw a good-looking colored girl, would take her for their own purposes and the people gradually imitated that. In the country districts you will find that condition very general. Another reason

is the apathy of the clergy, who never take journeys into the country, who never preach moral precepts to the people, and who never take any interest in the home life of the people. The people could easily have been taught, as they are docile.

Dr. CARROLL. Do they ever hesitate to get married because of the fees?

Mr. TORREGROSA. That was also one of the reasons.

Dr. CARROLL. What are those fees? I understand that they are all illegal, but that the clergy have been accustomed to charge them in spite of that fact.

Mr. TORREGROSA. They used to create difficulties on purpose to be in a position to smooth over difficulties afterwards and collect more for the marriage.

Dr. CARROLL. In Utuado they told me the fees generally charged were about \$6; seldom less than that.

Mr. TORREGROSA. Here they charge as high as \$16.

Dr. CARROLL. I suppose it is almost impossible for the poor to raise that amount?

Mr. TORREGROSA. Yes; quite impossible.

Dr. CARROLL. Are the people here generally interested in the church; are they quite faithful to their church duties?

Mr. TORREGROSA. Among the men of the country generally there is a state of almost complete indifference. The women, however, are more pious. In this city, especially, the women are noted for their piety.

CHURCHES AND CEMETERIES.

[Hearing before the United States Commissioner.]

MAYAGUEZ, P. R., *January 24, 1899.*

Dr. CARROLL. Under whose control is the cemetery as to sepultures; to whom is application made?

Don CARTAGENA (president of board of public works). To the municipal judge. If any person not a Catholic is buried there, the cure opposes it.

Dr. CARROLL. Where does the priest want people who die outside of the Catholic Church to be buried?

Don CARTAGENA. There is a separate part for Freemasons and Protestants. It is a part of the cemetery, but it is not consecrated.

Dr. CARROLL. Does the priest oppose the burial of persons in ground not consecrated?

Don CARTAGENA. No. The part where the Protestants are buried is in a very bad condition.

Dr. CARROLL. Has the municipality taken any steps looking to the secularization of the cemetery?

Don CARTAGENA. Not yet. They have not allowed Freemasons to be buried there, but in the cases of Masons who have left money, their friends have had them buried in the Catholic portion. Anything of that kind can be arranged with money.

Dr. CARROLL. How many churches are there in this city?

Don CARTAGENA. One here, and another being built by private persons.

Dr. CARROLL. How many cures are there?

Don CARTAGENA. Four.

Dr. CARROLL. How are they supported now?

Don CARTAGENA. I don't know.

Dr. CARROLL. Probably by voluntary support, as they get nothing from the municipal budget.

Don CARTAGENA. Absolutely nothing.

Dr. CARROLL. What fees do they have?

Don CARTAGENA. They ask fees for marriage, burial, and other offices.

Dr. CARROLL. When the cure gives a license for sepulture, does he charge for it?

Don CARTAGENA. He does not give the permission. The municipal judge does that.

Dr. CARROLL. Does the license for burial cost anything?

Don CARTAGENA. Nothing.

CHURCH PROPERTY IN HUMACAO.

[Hearing before the United States Commissioner.]

HUMACAO, P. R., *February 1, 1899.*

Dr. CARROLL. How does the title of municipal property appear?

Mr. MASFERRER (mayor). It is registered as the property of the municipality.

Dr. CARROLL. What appears as property of the municipality besides the *alcaldia*?

Mr. MASFERRER. The city hall, valued at \$25,000. The church was built by the people, but was taken by the Spanish Government according to its custom. It is not registered, but belongs to the municipality. The same is true of the custom-house. It was built by private parties—merchants and others—and taken by the Government.

Dr. CARROLL. Is there any record of that?

(No one present could answer the question.)

Mr. MASFERRER. The church is valued at \$45,000. The municipality also owns the plaza principal, which cost \$10,000; another building, used as a meat market, valued at \$8,000; another building, used to-day as barracks for the American soldiers, valued at \$20,000; also a building used as a slaughterhouse, valued at \$3,000; a building used as a smallpox hospital, valued at \$3,000; the cemetery, which has a wall around it and a deadhouse, valued at \$5,000 (not registered); a building lot worth \$300. That is all of the municipal property.

Dr. CARROLL. How was the church built?

Mr. MASFERRER. The municipality in its annual budget would assign a sum in the nature of a special municipal tax, and all were required to pay it.

Dr. CARROLL. Who owned the site of the church?

Mr. MASFERRER. It was municipal property. The whole of the city district was the gift of a lady, according to tradition, for the formation of the city. We have no documents to substantiate the tradition, but it has never been disputed.

Dr. CARROLL. Have the courts recognized that tradition in cases involving questions of title?

Mr. MASFERRER. Yes; for more than sixty years it has been an accepted fact.

Dr. CARROLL. How long ago was the church built?

Mr. MASFERRER. About the year 1870.

Dr. CARROLL. Would there be any objection on the part of the people of this town to having the title of this property made over to the church?

Mr. MIGUEL ARGUESO. I think not. The building was erected for use as a Catholic church and should be used for that purpose.

Mr. ANTONIO ROIG. As the Catholic church in the island is rich and the city of Humacao poor, I think the church should be sold to the ecclesiastical authorities.

Mr. ARGUESO. If the ecclesiastical authorities should refuse to purchase, we would be left with a church building on our hands with nobody to attend to it, and so would lose the benefit of worship here.

Dr. CARROLL. Do you think it would be fair to the church to compel it to pay for a building constructed for its purposes exclusively and which it has used without payment of rent for many years? I would like to have the general opinion here in regard to that.

Judge FULLADOSA. The church here was built by the people and for the people, as Catholics, when there were no other religions here. It is not possible to transfer it, nor can it be used for any other purpose.

Dr. CARROLL. I think a legal way can be found by the United States to settle this matter. It may be a cause of trouble. This church building seems to be neither church property nor municipal property. The control of it seems to be somewhat vague. It would seem to me that all this class of cases should be settled. I am not a Roman Catholic myself, but it is my opinion that the churches should be confirmed to the church, because they were built for the Catholic Church and for Catholic worship, and unless the title rests exclusively in the municipality it ought to be confirmed to the church. That is my opinion in regard to the question.

Mr. ROIG. Who will attend to the repair of the church if it is transferred?

Dr. CARROLL. That would be a matter for the church; if not repaired it will fall down and the people can not use it. Of course, if the title of the property is conceded to be in the municipality and it is not transferred to the Catholic Church, the city ought to exact some responsibility about its being kept in repair.

A GENTLEMAN. The municipal council has no power in the premises; it can neither sell the property nor give it away.

Judge FULLADOSA. The church was built for the Catholics, for their use, and I think they should attend to its repairs. After a while the council may change and a Protestant become a member of it, who might object to the municipality contributing to pay for repairs to the church. As to transferring the title, I do not think it could be transferred to any society or corporate body.

Dr. CARROLL. What do you think ought to be done?

Judge FULLADOSA. I think that Catholics ought to pay for the repairs of the church, as I have said, and if they fail to do so the property will have to fall.

Dr. CARROLL. But the title of the property ought to be vested somewhere.

Judge FULLADOSA. The building does not belong to the municipality as a municipality, but to the municipality as a Catholic body, because it was built under Catholic laws for Catholics.

Mr. THOMAS ORTERO. The church belongs to the 15,000 people of the district and they only can resolve the question.

Dr. CARROLL. If the municipality bought it and paid for it by taxes,

I should say it belonged to the municipality. You can not distinguish between a Catholic and a non-Catholic municipality.

A GENTLEMAN. Those who helped to build the church did not do so because they wanted to; the object of providing for Catholic worship did not enter into it at all. A tax was levied and all had to pay it.

Judge FULLADOSA. My point is that when the church was built the people paid their assessments without protest; consequently they acceded to the levy.

A GENTLEMAN. With respect to the fact that there was no protest, it would have been regarded little less than treasonable for anyone to have protested.

Dr. CARROLL. Is there any casa parochial?

Mr. MASFERRER. No.

Dr. CARROLL. Is the title to the cemetery registered?

Mr. MASFERRER. No.

Dr. CARROLL. Who administers it?

Mr. MASFERRER. The municipality in conjunction with the priest.

Dr. CARROLL. Have you taken any measures to provide for the burial of non-Catholics?

Mr. MASFERRER. The municipality has asked the authorities at San Juan for the secularization of the cemetery. At present we have a little ground apart from the cemetery in which we bury persons who are not Catholics.

Dr. CARROLL. Is the consent of the curé necessary in order to bury a person in the cemetery proper?

Mr. MASFERRER. Yes; his permission is necessary.

