HISTORY OF THE SOCIETY OF JESUS IN NORTH AMERICA

COLONIAL AND FEDERAL

HISTORY

OF

THE SOCIETY OF JESUS

IN

NORTH AMERICA

COLONIAL AND FEDERAL

BY

THOMAS HUGHES

OF THE SAME SOCIETY

DOCUMENTS

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PREFACE

With this volume we close our present contributions to the fund of printed documents for the History of the Society of Jesus in North America; and we return to finish the narrative text.

As the Preface introducing the preceding Part was meant for the entire volume, we need do little more here than refer to it; merely adding, with regard to the contents of this second Part, that the documents of half a century, from the pens of contemporaries and actors, are a contribution to historical records not less important than the complete body of history to be framed thereupon, and that their significance is enhanced by the circumstances of time and place to which they belong. The time was when the beginnings of so many modern things were moulding themselves into shape; and the place was a republic developing rapidly into the imperial proportions which it has since assumed.

The founder of the American Catholic hierarchy is seen here under a varied light never before shed on the person, character, and work of Dr. John Carroll. As he writes and talks or is talked about, while he is commended or criticized, his character, vital and moving, stands out in relief with many traits of the substantial virtues which adorned it, and with some shadows thrown upon it, as a necessary consequence of contact with other men in the fitful changes of negotiation and business. The uncertain and tentative interpretation of time and circumstance belonging to a formative period was not without its effect on the application of principles adhered to by himself, or on his criticism of principles adopted by others. A glance at the range of subjects registered under his name in the Index will show the field of his activity in thought and action as exhibited in this Part. Most of the elements, no doubt, have reference to the Society of Jesus. But their bearing in general is much wider.

The system which has been followed of combining in Numbers or

treatises all matter of a somewhat kindred nature, each of such subordinate members postulating a beginning, middle, and end of its own, has entailed an amount of labour altogether out of proportion with the mere sum of documents, however ample that may be. The series advances, not by mere sequence of dates, but by many relations of affinity, which are either explained by connecting commentaries and notes, or are at least indicated by cross-references. This system has been no bar to unity; and it has yielded a distinct gain in variety. It may perhaps merit a commendation which has been passed on the first Part, that a work, nominally of documents, can be read "quite as an independent book."

To mention some of the integral portions which form the body of this Part, we may point out the following: the period of Carroll's career, when he was an ex-Jesuit among other ex-Jesuits in America, and acted as Prefect Apostolic; [1] *the foundation of the See of Baltimore in his person, and the temporalities expended on that See by the Society to which he had belonged;* [2] *the restoration of the Society of Jesus, with the difficulties attendant till the canonical re-establishment was fairly accomplished;* [3] *the co-operation of Carroll with some boards of business management;* [4] *the origin and progress of a certain "synodal article," which may be seen recorded in the Acts of Provincial Councils;* [5] *the manner in which the Maryland Jesuits failed to escape some untoward results of controversy, because they did not conform to the principles and policy of the General;* [6] *the parallel movement of literary and ecclesiastical education at the commencement of the modern era;* [7] *the historical reconstruction of a character, sketched for purposes of no trivial import in documents submitted to the Propaganda;* [8] *the action of a State Government in granting the demand of Catholic ecclesiastics for corporate recognition;* [9] *the doctrinal difficulties which were occasioned by the unreligious character of the Federal Constitution, and which seem to have unsettled, even with competent divines, the conception of ecclesiastical right in the tenure of property.*[10] *In our modern habits of thought, the last two points have lost all trace of their original obscurity or difficulty, since the experience of a century has*

[1] Section IV.
[2] Nos. 160; 217, pp. 1129–1131.
[3] Sections IV., V., *especially* No. 178.
[4] Nos. 175–179.
[5] Nos. 192, 193.
[6] Page 1030; Nos. 211, 212, 218, 219.
[7] Nos. 170, 174, 175.
[8] Nos. 161, 162.
[9] Nos. 164–169.
[10] No. 197.

fixed the delimitation and definition of old ideas in a new political world.

The main thread on which the series of documents is strung may rightly appear to be of much less consequence than many a precious bead strung upon it. That thread, as was explained sufficiently in the Preface to the first Part, is a controversy running through the whole. The printing of briefs by its promoters, the distribution of documents in many archives, and the publication of statements, have forced upon the notice of history the fact, the character, and the conduct of that controversy. A duty of revision has been imposed with a necessity somewhat more imperious than one of the actors pleaded at a certain stage: Dura igitur mihi incumbit necessitas aperto ore dicere veritatem.[11] *Another duty imposed has been that of a candour in criticism much less equivocal than what is implied elsewhere:* Ce n'est pas en vérité sans une sorte de honte que j'ai répondu à ces arguties scholastiques.[12] *If the interests of history are to be served, or the course of error stemmed, we may not ignore what we do not like, nor need we blush at old sheets which blush not, nor are we at liberty to retire with the instinct of self-preservation from facing that which we fear.*

A cursory glance at a chance document which seems to be grave and important might, if the control of other papers be overlooked, give rise to impressions entirely at variance with the truth. On the value of isolated papers, where unconscious ignorance or interested indolence supersedes a critical judgment, we have formulated our critico-ethical views in an Epilogue at the end of this Part.[13]

On the other hand, such a cursory glance at some document seemingly unimportant may have occasioned the notion, which some one has expressed with respect to the previous Part, that in such a comprehensive publication there must necessarily be "swept in things of little value." We consider, however, that, to be of little value, things should have to be gathered in as mere fragments; but that, if they are parts of a whole, they may be of little value, or they may not be. No mosaic was ever laid, nor any palace ever built, save with the help of little things, such as glasses, bricks, stones; which, taken by themselves, are of little value, or of none. But, put in their places, they give expression to the design, or form and solidity to the house; and so are of great value. Nor are they "swept in," when their place calls for them, and they are put in their place.

[11] Part I. p. 427. [12] *Ibid.*, p. 473.

[13] Pages 1157-1159.

As to the relevancy nowadays of many an incident, or of circumstances which gave occasion to many a document, the fugitive nature of the occasion or the event detracts not in the least from the value of documents which found their origin there. It was a concern of the writers, if they took slight occasions to pen papers of no light significance; just as it is an affair of the reader to discern, in the particular joints and members which make up the structure of history, what is the extent of the bearings on Church, State, hierarchical orders, modes of procedure, and the rectification of traditional notions. In any case, history is not a question of nowadays, as if the past should be present, or else some journalistic interest is not aroused; its interest is that of shedding light on the present from the past, recording good deeds, and obviating the repetition of errors.

The origin and sources of all these documents having been amply explained in the general Introduction prefixed to the first volume of Text, there is nothing special to add. Everything was obtained where the citations indicate. If depositories were private, they were used only after express permission had been received in writing, and that in answer to an express request for such use in the service of a History to be published on the Society of Jesus in North America. In illustration of this point, we mention the written permissions received for consulting the Baltimore Diocesan Archives, which were then used somewhat slightly for purposes of verification, and for a similar reference to the Westminster Diocesan Archives, which, failing to meet the needs of verification, nevertheless furnished some new matter.

We take pleasure in making our sincere acknowledgments for the revision and self-sacrificing labour bestowed on these two Parts by a most competent critic in America, who, while withholding his judgment as to the matter produced, has extended his approbation to the critical form of the documents edited.

An Index to the two Parts is appended at the end of this.

THE AUTHOR.

Rome,
Collegio P. L. Americano,
December 8, 1909.

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Allusion has been made above to an organization set on foot, after the Suppression of the Society. Its object was to save the property from dissipation and malversation, keeping it for religious purposes, and restoring it to the Society when the Order should be restored. The origin and progress of this plan and its execution, with reference to the Societas resurrectura—the juridical rights or canonical equity involved, as well as the final accomplishment of the purpose—will determine the order of documents in the following Sections. While the series presented are intended to be complete and exhaustive without needless repetitions, the body of history developed and many elements which do not belong to the property question are reserved for their own volume of Text.

No. 141. **1773.**

The fact and form of Suppression, 1773. *In 1773 the Society of Jesus was formally suppressed by Pope Clement XIV. The brief was officially communicated to Bishop Challoner, who then had charge of North America as well as of the London district, England. Directions were given him with regard to taking over the Jesuit property. Dr. Challoner received accounts on this head from Father Thomas Talbot, last procurator of the Society in London, and from Father Thomas More, last Provincial of the old Society in England. The steps, which Challoner (infra,* C, D*) declared to the Propaganda ought to be taken with regard to this English property, applied perfectly to America. His measures were absolutely negative, in the sense of leaving all things as they stood. Thirteen years later (1786), at the second meeting of the Maryland Chapter of ex-Jesuits, a retrospective view was taken of the policy*

which had been followed by ecclesiastical authorities at the earlier date. The reason for this review was the question which then had arisen, whether the property of the Society suppressed might be employed in part for the establishment of Georgetown College.

We give some official documents of 1773, and then an extract from the Maryland document of 1786, reviewing the antecedent course of events.

A. 1773, August 25.

Joseph M. Card. Castelli, Prefect of the Propaganda, Stephen Borgia, Secretary, Rome, 25 Aug., 1773, to Bishop Challoner, Vicar Apostolic of the London district. Directions as to secularizing and employing the ex-Jesuits.

Giving orders relative to the members of the late Institute, . . . ut eos ad statum Presbyteri saecularis illico amplectendum compellas. Quo tamen id possis commodius perficere, S. haec Congregatio quasdam proposuit rationes et media, quae Summus Pontifex benigne probavit, ut patet ex adjuncto epistolio. 1. *If the members of the late Society submit fully and sincerely, they may be left in the places where they are.* 2. *Ways indicated of obtaining the signatures to the declaration of submission,* cujus postea documentum authentice factum atque signatum ad nos mittet, una cum rei totius gestae relatione. . . . Quae omnia et singula haec pro Angliae Regno statuta et declarata ad colonias etiam Americanas, quae tuo subsunt regimini atque jurisdictioni, extendit. Atque hic Deum precor ut Amplitudinem Tuam diu sospitem atque incolumen servet. . . .

In three successive weeks, we have three very pertinent letters of Dr. Challoner either to the Propaganda direct, or for the same Congregation through his agent. The first contains a statement relative to the Jesuits in America, which contrasts strangely with the subject of the other two. The letter of 10 Sept., 1773, states that the American Jesuits are edifying missionaries, a commendation which he proceeds to withhold from other priests at that time in the West Indian islands. His two next letters, those of 17 and 24 Sept., proceed to treat of suppressing these edifying missionaries along with their brethren in England. As a literary curiosity we shall give the one pertinent sentence of the first in the elliptical style of writing, used by Challoner in his drafts.

B. 1773, September 10.

Challoner, London, 10 Sept., 1773, to the Propaganda.

. . . Illd solmmdo de statu rlgois Cath. in illis rgioib^{9} ex aliorum relatione didcm^{9} qd in Amrcae sptntrionalis provinc Marlndia et Penslv.

Cathorum mlta sunt mllia sb 16 ccrtr miss^{riis} Jts. qi suarū gregū morb^{o} bonum praebn exmlū sd [?] ab Epo illuc admttndo [?] abhrent [?][1] . . .

The letters of the next two weeks we take from an Italian translation, supplied by Challoner's agent to the authorities in Rome. The first, of 17 Sept., gives a summary of Father Talbot's business accounts, in which, amid so many losses and encumbrances of late origin, the assets are now practically reduced to the personal annuities of individuals, reserved to them from their patrimonies. The second letter, dated 24 Sept., deriving the information which it contains from Father More, late Provincial, presents their credit under a brighter aspect, but at the same time their debit under one proportionately darker. Challoner gives it as his own opinion, that it were better not to touch the property of the Jesuits, but to leave things as they are. He describes the mode of procedure adopted for obtaining from these ex-Jesuits individually the acts of submission required, in virtue of which they accepted their new status as secular priests under the immediate authority of the bishops. But as to the ex-Jesuits in America, he says, they are very far off; there is no bishop on the ground; nor even a priest of a different Order from their own.

C. 1773, September 17.

Challoner, London, 17 Sept., 24 Sept. (infra, D), 1773, to his agent (Christopher Stonor), Rome.

Copia di due lettere di Monsignor Riccardo Chaloner Vescovo Deboren., e Vicario Apostolico a Londra, scritte al suo agente a Roma in lingua inglese, e dal medesimo tradotte in italiano.

Prima lettera in data delli 17 settembre, 1773.

Challoner's embarrassment on the subject of faculties enjoyed by the ex-Jesuits, who, he states, are necessary to him.

As to property: In quanto alle domande di sua Eminenza relative agli effetti ed alle possessioni della provincia inglese, questi signori non sono troppo inclinati ad informarci di questi particolari. Il Signor Talbot . . . mi dice . . . che quel, che li rimane quì, si riduce a quello che si è potuto risparmiare da i livelli, che molti de'loro confratelli si sono riservati sopra i beni patrimoniali delle case loro. *Other particulars.*

[1] "*All that we have learnt from the relation of others about the state of religion in those parts is, that in the provinces of Maryland and Pennsylvania of North America there are many thousands of Catholics, under about 16 Jesuit missionaries, who set a good example to their flocks, but who do not want a bishop at all.*"—*Cf. T. Hughes, S.J.*, American Ecclesiastical Review, *xxviii. 23–41*, The Sacrament of Confirmation in the old Colonies.

Per quel che riguarda il secondo quesito, sono del vostro sentimento, che il meglio sarebbe di impiegare i loro beni ed effetti, nella stessa maniera come prima, almeno in quanto questo si potrà combinare con il loro stato presente; essendo cosa certa, che la nostra Missione non puol essere sufficientemente proveduta di soggetti, senza il loro aiuto. *The Jesuit college at Liège should be preserved and continued as it is.*

D. 1773, September 24.

Seconda lettera del medesimo Vescovo al detto suo agente, in data delli 24 settembre, 1773.

He has already answered the letter of 25 Aug. about Jesuit temporalities. On conversing with the Provincial, More, he finds the assets to be still considerable. On the other hand the financial obligations are great: Ma poi i loro debiti ed i pesi, che hanno da soddisfare, sono molti e gravi. In questo genere si devono contare le pensioni vitalizie, che essi si sono obbligati di pagare a diverse persone, le quali gli avevano dato il loro danaro per questo effetto. Tali sono le provisioni ben dovute a quelli membri della loro Società, i quali hanno messo tutto il loro avere nella massa commune della Compagnia.[2] A questi bisogna aggiungere i vecchi ed infermi, che non devono essere lasciati in abbandono. In questi casi la legge di Dio e della Natura gli obbliga di servirsi delle loro possessioni per soddisfare a questi debiti, fino a quanto possono arrivare. Ed in conseguenza egli (Signor More) sostiene che il consegnare le loro possessioni, nelle circostanze nelle quali si trova questa Provincia, non è cosa fattibile. Ma egli consente che tutto quel, che rimarrà dopo soddisfatti i suddetti pesi, sarà dedicato al servizio di questa Missione, senza alienarne niente per qual si sia altro uso.

In questo punto abbiamo ricevuto i Brevi [*of Suppression S.J.*] e la lettera Enciclica, e procederemo alla loro esecuzione nella miglior maniera che le nostre circostanze ci permetteranno. *Difficulties of notification to individuals.*

È dunque intenzione nostra, senza mandare in giro tante copie del Breve che potrebbero esser prodotte contro di noi in giudizio, di pubblicarlo a voce, almeno quanto agli articoli principali, a ciascheduno individuo alla prima occasione, proponendoli di sottoscrivere una formola nella quale umilmente riconoscono la soppressione ed abolizione della Compagnia e si sottomettono come Preti secolari all'ubbidienza e giurisdizione de'Vescovi. Questo, spero, si potrà effettuare senza gran difficoltà quì, ed in queste provincie. Ma che cosa si farà con quelli che vivono nell'America, per così dire, in un altro mondo, senza aver tra loro nè Vescovo, nemmeno un Prete, che sia di un ordine diverso del loro!

[2] *Cf. English Province Archives S.J.*, V., Annuities, 1754, etc.; *a thin quarto, of which 14 ff. are taken up with brief indications of annuities due to very many persons, the debit and credit of the Office, 1754–1768. Cf. infra*, No. 150, P[2], note 57.

Il Breve è stato già eseguito a Liegi, e si aspetta che lo sarà ben presto nelle loro due case a Bruges, ove hanno più di due cento scolari. Se non si trova qualche maniera di mutare queste case in collegii o seminarii per l'educazione di Preti secolari inglesi per il servizio della nostra Missione, non saremo mai in istato di fornire, tanto all'Inghilterra che all'America, un numero sufficiente di operarii per la coltivazione di questa porzione della vigna del Signore. Mi farete il piacere di partecipare queste notizie a Sua Eminenza in nome mio. Sono, etc.

To comprehend the attitude thus taken by Challoner on the ground of expediency, reversionary interest, natural right and divine law, it should be borne in mind that the orders sent him were of a different tenor, as to the disposal of the property. The Jesuit owners were to be removed from all property that belonged to them; those who did not find employment were to be gathered into certain centres, and suspended from ministerial faculties or pastoral status; and they were to be maintained on the goods of that college where they had lived last, if there was anything left to maintain them. Meanwhile, every bishop in the world was directed to take provisional possession of all the property, goods, rights, appurtenances, that had belonged to the extinct Society.

Thirteen years afterwards, at the second triennial meeting of the Chapter which we are about to describe in Numbers following, the representatives in attendance indited a letter to the constituents in southern Maryland, and took occasion to recall the facts of what had happened at this period.[3]

E. 1786, November (24).

Proceedings of the General Chapter, 13–24 Nov., 1786; letter appended. (*Cf. infra*, No. 153, B, [*XII.*].)

To the Rev. Gentlemen of the Southern District.

. . . We must here bring to your minds that doleful era of the dissolution of the Society of Jesus, when we were torn from our dear Mother, whom we saw sacrificed before our eyes to the designs permitted by Divine Providence. In consequence of this we were left without father, without mother, oppressed with grief, uncertain of our future destiny. In these melancholy circumstances, a formula of subscription to episcopal government was presented to us from our Ordinary, the Bishop of London, who was directed by the Holy See to do the same. To this we all subscribed, and thereby bound ourselves to a new form of ecclesiastical government, to which we have been hitherto subject. For your information and satisfaction we do hereby subjoin the formula above mentioned:

[3] *Cf.* No. 153, B, [*XII.*].

F. (1773, 1774.)

"Infrascripti Congregationis Clericorum Regularium Societatis Jesu dudum nuncupati presbyteri in districtu Londinensi Marylandiae & Pennsylvaniae missionarii, facta nobis declaratione & publicatione brevis apostolici a SSmo. Dno. nostro Clemente PP. XIV. editi die 21 Julii, 1773, quo praedictam Congregationem & Societatem penitus supprimit & extinguit toto orbe terrarum, jubetque illius instituti presbyteros tanquam sacerdotes saeculares Episcoporum regimini & auctoritati omnino subjectos esse, nos, supradicto brevi plene & sincere obtemperantes et omnimodae dictae Societatis suppressioni humiliter acquiescentes, supramemorati Episcopi Vicarii Apostolici tanquam presbyteri saeculares jurisdictioni et regimini nos omnino subjicimus." (a)

G. 1773, October 6.

"To Messrs. the Missioners in Maryland and Pennsylvania.

Messrs.

To obey the orders I have received from above, I notify to you by this the Breve of the total dissolution of the Society of Jesus, and send withal a form of declaration of your obedience and submission to which you are all desired to subscribe, as your Brethren have done here; and send me back the formula with the subscription of you all, as I am to send them up to Rome.

Ever yours,

Richard Deboren., V. Ap." [4]

(a) *The letter proceeds straight on to* G.

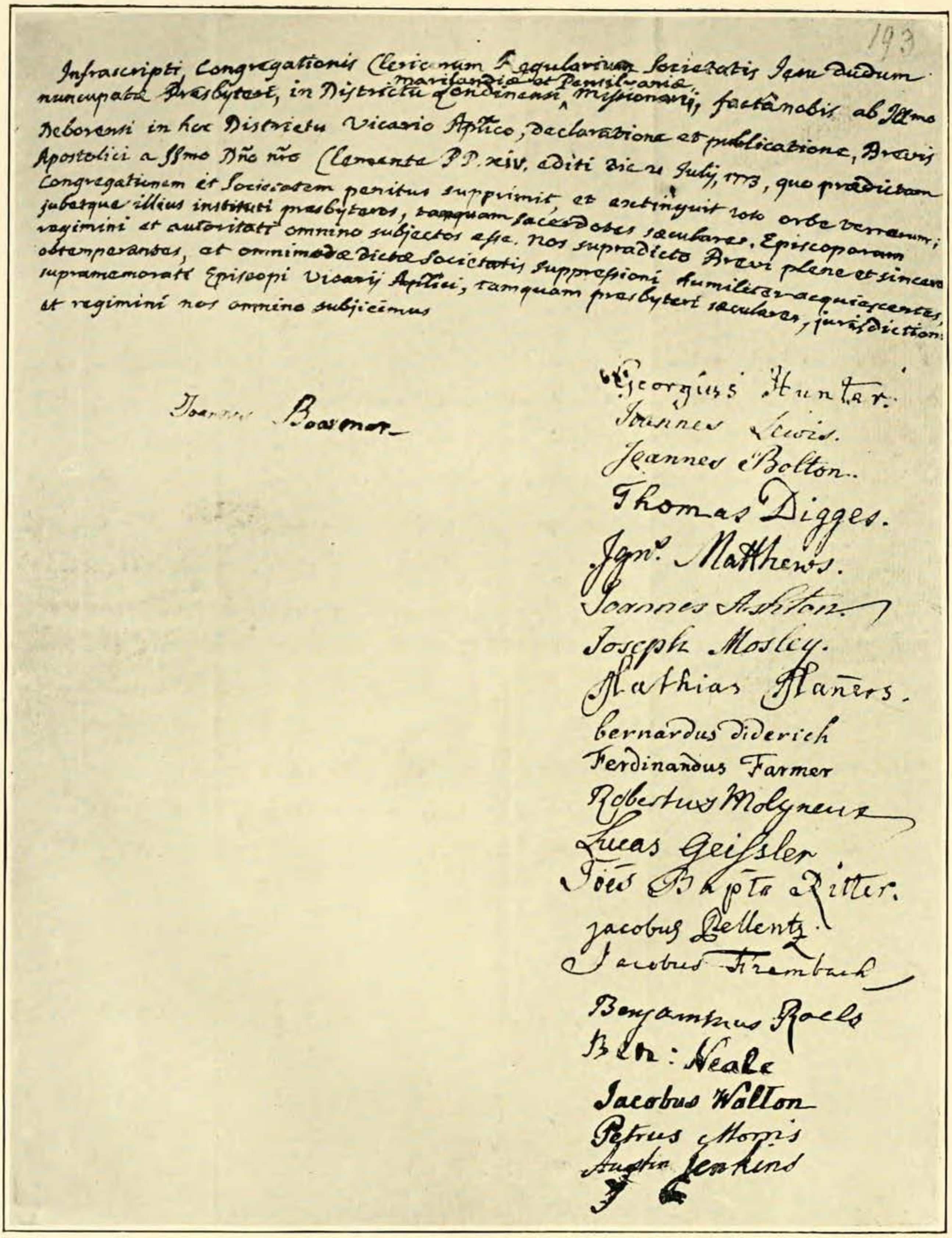
[4] *The gentle terms, in which these historical facts are rehearsed by the persons who had suffered, are in marked contrast with the style of Card. A.'s (Antonelli's ?)* Votum, *addressed to Pope Pius VI., on revising the action of his predecessor, Clement XIV., and declaring the Brief of Suppression null and void. As the Cardinal's long review of the case is engaged with much graver interests than those of mere property and ownership, he touches only lightly once or twice on the injury done to the Order in the matter of temporal goods:*

Votum seu suffragium ab Eminentissimo Cardinali A. datum in Causa Jesuitarum, 1775.

Obsequor mandatis Sanctitatis Vestrae, et sine mora suffragium meum scriptum mitto, simulque profiteor, me idipsum citra fatigationem composuisse, cum totum scriptionis meae argumentum deprompserim ex prolixa, quam accepi, epistola doctissimi et neutiquam praeoccupati cujusdam episcopi transalpini, ex qua abunde perspexi viri illius sensa eadem omnino esse cum sensis meis.

Six reasons for examining the case, among which: . . . 3º. Examinari debet haec causa, ut praestetur justitia in particulari omnibus membris Societatis. . . . Jesuitae fortassis non revocabunt jura sua in domos, in reditus, in bona mobilia a famelicis usurpatoribus dilapidata. . . .

Fourteen reasons why the Brief of Suppression was radically invalid: Ego pro parte mea affirmo, et citra haesitationem dico, Breve esse nullum, invalidum, illegitimum, atque non esse abolitam Societatem. Asserti hujus rationes evidentes et palpabiles sunt quam plurimae, et ex eorum numero sequentes: . . . 10º. Quia hoc Breve, quoad spiritum, quoad robur, quoad totam suam oeconomiam foret exterminium omnium jurium temporalium, civilium et naturalium, omnium quoque subditorum et civium. . . . *C. G. Von Murr*, Journal zur Kunstgeschichte und zur allgemeinen Litteratur, *vol. ix., 1780 (Nürnberg), pp. 283–300. Cf. the Italian edition*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Infrascripti, Congregationis Clericorum Regularium Societatis Jesu dudum nuncupatæ Presbyteri, in Districtu Londinensi Marilandiæ et Pensilvaniæ Missionarij, facta nobis ab Illmo Deboraensi in hoc Districtu Vicario Aplico, declaratione et publicatione, Brevis Apostolici a Ssmo Dño nro Clemente P.P. xiv. editi die 21 Julij, 1773, quo prædictam Congregationem et Societatem penitus supprimit, et extinguit toto orbe terrarum; jubetque illius instituti presbyteros, tanquam sacerdotes saeculares, Episcoporum regimini et autoritati omnino subjectos esse. nos supradicto Brevi plene et sincere obtemperantes, et omnimodæ dictæ Societatis suppressioni humiliter acquiescentes, supramemorati Episcopi Vicarij Aplici, tanquam presbyteri saeculares, jurisdictioni et regimini nos omnino subjicimus

Joannes Boarman

Georgius Hunter.
Joannes Lewis.
Joannes Bolton.
Thomas Digges.
Ignus. Matthews.
Joannes Ashton.
Joseph Mosley.
Mathias Maners.
bernardus diderich
Ferdinandus Farmer
Robertus Molyneux
Lucas Geissler
Joes Bapta Ritter.
jacobus Pellentz
Jacobus Frambach
Benjaminus Roels
Ben: Neale
Jacobus Walton
Petrus Morris
Augustin Jenkins

Act of Submission to the Brief of Suppression (1774), with the autograph signatures of twenty-one Jesuit missionaries in Maryland and Pennsylvania. Propaganda Archives: *1774; Missioni; Miscellan.*, v., f. 193. Bishop Challoner's original. (*Size* $\frac{7}{10}$*ths of the original.*)

[*To face p.* 607.

Two lists, relative to this act of submission, appear in the Westminster Archives. One containing 26 names begins with that of Tho. More, *and continues with those of English Fathers, all no doubt in the London Vicariate. The other is as follows:* [5]

H.

In Maryland.	In Pensilvania.
John Lewis	Rob : Molyneux
Geo : Hunter	Ferd : Farmor +
Bened : Neale	Math : Manners
Thos : Digges	James Frambach
Cha : Roels	Jno. Bap : de Ritter +
Jos : Mosely +	Bern. Rich. (b) [6]
Ign : Mathews	
James Walton	
John Bolton	
Pet : Morris	

The acknowledgment of a report duly returned, that the Brief had been accepted and executed in Maryland and Pennsylvania, was made by the Cardinal Prefect of the Propaganda to the Belgian Nuncio, under date of 8 July, 1775, nearly two years after Challoner's notification sent to the missionaries, as above:

J. 1775, July 8.

A Monsignor Arcivescovo di Rodi, Nunzio Apostolico in Brusselles, 8 luglio, 1775.

Mi è pervenuto colla sua de'16 giugno caduto il documento dell'accettazione del Breve, con cui è stata soppressa la Compagnia di Gesù, trasmesso a Vostra Signoria dagli individui, che trovansi nelle missioni di Marilandia e Pensilvania; e ne rendo le più distinte grazie alla sua nota pontualità ed attenzione. *Affairs of Ireland.*

Westminster Diocesan Archives, 1771–1775, Castelli, Rome, 25 Aug., 1773, to Challoner. Ibid., Challoner, London, 10 Sept., 1773, to the Propaganda. Ibid., lists of ex-Jesuits, who have signed the act of submission.—Stonyhurst MSS., Anglia A, ix. *No. 139, the Roman agent's Italian translations of extracts from Challoner's letters to him, 17 Sept., 24 Sept., 1773; copies. A pencil note says of the two pieces respectively:* copied in the volume of Stonor's negotiations, p. 197; . . . p. 198.—*Georgetown College MSS., 1786, Nov. 13–24,* Proceedings of

(b) *The crosses are affixed as in the original.*

(*A. Buzzetti*) *of S. Zalenski, S.J.,* I Gesuiti della Russia Bianca, *document v., pp. 458–462 (Prato, 1888). In the text ibid., lib. iv. c. 2, § 1, p. 243, instead of "Cardinal A." the author has "Cardinal Antonelli." Cf. A. Vivier, S.J., French edition (1886) of Zalenski's work, originally in Polish.*

[5] *For the original document, transmitted (by Challoner) to the Propaganda, see facsimile opposite, containing 21 signatures.*

[6] *Cf.* No. 150, N², note 51, *for five more names, referred at this date to the Maryland Mission. Three of them, Harding, Chamberlain, Lucas, are not in the facsimile.*

the General Chapter, *5 ff. in folio, followed by the letter*, To the Rev. Gentlemen of the Southern District, *8 ff. in folio; signed by J. Digges, J. Ashton, C. Sewall, Sylv. Boarman, J. Carroll; ad fin., ff. 10v-11.—Md.-N. Y. Province Archives, 45, C. Sewall's original draft of the foregoing letter, with corrections; 19 pp. of a 4to. quire. Cf. infra*, No. 153, B. [*XII.*].—*Propaganda Archives, (vol.)* Scritture risguardanti l'esecuzione del Breve di Soppressione de' PP. Gesuiti ne' luoghi di Missioni. 1774. Missioni. Miscellan. *Tom. v. f. 193, the American Jesuits' act of submission, as in the facsimile here presented; endorsed:* Scotia [!], 1774. *Ibid.*, Lettere della S. Congregazione, *1775, vol. 226, f. 256, the Prefect of the Propaganda, 8 July, 1775, to the Belgian Nuncio.*

No. 142. **1773–1783.**

Inaction during ten years. *A state of inaction supervening after the Suppression of the Society, the ex-Jesuits merely stayed at their posts, discharging in a spiritless way their pastoral duties. Correspondence from Europe brought them information that the Brief of destruction had been almost universally executed, though the news was in reserve for them at a later hour that it had never been executed fully, and that the Society still remained intact in White Russia.*

A. 1782, February 20.

Father John Carroll, Maryland, 20 Feb., 1782, to Father Charles Plowden, England.

Items about the Society, and ex-Jesuits in Maryland. Father (George) Hunter has died since Carroll's last letter (27 Apr., 1780) to Plowden.[1]

I observe in your last letter, that some events had happened, and others were likely to follow, that afforded hopes to the sanguine of a re-establishment of the Society. I rejoice indeed at these events, and particularly that it has pleased God to vindicate and make known so publickly the innocence of the poor sufferers in Portugal. This was a great step towards a compleat justification, and with serious people might be a sufficient reason to call in question, and examine the other scandalous aspersions which were cast upon our dear Society. *The spirit of irreligion, etc., which now prevails is an obstruction to the restoration of the Order.* Add to this, that the re-establishment, if otherwise probable, would be opposed by the united voice and efforts of all those plunderers, who have enriched themselves with the lands, the furniture of the colleges, the plate and treasure of the churches and sacristies. I can assure you, that one of my strongest inducements to leave Europe, was to be removed not only out of sight, but even out of the hearing of those scenes of iniquity, duplicity and depredation, of which I have seen and heard so much. This long war, which has waged between our western continent and your high-minded island,[2] at the same time that it deprived me of the pleasure of hearing from my friends, has at least afforded me this consolation,

[1] *G. Hunter died 16 June, 1779.*
[2] *The War of Independence.*

that I have not been mortified with the recital of the rapines, with the defamation and insults, to which those I love best have been exposed.

Reflections on the missions in Paraguay, etc. Items about persons and politics.

The clergymen here continue to live in the old form. It is the effect of habit, and if they could promise themselves immortality, it would be well enough. But I regret that indolence prevents any form of administration being adopted, which might tend to secure to posterity a succession of Catholick clergymen, and secure to these a comfortable subsistence. I said, that the former system of administration (that is, everything being in the power of a Superior) continued. But all those checks upon him, so wisely provided by former [a] constitutions, are at an end. It is happy that the present Superior [3] is a person free from every selfish view and ambition. But his successor may not [*be*]. And, what is likewise to be feared, the succeeding generation, which will not be trained in the same discipline and habits as the present, will in all probability be infected much more strongly with interested and private views. The system therefore, which they will adopt, will be less calculated for the publick or future benefit, than would be agreed to now, if they could be prevailed upon to enter at all upon the business. But ignorance, indolence, delusion [4] (you remember certain prophecies of re-establishment), and above all the irresolution of Mr. Lewis, puts a stop to every proceeding in this matter. *Items about Robert Molyneux, Raynal's work, Torzi's Italian Cyclopaedia. Small hope of evils being checked.* They have Moses and the Prophets; if they hear them not, etc. Let us, D^r^ Charles, thank Alm. God for being brought up in a school, where we learnd the principles and saw the practice of those virtues, which will, I hope, ever make us discover and despise the shallow sophisms of irreligion, and pretences of immorality.

May God ever bless you, my D^r^ friend; I am

Y^rs^ most aff^tely^

J. CARROLL.

Md.-N. Y. Province Archives, 1782, Feb. 20, Carroll to Plowden; 8 pp. 4to, No. 3.

No. 143. (1782.)

Carroll's plan of organization. *Father John Carroll himself took the matter in hand of proposing to organize, and he expounded the essential principles of action in the following paper. He had at this time no official position. The document stands on the merits of its principles and nothing further. It is profusely corrected.*

(a) *The word* former, *qualifying* constitutions, *is inserted by the writer above the line.*

[3] *Father John Lewis, former Superior of the Jesuit Mission.*

[4] *Compare* No. 154, D.

And, to show the process of thought in the mind of Father Carroll, whose proposals were then carried out in practice, we shall subjoin in footnotes the chief erasures, as they stand in this draft, his additions interlined being inserted in the text.

A. (1782.)

IHS.

[*I.*] The estates [a] heretofore enjoyed by the Society in this and the neighboring province of Pensylvania, still continue [b] to be held by the former members of that body. Thus they have it in their power to administer the same spiritual helps to the faithful, as heretofore, and have a fair prospect of [c] perpetuating the same services, which they now perform, to succeeding generations. It is certainly their duty to endeavour to do this good work. The obligations of justice to the benefactors, who took up or left these estates for pious uses; [d] the sort of consecration which [e] estates from such a destination acquire; the duty of charity to the present and future generations [f] demand this service of them. To which may be added, that Almighty God seems in a particular manner to [g] impose this duty upon them, by preserving in the same hands the property of the houses of the Society in these two provinces, while in almost every other country, its former members are not only deprived of any share in the administration of it, their antient possessions, but have scarce a miserable pittance allowed them to subsist upon.

[*II.*] There can be no doubt but [h] that every one, [*f.* 1^v] who bears a love and veneration for his former profession, wishes to continue the same offices of charity to his neighbour, and to establish the same equal enjoyment of the common stock, and farther to make a proper provision for a due and equitable administration of it.

[*III.*] To effect these good purposes, nothing will so much contribute as the adoption of some system of administration, settled with the joint concurrence of all, [j] and [k] founded on principles of justice and equality. It was the [l] advantage of the government of the Society, that in the administration of its temporal effects, the managers of them were under the controul of checks, one rising above the other, and calculated to prevent alienations, or the abuses of waste, appropriation, and a partial [1] application of the [m] yearly incomes. Thus the Procurators, besides

(a) Possessed by.
(b) In the hands of the.
(c) Transmitting.
(d) The precept of charity.
(e) Such.
(f) Require.
(g) Exact.
(h) A rightful.
(j) The members of the former Society now in the country.
(k) Partaking, as much as circumstances will allow, of the former government.
(l) Perfection.
(m) Yearly.

[1] *That is, showing partiality.*

being limited in their powers, were obliged to submit their books every month to the inspection of the Rectors; the Rectors were every year to lay the whole before the Provincial; the Provincial was to examine them (n) with his Companion, and to put an immediate stop to maladministration, for which he [*f.* 2] was invested with an extraordinary power of deposing a Rector, when the necessity of the case was urgent, and admitted no delay. The Provincial, besides being (o) liable to be controulled by his Consultors and Admonitor, was to lay every third year the whole administration of the Colleges before the Provincial Congregations,[2] who were to depute a Procurator with them to Rome; and was moreover to send to the General yearly accounts. The General whom the Constitutions vest with a power energically called superintendentia, (p) could not alienate without manifest advantage,[3] appropriate to himself, or make a partial application of any part of the estates possessed by Colleges:[4] if he did, this was one of the cases deemed sufficient for his deposition. He was constantly liable to be checked by his admonitor and (q) advised by his assistants; who were authorised to depose him instantly, if his maladministration of the temporals rendered it necessary, and to call a general Congregation afterwards, to lay before them the necessity of the case; so that the last ressort, on which rested the (r) final inspection into the temporal and all general interests of the Society, was the body of the Society represented by its Deputies.

[*IV.*] These were undoubtedly wise provisions, and well calculated to prevent the effect of those passions, which are so [*f.* 2^{v}] apt to disturb the peace and happiness of all Societies: and should be imitated as far as the particular circumstances of the Country, and the necessary alteration arising from the dissolution of the Society will admit. At this time, is there any check on the administrators of the (s) priest's estates? If their conscience did not restrain them, might not they, who have the legal title to the lands, dispose of the yearly produce entirely to their own profit, without controul, or responsibility? and is not this an alarming consideration? It is happy for the priests, and indeed for the Roman Catholicks in general, that these estates are now vested in such persons, as having no interest in view but the general good, will be ready to concur in any measure to perpetuate the blessings of a Catholick ministry in this country.[5] They, who succeed them in their trust (t) may

(n) Jointly with the Consultors of the Province.
(o) Watched.
(p) And not dominium.
(q) Controuled.
(r) Management of.
(s) Lands and money of the priests.
(t) The present holders of priests lands.

[2] *This statement is not correct; and so* yearly, *in the next line, should be* "*triennial.*"
[3] *Cf.* No. 116, D, § 18, *the General to Marechal; ibid.*, § 27, note 27.
[4] *Cf.* Nos. 150, A^{2}, p. 651; 203, B, IV., "*First;*" *the General to Card. Fesch.*
[5] *Cf.* No. 99, C, *Carroll's criticism on Smyth's invidious reflections.*

not be equally disinterested and honest; and it would be unpardonable in (u) the present trustees [?], heretofore members of the Society, thro' indolence or inattention to let slip the opportunity of establishing a system of administration, which shall have for its object to provide an equitable support for all the present (v) labourers in Christ's vineyard, and to (w) transmit that same support to their successors in the ministry.

