

# El Defensor Cristiano

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MANUEL ANDÚJAR—Editor and Manager.

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## VENI, VIDI, VICI

Assistant Secretary of State Robert Bacon could well have cabled to Washington the famous words of Julius Caesar when he settled the case of Church Property in Puerto Rico. But the first emperor of Rome settled the matter himself with Pharnaces at Zela, while in the case of Mr. Bacon the matter had already been settled at Washington.

Uncle Sam has money, the Romish Church wants it, for with it she knows she can attain to her object: Power, and she is succeeding nicely in helping to relieve the Treasury of its load.

A cartoon published by *L'Asino*, July 5, 1908, and reproduced in the August number of our colleague "The Converted Catholic" is very appropriate just at this point. It is entitled: The Pope Grabbing Uncle Sam's Wealth and Power. It represents the Pope with large fingers spread over United States and hugging money and all to his bosom, and saying:

"As I see that in Europe the people have got their eyes opened, I will go to the United States, where I shall find Uncle Sam and his people fast asleep, and with plenty of money."

\$300,000 will soon change hands: \$180,000 will come out from the people of Puerto Rico and \$120,000 from the Federal Government at Washington; all will find its way into the coffers of Rome.

Mr. Bacon arrived here in the May Flower, on a special mission, on the 11th of August, and returned to the States, on the weekly mail steamer, the following day. He was 28 hours in the capita, and settled the matter satisfactorily to . . . the Church.

One of the strange things about it is that while the Church had not dared, I suppose, to begin suit against the Federal Government, this gives her \$120,000. How generous is Uncle Sam! But this is

in harmony with the policy of Mr. Taft, and Mr. Roosevelt, for it is only a short time ago when the amount recommended by the Philippine Commission to be paid the Romish Church for alleged damages to the church buildings in those islands during the war, was voluntarily and liberally increased by Mr. Taft, by about \$40,000, recommended to Congress, and all approved.

But we want to give our readers a detailed account of the *swift* settlement and a history of this so called Church Property, taking it from "The Times", one of the principal dailies of this capital. This is a historical event, and our readers should know the facts in the case.

"The fight between the Catholic Church of Porto Rico and the People of Porto Rico and the Federal Government over certain properties, which has been going on for many years and which has cost years of study and research and litigation took but a few hours to settle by the committee on arbitration composed of Assistant Secretary of State Robert Bacon and Major McIntyre, representing the United States, Attorney General Hoyt and Speaker José de Ojeda, representing the Insular Government and Bishop W. A. Jones and Attorney Juan Hernandez Lopez, representing the Roman Catholic Church.

The terms of the agreement which was signed by each of the representatives provide that the United States shall pay to the Church \$120,000 in order to relinquish all rights to the Santo Domingo convent which is now occupied by the Supreme Court of Porto Rico and the lot on which the infantry barracks stand.

The Insular Government will pay to the Church \$180,000 in three instalments, the first one being in the first fiscal year after the approval of this agreement by the Legislature, and cedes also the chapel and land adjoining the Boys Charity School and 62 acres of land situated in Santurce, in the barrio Cangrejos Arriba.

The Church in exchange for these considerations relinquish all claim to the San Francisco barracks where the Central High School and the printing office is situated and the lots on which the Insane Asylum and the City market stand.

The chapel which was returned by the Insular Government was won in the Supreme Court although the Church appealed the case to the United States Supreme Court. On the other hand, the Church won the property case here and the government had it on appeal in Washington. This was the status of the case before the settlement.

A peculiar phase of this arbitration is the Federal Government's settlement.

The two properties owned by the government were claimed by the Church but it never entered suit. In other words, the United States government pays \$120,000 for property which it has always owned, before the Church even formally started litigation.

From the time of the occupation, the Church has been working to establish its claims, though during the Spanish times, the question was never touched.

An effort was made at the legislative session of 1904 to secure the appointment of a legislative committee with power to hear and determine the differences between the people of Puerto Rico and the church. The legislature refused to provide for the appointment of the committee; but an act was passed at that same session by which jurisdiction was conferred on the Supreme court of Puerto Rico to hear and determine all of the points at issue between the church and the insular government, or any municipality of the island.

Not long after the act of the legislature conferring the special jurisdiction on the Supreme court was approved the Catholic Church instituted three suits in that court against the people of Porto Rico.

After the appeals were taken by the Insular Government and Catholic Church to Washington, the latter realizing that its position was not wholly favorable began using its influence to secure a settlement by obtaining legislative action.

Attorney Juan Hernandez López, who represented the Church, made overtures to certain members of the House of Delegates to have a committee appointed to adjust the differences. A resolution was introduced and the House passed it but when it reached the Executive Council, it was defeated by a vote of 6 to 5, the majority including five Americans and one Porto Rican.

The fact that the resolution was unanimously adopted in the House of Delegates which is assumed to be the direct representatives of the people and therefore its voice, was taken advantage of.

The point was presented in this light to President Roosevelt, contending that it would be advantageous to all concerned to settle the claims outside of court. The President seemed to take this view of the subject. He had all the documents brought to Washington and a study was made, after which he directed Assistant Secretary Bacon and Major McIntyre to come to Porto Rico and enter into some agreement.

An incident which has attracted attention is the fact that neither of the special attorneys Charles Hartzell or J. Rodriguez Serra were called in to

take part in the settlement. They are the ones who have been carrying the cases along for the last four years and yet they were not called in. Speaker de Diego was appointed by Governor Post, without being thoroughly familiar with the cases and Attorney General Hoyt has only been here about a year obtaining his knowledge by studying the cases and consulting the two lawyers.