CHURCH PROPERTY IN YABUCOA.

[Hearing before the United States Commissioner.]

YABUCOA, *February 2, 1899.*

Mr. MARTORELL, mayor of Yabucoa: The title of the church property in Yabucoa is not vested in the municipality, but in the state. The property has always been used for public worship, and the church should be given the title of it, if possible. This can not be done by the municipality, but may be done by the state.

CHURCH PROPERTY IN GUAYAMA.

[Hearing before the United States Commissioner.]

GUAYAMA, P. R., *February 3, 1899.*

Father BALDOMERO MONTANES (the parish priest of Guayama):

Dr. CARROLL. As the special commissioner of the President of the United States, it is important for me to inquire into the church question, as into all other questions relating to the condition of the island, because the church question, at present, is more or less complicated with the state question. Under the American idea church and state are separate, but there is a property question involved here which is a very important one, and in every municipality to which I go I am taking testimony with reference to it. Have you been rector here a number of years?

Father MONTANES. For twenty-one years I have been parish priest; five years parish priest here, and then I was transferred to another district, and this last time have been here four years. I have been in Mayaguez, Cabo Rojo, Caguas, and Aguadilla.

Dr. CARROLL. You are familiar with the history of this building, I suppose?

Father MONTANES. No; because there is a great deficiency of data. This church dates its first construction back to the last century. After that it was destroyed and was replaced by a provisional chapel built of wood. In the year 1872 this building was finished and dedicated to public worship. The building is menaced with deterioration owing to a leak in the roof, which should be repaired. I gave the apostolic delegate this information, which I sent him on request.

Dr. CARROLL. They told us at the city hall that money from the city treasury built the church and therefore they felt that the building belonged to the municipality and not to the church.

Father MONTANES. I do not claim that it belongs to us as a body, because under the Spanish law church property belongs to nobody, but to religion. Under that law, even if a private man builds a church, from the moment it is built and consecrated to Catholic worship, he loses his ownership over it.

Dr. CARROLL. In what code is that found?

Father MONTANES. I can not inform you where that law is found.

Dr. CARROLL. Is it in one of the codes, or is it part of the Spanish religious constitution?

Father MONTANES: It will be found in the canonical law, but in Spain that law forms a part of the State law. A short time ago an official in the capital gave certain instructions about the cemetery, and he quoted the same law that I am speaking about as upholding the position. He even quotes foreign law and United States law to make good this principle. The capitular vicar, who is our chief to-day, gave those instructions.

Dr. CARROLL. They didn't claim at the city hall that they wanted to use the church for any other purpose, but that if they are to turn it over to the church, while they would not want back all that they had put into it, they would ask a portion of it.

Father MONTANES. What is the municipality? It is a body representing the people, and if the people are Catholics it represents Catholics.

Dr. CARROLL. Under the Spanish law, but not under the law of the United States.

Father MONTANES. In the municipality are two or three enemies of the church, beginning with the alcalde, who call themselves Catholics.

Dr. CARROLL. What is the mayor's reason for enmity toward the church?

Father MONTANES. He is a freethinker. He likes liberty of thought and boasts of it.

Dr. CARROLL. Is he in the communion of the church?

Father MONTANES. He is considered a communicant of the church until the church formally expels him, but as to his ideas he is not really a communicant. He and two or three other councillors originated the idea of renting the church and the cemetery. This town is in exceptional circumstances, owing to the war. In this town more soldiers died than in any other, and per force of circumstances they had to bury them here, and the mayor was the person who gave the authority to bury them. If the Catholics of Guayama were what they

ought to be, they would already have taken other steps than they have taken.

Dr. CARROLL. Do you hold that the repairs of the church should be made by the municipality?

Father MONTANES. It should be paid for by the Catholics, and as the ayuntamiento represents Catholics, it should pay for the repairs.

Dr. CARROLL. No; the municipalities are now under the control of the American Government, and the American idea with regard to state and church is now in force in this island.

Father MONTANES. Haven't the ayuntamientos been elected by the people?

Dr. CARROLL. But what the people might do as Catholics and what they might do as municipalities are separate things under the present government.

Father MONTANES. Suppose we, as Catholics, to-day got together to elect a Catholic ayuntamiento. Whatever may happen from now on, at least up to now everything has been Catholic. We can only guide ourselves by what has been. In that light we can only look upon the property of the church as being Catholic.

Dr. CARROLL. But if the property belongs to the church—and I am not in a position to discuss that—it seems to me to be the duty of the church to keep it in repair, and not the duty of the municipality.

Father MONTANES. Yes; as soon as it is formally declared to be the property of the church.

Dr. CARROLL. But in the meantime you are occupying it, and it is to your interest to keep it in habitable condition.

Father MONTANES. Are the ayuntamientos not able to subvention the church for repairs?

Dr. CARROLL. If they keep a church in repair, they would expect to charge rent for it. It seems to me important that this church property question should be settled now. In course of time there will be an influx of Americans here; some Americans are Protestants and some are Catholics, and the population of this town will be a mixed population, and if this question is not settled there will be heard voices of objection to allowing the Catholics to occupy the church. You stated, when we were in the church, that the average number of persons at masses was 32. That, of course, is a very small number in a municipal district that embraces 15,000 people. How do you account for it?

Father MONTANES. Although there is laxity, the fact that every Catholic in the country, when he comes to die, wishes to receive the Catholic sacrament, proves that they are not apostates. There is an immense amount of indifference and coolness, but, as I say, when it comes to the deathbed they always want the rites of the church. Even the free thinkers themselves, when they are going to die, call for the priest.

At the Alcaldia:

Dr. CARROLL. You speak of appropriating \$50 for repairs to the church. Is the church property in the name of the municipality?

Mr. DOMINGUEZ (mayor). It is municipal property and is in the inventory, but it is not registered, because it has not been customary to register public property. The church was built in 1873.

Dr. CARROLL. Was it built by funds from the municipal treasury, raised by assessment?

Mr. DOMINGUEZ. The church was built by the surplus of the municipal budget every year and the collection of old taxes which had been considered uncollectible. The people were asked whether the

surplus should be used for church purposes and they agreed to use it in that way.

Dr. CARROLL. What is proposed now as to the settlement of the title of church property? Are the people willing that the title should be made over to the Catholics?

Mr. DOMINGUEZ. We have not taken that matter up yet, and I can not tell you what the feeling will be. I think when the matter is treated of in the council they will not consent to make a present of the church to the ecclesiastical body.

Dr. CARROLL. Do you regard this as distinctly municipal property, or was it not turned over to the state, the state making appropriations for the support of the church?

Mr. DOMINGUEZ. I consider that the church belongs to the municipality as long as we have it in our inventory. The clergy have never registered it, and the hypothecary law says that until a better title is shown, it is the property of the party having some form of title.

Dr. CARROLL. This church question will be an important one when Porto Rico passes completely under the control of the United States, which makes separation of church and state necessary, and I have been inquiring as to what is the best way in which this question of church property should be settled. As the churches were built, in all instances, for the Catholics and Catholic worship, and were intended for people who worship that way, it would seem that the buildings should belong to them. If the property is retained as municipal property or under municipal management, as non-Catholics increase the question may arise as to whether the church should be allowed to use the property, and it seems to me that the question should be settled as soon as the new government is established.

Mr. DOMINGUEZ. In that case, we will have to take the voice of the meeting and the vote of the council, and inscribe the property.

Dr. CARROLL. There is no question as to your right to hold the building or whatever belongs to you. The question might arise in the future as to the use of the building or the amount of rental that should be charged, and non-Catholics might say that they have as good a right to it, a part of the time, as the Catholics, and so a great deal of contention might arise.

Mr. DOMINGUEZ. This is a Catholic country, and the municipality does not wish to interfere, for the present, with the functions of the Catholic priest; but we mean to assert our right to the property, and we want the right to mortgage it, if we so desire.

Dr. CARROLL. You make a very small appropriation for the church. I suppose that is because it is a municipal building and you feel that you ought to do something for it; but would it not be well, in carrying out the spirit of separation between church and state, to compel the occupants to pay that amount by way of rental?

Mr. DOMINGUEZ. This budget was made while the Spaniards were in possession, and next year there will be no amount. They will have to attend to it next year.

Dr. CARROLL. How much would the municipality require to be willing to transfer the property to the Catholic Church? Would they require all they had put in it, or a nominal amount which would represent the interest of the city?

Mr. DOMINGUEZ. I think they would dispose of it at a large reduction to settle the question. Thirty thousand dollars, I think, would be acceptable. It would be \$30,000 we never reckoned on, and we could use it.