[V.] [*f.* 3] Whatever administration be adopted, it is of the utmost consequence that it should be settled by common consent. For, if it should be done by a junto of three or four, it will be sure, sooner or later, to breed disturbances and disgust; and the authority, by which the administration should be so settled, would be disputed. When it is said, that it should be done by common consent, the meaning is not, that it is necessary for every clergyman personally to attend, when the mode of administration is fixed; tho' this, if possible, would be very desirable; but that some might attend in behalf of all. Supposing, for instance, that the priests at St. Inigo and Newtown should depute one; those at Portobacco, one; those at the Marsh and its neighbourhood, one; those at Deer Creek, Bohemia, and Talbot County, one; those at Fredericktown, Conewago and Lancaster, one; those at Philadelphia and other places in Pensylvania, one; and that (with the present Superior at their head), having met at a convenient place, and agreed upon such a plan as will appear best to them, and corresponding with the importance of the object, and the intentions of their constituents, (x) they at their return lay it before them for their approbation. As the plan thus agreed upon would [*f.* 3^{v}] be intended for (y) the future as well as the present time, there can be no doubt but all would divest themselves of (z) partial considerations.

[VI.] It has been observed already, that the preservation of the Catholick clergys estates from alienation,[6] waste and misapplication, is to be the object and end of this meeting. But that they, who are deputed to it, may (a2) come better prepared for the consideration of these important (b2) matters, and that their views may all be drawn more to a center, it will not, 'tis hoped, be deemed impertinent to mark out with more precision the subjects for their deliberation. In the first place, by the present mode of conveying and holding the estates, is sufficient precaution taken to prevent their alienation, or their falling into other hands, than those of the Clergy? 2^{ly}. Is any or sufficient provision made

(u) [*The*]m and others.
(v) Mi[*nisters*]. *This is the word subsequently adopted in the Act of Incorporation. See* No. 164, A.
(w) Perpetuate.
(x) And the importance of the objects.
(y) Futurity.
(z) Any.
(a2) Be.
(b2) Objects.

[6] Alienation *here means the application of such property to other than pious uses. It does not mean selling or exchanging within the purposes of a pious use. Cf.* Nos. 148, note 3; 197, B, *on the use of the term "ecclesiastical" in Maryland.*

to prevent the possibility (for not only what has, but what may happen, should be considered) of [c2] those persons, [d2] who enjoy the legal title to the lands, appropriating the whole income of them to themselves, their friends and relations, or dealing it out partially to their fellow labourers in the [e2] mission, more to some and less to others? 3ly. Will it not be proper to devise some sufficient securities, checks and controuls [*f.* 4] to prevent these mischiefs? 4thly. Should not a mode of application be determined in this meeting, or, as that will be difficult, ought not some general rules to be laid down, whereby they may be directed, who have in their hands the immediate management of the estates [f2]? 5ly. Would it be advisable to appoint by common consent some few persons, [g2] others than the managers of the different estates, to revise the yearly accounts, [h2] and report on them, if they discover any waste [j2] or misapplication? Or would it be more expedient to have the different estates laid off in districts, and some in each district appointed as a check upon the managers? 6ly. If, after providing for the subsistance of the missioners (in which particular regard should be had for the old and infirm), there should remain a surplus in the hands of the managers, ought not the application of it to be determined by general consent? and ought not that application to be for some purpose conducive to the good of Religion, [k2] as a fund for procuring more Priests, founding other places, etc.[7] 7ly. If any clergyman is wanting to his duty by negligence or otherwise, ought he not to be [*f.* 4^{v}] deprived of all right to a subsistance, which was never intended to be the bread of idleness? and what authority is to determine, who is and who is not entitled to [l2] a provision?

[VII.] If any objection is made to the establishing of some such securities and regulations, [m2] it is conceived that the objection will arise from the habits of thinking and living acquired in our former profession. Accustomed to enjoy happiness and tranquillity, and to see everything conducted smoothly under the government of our Superiors, we did not trouble ourselves with considering the many checks and restraints provided by the Constitutions against any abuse of power, to which we were indebted for [n2] that mild and [o2] equitable government. [p2] Considering the nature of mankind, when the present generation is past, and [q2] the spirit which animated the Society is no more, we must not hope that [r2] men, uncontrouled by any checks, will use power so moderately, or money so fairly and impartially, as we have seen it; and the sooner this is provided against, the better. Our Brethren in England have done so.[8]

(c2) The.
(d2) Enjoying.
(e2) Same.
(f2) In their hands.
(g2) Not.
(h2) Yearly.
(j2) And.
(k2) And purposes of.
(l2) Such.
(m2) As are proposed.
(n2) Our.
(o2) Happy.
(p2) We must not hope.
(q2) That.
(r2) We.

[7] *Here is the key-note of the eleemosynary policy followed in the administration of the estates, and illustrated throughout this* Section IV. *and the following* Section V.

[8] *Cf. English Province Archives S.J.*, MSS., *vol. 1;* Acts of the First Congress,

They have rightly distinguished be-[*f. 5*][s2]-tween the spiritual power derived from the Bishop, and which must be left in the hands to which he has intrusted it; and the common rights of the [t2] missioners to their temporal possessions, to which as the Bishop, or Pope himself, have no just claim, so neither can they invest any person or persons with the administration of them.[9]

Md.-N. Y. Province Archives, 3, a Carroll draft, without date or signature; 8 pp. 4to, with seven lines attached of a 9th p. We assign it to 1782, as inferred from the tenor of his remarks in letters to Charles Plowden.—Georgetown College Transcripts (1783); a Shea copy.

The substance of this document is clear, though the writer's memory was at fault in a minor point or two of the Jesuit Constitutions—as that of the Provincial Superior exhibiting accounts in the Provincial Congregation. This was not so; accounts were rendered to the General. Carroll's allusion to Roman authorities, in the last sentence here, and much more his reflections in other documents of this period, betray an emphasis or tendency, the explanation of which belongs not to this place, but to our historical narrative.[10]

We presume that a copy was communicated to the clerical brethren, seeing that, in the following year, all the main lines traced in this draft were followed and filled out in organizing a Chapter. *This institution always existed afterwards as representing the* Select Body of Clergy *whom Carroll addressed; but soon it*

(s2) *F. 5 is a slip attached to foot of f. 4.*
(t2) Former members.

held Apr. 29–May 6, 1776, fourteen deputies of the English ex-Jesuits being in attendance from their respective Districts. Father Joseph Reeve, secretary of the Congresses, gives a relation of the antecedents, from the date of the Suppression, 1773. Ibid., vol. 2; Acts of the Second Congress, *July 8–July 21, 1784. An administrative board of five members, corresponding to the General Chapter in Maryland, had been appointed to act till the next general meeting, which, if judged necessary, should be held once every three years. At first, Father Thomas Talbot was agent of the temporalities. Then Father William Strickland became procurator, an office which he occupied still for many years, after the re-establishment of the Society in England and America. Cf.* No. 150, Q.

A private pamphlet, by Father Joseph Reeve, on the Constitution of the late Society, on the property of the extinct English Province, and the institution of a Congress by the ex-Jesuits, etc., may well have supplied Carroll with materials for this paper of his, which otherwise is original. (Stonyhurst College Library, Pamphlets, P. 7/12, No. 10; annotated in pencil: Auctore P. J. Reeve, dicente P. Oliver; *pp. 1–8, small 8vo, incomplete, reaching to the beginning of the First Congress, 29 Apr., 1776.)*

[9] *As to this and other statements of Carroll as well as of the ex-Jesuits in Maryland and England, compare the following rather forcible passage, quoted by some English ex-Jesuit from a divine:* La Chambre Apostolique n'a acquis aucun droit sur les biens des Jésuites: ceux-ci en sont toujours les vrais propriétaires, et le seront essentiellement, tandis qu'un seul d'entre eux restera sur la terre. Oui, telle est la loi naturelle. La première saisie qu'en fit le fisc fut usurpation, et la privation dans laquelle il retient les Jésuites est tyrannie. Res, dit l'axiôme, clamat domino. *(Stonyhurst College Library, P. 7/12:* London, June 28, 1784; *small 8vo pamphlet, pp. 12; p. 7.)*

[10] *Compare the language used infra,* Nos. 144, A; 146, note 2; 151, B, 1º; 152, B, [*I.*], [*II.*], 2ly, 3dly, [*III.*].

committed its administrative functions to another Board, consisting of Trustees incorporated by law. The Chapter itself was then called the Select Clergy's body of Representatives. *The chartered Board of Trustees was called the* Corporation.

In the whole paper of Carroll's just given, there is not a doubt expressed or implied as to the titles, by which the Society before suppression, and the ex-Jesuits after, possessed and enjoyed the estates. In the last sentence, he affirms their rights against any bishop and the Pope.

No. 144. **1783–1788.**

Carroll's views: his correspondence. *The impersonal character of Father John Carroll's plan, as given in the foregoing Number, may be supplemented with the personal views appearing in his letters.*

A. 1783, September 26.

Carroll, 26 Sept., 1783, to Charles Plowden, England.

Amid particulars about his relative Charles Wharton, the hopes of indemnification entertained by the English ex-Jesuits for the loss of their house at Bruges, and prospects of the Society's restoration: Our gentlemen here continue, as when last I wrote. We are endeavouring to establish some regulations tending to perpetuate a succession of labourers in this vineyard, to preserve their morals, to prevent idleness, and to secure an equitable and frugal administration of our temporals. An immense field is opened to the zeal of apostolical men. Universal toleration throughout this immense country, and innumerable R. Catholics going and ready to go into the new regions bordering on the Mississippi, perhaps the finest in the world, and impatiently clamorous for clergymen to attend them. The object nearest my heart is to establish a college on this continent for the education of youth, which might at the same time be a seminary for future clergymen. But at present I see no prospect of success.

As to what Father Thorpe (Rome) reports, that designs are entertained of obtaining all the goods of the extinct Society in America as well as in England: Your information of the intention of the Propag[a] gives me concern no farther, than to hear that men, whose institution was for the service of Religion, should bend their thoughts so much more to the grasping of power, and the commanding of wealth. For they may be assured that they will never get possession of a sixpence of our property here; and, if any of our friends could be weak enough to deliver any real estate into their hands, or attempt to subject it to their authority, our civil government would be called upon to wrest it again out of their

dominion.[1] A foreign temporal jurisdiction will never be tolerated here; and even the spiritual supremacy of the Pope is the only reason, why in some of the United States the full participation of all civil rights is not granted to the Roman Catholics. They may therefore send their agents when they please; they will certainly return empty-handed. My only dread, as I said before, would be the scandal that would result from the assertion of unjust pretensions on the one hand, and of undoubted rights on the other. And these sentiments and communications you may make as publick as you think proper. . . .

B. 1788, March 22.

Carroll, Baltimore, 22 Mar., 1788, to the Rev. Francis Beeston, Philadelphia. On the spirit of apostolic detachment, which should guide men in things temporal and spiritual.

The division in the German congregation. I can console myself, and I know that you will, with St. Paul to the Philippians, i. 17: "Some out of contention preach Christ, not sincerely, supposing that they raise affliction to us. But what then? So that everyway, whether by occasion or by wish, Christ be preached, in this also we rejoice, yea and will rejoice." Read the following verses in which you will find encouragement and the true principles, by which the Society always governed herself and finally merited superior esteem, which has followed her in her dissolution, and even increased, if possible. I considered farther that it is very uncertain, how long the spirit of the Society will be kept alive, at least in this country. I am afraid not much longer than they live who have been trained under its discipline. And into what hands will our religious establishments and possessions fall hereafter, if our proposed school and seminary should fail of success, which certainly is now beyond the bounds of probability? The expense of a Liège[2] education at the advanced price of £40 p. ann. for young ecclesiastics renders it impracticable for many Americans to profit by that excellent Institution; and even that without a restoration of the Society is liable to degeneracy. In case therefore of our own school failing, our houses and foundations will probably fall into hands of such missionary adventurers, as we have lately seen. Supposing this the case of your house and church at Philadelphia, will it not be a comfort to good Christians to have another church there, in one of which at least there may be some zeal, some regard for public edification; and this I meant to insinuate in my letters to the German petitioners, when I mentioned that exertions might be greater where there was mutual example, etc. Read all ecclesiastical history; and you will find the best Bishops, a St. Charles Borromeo, a St. Francis of Sales, etc., sollicitous to multiply religious establishments. I know very well that the

[1] *Cf.* No. 125 *seq.*, *Mgr. Marechal's views on this doctrine, when formulated by Charles Neale; and* No. 131 *seq., when it was acted upon. Cf.* No. 197, B.

[2] *Ex-Jesuit College, transferred subsequently to Stonyhurst, Lancashire, England.*

circumstances were somewhat different, and that, generally speaking, those undertakings were conducted with harmony. But even the history of the Society and the passage of St. Paul above recited furnish contrary examples. *Carroll answers the possible objections of Beeston, that the concession will encourage a spirit of revolt, will foster a schism, etc.*

Md.-N. Y. Province Archives, 1783, Sept. 26, Carroll to Plowden; 7 pp. 4to, No. 5.—Georgetown College Transcripts, 1788, March 22, Carroll, Baltimore, to Beeston, Philadelphia; a copy by Shea.

No. 145. **1783-1784.**

The Chapter: organization of ex-Jesuits in Maryland. *In the course of three meetings, held between the 27 June, 1783, and 11 Oct., 1784, the Chapter of the Clergy was organized. The fundamental document, signed by all the delegates, consists of several parts* (*cf.* Nos. 146, 147).

A. 1783, June 27-1784, October 11.

Proceedings of the General Chapter 1783, 1784. The Constitution.

[*I.*] THE FORM OF GOVERNMENT, *in 19 sections.*

[*II.*] RULES FOR PARTICULAR GOVERNMENT OF MEMBERS BELONGING TO THE BODY OF THE CLERGY, *in 6 sections.*

[*III.*] REGULATIONS RESPECTING THE MANAGEMENT OF PLANTATIONS, *in 8 sections; followed by the Formula of Promise and another paragraph, as follows:*

[*IV.*] I promise to conform myself to the forms and regulations, established for the government of the Clergy residing in Maryland and Pennsylvania, so long as I expect maintenance and support from them.[1]

[*V.*] Be it remembered that these Regulations began to be formed by a meeting of some of the Clergy in Maryland, held at the Whitemarsh, June 27th, 1783. Members there present: Messrs. Bern. Diderick, J^no^ Carroll, J^no^ Ashton, Char. Sewall, Sylves. Boarman and Leon^d^ Neale; and were continued in another meeting held at the aforesaid place, Nov. 6th, 1783. Members present: Messrs. J^no^ Lewis for the Northern District; Bern. Diderick and J^no^ Carroll for the Middle; and Ign^s^ Matthews and James Walton for the Southern District. And finally concluded and determined at the 3^d^ meeting, held at the White Marsh, Oct. 11, 1784, and declared to be binding on all persons at present composing the Body of Clergy in Maryland and Pennsylvania.

In witness whereof we here subscribe our Names. N.N.

[*VI.*] *Then follows the course of current business, in 14 sections. Cf. infra,* No. 148.

[*VII.*] *The special business of Mr. Thorpe's letter about a bishop, in 5 sections. Cf.* No. 149, B.

Chapter adjourned to the 10th of October, 1787. All signed.

[1] *Cf. infra,* No. 168, A, 24°; B, C: *the oath appointed for the Trustees to take under the Act of Incorporation, 1793.*

As these three general meetings were preceded by partial meetings of the constituent districts, and the drafts of regulations, reported back each time from the Chapter of delegates or representatives to their constituents, were taken up again under instructions by the same deputies in Chapter, every body had taken a part in the election of representatives and had expressed his views on the form of constitution. Thus we have the minutes of a partial meeting as follows:

B. 1783, September 23.

Proceedings of the Southern District meeting, 23 Sept., 1783.

+

Ad Majorem Dei Gloriam

Proceedings at a meeting of the Southern District of the Clergy in Maryland, held at New Town, St. Mary's County, Sept. 23, 1783.

There were present Messieurs Bennett Neale, Ignatius Matthews, James Walton, Peter Morris, John Bolton, John Boarman and Augustin Jenkins; Messrs. Benj. Roels and Leonard Neale not being able to attend.

The business of choosing a Superior for the whole Mission, and two deputies for the General Chapter, was conducted by secret ballot, resulting in the unanimous choice of Father John Lewis as Superior, and of Fathers Ignatius Matthews and James Walton as representatives.

As to the draft of rules and regulations made at the first general meeting of the clergy, on 27 June, some fifteen observations or amendments were now offered. Cf. Nos. 146, 147, *passim.*

C. 1783, November 6.

Proceedings of the General Chapter, 6 Nov., 1783.

18° If the alterations now made in the Form of Government, and contained in the 2d. 3d. 4th. 6th. 7th. 8th. 9th. 10th. 11th. 12th. and 13th. sections of these proceedings, are ratifyed by the next Chapter, or in the mean time approved by the Body of the Clergy, they must at the next Chapter be inserted in that Form etc., and be submitted to by all.

Md.-N. Y. Province Archives, 1783, Sept. 23, minutes of the Southern District meeting. Ibid., 1783, Nov. 6, minutes of the General Chapter, White Marsh, 4 pp., 4to; the hand of the General Chapter minutes at this time is apparently James Walton's. Ibid., 1784, Oct. 11, Form of Government, *etc.; 5 large quarto folios; a copy, not signed. On the General Chapter, 1783, 1784, cf. J. G. Shea,* History of the Catholic Church in the United States, *ii. 207, 208, 238–242.*

The alterations which were introduced into the scheme of government followed in large part the suggestions offered by the Southern

District, which was the most important division of the Maryland ex-Jesuits, and comprised no fewer than nine of them. Their names were given above (B). *Though the whole organization is very guarded in professing to treat only of temporalities, and not trenching on spiritual things, there are some provisions of more general importance in the Form of Government finally approved (11 Oct., 1784); and several of these we shall note.*

No. 146. **1784–1805.**

The Chapter Form of Government. *The Constitution adopted in 1784 remained in full force till 1805, when the Society was partially restored. Modifications had then to be introduced in practice, owing to the revival of Jesuit authority over members of the Order; and further modifications came into force later, after the universal restoration of the Society (1814). While the plan was maturing Carroll imparted information to Father Charles Plowden in England.*

A. 1784, April 10.

Carroll, Maryland, 10 Apr., 1784, to Plowden. Extract.

The negotiations of the French Nuncio with Benjamin Franklin (Paris) about the appointment of a bishop in America.[1] *Carroll's own declaration as to the only form of ecclesiastical government which will be admitted in the United States.*[2]

[1] *Cf. J. G. Shea*, History of the Catholic Church in the United States, *ii. 213–216.*

[2] But this you may be assured of; that no authority derived from the Propaᵈᵃ will ever be admitted here; that the Catholick Clergy and Laity here know that the only connexion they ought to have with Rome is to acknowledge the Pope as Spirl head of the Church; that no Congregations existing in his States shall be allowed to exercise any share of his Spirl authority here; that no Bishop Vicar Apostolical shall be admitted, and, if we are to have a Bishop, he shall not be in partibus (a refined political Roman contrivance), but an ordinary national Bishop, in whose appointment Rome shall have no share: so that we are very easy about their machinations. ¶ Our Brethren, *etc., as in the text. In the parenthesis, after* in partibus, *the two words*, an absurd, *are cancelled. Cf.* No. 143, *ad* note 10.

As a mere illustration of Carroll's mental attitude here, we transcribe the following note from O. Mejer, Die Propaganda, ihre Provinzen und ihr Recht, *pp. 267, 268 (Gottingen, 1852), where the Bishop of Kildare's opinion is reported on the same subject, the difference between Ordinaries and Vicars Apostolic:* Second Report from the Select Committee on the state of Ireland, 1825; ordered by the House of Commons to be printed, 30 March, 1825; pp. 208, 209: We (die Bischöfe) have the title by the appointment we receive to a See, as Roman Catholic bishop of it, whilst the Vicar Apostolic is only a delegate from the See of Rome to administer the interests of religion within any district which may be assigned to him, and therefore is removeable at the will and pleasure of the Pope; but a bishop, such as we are in Ireland, cannot be removed when he is once appointed. – – – The Vicar Apostolic depends, as to the existence of his office, upon the will of the See of Rome; he can be removed from it at the good pleasure of the Pope; the faculties which he exercises can be restricted or limited or modified, just as the See of Rome may please. It is not so with us bishops; we cannot be removed, we have a title to our place; our rights are defined from the

Our Brethren have, in a meeting held last October, settled or nearly settled a plan of internal government, which will meet with your approbation, being founded on Christian and rational principles. . . .

General funds were established of certain rents, as well as of surplus money or income, not strictly needed by the local managers of plantations. The regulation stands thus in the final Constitution:

B. 1784, October 11.

Proceedings of the General Chapter, 11 Oct., 1784. On some general funds.

4º. The profits arising from the rented lands of St. Thomas's Manor in Charles County, and the rented lands of St. Inigo's Manor in St. Mary's County, are hereby appropriated for uses at the disposal of the General Chapter and to be lodged in the hands of the Procurator General. The surplus money of the several estates remaining in the hands of the respective managers shall form a particular fund for supplying the deficiencies of their respective Districts; and the persons appointed to receive these latter moneys are, for the Northern District, the Rev. Mr. Jno. Lewis; for the Middle District, the Rev. Mr. Jno. Ashton; and, for the Southern District, the Rev. Mr. Ign. Matthews.

In this final form of so important a regulation on the Management of Plantations, the sense of the Body of Clergy, as expressed by the General Chapter, was distinctly at variance with the recommendation and criticisms (2nd on the Management of Plantations) passed by the Southern District meeting. The Chapter inserted the name of Procurator General as treasurer or depositary, where the District had named the Superior General. It is to be observed that in the Southern District meeting, which placed the Superior in prominence, neither John Lewis, the actual Superior, nor John Carroll, the future one, had any part. But in the General Chapter, which put the spiritual head out of sight in temporal concerns, these two, the actual and potential Superiors, formed two-fifths of the meeting.

The movement on the part of the Southern District to place in prominence the spiritual head was very marked. The preparatory Chapter meeting (27 June, 1783), at which Carroll had been present with

Gospel and from the canon law, defined as well as those of the Pope himself; we cannot be obliged to do anything by the mere good will or pleasure of the Pope. *Cf.* Minutes of Evidence taken before the Select Committee of the House of Lords, appointed to inquire into the state of Ireland, etc., Febr. 18–March 21, 1825, pp. 225, 226.

Ashton, Diderick, Sewall, Boarman and Leonard Neale, had clearly not satisfied them on this point. In their criticisms they assigned to the Superior attributions, which the preparatory draft had handed over to another. We quote some of their amendments, if only for the tone manifested.

C. 1783, September 23.

[I.] *The Southern District on the drafted Form of Government. The attributions of a Superior.*

2º As to the seventh article, the Superior shall personally attend or send his deputy to General Chapter, otherwise all proceedings should be deemed illegal. 3º What is ordained in the twelfth article to be done by an active person, &c., may, we think, be done by the Superior himself. 4º *On the manner of supplying vacancies* (*see infra,* G). 5º The clause of the 18th. article, relative to the Superior's spiritual jurisdiction, beginning at the words, "And if etc.," ought to be entirely expunged.

[II.] *On the drafted Rules for the Particular Government of Members. The practice of the Society in depending on immediate Superiors is expressly set up as the example.*

1º That in houses where two or more members live together a system of equality, as mentioned in the third section, ought to be kept up; but the same dependance on the managers of plantations, as to cloathing and other necessaries, should continue and be observed as formerly; and no manager or persons whatever should be allowed pensions or extraordinary donations for services; and it shall be the Superior's duty, as much as may be, to see that equality preserved.

[III.] *On the drafted Regulations for the Management of Plantations.*

2º The surplus money, mentioned in the fourth Regulation,[3] shall be paid to the Superior General on his giving a receipt to the manager. . . . 4º Respecting the ninth Regulation, 'If the Superior should be manager of an estate', in our opinion he ought to be accountable and exhibit his books to the oldest member of Chapter in his District.

D. *Same date.*

The Southern District on Regulations for Plantations. Duties of disinterestedness and gratitude.

3º We presume every manager, as well as others, is actuated by more noble principles than self-interest or mercenary views, as pointed out in the sixth Regulation.

E. *Same date.*

The Southern District on Rules for Members. First form of criticism or amendment:

3º Whereas the benefactors of this Mission deceased have for many

[3] *Supra,* B, 4º

years past been much neglected, this meeting judges it a duty of charity and gratitude, that some Masses should be appointed to be offered up annually for the benefit of their souls, and sincerely recommend [!] the same to the consideration of the Chapter.

Modified form of the foregoing amendment on the duty of gratitude to benefactors:

Charity and gratitude dictate that prayers should be offered up for the benefit of the deceased benefactors of this Mission.

At the meeting of the representatives in General Chapter (6 Nov., 1783), the two Superiors, present and presumptive, being in attendance, great deference was shown at first to these views of the Southern District. Accordingly, the 3rd section of the Chapter's resolutions made the presence of the Superior or his deputy necessary for the legality of a session, except when he himself should be the subject of its investigations, or when the clergy themselves should judge the holding of a Chapter necessary. Their 4th section ordered, that the 12th article should be expunged, and the duties assigned to the Procurator General should be performed by the Superior. Their 9th section inserted the name of Superior twice instead of the Procurator General, as the person to whom all accounts should be transmitted. And the point about benefactors was accepted so far as to recommend, that all be mindful, soon after the 2nd day of November annually, to say one Mass for deceased benefactors.

A year later all was changed. They were the same five gentlemen, Lewis, Carroll, Diderick, Matthews, Walton; but they were evidently under other instructions. The position of the Superior was determined peremptorily in a separate article, last of the Form of Government; and in all the sections, where his name had been substituted for that of the Procurator's, the latter's name was replaced, making this business agent really the Superior in temporalities.

F. 1784, October 11.

Proceedings of the General Chapter, 11 Oct., 1784.

19º The person invested with spiritual jurisdiction in this country shall not in that quality have any power over or in the temporal property of the Clergy.

There may be observed at this point the beginnings of the jus patronatus, against which Mgr. Marechal subsequently protested (No. 120, 5ª). *The organization of a Chapter, which we are tracing, was one of*

transition from the management of Jesuit estates, and the discharge of missionary functions, by Jesuits exclusively, to the hierarchical functions of an episcopate, under which the control of missionary functions and the appointment of pastors to local stations would be in the hands of an Ordinary. We give the observation of the Southern District on the manner of supplying vacancies in missionary stations (*ubi supra*, C, [1.]).

G. 1783, September 23.

4°. Respecting the fourteenth Article: If a vacancy should happen in a District which the good of Religion requires to be supplied. The Superior and members of Chapter of the District, in which the vacancy lies, shall have power to send the person they judge fittest to supply the vacant charge, with the consent of the District from which he is to be sent; and, in case of refusal, the person so appointed shall be dealt with as the fifteenth Article directs.

Possibly the fifteenth Article, so cited, is the same as that which appears under the same number in the final Form of the Constitution; to which we add the sixteenth of the same final form.

H. 1784, October 11.

15°. If complaints, apparently reasonable, should be made of the misconduct of any manager in the administration of the Estate committed to his charge, the Procurator General and members of the District Chapter are authorised to call upon him for his accounts, which he is to deliver up to them; and if, upon examination thereof, they find his administration injurious to the public good, they are to admonish him thereof, and, no amendment ensuing, they are to refer to the General Chapter, if sitting; if not, to all the members of his District to determine by a majority of votes, whether he shall be continued in the administration of the Estate.

16°. When the Superior in spiritualibus has withdrawn his faculties from any clergyman on account of his misconduct, or irregularity of life, the Procurator General shall have power to deprive him of any maintenance from the Estates of the Clergy.

Md.-N. Y. Province Archives, 1784, Apr. 10, Carroll to Plowden, ff. 2v, 3; 7 pp. 4to, No. 6. Ibid., 1783, 1784, minutes of the General Chapter and Southern District meeting, as described above, No. 145, A, [v.]; B.

At this date, Father John Carroll, who was in correspondence with several English ex-Jesuits, received an encouraging letter on his policy and plans from Father Thomas Talbot, who had long been temporal agent or procurator of the dissolved English Province.

Just at the time when the Maryland ex-Jesuits were completing their final form of Constitution, Talbot indited the following letter to Carroll.

J. 1784, September 21.

Father T. Talbot, procurator in London, 21 Sept., 1784, to Carroll. Extract.

Sept^{r} 21st, 1784.

. . . You have indeed obviated the chief difficulty I wished to caution you against, viz. that of being under the authority of the Propaganda. Your reasons are special, and Rome must come in at last to grant a jurisdiction ordinary. Hoc posito, how are you to provide for a succession? I see only two ways possible, either by setting up schools and forming a seminary of your own, or depending on foreign assistance. The first will require time and abilities: you have not hands for so much work, nor proper hands for the work. Liège will not be able to supply you with grown up and trained plants, for the reasons you allege: 'tis well if it can support long its own establishment. You must therefore have recourse to auxiliaries. Where can you apply better than to the nursery of Polosgo by becoming a part of it yourselves?[4] The Father General has petitions every day from the members of the quondam body, of all denominations and countries, to be readmitted under the old standard, and be employed by obedience. He cannot admit more than his confined limits require, because he cannot employ them in countries where they are prescribed [*proscribed*]. But neither power nor will is wanting to establish the Society where it is demanded, or permitted to exercise its functions. Such is your situation, a free State, independent of foreign potentates and their cabals,[5] where liberty of conscience is not controled, where Catholicity was first planted by the Jesuits, has hitherto been nursed by the Jesuits, and solely brought by them to the perfection it now enjoys. The State can make no opposition; you are the same members who have carried on the work; they know no other, and wish for the same; a reunion with the body can make no alteration, but to forward the cause in hand. I hope there is no one amongst you who would not fly to his colors with eagerness; at least, there are many who would flock to you, and would think themselves happy to end their career under the same banner they began it. I throw out these hints for your

[4] *The Jesuit Province still existed unsuppressed at Polotsk, in White Russia.*

[5] *Cf. Grassi's Memoirs on America: "The Government does not meddle at all with what regards religion. In this manner the truth can show itself freely and triumph in America, though so can error too; at all events, the truth is not hampered there with so many obstructions, which the vile jealousy of certain Governments puts in its way with exequaturs, revisions, appels comme d'abus, pretended royal rights, which certain Apostolic, Catholic, Most Christian, Most Faithful defenders of the faith advance, but which are stumbling-blocks to the Church of God"* (*General Archives S.J., Maryl. Epist., 1, i., J. A. Grassi's* Memorie sulla Compagnia di Gesù ristabilita negli Stati Uniti dell' America Settentrionale, dal 1810 al 1817; *p. 11*).

consideration, and wish to have your sentiments on the matter. You shall have my hearty concurrence to bring the scheme to a happy issue. . . .

Had Carroll been less sceptical than he was on the subject of the Society's continued existence in Russia, and of its valid revival in other parts by special Briefs of the Holy See, it may appear that the Order would have been restored in America at an earlier date than 1805; and, from the tenor of Talbot's inquiry about Carroll's private opinion, we may infer that but for this scepticism, which affected the American ex-Jesuit's judgment till the general restoration of the Society (1814), his words might have encouraged the English Fathers to aggregate themselves at this or an early period to Russia.

Nearly a year after the date of the letter just given, Talbot wrote again.

K. 1785, August 20.

T. Talbot, 20 Aug., 1785, to Carroll. Extract.

Augst 20th, 1785.

. . . Ever since it pleased God to manifest again to the world the Society, I have looked upon America as a spacious field for its future labors: it was not raised again without a special Providence of Almighty God, nor can it be supposed for ends different to its primary Institute. It never was to be confined to Alba Russia: it has already made its way to Petersburgh and Moscow, and will extend itself in time in fines orbis terrae. . . .

Georgetown College Transcripts, 1784–1803, Talbot, 21 Sept., 1784, 20 Aug., 1785, to Carroll; Shea papers, copies.—Cf. Baltimore Diocesan Archives, box 8, T; the originals, each 3 pp. 4to.

No. 147. **1784–1786.**

Jesuit rights to the property: uses considered legitimate. *Two phases of thought became very distinct, among the ex-members of the suppressed Society of Jesus. One was strictly conservative, and regarded everything as belonging to the Order, with a view to eventual restoration. The other was liberal, and considered what the Society itself would do with the property, if it were still alive. This diverging trend of opinion became a matter of prime importance, when in a couple of years the practical questions arose about founding an academy at Georgetown, and about maintaining one of their own members, in the capacity not merely of a superior, but of a bishop. The Southern District was strongly conservative, as the documents have already shown; and, besides*

being the most numerous, it was represented by the most influential man of the day, James Walton, who was the legal owner of almost all the Jesuit property. He was supported by a worthy member of the old school, Father Ignatius Matthews. Perhaps the other two Districts were liberal; at all events they were represented in the Chapter by men who were so. The Middle District sent as its deputies Diderick and Carroll; and, when the latter became Prefect Apostolic, his place was taken by one of his constituents, John Ashton, Procurator General. The Northern District was never well represented; Mosely and Lewis at Bohemia in Maryland, Molyneux and others in Pennsylvania, were too distant or too indifferent, if not indolent, to take a large part in active representative life.

As to Walton and his character, two phrases of Carroll in letters to Charles Plowden will serve to portray the man, and several other persons.

A. 1780, April 27.

Carroll, 27 Apr., 1780, to Plowden.

. . . Your schoolfellow Ashton lives about 25 miles from me, and is the most industrious man in Maryland. It is a pity he could not have the management of all the estates belonging to the clergy in this country. They would yield thrice as much as they now do. Mr. Matthews, who succeeds Mr. Hunter at Port-Tobacco, promises, I am told, very well. But James Walton, who has as fine land [*Newtown?*] as any in America, is said to make a bad hand at farming. This you, who know him, will not be surprised at. But, if he does not succeed in temporals, he is indefatigable in his spiritual occupations. With him lives, among others, that man without guile, little Austin Jenkins . . .

B. 1798, December 13.

Carroll, 13 Dec., 1798, to Plowden.

. . . I directed him[1] to enter into a probationary state under the rigid discipline of the true son of the Society, Mr. James Walton . . .

Md.-N. Y. Province Archives, 1780, Apr. 27, Carroll to Plowden; 5 pp. fol., No. 2. Ibid., 1798, Dec. 13, same to same; 3 pp. 4to, No. 53.

With these psychological bearings to illustrate the divergence of opinion between parties, we follow the course of business in the documents.

C. 1784, October 11.

[*1.*] Form of Government.

. . . 13°. *The Superior in spiritual affairs can approve of individuals, and propose new comers to vacant places; but he can assign no one a place for his*

[1] *A suspended priest, Delvaux. Cf.* No. 163, A, note 5.

maintenance, unless the Chapter of a District accept him and his services; nor can any one of the Body, when he is dissatisfied where he is, be imposed on any District, without their consent expressed by their members of Chapter.

14° *There is* no arbitrary power *vested in any one to remove* at will, or for greater convenience, *one who is actually a member of the Body of the Clergy.*

15°, 16° *See supra,* No. 146, H.

17° Neither the Procurator General nor any person shall have power to sell, dispose of, remove, or otherwise alienate the property of any plantation without the consent of the General Chapter for real property, or of the District for personal property.

[*II.*] Rules for particular government of members belonging to the Body of the Clergy.

. . . 2° When two or more clergymen live together in the same house, a system of equality must be observed as far as possible, and every idea of dependance on, or subjection of one to the other must be excluded. Good order and economy require indeed, that one person on each estate have the management thereof, the disposal of the produce, the receiving of the profits, the ordering of the table, etc. But every person there living should have a reasonable sum, to be determined by the General Chapter, allowed him to lay out in necessary and convenient uses. *This sum is fixed for all at* thirty pounds lawful currency.

. . . 4° No clergyman living in a secular house shall be elected to the place of Procurator General, or be allowed a subsistence out of the estates of the clergy, unless he be there placed with the consent of the General Chapter.

D. 1783, September 23.

The Southern District on an extraordinary case; last of the criticisms, without a number:

An Amendment to the extraordinary case provided for.

The person duely chosen for Superior ought to accept of the charge without any generous provision. And, whenever a Superior is to be chosen or deposed, the votes of the whole Body of the Clergy are to be taken.

E. 1784, October 11.

The General Chapter, 11 Oct., 1784, recasting the extraordinary case:

Form of Government.

[*I.*] . . . 13° The last article of regulations etc., there called A provision for an extraordinary case, being considered, it was agreed to alter it and fill it as follows:—If the person duly chosen Superior should not accept the office (which it is hoped he will not do [*i.e. refuse*], but for

reasons judged sufficient by Chapter), notice thereof shall be given from Chapter to all the Districts, that the votes of every clergyman may be collected and transmitted to the person or persons appointed to inspect and make them known. And the Chapter agrees that the provision for the Superior, as such, shall be at the rate of forty pounds per annum.

The same General Chapter on the formation of the District Chapters; business resolves, 11 Oct., 1784:

[II.] 13º That the two members appointed to the General Chapter, together with a third to be chosen by a majority of the votes of the clergy of the respective Districts, shall form a District Chapter.

F. 1783, September 23.

The Southern District on restoration of lands to the Society of Jesus; seventh and last criticism on the Form of Government:

7º Whereas in the foregoing articles no provision is made for the securing of the lands and estates, heretofore in the possession of the Society of Jesus, this meeting judges it highly necessary to recommend to the General Chapter that, in case of a restoration of that Body, proper means be taken that all property belonging to the present clergy return to its former channel, under the direction of the same Society, and be secured to them.

G. 1783, November 6.

The General Chapter, 6 Nov., 1783, consisting of Lewis, Diderick, Carroll, Matthews, and Walton, in answer to this criticism:

5º The Chapter declare for themselves, and as far as they can for their constituents, that they will to the best of their power promote and effect an absolute and entire restoration to the Society of Jesus, if it should please Almighty God to re-establish it in this country, of all property belonging to it; and, if any person, who has done good and faithful service to religion in this country, should not re-enter the Society so re-established,[2] he is nevertheless to receive a comfortable maintenance whilst he continues to render the same services, and to be provided for as others in old age or infirmity.[3]

H. 1784, October 11.

The General and constituent Chapter, 11 Oct., 1784, which finished the Constitution, resumed and repeated the same statement in its last paragraph, after the Form of Government, Rules of Particular Members, and Regulations for the Estates.

[2] *Cf. Grassi,* Memorie, *as above* (No. 146, J, note 5), p. 20: "*Other ex-Jesuits, that is, Fathers Brook and Beeston and Ashton and Pye, did not seek for re-admittance, and remained in their missions as before.*"

[3] *This declaration touching ex-Jesuits affected all members of the Select Body, when non-Jesuits were aggregated as members. Cf.* No. 179, T, 8º (*14 Sept., 1813*).

Md.-N. Y. Province Archives, 1784, Oct. 11, minutes of the General Chapter, as described above, No. 145, A, [v.]; *5 pp. large 4to, containing the three divisions of the general Constitution. It looks like a copy by Walton himself. Ibid., minutes of the Southern District meeting, as above* (No. 145, B).

This Chapter meeting of October, 1784, was what might be called a constituent assembly; because, as its minutes state, the whole of the Constitution, in its three parts of Form, Rules, and Regulations, was finally concluded and determined at [*this*] the third meeting, held at the White Marsh, Oct. 11, 1784, and declared to be binding on all persons at present composing the Body of Clergy in Maryland and Pennsylvania. In witness whereof we here subscribe our names; *the persons present being Lewis, Diderick, Carroll, Matthews, and Walton.*[4]

The meeting was, absolutely speaking, about the sixth or eighth, for two series at least of local District meetings had already been held. And the Chapter had been so thorough and exhaustive in finding out and carrying out the sense and purpose of every individual member, that, in its next meeting of November, 1786, it proceeded to the formality of calling for the signature of each and every clergyman concerned, and this with special reference to a Maryland act of incorporation, on the lines of the Constitution now adopted.[5]

The Chapter began the administration of current business at its meeting of October, 1784; and henceforth, as the representative and executive committee of the ex-Jesuit clergy, it governed the temporalities, and touched other questions. Its administration was such as might have been expected of a Jesuit Superior—John Lewis or George Hunter. But there was a great difference, in that there was no effective superior; and the permanent administrator was the procurator. The man chosen for this post, as being best qualified and really efficient, would have been the last to think of as a superior. This was John Ashton.