The facts involved in the controversy between the church and the government are mostly of a historical nature and are very interesting.

It appears that in the year 1838 the Franciscan friars were in possession of what is now called the San Francisco Barracks, in San Juan, and a community of Dominican friars were occupying what is now known as the Santo Domingo Convent, in the same city. The properties had been occupied for many years by the two religious communities, who by common repute, were the owners of them; but in the year 1838 they were forcibly dispossessed of them by the Spanish authorities in Porto Rico, who claimed to act under the "disamortization" laws. An inventory was taken by the civil authorities of all the properties seized by them, including the San Francisco Barracks and the Santo Domingo Convent.

It is claimed by the church that the two religious communities owned the real estate in question, and that the Dominican friars also owned the lands upon which are situated the city market, insane asylum, and Ballaja Infantry Barracks under grants from Ponce de Leon the first governor of Porto Rico. No written evidence of these grants was submitted in the case; and so far as it has been able to ascertain none ever existed. But the church bases its title upon the fact that from time immemorial the properties were recognized by the public as belonging to the two religious communities and that they are mentioned in the inventories made at the time of the dispossession of the friars. These facts, the church asserts are sufficient to warrant the presumption of the existence of grants from the government to the religious communities. On behalf of the people of Porto Rico it is denied that the title was in possession of the friars at the time of their dispossession.

It is contended on behalf of the people of Porto Rico that the dispossession of the friars was an act of the duly constituted authorities, who acted under the sanction of law; that it took place under the laws of disamortization, which directed the seizure of the properties of the religious orders. This claim of the insular government is denied by the church, which also denies

that the laws of disamortization were applicable to Porto Rico or that they had been extended to it.

The properties in question have been in the continuous, undisturbed possession of the civil authorities since the year 1838. There is no evidence in the records that the religious orders or the church ever made any demand on the Spanish authorities in the Peninsula or in Porto Rico for the property. Nothing seems to have been done until after the change of sovereignty, when the church presented its claims to the authorities at Washington.

In the year 1851 an agreement was entered into between His Holiness the Pope and the Crown of Spain in respect to the properties of which the church and its religious orders had been dispossessed under the laws of disamortization. This agreement is known as the "concordat of 1851," and was supplemented by another in the year 1859. By the terms of these two concordats it is provided that the properties that were taken by the Spanish authorities from the religious communities under the disamortization laws and not alienated by the government should revert back to the religious communities; but inasmuch as it was not expedient to return the possession of the properties to the communities, it was agreed that they should remain with the government, and in lieu of their return the communities were to receive intransmissible bonds of the public debt of Spain, bearing interest at 3 per cent, the capital and interest of the bonds to be distributed among the religious communities in proportion to their needs and circumstances. It is claimed by the church that the concordats extended to the Spanish possessions in America as well as to the Peninsula, and in support of this contention the royal decree of 1852, issued by Queen Isabella II of Spain to the authorities in Cuba, is referred to. That decree declared that the concordats were applicable to Cuba and it was thereby ordered that the properties of which the religious orders had been dispossessed be sold and the proceeds thereof applied to the use and benefit of the religious orders in Cuba.

The insular government denies that the concordats applied to Porto Rico, or were ever extended to the island, and claims that the very royal decree issued by Queen Isabella II to the Cuban authorities demonstrates their inapplicability to the Spanish possessions in America; for in that decree the Queen declared that the provision of the concordats relating to intransmissible bonds of the public debt of Spain, which were to be delivered to the religious communities, was inapplicable to Cuba by reason of the fact that bonds of the

public debt of Spain could not be issued in exchange for properties in the Spanish possessions in America under the terms of the law as it then existed. And it was asserted by the insular government that if a provision of so much importance was not applicable it could not be said that any part of the concordats was made extensive to those possessions. The insular government also supports its contention that the concordats were not applicable to Porto Rico on the ground that since the year 1838 the civil authorities have been in uninterrupted possession of the properties in question, and that no evidence of a protest of any kind on the part of the church to the Spanish authorities was shown at the trial.

The people of Porto Rico also claim the property under the statute of limitation of thirty years. The plea of the statute of limitation is denied by the church on the ground that the latter could not have instituted any suit against the Spanish authorities to recover the properties because by the terms of the concordats the religious communities could insist on the bonds being issued to them and nothing else."

#### MISSION FIELD NOTES

By SUP. HAYWOOD.

Pastor Cruz Torres seems to be successfully meeting emergencies in his suburban pastorate and particularly at Puerta de Tierra the work is most encouraging. On the occasion of our quarterly meeting Aug. 9-14, the house was filled with many standing on the balcony and the most respectful and reverent attention given the entire service. Exhorter Angel Rodriguez is faithful to duty and directs the Martin Peña end of the circuit. The quarterly conference reports show an increased attendance in the two Sunday schools tho' a slight decrease in the enrollment. 10 candidates, 5 on probation, 4 from probation and 2 by certificates increase the membership roll of the Church. Children's Day observance not only gave a successful entertainment with enthusiastic attendance but an offering of \$3. for education. \$20 has been raised on self support during the quarter. Bro. Torres is his own organist and is rapidly developing his musical gifts. An unusual degree of sickness now obtains on the circuit.

*A Quarterly Conference three hours long.*

Was held at Utuado Aug. 17 and not a dull or unoccupied minute experienced. Twenty-five preaching places gave reports through five preachers—one of whom (Justo P. Santana) profitably