CHURCH PROPERTY IN ARROYO.

[Hearing before the United States Commissioner.]

ARROYO, P. R., *February 3, 1899.*

Father MONTANER, Mr. VIRELLA, and others:

Dr. CARROLL. How is church property held in Arroyo?

Mr. VIRELLA. It was constructed by the people.

Dr. CARROLL. Is the title to it inscribed in the records?

Mr. VIRELLA. No; these buildings were all turned over to the state, and the state has them under its charge.

Dr. CARROLL. Was it built by taxation?

Mr. VIRELLA. No; by popular subscription.

(The curé of Arroyo was present at the hearing, and Dr. Carroll questioned him as follows:)

Dr. CARROLL. With your permission, I would like to ask you a few questions. When was the church built?

Father MONTANER. It was begun in 1852 and finished in 1856.

Dr. CARROLL. Who owned the lot on which it was built?

Father MONTANER. Don Rafael Cintron.

Dr. CARROLL. Did he make it over to the municipality, or to the state, or to the church?

Father MONTANER. He made the donation for church purposes. The whole history of it is in the archives.

Dr. CARROLL. Have you been asked by Archbishop La Chapelle for information regarding the title of the church property?

Father MONTANER. Yes.

Dr. CARROLL. You say the property was transferred to the state. Was that about the time of the royal decree abolishing tithes and providing for the support of the church from the state treasury?

Father MONTANER. Yes; the church passed to the state as a result of that order.

Dr. CARROLL. Then the church really holds the title to the property?

Father MONTANER. There is no title in the sense of a written title.

Dr. CARROLL. What has been the tradition with regard to the ownership of the church property? Was it regarded as belonging to the state, to be administered for the church, or was it otherwise?

Father MONTANER. The tradition is that the lot was given to the people to build a church for Catholic worship for Catholic people in the island. The fact that the state took possession of it does not make any difference, as, when the state took possession, it bound itself over to take the responsibility of sustaining the cult for which the church was built.

Dr. CARROLL. Do you understand it to be the general desire of the people of Arroyo that this property should be confirmed to the Catholic Church for its own purposes and uses?

Mr. VIRELLA. The wish of the people is that the church should be confirmed to the church for the purposes of Catholic worship.

Dr. CARROLL. If you leave it an open question, it will cause a great deal of difficulty in years to come, when Protestants may settle here, and, perhaps, become members of your city council. It seems to me better that this church question should be settled at the same time that the new government is instituted. If it was intended for the Catholic Church, let it be confirmed to the Catholic Church. What I desire to know is whether there would be any very great objection among the people of this municipality to this course?

A GENTLEMAN PRESENT. I think that the church should be confirmed to the Catholic people, not to the municipality, for the reason you have stated.

ANOTHER GENTLEMAN. What about repairs to the church property?

Dr. CARROLL. I think, if confirmed to the Catholic Church, it, the church, will have to take care of repairs. If it does not, it will fall. I don't think the municipality can assume any responsibility with regard to the repairs of the church.

FATHER MONTANER. If the people let it go to ruin, let it go to ruin.

SECRETARY OF THE AYUNTAMIENTO. I wish to remark that the clock in the church tower was bought by the municipality and not by the church.

Dr. CARROLL. Then I would suggest that the church return it to the municipality, and let the church run on its own time and not on the time of the municipality. Have you two cemeteries here?

SECRETARY. We have only one, but it is divided into two parts—one part for Catholics and the other for persons who are not Catholics. The cemetery was built by the municipality, and we wish it to be common property for the burial of anybody and everybody, without regard to religious matters.

Dr. CARROLL. But that would conflict with the Catholic idea concerning the burial of people in consecrated ground, would it not?

SECRETARY. Yes.

Dr. CARROLL. Then they would consider it a desecration to have non-Catholics buried in consecrated ground.

FATHER MONTANER. The cemetery has a great number of private tombs; and if non-Catholics are buried there, these tombs will be rendered useless, because, according to the idea of Catholics, to do that would be a desecration. The municipality has recently set apart a portion of ground for non-Catholics.

Dr. CARROLL. Is that portion as desirable as the Catholic part?

Mr. VIRELLA. It is about the size of this room. It is too small; and if they put up another mausoleum there, it will fill up the whole space.

Dr. CARROLL. I suppose the municipality can add to it?

Mr. VIRELLA. Yes.

Dr. CARROLL. Does the Catholic portion have a great deal of unused space now?

Mr. VIRELLA. No; it is all full.

CHURCH PROPERTY IN COAMO.

[Hearing before the United States Commissioner.]

COAMO, P. I., *February 6, 1899.*

Dr. CARROLL. Is the church also public property?

Mr. SEGUNDO BERNIER. The church belongs to the state.

Dr. CARROLL. How was the church built?

A GENTLEMAN PRESENT. The money was obtained from the city estimates, but was raised by a levy, the same as any tax. Some of it was obtained by diverting money raised for the purpose of an aqueduct.

Dr. CARROLL. To whom did the land belong on which the church was built?

Mr. BERNIER. To the town.

Dr. CARROLL. How long has the church stood there?

A GENTLEMAN PRESENT. Some years ago all the municipal documents were destroyed, and we have no records now.

Dr. CARROLL. Is the municipal property registered?

Mr. BERNIER. No.

Colonel SANTIAGO. When I was mayor we prepared a document for the purpose of registering the municipal property, but the city hall was burned and that document was burned with it.

Dr. CARROLL. Then, there is no title to the church property?

A GENTLEMAN PRESENT. It was a legacy. The land was a legacy for the purpose of founding a city. The city has some documents on which to found its title. The city has been owner of the land for two hundred years and more. It was founded in 1616.

Dr. CARROLL. Does the city charge the occupants of the land rental?

A GENTLEMAN PRESENT. The land is divided into three classes and the lots are put up at auction. Those who bid the highest rent them. Where houses are built on the lots the city charges no rental.

Dr. CARROLL. Then, those who have the houses and have title to the houses may hold the land forever?

A GENTLEMAN PRESENT. Yes; but the municipality reserves the right of taxing the land if it wishes.

Dr. CARROLL. The municipality would have the right to do that, as a municipal corporation, whether it owned the land or not.

The MAYOR. That right never has been taken advantage of.

Dr. SUAREZ. I do not think the facts regarding the legacy have been accurately stated. Fifty acres comprise the legacy, and the remaining 150 acres were purchased.

Dr. CARROLL. Is it the general desire of the people of this town that church property shall be confirmed to the church by the United States Government?

A GENTLEMAN PRESENT. No; let it remain the property of the town.

Dr. CARROLL. There is a difficulty about that. Under the policy of the United States there is entire separation between church and state, and while the people of Coamo are all of one way of thinking, perhaps, with regard to religion, it seems to me the question should be settled.

A GENTLEMAN PRESENT. It being the property of the people, I don't think it should be given to the church, but should be reserved for the Catholics of this district.

Colonel SANTIAGO. That is a good idea.

Dr. CARROLL. How can the municipality hold church property? If it is the property of the municipality it is secularized, and you must be prepared to lend it not only to the Catholics but to anybody else who comes in, just as you do your theater.

Mr. MANUEL BETANCES. The church can belong to the municipality the same as any of its other buildings, with a right to lend it to the priests for Catholic worship, charging a rent or not, as it sees fit. At all events, the church belongs to the people and should remain the property of the people.

Mr. DASSALACQUE. The great majority of people here would view with pleasure an income from the church property in the way of rental or otherwise.

Colonel SANTIAGO. The church was built by the Catholics, and I think that constitutes a very good reason why it should belong to the Catholics.

Dr. CARROLL. That is my own idea, but I think you will have to settle it now; otherwise it will become a bone of strife and contention here when your town comes to be settled by those of different faith or of no faith. If the town continues to hold church property, or the

church continues to be the property of the people, who will pay for the repairs made upon it?

A GENTLEMAN PRESENT. In case it belongs to the municipality, the municipality will pay for the repairs.

Dr. CARROLL. In case the municipality does not get any rent for it, what then?

COLONEL SANTIAGO. I think the church should be vested in a society or trustees, as they have in Europe. This society in Europe is called succession of such and such a church.

Dr. CARROLL. In other words, it takes a private and voluntary basis?

COLONEL SANTIAGO. Yes; and such a society has always been formed here to look after the interests of the Catholic religion.

Dr. CARROLL. What object is to be obtained by reserving the title of the property to the municipality?

A GENTLEMAN PRESENT. None at all; and my opinion is that the municipality should sell the church to the Catholic succession.

Dr. CARROLL. You would not expect in that case to get the full value you have expended on it, would you?