John Carroll, whether as prefect apostolic or as bishop, was never more than a simple member; at first he was not even eligible to a place on the executive Board.[6] *Such was apparently the understanding during eighteen years; and when in 1802, twelve years after the erection of the Baltimore diocese, Bishop Carroll was elected for the first time to be a Trustee,*[7] *John Ashton maintained acrimoniously that, according to the revised articles or fundamental statutes made (1793) in conformity with the act of*

[4] *Cf.* No. 145, A, [v.].
[5] No. 150, O.
[6] *Cf.* No. 146, F.
[7] *Cf.* No. 175, K, *seq.*

incorporation, the bishop of the diocese was ineligible to a seat at the Board which managed the temporalities.[8]

No. 148. **1784, October.**

Current business at the Chapter of October, 1784. *The first part of this business will show the manner and matter of administration. The second part will take up the very important question proposed by Father John Carroll, whether he should accept his appointment from Rome, as Prefect Apostolic.*

A. 1784, October 11.

Proceedings of the Chapter, 11 Oct., 1784. Current business.

The general Regulations being compleated and unanimously agreed to, the Chapter proceeded to the election of a Procurator General; and the Rev. John Ashton was unanimously chosen and appointed to that office, and authorised and directed to transact the business thereunto belonging, agreeably to the Rules and Regulations prescribed for his government. In consequence whereof, the Chapter then passed the following Resolves:

1º That the Procurator General be allowed forty pounds currency extraordinary, towards defraying the incident expences of his office.

2º That he shall pay the clergyman at Lancaster forty pounds currency, for the discharging of his debts; and henceforth annually forty pounds sterling on Sir James James' [!] foundation,[1] till otherwise ordered by Chapter; and, for a farther support, this Chapter allows to the said clergyman of Lancaster the annual rent of the plantations of Newcastle County on Delaware to the amount of £32.0.0 currency or thereabouts.

3º That the Procurator General be authorised and ordered to inquire into the state of the support of the Rev. Mr. James Frambach, clergyman of Frederick Town, and reduce it to an equality with that allowed to the clergyman of Lancaster. And, should the clergyman of Frederick Town be found to be in debt, the Procurator General has power from the Chapter to sell the outlots belonging to the Clergy's Estate in Frederick Town[2] for the discharge of the same.

4º That the Procurator General pay to Messrs. Farmer and de Ritter the balance of two years salaries; i.e. to each £15.0.0 currency or thereabouts; and henceforth annually, on account of Sir J. James' foundation, to each of them £20.0.0 sterling, till otherwise ordered by Chapter.

Items of business relative to Father Mosley and Bohemia, on the credit of which said plantation he is authorised to borrow £333.6.8, the Chapter being collateral security; *certain real estate sales in different parts, the proceeds*

[8] No. 162, J.

[1] *It was no doubt in the discharge of this duty that Ashton, who had known little of the old Jesuit government and temporal management in Maryland, entered into a controversy (1785–1787) with Father Thomas Talbot and then with Father Strickland, procurators in London. Cf.* Nos. 150, D–H, P–R[2]; 110, note 4.

[2] *On these* outlots *of the* Clergy's Estate, *cf.* No. 119, [IX.], 3º

being assigned either to definite local purposes, or to the general fund; Pipe Creek to be leased or sold; Campbell's lands to be sold, for the benefit of the general fund.[3]

12º That the Procurator General pay Mr. Carroll's printing expences.[4]

. . . 14º That the Superior in spirituals, from the receipt of his faculties be allowed the salary of 100.0.0 sterling per annum, together with a servant, and a chaiz and horse; that his salary continue till the next ensuing meeting of Chapter, and then be subject to their further determinations.[5]

Md.-N. Y. Province Archives, 1784, Oct. 11, minutes of the General Chapter, as described above (No. 145, A, [*v.*]).

This last resolution is followed immediately by the deliberations regarding Mr. Carroll's projected office of Prefect Apostolic. The various points contained in the minutes just cited are sufficiently explained by documents given above, in their appropriate places. One piece of property mentioned here is new; that is, Campbell's lands. It is one of the instances, which are frequent, as well of the fidelity shown by the ex-Jesuits to the general interests of religion, as of their devotedness to the Order in this interval of temporary suppression.[6] *The lands in question were Campbell's Chance and Struthland, apparently bequeathed to Ashton by a personal friend, J. Campbell, 11 Sept., 1772. Campbell died in Feb., 1779; and,*

[3] *The facility with which the Chapter, and subsequently the Corporation, alienated real estate was owing to the views prevalent in Maryland about civil and ecclesiastical property. See* No. 197. *This practice of alienating property, while always keeping the proceeds within the limits of pious uses, appears from the very commencement. See* Nos. 147, C, [*I.*], 17º; 152, C; 153, B, [*III.*], [*XIV.*]; *and in seq. passim. However, the principle so applied in Maryland does not seem to disagree with the injunction of Card. Antonelli* (No. 150, R), *nor with that of Card. Litta quoting Benedict XIV.* (No. 150, F², note 37), *because, while these forbid the transference of ecclesiastical funds, strictly limited to place and purpose, the Maryland Fathers had few or no such minute limitations in the use of their property, all being one general pious fund; and, within the limits of the general purpose, they operated, as above, without scruple. Cf.* No. 118, note 30.

[4] *Carroll was engaged in controversy at this date with an old colleague and a relative, Rev. Charles Henry Wharton, who had renounced his faith and the priesthood. Cf. J. G. Shea,* History of the Catholic Church in the United States, *ii. 227 seq. Cf. supra,* No. 72, p. 263; *a letter from C. H. Wharton, Liège, 13 Feb., 1770, to Father George Hunter, then in Europe, about* the inspection of my affairs in Maryland (*Md.-N. Y. Province Archives, 3*).

[5] *Here begins the history of that allowance for* the Superior in spirituals, *which formed the basis of Mgr. Ambrose Marechal's controversy with the Jesuits on their temporalities* (*supra,* Section III.). *It may be noted that the special salary was voted, when the actual superior was Father Lewis, and before a prefecture-apostolic in America, much less an episcopal see in Baltimore, was established. A slightly enlarged allowance was already granted to the Superior in the Form of Government. See* No. 147, E, [*I.*] *On the development of the allowance, see* Nos. 116, C, note 8; 117, B, note 3.

Shea inserts here, as the equivalent of £100 sterling: $444 per annum. *J. G. Shea,* History of the Catholic Church in the United States, *ii. 241. Cf.* No. 176, J.

[6] *Cf.* No. 114, note 19, *on* Truth and Trust, *devised by Father Augustine Jenkins.*

on the 8th of June, 1780, John Ashton, devisee under the will, and now an ex-Jesuit, filed a suit against intruders, in the case: Ashton, Lessee, v. *Turners, quoted before in connection with Father Robert Brooke's Case.*[7] *This property being secured to Ashton as a consequence of his suit, he himself treats it as common goods, and the Chapter undertakes to dispose of it accordingly. Twenty years later Ashton, who was still and always a secular priest after this, promised a full power of attorney to Father Francis Neale, for the sale of two tracts,* Campbell's Chance and Struthland; *adding:* and I will ratify any agreement you make pro bono publico;[8] *although at this time Father Ashton was generally acting in opposition to his former colleagues.*

No. 149. **1784–1786.**

Carroll and Rome: reports sent by Carroll to the Propaganda about the property. *At the constituent meeting of the Chapter, described above, Father John Carroll asked for the advice of his brethren with regard to the offer now made to him from Rome of a prefecture-apostolic. They gave him their advice; and they made provision for him. When he moved to Baltimore from his mother's residence at Rock Creek, they added at the next meeting a further subsidy to the former provision, by way of defraying the extra expenses so incurred.*[1] *During these years, 1784–1786, the views of the ex-Jesuit brethren with regard to his position and the ecclesiastical form of government underwent a total change. The question of property and its use was made the subject of a lively debate, in connection with a project to establish a seminary and college. During the same two years, 1784–1786, Carroll made several declarations to Cardinal Antonelli about the nature of the property and about the need now apparent of legalizing the existence of the Chapter by incorporation.*

A. 1784, September 18.

Carroll, Maryland, 18 Sept., 1784, to Plowden.

. . . I now come to your favour of July 3d, previous to which I had received similar intelligence from Talbot and Thorpe. I do assure you,

[7] No. 44. *Cf.* No. 162, Q: Campbell's Chance and Struthland on Elkridge, Arrundel County, about 250 acres. *If this is the same land, it remained undisposed of, and still in Ashton's name, till his death, and then seemingly passed to the Corporation through Father Notley Young, Ashton's legal heir.*

[8] *Md.-N. Y. Province Archives, 1804, July 7, Ashton, Port Tobacco, to F. Neale, Georgetown; 2 pp. fol. in a trembling old man's hand.*

[1] No. 150, B, [*v.*], 1º. *Cf.* No. 116, C, note 8.

Dear Charles, that nothing personal to myself, excepting the dissolution of the Society, ever gave me so much concern. And, if a meeting of our gentlemen to be held the 9th of October agree in thinking that I can decline the intended office without grievous inconvenience, I shall certainly do so. . . .

B. 1784, October 11.

Proceedings of the Chapter, 11 Oct., 1784. A prefecture-apostolic, or a bishopric.

The business of Mr. Thorpe's letter was next considered by the Chapter, and the following resolves passed.

It is the opinion of the majority of the Chapter, that a Superior in spiritualibus with powers to give Confirmation, grant faculties, dispensations, bless oils, etc., is adequate to the present exigencies of religion in this country. Resolved therefore:

1º That a Bishop is at present unnecessary.

2º That, if one be sent,[2] it is decided by the majority of the Chapter, that he shall not be entitled to any support from the present estates of the Clergy.

3º That a committee of three be appointed to prepare and give an answer to Rome, conformable to the above resolution. The committee chosen to meet at the Whitemarsh are Messrs. Bernard Diderick, Ignatius Matthews and Joseph Mosley.

4º That the best measures be taken to bring in six proper clergymen as soon as possible, and the means [*be*] furnished by this Chapter out of the general fund, except where otherwise provided for.

After these, the last resolutions of the constituent meeting, the general declaration follows, as quoted before, regarding the ultimate restoration of all property belonging to the Society of Jesus, *in the event of the Order being restored in America.*[3]

C. *Same date.*

Proceedings of the Chapter, 11 Oct., 1784. The last of the Rules for government of members belonging to the Body of the Clergy ; *which implies that John Lewis*, the late Superior, *has resigned (in favour of Carroll).*

6º To preserve charity among the members of the Clergy in the Mission, every one must frequently pray for each other, and say ten Masses every year for every person dying in the service of this Mission ; and the members of the private Chapters may direct what Masses or prayers shall be said for other purposes in their respective Districts. Every clergyman shall say one Mass every year for the Superior in spiritualibus during his life time, and 15 after his decease. And for the late

[2] *The point of this resolution is in the word* sent, *in contrast with an appointment after* the free election of the clergy. *Cf. infra*, G ; p. 693 ; No. 168, A, 22º

[3] No. 147, G, H.

Superior, the Rev. Mr. Jno. Lewis, after his death also 15 ; and particularly all shall be mindful, soon after the 2d. November, to say annually one Mass for deceased benefactors.

D. 1785, February 17.

Carroll, Maryland, near Georgetown, 17 Feb., 1785, to Father John Thorpe, Rome. Thorpe's agency in Rome. Memorial on a bishopric for America. Extract.

At a meeting of some of us last autumn, it was ordered that £20.0.0 should be remitted to you, as a feeble acknowledgment of our sense of your services, and to defray your expense of attendance, &c. Mr. John Ashton, who is chosen to be our manager general, either has or soon will transmit the necessary orders for it. Though, since my late appointment, I do not intermeddle in our temporal concerns, yet I shall not fail to suggest the propriety of fixing on you, as our agent, a permanent salary. It will be proportioned, not to your zeal and services, but to our poor ability. At the same meeting, but after I had left it through indisposition, direction was given to Messrs. Diderich, Mosely[4] and Matthews, to write you a letter (I believe likewise a memorial to the Pope) against the appointment of a Bishop. I hear that this has displeased many of those absent from the meeting, and that it is not certain whether the measure is to be carried into execution.

E. 1785, March 1.

Carroll, report, 1 Mar., 1785, to Card. Antonelli.[5] *Statement that "there is no ecclesiastical property here, strictly so called; for everything is possessed by individuals in their own names, and handed on to heirs by will." No remedy thus far for this state of things. A seminary to be founded, for candidates who may come from the State colleges of Philadelphia and Maryland.*

. . . 3º De numero Presbyterorum, studiis, modo se sustentandi. . . . ¶ Presbyteri sustentantur ut plurimum ex fundorum proventibus ; alibi vero liberalitate Catholicorum. Nulla hic proprie sunt bona ecclesiastica.[6] Privatorum enim nomine possidentur ea bona, ex quibus aluntur Presbyteri ; et testamentis transferuntur ad haeredes. Ita faciendum suggessit dira necessitas, dum legibus Catholica religio hic arctaretur. Neque adhuc inventum est huic incommodo remedium, quamvis multum a nobis anno elapso id tentaretur.

Ad procurandos in Religionis ministerio successores, quid faciendum sit non sane intelligimus. Est jam Philadelphiae collegium, agiturque de duobus in Marilandia extruendis, ad quae admitti poterunt Catholici aeque ac alii, tam praesides quam professores et alumni. Fore speramus

[4] *This intimates that Mosely was a member of the Chapter.*

[5] *Cf. J. G. Shea*, History of the Catholic Church in the United States, *ii. 260, 261.*

[6] *Cf.* No. 144, A, *Carroll, 26 Sept., 1783, to Plowden, on the exclusion of ecclesiastical authority from touching Maryland property.*

ut hos inter aliqui vitam ecclesiasticam velint amplecti. Cogitamus igitur de seminario instituendo, in quo valeant deinceps ad mores et doctrinam statui illi convenientes formari. ¶ *Faculties, etc.*

F. 1785, July 23.

Antonelli, Rome, 23 July, 1785, to Carroll. He rehearses with approbation Carroll's opinions, expressed in the letters of 21 Feb. and 1 Mar. (1785). Accordingly, the project now suspended of appointing a Vicar Apostolic in the person of Carroll himself. The proposal accepted, that nominations may be submitted by Maryland missionaries. The temporary postponement also admitted, till there are candidates who need ordination at the hands of a bishop, and a "becoming support for the bishop be provided."

. . . Si vere magis expedire fore putaveris, ut missionarii ipsi aliquem vel prima vice Sacrae Congregationi commendent, qui ad Vicarii Apostolici munus provehatur, Sacra Congregatio id praestare non desinet, quod opportunius fore judicaveris. Certe in posterum, ut accepta evadat hujusmodi designatio, nulla erit S. Congregationi difficultas ut missionarii isti duos vel tres ex iis digniores S. Congregationi commendent, ex quibus illum decernere non recusabit, qui virtute ac meritis magis excellens videbitur. Interim vero Dominatio tua Superioris munus exercere perget; nam cum ipse declaraveris non prius oportere Vicarium Apostolicum constituere, quam de idoneis sanctuarii ministris, et de decenti Episcopi sustentatione provideatur, et aliunde significatum fuerit, id esse opportunum ut negotium istud protrahatur, nos Vicarii Apostolici designationem congruo tempori reservabimus, de quo etiam abs te certiores fieri exspectamus. *A new formula of faculties herewith sent, allowing Carroll to appoint missionaries other than those approved by the Sacred Congregation itself. Faculties for matrimonial cases; and to celebrate Mass "three hours after midday."*

G. 1786, July 11.

Carroll, 11 July, 1786, to Plowden. Summary of the foregoing.

The latitude accorded him in the matter of employing any clergymen he likes, and of granting dispensations. The nomination of a Bishop is suspended, till I shall please to say he might be serviceable; his appointment by a foreign tribunal is given up; and, whenever one is to be nominated, the clergy here may chuse two of their number, one of whom shall be Bishop. *On employing the interval, until a bishop is really needed, in obviating a danger, that of the final nomination to the bishopric being made by a* foreign jurisdiction. *The question of an* Ordinary. *No need now of Carroll's going to Rome.*

H. 1786, March 13.

Carroll, Maryland, 13 Mar., 1786, to Antonelli. The contention of some sectarian politicians, that the property of the Catholic priests should be

confiscated by the State; since, as they argued, the ministers of other denominations were maintained by the free oblations of their flocks, and Catholic priests should do likewise. To ward off such an attack, every effort has been made to obtain legal incorporation; but so far fruitlessly. Great prejudices subsist against the acquisition of property by ecclesiastics, whose tenure is called mortmain.

The Cardinal's letter of 23 July, 1785 (F), *received in December. The matter of approving missionaries; case of Father Andrew Nugent.* Iisdem litteris significavi commotionem aliquam animorum extitisse in Marylandia, ex qua suspicabantur aliqui periculum restringendae libertatis in negotio religionis. Aliud autem quidam moliuntur, aeque fortasse religioni perniciosum, scilicet fisco addicere bona quibus sacerdotes catholici sustentantur. Hoc eo praetextu praecipue se velle aiunt, quod sectariorum ministri, ut vocant, bona nulla stabilia possideant, sed ex gregalium suorum collationibus victum repetant: unde et nos in eamdem formam redigere cupiunt. Hujus rei evitandae causa,[7] ubi primum abrogatis Angliae legibus religionis nostrae libertas plane est constituta, omni conatu legem obtinere studuimus, qua sacerdotibus catholicis in unum corpus coalescere liceat, ac communi nomine bona possidere. Hac ratione sperabamus fore, ut bona ex privatorum manibus transirent in perpetuum jus et usum operariorum in hac Domini vinea: adeoque sacris usibus stabiliter manciparentur. Cupiebamus quoque periculo obviare, quod semper adest, dum in privati hominis potestate est, illa bona ad propinquos aut alterum quemvis instrumento legali vel testamento transmittere. Hucusque vero nihil profecimus, quod magna hic vigeant praejudicia de adeptione bonorum ab hominibus ecclesiasticis, seu, ut vocant, manus mortuae.[8] Si posthac divino beneficio conatus nostros melior successus coronaverit, certior fiet Sacra Congregatio.[(a)]

J. 1787, August 8.

Card. Antonelli, Rome, 8 Aug., 1787, to Carroll.

The receipt of Carroll's report. Compliments. The Cardinals heard with much satisfaction, that he thought of obtaining an act of incorporation for the clergy, unto the preservation and religious use of the property, which had been held for them in a private name (see the text, No. 115, § 20). *Carroll's project of a school for youth, and of a seminary for clerics, viewed with approbation. The system of studies, etc., left to Carroll's consideration.*

(a) *Carroll goes on to say that the foregoing was written "before 27 March," which is the date given, supra,* No. 115, § 19.

[7] *Here begins absolutely the quotation of this passage in* No. 115, § 19, *where it is subjoined to Antonelli's observation* (No. 149, F) *about obtaining priests, and providing an episcopal mensa.*

[8] *The restrictive legislation of Maryland regarding acquisitions of landed property in ecclesiastical mortmain is expressly cited in the preamble to the charter obtained for the Corporation, 23 Dec., 1792. See* No. 164, A, [1.].

K. 1788, April 19.

Carroll, 19 Apr., 1788, to Antonelli. Answer to the foregoing (J).

He demurs to the compliments paid him. He is sanguine about procuring an act of incorporation for the Catholic clergy: Maxime jam confido legem brevi obtinendam esse, qua sacerdotibus catholicis in unum corpus coalescere permittetur, ac communi nomine bona possidere; et etiam, cum quadam restrictione, alia acquirere,[9] si quando, ut speramus, frequentiores fuerint sanctuarii ministri.[10] *On Nugent, New York; the Spanish ambassador's interest in the affair of a bishopric for the United States.*

Md.-N. Y. Province Archives, 1784, Sept. 18, Carroll to Plowden; 4 pp. 4to, No. 7. Ibid., 1786, July 11, same to same; 4 pp. 4to, No. 11. Ibid., 1784, Oct. 11, minutes of the General Chapter as described above, No. 145, A, [v.]); *f. 5. —Georgetown College Transcripts, 1785, Feb. 17, Carroll to Thorpe; Shea copy, 11 pp. 8vo. Ibid., 1785, July 23, Antonelli to Carroll, Shea copy, 3 pp. 8vo; 1786, Mar. 13, Carroll to Antonelli, Shea's excerpts, 1786, 1787; 1787, Aug. 8, Antonelli to Carroll, Shea's excerpts, 1787–1790.—Propaganda Archives,* America Centrale, *2, f. 313v, 1 Mar., 1785, Carroll's* Relatio pro Eminentissimo Cardinali Antonello de statu religionis in Unitis Foederatae Americae Provinciis (*ff. 312–314*). *Ibid., f. 367v, 19 Apr., 1788, Carroll to Antonelli.—Cf. Georgetown College Transcripts, Shea copies of the two latter, under respective dates.*

No. 150. **1786, November–(1811).**

The Chapter of 1786: accounts with the extinct English Province S.J.

The previous constituent meeting of the Chapter had closed in October, 1784, with the attestation of universal approval. The body met again in November, 1786, one year before the date appointed. It had to consider pressing questions about incorporation, a bishopric, and a school.

The ex-Jesuit property rights in England. *Principles, and their bearings on Maryland.*

[9] *Cf.* No. 115, § 20, *Marechal to the Propaganda, 19 Aug., 1820. Here at the word* acquirere *the quotation stops, in the middle of the sentence. Ibid.,* § 19, *the quotation of document* H *above begins in the middle of a sentence, with the suppression of Carroll's political reason for incorporation:* Hujus rei evitandae causa. *Ibid.,* § 20, *between the quotation of documents* J *and* K, *there is inserted a statement that "the greatest difficulty, which Dr. Carroll had to encounter, was not from the side of the American Government, but from his ancient brethren and colleagues, who entertained hopes of the Society's restoration, and therefore did not wish to part with the property which they enjoyed." Thus, from the political ground on which Carroll rested the question of incorporation and its difficulties, Marechal moved the issue to the ground of the ex-Jesuits' tenacity in not letting Carroll have the property for the See of Baltimore and for the clergy at large in Maryland. For the interpretation given in Rome to the "fragments" cited in* No. 115, §§ 17–20, *cf.* No. 199, A, Alcune poche Osservazioni, *by the General, Father Fortis. The impression conveyed had been that Pius VI., in erecting the See of Baltimore (1789), and giving the Ordinary of that See authority to "administer ecclesiastical revenues"* (No. 160, B), *did thereby settle the mensa of the said See on the estates of the ex-Jesuit Corporation (founded 1793).*

[10] *The foregoing documents,* E–K, *are the entire basis of the claim advanced that the mensa of the Baltimore See, before the erection of the latter, was understood to be settled on the Jesuit estates. See* No. 115, §§ 17–20, *where essential elements have been suppressed in the fragments, as seen from the supplements given above.*

A. 1784, October 11–1787, October 10.

Adjournment of the Chapter, 1784, for three years.

The Chapter, having finished their present business, adjourned to the 10th of October, 1787. All signed.

B. 1786, November 13–24.

Proceedings of the General Chapter in the year 1786.

[*I.*] Nov. 13th in the year 1786, being the day appointed for the General Chapter to meet at the White Marsh, met accordingly, for the Southern District, the Rev. Mr. Ignatius Matthews and the Rev. Mr. James Walton; for the Middle District, the Rev. Mr. Bernard Diderich and the Rev. Mr. John Ashton. There being a sufficient number met to make a Chapter, agreed unanimously that the Rev. Mr. John Carroll Superior be respectfully intreated to attend Chapter.[1]

Ordered, that the Rev. Mr. John Ashton do write to the Rev. Mr. J. Carroll to the same purpose.

[*II.*] November 15th, the Rev. Mr. J. Carroll attended agreeably to the request of the Chapter.

November 16. Resolved that the following regulations shall be received and observed by Chapter in this meeting.

[*III.*] Rules to be observed by the members of this Chapter.

Here follow thirteen bye-laws.

[*IV.*] November 17. The Rev. Mr. Molyneux attended Chapter for the Northern District.

Particular Resolves.

Deer Creek.[2] *Affairs of the Rev. Mr. Mosley. Newtown. The Rev. Mr. James Frambach's Affairs. Lancaster. The Rev. Rob. Molyneux.*

Superior.

[*V.*] Resolved. 1º That the sum of £210 [*currency*] per annum be allotted to the Superior till the next meeting of Chapter,[3] and that the Procurator General be authorized to pay him the same, as long as he continues to live in Baltimore; on his retiring from thence, his salary to continue as formerly granted.

C. 1785, June 29.

Carroll, Rock Creek, 29 June, 1785, to Plowden. On removing to Baltimore.

. . . I find it very difficult where I now live to attend the duties of

[1] *Molyneux for the Northern District attends on 17 Nov. Pellentz would seem to be the other member for the same District* (*cf.* No. 153, A, [*II.*], [*VI.*]).

[2] No. 85, B.

[3] *Cf.* No. 148, A, 14º *This sum of £210 currency was equal to £126 sterling. See* No. 157, A, 6º *According to Shea's calculation that £100 sterling equalled $444* (No. 148, note 5), *this sum would come to almost $560.*

my present station. It is inconvenient to some to apply to me here; and, however painful it will be to my dear Mother and myself, I apprehend that it will be necessary for me to remove to Baltimore, as a more centrical situation. You shall know more particularly in my next. . . .

Georgetown College MSS., Proceedings of the General Chapter in the year 1786; *9 pp. fol.: followed by 13 pp. fol.*, Letter to the Rev. Gentlemen of the Southern District, Maryland (No. 153, B).—*Md.-N. Y. Province Archives, 42: 1 cahier of 8 ff. 4to, containing the same minutes in Sewall's writing; 1 cahier, 4 pp. 4to, same style, same paper, same writer, but carelessly done,—his private memoranda for the minutes. Ibid., 45, the same writer's draft, corrected and complete, of the letter to the Southern District. Some of his corrections are instructive, and we shall note them in the text (infra,* No. 153, B). *Ibid., 1785, June 29, Carroll, Rock Creek, to Plowden; 3 pp. fol., No. 9. As far as his 18th letter in our collection, dated 1788, May 26, he still writes from Rock Creek, except in the case of the 17th, 1788, March 1, which is dated from* Maryland. *The first dated from Baltimore is our 19th, 1788, Nov. 12.*

D. 1786, November 13–24.

Proceedings of the Chapter, 13–24 Nov., 1786.

London Debts.

Resolved. 1° That Chapter does approve of the answer given by the Procurator General to the proposals made from England by the Rev. Mr. Strickland for the payment of a debt claimed from the clergy in this country, and that he be authorized to settle the same on the principles proposed.[4]

The accounts of England and America were distinct and independent. The obligation of paying to Pennsylvania the Sir John James subsidy,[5] which was received by the London office, had been transferred by agreement to the Maryland Office, as its part payment of the accumulated liabilities in London.[6] Ashton wrote now about some imaginary general stock, which after the Suppression should have been divided between England and America; he put forward that idea as an offset to the real obligation of a debt, and he called for arbitration and referees.

E. 1786, November 13.

Carroll, Rock Creek, 13 Nov., 1786, to Plowden. The Rev. Mr. Brooke stranded in London for want of funds.

. . . You expected that Mr. Brooke would deliver your letter; but, with yours, I received one from him informing me of his disappointment in not finding cash ready at London, as he had reason to expect it would be from my letters. How this has happened I cannot tell, but shall know in a day or two. Your schoolfellow Mr. Ashton, our very industrious

[4] *Cf.* Nos. 148, A, 2°, note 1; 150, K[2].
[5] No. 70. [6] No. 90, 6°.

and active money agent, is not often behindhand in the discharge of his business; and I relied on him so much as to suppose he would not be deficient. But, as I know that he made further remittances about three months ago, I trust that Mr. Brooke is now on his way to a country, in which he will be most welcome. . . .

F. 1787, June 4.

Carroll, Rock Creek, 4 June, 1787, to Plowden. On the controversy between Ashton and Strickland, procurators.

. . . A disagreeable affair has arisen between Mr. Strickland and Jn. Ashton, your schoolfellow, our agent general pro temporalibus. It regards a contract between Messrs. Corbie and Hunter; a debt from Maryland to the former Province; and a claim for a fair proportion of our share in the Province, or, as you call it, the office stock. I wish the matter were amicably settled; and Mr. Ashton has just informed me, that he has now offered to Mr. Strickland to leave it to referees, giving bonds mutually to abide by their determination; the referees to be chosen out of the former body. . . .

G. 1788, March 1.

Carroll, 1 Mar., 1788, to Plowden. Apparent estrangement of the English procurators.

. . . I know not what it is got into Mr. Talbot's head. I write to him constantly; and for 18 months cannot get from him one word of answer. I suspect that he imputes partly to me some proceedings of your schoolfellow Ashton, who is our temporal agent. I had no part in the business, except certifying, when called on by Ashton, that he is the agent of the clergy here for their temporalities; and an excellent agent he is for the substance, tho ungracious oftentimes in the manner. The suaviter in modo, so much recommended by the courtly Chesterfield, is wanted to temper the vigor of his exertions, the fortiter in re. I fear he has offended both Strickland and Talbot, and drawn even on me the displeasure of the latter. . . .

H. (1790, September.)

Father Strickland's note in Ledger B, Maryland Accounts, p. 277.

N.B. Mr. Ashton, the Agent for Maryland and Pensilvania, having written many very unbecoming letters concerning the Agency and Government of the Society and of the persons concerned,—in order to put a stop to all further abuse it was judged expedient to sacrifise the large debt of £1413.13.8½, on condition that America should pay the debt incurred to Liège and to Office since the dissolution of the Society, and also to find a proper and good security for the regular payment of Mrs. White's annuity of one hundred pounds a year.[7] This agreement was made

[7] *Cf.* No. 54, p. 239.

between me and Bishop Carroll of Baltimore when in London, Bishop Carroll being properly authorised by the gentlemen in America to sign the agreement, which took place in Sept. 1790.

J. 1790, September 29.

Bishop Carroll's undertaking to Strickland, 29 Sept., 1790.

Memorandum in Strickland's hand. When I entered upon Office, I found Maryland indebted to Office in the sum of 1400£. Since that time, Maryland has incurred other debts. I propose to forgive in the name of Office the debt of fourteen hundred pounds, provided Maryland will pay debt incurred since I entered upon Office, and will also provide good security for the payment of Mrs. White's annuity, and quit all claim of reversion, and all other claims upon the Province.

Carroll's assent, in his own hand: The Subscriber agrees, as far as he has authority, to this proposal, and will urge, with all his power and influence, its admission by the Chapter of the American Clergy. J. Carroll. Sept. 29, 1790.

K. 1793, November 29.

Strickland, 29 Nov., 1793, to Bishop Carroll.

. . . I had been informed before that your accounts and those of our former Brethren were perfectly distinct. . . . The enclosed state of accounts will show distinctly what sums have been placed to the credit of America and by whom. The whole of that credit arises from the Pensylvania fund, Mr. Ashton's annuity,[8] and from you.

L. (1811.)

Strickland's note in Ledger G, Maryland Mission, Dr., p. 126.

Total debt accumulated, 1804–1811, about £429.19.4. Then this note: Not seeing the smallest hope or prospect of recovering the debts owing to the Province from America, that account is here closed, and the subsisting debt forgiven.—There will still remain due to America the Pennsylvania fund of £53.11.8. when paid to me. Rev. Jos. Hodgson pays it to me generally in May; because, he says, he does not chuse any transatlantic correspondence.[9]

[8] *Cf.* No. 63, p. 252.

[9] *This accumulation of American debts in the London procurator's office furnishes the explanation of Carroll's account, 30 July, 1812, to Beschter* (*infra*, No. 178, Z), *the American credit of the Sir John James Fund being, by agreement, balanced against American debts contracted in London. Cf.* No. 110, B, note 4. *Carroll says to Beschter, in the letter cited:* You must be destitute of the resources I was accustomed to send. Impute it to Mr. Strickland of London. The money passes thro his hands to me, and I suspect that he is very forgetful. For three years he has made no remittance, insisting particularly that the portion of the Society, which formerly existed in Maryl^{d} and Penns^{a}, owed to that in England, before the dissolution, a considerable sum. This account, to my certain knowledge, has been paid twice thro his mistake, and once with the personal loss to me of stg 65; yet, after a few years, he revived again the claim, and, as above mentioned, has now for three years

London, English Province Archives S.J., portfolio 6, American Letters, *ff. 12–32ᵛ, 9 letters of Ashton to Talbot and Strickland, 28 Dec., 1785–17 July, 1788, with Strickland's Memoranda of his drafts in answer. See infra,* G²–P². *Ibid.,* f. 34, *Strickland's formula, with J. Carroll's undertaking, 29 Sept., 1790, autograph.—Ibid., Procurators' books, ledger B, pp. 277–282; ledger G, f. 126. —Md.-N. Y. Province Archives, 1786, Nov. 13, Carroll to Plowden; 4 pp. fol., No. 12. Ibid., 1787, June 4, same to same; 3 pp. 4to, No. 15. Ibid., 1788, Mar. 1, same to same; 5 pp. 4to, No. 17.—Cf. Georgetown College MSS., folio blank book with insertions of (B. U. Campbell's ?) notes, pp. 43, 44; divers memoranda from Strickland's correspondence, 1789–1793; 9 Aug., 1789,* $20,000 *due by Americans to English Province.*

Leaving to the following Number the main business of this Chapter held in 1786, we add the remaining resolutions, which show very well the ecclesiastical spirit animating the administration.

M. 1786, November 13–24.

Proceedings of the Chapter, 13–24 Nov., 1786.

General Resolves.

1º That, as a supplement to the 2nd article of the Rules for the particular government [*of members*], when clergymen are declared infirm after serving this country and being incorporated into the Body of Clergy, the expense of board shall fall on that house in which they desisted to do service; but the salary they are to receive shall be paid to them out of the general fund.[10]

2º To the end that clergymen may not be taken off from the attention due to their spiritual occupations or the trust reposed in them in temporal affairs, and to prevent inconveniences arising therefrom, the members of the Clergy are cautioned not to be trustees, executors, or guardians for another,[11] and Chapter protests against all damages arising therefrom.

3º Where clergymen live in places sufficiently provided for from our estates in the judgment of the District Chapter to which they belong, it shall not be lawful for them to demand a support from the faithful, but they are to serve them and administer the Sacraments in all cases gratis.[12]

Ordered, That the Rev. Messrs. Ign. Matthews, James Walton, and John Ashton be a committee to lay before Chapter the accounts stated

neglected to make a remittance. I am however now to take a new step, and hope in less than a month to pay up a large portion of arrears due to you. Excuse haste, and be assured of the respect and esteem of,

Rev. and dear Sir,
Yr. most hble St,
+ J. Archbp of Bre.

The inaccuracies here are rectified by the documents in the text (H–L); *and by the books of the Corporation, which, in 1795, 1796, paid the Sir John James annuities into the hands of Bishop Carroll. See* No. 173, C, D.

[10] *Compare* No. 119, [*VII.*], *Marechal's statement to the Propaganda.*

[11] *This is in accordance with a rule of the Society of Jesus.*

[12] *Cf.* Nos. 51; 56, [*12*]; 59, A; 135, A, note 30.

between the Procurator General [*Ashton*] and the different estates committed to his care for the general fund,[13] and to make their report thereon before the rising of Chapter.

N. 1786, November 23.

Proceedings of the Chapter, 23 Nov., 1786. The title-deeds and archives.

Other Resolves.

Nov. 23. 1º That the Rev. Messrs. Ign. Matthews, Leonard Neale, and John Bolton be a committee to assort and file all land papers to be kept at Port Tobacco dwelling-house in a safe place, numbering the same according to their dates, and to send a fair copy of titles and numbers thereof to the Procurator General.[14]

O. 1786, November 24.

The Chapter, 24 Nov., 1786. The signatures of all the Clergy to the Constitution.

That a member of the General Chapter in every District be appointed to present the proceedings of the last general Chapter, relative to the Form of Government, to be signed by all the members of the District; and the persons are, for the Northern District, the Rev. Robert Molyneux; for the Middle District, the Rev. John Ashton; and, for the Southern District, the Rev. Ign. Matthews.

All matters being settled that came under deliberation of Chapter, ordered that the Procurator General do pay the members thereof the journal of accounts. Nov. 24th, 1786.

CHARLES SEWALL, Secretary.

Georgetown College MSS., Proceedings of the General Chapter in the year 1786, *as above* (p. 639); *ff. 2ᵛ, 4ᵛ, 5.*

Before proceeding to the most important subjects of deliberation in the General Chapter of 1786, we insert a series of documents to illustrate the English property question, which was broached by John Ashton. His point of departure was the Sir John James Fund, established for the Jesuit missionaries in Pennsylvania (No. 70). *From that point he digressed into an attack upon the exclusive rights of the ex-Jesuits in England over their old property there. He claimed a share for America.*

We give first a substantial set of documents, which show the merits of the question in England. Then we present a summary of the Ashton controversy with the English procurators. A supplementary

[13] *Cf.* No. 146, B, 4º.
[14] *Cf.* No. 217, note 36.

view of the matters in these documents on England is afforded infra in the Appendix, No. 220.

The ex-Jesuit property rights in England, 1778–1806.

P. 1778.

First Act of the British Parliament, 1778, for the relief of Catholics.

The oath of allegiance prescribed by the Act contained the clause: And I do declare that I do not believe that the Pope of Rome, or any other foreign prince or prelate, State or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm.

Q. 1784, July.

[I.] *Acts of the First Congress held by the English ex-Jesuits, and begun 29 Apr., 1776.*

. . . Die Jovis, Maii 2, 1776. . . . 28. Report made by the Committee, that had been appointed to inspect and state the accounts of public monies: it appeared that there was not a sufficient income in the Office for the exigencies of said Office, and other necessary expences.

[II.] *Acts of the Second Congress, 8–21 July, 1784.*

. . . 6. Question put: Whether, upon the dissolution of the Society, there were any money in the Districts unappropriated?

7. Resolved unanimously in the negative: there being no common property in the Districts, but what was appropriated and belonged to some particular District.

. . . 18. Some Districts having instructed their deputies to know the opinion of the gentlemen assembled respecting the nature of our property, the following declaration was unanimously made: That it is, and always was, the opinion of every District, since the dissolution of the Society, that the property of the different Districts, as well as of [*the central*] Office, is of such a nature that it cannot be alienated from the use originally intended, and such has been all along their invariable practice. Groundless therefore and unjust is every report that has been propagated to the contrary.

. . . 21. Resolved, that the Brief of Suppression neither did nor could take away the right of property of any individual.

. . . 47. *Amendment to the 38th resolution of the First Congress (29 Apr.–6 May, 1776), which ran thus:* Whereas, in the course of natural events, it must be expected that some Districts will in a few years be extinct, it was moved and unanimously resolved that, when any District shall be reduced to one or two lives, it will then be proper that such member or members, by will or other legal conveyance, make the administrators then being[15] heirs to the effects of such District for the public

[15] *A standing committee of five persons. Cf.* No. 143, A, note 8.

use or service: but such member or members shall be at liberty to dispose of their private estate, whether real or personal, to such person or body, as he or they shall chuse :—

Amendment of the whole enactment into a recommendation that members so dispose of their property, that it be always applied to the uses originally intended.

R. 1786, July 15.

Decree of the Sacred Congregation de Propaganda Fide, answering Rt. Rev. Matthew Gibson, Bishop of the Northern District. The ex-Jesuits cannot dispose of their ecclesiastical property any way they choose; they can use it for their maintenance till their decease, whereupon the said property will pass to the Vicars Apostolic of England.