A GENTLEMAN PRESENT. We would try to get the most we could out of the succession.

Dr. SUAREZ. I don't think the municipality can remain owner of the church, for in that case it would have to repair the church, and in spending the public money it might be spending the money of some one who might not agree to such a use of the church.

A GENTLEMAN PRESENT. I think that as the church was built for and has belonged to the Catholics for more than one hundred years, it should be turned over to the church. By that I don't mean that it should be turned over to the Catholic priests. They have spent no money on it, and done nothing for it. A priest may come to-day and go to-morrow, but the people remain, and the people should have the title to the property. Moreover, I think it would be a profanation to church property to make it a part of municipal property and charge rental for it.

Dr. CARROLL. For the church to hold it as such it would be necessary, of course, under your laws, for it to be incorporated.

Colonel SANTIAGO. The society I referred to is not legally constituted yet.

Dr. CARROLL. I understand that; but I understand that for a number of people to hold property it is legally necessary for them to be formed into a corporation.

A GENTLEMAN PRESENT. The members of such a society would have to draw up their rules and regulations, and have them approved by the government.

CHURCH PROPERTY IN AIBONITO.

[Hearing at the alcaaldia before the United States Commissioner.]

AIBONITO, P. R., *February 6, 1899.*

Mr. ———, municipal judge, and Mr. MANUEL CABALLER, mayor of Aibonito:

Dr. CARROLL. By whom is the church property held?

The MUNICIPAL JUDGE. In 1887 the Spanish captain-general started a subscription here to which the town gave \$15,000, and persons from other districts also subscribed; the state made up the difference, and the church was finished two years ago.

Dr. CARROLL. Was the quota of the town raised by subscription or by taxation?

Mr. CABALLER. The church cost \$34,000, of which the state gave \$12,000 from the state treasury. The rest was raised by subscription.

Dr. CARROLL. Is the title to the property inscribed?

The MUNICIPAL JUDGE. No; it is not.

Dr. CARROLL. Is it the general wish of the people of Aibonito that the property should be made over to the church?

Mr. CABALLER. I think it is, as the people have been brought up Catholics, and are fervent Catholics.

Dr. CARROLL. Is there any dissent to that expression of view of your alcalde?

(There was no one present who dissented, and all appeared to be in accord with the alcalde in that view.)

Dr. CARROLL. I think that ought to be done.

CHURCH PROPERTY IN PORTO RICO.

[Hearing before the United States Commissioner.]

SAN JUAN, P. R., *February 10, 1899.*

The Very Rev. Father JUAN PERPIÑA É PIBERNAT, capitular vicar of the diocese of Porto Rico:

Dr. CARROLL. After having seen you before, I went to the United States and made a preliminary report to the President, in which I touched upon the question of church property here and recommended that unless a title of record was shown by municipal or other corporations, the church property of the island should be confirmed to the Roman Catholic Church. I have, since my return, visited the leading municipalities of the island, and in most cases I have inquired into the matter of church property.

Father PERPIÑA. We have had from time immemorial the right of possession—that is, we have owned the church by possession, and that is sufficient alone to confirm our claim.

Dr. CARROLL. I found that the claim of the municipalities to this property rests on the money of the city that was put into its erection and into the repairs of the church buildings. It was claimed in every case that the people of the town had built the church. It was admitted that it had been built for Catholic worship, and, as nearly as I could understand the matter, when churches were built and dedicated they were turned over to the state, and the state allowed the church to use them for church purposes.

Father PERPIÑA. Not to the state, but to the Catholic Church.

Dr. CARROLL. I did not understand that the title was made over to the state, but that the state and church being combined and the state providing for the care of the priests, the state exercised in that way a certain control over this church property.

Father PERPIÑA. I have finished here, and I won't go into this matter; you must go into it with the delegate. They have deceived you completely. In one word, this is a matter for the delegate, and I wish you to argue it with him or to place it before him. My argument is the following: The churches were turned over to the Catholic Church; they have used them from time immemorial, and therefore they belong to the church. I wouldn't credit the information of certain persons,

because they have probably misinformed you, especially as the present ayuntamientos are bad. A Catholic Church from the moment it is consecrated and blessed by the Catholic clergy belongs by that fact alone to the church.

Dr. CARROLL. I told the alcaldes that I had recommended that the property should be transferred, and asked them if they were willing to have it transferred, and they said they were.

Father PERPIÑA. It does not matter to me whether the ayuntamientos are willing or not to turn over the churches. The moment the churches were blessed, that moment they became ours without the right of anybody to intervene. The same is true of the cemeteries. General Henry recognizes the fact that the blessing of the cemeteries made them church property, and has turned them over to the church.

Dr. CARROLL. If the municipalities, which are the only corporations which claim the churches, are willing that they should be turned over to the Catholic Church, it makes the way of the United States to the solution of this property question easier than it otherwise would be.

Father PERPIÑA. There might be some bad municipalities that would not want to do that, and they have no claim whatever to assume authority to say yes or no. Why open this question at all? The treaty of peace confirms to the church all their property. From the moment the treaty was signed, we are by that fact owners of the church property.

Dr. CARROLL. There are two views of that. There are those who hold that what was the property of the state could not be the property of the church at the same time, and that this is state property and not church property.

Father PERPIÑA. I advance two arguments. One is that the moment a building is consecrated by a Catholic priest the building belongs to the church. Otherwise we would never want to have it consecrated. We have another argument, which is the law of possession. Who will take away our property, which we have held from time immemorial? The titles of the cemeteries and churches are not registered because the hypothecary law prohibits the registering of titles of any church property and that with a view of exempting church property from all classes of taxation. How could we register titles if it were contrary to law—if the law prevented it?

Dr. CARROLL. Have you had no registration in the case of any church property?

Father PERPIÑA. No; no class. The mortgages on church property—the censos—were registered because they were in the form of mortgages on property. The law directed them to be registered.

Dr. CARROLL. Is that a provision of the civil law?

Father PERPIÑA. Yes.

Dr. CARROLL. Under the head of registration of property?

Father PERPIÑA. Yes.

CHURCH PROPERTY IN CAGUAS.

[Hearing before the United States Commissioner.]

CAGUAS, P. R., *February 28, 1899.*

Dr. CARROLL. Why do you include the church among the parcels of municipal property?

Mr. SOLA. Because it was built by municipal funds.

Dr. CARROLL. When was the church built?

Mr. SOLA. In the year 1830.

Dr. CARROLL. Has it always been considered as municipal property?

Mr. SOLA. Yes.

Dr. CARROLL. Have you always paid for the expense of repairing?

Mr. SOLA. Always.

Dr. CARROLL. When the concordat between the Pope and Spain went into effect, was this property not transferred to the state for church purposes?

Mr. SOLA. I can not answer that.

Dr. CARROLL. I have understood that the church property generally was regarded as belonging to the insular government, and that the church was allowed to use it for the purpose of public worship.

Dr. CRUZ. There is a provision of law by which the governments of the municipalities were ordered to take possession of the property out of the hands of the priests.

Dr. CARROLL. Is it the desire of the people of this municipality to control the church property, or would you fall in with a proposition to transfer to the Catholic Church all churches of the island?

Dr. CRUZ. No. The municipality should control it as municipal property. That is the sentiment here.

Dr. CARROLL. Under the laws of the United States church and state are entirely separate, and it would hardly be proper for a municipality to control the church. It might rent it or it might sell it, but in our country the church and state are kept entirely separate, and it seems to me that as all these churches were built for Catholic worship it would be well to transfer the property to the church, so as to separate between church and state.

Dr. CRUZ. It could be rented.

A GENTLEMAN PRESENT. I think it ought to be ceded, but we don't want the church to belong to the priests.

Dr. CARROLL. Would you be willing to have the church transferred to a board of trustees to hold the church in this place for the purpose of Catholic worship exclusively?

(This suggestion of the commissioner seemed to be received with general approval.)

Dr. CRUZ. We don't want Rome to have a hand in it.

Dr. CARROLL. You see there is a difficulty about having a municipality continue to own and manage church property. The time may come when there may be people in the municipality opposed to Catholic worship, and then a strife might arise as to the possession of the church.

Dr. CRUZ. We are satisfied with your plan, but they have been trying to make the people believe that the treaty of peace will turn the churches over to Rome; that is, Rome as represented by the priests. But we want it understood that the people built the churches and they should have the title to them. The same thing can be said with regard to the cemeteries which have not been secularized, and conflicts are arising every day. They were built by the people and ought to belong to the people.

Dr. CARROLL. Have you a cemetery for non-Catholics?

Dr. CRUZ. No. The municipality should establish one.

Dr. CARROLL. The cemetery ought to be secularized, in your judgment?

Dr. CRUZ. We want to invite your action in this direction.

Dr. CARROLL. I understood that General Henry has issued an order that none but Catholics shall be buried in consecrated ground, and I

understand that all the ground within the walls of your cemetery is consecrated ground. Is that so?

Dr. CRUZ. Yes.

Dr. CARROLL. Then, if the cemetery were secularized, how would you satisfy the Catholic conscience, which would regard it as a desecration to bury anyone in consecrated ground who did not die in the Catholic faith?

Dr. CRUZ. The municipality should prepare another plot of land and dedicate it for that purpose.

Dr. CARROLL. In the cemetery at San Juan they bury both Catholics and Protestants in the same ground.

Dr. CRUZ. That should not be, because that gives rise to conflict.

Dr. CARROLL. How would it do to allow the Catholics to consecrate the grave of everyone who dies in the Catholic faith, and leaving the rest as unconsecrated ground? That would meet the difficulty, would it not?

Dr. CRUZ. If it would not give rise to conflict.

Dr. CARROLL. That is the rule in Mexico.

A GENTLEMAN PRESENT. They can take a cemetery and divide it, putting a door between the two parts.

Dr. CARROLL. The complaint is made in San Juan and other places that the provision made for non-Catholics is not at all satisfactory. In San Juan it is outside of the walls, and in a place where, it was stated to me the other day, it was "not fit to bury a dog." If this cemetery were secularized, how would you administer it? Would you require that a certificate from the priest, for example, be furnished in the case of persons who die in the Catholic faith, or how would you proceed? How are you going to distinguish between the bodies? The present method is, as I understand it, for the municipal judge to give a certificate of burial, which is indorsed on the back "Ecclesiastical burial" by the parish priest, if the deceased is a Catholic. Would you want to proceed in that way?

Dr. CRUZ. I do not think that would be necessary.

Dr. CARROLL. How, then, would you distinguish between Catholics and non-Catholics?

Dr. CRUZ. I think the statement of the family would be sufficient. Then if they wanted to ask the priest to perform the ceremony, they could do so.

Dr. CARROLL. Then you would not inquire particularly whether a man was a Catholic or not?

Dr. CRUZ. We are not fanatical, and while we are Catholics, we don't want to be controlled by priests. The priests, instead of facilitating things, put every difficulty in the way of everything they can.

CHURCH PROPERTY IN CAYEY.

[Hearing before the United States Commissioner.]

CAYEY, P. R., *February 28, 1899.*

Dr. CARROLL. Who owns the church property?

Mr. MUÑOZ. The church was constructed by the municipality a great many years ago.

Dr. CARROLL. Is it held by the church or the municipality, or by neither?

Mr. MUÑOZ. It belongs to the religion.

Dr. CARROLL. Then the city does not claim it?

Mr. MUÑOZ. Yes; everybody is claiming it, but the parish priest has taken it.

Dr. CARROLL. Has he the title to it?

Mr. MUÑOZ. No; he has no title.

Dr. CARROLL. Does it appear at all in the office of the register?

Mr. MUÑOZ. No.

Dr. CARROLL. Has the municipality been in the habit of appropriating money for the repairs of the church?

Mr. MUÑOZ. Yes; as can be proved by the minutes of the municipality.

Dr. CARROLL. Do the people of this municipality desire that this property should be confirmed to the church, under the laws of the United States?

(Several answered in chorus: "No; it should be held by the people.")

A VOICE. The cemetery, too.

Dr. CARROLL. You know that under the Constitution and laws of the United States church and state are entirely separate; and if the municipality were to continue to hold and manage church property, it might give rise to dissension. I presume you are all of one faith now, but in course of time it may be that there may be among you those who are not Catholics, and there might arise, therefore, strife and contention between the Catholics on the one hand and the non-Catholics on the other; and the non-Catholics might say, "If it is public property, we have a right to enjoy our share of it." Wouldn't it be better to have this question settled at once and have this property made over to the church, if you like?

A GENTLEMAN PRESENT. There are many here who are not Catholics, and they have contributed the same as others to build the church.

ANOTHER GENTLEMAN. This question can not be settled in such an offhand way; the comparatively small number of persons at this hearing can not be presumed to represent the majority opinion in the town.

Dr. CARROLL. That is true; but I want to get an idea of the public opinion, and I am asking these questions in every place I go. In most places they say they are willing to have the property transferred to the church. It may be, in some cases, that the people would like to have something paid by the church for the church property.

A GENTLEMAN PRESENT. At present the great majority of the people are Catholics.

ANOTHER GENTLEMAN. You have to take into account that the Catholic religion was a religion by force. It was not permitted not to be a Catholic, and there were a great many people who were Catholics who are now freethinkers; there are a great many freethinkers here and a great many Free Masons also.

Mr. PLANELLAS. This is a matter in which there has been a mistaken view taken; the subject is not one of belief, but one of right. The church was built for Catholic rites, and it must belong to the priests.

Mr. LUIS MUÑOZ MORALES. I agree with Mr. Planellas that the church was built for the Catholic clergy and should be turned over to the clergy, but I think that hereafter only Catholics should be taxed for its repairs; to-day all are taxed.

Dr. CARROLL. I am clearly of the opinion that the municipality ought not to pay for repairs to the church unless it charges rental for the church. If church property is to be enjoyed exclusively by the church, then let the church pay for repairs. I find in nearly all the

municipalities which I have visited that they have stopped that appropriation; they no longer make an appropriation for the repairs of the church.

Mayor MUÑOZ. The same is true here.

Dr. CARROLL. How is it about the cemetery?

Mayor MUÑOZ. We have made a claim that the cemetery should be continued as municipal property.

Dr. CARROLL. In other words, you desire to have the cemetery secularized, so that everybody can be buried in it without regard to what religion he may have professed?

Mayor MUÑOZ. Yes.

A GENTLEMAN PRESENT. With the cemetery the question is different. It was built with municipal funds, representing the people, whereas the church was built by funds representing the Catholics.

Dr. CARROLL. Are persons of different faiths buried in the cemetery at present?

Mayor MUÑOZ. Yes; we have a small plot in the cemetery for people who die out of the Catholic faith.

Dr. CARROLL. Is it within the walls of the cemetery?

Mayor MUÑOZ. Yes.

Dr. CARROLL. In San Juan, it is said, a great deal of complaint has been made because non-Catholics are buried outside the walls of the cemetery.

A GENTLEMAN PRESENT. How about the tower, if the church is turned over to the church?

Dr. CARROLL. Was it dedicated with the church?

A GENTLEMAN PRESENT. As the priests bless everything, I don't know.

Mayor MUÑOZ. I wish to call attention to the fact that we had a shutter made to keep the rains from injuring the clock, and the parish priest has refused to let us put it up.

Dr. CARROLL. Then, evidently the parish priest considers that the tower belongs to the building and the building to the church, and not to the city.

Mayor MUÑOZ. Yes.

Dr. CARROLL. Well, I rather think the claim of the priest is good; that is, at common law. I don't know how it would be under Spanish law.

A LAWYER PRESENT. It is the same under the Spanish law.

Dr. CARROLL. How about the parish house?

Mayor MUÑOZ. The priests also claim that that is theirs.

Dr. CARROLL. How was it built?

Mayor MUÑOZ. With municipal funds.

Dr. CARROLL. Not by voluntary contribution?

Mayor MUÑOZ. No; we have a document here which shows that it was bought outright with municipal funds.

Dr. CARROLL. Are you charging any rent for it?

Mayor MUÑOZ. No.

Dr. CARROLL. Who keeps it in repair?

Mayor MUÑOZ. I don't think it has ever needed any repairs; the priests have never asked for any.

Dr. CARROLL. Is the property inscribed in the records?

Mayor MUÑOZ. The municipality has no property inscribed.

Dr. CARROLL. What disposition is it proposed to make of that property—to sell it to the church?

Mayor MUÑOZ. The town generally wishes a school to be constructed there.

Dr. CARROLL. Was that building ever consecrated?

Mayor MUÑOZ. No.

Dr. CARROLL. I think, without doubt, it is the property of the municipality.

A GENTLEMAN PRESENT. There exists a note in the minutes that the municipality acquired the house for the purpose of allowing the priest to live there, and the house has always been known as the parochial house.

ANOTHER GENTLEMAN. You must also consider that the town has been a Catholic town by force.

Dr. CARROLL. I would like an explanation of just how the funds were raised for the church?