Illustrissime et Reverendissime, uti Frater,

Innotuit Sacrae huic Congregationi de Propaganda Fide nonnullos extinctae Societatis individuos, qui in Anglia commorantur, in ea esse opinione ut putent jus sibi competere disponendi de bonis ad praefatam Societatem pertinentibus. Cum vero id generalibus sacrorum Canonum et Apostolicarum Constitutionum regulis adversetur, Sacra Congregatio monitos voluit eosdem individuos sub conscientiae gravamine ne de bonis praefatis disponere, aut capellas domosque adnexas alienare aut vendere praesumant, etiamsi pretium inde perceptum in pios usus erogare intelligant, aut dominium transferre in regulares aliorum Ordinum.[16] Super quo invigilare debebunt Vicarii Apostolici, et memoratos Societatis individuos inhibere ab hujusmodi alienationibus et a libera dispositione bonorum, etiam sub ecclesiasticis poenis, quoties moniti parere recusant. Erit igitur Amplitudinis Vestrae illos hac de re certiores facere, atque etiam hortari ut contenti sint bonis praedictis uti donec vixerint, tanquam boni patresfamilias, ad necessariam atque etiam commodam sui sustentationem, scientes eadem bona post illorum obitum cadere debere in beneficium Missionis, sub plena et omnimoda Vicariorum Apostolicorum administratione. Haec Amplitudini Vestrae pro suo regimine comperta volui.

L. Card. Antonellus, Praefectus.
S. Borgia, Secretarius.

Romae, 15 Julii, 1786.

S. [1786.]

Charles Butler, Esq.,[17] *Catholic lawyer, of Lincoln's Inn: opinion on the English legal bearings of a Propaganda decree in the matter of civil property rights.*[18]

[16] *Here alienation of sacred property is prohibited, even within the limits of merely changing the pious uses. Cf.* Nos. 148, A, note 3; 197, p. 1032.

[17] *Editor, after Francis Hargrave, of* Coke's Littleton, *London, 1823. Cf.* History, I. 36, *s.v.* "*Coke.*"

[18] *Cf.* No. 221, B, *ad* note 6.

If the Propaganda be merely a body of men, whose business it is to answer cases proposed to them in ecclesiastical matter, and no other submission or acquiescence is considered to be due to their decisions than their character for learning and ability entitles them to, I do not see how such an application to them would have been criminal by any law of this kingdom, anterior to the Reformation. But, if they are a body of men invested by the Court of Rome with an authority to decide upon particular cases, and their decisions are held by that Court to be binding on the consciences of the parties,[19] the application in question would in my opinion fall within the 27 Ed. III. c. i, commonly called the Statute of Provisors. By that Statute, all the people of the King's legiance, which shall draw any out of the realm by plea, whereof the cognizance pertaineth to the King's Court, or of things whereof judgment may be given in the King's Court, or which do sue in any other Court to defeat or impeach the judgments given in the King's Court, are subjected to the penalties therein mentioned.

Now supposing the event, which gave rise to the present case, had happened in the times we speak of, every dispute respecting the property in question would have been cognizable by the King's Court, either ecclesiastical or civil. An application therefore of the nature before mentioned must have been considered as drawing the parties interested out of the realm by plea.[20]

C. BUTLER.

T. 1787, Jan. 16.

Father William Strickland, 16 Jan., 1787, to the Vicars Apostolic of England. A circular. The four Vicars Apostolic at the time were: Southern or London District, James Talbot, title Birthensis; Northern District, Matthew Gibson, title Comanensis, succeeded (10 Sept., 1790) by William Gibson, title Acanthensis, in whose time the College at Liège was removed to Stonyhurst (29 Aug., 1794); Midland District, Thomas Talbot, title Aconensis; Western District, Charles Walmesley, O.S.B., title Ramathensis.

. . . A report has, I find, prevailed that the gentlemen of the late Society of Jesus consider now the money which did belong to that body as their own property, and that they are at liberty to dispose of it, as they think proper. We considered, my Lord, the Society as our common parent, and, on the demise of that parent, we thought the property of the parent could descend nowhere with so great propriety as to the children of that parent. But we did not, my Lord, from hence conclude that we had an unlimited power in the disposal of it. We considered the property in

[19] *See supra*, R: sub conscientiae gravamine.

[20] *This document shows the legal counterpart in England of the political prejudice incurred in America by Marechal, through his recourse to Rome in a question of incorporated landed interests. Cf.* Nos. 124, B, p. 490; 131 *seq. passim.*

the hands of our parent as limited in its uses to certain objects. Two of these objects are the maintenance of the individuals who composed the body, and the good of the Mission; and we apprehend that the property descended to us under the same limitation of its uses. At our last general meeting, in the year 1784, this question was brought forward for discussion, and it was resolved, without one dissenting voice, that the property of the late Society was of such a nature, that it can not be alienated from the uses originally intended.

A report has also prevailed that, in some parts, a division of that property had taken place, and that some had benefited by it, whilst others were totaly excluded. This report, I will venture to assure your Lordship, is totaly groundless, no division of that kind ever having taken place in any part of this kingdom. The annual produce has been regularly employed in the discharge of incumberances to which it was subject, and other purposes, which the prudence of those, who were trusted with the direction of it, pointed out to them.

I will not conceal my sentiments upon this head. In the ultimate disposal of this property, we think ourselves at full liberty to convey it to such trustees, individuals or bodies, as we shall with impartiality judge will answer the ends of its original intention. . . .

U. 1787, January 22.

Bishop Thomas Talbot, 22 Jan., 1787, to Strickland. Answer to the foregoing circular.

. . . Such reports as you mention in your letter of the 16th. inst. have certainly spread abroad and gained much credit. I am glad to hear that they are void of foundation. The unanimous opinion of your brethren coincides with mine, tho' I cannot subscribe to the final clause of your letter, which directly contradicts a decree of the S. Congregation made 15th. July, 1786, of which the following is a copy. *Here follows a copy by the bishop of the decree given above* (R).

V. 1787, January 30.

Strickland, 30 Jan., 1787, to Bishop T. Talbot. Answer to the foregoing.

My Lord,

This acknowledges your Lordship's favour of 22nd. ult. [!], by which I learn with pleasure that your Lordship's judgement coincides with the unanimous opinion of my brethren; but it gives me real pain to find that your Lordship cannot subscribe to the final clause of my last letter. At the time of the Suppression of the Society, Bishop Walton [21] assured me in the most explicit manner that he did not pretend to derive any jurisdiction over our temporal concerns from that event, or the

[21] *Predecessor of Matthew Gibson, Northern District.*

circumstances which attended it; and I am told from good authority that the late Bishop Chaloner[22] made the same declaration; and this declaration I have always considered as the sentiments of their brethren and successors.[23] I am sorry to observe that recourse has been had to the Congregation de Propaganda Fide on this subject. By the oath of allegiance[24] we have declared in the clearest terms, that we do not admit in this kingdom any foreign jurisdiction in temporal concerns. It is therefore with great surprise that I now find the authority of that foreign tribunal brought to limit us in the disposal of our temporals. I have taken the opinion of a lawyer,[25] on whose learning, integrity, and prudence I can rely; and he assures me that, if any person should have been convicted of applying to that tribunal, or executing any decree issued from thence on a subject of this nature, even when Catholicity was the established religion of this country, such person would have been liable to the severest censure of our laws, and to the penalties of a praemunire.

I have the honor to be, etc.

W. 1787, February 28.

Bishop T. Talbot, 28 Feb., 1787, to Strickland. Answer to the foregoing.

. . . There is no reason why you and I should enter into any controversy or dispute. In your former letter to me you signify'd your own particular opinion. In my reply I thought myself free to deliver my opinion, which did not coincide with yours; and, in order to back my opinion, I gave you the opinion of some Ultramontans, whose authority you reject. I have not the least pretensions to claim any jurisdiction over you; and such of your confreres, over whom I may claim some, have not, I believe, any complaints to make against me, and, as far as I can see, are not likely to have any. I wish to wave all altercation by subscribing myself

Your most ob.t humble serv.t,
TH. TALBOT.

Febr. 28, 1787.

[22] *Predecessor of James Talbot, London District.*

[23] *Father Joseph Reeve, in a pamphlet quoted above* (No. 143, note 8), *says:* . . . It is what history furnishes us with many instances of in our own country, where the administration of Church property has been removed from one body of men to another. Nor does the right of possession on such occasions pass into the hands of the Bishops: their duty is to superintend, and their power is to enforce the execution of the Donor's will. Conformably to this notion, our Right Reverend Superiors in England, who were charged with the execution of the Brief, declared at the time, that in the management and administration of the funds and monies, which belonged to the late Society in England, we were as much masters as before, and should continue to administer them in the same manner. . . . (*Stonyhurst College Library, P, 7/12, No. 10; pp. 6, 7*).

[24] *Supra*, P.

[25] *Cf. supra*, P, S; No. 221, B.

X. *Undated.*

Strickland, s.d., to (Father Marmaduke Stone (?), president of Stonyhurst, 1794, and first Provincial of the revived English Province, 1803). Reflection on the foregoing reply of Bishop T. Talbot.

He gives a complete copy of the entire correspondence (T—W), *stating who the parties were to whom he had written:* the four Vicars Apostolic, Messrs. Ja. Talbot, V.A. of the London District, Th. Talbot, V.A. of the Midland, Chas. Walmesley of the Western, and Mat. Gibson of the Northern District. *After reporting all the letters, he adds:*

Dr. Sir,—You have above all that passed between me and the VV.AA. on occasion of Antonelli's rescript. In this last letter,[26] the decree of the Propaganda dwindles to an opinion of some Ultramontans, which to me appeared an apology abundantly sufficient. Neither the decree nor the Propaganda were ever more mentioned.

Y. (1797.)

Bishop Charles Walmesley, on Strickland's circular (supra, T*); as referred to by Strickland, in a letter, s.d., to Walmesley's successor (Gregory W. Sharrock, O.S.B.).*

. . . In the year 1785 [!], on being informed of some rumours very disadvantageous to the body of which I had been a member, I wrote a circular letter to all the VV.AA., explaining my own principles and those of my brethren, with respect to the temporal concerns of the late Society and the administration of them. This letter seemed to give satisfaction to the VV.AA., and in particular to Mr. Walmesley, your respectable predecessor, who wrote to me a very handsome letter approving the principles and mode of administration adopted by us. This letter very probably he communicated to you at the time, or perhaps it may be amongst the papers left by him, and to that letter I must refer for the general principles of our conduct. . . .

Z. 1794, October 4.

Strickland, London, 4 Oct., 1794, to Stone, president of Stonyhurst, in the Northern District of Bishop M. Gibson. A stricture.

His pretensions will be of the spiritual kind, his object is the command of the temporals. . . .[27]

[26] *Supra*, W.

[27] *Father Charles Plowden may have been the source whence the Vicars Apostolic, or some one of them, derived the impression that the ex-Jesuits were dividing the property among themselves, and disposing of it as they chose. During the whole period of the Suppression, he stood apart from his brethren in their organization and administration, and, as was the case for a time with John Carroll in Maryland, was left out of the common reckoning; since neither served any of the old Jesuit missions, or chose to consider himself as belonging to the provisional organizations established for the continuance of the old ministry:—*

J. Carroll, Maryland, 28 Feb., 1779, to Charles Plowden. . . . No such division of property has yet taken place here, as you mention in England: on the contrary, everything has hitherto been conducted as heretofore. I think the English plan has

A². *Undated.*

The uses of Jesuit property. Memorandum of Father William Strickland. Abstract.

He analyzes the constitution of the Society: body and members; the subordinate bodies corporate, some not having capacity to possess, as Provinces and Professed Houses, some having such capacity, as Colleges.

The property was of two sorts: 1. It consisted of real or personal property; i.e. of lands or money, the rents or profits of which were payable to the person or persons duely authorized, according to the laws of the body, to receive it and, when received, to apply it to the different intentions, to which it was limited. 2. It consisted in the patronage of the Colleges[28] and of the Missions annexed to the Colleges, and others not annexed to any Colleges, if any such there were in England. *The person so authorized, during the existence of the Society, was the Provincial, who* nominated to every place in the Colleges without exception, as also to

too much of the frigidum illud verbum [*meum et tuum*]. I think we unfortunate inhabitants of the foreign houses [*Liège, etc.*] are doomed to be the outcasts of every society. Robbed and plundered at Bruges, dismissed without any consideration or reparation, excluded from a share in England, we must try if heaven will not make us amends hereafter for all our losses here. As you are shut out from a share in England, so am I here. I have care of a very large congregation; I have often to ride 25 or 30 miles to the sick; besides which, I go once a month between fifty and sixty miles to another congregation in Virginia; yet, because I live with my mother, for whose sake alone I sacrificed the very best place in England, and told Mr. Lewis, that I did not chuse to be subject to be removed from place to place, now that we had no longer the vow of obedience to entitle us to the merit of it, he did not chuse to bear any part of my expences. One would think that some people are of opinion, that the change made in our circumstances by Ganganelli makes none in the authority they ought to exercise over their former subjects. I do not mention this by way of complaint, as I am perfectly easy at present, and only mention it to you as a friend, to whom I would wish to communicate everything without reserve. . . . (*Md.-N. Y. Province Archives, 1779, Feb. 28, Carroll, Maryland, to C. Plowden; 7 pp. 4to; No. 1*).

However, in the organization of a Chapter, which Carroll himself so largely helped to originate a few years later, the policy which he criticizes in the foregoing letter was endorsed by himself with the rest of the Chapter (No. 147, C, [*II.*], 4º). *Moreover, in the plan which he sketched for the American Chapter, he expressly adduced the example of England, with approbation* (No. 143, A, [*VII.*]).

Charles Plowden, Lulworth Castle, 20 Nov., 1787, to Father Newton, Coldham Hall, Bury St. Edmunds: . . . My opinion is quite fixed on the nature and use of our remaining property, of which, I thank God, I have never received one farthing. I am also convinced that some of ours, who presume to appropriate it to themselves or to dispose of it by deed to others (*supra*, Q, [*II.*], 47 (?)), either never understood, or have quite forgotten the obligation of their vows, which no Ganganelli could, or indeed attempted to annul. . . . (*English Province Archives S.J.*, Letters of Fr. Plowden, *i., f. 152, Plowden, 20 Nov., 1787, to Fr. Newton*).

Strickland acknowledges at a later date, that some mismanagement had operated to the prejudice of individuals:—

Strickland, 1 Mar., 1797, to Rev. Mr. Couche, Hants: . . . A mistake in the meaning of the First Congress gave rise to the ill-treatment of several individuals for some time after the Suppression. At present I do not know any one that suffers by it. Mr. Robert Plowden [*at Bristol*] is in possession of one of the best places we have; his brother [*Father Charles Plowden*] is more amply paid and better provided for, for life [*at Arundell Castle ?*], than any Jesuit ever was, or any ex-Jesuit that I know. . . .

[28] *Cf.* History, I. 346, note 4, *on ideal colleges in England. Cf. supra*, No. 6, Z, *bis.*

every Mission. On the Suppression of the Society the power of the Provincial also was suppressed. *It was to remedy this inconvenience, that certain regulations were devised in the First Congress held by the ex-Jesuits.*

The uses to which this property had been limited were defined by the end of the Society of Jesus. Finis Societatis Jesu est, non solum saluti et perfectioni propriarum animarum cum divina gratia vacare, sed cum eadem impense in salutem et perfectionem proximorum incumbere. For this end only the Society was instituted; to this end each member dedicated himself; to this end whatever the Society or any part of it possessed was irrevocably dedicated; and, as the Pope's Bull [*of Suppression*] cou'd not alter the uses of the property, that property must remain limited in its uses to the same original intentions, viz. the salvation and perfection of the members of the body, and the salvation and perfection of their neighbors.

Beyond this general limitation in the use of temporal means, still further limitations necessarily arise from the end and nature of the subordinate bodies corporate, of which the Society consisted. The French provinces, the Spanish, Polish, and English provinces, were instituted for the spiritual good of those kingdoms; the Colleges and Missions for the particular good of those provinces, towns, or districts where they were situated; and the property, which those Colleges or Missions possessed, was limited in its uses to the promoting that object, for which those Colleges or Missions were originally instituted. . . . That this was the sense of the Society is evident from this essential regulation of the body: That a superior of a College, tho' rich, cou'd not alienate any part of the property or revenue of that College even to relieve another in distress; and this rule was so strict, that the Constitutions of the body declared it to be out of the power of the Provincial or even General to authorize such alienation of the property appertaining to any College.[29] Such was the sacred regard, which the Society allways paid to the original intentions of the founders and benefactors, who limited the uses of the property left or given to a College to the uses and purposes, for which that College was founded. This also is evidently the sense of Congress, when it declares that the property of the late Society is of such a nature, that it cannot be alienated from its original intentions.

There was attached a still further limitation to the use of goods, when e.g. a particular sum was given or left to the College for the maintenance of a priest S.J. at Brinn, at Scholes, etc. The emoluments arising from such sums cou'd not without prevarication be apply'd to any other place. The Catholics in the neighborhood of such places were beneficially interested in the uses of that money: to deprive them of the advantages of it wou'd have been a flagrant injustice.

[29] *Cf.* Nos. 143, A, [III.], *Carroll on the General's* superintendentia; 203, B, IV., "*First,*" *the General, Father Fortis, to Cardinal Fesch.*

B². *Undated.*

The Temporalities of the Society after the Suppression. *Strickland's further definitions of the origin whence the Society's property was derived.*

. . . Some part of that property rose from moneys sunk at a higher or lower interest for the lives of the donors. Some of these were secular persons, who generally had annuity bonds as a security for their annuities, signed by the Superior of the Society at the time being, and also by the procurator or administrator of the property. Concerning the obligation of fulfilling these obligations there can be no doubt. Some also were members of the Society, who at their renunciation, before they made their last vows,[30] gave to certain Colleges, or to the Provincial for the Mission at large, what property they were possessed of or were entitled to.[31] To these there was usually allowed a certain annual sum[32] in proportion to the sum which they had given. How far there might be a strict obligation of continuing these annual allowances, I will not strictly examine. That it wou'd have been very ungenerous to have refused them, if the property left after the general plunder was sufficient to pay them, I believe will be universally granted. The remaining part of the property was acquired by the donations of friends, without any other particular limitations than the good of the Mission, but principally by the death of our missioners; and this of course fell to the use of the College, district, or mission where the person died, or rather to which he belonged at the time of his death.

C². 1794, September 29.

Strickland, 29 Sept., 1794. A (circular ?) letter on the safe means of devising.

. . . After much consideration and some conversation with gentlemen of the law, I am clearly of opinion that property in trust (as ours is) cannot safely be devised by will. *It would fall under the enactments regarding superstitious uses, and would devolve to the heirs at law. A sum of £400 has already been lost this way.* To obviate this inconvenience, I am told by the Gents of the law that the best and perhaps the only method is that, which we formerly conversed upon: viz. to settle the property on three or more trustees, during their lives, with reversion to the survivors. By this means the trustees will have no more than a life-interest in the property, and consequently the executor of the trustee may safely swear that he inherits no property designed for superstitious uses by the will of the deceased.

[30] *Cf.* No. 50.
[31] *Cf.* No. 67.
[32] *According to the Constitutions S.J., this went to the account of the college, house, or mission to which such persons were attached.*

D². 1798, December 28; 1800, February 6.

Strickland, 28 Dec., 1798, 6 Feb., 1800, to Father John Couche, Hants. Means of assuring the permanent application of Jesuit property to its uses, after the Suppression. Strickland's alternatives.

28 Dec., 1798. . . . The Society was a body ecclesiastical: it was also civil in those countries where it was established by the civil power. The latter [*form of organic existence*] cannot be thought of in this country. I believe the former or ecclesiastical body to be equally impossible, if any other, distinct from the Academy instituted by the present Pope at Liège, be attempted. Any effort *to organize under the sanction of the Vicars Apostolic, is not only beyond the powers at present committed to them, but* wou'd prove the ruin of Stonyhurst [33] and involve the surviving members in difficulties, from which they cou'd not extricate themselves. *Strickland enlarges on this point. A union with Stonyhurst, under its president, had not been objected to by the Districts, but neither had it been carried into effect. Strickland advocates this method.*

6 Feb., 1800. All have agreed that the property of the Colleges and of the Missions fell or devolved to the individuals of the Colleges in their individual capacities, who, before that epoch, possessed that property in their corporate capacity, *and that thus the property had not been transferred, nor its uses altered; but this principle accepted by all* has been so variously understood and interpreted by the different Districts, that I do not know two who follow the same practice in the administration of their property. *Hence the question about a competent authority to supervise.*

The plan of appointing a Superior under the title of Provincial or any other, without the sanction of superior powers, civil or ecclesiastical, appears to me totally impracticable, and such sanction in the present circumstances it is most evident cannot be obtained. . . .

[33] *The Academy of Liège, transferred to Stonyhurst, had been recognized by Pius VI., 1778, in the Brief,* Catholici Praesules, *answering the petition of the Prince Bishop of Liège; and, under the authority of that prelate, this offshoot of the original Jesuit Mission,* novum instituti genus, *and* veluti quaedam propago primaevae missionis, *was enabled to send its priests into England, who, while there, were subject to the ordinary jurisdiction of the Vicars Apostolic, but in the mean time remained under the authority of their own Director (president) elected by the chief members among themselves (Stonyhurst MSS. A, ii. 29,* Bruges, Liège, Stonyhurst MSS. Varia, *No. 10; a Strickland document, containing a copy of the Brief. Cf.* Juris Pontificii de Propaganda Fide Pars Prima (*R. de Martinis*), *iv. 238–242; the Brief,* Catholici Praesules, 17 Kal. oct., 1778). *This status was confirmed for Stonyhurst by the same Pontiff, Pius VI., and communication of the Pope's approbation was conveyed in a letter, 14 Feb., 1796, signed by the Prefect of the Propaganda, Card. Gerdil, and by the Secretary: previous rights and privileges being approved, as well as the method of studies, and the jurisdiction of the president for the time being, according to the tenor of the Brief,* Catholici Praesules; *fit subjects to be ordained and required to serve either in the institution itself, or in the English Mission; all this with the faculties and rights which other pontifical or episcopal seminaries in the same Mission enjoy. There is no mention in the document of any prelate being designated to take the place occupied by the Prince Bishop of Liège over the institution. (General Archives S.J., Angl. 1, pars 1, i.,* Relatis per R. P. D. Archiepiscopum Nisibenum, S. C. de Propaganda Fide secretarium . . .; *a copy.*) *Cf.* No. 220, note 14.

E². *Undated.*

Solution of a Case on dividing the property of the extinct Province.[34] *Letter, not in Strickland's hand, without date, place, or signature.*

To Mr. Wm. Warrilow, at the Close, Newcastle upon Tyne.

1º The ancient funds you mention, and the additional increase accruing by degrees thereto by the death and the administration of our gentlemen, are of one and the same nature, and must be considered under the same view. The design or intention was ever the same in those who raised or contributed to the funds, and entails the same obligation.

2º We need not dispute about the Dominium. Were we totally destroyed, laid aside and not permitted to act, 'tis plain the Dominium would be in the Church as in all other pious foundations; and the disbanded individuals would have a natural right to a maintenance; but then the funds cd. not be destroyed. In this supposition of a total destruction, 'tis nonsense to pretend that the individuals cd. have the Dominium wch. they even had not before, and which destruction cd. not give.

3º In the present juncture, the funds are actually left by ecclesiastical power to be administred as they used to be. Perticulars therefore are now constituted administrators, and these administrators must take care of individuals proportionately to their wants as formerly; and, in quality of administrators, they do wrong and really dissipate the funds, instead of increasing 'em as they ought to do when able, if they give to individuals, who are not in want, and who have nothing like a title of Dominium, but only a claim to a maintenance when in need. Hence yr. 3 Cases are easily answerd.

(1º) Titius very foolishly demands his share of wt. nowise belongs to him. 'Tis nonsense to demand a share or dividend in a thing, wch. can't be shared or divided; and such a thing the funds are. While Titius does service, he must be taken care of; if he retire and refuse to render service, he can have no right,[35] unless perhaps he gave something to the Soty; in wch. case, due regard must be had to equity. This case demands consideration. Wt. was thus given may perhaps be considered his patrimony, or some part of wt. he gave may be called so.

(2º) Titius can't dispose of by will wt. never belonged to him.

(3º) If Titius die intestate, his heirs have nothing to say to a dividend wch. never was, or cd. be made.

N.B. In the absurd hypothesis of a division of the effects belonging formerly to the Province, every one of the sd. Province in Engd., on this side and elsewhere, down to the lay-Brs. wd. have an equal right. Is it

[34] *This was part of the issue opened by John Ashton, in favour of Maryland. The letter contains also an answer to the criticisms of John Carroll and C. Plowden, as above* (Z, note 27).

[35] *Cf.* Nos. 143, A, [VI.], 7ly; 146, H, 16º

not a shame that the élèves of the So^ty, some even of learning, s^d think so much out of the way? [*Finis.*]

F². 1806, November 13.

Strickland, 13 Nov., 1806, to Father M. Stone, at Stonyhurst. State of the Office or General Fund, at the date of Suppression.[36]

. . . Before I close I must take notice of one article, to w^h Mr. Robert Plowden seems to allude, i.e. the property of Office or of the Mission at large. This property was absolutely none at all. The debts incurred by La Valette's bankruptcy were not all paid, when I came into Office. I paid myself some thousands: indeed, I paid all that was owing to externs; and, if every shilling now remaining in Office was sold to-day, it wou'd not pay the debts it owes, by some thousands. I wou'd not wish you to make this publick. Some Districts might be alarmed and give a good deal of trouble; w^h they will not do as long as their interest is paid. . .[37]

Stonyhurst MSS., B, i. 15. *Father Thomas Glover's* Collection of Notes, Documents, etc., respecting the Re-establishment of the English Province, *ad init.: First Act of Parliament for the Relief of the Catholics, 1778; Brief of Pius VI., on Liège Academy, 1778; Rescript of the Propaganda, on the property*

[36] *This was the fund that Ashton claimed for division with Maryland. Cf. supra*, Q, [*1.*], *Acts of the First Congress, 2 May, 1776.*

[37] *Several documents relating to the same question were used, nearly a hundred years later, in a Canadian issue between the Jesuits and members of the hierarchy; the question of the property anciently possessed by the Fathers in Canada being akin to that of the property in England, owned by the former English Province.*

Mémoire sur les Biens des Jésuites en Canada, par un Jésuite; Montréal, *1874, pp. 80, 81;* Pièces Justificatives, I.: Encyclica missa ad omnes episcopos a Congregatione [*de Propaganda Fide*] supradicta, de abolenda Societate Jesu, simul mittendo ad unumquemque episcopum exemplar Brevis extinctionis Dominus ac Redemptor, de mandato Sanctissimi, ut illud Breve omnes episcopi publicent ac promulgent, etc. *Cf.* No. 141, p. 605.

Ibid., 12, En Angleterre, *pp. 74, 75. This passage, translated into English, is quoted in a later publication, viz.:—*

The Gazette and Mail's Campaign against the Jesuits' Estates Bill (1888), *by A. E. Jones, S.J., Montreal, 1889, p. 85:* . . . In 1803, the Fathers of Stonyhurst College were affiliated to those of Russia. They educated younger members to replace the superannuated, who had until then retained their posts in their original missions. On the occasion of a misunderstanding between some English ecclesiastics and the Jesuits of the College, Cardinal Litta, Prefect of Propaganda, wrote to Mgr. Gibson, Vicar Apostolic of the Northern District, that he should bear in mind the 22nd. rule laid down by Benedict XIV., anent the English Mission. The terms are as follows: "Let no change be made in the matter of foundations, and let both the secular and regular clergy remain in possession of what they actually hold." *The letter of Card. Litta referred to was dated 21 Nov., 1818. Cf.* No. 220, p. 1141.

Father Charles Plowden stated more comprehensively (1792): All their missionary settlements are foundations, either erected by the private fortunes of their predecessors; or of which the right and property have been made over to them with the jus patronatus by the pious lay founders, in the possession and enjoyment of which the Sovereign Pontiff has pronounced that they are not to be molested: De fundationibus nihil omnino innovetur; sed tam saeculares, quam regulares, in earum possessione perseverent, quas in praesentiarum obtinent. Reg. 22 Missionis Anglicanae, prescribed by Benedict XIV., an. 1753. (*English Province Archives S.J.*, MSS. III., Ex-Jesuits, etc., Restoration, etc., *f. 134: C. Plowden*, General Account of the Origin, Progress, and Present State of the Jesuits' Missions in England, *a memoir written soon after 1791.*)

of the English ex-Jesuits, 15 July, 1786. Ibid., MSS. Varia, A. ii. 21, *No. 82, letter, s.d., etc., to Father W. Warrilow.—English Province Archives S.J.*, MSS. I., Ex-Jesuits, Society in Russia, Liège Academy, etc., *ff. 1, seq.* Acts of the First Congress, *with introduction by Father Joseph Reeve. Ibid.*, ii., *ad init.:* Acts of the First *and* of the Second Congress; *copy of the latter in Strickland's hand. Ibid., f. 235, rescript of the Propaganda, 15 July, 1786. Ibid., f. 238, opinion of C. Butler on the rescript; a copy by Strickland. Ibid., ff. 131–134, Strickland's note-book: correspondence, 22 Jan.–28 Feb., 1787, with Bishop T. Talbot. Ibid., f. 177, Strickland, s.d., to (Bishop Sharrock). Ibid., f. 245, Strickland, s.d., to (Stone), on his correspondence with the Vicars Apostolic. Ibid., ff. 240, 241, Strickland, on uses of Jesuit property; memorandum, s.d. Ibid., ff. 232ᵉ–233, Strickland, on* The Temporalities of the Society after the Suppression; *memorandum, s.d.—Ibid.*, Father Strickland's Letters, *ff. 57, 58, circular, 16 Jan., 1787, to the Vicars Apostolic. Ibid., f. 45, Strickland (circular?), 29 Sept., 1794, on the safe means of devising. Ibid., f. 48, Strickland, 4 Oct., 1794, to Stone. Ibid., ff. 79, 80, Strickland, 28 Dec., 1798, to Father John Couche. Ibid., f. 63, Strickland, 6 Feb., 1800, to Couche. Ibid., f. 188, Strickland, 13 Nov., 1806, to Stone.—Cf. C. Butler,* Historical Memoirs of the English, Irish, and Scottish Catholics since the Reformation, *IV. lxxxii. 8, pp. 45–47: the oath prescribed for Catholics in the Act of Relief, 1791.*

Father John Ashton, in a correspondence with the temporal agents or procurators, Fathers Thomas Talbot and Strickland, entered into a discussion on the English ex-Jesuit property and rights, maintaining that the measures taken, and the exclusive proprietorship retained by the Fathers in England, did prejudice to the Maryland ex-Jesuits, who ought to have a share. Cf. supra, No. 150, D: London Debts.

G². 1784, April 25.

Father Thomas Talbot, 25 Apr., 1784, to Father John Lewis, late Superior of the extinct Maryland Mission S.J. Quoted in the letter following, H².

The American Mission stands indebted to the English Province in the sum of £2,451.0.5¼.

H². 1785, December 28.

Ashton, White Marsh, 28 Dec., 1785, to Talbot. Exceptions.

He refers to the foregoing account. He says he will examine the books of Father George Hunter, former Superior of the American Mission.

He then inquires as to the amount of the capital of the Province stock,[38] and what proportion we bear in the dividend to be made of it. *Since he finds no mention of this credit in Talbot's letter to Mr. Lewis, he is led to think that the gentlemen of the London Congress* would have all our share forfeited by the dissolution of the Society, and every united body to remain intitled from justice to all that they were possessed of at that period. If so, our accounts are already settled without further trouble.

[38] *The entire supposition of the following contention about a* Province stock *is mistaken, if the term means property vested in the extinct Province as such, and not merely administered by the Provincial. A Province had no capacity to possess. Cf. supra,* A². *As administered by the authority in charge of the Province, it was subject to the limitations of its own uses.*

Then there was the Sir John James foundation, for the support of the missions in Pennsylvania, which were conducted by German Fathers. Mr. Hunter assumed the payment of the Germans here, during Mrs. White's natural life.[39] *Ashton insists that* the capital appropriated to that sacred use must remain untouched, as neither Mr. Hunter, Mr. Corbey,[40] or any of their successors, had any manner of right to alter either the substance or the manner of the founder's intentions. No personal security or assumption can be equal to the original foundation, which we shall insist on to continue, in statu quo. I should be glad you would inform me where Sir J. James' fund lies, as it would be proper that I should be acquainted with the nature of the business in time, and before Mrs. White's death. *Ashton is surprised that* Messrs. Pellentz and Ghisler's bills on Mr. More[41] should come back protested, and in such manner as to give reason to think that he held us here in contempt. *These* German bills had been paid till then,[42] and no notice sent to them of an intended discontinuance. I believe no circumstance, since the settlement of this Mission, ever gave so much dissatisfaction to the gentlemen, on this side of the Atlantic, or could have rendered us so indifferent to all connection with you. I cannot see how it can be excused, unless the intestine divisions amongst yourselves took up all your thoughts. *Ashton says, he finds no notice taken* in all your credits of the German salaries, since the payment has been discontinued, as if the bills had been duly honoured, or the property was your own . . . Mr. Hunter should have been made debtor for Mrs. White's salary, but the bills should have been paid. . . . However, as long as they will be content, I am willing to pay their salary here, and to let you have the annual income of Sir J. James' foundation during Mrs. White's natural life. Mr. Corbie became Mr. Hunter's security at his own risque, and Mr. Hunter had no right to contract such a debt, not having the consent of the Germans nor of the Superior of these Missions living here.[43]

[39] *Cf.* Nos. 54; 56, [*12*]; 90, 6º; 110, B, note 4; 150, K. *Ashton's statement is inaccurate. The payment of the White annuity was only an incidental item in the general agreement, according to which the German annuity was provided by the Maryland Mission, in partial liquidation of debts due to the English Province. The terms of this close settlement, as given in* Nos. 56, 90, *may be accounted for by the following excerpt for 11 Sept., 1761, from Anglo-Roman correspondence S.J.*: Mr. Corbie's outgoings exceed his incomes by above £1000 p. ann. How long, pray, can he go on at this rate, and wt will become of his family? He makes his Procr heart bleed to think of it. 11 Spt. 1761. P. [*initial of writer's name*]. (*English Province Archives*, Extracts by Fr. John Thorpe from letters of Provincials, etc., to Rome, 1707–1730; *a collection of sheets referred by H. Foley to J. Thorpe.*)

[40] *Former Provincial.*

[41] *Late Provincial of the extinct English Province.*

[42] *By the American Superior. Cf.* No. 70, B, p. 263, *the payment made only ten years earlier, 1 Mar., 1775, by Father John Lewis acting after the date of the Suppression. It is an entry among the accounts of* Rd Mr Lewis Dr.

[43] *Ashton does not seem to know that Father Hunter was himself Superior of the American Mission, and the only authorized administrator of its property. The* consent of the Germans *is a phrase without meaning, for the time when the Society existed and administered its funds according to their proper uses. Besides, the Sir*

J². [1786.]

Father William Strickland: memorandum on the foregoing.

Strickland, now in charge of the London Office, observes in a memorandum that Mrs. White's annuity had been regularly charged to Maryland, since that colony and Pennsylvania formed but one interest. By this means the debt of Maryland, which stands in Mr. Talbot's book at £2,445.15.5½, will be reduced by the credit of Pensilvania to the sum of £1413.13.8½. But then how does it happen that this same annuity is charged over again to Office? Two hundreds a year are thus charged for the payment of one. If it was judged expedient to bring that annuity with others on the face of public accounts, the credit also of Pensilvania shou'd be brought there likewise; without wh there will be a double charge.

K². 1786, September 13.

Ashton, 13 Sept., 1786, to Strickland. Criticisms; academy business.

Acknowledging the receipt of Strickland's favour, dated 22 Apr., 1786, Ashton inveighs against what he considers to have been arbitrary proceedings on the part of Mr. Hunter and Mr. Corbie. He complains that Hunter's arrangement with Corbie[44] *was,* I believe, a perfect secret from the rest of the missioners. Such arbitrary proceedings, without advice of counsel, were the greatest stains, in my judgement, of the former Society, and rendered its government oppressive and painful.[45] I am convinced that, if St Ignatius were alive, and had been informed of such a contract, he would have declared it null, and perhaps displaced the parties. . . . I am of opinion that it is out of the power of man to apply this foundation to any other purpose, or to alter the securities, tho' but for a limited time. *All that he can find bearing on the subject is* a short Memm, in Mr. Mosley's hands, of the contract between himself [*Hunter?*] and Mr. Corbie. . . . Since the Bp. of London is one of the trustees,[46] I will write to him concerning it.

Ashton treats another subject in a spirit of amity: I will give every encouragement in my power to disposed people to send their children to the Liège Academy, on the terms you propose; but, as we are about to institute a school in this State, for the education of youth and perpetuity of the body of Clergy here, it may suit parents better to have their children brought up nearer to them, tho' their education may not at first be so perfect as what they would get abroad. Would you for £200 sterg, one half advanced in hand, the other half at the expiration of six years, undertake to carry a boy through all his studies, and qualify him for the

John James foundation was for the Jesuits for the Missioners in Pensilvania, *outside of Philadelphia. It happened that these missionaries and their missions were German. But no such limitation in point of nationality appears in Challoner's statement of the bequest made to the Jesuits. See supra,* No. 70.

[44] *The former, Maryland Superior; the latter, English Provincial.*

[45] *Cf.* No. 143, A, [*III.*], *Carroll's contradictory opinion.*

[46] *Cf.* No. 70.

Mission? I mention this, because it may suit some people while they have the money by them; whereas, before the boy could get through his studies, by some turn of fortune or change of mind, the end might be frustrated. . . .

L². 1787, January 10.

Ashton, 10 Jan., 1787, to Strickland. On Messrs. Boone and Doyne.

. . . I am further directed [*by the representative body of Clergy*] to inform you, that Messrs. John Boone and Jos. Doyne, being members of your body of Clergy, and having come into this country unsent for,[47] and not proving qualified for the service of this Mission, nor being admitted into our body, are to be considered as on y^r establishment, and to be provided for by yourselves, like other burdensome members, if not recalled. We provide for our own infirm members, but do not undertake to p[*rovide*] for any of yours, who may think proper to throw themselves on us. . . .[48]

M². (1787, March 15.)

Strickland: To Mr. Ashton, Maryland, in answer to several of his, *s.d.* Answer to Mr. Ashton's of Jan. 10, sent March 15th, *s.d.* *Two memoranda.*

In the former, Strickland quotes the passages from Ashton's letter of 13 Sept., (K²), *in which former Superiors were aspersed as having altered the foundations made by benefactors, and the Society as having governed its members painfully and oppressively. Then he continues:* In consequence, you wrote a letter to the Bishop,[49] and the letter came to my hands. I did not open or read the letter; but, as I had reason to suppose that it contained your sentiments on the business, which are very clearly and distinctly expressed in the passages above cited from your letter of the 13th. Sep., I did not think it prudent to deliver it to his Ldp., but have since consigned it to the flames.—The alienation of a sacred fund is a heavy accusation: this accusation is carried to the tribunal of a judge (the B. of London), who has on all occasions manifested a decided partiality against the Society and its members: it is carried by you a member of that Society, and such only could obtain credit for so heinous a crime. It is carried by you against the late Society, and against us its surviving members, at the very instant that we are straining every nerve and even distressing ourselves to assist you.

In the latter memorandum, he says, that no new reasons have been given to invalidate the contract between Fathers Corbie and Hunter; which must stand as made.

[47] *They were Americans, of Maryland.*

[48] *This was a strict but harsh application of the principles adopted, regarding service rendered on the American Mission. Cf.* No. 147, G. *However, we find John Boone and Doyne duly recognized as members of the select Body of Clergy* (*25 Feb., 1794*). *See* No. 172, A, 2°; *cf. also* Nos. 155, C; 176, J.

[49] *Rt. Rev. James Talbot, Vicar Apostolic of the London District.*

N². 1787, April 15.