Mr. LUIS MUÑOZ (a lawyer and notary). Toward the end of the last century the church was constructed with funds raised by public subscription and gifts of materials. The tower was built in the same way—not by municipal funds. I think, as I said before, the church property should be turned over to the church, and the tower, as forming a part of the church, should go, too, with the building itself. The parish house was also built by subscription. Once there was some question about it, and the city tried to obtain rent for it from the priest, but private influence intervened and the rent was not paid.

Dr. CARROLL. It was stated here that the house was bought outright with funds from the municipal treasury, and not by subscription.

Mayor MANUEL MUÑOZ. The house was bought with municipal funds.

Dr. CARROLL (to Mr. Luis Muñoz). Do you agree with the mayor?

Mr. LUIS MUÑOZ. Yes; I accept the correction. In that case the municipality can retain the property as its property and resolve later what it will do with it.

CHURCH PROPERTY IN PONCE.

[Hearing before the United States Commissioner.]

PONCE, P. R., *March 2, 1899.*

Mr. LUIS PORRATA DORIA, mayor of Ponce:

Dr. CARROLL. One important question that must arise here under the Constitution of the United States, which requires separation of church and state, is that of church property. I want to get all the light I can on that subject, so as to be able to solve the question. These churches were doubtless built for Catholic worship. This is the only place in the island, I find, where church property is registered as municipal property. I had supposed that the best way to solve this question was to have the church property turned over to the Catholics for occupancy and use. Would that, in your judgment, be the best method in order to prevent strife in the future, when the municipalities come to have bodies divided in faith, between Catholic and non-Catholic, and when the non-Catholics may say they have as good right to use the churches as the Catholics? Would it or would it not be well to remove all contention and strife in the future by turning over to the Catholic Church the churches in the island, thus making the property Catholic property?

Mr. DORIA. I will say in the first place that I favor the absolute separation of church and state. The actual building is the exclusive property of the city of Ponce, and it has absolute right to require that it be handed over to the municipality to do with it as it likes. For

that reason the municipality has had it inscribed; but to-day we have to meet the tenth clause of the treaty of peace, in which the United States binds itself to recognize the church and church property, and the Catholics to-day advance the theory that everything that has been consecrated by the church is church property. Certain members of the council have already tried to bring the matter up, but I have put it aside so as not to give rise to dispute and trouble at present. If it had not been for the treaty, my first desire and wish would have been to remove the church from where it is and with its materials pave the streets of Ponce, and that Catholics who desire to have a church of their own should build one for that purpose. The municipality might give them a site on which to build it, or they could find their own site. I, as alcalde and president of the council, finding the church registered as municipal property, will not hand it over to anybody.

Dr. CARROLL. Perhaps the council might vote to transfer it.

Mr. DORIA. That is a matter for them. As regards the cemetery, we are in the same situation. I have found the solution to that question. I have charged the architect to find a site for a new cemetery, and will close the old one as being unhealthy.

Dr. CARROLL. The municipality has the right to engage in the cemetery business, but not in the church business.

Mr. DORIA. The church is claiming that the cemetery is theirs because they threw a little holy water on it. They have no right to the one or the other.

Dr. CARROLL. If you construct a new cemetery, then, I suppose you would not have it consecrated?

Mr. DORIA. No; for if they threw holy water on it they would claim that, too.

Dr. CARROLL. They might consecrate Catholic graves; that would be all right.

Mr. DORIA. If anybody wants a grave consecrated, let him have it consecrated. If I have to give the church up, the land on which it stands belongs to the municipality and the church will have to take the building somewhere else. I am not hostile to the church, because it baptized me—not with my permission, it is true, but it did baptize me nevertheless. The church is an eyesore to the town.

Dr. CARROLL. Is there more than one church here?

Mr. ROSICH. There is one Catholic and one Protestant church. There are two chapels, one in the beggars' asylum and one in the Tricoche Hospital, in both of which they have a daily mass.

Dr. CARROLL. Does the church dispute the title of the municipality to the church?

Mr. ROSICH. Not at present, because it is registered.

Dr. CARROLL. What is the purpose of the municipality with reference to that church? Is it to continue to own it?

Mr. ROSICH. We have not taken any action on that. We allow the church to use it free of rent.

Dr. CARROLL. Who pays for the repairs?

Mr. ROSICH. Before the municipality paid half and the state paid half, but to-day nobody pays for it. I think the municipality has a perfect right to say that the church must get out or pay rent.

Dr. CARROLL. I have understood from lawyers in San Juan that under the concordat of the Pope with Spain church property could not be inscribed.

Mr. ROSICH. The property of the municipality in this instance is clearly founded, and not like that in other towns where there were donations.

Dr. CARROLL. Was it built with funds of the municipality?

Mr. ROSICH. I don't know.

The SECRETARY. The church is not registered. They have a document in the registrar's office awaiting registry, and they have sent us these bills for the cost of the registration. We sent these bills to the central government, and the authorities there relieved the municipality from the necessity of paying the registration fee. The registrar has never refused to register the property. These six amounts stated here are for the Catholic cemetery in the playa, the Catholic Church, the Tricoche Hospital, the civil hospital, and the Protestant cemetery. The amounts are \$379, \$598, \$156, \$81, \$13, and \$4.

Mr. ROSICH. The order came from General Henry allowing us to have this property registered without paying for the registration.

Dr. CARROLL. When was the church built?

Mr. ROSICH. It is a little difficult to say, because the church is a very old one, and here in Porto Rico they used to build the church first and the town afterwards. I think it was built about the first of this century.

Dr. CARROLL. I suppose you have an expediente stating how it was built?

Mr. ROSICH. No; there is none.

Dr. CARROLL. It is a matter, then, simply of tradition how it was built?

Mr. ROSICH. Yes.

(The secretary produced a paper, which the commissioner examined. It proved to be an order from the secretary of government stating that according to General Henry's order the municipality need not pay the registration fee.)

Mr. ROSICH. According to this the property must have been registered already, as I had supposed it was.

Dr. CARROLL. Is the cemetery controlled entirely by the city?

Mr. ROSICH. In secular matters it is, but not in spiritual matters. That is to say, the priest can say who is to be buried there, and the municipality digs the graves and rents niches; but the priest has the right to refuse burial in the cemetery. If the priest does not turn up to object, however, they bury them there anyway. In the playa there is no priest, and they bury anyone in the cemetery there.

Dr. CARROLL. I understand that non-Catholics have been buried in the consecrated cemetery. Several years ago there was an Englishman buried here under the auspices of the British consul, in accordance with an order from the Governor-General.

Mr. ROSICH. Yes; he was an English doctor.

Dr. CARROLL. What is the wish of the people here regarding the cemetery? Do they wish to have it secularized or are they satisfied to have a division between Protestants and Catholics in burial matters?

Mr. ROSICH. I don't presume to interpret the opinion of the town, but the present burial ground has been denounced by the health department, the military and the civil, and I think the proper thing would be to build a necropolis outside of the town and bury persons there without respect to religion.

Dr. CARROLL. And let the Catholics have their graves consecrated, instead of the whole cemetery?

Mr. ROSICH. Even separating a portion of ground for them, if they like.

Dr. CARROLL. The dead would not fight over it, whatever you do.

Mr. ROSICH. Mentally balanced men don't believe that the quarrels of life go beyond the grave.

CHURCH AND STATE.

[Hearing before the United States Commissioner.]

PONCE, P. R., *March 4, 1899.*

Dr. VIDAL. I understand that at present with regard to religion we are under the American law, permitting everybody to worship as he likes, but not giving to anybody the right to give public evidence of his religion. Nevertheless, religious processions are held in the city, and soon we will be at the end of Lent and the plaza will be crowded with people. It makes a tremendous propaganda for a certain religion at the expense of others. The public plaza is reserved exclusively for the use of the clergy on that occasion, and no carriages are allowed to pass.

Dr. CARROLL. What do they do there?

Mr. CORTADO. They conduct services in their church and require the greatest silence, and the whole object of this is to be able to collect charities for the Catholic Church.

Dr. CARROLL. Do you mean on Good Friday and Easter?

Dr. VIDAL. The whole of holy week. Many times during feast days the troops occupied the plaza to allow the free passage of the religious processions. I am neither one thing nor the other. I am a freethinker.

Dr. CARROLL. I would like to ask, for my own information, what a freethinker is?

Dr. VIDAL. I believe only in the religion of science, the religion which explains scientifically the creation of man.

Dr. CARROLL. Do you believe in the existence of God?

Dr. VIDAL. According to what you call God. If by God you mean the universe, yes.

Dr. CARROLL. Do you believe in the Scriptures as a revelation?

Dr. VIDAL. Absolutely not.

Dr. CARROLL. Then a freethinker in Porto Rico means about the same as a freethinker in the United States. Are there many freethinkers in Porto Rico?