Ashton, 15 Apr., 1787, to Strickland. On the proposal, communicated by Strickland, from a German secular priest, the Rev. Mr. Erntzen, to provide some candidates for the American Mission.

Ashton says that he has the approval of Mr. Carroll, now confirming in Pennsylvania, *and he is anxious that Strickland should close at once with the offer,* not gratis, but on the credit of the money now at y^r. disposal, and hereafter to be placed in y^r. hands, for that and other purposes. I am thus hasty, because I know they should be at Liège by the 1st. of Oct., to take their lessons in divinity. The further advanced they are in divinity, the better; that is, coeteris paribus, as health, temper and abilities. Please therefore to inform Father Erntzen,[50] that we will accept of four, the most promising he can find, and pay for their education at Liège, for the purpose of serving this Mission. Tho' I think the pension of 25 guineas much higher than would be required in many ecclesiastical seminaries, yet on the whole I prefer Liège, because we know that they will there receive the same principles of theology and habits of virtue, in which the members of the Society were trained, and they will have the advantage of learning the English language, to which a due attendance must be paid, as they may be employed in places where no other language will be of any use to them. *Ashton desires to learn all particulars regarding the chosen candidates; and he adds:* I think that, when you can form a judgment of their qualifications, they should be bound by oath to come over to America, as soon as they are sent for after ordination, and be subject to the Superior of the country, and to the regulations of the Clergy thereof, for life.

Ashton refers to the case of some Americans, probably students at Liège: The case of the four Marylandians[51] you mention is strange enough; I

[50] *Cf.* Nos. 108, p. 353; 163, A; 172, A, 2º. *Cf. note here following.*

[51] *Who these* four Marylandians *were does not distinctly appear. But the following items contain data enough for this point and many others.*

Strickland, draft in French of a letter to the General in Russia: "The Society ordinarily furnished more than the third part of the missionaries in this Protestant kingdom [of England], *that is to say, five or six a year. . . . We had also a Mission in Maryland, province of North America, where we had nearly twenty missionaries. . . . As to the American Mission, we have contributed to it as much as we could, sending thither seven or eight missionaries since the Suppression. Before that epoch we were the only missionaries in those countries. At present, there are priests there of all denominations."* (*English Province Archives S.J.*, MSS. II., Ex-Jesuits, Society in Russia, Liège Academy, etc., *f. 193; a draft in French, s.d.*)

Catalogue: Collegia et Residentiae Provinciae Anglicanae S.J., anno 1773: *Maryland, 21 names.* Collegium Leodiense: *3. John Boarman;* (defunctus) *in America in 1797; 4. Sylvester Boarman; 20. Augustine Jenkins; in Maryland, 2 Feb., 1800; 29. Robert Plunkett,* dimissus; *in Maryland, 1815, aet. 63; 41. Charles Wharton, in America.* Collegium Brugense: *12. Leonard Neale; in Maryland, 1817, aet. 70.* Residentia S. Michaelis: *11 [10?]. Stubbs Walden; Henry Pile, in America in 1814, aet. 71.* Extra Provinciam: *4. John Carroll, Baltimore, 3 Dec., 1815, aet. 80.* Collegium S. Aloysii: *Joseph Doyne, in America, 21 Oct., 1803, aet. 69.* Domus Probationis, Gandavi: *3. Francis Beeston; 4. Charles Boarman; 5. John Boone, in Maryland, 1795, aet. 60. 6. Ignatius Brooke. 9. Stanislaus Cherfomont. 22. Charles Neale, Georgetown, 28 Apr., 1823, aet. 71. 27. Charles Sewall, in America, 10 Nov., 1806,*

had no hand in it, and the interested parties must settle it as they can. We will not take upon us to answer for such irregular proceedings; and persons so sent must be entirely at y^r discretion . . .

aet. 62. (*English Province Archives*, A. Catalogi Varii, *and H. Foley's papers; catalogue for 1773; copies, and annotations on the dates and place of decease, by George Jenkins, S.J.*) *The 21 names for Maryland, in the catalogue, are the sixteen given above* (No. 141, H) *with the following: Jas. Chamberlain* (*Demarara*), *Lucas Geisler, Richard* [*!*] *Harding, John Lucas, James Pellentz.*

Strickland, memorandum: Finished their studies of Philosophy or Divinity or both, and were ordained priests under the protection and by means of the Academy at Liège: . . . Leon. Brookes, in Ang. . . . Fra. Beeston, in America. Stan. Cerfeumont, D^o . . . Ch. Neale, Antwerpiae Con [*fessarius ?*] . . . Jos. Boone, Liège, mort. Studied their lower schools as well as higher and are now in orders. . . Jos. Eden-[*skink*], America. Fran. Neale, D^o Students now in Div[*inity*]: Paulus Erntzen . . . (*English Province Archives S.J., Foley's papers; memorandum, 4to. in Strickland's hand. Ibid.*, MSS. II., Ex-Jesuits, *etc.: similar memorandum by Strickland.*) *Cf.* No. 163, note 5.

Strickland, note: N.B. Mr. Eden had been near four years at Liège wholely at the expence of the gentlemen of the Academy. (*English Province Archives, day-book R, loose papers.*)

Carroll, 22 Dec. (*1791*) *to Plowden:* A report has reached me, that another of our countrymen at Liège, and of a most valuable character, Mr. Matthews, has engaged himself to the service of the Academy by the usual oath. I may be mistaken as to the nature of this engagement; but, in my apprehension of it, the intervention of his Diocesan Bishop [*Carroll*] was a necessary preliminary. At all events, I have great cause to regret Mr. [*Notley*] Young's actual detention, and the future one of Mr. Matthews, while we are suffering so much from want of labourers. The former will surely not fail to revisit us soon, as the present scholastic year [*at Liège*] is expired. *The bishop mentions another, a namesake:* Give my love to Messrs. Young and Carroll, whose parents are well, having seen or heard from them very lately; and to Mr. Matthews. His uncle, Leonard Neale, is gone lately to Philadelphia, to replace one of our deceased brethren. . . . (*Md.-N. Y. Province Archives, Carroll, (1791), 22 Dec., to Plowden, No. 40.*) *As to* the intervention of his Diocesan Bishop *for the engagement of Matthews, cf. supra*, D², note 33.

As to the Germans, Carroll writes, 7 Nov., 1787, to Plowden, about the arrival of the two Germans, *and adds, in the same letter:* Two German Capucins are come to Philadelphia. With the assistance of Messrs. Cresler [*Graessel*] and Edenskink, we may do tolerably well for numbers. (*Ibid., 1787, 7 Nov., No. 16.*) *Carroll describes one of the two last mentioned:* In the presbytery house, lately built, live Messrs. Beeston and Groesl (a most amiable German Ex-jesuit), and Mr. Fleming, an Irish Dominican lately from Dublin, and a very excellent scholar. (*Ibid., Carroll, Philadelphia, 1789-1790, 28 Dec.-8 Jan., to Plowden, No. 24.*)

Later, Carroll, from Lulworth Castle, England, speaks of two more Germans: The young Germans from Liège arrived last night, with Thos. Angier, bound to Sir Richard Bedingfield, where he is to reside. (*Ibid., Carroll, Lulworth, 1790, Sept. 25, to Plowden, No. 31.*)

Extract from a Diary: I arrived at Liege on the 16th. (I think) of July, 1788 . . . A Mr. Brosius (?), also from Luxembourg (?), came to the Juniorate for a short time a year or two later. He was a good young man, brother of a clergyman, who conducted an ecclesiastical journal on good principles. He was destined for the Mission in America, and went thither after a short stay in the Academy. (*English Province Archives, Foley papers; copy-book, No. 1, ff. 1, 6^v.*)

As a commentary on the trend of Ashton's correspondence with Strickland, and on the course of the documents which follow, these excerpts suffice for the present to show, whence missionary supplies were obtained for the first period of the Church's history in the United States, and at whose expense the formation of new missionaries had been conducted. Christopher Stonor, the English clergy agent in Rome, answering apparently (*Dec., 1789*) *the foregoing items of Strickland, contained in a petition for the restoration of Roman property and rents belonging to the Academy at Liège, notes expressly the connection between the funds of the said Academy and the American clerics; he says that these at least have no need of such assistance, since they are organizing a diocese, a seminary, and an academy in their own country:* Rapporto

Twenty years ago, Ashton's uncle, Father Anthony Carroll, placed £100 at Liège, for the benefit of Ashton,[52] *who now should wish to have two nephews carried through their lower studies at Liège; the higher courses afterwards to be paid for in the usual manner.* They are both now in Ireland, *one being ready next year, the other two years later.* If they should take to the Church . . . they are designed to this Mission.

Ashton says that he has written again to the Bishop of London.

O². 1787, June 2.

Ashton, 2 June, 1787, to Strickland. Criticisms and proposals.

. . . Nothing more was meant of Messrs. Corbie and Hunter than to censure their conduct in meddling with the German foundation. If the security of that foundation was preferable to the credit of this Mission, the former should not have been exchanged for the latter. And what we now offer is, to let things revert to their right order, and to substitute the security of this Mission, in lieu of the one pledged (invalidly we believe) by former Superiors. Every man in authority, from the Pope to the porter of novices, is liable to be censured for his actions; and the wisdom of our Constitution [*S.J.*] provided to have a check on every Superior, for fear of oppression and injustice.[53] It is not therefore much to be wondered at, if men in office, not so throughly acquainted with worldly affairs as with the obedience due to their orders, should sometimes in the administration of temporals go beyond the due limits of their power, to the prejudice of their subjects, without meaning any harm or adopting wicked measures.

We shall be extremely glad and thankful for the intended assistance of Mr. Eden[*skink*]. The three Germans you have taken into the Academy will be of no burden to you, as their pensions shall be paid annually, while they continue there. To them you may add one more, further advanced in his studies, as I wrote to you in my last of Ap. . . .

Demanding again a distribution of the property of the extinct Province, as the natural heritage of all the individuals who had been members of the Province, Ashton proceeds: You say, in the ultimate distribution of the Province stock, the interest of those Districts, which have so largely contributed to its support, will be first considered. We ask, What are

agli Americani, non hanno questi bisogno dell' ajuto della missione, professandosi con piena libertà la religione cattolica nell' America settentrionale, ove si sta trattando l'erezione di un vescovado; e il soggetto destinato ad occuparlo già pensa alla fondazione di un seminario per gli ecclesiastici, e di un' accademia per la gioventù secolare. *In a question of altering the destination of a pious foundation, where the Society or ex-Jesuits were concerned, the reasoning is characteristic of the time.* (*English College Archives, Rome,* Scritture diverse, *44, 1, Additional reasons of Mgr. C. Stonor, supporting the answer, ibid., Oct., 1789, of S. Felice, Rector of the Anglo-Roman College, to the petition for Liège, where Strickland himself had lately been president.*) *Cf.* No. 163, note 5.

[52] *Cf.* No. 63.

[53] *Cf.* No. 143, A,[1] [*III.*], *where Carroll explains that such control is exercised by persons authorized.*

those Districts? Self-created corporations.[54] Ideal phantoms, that are not known beyond the reach of their existence. We form a regular body of clergy, united by proper authority under one Superior, who is connected with it in temporals as well as in spirituals. Your union is of a very different nature, totally distinct from ours, which must dwindle by degrees into nothing. The division you have made of yourselves into Districts, if it pleases you, noways displeases us. . . . Who the pretended heirs of Mrs. Province are, I never heared, tho' her property is administered by certain people, in whose choice we were never consulted. . . . We wish to divide, and to have the management of our quota in our own hands, tho' we are considered only as the Infant Church of America. Whatever money you have advanced on our account, during our infancy, we will settle for agreeably to the principles laid down. For, tho' we are both twins, we are willing to acknowledge the title of primogeniture in you. *Ashton then proposes arbitration, with the Bishop of London or any other parties as referees; and he propounds his own explanation of the transactions between Fathers Corbie and Hunter, one not at all complimentary to the parent Province.*

You have not favored me with an answer, concerning Messrs. Boone and Doyne. . . .

P². 1788, July 17.

Ashton, 17 July, 1788, to Strickland. A kind of retractation.

. . . Notwithstanding the obscurity of our predecessors' transactions, I have lately discovered some letters of Mr. Denett's,[55] and accounts of Messrs. Poyntz[56] and Hunter, that have given me more insight into this affair than I ever had before. I request that you will send me the particulars of all moneys received since 1705, both from here and from the bishop, with their dates.[57] I am sensible that the annuities

[54] *Cf. supra*, A², p. 651, *Strickland, on the uses of Jesuit property. The English Districts in question were localities to which foundations were attached, and within which Catholics had a right to the benefits thence resulting. On the contrary, the Districts which were mapped out by the American Fathers were merely ideal divisions of territory, for the purpose of adequate representation in their Chapter.*

[55] *Father James Dennet, Provincial, 1762–1766, successor to Father Henry Corbie. Cf.* No. 106.

[56] *Father John Poyntz, procurator of the Province in George Hunter's time.*

[57] *This request of Ashton's for the particulars of accounts, extending over 85 years, was in fact more moderate than it seems, or than Ashton knew. The later English ledgers and day-books, which are extant, have very copious entries under* Maryland, Dr.; *but* Maryland Cr. *is singularly deficient. The books begin only at 1730. And, up to 1778, there are some thirteen ledgers, day-books, and a quarto book of* Annuities. *Several of them are Liège day-books. They contain a mine of information, not only as to money accounts, but as to the movements of persons, whether Jesuits or lay people, coming to and fro. The London procurator's office was treated as a kind of friendly banking house (without discounts) for all affairs, including those of the young people who went to Europe for their education in the Jesuit colleges or in the convents. In ledger B (cf.* No. 150, H), *and in loose papers of his (day-book R), Father Strickland analyzes the existing state of Maryland debit and credit, down to 1790; and also formulates a case of inquiry about the fixing of responsibility for the loss in the French shares (Sir John James Fund? Cf.* No. 70, A). *Later accounts concerning*

ought to have been paid from here, if the dissolution had not taken place; and, on y^r^ agreeing to our right to a dividend,[58] we will agree to y^r^ right to the annuities.[59]

Notwithstanding our differences about money affairs, I beg you will be assured that I have the highest esteem of y^r^ integrity and zeale to support the shattered remains of our antient Province. . . .

Q². 1787, 1788.

Carroll to Plowden, 4 June, 1787, 1 Mar., 1788, on the foregoing controversy between Ashton and Strickland. See supra, F, G.

R². 1790, 1811.

Strickland, on Ashton's abuse, *Sept., 1790, with two remissions of debt, 29 Sept., 1790; (1811). See supra*, H, J, L.

S². 1804, June 5.

Strickland, 5 June, 1804, to Father Marmaduke Stone, Stonyhurst, Provincial of the revived English Province. On a new spirit, with regard to money, which had arisen during the thirty years of Suppression.

. . . One most essential defect in our missioners is that, when they are sent upon a mission, the first object of inquiry is, what are its emoluments, and what the number of the congregation. I am sorry to say that the first of these objects has, since the dissolution of the S– – –y, been an object of consideration among the dispersed members as much, if not more than among people of any other denomination. Before the dissolution, a contrary disposition was characteristic of the Jesuits; and it would be happy if your young men cou'd be taught that the primary object of their mission was the salvation of souls, and to rely on Providence and the attention of their Superiors for their temporal concerns. Unless this spirit can be infused into them, they will never become true Jesuits. This, I allow, will be a hard task. Example is contagious; and, when they have constantly before their eyes men of character and highly esteemed, who both by word and example openly countenance principles of a different complexion, it must be next to a miracle, if they do not contract some share of the contagion. . . .

Bishop Carroll appear in ledgers B and G. An annuity of £5 due to Father Ashton himself, on account of his uncle, Father Anthony Carroll (cf. supra, N², *ad fin.), begins in ledger B, 9 Dec., 1765, and is treated of under the credit for Maryland, in loose papers, day-book R, as well as in the later ledger G. A very long series of other annuities, 1754–1768, which were due to Jesuits, and about which Bishop Challoner spoke to the Propaganda at the Suppression (supra*, No. 141, C, D), *is entered summarily in 14 ff. of the quarto*, V, Annuities, 1754, &c. (*English Province Archives S.J. For some samples of the accounts respecting Maryland young people, Charles Carroll of Carrollton, Ashton, etc., cf. T. Hughes*, Educational Convoys to Europe in the Olden Time, *in* American Ecclesiastical Review, *xxix. 24-39.*)

[58] *In the Province stock.*

[59] *As there was no common Province stock (cf. supra*, Q, [II.], 6, 7; F²), *there was nothing to divide; hence* the dissolution *made no change in the respective credits and debits of the American and English funds.*

English Province Archives, portfolio 6, American Letters, *ff. 12-32; letters of John Ashton to Thomas Talbot and William Strickland, in order of date. Ibid., ff. 14, 17, 25, memoranda of Strickland on the accounts, and on his answers; s.d. Ibid.,* Strickland's Letters, *portfolio, f. 159, Strickland, 5 June, 1804, to Stone, Stonyhurst.*

The apology at the end of the correspondence was as much as might be expected from John Ashton. The correspondence itself shows the situation in which the members of the American Chapter had suffered themselves to be placed by leaving the conduct of affairs, outside of mere temporal management, in the hands of their officious agent.

No. 151. **1786, Nov. 13–24.**

School, bishopric, and incorporation. *Proceedings of the Chapter, 1786.*

A. 1786, November 13–22.

Proceedings of the Chapter, 13–22 Nov., 1786.

[*I.*] Resolves concerning the Institution of a School.

1º That a school be erected for the education of youth and the perpetuity of the body of clergy in this country.

2º That the following plan be adopted for the carrying the same into execution.

[*II.*] Plan of the School.

1º In order to raise the money necessary for erecting the aforesaid school, a general subscription shall be opened immediately.

2º Proper persons shall be appointed in different parts of the continent, West India Islands and Europe, to solicit subscriptions and collect the same.

3º Five Directors of the school and [*of*] the business relative thereto shall be appointed by the General Chapter.

4º The monies collected by subscription shall be lodged in the hands of the five aforesaid Directors.

5º Masters and tutors to be procured and paid by the Directors quarterly and subject to their directions.

6º The students are to be received by the managers on the following terms—

[*III.*] Terms of the School.

1º The students shall be boarded at the parents' expence.

2º The pension for tuition shall be £10 currency per annum, and is to be paid quarterly and always in advance.

3º With this pension the students shall be provided with masters, books, paper, pens, ink and firewood in the school.

4º The Directors shall have power to make further regulations, as circumstances may point out necessary.

[*IV.*] Other resolves concerning the school.

1º The General Chapter, in order to forward the above institution, grants £100 sterling towards building the school, which sum shall be raised out of the sale of [*a*] certain tract of land.[1]

2º The residue of the monies arising out of the sale of the above said land shall be applied by the General Chapter to the same purposes, if required to compleat the intended plan.

3º That the Procurator General is authorized to raise the said sum and lay it out for the above purpose, as the Directors shall ordain.

4º The General Chapter orders the school to be erected in Georgetown in the State of Maryland.

5º A clergyman shall be appointed by the Directors to superintend the masters and tuition of the students, and shall be removeable by them.

6º The said clergyman shall be allowed a decent living.

7º The General Chapter has appointed the Rev. Messrs. John Carroll, James Pellentz, Rob. Molyneux, John Ashton, and Leonard Neale, Directors of the school.

B. *Same date.*

[*V.*] System of Ecclesiastical Government.

Whereas it is necessary for the well government of the Roman Catholic Church in the thirteen United States of North America, that certain fundamental principles should be established in the clergy thereof, binding themselves and their successors, to which they promise to adhere, and to no other form of government, therefore resolved by the clergy thereof:

1º That the form of spiritual government to which alone they do submit shall be properly episcopal, depending only on the Holy See, in matters essentially belonging and universally acknowledged to belong to the Holy See as its undoubted prerogative.[2]

2º That a diocesan Bishop alone is adequate to the above purpose.

3º That the representatives of the clergy of the United States of North America are the only proper persons to chuse the same.

4º That a proper memorial be drawn up and sent to his Holiness to represent the present state of the Roman Catholic Church in North America, and the determination of the clergy thereupon.

5º That the present Superior jointly with two members of the clergy be authorized and directed to draw up and send such memorial in behalf of the said clergy and to the above purport.

[1] *Campbell's lands?* *Cf.* No. 148, p. 631.

[2] *Cf.* Nos. 143, A, [*VII.*], *ad fin.*; 146, A, note 2; 152, B, [*I.*], [*II.*], 2ly, 3dly, [*III.*].

6º That the two members of the clergy chosen for the above purport [*purpose?*] are the Rev. Messrs. Rob. Molyneux and John Ashton.

7º That in the meantime the clergy submit to be governed by the present appointed Superior.

Business of Accounts. Relique of St. Francis Xavier.

C. 1786, November 23, 24.

Other resolves.

[VI.] November 23.

1º *On the archives.* *See* No. 150, N.

2º That the Rev. Mr. Robert Molyneux be requested to draw up a circular letter to be sent to the members of the clergy in the different Districts, informing them of the determination of the majority of Chapter, respecting the form of spiritual government they have agreed to submit to, and of the reasons that induced them to come to that determination, and to lay the same before Chapter, to-morrow morning.

November 24. The order of the day being read, the Rev. Robert Molyneux laid before Chapter a letter to be sent to the gentlemen of the clergy in Maryland and Pennsylvania.

Ordered that the said letter be signed by the secretary of Chapter and sent accordingly.

D. 1786, November 24.

[VII.] [*Incorporation.*]

Resolved that a committee of the clergy be appointed to take information, whether it will be safe and expedient to apply to the legislature for an act to incorporate the Roman Catholic Clergy, or a certain number of their body, to hold their estates in trust and for the use and behalf of said clergy and their successors for ever; and that the following, Rev. Messrs. J. Carroll, James Walton, Ign. Matthews, J. Ashton, Leon. Neale, Aug. Jenkins, compose this committee; after receiving in writing the opinions of the Rev. Messrs. Lewis, Digges, B. Neale, J. Pellentz and Jos. Mosley on the subject, and, on their agreeing with only [*no more than*] two dissenting voices, be authorized to act in consequence.

Resolved that the Rev. Mr. Carroll be authorized to call together the above committee at Port Tobacco, when he may judge it expedient, and that, a majority of the members being met, they shall constitute a board.

On the signature of every member in the body of clergy to be affixed to the Form of Government. *See* No. 150, O.

Signed by order of Chapter, Nov. 24th, 1786.

CHARLES SEWALL, Secretary.

Georgetown College MSS., Proceedings of the General Chapter in the year 1786, *as above*, No. 150, p. 639; *ff. 3–5.* *Cf. J. G. Shea*, History of the Catholic Church in the United States, *ii. 301–304.*

Of the three points so determined, a school to be opened, the bishopric to be advocated, and the measure to be taken of incorporating either the whole Select Body of Clergy or a limited board, the last alone, that of incorporation, seems to have aroused no opposition. This was a question of economic and political expediency for making the estates secure. The execution of it remained subject to prudential considerations, regarding the right time and opportunity, when the demand for such an act from the Legislature would not provoke a spirit of intolerance to defeat the project. It was successfully accomplished six years later, in favour of a legalized committee or executive Board, inside of the Select Body. Then the Chapter continued to exist, as still representative of the body at large; and it elected the members of the incorporated Board, otherwise called the Corporation. Besides renewing the members of the Board at stated times, the Chapter conveyed to it, when necessary, the sense of the Select Body. Its members were called Representatives; those of the Board, Trustees.[3] *These matters will be seen later in their course of development.*

At present, while an act of incorporation was readily understood by the ex-Jesuits to be the setting up of a protection for the old property of the Society, the other two measures of a school and the bishopric seemed, on the contrary, to threaten the same property with outlay and encumbrances. Hence a period of agitation ensued, against both school and bishopric.

No. 152. **1787.**

Opposition: diverging interests. *In the Chapter minutes of 23 Nov., 1786, just rehearsed, there is distinct mention of a* majority, *which orders the letter of Molyneux to be drawn up and sent out, on the subject of ecclesiastical government.*[1] *And again it is declared that, in the proposed business of incorporation entrusted to a committee of six, a minority which consists of only one-third shall not be competent to obstruct.*[2]

From the documents which shall now follow we learn that there was indeed obstruction inside the Chapter, Bernard Diderick or Rich being the operator. He seems to have been the entire minority.

[3] *Compare the description given to the Propaganda, of an Upper and a Lower House, the one called Senate, the other, Chamber of Representatives, both combining in joint session to elect the Trustees. See* No. 119, [*IV.*], *Marechal's Notes on the General's Report*: Il corpo scelto.

[1] No. 151, C, [*VI.*], 2º

[2] *Ibid.*, D, [*VII.*].

He was of the same Middle District as Ashton, whom he was opposing. He certainly was not supported by the whole representation of the Southern District, Walton and Matthews, if by either of them;[3] *for with both he would have formed an absolute majority of the Board, three against the other two, Ashton and Molyneux. The good-natured Molyneux was never in opposition to anybody or anything; and on this occasion he was invited to draw up the circular. Though Carroll was present, he was only an invited supernumerary.*

Outside of the Chapter there was opposition. The chief opponent would seem to have been Leonard Neale, who had arrived some years previously from Demarara. Others in the Southern District agreed with him, so that a District circular was issued against the late decision of Chapter. Supposing that there was but little change in the composition of the Southern District since 1783, we may repeat the names of the members who had made up the local assembly of September in that year: Messrs. Bennett Neale, Ignatius Matthews, James Walton, Peter Morris (now deceased), John Bolton, John Boarman, Augustin Jenkins, Benjamin Roels, Leonard Neale.[4]

It may be owing to this dispute and to the challenge now thrown out by Leonard Neale's party against any seeming dilapidation of Jesuit property during the interval of the Society's suspended vitality, that forty years later a Jesuit Superior of Maryland (Father Dzierozynski) paid him the tribute of having saved the Jesuit property:

A.

Huic viro [*Leonardo Neale*] Societas Americana secundum Deum multum debet, quod bona etiamnum hic possideat. Ejus enim cura, zelo et prudentia, Corporatio quae legibus civilibus illa munit fuerat erecta.

The origin of such a tradition is sufficiently explained by the dissatisfaction felt, in Grassi's time, at the supposed attitude of Archbishop Carroll towards the Society and its restoration.[5] *Although the tradition, received and recorded by Dzierozynski, passed into history, the fact seems to have been that Leonard Neale and his colleagues had, in point of fact, simply given way, and entered into the views of the other two Districts. We begin with the circular letter of the General Chapter.*

[3] *Cf. infra*, C, note 11.

[4] No. 145, B.

[5] *Cf.* Nos. 178, U², V²; 113, Q.

B. 1786, November 24.

Circular letter on a bishopric, ordered by the Chapter, 24 Nov., 1786.

Rev. Gentlemen and Brethren,

[*I.*] We esteem it a duty to give you information, not only of all matters agreed on in Chapter, but likewise of the reasons, which moved a majority of us to come to an important resolution relative to our future Ecclesiastical Government. The matters agreed on are those which appear in the journals of our proceedings; among which you will find a vote directing that a memorial be transmitted to his Holiness, representing that the clergy of these States conceive it as their right, and therefore require to be governed only by an Ordinary Bishop, chosen by themselves and depending in spirituals solely on the Holy See;[6] that, in the mean time of waiting for his Holiness' answer, they submit to the authority already constituted amongst them.

[*II.*] The reasons operating on a majority of us to adopt this resolution were the following. First, the Clergy of Maryland and Pennsylvania are providentially placed in a situation to be greatly instrumental towards spreading the blessing of true religion throughout the whole extent of the United States. In this view we formed the plan of a school of general education for youth; but more especially that it may be a nursery of future clergymen, who will, we hope, be sufficient not only to succeed the present labourers, but likewise to extend their zeal as far as the tolerating laws of the other States will allow them. To compleat this scheme a Bishop will certainly be necessary. 2^{ly} We conceive no medium between an Ordinary Bishop and a Bishop in partibus, constituted by and dependant on the Congr. de Prop^{da} Fide. We think you will find sufficient reason in the acc^{t} of our Russian Brethren, and in other information you are possessed of, to prefer an Ordinary to a Vicar Apostolic.—Besides, our governing powers jealous of all foreign dependance, and our fellow Christians of other denominations, will be confirmed in their prejudices, if we admit for our chief ecclesiastical Superior a person appointed by a foreign Congregation, responsable to them for the exercise of his authority, and removeable at their pleasure. 3^{dly} The clergy and faithful here constitute a National Church, protected and sanctioned by law; and they have therefore a right to the same ecclesiastical government, as has ever been used from the days of the Apostles in every National Church. 4^{ly} There is a very cogent reason why this matter should be taken up at present. The negotiation will undoubtedly be of some length, and probably the fate of the memorial will not be decided for two or three years.—Clergymen not of our Body are coming into America, and the Superior, where he finds them qualified, can not in conscience refuse employing them in other States

[6] *On the tone here and infra* [*III.*] *with regard to the Holy See, and the Vicars Apostolic depending upon it, see the other places cited in* No. 143, note 10.

solliciting their assistance. These, as part of the American clergy, will have an equal right to participate in the ecclesiastical government. Can we tell how soon they may be here in sufficient number to carry measures contrary to our wishes and destructive of the good, which our longer experience of the temper and government of America enable us to perform? Have we not reason to fear, that they will be attended to at Rome preferable [!] to ourselves, and their plans adopted? and thus an attempt made to enforce a government, which if we admit, we shall impose a yoke upon ourselves and draw on our religion the inconveniences before mentioned. If we resist this government, dissensions and anarchy will ensue. On these considerations we are induced to delay no longer a measure recommended to us from Europe by those, on whose virtue, knowledge and experience we could best rely.

[*III.*] We were very careful to consider whether the introduction of episcopacy would prove detrimental, if it should please God to revive the Society; and, so far from conceiving it hurtful to the Society's recovering her rights in this country, we are clearly of opinion, that a Bishop chosen by ourselves, while we constitute a majority, would greatly facilitate so desirable an end. Ever since the days of St. Ignatius, the Ordinaries throughout Christendom have generally proved favourable to the Society, and for the most part were its protectors and benefactors; and in the times of its distress spoke loudly in its favour. We remember the glorious testimonies rendered to the Society by the Bishops of France, Italy and Germany, and even those of Spain. But the Vicars Apostolical of England, and China, and other eastern countries have always thwarted its children, and by their opposition have oftentimes caused prejudice to religion.

These are the principal reasons which determined our opinions. We doubt not of your approbation and concurrence in a measure suggested by motives so powerful and so pressing. With the greatest respect, and earnest request to you to beseech Almighty God to render this measure advantagious to religion, we have the honour to be

Gentlemen and Reverend Brethren,

Your most humble and obedient Servant and esteeming Brethren,

The Chapter.

Given at the White Marsh, November 24th, 1786.

Signed in behalf of Chapter,

CHARLES SEWALL, Secretary.

To the Reverend Gentlemen of the Southern District.

C. 1787, January 22—February 28.

Carroll, Rock Creek, 22 Jan.–28 Feb., 1787, to Plowden. On the opposition manifested to a school and a bishopric.

22 Jan. [*Ff. 1–6*]. *On the foregoing business; and he asks earnestly for Plowden's co-operation in obtaining a president for the Academy; as he*

cannot hope to secure Plowden himself, he mentions Messrs. Kemper, Barrow, Mattingley, Semmes. Then about proper text-books. Finally, a plea for pecuniary contributions from friends in England.[7] *Personal items.*

28 Feb. [*Ff. 6*^{v}, *7*]. I am sorry to inform you that, since writing the above, an opposition has broken out of some of our good gentlemen against the establishment of a school, and an application for a Bishop. They act from this laudable motive; that both these matters will occasion some alienation of property formerly possessed by the Society, which they wish to restore undiminished to her at her re-establishment; and of this they appear to have no doubt, since they read your Russian history.[8] They positively assert, that any appropriation to the school (tho' made by the representative body of the Clergy, as has been the case) of estates now possessed by us is a violation of the rights of the Society; thus supposing that a right of property can exist in a non-existing body; for certainly the Society has no existence here. As this objection has arisen with a few, I hope they will soon change their mind, and remember that a very uncertain prospect of the revival of the Society ought not to hinder so essential a service to religion; that the Society was instituted to save souls; and that souls were not made subservient to the temporal benefits of the Society. You must know that, when we established a form of government for our temporal concerns, we severally promised each other, that, if it pleased God to restore the Society in this country, we would surrender back into her hands her former property. But, at the same time a power was expressly reserved, and indeed it is essential, for the Chapter or Representative body of the clergy, to alienate for the common good, or for pious uses, any part of the real property.[9] Personal property may be disposed of with greater ease. The few gentlemen who have objected have considered the promise of re-delivery to the Society; but have not attended to the power expressly granted to Chapter. I make no doubt but, as soon as the matter is properly explained, we shall all agree again, except perhaps a Mr. Diderick, one of those whom, as you once wrote, Mr. Howard's undistinguishing charity[10] admitted into our province and sent hither. He has set all this in motion; and the secret cause, tho' perhaps unknown to himself, is that your schoolfellow Ashton is very strenuous for the measures adopted; as indeed are Molyneux, Matthews, Pellentz, Digges, Mosely, Sewall, Boarman, Lewis, etc., and your humble servant.[11] Now Mr. Diderick makes it a point to oppose Mr. Ashton; and I do not believe that I come in for a great share of his good will. I know not whether you are acquainted with this man's history. I am told he was noted and even confined in the Walloon

[7] *Cf.* No. 176, note 12.
[8] *Cf.* No. 155, A, B.
[9] *Cf.* Nos. 147, C, [*I.*], 17º; 148, A, note 3.
[10] *Father John Holme, alias Howard, had been Rector of the College at Liège, and Vice-Provincial at the same time for English Province affairs on the Continent.*
[11] *There is no distinct mention here of Walton.*

province for his turbulence. As much as we want recruits, I should not be sorry, he would return to Europe; for I really fear he will do mischief sooner or later. This last part of my letter will be, I hope, to yourself. *Carroll returns to the earlier subject of this letter, desiring Plowden's substantial co-operation in many particulars.*

Md.-N. Y. Province Archives, 1783, a draft on the Neale family; 3 pp. fol. (*cf.* No. 163, A, note 4). *Ibid., 1786, Nov. 24, circular of the General Chapter on a Diocesan Bishop; a copy, not in Sewall's hand, 3 pp. fol. Ibid., 1787, Jan. 22–Feb. 28, Carroll, Rock Creek, to Plowden, 12 pp. 4to, and 1 fol. appended; No. 13.*

No. 153. 1787, February.

The title of ownership in the Society during Suppression: progress of the discussion. *The first letter which follows is directed seemingly to Matthews or to Walton, one of the General Chapter members in the Southern District.*

A. 1787, February 7.

Carroll, 7 Feb., 1787, to a member of the Southern District. He answers the objections raised to the project of a school.

Baltimore, Feb. 7th, 1787.

Rev. Dear Sir,

[*I.*] The printed proposals accompanying this letter were to have been sent long ago; but Mr. Sewall [*secretary*] could not meet with an opportunity. Be pleased to deliver one to each of our gentlemen and to those laymen who are appointed to solicit subscriptions; to whom may be added any others you judge proper. From the generous subscriptions already received, I had conceived the most flattering hopes; and persuaded myself of the active co-operation of all our Brethren in a measure, which has long been talked of amongst ourselves, and strongly recommended from Europe. But Mr. Sewall received a letter a few days ago from the gentlemen of your District, reprobating the resolve of Chapter for a school; and another yesterday from Mr. Diderick very injurious to the character of his Brethren in Chapter. The gentlemen thus censured will perhaps think proper to wipe off these aspersions. As soon as Mr. Sewall showed me your District circular letter, I wrote to Mr. Leonard Neale concerning the unexpected opposition to a school, and shall here transcribe those first effusions of my heart, which were drawn from me by the earnest desire of seeing a prosperous issue of an undertaking pregnant, in my estimation, with the greatest blessings. Thus I write to Mr. Neale:

[*II.*] "When amongst you, I conversed on the subject of a school with every one of you excepting perhaps Mr. Roels; and it appeared to be the general and unanimous opinion, that it was an advantageous and necessary measure. Indeed, your letter excepts only to the extensiveness of the

plan. *Carroll does not see how the plan of studies, comprising English, the learned languages, and elements of mathematics, could be contracted; or how the moral training could be secured without a competent superintendent.* What added to my surprise at your opposition was, that it should come from those who, in a manner so exemplary and with an affection so constant, have devoted themselves to the exercises of, and preserved such an attachment to the Institute of St. Ignatius. For, amongst all the means prescribed by him for the salvation of souls, every one who considers the past services of the Jesuits, or the present decay of religion in Europe, so generally complained of amongst young people; the great scarcity of pastors and Priests (as related to Chapter by Mr. Pellentz)—whoever considers those things must acknowledge, that the Society rendered no service more extensively useful than that of the education of youth. *Carroll's sense of disappointment, but his hopes of seeing a happy issue to the dissension.*" So far to Mr. Neale.

[*III.*] The great objection to the school is the appropriation of property, which is considered as an alienation injurious to the Society and a violation of justice. But, in my humble opinion, whatever other objections may be against the appropriation complained of, that of violating justice is not well founded.

[*IV.*] Do not divines teach unanimously, that death extinguishes those rights in such a manner, that they do not revive, even if the former possessor should be brought to life?[1] 2ndly However this may be, the property[2] applied, either absolutely or conditionally, to the school never was the property of the Society; the events by which it lapsed to the present successor happening many years after the Society ceased to exist. Here therefore was no breach of justice. 3rdly Were the Society existing at this moment, and in possession of the property alluded to, and, if it had been granted to her without any particular destination from the benefactor, my opinion would be, that it could not be applied to a purpose more conducive to the end of the Society. I do not expect that these considerations will entirely remove the objections of our good gentlemen of your District; but I hope their private opinions will not hinder them from exerting their endeavors for, and recommendations of the school; for surely the resolutions of Chapter are binding in matters of this nature.

[*V.*] As to other points objected to, I am glad the gentlemen communicated their difficulties, before any steps were taken in compliance with your resolves; and, if my advice be followed by my colleagues of the committee, I will certainly suspend all proceedings, excepting in the

[1] *In Roman jurisprudence the contrary principle was held with respect to the property of the Society during Suppression, apparently on the ground that the temporary extinction of the Order was a fact to be juridically ignored.* *See* No. 224.

[2] *Campbell's lands? Cf.* Nos. 151, A, [*IV.*], 1°; 153, p. 675; 162, Q, S, *Ashton's and N. Young's wills, by which Campbell's lands were finally vested in the Corporation.*

school business, till a general, or nearly general harmony prevails amongst us. For charity is better than all our schemes, however well contrived they may seem to their authors.

[VI.] But I cannot conclude this without observing that if Mr. Diderick sent any letter to St. Mary's [*County*] in the same style and with the same imputations as in that to Mr. Sewall and Boarman, he has not only conceived unfounded prejudices of, but has greatly misrepresented the proceedings in Chapter. He says the majority of Chapter had contrived the business beforehand, kept matters secret from the rest, and with cunning and worldly policy carried their measures. You know, how contrary to fact these allegations are; that it was universally known that the consideration of a school, of incorporation, and, I believe, ecclesiastical government, was to come before the Board. I wish you would refer to Mr. Ashton's letter of convocation; and I beg you to recollect that the subjects of deliberation were so much known, that Mr. Pellentz, not being able to attend personally, wrote his opinion on all those facts. I am satisfied that we all aim at the same good end. *An exhortation to union of sentiment, etc.*

J. Carroll.

The chief piece of property primarily assigned to the purpose of erecting a school would seem, by the description given, to be Campbell's Chance and Struthland, received as a bequest by John Ashton from J. Campbell in 1779.[3] *Land granted by persons outside of the ex-Jesuit body is reported in a letter of Carroll's at this time to be from Col. Deakins and Mr. Threlkeld, who* have joined in granting a fine piece of ground for the purpose of building.[4] *Benefactions besides came from various quarters in America and England;*[5] *and the Propaganda itself assigned an allowance of 100 crowns per annum for three years.*[6] *But soon the entire burden of maintaining the College fell on the Jesuit estates, as will be seen later.*

Sewall and Boarman, who had been addressed by Diderick, Ashton likewise with Digges and Carroll, all joined in a long common letter, which has the aspect of a Middle District utterance, as against the Southern District remonstrance. Besides a copy of what was

[3] *Cf.* No. 148, p. 631.

[4] *Carroll, Georgetown, 25 Jan., 1787, to . . .; cf.* American Catholic Historical Researches, *x. 40. As to 30 acres bought of John Threlkeld, 2 Nov., 1814, to develop the college grounds, cf.* No. 135, A, note 11.

[5] *Cf.* No. 176, note 12.

[6] *Georgetown College Archives, Card. Antonelli, 14 Aug., 1790, to Carroll, bishop-elect, then in England; Shea's abstracts, 1780–1823. Cf. J. G. Shea,* History of the Catholic Church in the United States, *ii. 367. The allowance was to run from 18 Feb., 1788. Cf. supra,* No. 119, [VIII.], *Marechal's Notes on the General's Report.*

actually sent out, we have Sewall's original draft corrected by himself. We subjoin in footnotes the chief erasures of the composer.

B. (1787, February.)

Answer of Carroll and four colleagues to the remonstrance of the Southern District, on the property interests of the Society of Jesus, etc.

To the Reverend Gentlemen of the Southern District.

[*I.*] Reverend Gentlemen and Brothers:

Pax Christi.

Receipt of their letter.[7] *The objections brought against incorporation cannot be discussed, until the committee appointed has met and begun to consider the subject. The present answer shall be confined to the first two points: the plan of spiritual government adopted by Chapter, and the project of a school.*

[*II.*] Before we answer either of these points in particular, we observe that you lay down two principles as incontestable: viz. the injustice done to the Society, and the infringement of the Constitution we have already adopted.

[*III.*] We answer that the existence of the Society, and the existence of the [*Chapter's*] Constitution are two things incompatible; for the injustice you complain of, implying the existence of the Society, totally destroys the existence of the [*Chapter's*] Constitution. *The 17th article of the Form of Government, allowing the General Chapter to dispose of real property, and the District Chapter to dispose of personal property;*[8] *as well as the 2nd article of Regulations respecting the Management of Plantations, reserving the said power to the General Chapter; both* these articles of the Constitution would be nugatory, if the Chapter cannot dispose of their property without an injustice.

[*IV.*] A declaration, made after the Form of Government was agreed to,[9] says "that the members thereof will, in behalf of themselves and, as far as they are competent, in behalf of their constituents, to the best of their power promote and effect an absolute and entire restoration to the Society of Jesus, if it should please Almighty God to re-establish it in this country, of all the property formerly belonging to it." This resolve is entirely consistent with the above-mentioned; and, being conditional, has no object or tie, before the re-existence of the Society; and we are fully persuaded that it is the sincere desire of every one to have it carried into execution at that happy period. But, in the mean time, the property is absolutely our own, agreeably to the first declaration and subsequent articles; which it would not be, if we could not dispose of it for pious uses, without an injustice to the not yet existing Society.

[7] *Cf. supra*, A, [*I.*].
[8] No. 147, C, [*I.*], 17°
[9] No. 147, G, H.

[*V.*] We observe moreover, that the property held in this country did not belong at any period of time to the Society at large;[(a)] but only to that portion of it residing here, or at most to the English Province. The property of one College and of one Mission was totally distinct from that of another.[10] This principle was essential to good government and general security; and it was asserted and maintained by the General and all Superiors of the Society, in opposition to the iniquitous claims set up in France to make the whole Society liable for the debts of the Mission of Martinico.

[*VI.*] The re-establishment therefore of the Society [(b)] in this country is a necessary preliminary for the re-acquiring of its former property here; and, if any more effectual means of compassing that re-establishment can be devised than those adopted by the Chapter, and which you do except against, we shall be very ready to join you in preferring them. A school will certainly be a nursery from whence postulants can alone be expected; and an independent ecclesiastical Superior is [(c)] principally, if not essentially, necessary to render the school competent to all the purposes of its establishment. The application of some part of our estate which may be spared to this purpose, and the honour of God and good of souls being the end of this Society and hereby intended, we hope will give it that blessing from heaven, which we all most earnestly pray for.

[*VII.*] We are most firmly persuaded that a diocesan Bishop is preferable to an Apostolic Vicar or Apostolic Prefect as at present, who must necessarily be under the control of a Congregation in Rome, that has always been unfavourable to the Society. And we know from the history of the late Society, that the Diocesan Bishops throughout Europe were the means of its getting footing, and flourishing in all Catholic countries, and were the most strenuous in the support of its existence in its last period.

[*VIII.*] This Bishop will be of our own choosing, and undoubtedly one who has been of the Society, and is yet known to be well affected towards it. His revenues will hardly exceed what is allowed to the present Superior;[11] and can there be a shadow of injustice to ourselves, to allow a decent maintenance to a successor of the Apostles, a Pastor of Christ's sheep, and a guardian of the depositum of faith? If this seasonable opportunity of petitioning such a one is passed over, when we have friends at Rome to promote our interest, may we not expect, when one is asked for through the Propaganda by the clergy who are now coming into this

(a) But to the English Province; and, where a claim of justice is set up against our estates, it should, agreeably to your principles, originate with them; the idea of which, we presume, no member of this body of clergy will adopt; nor have we heard that any of the English body of clergy was ever so extravagant, as to make such claim.

(b) Above referred to is only applicable to this Country.

(c) The only person to make such a school flourish.

[10] *Cf.* Nos. 143, A, [*III.*], *Carroll's statement of this same principle;* 150, A², p. 651.

[11] *Viz. the Prefect Apostolic. Here follows the moral ground on which, without injustice to themselves, they may settle an allowance on the ex-Jesuit Ordinary.*

country, and who probably will soon exceed us in numbers, that their petition will be most readily granted, though he should be supported at the expense of that Congregation (as it is in China and elsewhere), who will be such a thorn in our side, as will frustrate our most zealous labours and render the vineyard of our Lord desolate. We know the jealousy that our exemption from episcopal jurisdiction gave in Europe; and, notwithstanding the grants of the Holy See, that few prelates would indulge the Society in that point.[12] It is true without faculties we could live, but would not the cause of God suffer; and our estates in time, from the refusal of ordination or non-admittance of postulants from abroad, in whom we would confide, fall into profane and scandalous hands?

[*IX.*] *Here follow many arguments in favour of a bishopric.* Schools and seminaries have[(d)] generally been encouraged and protected by the Bishops, whether immediately under their own direction, or the direction of the Society,[(e)] and, if she should be re-established in this country, in our life time, there is no doubt but, with the other property, the government of the school will likewise be surrendered into her hands.

[*X.*] *Argument for a school, from the antecedents of the Society of Jesus. A seminary can then be erected under the care of the bishop, and a novitiate under the care of the Society. The plan of education proposed. Scholars and masters.*

[*XI.*] The property allotted by Chapter for this end never belonged to the Society, which has not been in existence here since it was acquired; hence alone every objection arising from the idea of justice is cut off on this head; tho' we are far from admitting that the clergy here cannot contribute to a pious work, in the use of their other property, without injuring their successors. For this principle once admitted would perhaps operate too strongly against ourselves and suggest uneasy thoughts of restitution to those, who may think themselves injured by donations made to our predecessors, and which we now enjoy, to the exclusion of the natural heirs to some of our best livings.

[*XII.*] We now come to answer the particular reasons you have alleged for protesting against the three resolves of Chapter, mentioned in your letter to us. *Here follows, with renewed emphasis, the application of the foregoing principles, to the objections as formulated by the Southern District, on each of the three counts, a bishopric, a school, and incorporation. Then comes a review of the Suppression of the Society and its effects upon the clerical status of the ex-Jesuits.*[13]

[*XIII.*] . . . A promise is made by Chapter, "as far as they are competent,"

(d) Always.
(e) And we make no doubt, but the Bishop for the time being will be glad to put the school under the care of the Jesuits, whenever he has the happiness to see them in a capacity of taking the charge of it.

[12] *This is not clearly stated from any point of view, historically or canonically. But the purport of it agrees with passages in Carroll's papers. See* No. 178, Q², note 87.
[13] *For a part of this, see supra,* No. 141, E–G. *Three-fifths of this document* B *till remaining, we add only a couple of extracts here in the text.*

to reinstate the Society in her former rights, if she should ever revive in this country ; and it will never be in the power of a Bishop, without the consent of Chapter, to frustrate this resolve, particularly as he is secluded from all share of government in our temporal affairs.[14] The burden of maintaining a Bishop, if it can be so called, will be no clog to the Society, if it be now granted by the absolute proprietors, before any claim can arise from a body not yet existing ; which will on its revival have a right under our promise to claim the property we [f] shall then be possessed of ; it will also have a very ample support for its members. We do not see how "we should deprive ourselves of the power of re-entering the Society, without [15] forfeiting our rights to a maintenance from our present estates," when the members who, it may be presumed, would re-enter are in possession, and would keep possession of them till that period.

[*XIV.*] . . . It is but natural that one of our own choosing must be maintained by us ; and we cannot conceive how the present Superior [*Carroll*] can be maintained [16] without an injustice to the Society, if it would be an injustice to maintain a Bishop; unless you will admit that an injustice can only be applicable to the quantum and not ad rem. . . .

That the spirit of God may open our eyes on this important occasion is the earnest prayer of

Rev. Gentlemen,

Your most affectionate Brethren,

J. [*T.* ?] DIGGES. J. ASHTON. C. SEWALL. SYLV. BOARMAN. J. CARROLL.

Georgetown College Transcripts, 1787, Feb. 7, Carroll to a member of the Southern District; a copy (by Shea ?), 4 pp. fol. Ibid., MSS., letter of the Chapter to the Southern District (Feb., 1787); a copy appended without date, ff. 5v-12, to the Proceedings of the General Chapter in the year 1786, *13-24 Nov., ff. 1-5; all in fol.—Md.-N. Y. Province Archives, 45, Sewall's original draft, 19 pp. of a 4to cahier; pp. 1-8, 9, 18, 19. Cf.* No. 150, p. 639, *description of these Sewall papers.—Baltimore Diocesan Archives,* 9 K, *Carroll's original draft of the letter, 7 Feb., 1787, heavily corrected; 4 pp. 4to. The following postscript is crossed out:* Be pleased to preserve this letter, as I have no time to take a copy.

No. 154. 1787, February–March.

The agreement, without conditions. *The opposition yielded at once, upon all the points of debate. Still, if the principles of both parties were the same, and the application of principles to circumstances became identical in the present instance, it was not every*

(f) Have promised her and which we.

[14] No. 146, F. *Cf.* No. 162, J, *where John Ashton, 11 Oct., 1802, presses this article of the Chapter government against the admission of Bishop Carroll into the Board of Trustees. Carroll himself signed the present letter (Feb., 1787).*

[15] *I.e. except at the cost of ?*

[16] *That is, with an extra allowance, because he is Superior. Cf.* Nos. 148, A, 14º; 150, B, [*V.*]. *Otherwise, his allowance as a mere member would be only £30 currency. See* No. 147, C, [*II.*], 2º.

application of the same premises which commanded the assent of all, as some later documents show.

A. 1787, March 29.

Carroll, Rock Creek, 29 Mar., 1787, to Plowden. Surrender of the opposition.

My Dear Sir,

I wrote you very fully a few weeks ago. I have now only to add, that, since the sending off of that letter, the gentlemen, who had shown some opposition to the business mentioned in it, have seen the reasonableness of the intended establishment, and of the application to Rome for a Diocesan; and are as urgent as any to have them carried into execution.

Out of this number I except the gentleman particularly mentioned in my last. I have my doubts whether anything could remove his opposition, but an assurance that the whole government of the Academy should reside in him; and that he should be the first Bishop of the American Church.

Therefore, as perfect unanimity now prevails amongst us, I recommend again and again to your consideration the points of my former letter;[1] and I shall immediately write to Mr. Thorpe on the subject of both resolves, particularly concerning a Bishop. If possible, I will interest our government in the success of the application; but not till I find it necessary. *Compliments.*

B. 1788, May 10.

Carroll, Baltimore, 10 May, 1788, to Rev. W. O'Brien, New York. An explanation of how Carroll became practically the sole agent in promoting an episcopal form of government.

The visit of Sign. Filicchi (Leghorn) to New York. Antecedent circumstances and measures in the matter of the bishopric. Two other gentlemen [*Molyneux and Ashton*] were appointed beside myself to transact this business, and they, as happens to easy people like myself, devolved the whole trouble of framing memorials, petitions, etc., on me. *The present urgency, owing to the affair of Nugent (New York).*

C. 1790, January 19.

Carroll, Baltimore, 19 Jan., 1790, to the Rev. Francis Neale, St. Thomas's Manor (Southern District). An appeal for a mutual and general understanding on the subject of the Society and its future prospects.

Acknowledgment of letter received from F. Neale, under date of 16 Dec., (1789).

[1] No. 152, C, *28 Jan., 1787, ff. 1–6.*

I am sorry, that my information respecting your Brother[2] proved to be unfounded. I have no alternative left at present than to allow of your remaining some time in your present employment, and abandoning the poor congregations up the country to such temporary provision, as can be made for them by the charitable visits of clergymen, who can find a few days to spare.

I own to you, that I cannot reconcile your opinion of the gentlemen of this district[3] with that candour and charity, which belong to your character. A total conformity of opinions, even in every point respecting the Society, is not to be expected. All of them, as far as I know, esteem it as much as you possibly can; but none of them will dare to say it is necessary, because they know that providence is not tied down to any particular instrument for effecting its purposes, but is able to compass them by a thousand ways unknown to us. While I see the gentlemen labour for the salvation of souls by teaching, preaching and catechizing, and all other functions of the ministry, I shall judge no less from their actions than their words, that they are full of those sentiments inwardly, which to me they have always professed. When you say, that "all misunderstanding amongst us has arisen from an affection or disaffection to this one point," you evidently show that you have been exceedingly misinformed; for it is notorious, that the only misunderstanding of which I have any recollection sprang from a cause totally different and foreign to the Society.[4] If any other misunderstandings have been, excepting this one to which I allude, they have either been unknown to me, or were of so little account as to escape my remembrance. My Dear Mr. Neale, do not let yourself be diverted from sending [*to Europe*] for co-operators, or exerting all your endeavours to render every assistance in your power to the spiritual welfare of your country. You are in possession of my sentiments and earnest intentions in behalf of the Society. I adhere to them most firmly. But, if I were even to find that some of my Brethren were not so warmly affected to it as myself, it should not make me relent in my endeavours to procure fresh supplies to the country missions, nor would I lose all esteem for those, who did not think exactly as I did; I would consider those to be disturbers of public peace who would prejudice me or my other Brethren against them on that account. Perhaps I might view matters in the same light as you, had I just come out of a college, after having lived only with them who were trained in the same uniform way of thinking, speaking and acting. But you will find by experience, that men may think very differently even on subjects interesting to the

[2] *Charles Neale and his return from Europe?*

[3] *The Middle District.*

[4] *The* misunderstanding *to which F. Neale referred seems to be the general difference of opinion, which called forth the elaborate documents,* Nos. 153, A, B; *in both of them the Society being the subject of discussion. The* misunderstanding *to which Carroll refers seems to be the particular issue of Diderick versus Ashton* (Nos. 152, C; 153, A; 154, A).

conduct of religious affairs, without therefore deserving to be utterly distrusted. Thus you will think in a few years more. Pray for me. I am with the utmost regard,

Dear Sir,

Yours affectionately and sincerely,

J. CARROLL.

Postscript, in which he speaks of a recruit from among the students of Liège.[5]

D. 1790, March 16.

Carroll, Baltimore, 16 Mar., 1790, to Plowden. On the delusive hope of seeing the Society restored. The necessity of such a body.

On the success of the patriots in Flanders and Brabant. My Brethren here have been deluding themselves,[6] for a long time, with ideas of a restoration, founded on what appeared to me very shallow support indeed. But at present I cannot help thinking, that the late convulsions in Europe, when traced to their real sources, must discover to every thinking mind the necessity of a virtuous education, and of encouraging men, capable of conducting the rising generation thro all the degrees of moral, religious and literary improvement. On whom then can the governing powers turn their eyes, but on those who are trained under the discipline of the Society? A few seminaries or universities may be indeed supplied with excellent instructors without recurring to them. But numerous professors, sufficient to fill the chairs of every considerable town, cannot be formed and held to their duty, except it be in a body constituted as the Society. . . .

Md.-N. Y. Province Archives, 1787, Mar. 29, Carroll, Rock Creek, to Plowden; 2 pp. 4to, No. 14. Ibid., 1790, Jan. 19, Carroll, Baltimore, to Francis Neale, St. Thomas's Manor; 4 pp. 4to, No. 15. Ibid., 1790, Mar. 16, Carroll, Baltimore, to Plowden; 2 pp. 4to, No. 27; his last letter before receiving the bull of January, 1790, appointing him bishop.—American Catholic Historical Researches, *viii. 57, Carroll, Baltimore, 10 May, 1788, to Rev. W. O'Brien, St. Peter's Church, New York; an extract.*

No. 155. 1788, 1789.

The revival of the Society projected in 1788, 1789: election of Carroll to the bishopric.

A. 1786, July 11.

Carroll, Rock Creek, 11 July, 1786, to Plowden. The MS. account sent by the latter, on the preservation of the Society in Russia.

MY DEAR SIR,

At my return to this place the 8th inst., after a long absence, I found your two most acceptable favours of Aug. 26th, 1785, and March

[5] *The statement of views in this letter, first on the subject of affection for the Society, secondly on the practicability of the Order's restoration, agrees with much that follows in Carroll's policy, and explains the antipathy manifested towards him by members of the Neale party. These considered him wavering or double in his views.*

[6] *Compare* No. 142, A, *ad fin.*, p. 609.

19th, 1786; and at the same time your invaluable MS. account of the remnant of the Society, miraculously preserved, as it seems, to be the seed of a future generation. I have read it with great eagerness and infinite pleasure; but had not time to make myself master of the history, before the impatient demands of our worthy Mr. Digges drew it out of my hands. To him I have now sent it; and presume that it will go through the inspection, and contribute to the edification of the curious amongst our Brethren, before I shall be able to recover it. On this occasion, I cannot help congratulating myself, and even returning thanks to heaven, for the opportunities afforded me in Italy and at Bruges, to perfect my acquaintance and intimacy with you; as I owe to that, not only the pleasure of your most valuable correspondence, but many advantages, public and private, which I have derived from it. *Carroll's correspondence with Antonelli.*[1]

B. 1786, November 13.

Carroll, Rock Creek, 13 Nov., 1786, to Plowden. Hopes of the restoration of the Society, through the benevolent action of schismatical Russia.

On Thorpe's services in Rome. I informed you in my last of the receipt of your most valuable MS., which may be called the history of a providential deliverance of the Society from utter destruction. If wickedness and an infidel spirit were not so prevalent, as to make us fear the effects of God's justice rather than His mercy, I should have most sanguine hopes of an union of the Greek and Latin Churches, and a consequent re-establishment of the Society. Indeed, as matters stand, I greatly hope it. . . .[2]

C. 1788, April 25.

Circular of Maryland ex-Jesuits on a restoration of the Society in America. Signatures added autograph.

Ap. 25, 1788.

Most Esteemed and Reverend Brethren,

It is with the greatest distress of mind that we consider the various disturbances, which have agitated us in this part of the world, since the destruction of the Society of Jesus. Upon our exclusion from that happy government, we sincerely endeavoured to obviate every inconvenience by substituting another form of government, proportioned, as nearly as we could judge, to the circumstances in which we found ourselves. But it seems that this established form has not produced that harmony and regularity, without which all is thrown into confusion, and we [*are*] compelled to surrender the idea of ever enjoying true comfort or happiness amidst the fatigues of our laborious Mission. This

[1] *See* No. 149, G.

[2] *Carroll returns to the same subject in the same vein, 22 Jan., 1787 (next letter to Plowden, No. 13).*

uncomfortable prospect naturally revives the memory of our former feelings and ideas. Our eager thoughts, by an uncontrollable biass, fix upon our dear and ancient Mother the Society, whilst, by a retrospective glance, we view the perfection of her unparalleled form of government, which ever preserved the most perfect union among her members, and, by her influencing energy filled all with a happiness that sweetened their labours, and afforded solid comfort in difficulties and distress. Yes, Rev^{d} Gentlemen, we conceive this government of the Society to be the only one that can procure us the happiness our hearts are in search after. We have felt her controul, we have experienced her influence, which has stamped impressions on our souls not to be erazed. In pursuit of this our object, we will not, we cannot loose sight of a reunion with our darling Mother, till such time as Providence shall frustrate our active endeavours, and point out this impossibility. We have therefore come to a full determination of applying for this reunion, a determination not to be baffled by any attempts. We most sincerely wish for the unanimous concurrence of all our Brethren in this important affair. However, all being free, we reflect on none. We solicit none to subscribe to this determination, but such as are of the same sentiments with ourselves.

They propose a meeting in person or by proxy of all who think as they do. The place and day: St. Thomas's Manor, Monday following the third Sunday of July, where the measures to be adopted, and the mode of application will be agreed on. *They define the order of the day:* At this meeting no business will be admitted of but the discussion of the point herein specified. *They commend the matter to the prayers of all; and they close:* We will presume to sign ourselves

JAMES WALTON, IGN^{S} MATTHEWS, JOHN BOARMAN, AUSTIN JENKINS, HENRY PILE, LEONARD NEALE, B. L^{S} ROELS, JOSEPH DOYNE, JOHN BOONE, SYLVESTER BOARMAN, FRAN: BEESTON, LAUR. GRAESSL, ROB^{T} MOLYNEUX,

Children of Providence and dearly loving Brethren.

Addressed: The Rev^{d} Gentlemen formerly of the Society of Jesus in Maryland and Pennsilvania.[3]

D. 1789, October 25.

M. Stone (Liège), 25 Oct., 1789, to Francis Neale, Portobacco, Maryland. An inquiry about the aggregation of the American ex-Jesuits to Russia.

Stone apologizes for finding himself at the head of the Academy. Items. When will the Society revive in your parts? I cannot think there can be any opposition on the side of the Government; and I am sure there ought not on the side of the Pope, whose power and jurisdiction, as well as the interest of religion, stands in need of such a support. I

[3] *The style of this circular is very much like L. Neale's; and his name appears about last among those pertaining to the Southern District.*

hope you will remember me to your brother, my schoolfellow, as also to Mr. Molyneux, Jenkins, Sewall, Boarman, Beeston, Eden, and his countryman and companion,[4] whose name does not occur at present Recommend me to their prayers and tell them, I long to see ourselves united by the same religious tie as formerly, and under the same good mother of the Society. *Messages.*

Md.–N. Y. Province Archives, 1786, July 11, Carroll, Rock Creek, to Plowden; 4 pp. 4to, No. 11. Ibid., 1786, Nov. 13, Carroll, Rock Creek, to Plowden; 4 pp. fol., No. 12. Ibid., 1788, Apr. 25, circular on restoration S.J.; 2 pp. of a double fol. sheet. The signatures are autograph, and may have been appended as the letter passed round. The hand, in which it is written, would correspond to the signature of Austin Jenkins. Ibid., 1789, Oct. 25, M. Stone (Liège) to F. Neale, Portobacco, Maryland: Received and forwarded by, Sir, Your obedient Servt, Joshua Johnson, London, 10 Decembr 1789; *one double sheet, the end of a letter, the rest of which is lost.*

In the spring of 1789, eight months after the date assigned by the thirteen Fathers for the meeting on aggregation to Russia, the committee of three on the bishopric, Carroll, Molyneux, and Ashton, found themselves ready to report. They did so in a circular (25 Mar., 1789), narrating what steps had been taken, with the happy result that his Holiness had now given them formal permission to elect a candidate. The committee determined the method of the said election, naming the three local committees who should examine the votes of the Districts, providing for absolute secrecy and freedom of choice, and ordering a return of the poll at the end of April. Excepting only one vote, the election was absolutely unanimous. Carroll dolorously and reticently gives Plowden to understand what the result had been (8 May, 12 July, 1789).[5]

No. 156. **1789, 1790.**

The Chapter of 1789 and the new accessions to the American clergy: uniformity of treatment. *Contributions towards the support of other clergymen, not belonging to the Select Body, were made to depend upon orthodoxy and proper subordination to episcopal authority, with the additional requisite of rendering positive service to the Church. Upon these conditions, as had been already provided in their Constitution, the Chapter of ex-Jesuits contributed towards the support of clergymen at large, and admitted them to all other rights, even to those of election into their select*

[4] *Graessel?* *See* No. 150, N², note 51, p. 661 med.

[5] *Md.-N. Y. Province Archives, 1789, Mar. 25, circular to the Northern District, 3 pp. 4to; signatures of Carroll, Molyneux, and Ashton, autograph. Ibid., 1789, May 8, July 12, Carroll, Baltimore, to Plowden; 4 pp. 4to, No. 21; 3 pp. 4to, No. 22.*

and limited Body, and of election also to any offices therein. The power exercised by the Chapter, in dispensing salaries or pecuniary aids from the estates, strengthened the hands of Carroll in the conduct of ecclesiastical government. We begin this Number with a series of excerpts on the incoming clergy.

A. 1789, May 11–18.

Proceedings of the General Chapter met at the White Marsh. *The mode of nominating in future to the bishopric.*

Members: Northern District, Pellentz and Molyneux; Middle, Ashton and Sewall; Southern, Walton and Pile.[1] *After assembling on 11 May:*

The Procurator General informed Chapter that he had officially requested the Superior [*Carroll*] to attend Chapter, as his advice would be wanting in some matters that were to come before Chapter; and Chapter approved thereof.

The Rev. Mr. Jno. Carroll Superior attended agreeably to request on the same day. *On the last day of their meeting, 18 May:*

The Chapter considering of some permanent mode of appointing bishops hereafter, which may be best suited to the circumstances of this country, were of opinion:

1º. That the clergymen of the United States, living within a convenient distance from the residence of the Bishop, and who have been approved for the administration of the Sacraments during three years preceding immediately, ought to concur in the election of the Bishop.

2º. That at present none but the Clergy residing in Maryland, Pennsylvania, and the City of New York, are within a convenient distance for this purpose.

3º. That the clergymen, as above described, shall be parcelled into divisions consisting of six members, each of which shall choose two electors of a bishop; and the divisions shall be made by the rectors of Port-Tobacco, Baltimore, and St. Mary's Church of Philadelphia.

4º. That, whenever a proper requisition is made, or a vacancy happens by death, the electors shall convene at the usual place of residence of the bishop, unless some other place be agreed on, within one month after requisition, or notification of the bishop's death; and, having made public profession of their faith as contained in the Creed of Pius the Fourth, shall proceed to give their votes signed with their own hands for some clergyman within the diocese; and, whoever has two-thirds of the votes of all the electors present, shall be the person duly chosen. But if, after two scrutinies, no one has two-thirds of all the votes, then the election shall be determined by a majority of the votes of all the electors present.

[1] *Ignatius Matthews, who died a year later, may have been incapacitated by sickness from accompanying Walton on this occasion.*

5º That, if ever it should be thought proper to appoint a Coadjutor, the Ordinary shall convene the electors, and may recommend to them the person he judges most proper. The electors shall then proceed to the election in the manner above directed; but the bishop shall have a vote with them; and, if it so happen that the election is to be determined by a majority of votes, the bishop shall have a casting one, in case of an equal division.

6º That this plan, if approved by a majority of the clergymen, who as above mentioned ought to concur in the election of a bishop, be powerfully recommended at Rome to be confirmed by the authority of the H. See.

Ordered, that the above be communicated to all the clergymen in the three Districts, and that their sentiments thereon be collected by the Rev. Mr. Molyneux in the Northern District, by the Rev. Mr. Charles Sewall in the Middle District, and by the Rev. Mr. Ignatius Matthews in the Southern District; and that the above Rev. gentlemen do make a report thereon to the Superior, who shall notify the same to the next General Chapter.

Ashton is confirmed as Procurator General till next meeting of General Chapter.

Signed in behalf of Chapter,

JAMES WALTON.

Md.-N. Y. Province Archives, 1789, May 11-18, Proceedings of the General Chapter met at the White Marsh; *4 pp. fol., in what seems to be Walton's hand, except (18 May) a* Supplement to the 14th Section of the Form of Government, *and the request that Mr. Sewall revise the language, etc., of the Constitution, as infra*, L, [*II.*].

B. 1788, March 13.

Carroll, Maryland, 1–13 Mar., 1788, to Plowden.

On the German part of the congregation at Philadelphia. I appointed to that station Mr. Groesl, a most amiable, modest and learned, as well as singularly virtuous gentleman. *But a couple of new-comers* got a petition presented to *Dr. Carroll, for one of them* to remain there instead of Groesl, who arrived just after them. This I positively refused, and, with other reasons of my refusal, gave without disguise the following: viz. that, as long as there was an ex-Jesuit alive, willing and capable of serving a congregation, which had been raised by that body of men, he should have the preference. The malecontents are trying to erect another church for the Capucin, both of whom I have disposed of in exceedingly good places, with which they need be well content; and which may be called paradises in comparison of what poor Mr. Wapeler and his companions found at and long after their settlement. I am determined that, if I get certain intelligence of these Friars fomenting discord, I will revoke their faculties, by which, according to our articles of ecclesiastical

government, they will lose their maintenance.[2] *On the communications from Thorpe, Rome.*

C. 1789, May 8.

Carroll, Baltimore, 8 May, 1789, to Plowden.

He mentions other categories of troublesome clergymen. He names some specimens in Boston and in the Illinois country. O poor Jesuits! when shall we have you again? You communicated in your last some dubious information concerning them. I have been so often the dupe of my hopes, that I am become very incredulous to reports of any favourable turn in their affairs. . . .

D. 1789, July 12.

Carroll, Baltimore, 12 July, 1789, to Plowden.

He describes the scandal of Abbé La Poterie at Boston. He soon after discovered himself to be an infamous character. His faculties are revoked, and he now proceeds to every abuse against me as a Jesuit, aiming at nothing in all my manoeuvres, but to re-establish the Order here, under the title of American Clergy. It is singular enough, that some of our own friends are blaming me for being too irresolute or indifferent, for not adopting their most intemperate councils with respect to restoring the Society; whilst, on the other hand, Smyth, the Abbé and others, are accusing me of sacrificing to this intention the good of religion. *La Poterie will, no doubt, misrepresent Carroll to Roman authorities.*

E. 1789, October 23.

Carroll, Baltimore, 23 Oct., 1789, to Plowden.

. . . Your condolance[3] would have suited better the situation of my mind; every day furnishes me with new reflections, and almost every day produces new events, to alarm my conscience, and excite fresh sollicitude at the prospect before me. You cannot conceive the trouble I suffer already, and still greater which I foresee, from the medley of clerical characters coming from different quarters and various educations, and seeking employment here. I cannot avoid employing some of them, and they begin soon to create disturbance. As soon as this happens, they proceed to bring in Jesuitism, and to suggest that everything is calculated by me for its restoration; and that I sacrifice the real interests of religion to the chimerical project of reviving it. *He names the classes*

[2] *Cf.* Nos. 146, H, 16º; 147, C, [*II.*], 4º; 149, B, 4º; 150, M, 3º. *Cf.* No. 114, Q, *ad fin., where Carroll observes to Grassi (21 Feb., 1815) that the secular priest Pasquet, his manager at Bohemia,* is in my power, *seemingly through Carroll's control over the gentleman's temporal maintenance.*

[3] *At the result of the election* (No. 155, p. 685).

of persons whom he finds most intolerable. To a great deal of ignorance they join a most consummate assurance. . . .[4]

F. 1790, February 24.

Carroll, Rock Creek, 24 Feb., 1790, to Plowden.

After speaking with approbation of Rev. Mr. Thayer at Boston, and of the Irish Dominican, Father Fleming, now at Philadelphia, he describes one class of volunteers. They are the least calculated for foreign missions; they have proved turbulent, ambitious, interested, and they unite much ignorance with consummate assurance. . . .

G. 1790, September 7.

Bishop Carroll, London, 7 Sept., 1790, to Plowden, Lullworth.

Thorpe announces that Father Cloriviere (Pigot) is a candidate for America.

To-day likewise I had a letter from Cardinal Antonelli[5]—very affectionate and flattering. In the latter part he informs me of his having received a letter full of complaints and invectives against me from La Poterie; which he and the Congregation utterly disregarded, and only felt indignation against the writer. But then he goes on to inform me, that, it having been asserted by him and others, that great heats were raised in America on account of pretended favour to Ex-Jesuits, the Congregation intreats me—rogamus te atque vehementer in Domino hortamur, ut quam longissime omnem removeas suspicionem, [*deside*]rare vos [(a)] isthic restitutionem Societatis olim vestrae, potius qu[*am*] Catholicae fidei propagationem atque incrementum; atque id potissimum - - - obtinebis [(b)] si non modo socios Exjesuitas adhibeas in partem sollicitudinis tuae, verum etiam alios, aliorumve Ordinum sacerdotes, prius tamen per te probatos, ac praesertim tibi ab Archiepiscopo Mechliniensi commendatos, vel eos qui in seminariis Sti. Sulpicii et Missionum Exterarum aliti atque educati sunt, quorum copia in ista Galliae perturbatione tibi magna erit. Quaere igitur duntaxat, non quae tua sunt, sed quae Jesu Christi, atque ea prudentia, consilio et pietate, aliisque virtutibus quibus hactenus floruisti, perge Ecclesiam istam regere ac gubernare, ut in omnibus honorificetur Deus et Pater Domini Nostri Jesu Christi, cui gloria et imperium in saecula saeculorum. Amen.[6]

(a) *Sic, plural.* (b) *Sic, singular.*

[4] *In this letter Carroll describes the irreligious French people scattered through the United States. They disseminate the principles and practice of infidelity. In Baltimore, the good Catholic Acadians have suffered in consequence:* They have corrupted here, almost entirely, the principles of a numerous body of Acadians, or French Neutrals, and their descendants, who, being expelled by the English from Nova Scotia in the war of 1755, settled and increased here.

[5] *Dated 14 Aug., 1790.*

[6] *Cf. Georgetown College Transcripts, 1780–1823, Antonelli, 14 Aug., 1790, to Carroll; Shea's excerpts. In the plural clauses of the Latin extract quoted by Carroll, the Cardinal Prefect seems to be addressing that local clergy of ex-Jesuits*

On the other side, I received a letter last night from our worthy Mr. Francis Neale, who continues in his old stile to urge the re-establishment in spite of every prudential reason against the attempt, till Divine providence opens a better prospect. . . .[7]

H. 1790, September 13.

Carroll, King's Street, (London), 13 Sept., 1790, to Plowden, Lullworth.

. . . I had a long letter from Mr. Thorpe yesterday of Aug. 21. It chiefly turns on the subject of Cardinal Antonelli being haunted with fears of the revival of the Society in America. I think it is providential that his alarms have been raised since the issuing of the bull for erecting the See of Baltimore. I suspect that otherwise it would have been refused. I shall now write to the Cardinal in plain language on the subject. . . .

J. 1790, September 27.

Carroll, London, 27 Sept., 1790, to Antonelli.

On the calumnies of La Poterie and Smyth. If the suspicion mentioned by the Cardinal has taken its rise in such sources, there is no avoiding it, since cupidity, ambition, or hate never ceases to devise fictions: Si ex ejusmodi fontibus oriatur suspicio, quam jam existere intellexi ex litteris tuis, Em^{e} Card., nunquam illa declinari poterit, cum nunquam defuturi sint, qui per fas et nefas omnia congerent, ut suis vel cupiditatibus, vel ambitioni, vel odio satisfaciant. *The new-comers have their eyes on the best places, and, not getting them, become discontented. The ex-Jesuits were beloved by their flocks, and could not be removed merely to accommodate others. Since Carroll has been ecclesiastical Superior, he has commissioned thirty priests for the ministry; and of these only seven were ex-Jesuits, four of them being Marylanders. On Philadelphia. The Sulpicians.*[8]

whom, eight months before in the name of the Sacred Congregation, he had honoured with the epithet, praestantissimus iste presbyterorum conventus, *that electoral body so disinterestedly unanimous in nominating Carroll for the bishopric (ibid., 1789, 14 Nov.; Shea's copy). He entreats them to give no ground for the suspicion that they desire to see "their quondam Society" revived in those parts of the world, rather than the Catholic faith propagated and increased. Then, turning to Carroll in the singular, he shows the new bishop how to effect this, by bringing in other priests, those from Malines, the Sulpicians of France, and the members of the French Congregation of Foreign Missions.*

[7] *Along with Cardinal Antonelli's letter of 14 Aug., there came to Carroll a letter of the Archbishop of Rhodes, Nuncio in Paris, telling him that the Sulpicians were willing to go and find occupation in America, and that without charge to him or the faithful (4 Aug., 1790; Georgetown College Transcripts, under date). The progress of negotiations with the Sulpicians, and the account of their settlement in Baltimore, appear with considerable detail in Carroll's letters to Plowden, from London, 1790, and from Baltimore, 1791 (Md.-N.Y. Province Archives, London, 1790, Sept. 13, No. 29; Sept. 25, No. 31; Oct. 4, No. 33; Baltimore, 1791, Mar. 21, No. 35; June 11, No. 36). For the subsequent course of events, see infra,* No. 170 *seq.*

[8] *Thirty priests commissioned by Carroll since his appointment as Prefect, seven of them being ex-Jesuits, signified an accession of twenty-three non-Jesuits. Deducting at least five of these, as Carroll summarized them:* the Nugents and Smiths and Roans from Ireland, and these latter Frenchmen, *viz. the French Abbé in Boston,*

Md.-N. Y. Province Archives, Carroll, Maryland, 1788, Mar. 1, to Plowden, dating, f. 2, Mar. 13, 5 pp. 4to, No. 17 ; same to same, from Baltimore, 1789, May 8, 4 pp. 4to, No. 21 ; same to same, from Baltimore, 1789, Oct. 23, 4 pp. 4to, No. 23 ; same to same, from Rock Creek, 1790, Feb. 24, 4 pp. 4to, No. 26 ; same from London to same at Lullworth, 1790, Sept. 7, 4 pp. 4to, No. 28 ; same from King's Street, London, to same, 1790, Sept. 13, 3 pp. 4to, No. 29.—Georgetown College Transcripts, 4 Aug., 1790, the Paris Nuncio to Carroll ; cf. J. G. Shea, History of the Catholic Church in the United States, *ii. 377, where he has* August 24. *Ibid., 14 Aug., 1790, Antonelli to Carroll ; Shea's excerpts, 1780–1823. Ibid., 27 Sept., 1790, Carroll, London, to Antonelli ; cf. Shea, ibid., ii. 367, 368.*

K. 1789, May 11–18.

Proceedings of the Chapter, 11–18 May, 1789. Missionaries provided for in Pennsylvania.

On the German Missions and that at Fredericktown, whence the Chapter wish to withdraw the ex-Jesuit, Mr. James Frambach, placing him on the list of invalids. The pension paid to the Recollect, Father John B. Caussé, who has been serving the congregations at Lancaster. Resolved :

1º That the Procurator General do pay to the Rev. Mr. Jno. Causé the sum of £35.3.4, a balance due from the time he commenced to serve the congregations of Lancaster.

2º That the pension of £50.0.0 per annum do commence to his successor from the first day of January, 1789.

3º That the sum of £40.0.0 ℔ ann. be allowed to the Rev. James Frambach from the first day of Janʸ, 1787, to the present time, and that he be put on the list of invalids henceforward ; and, on condition of his retiring to Bohemia, shall be allowed £30.0.0 ℔ ann. clear of his board.