Dr. VIDAL. All men that have studied at all are freethinkers, and most of the doctors studied in France and got their ideas there.

CHURCH PROPERTY IN YAUCO.

[Hearing before the United States Commissioner.]

YAUCO, P. R., *March 6, 1899.*

Mr. TORRES and others:

Dr. CARROLL. Is the church looked upon as belonging to the municipality or to the church?

Mr. TORRES. As belonging to the city; but we do not know what is going to be done about it.

Dr. CARROLL. When was it built?

Mr. TORRES. In the year 1851.

Dr. CARROLL. From what funds?

Mr. TORRES. The old church had \$6,000, and the balance of \$3,000 was obtained by a special tax imposed through the municipality.

Dr. CARROLL. Was that in the nature of a tax or of a public subscription?

Mr. TORRES. It was an enforced contribution. The people were taxed and compelled to pay their proportion of the \$3,000.

Dr. CARROLL. Then the municipality has an interest of about \$3,000 in the present property. Would the town probably be willing to transfer the church property to the church, to be held and used by the church exclusively?

Mr. TORRES. The people would not mind doing so if they were given some recompense.

Dr. CARROLL. Would you expect to have the \$3,000 returned to you?

Mr. TORRES. I think it would be necessary to consult everybody first.

Mr. CIANCHINI. I believe the town would grant it for nothing. The neighborhood is Catholic, and I think there would be no opposition.

Mr. TORRES. That is not my opinion in the matter.

Dr. CARROLL. What about the cemetery? Is that also claimed by the church?

Mr. TORRES. There are two cemeteries here—one exclusively for the burial of Catholics and the civil cemetery for other persons. They both belong to the municipality; the people paid for them.

Dr. CARROLL. Where is the civil cemetery situated? Is it a part of the other cemetery, or is it distinct from it?

Mr. TORRES. They are divided by a wall.

Dr. CARROLL. Is it equally eligible with the Catholic cemetery?

Mr. TORRES. The Catholic cemetery is larger. Each has a separate entrance.

Dr. CARROLL. At San Juan a great deal of complaint has been made because of the provision made there for the burial of non-Catholics. The non-Catholic part is outside of the wall, next to the sea, and is not a nice place for burial at all.

Mr. FRANCIS MEJIA (ex-mayor of Yauco). A great many of the municipalities have asked for the secularization of the cemeteries, and a general order was issued saying that the clergy had to intervene. This municipality has written to the government, asking to be relieved of the necessity of attending to the repairs and cleansing of the cemetery.

Dr. CARROLL. Have you had any answer to that?

Mr. MEJIA. Not yet.

Dr. CARROLL. The usual procedure, I believe, is for the municipality to issue the permit of burial, and then, in the case of a Catholic burial, that is indorsed on the back by the cure.

Mr. MEJIA. That is the procedure here.

INSCRIPTION OF CHURCH PROPERTY.

[Correspondence between the registrar of Ponce and the secretary of justice.]

To the SECRETARY OF JUSTICE.

HONORED SIR: I beg to submit to you the following matter in consultation. Your decision, to a certain extent, will be equivalent to an alteration of the existing law, which, apparently, should have no place in current procedure.

The ayuntamiento of this city asks for the inscription of the parish churches and cemeteries of the town and playa (port), as being their property.

Paragraph 2 of article 25 of Hypothecary Procedure (Reglamento Hipotecario) prohibits the inscription of Catholic churches.

I am thereby placed in a difficult position. The aforesaid prohibition was originated by the constitutional rights granted by Spain to the Catholic religion. That right being now abrogated and replaced implicitly in this island by the constitutional rights of the Republic, which grants freedom of worship, I, as registrar, am of the opinion that the Catholic churches, in merely civil relations, have been divested of their special character and can be granted inscription in the registry, as can the cemeteries. I do not, however, feel authorized to put my opinion into practice without first submitting the matter to your superior knowledge.

JOSE SASTRAÑO BELAVAL,
Registrar of Property.

PONCE, P. R., *April 8, 1899.*

The REGISTRAR OF PROPERTY, *Ponce:*

SIR: I am of the same opinion as yourself respecting the matter referred to above.

There is no doubt that churches dedicated to Catholic worship are subject to inscription, such as article 2 of the hypothecary law determines, notwithstanding the prohibition established in article 25, paragraph 2, of the rules of procedure you mention.

Where a state religion (such as existed in Rome and which gave rise to the precept in question) exists, churches dedicated to the official creed (*res sacrae*) can not be made the subject of a contract, being understood to be "*extra commercium*." Therefore, not being subject to contract, they are not subject to registry.

Spanish legislation accepted the principle of Romanism and its necessary consequences, excluding Catholic churches from things subject to registry. The paragraph quoted is a logical confirmation of Article II of the Spanish constitution, which declares the Roman Catholic to be the religion of the State.

But the Constitution of the United States forbids the establishment of any state religion, causing, therefore, those churches to lose their legal condition of "*res divini juris*," and allowing of their inscription, as well as that of churches of any other denomination. You can therefore proceed to inscribe them, following the procedure prescribed in article 26 of the aforementioned regulations.

H. DIAZ NAVARRO,
Secretary of Justice.

PORTO RICO, *May 12, 1899.*

CHURCH AND STATE UNDER AMERICAN RULE.

OPINION OF THE SECRETARY OF JUSTICE.

Honorable BRIGADIER-GENERAL,
Commander in Chief of the Department.

SIR: I have the honor of reporting on the petition of Señor Perpiñá, capitular vicar and head of the Catholic Church in this island.

This gentleman bases his request on General Orders, No. 1, series 1898, which says: "Provincial and municipal laws in so far as affect.

ing the determination of private rights of individuals or property, shall be maintained in force when not incompatible with the change of conditions brought about in Porto Rico, in which case they can be suspended by the governor of the department;" and, on Article VIII of the Paris treaty of peace, which declares that the cession of Porto Rico by Spain to the United States shall in no way prejudice the title or rights attributed by custom or law to the peaceful possessors of every class of property in the provinces, cities, public and private establishments, civil or ecclesiastical corporations, or any other corporate body which had the legal standing necessary to acquire such property or rights.

Both these dispositions are founded on a principle of international law subscribed to by all nations, accepted by the English and American courts, and explained and sustained by the famous author, Marshall, with remarkable clearness.

The principle is the following: When a territory is occupied by virtue of cession or conquest, the laws governing private interests shall continue in force, but, on the substitution of the sovereignty of the conquered nation by that of the conqueror, the political laws governing the sovereignty of the former shall ipse facto give place to the laws governing the sovereignty of the latter.

In Porto Rico the official character and remuneration of the functionaries of the Catholic religion as employees of the states is founded on article 11 of the Spanish political constitution, declaring that faith to be the religion of the Kingdom.

This principle gave rise to the concordat between the Spanish Government and Rome, and necessarily made provision for the salaries of the clergy through the budget law, itself a law of public or political character.

By virtue of that principle of international law previously quoted, and as the Constitution of the United States does not admit of employees for purposes of religion, those dispositions were all virtually derogated from the moment that the American flag floated over this island.

It is quite evident, therefore, that General Brooke, on issuing General Orders, No. 1, and the Paris Commission, on drawing up Article VIII of the peace treaty, in no wise intended to give them the scope which Señor Perpiñá's interpretation of them supposes.

Neither General Brooke nor the Peace Commissioners could have had the intention of establishing principles contrary to the American Constitution. Their declarations that vested interests should be respected can only refer to purely civil or private interests.

Perhaps the argument might be advanced that as the United States Government has collected the income, the expenditure thereof should be for the object set forth in the budget.

This does not hold, as owing to the change of sovereignty the expenses of administration have been considerably reduced, the amount originally appropriated by the budget for the payment of the clergy having, together with the rest, suffered considerable reduction.

It must also be taken into consideration that as soon as the clergy were divested of their character of state officials, they were released from the obligations which they formerly were under to the state, which no longer exercises intervention in matters of clerical organization, discipline, or service.

The suppression of obligations carries with it the suppression of corresponding rights.

It is my opinion that the Catholic clergy are not entitled to receive official salary or emolument from the moment that the United States assumed sovereignty over the island.

Very respectfully,

HERMINIO DIAZ,
Secretary of Justice.

PORTO RICO, *June 1, 1899.*

CONDITION OF THE CHURCH.

STATEMENT OF MR. P. SANTISTEBAN Y CHARIVARRI, SPANISH MERCHANT.

SAN JUAN, P. R., *October 28, 1898.*

In this country the Roman Catholic religion predominates. Formerly the Catholic Church here was the owner of great wealth, which produced sufficient income to sustain its cult, to build religious edifices, endow charitable asylums, establish schools of instruction in the arts, establish gymnasiums, etc., for the poorest class of people. Since the Spanish Government took over all its wealth and in exchange paid the expenses of worship and the clergy, Catholic institutions have diminished and indifference and atheism have increased in proportion. This is prejudicial to healthy principles of morality, industry, and other qualities which should be the basis of the culture of the people.

The Spanish Government on relinquishing sovereignty over this island has left the church throughout the island without means of support and as the clergy to-day own no property which produces income, as they previously did, the greater portion of the interior towns will remain without priests and their inhabitants be exposed to the consequences of a country without religion to hold their consciences in check. Subscriptions and charity for the maintenance of religion in this country would not reach a sufficient amount during the first ten years to support the clergy, as want of habit of giving alms to God's temples makes this source of income a doubtful one.

RELIGIOUS LIBERTY.

STATEMENT OF MAYOR EUSTOQUIO TORRES.

GUAYANILLA, P. R., *November 7, 1898.*

It is evident that the Porto Rican people, perhaps in name, or perhaps as a consequence of Spanish dominion during which the church was part of the state, is essentially Catholic. For many it will perhaps be a matter of grave import that the new Government differs from the previous one on that point, and it may be the work of several years and much hard labor for missionaries of other faiths to uproot beliefs so long rooted and sustained by habit and tradition.

Nevertheless, I venture to assume that persons of the highest culture in the island—generally Free Thinkers—will receive with goodwill the principle of religious liberty which separation of church and state brings about. But to conciliate all opinions it would be well to allow those municipalities in which the majority of the parishioners vote to sustain the church from its municipal funds to do so, provided the majority of the governing body so votes also.

*LIBERTY OF WORSHIP.***STATEMENT OF ESCOLASTICO PEREZ.**CIDRA, P. R., *November 10, 1898.*

As in the United States, so in Porto Rico, liberty of worship and for everyone to search for and contribute to religion according to the dictates of his conscience.

*SEPARATION OF CHURCH AND STATE.***STATEMENT OF ANTONIO SANCHEZ RUIZ.**AGUADA, P. R., *November 12, 1898.*

Absolute separation of the church from the state. The Catholic religion may be conserved without failing in the respect, owing to other religions compatible with true Christianity, and which may guarantee liberty, equality, fraternity, work, and progress as symbolized by the stars of the American flag.

*SELF-SUPPORT FOR THE CHURCH.***STATEMENT OF MAYOR CELESTINO DOMINGUEZ.**GUAYAMA, P. R., *January, 1899.*

No person of any degree of education in this country, if asked his opinion on the matter, would deny the great advantages of a separation of church and state. The clerical power in every country in the world has been a drag on progress, and nobody ignores the fact that Spain owes her decadence to this. The nations at the head of civilization and progress to-day are those where liberty of conscience is permitted. In this island the clerical influence has been so powerful, so strong, and so oppressive that when the American troops arrived everyone thought that their influence would be destroyed, and rejoiced accordingly. The hunger for liberty was so great that the country has seen and will see with pleasure the disappearance of clerical influence, which has weighed on our intelligence and our feelings like a sheet of lead. It is necessary that the clergy be relegated to their churches if they have them, and that they live on what their congregations care to give them. They must not have any interference in cemeteries or marriages, and although we do not ask that they disappear from the country, which is Catholic, we do require that they play no other part than that filled by them in the United States.

*SUPPORT OF CHURCH BY MUNICIPALITIES.***STATEMENT OF JOSÉ M. ORTIZ.**MAUNABO, P. R., *February 24, 1899.*

(1) Absolute separation of church and state; liberty for municipalities to support the religion they choose, to the extent their means may permit; also that of dismissing ministers they are not in accord with.

(2) State not to be allowed to favor, directly or indirectly, any religion; nor to grant subventions to educational institutions directed by clergy, religious bodies, or members of mystic orders.

(3) Put an end to superstitions and religious fanaticism, without failing to respect real religious beliefs and worship.

THE CEMETERY IN SAN JUAN.

The cemetery of San Juan is situated at the base of Morro Castle, just outside the city wall, and is reached by a winding passage, under the wall, in the form of a tunnel. There are three divisions in the cemetery, two of which are reserved for Catholic burials, and the third, lying nearer to the sea, for the interment of non-Catholics. One of the Catholic portions of the cemetery, a comparatively recent addition, lies adjacent to the tunneled passage; the other is separated from this by a gate, and the Protestant division is reached by passing through a second gate in the stone wall inclosure, which extends along the entire sea front of the two Catholic divisions. In the newer Catholic portion graves and pantheons are sold outright, while in the other, with the exception of the burial corridor, in which niches may be sold in perpetuity for the interment of persons who have died from a contagious or infectious disease, graves and niches are rented according to a fixed tariff. Both the Catholic and the non-Catholic portions of the cemetery belong to the municipality.

Upon the death of a person, a permit of burial is obtained at the city hall, and the body is interred either in a grave or niche. At the expiration of five years of interment, a notice is sent to the personal representatives of the deceased calling their attention to the fact that that period has expired, and calling upon them for instructions as to their desires regarding the continued sepulture of the deceased. If the family do not buy a grave, or lease one, in response to that notice, the keeper of the cemetery is directed to remove the body and put it in the huesera, which, in San Juan, is a space about 10 feet square, in one corner of the cemetery, surrounded by a stone wall, without a roof. The bones consigned to the huesera are thrown into it in a heap, and when this is full, or it is deemed convenient to make room for more, a deep pit is dug in the cemetery and the contents of the huesera dumped into it. This practice of disinterment has been common throughout the island, and the keeper of the San Juan cemetery informed the commissioner that the ground had been used over and over again for sepulture, and that it was customary to take bodies out of unrented graves at the end of two years.

The following was the tariff in force for the economic year 1897-98 in San Juan:

For sale in perpetuity of graves for two bodies	\$200
For sale in perpetuity of each lot or family pantheon	300
For sale in perpetuity of a lot for one burial	150
For each niche of the burial gallery, in which a person who has died of an epidemic or contagious disease may be buried, the alienor losing all actions and rights	200
Rental for five years of each niche of the basement of the chapel	75
For each year's renewal of said rental	25
Rental for five years of each niche of the gallery	30
For each year's renewal of said rental	10
For each railing, with or without a tomb	10
For every tombstone over a grave, of whatever class	5

The municipal authorities informed the commissioner that the receipts from sales and rentals barely met the necessary expenses of maintaining the cemetery.

The tariff for sepulture in the cemetery at Ponce in force during the economic year 1896-97 was as follows:

For the sale of a niche.....	\$80
For the rent of a niche for five years.....	20
For ground sold for pantheons, per square meter.....	12

THE LAW AND CUSTOMS OF MARRIAGE.

AVOIDING MARRIAGE.

[Hearing before the United States Commissioner.]

UTUADO, P. R., *January 18, 1899.*

Dr. CARROLL. Is it not true that, while a great many live together in the marriage relation without having had any ceremony performed, they are generally true to each other and a man has one wife and a woman has one husband while they both live?

Mr. LUCAS AMADEO. It is very frequently the case that there are no ties of any kind, and the man goes his way and the woman goes her way and the children go their way. Very often a woman has children by several men, to none of whom she was married.

Dr. CARROLL. That is true even in the United States, without reference to marriage.

Mr. AMADEO. This country has broken away from the old restraining influences of religious bodies; morality has never been taught here, and the people have been without any restraining influences either of morality or of religion, and being without such influences the people have acquired habits of vice to which they were at one time strangers.

Dr. CARROLL. To what special reason was it due that the church ceased to exert its influence over the masses in that respect?

Mr. AMADEO. It is a product of the century. This century has been tending more and more to free thought in religious matters. In countries where the church has an iron grip on the people, and at the same time teaches them morality, the masses have not degenerated much, but in this country, where the church has to a large extent lost its grip because of the degeneracy of the times and because morality was never taught, the masses have degenerated. The movement started with the French Revolution.

Dr. CARROLL. But the church has never ceased its teachings respecting marriage. It has always, on the contrary, frowned on such relations as exist here between many of the people.

Mr. AMADEO. Fifteen or twenty years ago living in concubinage was punished by law and by the church; but as during the time since then the imported priests have been of the worst description, they have relaxed their attention in that direction, and the municipal government has taken no cognizance of it.

Dr. CARROLL. What punishments did municipal governments mete out for such offenses?

Mr. AMADEO. The church used to denounce persons living in that condition to the municipality, and the municipality used to oblige them to marry and legitimize their families.