4º That the German pensions[9] be drawn for by the two German clergymen living at Conewago, by the one at Lancaster and the one at Philadelphia.

5º That the Conewago estate, after receiving the above salary, do pay the sum of £40.0.0 sterling, equal to £66.13.4 currency, to the Procurator General to be paid by him to the clergyman of Frederick Town in part of his salary ; and that the sum of £10.0.0. sterling, equal to £16.13.4 current money, be added out of the General Fund to the pension, which the clergyman of Lancaster is to draw for on the Bishop of London.[10]

and a French Friar sent to the Illinois country (*cf. supra,* C), *there were at most eighteen non-Jesuits commissioned and in service. At this same date there were twenty-one ex-Jesuits, of whom seventeen appear two years later* (*1792*) *among the beneficiaries of the Act of Incorporation* (*cf. infra,* No. 163, A), *Frambach's name having dropped out of that list, and Ignatius Matthews being deceased. To these must be added the names of Joseph Doyne and John Boone* (*cf.* Nos. 150, L²; 172, A, 2º).

[9] *Viz. from the Sir John James fund.*

[10] *Viz. the Sir John James fund. Of all the clergymen provided for here, Caussé and Helbron at Lancaster, Pellentz with Cerfoumont at Conewago, Elling at Philadelphia, only one was an ex-Jesuit, Father Pellentz. Goshenhoppen was already in the hands of a secular clergyman, the Rev. Paul Ernzten* (*cf.* No. 108, A–C), *since the death of Father De Ritter. (Cf. Md.-N. Y. Province Archives, carton A, 2, a quarto page*

L. 1789, May 16, 18.

Proceedings of the Chapter, 16, 18 May, 1789. Supplementary regulations for the clergy in general.

[*I.*] May 16. . . . A supplement to the 6th Article of Rules for the particular Government of Members belonging to the Body of the Clergy. Resolved by Chapter:

That all clergymen, exercising pastoral functions under the jurisdiction of the ecclesiastical Superior, say one Mass every month for all deceased clergymen, their predecessors in the vineyard of this country.[11]

[*II.*] May 18. A supplement to the 14th Section of the Form of Government.[12]

Resolved 1º That, in the opinion of Chapter, it would be a great ease to the ecclesiastical Superior and facilitate the despatch of business to appoint in each District a Vicar General.

2º That, whenever the Vicar General of a District shall deem it necessary or expedient to make an alteration in the allotment of congregations depending on any one house, he shall signify the same to the party concerned with his reasons therefor, as far as prudence and charity will permit. And, on the refusal of any clergyman to comply with the new allotment, the matter shall be carried before the ecclesiastical Superior, whose determination shall be final.

Resolved also, that the Rev. Mr. Charles Sewall be appointed to revise the language and methodize the arrangement of the Constitution for the Government of the Roman Catholic Clergymen in Maryland and Pennsylvania.

Md.-N.Y. Province Archives, 1789, May 11-18, Proceedings of the General Chapter, *as above*, No. 156, p. 687.

No. 157. **1789, 1790.**

The Chapter of 1789 and the bishopric: provision made. *With respect to the maintenance of a bishop, whom they had nominated in the person of the actual Superior, Dr. Carroll, the members of the Chapter voted a fixed appropriation.*

A. 1789, May 13.

Proceedings of the Chapter, 13 May, 1789.

6º That the pension of £126 sterling, equal to £210 currency,[1] be the permanent salary of the Superior, both in his present situation and

of lists, but without dates (in the hand of Father George Fenwick, S.J. ?). Shea, History of the Catholic Church in the United States, *ii. 295, and passim.* Records, *American Catholic Historical Society, v. 327, S. M. Sener on Lancaster.*)

[11] *Cf.* No. 149, C, 6º

[12] No. 147, C, [*I.*], 14º *At the date of drawing up the 14th section thus supplemented, there was not as yet a Prefect Apostolic.*

[1] *Cf.* Nos. 150, B, [*V.*], 1º; 168, A, 22º. *The sum, £210 currency, was about* $560 *(currency).* *Cf.* No. 148, A, 14º, note 5.

after his consecration; that he be allowed a servant; and that the expences attending his ordination [*episcopal consecration*] be paid by the Procurator General out of the general fund.

The existing conditions which warranted an assignment for Bishop Carroll's maintenance were several in number; and they were supplemented by an additional one, as soon as the act of incorporation was obtained. First, he was an ex-Jesuit, and by canonical right a beneficiary of the ex-Jesuit estates. Secondly, on the passing of the Act of Assembly (23 Dec., 1792), and the consequent legal declarations by the Trustees (3 Oct., 1793), that the beneficiaries were those who had been formerly members of the Society of Jesus, *his right was sanctioned by civil law.*[2] *Thirdly, in his ecclesiastical quality as bishop he fulfilled the conditions necessary for the voting of supplies from the Chapter to an Ordinary; this was, that he had been freely elected by the Select Body of Clergy. In the first Chapter, that of 1784, the principle had been laid down: That, if any bishop were* sent, *he would* not be entitled to any support from the present estates of the Clergy.[3] *In the second Chapter, 1786, the members decreed that* the representatives of the clergy of the United States are the only proper persons to chuse the same;[4] *and, in the circular letter written by Molyneux, but signed in the name of the Chapter by Sewall, the urgency of securing a bishop at present was referred to the necessity of his being* chosen by ourselves while we constitute a majority.[5] *In the letter written by Sewall, but sent out in the name of the Middle District, they enforced the argument for a bishop, on the ground that he should* be of their own choosing, and undoubtedly one who has been of the Society, and is yet known to be well affected towards it.[6] *And the writer insisted:* It is but natural that one of our own choosing must be maintained by us.[7] *This salary was declared by the resolution of 1789 to be* permanent.[8] *All the conditions being fulfilled in the case of Leonard Neale, who by right was to succeed Dr. Carroll as Bishop of Baltimore, a similar maintenance was declared to be his, on precisely the same terms.*[9]

[2] Nos. 164; 165, B, [*II.*]; 167. *Cf.* No. 168, A, 1°, 2°.
[3] No. 149, B, 2°. *Cf.* No. 168, A, 22°.
[4] No. 151, B, 3°.
[5] No. 152, B, [*III.*].
[6] No. 153, B, [*VIII.*].
[7] No. 153, B, [*XIV.*].
[8] *Supra*, A. *Cf.* No. 117, C, note 8.
[9] No. 178, Q, 1°, *resolution, 11 Sept., 1806, where L. Neale is described as* the succeeding Bishop. *Cf.* No. 129, A, 5°, *Marechal, 28 Jan., 1823, to Gradwell.*

B. 1789, May 16.

Proceedings of the Chapter, 16 May, 1789. Resolutions on the general fund [10] *(to which the bishop's maintenance was referred).*

May 16. To the end that harmony may be preserved between the interest of the General and District Chapters, resolved:

1º That the estates of St. Inigoes and Cedar Neck [*at St. Thomas's*] [11] shall be immediately subject to the managers of those estates, with respect to the appointment of the tenants and receiving of the rents thereof.

2º That no material alteration shall be made, either in the reduction of rents or the exchange of tenaments, without the advice and consent of General Chapter, or of the Procurator General in the recess of Chapter.

3º That, where any such exchange or reduction shall be found to have been made to the benefit of the manager's part of the estate any how prejudicial to the interest of the general fund, all damages arising therefrom shall be made good to the Procurator General from the manager who shall make such exchange or reduction, and be placed to the credit of the general fund.

C. 1790, October 4.

Carroll, London, 4 Oct., 1790, to Plowden. Observations on the income granted him by the Chapter.

. . . I have expurged some few passages of your account of the establishment of the see of Baltimore.[12] *About the name of Maryland.* It was not proper to say, that the clergy have appropriated a part of their estate to the Bishop; for, 1. it must not appear that our clergy do any corporate act, before they are a legal corporation. 2ly. No determined part of the estate, but only a certain income, is assigned to him; and, if it were, this would be saying to the world, that we have by private authority made the Bishop, what lawyers call, a corporation sole. 3ly. Not only the ex-Jesuit missioners, but others called for a Bishop; therefore it ought not to be limited to them alone. . . .

Md.-N.Y. Province Archives, 1789, May 13, 16, Proceedings of the General Chapter, *as above,* No. 156, p. 687. *Ibid., 1790, Oct. 4, Carroll, London, to Plowden; 2 pp. 4to, No. 33.*

Other incidental measures were taken from time to time in aid of the general fund, by which the more important interests had to be sustained.

[10] No. 146, B.
[11] *Cf.* No. 110, F.
[12] *For the* Short Account *as published, cf.* American Catholic Historical Researches, *vii. 162-165.*

No. 158. **1789.**

The Chapter of 1789 and the Academy. *Founding Catholic education.*

A. 1789, May 15.

Proceedings of the Chapter, 15 May, 1789.

May 15th. Business of the Academy.

Resolved, 1º That a subscription be proposed to the general Offices [*officers ?*] and members of clergy to relieve the public exigencies, to which it is likely the general fund will not be adequate.

2º That the present members of Chapter do circulate and encourage the aforesaid subscription among their fellow clergymen in their respective Districts, and the monies collected be paid into the hands of their [*the ?*] Directors of the Academy.

3º That the sum arising therefrom be applied to the finishing of the Academy at George Town, and that the Procurator General be authorized to apply all savings out of the Office, which may be made till the next sitting of Chapter, to the same purpose.

4º That the Superior be requested by the senior member of Chapter to nominate a clergyman to superintend the Academy at George Town as soon as the schools shall be opened for the education of youth, and that the said clergyman be presented to the Directors thereof and, if approved by them, be constituted Principal.

5º That the income from a certain tract of land [1] subject to the care of the Procurator General be by him annually paid to the Principal for his support, as far as the amount of £100.0.0 current money, and that all deficiency be made up to him out of the general fund.

6º That the said Principal be ex officio one of the Directors of the Academy, and have a vote in all matters belonging to the government thereof, except wherein he is personally concerned.

7º That the Principal shall be removeable by a majority of votes of the other Directors.

B. 1788, March 13.

Carroll, Maryland, 13 Mar., 1788, to Plowden. The building of the new Academy.

. . . We shall begin the building of our Academy this summer. In the beginning we shall confine our plan to a house of 63 or 64 feet by 50, on one of the most lovely situations that imagination can frame. It will be three stories high, exclusive of the offices under the whole. Do not forget to give and procure assistance. On this Academy is built all my hope of permanency and success to our Holy Religion in the United States. . . .

[1] *Distant tracts of White Marsh? Ashton was manager of that estate. Cf.* Nos. 135, A, note 21; 167, A, *ad* note 5, *on* Aino (*Hainault*), *and the* Bright Seats.

Md.-N. Y. Province Archives, 1789, May 15, Proceedings of General Chapter, *as above*, No. 156, p. 687. *Ibid., 1788, Mar. 1–13, Carroll, Maryland, to Plowden, f. 2v; 5 pp. 4to, No. 17.*

No. 159. **1789.**

The Chapter and incorporation. *Report of the committee appointed in 1786.*[1]

A. 1789, May 14.

Proceedings of the Chapter, 14 May, 1789.

May 14th. Incorporation business.

The Corporation Act being read and considered, after mature deliberation it appeared, that the Committee appointed to deliberate and finally decide thereon had executed the trust reposed in them to the satisfaction of the Chapter; therefore resolved:—

1º That the Rev. Messrs. Jno. Carroll and J. Walton be the agents to see every matter concerning said Act properly conducted to the best of their judgment; and, in case they or either of them be hindered from attending in person, they be authorized to appoint another clergyman in their stead.

2º That the said agents be authorized to give notice to all clergymen within this state, citizens thereof, and duly exercising their ministerial functions, to transmit in writing to the members of the general Chapter in the respective Districts their votes for the manner and time of choosing trustees, and the persons who shall be entitled to active and passive voice; and, when these votes are collected from the different Districts, and compared by the agents, and the mode of electing determined thereby, then the agents shall notify the same to all persons having right of suffrage, and summon them to choose five trustees by votes lodged with the senior member of Chapter residing in their District, who shall transmit a certified copy of said votes to one of the agents above named.

Md.-N. Y. Province Archives, 1789, May 14, Proceedings of the General Chapter, *as above*, No. 156, p. 687.

From these resolutions on the committee's report about incorporation, one or two facts stand out clear, but one point becomes obscure as compared with statements in antecedent documents.

First, the responsible authors, if not the actual composers, of the bill to be passed by the Maryland Assembly into law, were chiefly Carroll and Walton, the former being chairman of the committee, and the latter being almost universal heir of the Society's ancient property.

Secondly, the trust was going to be vested, not in the whole Select Body of Clergy, but in five members, forming a board of trustees incorporated.

[1] No. 151, D, [VII.].

But, thirdly, it becomes quite obscure, who are to be the beneficiaries Heretofore, all the documents of the Select Body and of its executive Chapter had spoken of ex-Jesuits, who merely extended their privileges to others. Here it might seem that every priest at large, if only in good standing, was likely to receive the same franchise as the Select Body proper. This obscurity was removed in subsequent documents by one clause, inserted in the Declarations of Trust, according to the act of the Legislature, and then rehearsed by the Legislature itself.[2] *That clause was the limitation which defined the beneficiaries to be ministers of the Roman Catholic Church,* who were formerly members of the Religious Society, heretofore known by the name of the Society of Jesus.[3]

[2] Nos. 165, B, [II.]; 167, A, p. 735; *ibid.*, F, G.

[3] *Here we should give the documents of this Chapter, relative to the subject of slaves. But the whole question is too extensive to touch upon here.*

§ 13. The See of Baltimore and the Jesuit Estates, 1789–1815.

No. 160. **1789, 1790.**

Carroll's Declaration on the uses of the property: no right accruing to the See of Baltimore over the Jesuit estates. *In the last letter which we have of Dr. Carroll's (16 Mar., 1790), before he went over to England for consecration, he says to his friend Plowden of the Bull which was on its way:*

A. 1790, March 16.

Carroll, Baltimore, 16 Mar., 1790, to Plowden.

. . . I write this after receiving your favour of Nov. 30 [*1789*], by the December packet. From its contents and the purport of Mr. Thorpe's which was inclosed, I dread the arrival of the packet of January. . . .

B. 1789, November 6.

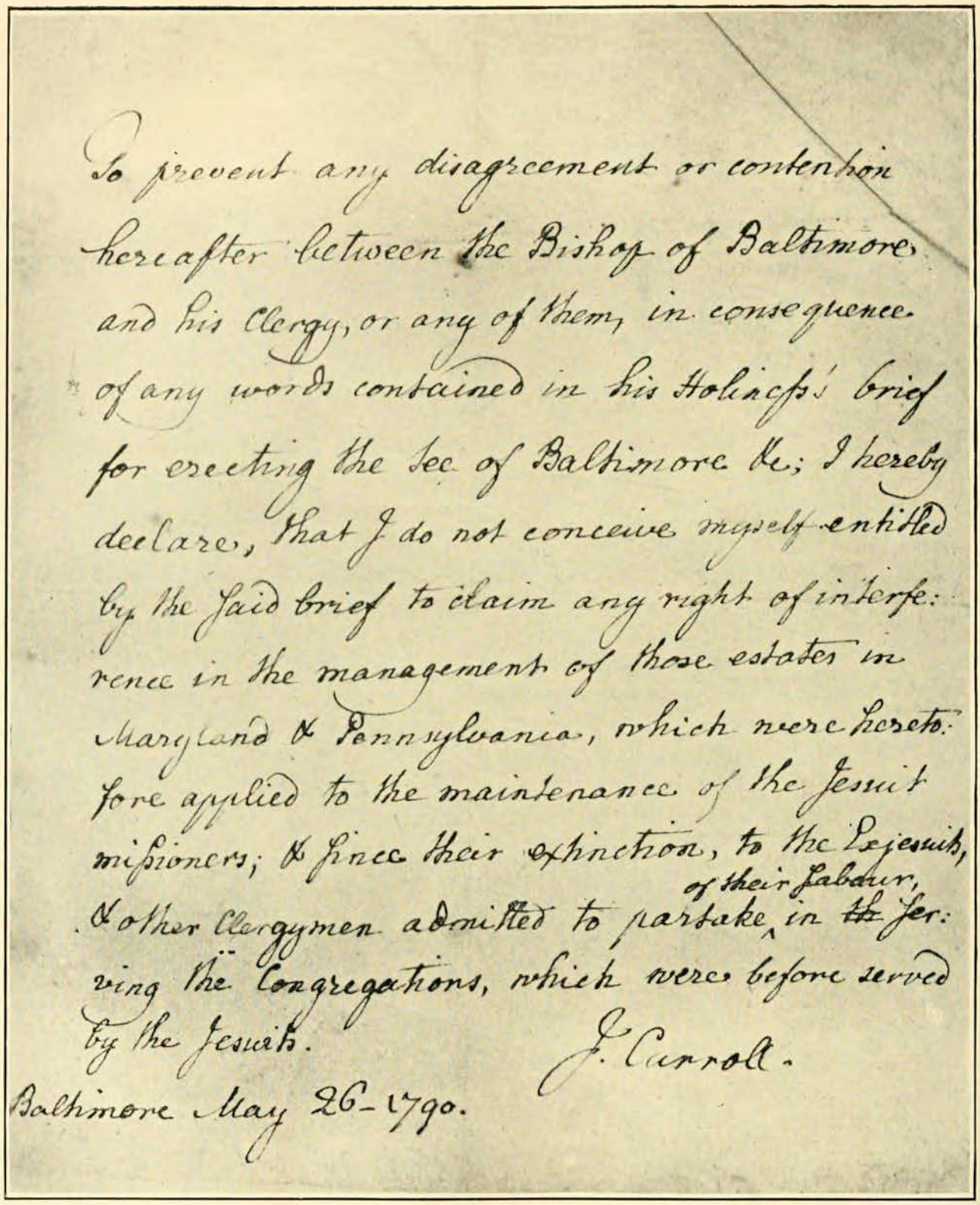
Extract from Bull, 6 Nov., 1789, erecting the See of Baltimore.

The Pope commissions the said bishop-elect to institute a cathedral church in the city of Baltimore, to form a clergy, erect a seminary, "administer ecclesiastical revenues," and execute all other things which he shall think in the Lord to be expedient for the increase of Catholic faith, etc.: . . . Eidem vero sic electo Episcopo committimus, ut . . . Ecclesiam . . . ad formam Cathedralis Ecclesiae redigi faciat, . . . clerum instituat . . . ejusdem Ecclesiae servitio addictum, seminarium episcopale . . . erigat, ecclesiasticos proventus administret, aliaque gerat pro Catholicae fidei incremento, ipsiusque sic novae erectae Cathedralis Ecclesiae cultu ac decoro amplificando, prout magis in Domino expedire judicaverit. . . .

The words about administering Church revenues are a formula of office, conveying to a newly elected bishop that very necessary part of the papal commission, which regards the care of temporalities. They occurred in the bulls of French, Italian, and German Bishops, no less than in that of Carroll.[1] *They appear also in bulls of*

[1] *Cf.* No. 199, A, Alcune poche Osservazioni sui due Fondamenti, ai quali appoggia Monsr. Arcivo di Baltimore il diritto, *etc.*, 6o. *Cf.* No. 181, E, *Marechal, 30 April, 1820, to Edelen, secretary of the Corporation:* the sentence so obnoxious to him [*Ashton*] was a mere matter of form, used by the Pontifical Secretaries from time immemorial.

A new formula appears later in the text of a pontifical Bull appointing an American



To prevent any disagreement or contention hereafter between the Bishop of Baltimore and his Clergy, or any of them, in consequence of any words contained in his Holiness's brief for erecting the See of Baltimore &c; I hereby declare, that I do not conceive myself entitled by the said brief to claim any right of interference in the management of those estates in Maryland & Pennsylvania, which were heretofore applied to the maintenance of the Jesuit missioners; & since their extinction, to the Dejesuits, & other Clergymen admitted to partake of their labour, in the serving the Congregations, which were before served by the Jesuits.

J. Carroll.

Baltimore May 26–1790.

DECLARATION OF JOHN CARROLL, Bishop of Baltimore, relative to his See and the Jesuit property. Md.-N. Y. Province Archives, Proceedings of the Corporation, ii., *ad fin.* Autograph. (*Size ⅔ths of the original.*) [*To face p.* 699.

appointment to titular sees, which have not belonged to the Roman Catholic Church for six centuries, and therefore possess no revenues to be administered by Roman Catholic bishops.[2] *They had no bearing on the property of other people.*

Divers passages are seen in the documents of Section III., *regarding the Bull of Pius VI., and the relevancy of this phrase to ex-Jesuit property.*[3] *The only contemporary document to be found upon the subject is a paper drawn up by Carroll himself. It is holograph, very carefully written out, with two corrections of his own; and is found inserted in the Proceedings of the ex-Jesuit Corporation. The facsimile is given on the opposite page; and the text runs as follows:*

C. 1790, May 26.

Declaration of Carroll, Baltimore, 26 May, 1790.

To prevent any disagreement or contention hereafter between the Bishop of Baltimore and his Clergy, or any of them, in consequence of any words contained in his Holiness's brief for erecting the See of Baltimore &c.; I hereby declare, that I do not conceive myself entitled by the said brief to claim any right of interference in the management of those estates in Maryland & Pennsylvania, which were heretofore applied to the maintenance of the Jesuit missioners; & since their extinction, to the Ex-jesuits, & other Clergymen admitted to partake of their labour, in serving the Congregations, which were before served by the Jesuits.

J. CARROLL.[4]

Baltimore May 26–1790.

bishop: Te . . . illi ecclesiae in Episcopum praeficimus et Pastorem, curam, regimen et administrationem ipsius ecclesiae tibi in spiritualibus ac temporalibus plenarie committendo . . . *Cf.* Juris Pontificii de Propaganda Fide Pars Prima (*De Martinis*), *v. 70, note, the Bull for F. Résé, elected Bishop of Detroit, 8 Mar., 1833. This formula is identical with that of 200 years before, as cited in the next note.*

[2] *As an instance of this Roman formalism, cf. the Bull of consecration for William Bishop, 1622, appointing him to the See of Chalcedon in Asia (schismatical since the eleventh century), in which he was succeeded by Richard Smith (see* History, I. 202, *seq.*). *After nominating him to the said See, the Pope gives him the full administration of that church in spirituals and in temporals:* teque illi [*ecclesiae*] in episcopum praeficientes et pastorem, curam et administrationem ipsius ecclesiae tibi in spiritualibus et temporalibus plenarie committimus. *Then follows an expression of the best hopes for his success in the said double administration, that the aforesaid church may enjoy prosperity and fruitful increase of both spiritual and temporal goods:* ac grata in iisdem spiritualibus et temporalibus suscipiet incrementa. *After that, the Bull proceeds to observe that the See does not exist, being in partibus infidelium; wherefore, by express apostolic grace, it excuses the said William Bishop from going to his See and residing there:* Hoc etiam tibi, ut ad dictam ecclesiam, quamdiu ab ipsis infidelibus detinebitur, adire, et apud illam personaliter residere minime tenearis, authoritate apostolica praedicta, eorundem tenore praesentium, de speciali gratia indulgemus. *C. Dodd*, Church History of England, *ii. 465, 466.*

[3] Nos. 116, D, 4; 117, C; 118, § 9; 121, E, p. 473, P.S.; 124, B, *ad* (15); 126, C, 1º; 128; 135, A, Prop. 10. *Cf.* No. 161, note 2.

[4] *As to Carroll's civil attitude towards the estates, cf.* No. 157, C.

Md.-N. Y. Province Archives, 1790, Mar. 16, Carroll, Baltimore, to Plowden; 2 pp. 4to, No. 27. Ibid., Proceedings of the Corporation, *ii., Carroll's Declaration, 26 May, 1790; a 4to sheet autograph, inserted where Father Francis Vespre, for some time procurator of the Maryland Province, described it as being (1834–1840):* The original of the above declaration stands pasted to the inside part of the cover-board of the 1st Register of the Catholic Clergy of Maryland deliberations (*Georgetown College MSS. and Transcripts, Marechal Controversy, 1790*).—*Propaganda Archives, R, 9, 1789; fasciculus 6 ff., 4to,* Vesº di Baltimora; *copy of the Bull erecting the See of Baltimore, 6 Nov., 1789.—For full Latin text, cf.* Juris Pontificii de Propaganda Fide Pars Prima (*De Martinis*), *iv. 344–346. For English translation, cf. J. G. Shea,* History of the Catholic Church in the United States, *ii. 337–343.*

No. 161. **1791.**

Ashton, the reputed occasion of Carroll's Declaration: his status.

We have seen Father John Ashton first as described on divers occasions by Dr. John Carroll, and then as exhibiting his capacities in the most responsible posts of the Select Clergy. Carroll had portrayed him as the most industrious man in Maryland and altogether qualified for the general control of the estates. In October, 1784, he was unanimously chosen by the first Chapter to be Procurator General; and was confirmed in that office at each new Chapter of 1786 and 1789. In 1786 he was deputed with Dr. Carroll and Father Robert Molyneux to act for the clergy in the matter of soliciting an episcopal See; and in this capacity he was addressed by the Sacred Congregation of the Propaganda with his two colleagues, under date of 12 July, 1788. In the following March, 1789, he and two others addressed a joint circular to the clergy, with the result that an election took place; and, Rome acting, the See of Baltimore was founded. In relation to Georgetown College, he was one of the Directors of the Undertaking *appointed in 1787, and was an agent for receiving subscriptions on behalf of the new Academy, the other members of the committee being Carroll, Pellentz, Molyneux, and Leonard Neale. As to the business of incorporation, he was appointed in 1786 one of the acting board, his colleagues being Carroll, Walton, Matthews, Leonard Neale, and Augustine Jenkins, and the consulting members, Lewis, Digges, Bennett Neale, Pellentz, and Mosley. Besides all this, he was manager of one of the most important estates, that of White Marsh.*

Such was John Ashton's position in Maryland at the date when, on receipt of the Bull from Rome, Dr. John Carroll, bishop-elect, drew up the careful documentary Declaration, repudiating the notion of his having acquired any right over the Jesuit estates by

the fact of his acquiring a right to administer revenues pertaining to the new See.

When Carroll had returned from England, he held the first Synod of Baltimore from the 7th to the 10th of November, 1791.[1] *Twenty-two Priests were present, including three Vicars General, and the president of St. Mary's Seminary, Baltimore. At the close of the Synod, a sermon was delivered by a chosen preacher, and, with the chanting of the Te Deum, the Synod was dissolved. The chosen preacher on the occasion was the Rev. Mr. John Ashton. Mgr. Marechal's printed report of the Synodal acts closes with the entry to that effect.*

A. 1791, November 10.

Acts of the Baltimore Synod, 1791.

. . . [*Pp. 20, 21*] His a Reverendissimo Episcopo constitutis et habita cum venerabilibus confratribus collocutione de proponenda Sanctae Sedi erectione novae Dioeceseos intra fines hujus quae nunc est Baltimorensis, vel de Coadjutore Episcopi Baltimorensis designando concionem habuit Rev. D. Joannes Ashton, et deinde, dicto hymno Te Deum, finis Synodo impositus est. [*Finis Synodi Baltimorensis 1791.*]

Ambrosius, Dei gratia . . . Archiepiscopus Baltimorensis omnibus Sacerdotibus nostrae dioeceseos . . . ; *a pamphlet, 34 pp. 8vo, containing a short address to the clergy, the Acts of the Synod, 1791, with some Articles dating from a bishops' meeting in 1810, whereunto Marechal adds some rules of his own. The date of the pamphlet is probably 1817* (*cf. Shea, iii. 42, note*). *Cf. infra*, No. 192, p. 996.

Thus, one year and a half after the date of Carroll's Declaration, the Rev. Mr. Ashton enjoyed such credit from an ecclesiastical point of view as to be the chosen preacher of a Synod, representing the entire Catholic clergy of the Federal States at that time.

This same person, for the same date, we have seen described in certain notes for the Propaganda, as being a suspended priest, etc., and as extorting by violence the Declaration from Carroll, to the prejudice of the See newly erected, and in contradiction to the Bull of Pius VI.[2]

No. 162. **1792–1815.**

Ashton and Marechal: a remote occasion of the latter's claims. *The time arrived when John Ashton, ex-Jesuit, became estranged from*

[1] *Propaganda Archives*, Acta, *1792, ff. 142–166ᵛ ; report of Carroll's relation, with* Note d'Archivio (*ff. 157–166ᵛ*).—*General Archives S.J., Maryl. Epist., 1, ad init. ;* Ponenza Card. Antonelli, Baltimora, America. *The summary is in nine chapters.*—*Cf. J. G. Shea*, History of the Catholic Church in the United States, *ii. 394–398.*

[2] *Cf.* Nos. 117, C ; 124, C, (15°) ; 126, B, (3). *See references in* No. 160, note 3.

his former brethren, and then he was the first, as far as our documents show, to suggest and draft certain pretensions, which subsequently were presented by another to the Propaganda. He attacked the Jesuit titles to all lands which had come as donations. He resigned his exercise of the ministry, and his post of manager at White Marsh, where he was succeeded by Bitouzey.

The General Chapter, in session on 7 Nov., 1792, resolved that there should be three Directors, including the President, to supervise the new College of Georgetown; and that an agent should be appointed to receive contributions from the estates, and disburse moneys on behalf of the college, under orders from the Directors. Ashton was chosen for both classes of functions.

A. 1792, November 7.

Proceedings of the General Chapter, 7 Nov., 1792.

George Town Affairs.[1]

. . . 5º That the Rev. Messrs. Rob. Molyneux and John Ashton be the Directors jointly with the President of the College.[2]

. . . 8º That the Rev. John Ashton be the principal agent in whose hands all sums of money collected for the same purpose shall be lodged, and who shall not advance any part thereof without an order from the Directors or a majority of them to be duly applied.

B. *Same date.*

Procurator General.

The Rev. John Ashton, having requested Chapter to chuse a successor in his place to the office of Procurator General; Resolved:

1º That Chapter consent to his request, and return him their sincere and unfeigned thanks for the important services rendered by him in the faithful discharge of the aforesaid office, as also for his generous remission of considerable arrears due for the same.

2º Resolved: That the Chapter proceed to the election of a Procurator General. The votes of the members of Chapter being called for, the Rev. Charles Sewall was chosen by a majority and appointed in consequence.

3º Resolved: That the Procurator General be allowed twenty pounds per annum to defray the expences of his office.

C. 1794, February 25.

Proceedings of the Corporation, 25 Feb., 1794; first meeting of the incorporated Board of Trustees. After various directions given to the secretary and agent of the new Board, Father Charles Sewall—resolved:

[1] *Cf.* No. 170, C, [II.]. [2] *Cf.* Nos. 158, A, 6º; 162, E, note 7.

10º That the contract made by the Rev. Mr. J. Ashton with the Rev. Mr. Rob. Plunkett for an annuity of nine per cent. for 2,000 dollars, for which the estate of the White Marsh becomes accountable, is hereby ratified.

11º That the said 2,000 dollars be applied to the new building, now commenced, of the College of George Town, and that the said Rev. Mr. Ashton be authorised to take up a sum of money to the amount of £2,000, on the best terms he can get it, making the said estate of White Marsh debtor for the same, and to be applied to the same purpose.

12º That the Corporation approves of a proposal made by the Rev. J. Ashton to pay[3] the sum of £375 per annum, in lieu of all neat profits from the estates[4] now under his care, which is to be a certain fund to sink the above sums.

Signed: Robert Molyneux, John Ashton, Charles Sewall.

Here was a novelty on both sides; on the side of the manager Ashton, who passed from the rank of a mere agent to that of a gentleman lessee; and on the side of the Board, who for the first time farmed out an estate to a manager. When the old Chapter, now called the Board of Representatives, held its first meeting (3 June, 1795), under or rather over the new order of things, it took cognizance of this innovation perpetrated by the Trustees of the Corporation, or Executive Board. The responsible members in attendance had been Molyneux, Ashton, and Sewall. The Representatives revised the three resolves just quoted (C); *they approved of two, that about the Plunkett annuity for $2000 sunk, and that of the Ashton loan, £2000 to be raised on the security of White Marsh; but they condemned the third, that of farming out White Marsh to Ashton. The Representatives, who thus reined up the forward Corporation, were Messrs. Henry Pile, Charles Neale, Francis Neale, Joseph Eden, John Bolton, and Francis Beeston.*

D. 1795, June 3.

Proceedings of the Representatives, 3 June, 1795.

14º The Representatives ratify the 10th and 11th resolves of the Trustees met at the White Marsh on the 25th day of Feb. 1794.

15º. The Representatives think themselves in duty bound to declare it their opinion, that the farming out of an estate of the R.C. Clergy to the manager of it (as was done by the 12th resolve of the Corporation assembled at the White Marsh on the 25th day of Feb. 1794) is a measure improper to be generally pursued; and, even in the present instance, dangerous, as forming a precedent. But, the Rev. Mr. John Ashton

[3] *Viz. that he should pay.* [4] *The farms of White Marsh?*

having done so much for the improvement of the White Marsh estate, having aided and contributed so much towards the building of George Town College, having had such trouble with his slaves pleading for freedom, and suffered so great loss from several of them withdrawing themselves from his service (their causes still pending)—the Representatives ratify, until their next meeting, the agreement made between him and the Corporation, as specified in the above-mentioned resolve. At the same time, the Representatives earnestly recommend to the present and to all future Trustees of the Corporation of the R.C. Clergy never to extend the precedent.

BEESTON, Sec^{y}

Here began a conflict of jurisdiction between the two Boards, the progress and end of which may be seen below (No. 175, A–H). *A committee on the Constitution was appointed, consisting of Beeston, Ashton, and Sewall. It was vested with ample authority under three heads: first, the interpretation of disputed points in the Constitution; secondly, a question about the Georgetown College Directors, with authority to elect Directors on this occasion; and, thirdly, a proposal to invest the Trustees or Corporation with the power of settling and altering pensions. Out of the twelve paragraphs drawn up by this authoritative committee,*[5] *we quote here only the first, which is constitutional, and the second, which settles the question raised by the farming out of an estate to Ashton.*

E. 1797, September 1.

Proceedings of the Committee of the Select Body of the R.C. Clergy, 1 Sept., 1797.

. . . The said Rev. Messrs. John Ashton, Charles Sewall and Francis Beeston being met for the aforesaid purposes at St. Thomas's Manor on the 1st day of Sept. 1797, do agree as follows, viz.

1º That, in the 14th resolve passed by the R.C. Clergy, Oct. 4th, 1793, the words, Representative Body, mean the former Chapter of the R. C. Clergy.[6]

2º That the Corporation shall not be empowered to lease an estate of the Clergy for more than three years, without the unanimous vote of all the Trustees; nor for more than five years, without the concurrence of the Representatives.[7]

. . . *Signed:* John Ashton, Charles Sewall, F. Beeston.

[5] No. 175, H.

[6] No. 168, A, 14º: That the Trustees shall have it in their power to appoint an agent, with a suitable salary, who is to pay all public expences as regulated by the Representative Body.

[7] *The fifth resolution was:* That there shall be five Directors of Georgetown College, chosen every three years by the Trustees from amongst the Select Body.

Md.-N. Y. Province Archives, 1792, Proceedings of the General Chapter met at the White Marsh on the 7th day of November, 1792: George Town Affairs; *6 pp. 4to, a copy. Ibid.*, Proceedings of the Corporation, *25 Feb., 1794; minutes of committee, 1 Sept., 1797. Ibid., 4to, bound blank-book, marked* No. 3 *on the front; at the back of the book, p. 3:* Proceedings of the Representatives of Rom. Cath. Clergy, convened at St. Thomas's Manor, on the 3rd day of June, 1795, *p. 10; minutes of committee, 1 Sept., 1797, pp. 15–19. This book seems to be a secretary's record of minutes at both ends; at the front, pp. 98, the minutes of the Corporation, reaching as far as Apr. 25, 1804; at the back, pp. 3–44, 57–65, etc., those of the Representatives, from June 3, 1795, to March 4, 1806, with some additions later.*

By their last resolution (12°), *this Committee, associating with themselves Francis Neale and Robert Plunkett as colleagues, became the Board of Directors for Georgetown College, during the three ensuing years,* commencing on this first day of September, *1797. For the following term, beginning 1 Sept., 1800, John Ashton was again chosen as a Director of the College by the Board of Trustees (9 Oct., 1799).*

Thus, in John Ashton's career, we have followed him to the commencement of the nineteenth century, ten years after the date for which the description was given of him in No. 117, C. *Besides being missionary for the White Marsh district, he was the trusted officer and adviser of both the bishop and the other ex-Jesuits. At this moment, the history of John Ashton changed its aspect completely.*

F. 1801, June 13.

Ashton, White Marsh, 13 June, 1801, to Carroll, Baltimore. His rupture with the bishops and all ex-Jesuits.

After a tirade against the Bishop-Coadjutor, Leonard Neale, who was one of the Trustees, as well as against all the mitred and unmitred gentry, *Ashton resigns his faculties to Dr. Carroll, Bishop of Baltimore, and throws up his two appointments, as Trustee of the Corporation and as Director of the College.*

G. 1801, July 2.

Ashton, Port Tobacco, 2 July, 1801, to Carroll, Baltimore. He revokes his resignation.

He had been under a mistake, thinking that it was the collected body of Trustees *who were responsible. Hence he revokes his resignation of the offices of Trustee and Director.*[8]

There was no mention here of the President. Cf. supra, A, 5°. *At this date, the Abbé Dubourg, Sulpician, had been chosen for that office. He was not a member of the Select Body. Cf.* Nos. 170, L; 175, H, 5°, note 15.

[8] *The resignation of Ashton from the management of White Marsh itself, whence he intended to retire* in the course of next summer, *took effect by the acceptance of the Corporation, 3 Nov., 1801; J. B. Bitouzey being appointed his successor, if the bishop approved, and as soon as Bitouzey's place at St. Thomas's Manor could be supplied.* (Proceedings of the Corporation, *3 Nov., 1801, 1°*) *Cf.* No. 175, N, 12°

H. 1801, July 5.

Bishop Carroll, Baltimore, 5 July, 1801, to (Bishop Leonard Neale). Reflections on the Ashton trouble.

Music from Demonti (for annual commencement at Georgetown). Recommendation of an English Catholic magazine which is advertised. Poor Ashton is outragious at the intimation sent him in consequence of my letter, grounded on the proceedings of the Trustees. His violence and abuse and threats have no bounds. Since Mr. Beeston's departure, he has sent me another letter exceeding in violence, if possible, the preceding ones. I must keep them by me for a few days, after which they will be sent to you or Mr. Sewall to be laid before the other Trustees, who should be convened immediately. I always foresaw this consequence; and the apprehension I had of the lengths to which he might proceed was my only reason for delaying to confer with our Brethren on a subject of so much anxiety, and, I wish it may not turn out, of scandal. Pray for our Diocess, the pastors and people of it. Ashton, in his first paroxysm, threw back upon me his faculties, which I shall not restore; and made his resignation of the Trusteeship and Directorship of the College; but in a few days after retracted the resignation of the two last. Unfortunately, I received both these letters together, at my return home last Tuesday. My compliments as usual. Adieu, R. R.d and D.r Sir,

Yr. m. obed.t S.t

J. B. of B.

The Trustees for this current term, from the 4th of October, 1799, till the same month in 1802, were James Walton, Robert Molyneux, John Ashton, Charles Sewall, and Leonard Neale, who during the term became Bishop-Coadjutor (7 Dec., 1800). Ashton's resignation took no effect, as we find him serving till the end of this triennium. But he disappears from the Board after that; and he resigned White Marsh almost immediately, being succeeded by Bitouzey.[9]

[9] Proceedings of the Corporation, *3 Nov., 1801. Cf.* Nos. 174, D; 175, N, 12º *In the Proceedings of the Trustees, to which Carroll refers as having occasioned his own letter to Ashton (supra,* H), *we find nothing that bears upon the subject, except resolve the eighth (5 May, 1801)*: 8º That all managers be seriously cautioned against entering into law-suits of any consequence, without consulting and receiving the approbation of at least two of the Trustees or the Representatives of their respective Districts (Proceedings of the Corporation, *5 May, 1801*). *In this connection, a case appears which may have been the occasion of the unpleasantness (4 Sept., 1797)*: 8º That a power of attorney be granted to the Rev. Mr. John Ashton to convey a parcel of land, called Duvall's Cowpen, containing about sixty-four acres in Prince George's County, agreeably to contract heretofore made by the Rev. Mr. John Lewis (*ibid., 4 Sept., 1797*). *Lewis's contract seems to be that of 13 Sept., 1765, binding himself to convey Duvall's Cowpen to Howard Duvall, in exchange for Wilson's Plains, both in Prince George's County. (Md.-N. Y. Province Archives, (b) White Marsh, original bond of Lewis, signed, sealed, and witnessed. Cf. ibid., Q., folio p. of*

On the 11th of August, 1802, a new feature appeared in the conduct of the Corporation. It was the choice made on that day of the Rt. Rev. John Carroll, Bishop of Baltimore, to be one of the five incorporated Trustees. The Representatives or electors, deputed by the Districts, were Henry Pile and Charles Neale for the Lower District, Francis Neale and Robert Plunkett for the Middle, and William Pasquet and Francis Beeston for the Upper District. Of these there were absent from the meeting Charles Neale and Robert Plunkett. The choice for Trustees fell upon the two bishops, on Walton, Molyneux, and the Rev. Barnaby Bitouzey, the last-named a recent arrival from Normandy. The validity of this meeting was called in question, possibly because the Ordinary of the diocese had been elected. The same four electors met again on October 2, the same year, with Charles Neale besides, and they returned the same vote as before, with the exception that, Molyneux having declined to serve as Trustee, they chose John Bolton in his place.

The circumstance of the Bishop of Baltimore appearing on the Board of Trustees either intensified Ashton's hostility to all parties concerned, or was simply the result of his having estranged himself and withdrawn his influence. He had no objection to the presence at the board of the Bishop-Coadjutor. But he could not tolerate the idea of the Ordinary being there, both as being purposely excluded by the Constitution, and as being an impossible party; for in certain cases he should have to sit, in his capacity of

Mr. Cooke's notes, Annapolis, 19 April, 1772, endorsed: Samuel Fowler vs. George Hunter.)

Another case, and decidedly a subject of litigation, is that of Philip Nichols vs. John Ashton, P. Geo. [*Prince George's Co.*], to be served on defendant *for trespass to the amount in damages of £100, March 12, 1802. Ashton invaded plaintiff's close, called "Jiams Choice." All the damages together for divers wrongs seem to amount to £1000. Witnesses Doe and Roe. Arthur Shaaf, attorney for plaintiff.* (*Ibid., true copy, by John Gwinn Clk.*) *Bishop Carroll, in a memorandum without date, treating of Ashton's demands on the Corporation, asks:* Should Mr. Bitouzé [*Ashton's successor at White Marsh*] pay the bills of costs for suits instituted and prosecuted during his predecessor's management? It is to be remembered that Mr. Ashton received considerable sums from the parties jointly concerned, to aid in the prosecution of those suits; and that, after the determination of one of them, some of the family of the Mahonis were sold—sale not accounted for. ¶ This note is to be kept, as a memorandum for consideration at the next meeting. (*Md.-N. Y. Province Archives, 1801, July 5, Carroll memorandum; small 8vo, slip, attached as No. 54 (c) to his letter, 1801, July 5, No. 54 (a). Another memorandum of Carroll's is there, without date, No. 54 (b), on Ashton's accounts with the Corporation.*)

Another law-suit, which may have begun when Ashton was still manager of White Marsh, is alluded to by him, in a letter to the Trustees, 5 July, 1805. He asks whether he shall continue the suit in chancery against the trustees of Aquila Browne, on their account or on his own; and will they (the Board) pay the expenses? (*Ibid., portfolio 42, Ashton Papers*). *Cf. infra*, L.

bishop, as judge of appeal, when at the Board he had already sat as judge in the first instance.[10]

The development of this whole episode, as it appears in the documents and shows the Bishop of Baltimore in a singular light, is given infra, No. 175, K–N. *At present, an open letter of Ashton's is important, as recording different phases of opinion and interest, which had appeared in the constituent meeting of the Select Body (4 Oct., 1793);*[11] *and, in particular, it tells of a desire manifested at that time by Bishop Carroll to be allowed a footing in the administration of the ex-Jesuit temporalities. It would seem that his desires had operated in the shaping of some fundamental statutes or bye-laws, and that his policy now was a deviation from a principle formerly held by his colleagues, and endorsed by himself with his signature in a circular letter on the establishment of a bishopric (Feb., 1787).*[12] *After he was admitted to a trusteeship, a post which he then occupied by successive elections till his death (1802–1815), we find that his influence, always cautiously and even obsequiously exercised in the matter of the Jesuit temporalities, was exerted by him only as one Trustee among others.*[13] *It was from this vantage-ground that he attempted the agreement between himself as Ordinary, and Molyneux as Superior of the Society;*[14] *and, in the matter of patronage throughout, or the jus patronatus which the proprietors of the estates possessed over their own churches, presbyteries, and pastoral allowances, he enjoyed henceforth the double advantage of treating with the Board as Ordinary, and of furthering his recommendations as a member of the Board which accepted them. The letter of Ashton runs as follows:*

J. 1802, October 11.

A Select Member (John Ashton), 11 Oct., 1802, to the members of two Districts, on the interference of the Ordinary in the management of ex-Jesuit temporalities.

To the Rev^d^ Gentlemen of the Middle and Northern District.

Rev^p^ Gen^n^,

The Right Rev^d^ Gen^n^ of Gortina [*L. Neale*], in his last address to the R^d^ Gent^n^ of the Corporation met at St. Thomas's Mannor, attempts

[10] No. 168, A, 18º

[11] No. 168, A.

[12] No. 153, B, [*XIII.*], *ad* note 14.

[13] *Cf. supra,* No. 113, C–Q, *his papers in the Bitouzey controversy; and infra,* No. 175, N, *seq., passim.*

[14] No. 186.

to answer the objections stated in my former letter to the eligibility of the Bishop of Baltimore [*Carroll*] to the office of Trustee. Though he frequently, throughout his letter, couples himself with the Bishop of Baltimore, yet his character [15] is no more implicated in the present argument, than the character of the Bish[p] of Pumphlygonia or Carthage. I therefore set him totally out of the question.

The first point of his letter requires little or no attention, because it is readily admitted that all the Select Members have an equal right of participation in all privileges—if no exception is made or implied by fair construction from any subsequent article of the Constitution. This is then what we have now to examine into, which makes the second point of his letter.

The Bishop [16] in his set-off admits that the Bishop in question [17] as such has power to act only in cases requiring spiritual, and no power of intermeddling with our temporalities.[18] Now I will ask any person who was present at the forming of the Constitution (when he was present himself), whether he was not considered as Bishop in everything that related to his character. This I know to my certain knowledge that, when the articles of appeal and appointments to the management of plantations [19] were under consideration, he applied particularly to me, and requested to have his character inserted as a party, alledging that, without it, the Bishop would have no share in the government. I consented to it, though reluctantly, for I thought if [!] the spirit of the old Chapter Constitution ought to be preserved, where the Superior in Spirituals (it says) shall have no power in the temporal property of the Clergy.[20] If the Bishop thought himself eligible to be a Trustee, why did he request [*regret?*] the want of influence in the government of our temporalities? He certainly must have been sensible at the time that he had none but an active voice, which every Select Member is entitled to.

The Bishop [21] next says, that the clause of the Constitution respecting the appointment of managers [22] only means, whether the person the Trustees have in contemplation be one who might be entrusted with spiritual powers. This is limiting the Bishop's influence indeed. Mr. Jinkins [23] was entrusted with spiritual powers, but was judged very unfit for the management of a plantation. Mr. Boarman the same. Yet the Trustees and Bishop exercised their authority of removal. A man may

[15] *As a bishop, not being Ordinary of the diocese.*
[16] *L. Neale.*
[17] *Carroll, the Ordinary. He had been the only bishop at the date of the constituent meeting, to which Ashton here refers.*
[18] *Cf.* No. 153, B, [*XIII.*], *where the same statement is made in a circular letter* (*Feb., 1787*), *signed by Carroll himself with others.*
[19] No. 168, A, 17º, 18º
[20] No. 146, F.
[21] *L. Neale.*
[22] No. 168, A, 17º
[23] *Augustine Jenkins.*

be very well qualified for a manager, yet, from ignorance of divinity, or difference of opinion in points of morality, as in the case of the Bishop of Bruges [24] and our present Bishop,[25] may be refused faculties. Is he for that reason to be rejected as a manager? Who knows but the Bishop may have a private dislike to him? This I think the defective and rotten part of our Constitution, and ought to be altered. But, as I said above, it was inserted at the Bishop's particular request.[26] What! shall it be in the power of a Bishop, who gives or takes away faculties at pleasure, to deprive an innocent man of his honor and living, because, as Bishop Gortyna says, a man who is unworthy of faculties in the Bishop's estimation is unfit to be trusted with the management of a plantation? Would the Bishop consent not to revoke the faculties of a manager without the consent of the Trustees? [27] At this rate, all the old members of the Society may be turned off from the management of our plantations by some future Bishop, and creatures of his own appointed in their place. Yet the Bishop as such, says Bishop Gortyna, has no power over our temporalities. Risum teneatis amici.

The Bishop adds that, in the case of appeal from the Trustees to the Representatives and Bishop,[28] all that the Bishop has to do is to inform the Representatives, whether the appellant be in the exercise of spiritual powers, with his approbation. Who could ever call in question whether an individual can exercise spiritual powers without the approbation of the Bishop? It is making the Bishop's power as a judge very nugatory indeed to consult him on such a subject, which he could answer sitting in his chair at the distance of a hundred miles from the place where the court of appeals is held. No, Mr. Bishop. The Diocesan makes a component part of the court; for the conjunction, "and," constitutes him so, and the Representatives can no more act without his attendance than he can without the attendance of the Representatives. Here the absurdity of the business appears; for the Bishop is to sit in a court, to revise a prior opinion which he gave in an inferior court of Trustees, where the interest and reputation of another is at stake, and a strong

[24] *This seems to be an invidious allusion to L. Neale's experiences at Bruges, prior to his offering himself for the Mission of Demarara in 1780.* (*Cf. Propaganda Archives*, America Centrale, *2, ff. 118, 119, 120, June-July, 1780; correspondence of A. Maggiora, auditor of the Belgian Nuncio, and L. Neale.*)

[25] *This may be a similar allusion to Carroll, in the matter of not restoring to Ashton the faculties resigned by the latter. Cf. supra*, H.

[26] *The trend of the argument seems to be that the fundamental statute in question* (No. 168, A, 17º) *should not have spoken of a* manager *as requiring the episcopal approbation for his appointment by the Trustees; that it would have been proper to speak only of a missionary in such a connection. However, at that time, the missionaries were so few that most of them had to be managers of the estates where they exercised the ministry. Cf.* No. 180, N, 12º.

[27] *Reductio ad absurdum, from an inversion of the proposal. Hence, in the next sentence, Ashton implies that the Ordinary now is master of the situation, having at the same time the power of giving faculties to whom he likes, and the power of refusing his assent to the appointment of all managers whom he might dislike.*

[28] No. 168, A, 18º

prejudice remaining in favor of his former opinion. If the cause should be his own, I suppose he would be excused from sitting, as the Rt Rd Gentleman says in [*is ?*] the case of a judge in a court of justice, and then, after sentence given, resume his seat again. Here he acknowledges him to be a judge.

The Rt Rd Gentleman, to get rid of the difficulty of the compenetration of offices, where one is subject to the other, and which would render the body politic monsterous, after admitting it, tells us that in like manner the head can not be the feet without removing [*rendering ?*] the natural body monsterous. If the head were the feet, how could it be the head ? This appears to be a contradiction. But, if the Bishop was to mention a body with two heads, I would call it a monster. The Bishop acts in two capacities, as a superior judge, and as an inferior judge, and thus resembles the monster with two heads. If he is not an essential component as such, he is made so by the Constitution. The Bishop's argument then must run thus : The Bishop with the Representatives make the head ; but the head can not be the feet (the Trustees) ; therefore the Bishop and Representatives can not be the feet (the Trustees). See how deliberately the Bishop cuts his own throat with his comparison ! But his conclusion is : Therefore the right of eligibility attaches to the Bishop of Baltimore and Gortyna, as much as to any member of the Corporation. His Logic will teach him that a positive consequence can not be drawn from premisses, of which one is a negative proposition. Do the premisses say any thing of the Bishop of Gortyna ? His title and office is not known to the Constitution. Let us drop it.

The Bishop continues his comparison. " Thus," he says, " the Select Members as such can not at the same time be Trustees, as it is by them that the Trustees are appointed to form a legal Board for the administration of their temporalities." The Bishop is here certainly mistaken. The Trustees are formed a legal body by Act of Assembly, and are chosen by the Representatives agreeably to the said Act. A Select Member as such may be a Trustee or Representative, and not cease to be a Select Member, any more than a member of either branch of the Legislature ceases not to be a citizen, though chosen by his fellow citizens. If the Representatives, as the Bishop admits, are an essential appointed check on the Trustees, and are by construction excluded from being Trustees, the Bishop is no less so, who by the Constitution is joined to them to be a check on the Trustees. If the Bishop should not be of the Select Body[29] the case is altered, because he then could not hold any

[29] *If this supposition of Ashton's is warranted, that the Constitution as it stood* (No. 168, A, 17º, 18º) *contemplated any Ordinary whatsoever, then his argumentation seems to be particularly stringent. For otherwise L. Neale might answer that, after all, only such an Ordinary was in contemplation as the acts of the original Chapter had described, one elected by themselves* (No. 157, p. 693), *a persona grata, and presumably a Select Member himself. In any case, the statutes cited do not define this point, and technically leave it open for any Ordinary to intervene with full right, and to control*

office under the Constitution, his powers being purely spiritual. If Mr. Ashton or Mr. Sewall were disposed to vote for the Bishop at the first meeting, they were certainly mistaken and overruled by all the others. They must have had the idea of the resolve in their minds, as it was first proposed.[30] I would now ask of the R^{t} R^{d} Bishop whether there would be any difficulty in chusing the Bishop of Baltimore a Representative to deliberate with himself as Bishop, in matters that may come before the Board of Representatives and Bishop? His arguments in support of the Bishop's eligibility to the office of Trustee tend to prove his eligibility to the office of Representative, being a Select Member.

As for the Bishop's reply to the insinuations droped by me relating to the restoration of the property to the Society, they certainly could not allude to the present Bishops, who were torn so reluctantly from their Mother, whom they will not cease to love and esteem as long as they live. But others may come after them of very different characters, who will wish to insinuate themselves into the councils of the Clergy, and claim all the pretentions of their predecessors. It may happen that, by admitting members at present promiscuously into the Select Body by the Trustees, the old members and such as are well affected to the Society may be overruled in all selections and resolves of the Trustees or Representatives.[31]

The Bishop forgets the meekness that should accompany the dignity of his character, when he makes use of certain intemperate expressions, and should remember that in his patience will he possess his soul.

Oct. 11th, 1802.

A SELECT MEMBER.[32]

Addressed: Annapolis, Oct. 15.
The Rev. Mr. Frs. Neale
George Town College,
Columbia.

One sheet. 10.

Baltimore Diocesan Archives, No. 1, A, Ashton, *C*^{1}, *Ashton, White Marsh, 13 June, 1801, to Carroll; 3 pp. 4to. Ibid., C*^{2}, *same to same, 2 July, 1801; 2 pp. 4to.—Md.-N. Y. Province Archives, 1801, July 5, Carroll, Baltimore, to (L. Neale); 2 pp. 4to, No. 54 (a); endorsement in another hand:* To Mr. Molyneux. *Ibid., 42, Ashton Papers, A Select Member, 11 Oct., 1802, to Francis Neale, Georgetown; an open letter, 3 ff. 4to, in Ashton's hand.*

as he chose the appointment of managers. What this would have meant in the case, for instance, of Mgr. Marechal intervening with such a technical right, may be inferred from documents given above (*cf.* No. 135, p. 571, *Marechal's Policy*).

[30] *That the Bishop of Baltimore* (*being a Select Member*) *should be eligible as a Representative* (*though not as a Trustee*)?

[31] *From 1802 till 1815, the non-Jesuit element did, in fact, preponderate at the Board itself* (*cf.* No. 169, B). *But the non-Jesuit Trustees were largely ex-Jesuits.*

[32] *Writing some eight months later to Father Stone in England, Bishop Neale treated of business matters touching Father Semmes, whom he called,* my old Professor, *and he excused himself from approaching Father Ashton on the subject, saying:* I have no influence on the gentleman. His excentricity puts him beyond all that. He now lives on Mr. Semmes' place [*near Portobacco*]. (*English Province Archives, portfolio 6, f. 63*^{v}, *Leonard Neale, George Town, 25 June, 1803, to Stone.*)

K. 1804, April 25.

Proceedings of the Corporation, 25 Apr., 1804. Resolution to wind up accounts between the Board and Ashton, under a certain limitation.

. . . 10°. The Rev. Mr. F. Neale is hereby appointed to settle, on the best terms he can, the respective claims of the Corporation and of Mr. J. Ashton, studiously avoiding to establish any precedent, which may tend to exempt managers of estates from accountability, or injure the interest of the incorporated Clergy.

. . . *Signed:* + J. Bis^p. of Balt^re. + Leon^d. Neale, Bis^p. of Gort^na. Henry Pile. Rob^t. Plunkett. G. B. Bitouzey.

L. 1805, July 5.

Ashton, 5 July, 1805, to the Trustees. Claims against the Corporation, in discharge of the Board's accounts against him.

1. His invalid salary. 2. Indemnification for expenses incurred on account of White Marsh estate. 3. His credit for $1000 paid to Mr. Francis Neale, when he resigned the Marsh. 4. The query: Was he to continue the suit in chancery against the Trustees of Aquila Browne on the Corporation's account, or on his own; and would they pay expenses? 5. Another query: Would they take a mortgage on this place *for the debts* from me to you?

At this date (1805) appears in the documents the first suggestion to change the destination of the Jesuit estates, and assign them to other purposes. It was just at the moment when the Society was being restored, and two years after Bishops Carroll and Neale had informed the General in Russia that the old Jesuit property was largely preserved, and was waiting for re-consignment.[33] *In the following year (1806), Ashton came forward with a similar proposal to sequestrate a large portion of the estates. The ground which he advanced for such a measure seems to have been abandoned by himself incontinently, for we find no allusion to it any more in his dealings with the Corporation, or in any documentary sources. At his death, he left all his property to the Board with which he had contended so long. But, after his death (1815), the reason for expropriation, which Ashton had propounded and then abandoned, was advanced anew in papers submitted to the Propaganda (1822), as seen above in* Section III. (No. 115, § 10—No. 126, *passim*).

M. 1805, July 13.

Cardinal Di Pietro, Prefect of the Propaganda, 13 July, 1805, to Bishop Carroll. A proposal made to the Propaganda that the Jesuit estates in

[33] No. 178, F.

Maryland might be used for the foundation of bishoprics in the United States. Shea's abstract.

Rev. Joseph Harent,[34] *S.S., was in Lyons, and had informed the Propaganda that religion was so flourishing in the United States, that many churches had been erected by the efforts of the faithful, and others were to be erected; that an elegant cathedral was building in Baltimore; that the Bishop had blessed a church in Boston the year before; that Mr. Nagot had a college with 110 pupils, and a seminary with twelve students. He [Harent] also requested the Holy See to establish other dioceses in the United States, adding that the support of the Bishops could be secured by an arrangement with the Clergy of Maryland, who held all the property formerly belonging to the Jesuits. Bishop Carroll will consider whether this is practicable.*[35] [*Other business.*]

N. 1806, November 24.

Ashton, Port Tobacco, 24 Nov., 1806, to Carroll, Baltimore. Certain estates, having come to the Jesuits by donation or bequest, belong not to them but to the Church, and pertain to the bishop's administration.

Port Tobacco.

Right Rev. Sir,

Having had a considerable share in establishing an episcopal government in this country, it was never my intention nor expectation, that a Bishop should be depending on others for his support, while he had not an equal claim to the property of the Clergy with every other member. But, understanding lately that the members amongst us calling themselves Jesuits have assumed the property, formerly possessed by our predecessors, exclusively to themselves, I can assure you that it is in my power to demonstrate to you, that, whatever title they may have to the lands taken up by the former Jesuits, they have none at all to the lands that fell to them by donation or bequest; consequently neither Bohemia, White Marsh, Deer Creek and the lots in the different towns, can be claimed by them, but become strictly and properly the property of the Church and subject to the Bishop. This I have not learned from the inspection of any secret papers or books. For I never saw the blue book of Port Tobacco, tho I have often heard of it. My knowledge is from authentic and original papers, which it is in my power to produce. I thought proper to give you this information on the present occasion, for I think the soi-disantes [*! the Jesuits*] are not behaving generously or honorably. If my information can be serviceable to you, it is with you to make use of it ad majorem Dei gloriam. I am,

Resp^{y} y^{r} Hu : Ser^{t}

No : 24th, 1806. John Ashton.[36]

[34] *Cf.* No. 175, R.

[35] *In this abstract of Shea's, the existence or work of the Jesuits or ex-Jesuits meets with no other recognition than that of appropriating their lands. The letter itself of Card. Di Pietro does not appear in the Propaganda Archives,* America Centrale, *3. Cf.* No. 181, J, note 34, *ad fin.*

[36] *This letter of Ashton's went into the Carroll Archives, used by Marechal in his*

O. 1806, December 23.

Carroll, 19, 23 Dec., 1806, to (Molyneux); second part, under date of 23 Dec. Reporting the foregoing letter of Ashton's, and another, a circular.

. . . I lately received two letters from Mr. John Ashton; the first is on a serious subject indeed, but which requires the utmost secrecy. I know not whether it was written in terrorem, or whether he attributes too much certainty to an opinion formed by him, after reading certain papers, which he says are in his possession; or whether there be indeed any good foundation for that opinion. But, if there be, according to him the Society has no rightful claim to the estates of Bohemia, Deer Creek, White Marsh, or the lots in any of the towns, etc.

The 2d letter he calls a circular one, dated Dec. 10th, and is noted at the bottom of the page, as you may see in this. I suppose therefore that several copies were directed to the persons there mention'd, and to some individuals, members of the Societies,[37] to whom his letter is inscribed. Surely Ashton did not expect that I was to give it circulation. *About the* uncivil and extremely uncharitable conduct *of Mr. Charles Neale, Portobacco, towards him. He charges Neale with having refused to give him* food and refreshment after the fatigue of a journey, *and not* placing him on the footing of brotherly confidence and freedom in the house. *Other business.*

The addresses, as noted at the bottom of Carroll's page, are: To the Rev. Gentlemen of St. Thomas; To the R. Rd. J. Carroll; To the R. Rob. Molyneux; To the R. Gentlemen of the Corporation; And the other R. Gentlemen of the Clergy.[38]

P. 1810, January 30.

Ashton, Port Tobacco, 30 Jan., 1810, to Francis Neale (agent of the Corporation), George Town.

He wants a copy of the resolve, 1794, I think, respecting the contract between the Corporation and me, by which the profits of the White Marsh estate were transferred to me, in lieu of a stipulated sum therein mentioned to be annually paid.[39] I wish to know the specific sum, for a particular reason. Be pleased to date it, and sign it on the blank side of the letter. *He presumes that Francis Neale is still agent of the Corporation.*[40] *On the*

representations to the Propaganda. The reference is given below, p. 718. *Carroll supposes in the next document here following* (O) *that copies of another letter were disseminated. The troubles of Ashton with the Board drag on tediously for years.*

[37] *Sulpicians and secular clergy?*

[38] *We find no further trace of this Ashton theory in any papers of his, or Carroll's, or the Board's. It seems to have met with the same fate in the writer's own mind as his former speculation about the property of the English Province. Cf.* No. 150, P².

[39] *Supra,* C, 12?

[40] *The progress of the controversy after this, between Ashton and the Corporation, is sufficiently clear from a letter of his (14 Sept., 1813), given in* No. 72, C.

death of Rev. Mr. Joseph Semmes, who, says Mr. Nicholas Sewall,[41] *has left all he was worth to Father Stone.* I think the whole will be about 150 Dol. in my hands.[42] *Ashton had made his will in favour of Mr. Beeston,* in trust for the College and pious uses. *But Beeston's death makes him change the devise; so he has now drawn up the will in favour of Rev. Notley Young, with the same destination of the property; and he expects to have the instrument executed this week.*

I have not heared who has succeeded Mr. Beeston, nor who manages the White Marsh estate, nor any alterations made this long time in any of our houses, or the College, being shut out from St. Thoˢ by your Brother Charles, these three years past. I called there then, hungry and thirsty, and he refused to give me to eat or to drink. I know not what answer he will make to the Judge at the last day. No body in Chˢ County will hear my confession, tho the point of controversy has been decided by the Bishop and Mr. Tessier in my favor. *He asks for domestic news of any kind. Tell Mr. Smith to put him down as a subscriber to the* Country National Intelligencer.

With due respect,
I am, Rev. Sir,
Yʳ Hu : Sᵛᵗ
JOHN ASHTON.[43]

Q. 1810, February 12.

Extract of the Revᵈ Jn. Ashton's testament in favʳ of Revᵈ Notley Young.[44]

[41] *Joseph Semmes and Nicholas Sewall, though both of Maryland, remained throughout life in the English Mission.*

[42] *Cf.* No. 72, C, *Ashton, 14 Sept., 1813, to the Corporation.*

[43] *In the account submitted by Mgr. Marechal to the Propaganda about John Ashton, with the qualifications which are to be seen there* (No. 117, C), *and submitted by him under "the hard necessity of telling the truth openly," several critical points are obvious. (1) As seen already* (No. 162, A–H), *the whole account, reflecting on Ashton's character, is an anachronism for the express purpose and date* (*1789*) *assigned in Marechal's narrative. If it were probable at all, the date should have been eighteen years later. But then it would have had no relevancy to the purport of the narrative, which was to explain away the Declaration made by Carroll in 1790. (2) Were Marechal's qualifications of Ashton correct for this time, a score of years after the date of Carroll's Declaration, then for the truth of the narrative they required the addition of an essential circumstance, that, at the same time, Ashton was out of harmony with his old brethren, and even ostracized by some of them. But then the purpose of the narrative would again have failed the narrator, since his express object was to show that in 1789–1790 Ashton led his brethren in a campaign against Carroll. (3) In the whole anachronism, and in strict conjunction with the qualifications lavished on John Ashton, the latter is persistently called a "Jesuit," which no one was at the time assigned* (*1790*), *and which Ashton was not at this time; even if, for the later date, Marechal's narrative might have borne some semblance of verisimilitude. The term "Jesuit," so persistently applied, cast, by implication, the aspersions of the narrative on other persons besides John Ashton.*

[44] *Ashton's instructions to his executor, Young, are reported in the minutes of the Corporation, 20 June, 1816.*

Tracts of Land

	acres
Chandler's hill (his place of residence)	200
St. Nicholas	200
Green	100
Little worth	164
Small profit	136
Campbell's chance and Struthbrant [*Struthland ?*] [45] on Elkridge, Arrundel C^ty^, about	250

Items: To Charles Butler and Elizabeth (his sister), Litchfield the— — — in Ch^les^ C^ty^, and all utensils. *Personalty, in favour of the same and of dependants.*

To the Rev^d^ Notley Young all properties on the book of the United States Loan Office, Bank-stock, Insurance office, by note or bond; and all the real and personal [*e*]state of the Testator, at the time of his death.

100 $ for the poor and expences of burial at S. Thomas Manor.

Signed at Chandler's hill, 12 Feb^y^ 1810.

Witnesses, Jn. Ford and Ign. Simms. Signed Jn. Ashton and seal.

Other items from a will to Rev. Mr. Grassi, not executed; and from another in favour of Rev. — Griffin, July, 1813, annulled: To Rev^d^ Fr. Neal all properties on [?] Banks, charging him with the pay^t^ of debts, and of $1000 [*100 st. ?*] to his sister Elizab. Carroll in Ireland.

R. 1815, February 8.

John McElroy's Diary on Ashton's death, and devise intended for the Superior, Father Grassi.

Feb. 8, 1815. Rev. John Ashton, formerly S.J., died on the 3rd inst. He bequeathed his property to Rev^d^ Fr. Superior, but was deprived of his senses before he could sign the will. He lived near Port Tobacco.

S. 1815, July 1.

Rev. Notley Young's will. Devising to the Corporation property of his own, and the whole of John Ashton's estate.

A number of bequests to members of the Young family. I give and bequeath to the Trustees of the Corporation of the Roman Catholic Clergymen of the State of Maryland, for the use of Georgetown College, District of Columbia, as allowed by the Laws of Maryland, Section 3^d^, Chap. 40^th^ (1797), the following lots in square four hundred and sixty six, in the city of Washington: namely lots N^o^ 1, 2, 3, 4, 19, 20, 21, 22, 23, 24, 25 and 26, to be for ever applied solely and entirely towards the education

[45] *Cf.* No. 148, p. 631. *A memorandum scribbled by Francis Neale on the back of Carroll's letter to him, 26 July (1815; Carroll series, No. 184), has this same list with some variations:* The unsold parts of two tracts of land, called Cambell's chance and Struthbrant (?) . . .; unalienated tract of land, called Litchfield Enlarged, in Charles County. (*Md.-N. Y. Province Archives, memorandum endorsed on Carroll's letter, as infra*, No. 178, E^3^.)

of youth on free places in George Town College, District of Columbia.[46] It is my further desire, and therefore so I will, that none of said lots should be sold, until six cents per square foot can be obtained for them. After which, they may be either sold or retained at the discretion of the then acting President and Directors of said College, agents for the Trustees above mentioned. I also invest the said Trustees or their Representatives, the President and Directors of said College, with full power of placing out the sums of money thus obtained, by the sale of all or any of those said lots, in any publick stock, bank, fund or otherwise, upon good and sufficient security, so that the best annual interest be made thereof, without lessening the principal. I also give and bequeath to the Trustees of the Roman C. Corporation above mentioned the house and lot which I purchased in Piscataway, Maryland, for the above specified purpose, and for no other, with the power of selling the house and lot at their discretion.

I likewise give and bequeath to the said Trustees and their agents, the President and Directors of Georgetown College, all and every part of the real, mixed and personal estate of the late Rev^{d} John Ashton for the aforesaid purpose and no other, (viz.) the education of youth. *If the Corporation will pay all debts of Ashton, without involving any of Notley Young's property, then, continues Young,* I leave all the lots which I hold in that part of the city of Washington, formerly known by the name of Carrolsburg, to be sold for charitable purposes at the discretion of my executors.

The John Addison estate, bequeathed to relatives.

NOTLEY YOUNG (*seal*).[47]

July 1st, 1815.

Witnesses: Chas. Bowling, Jos. Gobert, James Neill.

Md.-N. Y. Province Archives, Proceedings of the Corporation, *25 April, 1804. Ibid.*, (*Correspondence*), *1806, Dec. 19, 23, Carroll, Baltimore, to* (*Molyneux*); *4 pp. 4to, and fol. sheet added, No. 71. Ibid., 1810, Jan. 30, Ashton, Portobacco, to Francis Neale, Georgetown; 2 pp. 4to, in a singularly tremulous hand. Ibid., 42, Ashton papers, Ashton, Portobacco, 5 July, 1805, to the Trustees* assembled at the White Marsh. *Ibid.*, (*a*) *St. Thomas's Manor, Extracts of Ashton's wills, 12 Feb., 1810, July, 1813, etc., executed or otherwise, on the back of a letter from Grassi, Georgetown, 3 Mar., 1817; apparently Father Cary's note. Ibid., F*(*G*), *Notley Young's will, 1 July, 1815; original. —Georgetown College MSS., McElroy's Diary of Georgetown College* (*1813–1821*), *8 Feb., 1815. Ibid., Transcripts, Shea's abstracts, 1804–1815, Card. di Pietro, 13 July, 1805, to Carroll; from quintuplicate copy.—Baltimore Diocesan Archives, N, 1, A,* Ashton, *C*[8], *Ashton, Portobacco, 24 Nov., 1806, to Carroll; one p. 4to.*

[46] *Cf.* No. 118, note 18.

[47] *Cf.* No. 179, Y, *ad* note 44. *There was a controversy in 1816 between Notley Young and the Corporation, respecting the immediate delivery of the Ashton estate to the Trustees. Young professed himself perfectly willing to make the transfer, if only he was certified of his obligation to do so at once.* (*Md.-N. Y. Province Archives, 42, N. Young, Georgetown, 19 June, 1816, to* Most Rev^{d} D^{r} Sir, and Rev^{d} Gentlemen.) *A satisfactory settlement was accomplished, in pursuance of resolutions at the Board of Trustees, 20 June, 1816, 1°; 20 Aug., 1816, 2°. Cf.* No. 180, G, H.

The interest attaching to Ashton's career arises from complex circumstances, which throw parts of the history into considerable relief. A theory which he put forward in a fit of vindictiveness—ad terrorem, *as Carroll suggested—but which he lived long enough to think better of, was adopted some twelve or fourteen years later, in precisely the form drafted by him, but without the citation either of the document, or of the name that was signed in the document. The very same estates which Ashton had named,* Bohemia, White Marsh, Deer Creek, and the lots in the different towns,[48] *were claimed on the very same plea which he had thought out, that, having come to the Jesuits* by donation or bequest,[49] *they became* strictly and properly the property of the Church and subject to the Bishop. *Nevertheless, as to the one conspicuous instance of a donation, that of White Marsh, he himself, during nine years afterwards till his death, treated of it regularly with the Corporation as being entirely their property. On the contrary, the theory as adopted was made to comprise, not only those estates mentioned in his arraignment, but others, which no one had thought of as donations: St. Inigoes,*[50] *Britton's land at Newtown,*[51] *Father Cary's purchase of 700 acres at Newport,*[52] *the purchases made of Arabia Petrea and possibly also of Upper Zacchia.*[53] *Ashton, who was not named as the author of the plea, was named in a narration to the Cardinals about a* factum turpissimum, *and, if there were any colour for the narrative, it was precisely for the date at which he devised the plea. Finally, three years before he propounded it, he had forecast exactly what would happen after the death of the two ex-Jesuit bishops, Carroll and Neale; but he did not foresee that he would give a handle to the policy.*[54] *His letter went among the Carroll papers, which came to be cited so largely as grounding the claim for taking over the Jesuit estates.*[55] *Copies of it, as Carroll supposed, may have had a wider circulation.*[56]

[48] *Supra*, N.
[49] *Ibid.*
[50] Nos. 115, § 10; 119, [I.], p. 448.
[51] No. 198, A, *Marechal's Diary.*
[52] *Ibid.*
[53] No. 129, A, *ad* note 1; Nos. 76, A; 198, A, note 6.
[54] *Supra*, J, *ad fin.*, p. 712.
[55] No. 115, § 17 *seq.*
[56] *Supra*, O, *ad* note 37.

§ 14. The Legislature and the Corporation, 1792–1808.

No. 163. **1792.**

The beneficiaries in equity: report of the Chapter, 1792. *In accordance with the two resolutions passed three years before, 14 May, 1789,*[1] *the Chapter of 7 Nov., 1792, took the last steps preliminary to obtaining the sanction of the Legislature. They defined who were the persons having either a legal or an equitable interest in the old Jesuit property.*

A. 1792, November 7.

Proceedings of the Chapter, White Marsh, 7 Nov., 1792.

Present the following members. RRd. Messrs. James Walton and Rob. Molyneux for the southern District, John Ashton and Charles Sewall for the middle District, and John Bolton for the northern District.

The Rt. Rev. Bishop also attended according to request.

. . . Chapter desirous of having it ascertained, who are the members of the Clergy belonging to the body associated, and entitled to the benefit of their constitution, acknowledges their number at present to be twenty-two;[2] viz.

Rt. Rev. John Carrol	RR. Messrs. Thomas Digges	
James Pellentz	Lewis Roels	Bernard Diderick
Rob. Molyneux	James Walton	John Ashton
John Bolton	Charles Sewall	Silvester Boarman
John Boarman	Austin Jenkins	Leonard Neale
Francis Beeston	Joseph Eden	Laurence Graissl
Henry Pile	Francis Neale	Charles Neale.

Nicolas Delvaux and D. P. Erntzen.

Resolved: 1°. That the clergymen above enumerated are entitled, under the constitution of the Clergy and agreeably to the terms thereof, to a provision from the estates of the Clergy, unless they be otherwise sufficiently provided by the congregations, on which they bestow their services.

[1] No. 159, A.

[2] *For the names of twenty-six members, declared or elected to be such, at the first meeting of the Corporation, 25 Feb., 1794, see* No. 172, A, 1°, 2°.

2º That other clergymen who are not incorporated, but render the services which were usually performed by those who were maintained from the estates of the Clergy, shall be entitled to a similar maintenance as long as they so exercise their ministry, unless they be otherwise supported in part or in whole by their congregations.[3]

Md.-N. Y. Province Archives, 1792, Nov. 7, Proceedings of the General Chapter held at the White Marsh on the 7th day of November, 1792; *6 pp. small 4to, a copy; f. 3.*

Of these twenty-two persons, four are not found in catalogues of the Society before the Suppression: Francis Neale, Joseph Eden, Paul Erntzen, and Nicholas Delvaux. Neale, youngest of seven brothers, all brought up under the Jesuits, and sixth of the seven to ask for admission into the Society, had been too young at the moment of the Suppression to take his vows, if he was so much as an accepted novice.[4] *He, as well as Eden, Erntzen, and Delvaux, had been ordained priests under the patronage of the ex-Jesuit Pontifical Academy at Liège.*[5]

[3] *Cf.* No. 168, A, 20º *Cf.* Nos. 119, [VII.], *Marechal's statement to the Propaganda;* 179, T, 8º

[4] *William and Anne (Brooke) Neale of Portobacco, had seven sons, of whom six entered the Society or applied for admission after their studies at St. Omer's, Bruges, or Liège: William Chandler, a Jesuit priest in England; Joseph, who died when in the class of Rhetoric, and took simple vows of devotion on his death-bed; Oswald (Roswell), who was in the class of Grammar, and died too young to be granted his desire for the same privilege; Raphael, who married, but died soon; Leonard, conspicuous in these pages; Charles, who had not quite finished his two years' novitiate, when the Suppression occurred; finally, Francis Neale, born 3 June, 1756, and therefore only seventeen years of age at the moment of the Suppression. Of six daughters, one, Ann, became a Poor Clare at Aire in Artois; two died in their infancy: Mary was the mother of the Rev. William Matthews; Clare, who married a Brent and a Slye, was the mother of Chandler Brent; Eleanor married a Holmes and a Boarman. Father Francis Dzierozynski, Superior of the Maryland Mission, sent to the General an extensive biographical note about the family, on occasion of Father Charles Neale's death (27 Apr., 1823), saying that a notice of this family should be entered in the records of the Society of Jesus:* Notitia domus hujus sane meretur, ut in fastis Societatis suum locum inveniant. *(General Archives S.J., tom.* Prov. Maryl. Hist. Dom. Summ. Vit. 1846–1889, *apparently enclosed originally in a letter of Dzierozynski, 12 June, 1823, to the General. Cf. Md.-N. Y. Province Archives, 1783, the year of L. Neale's return to Maryland from Demarara; Dzierozynski's rough draft of the above; 3 pp. fol. Cf.* No. 152, A.)

[5] *Cf.* No. 150, N², note 51, p. 661. *Father William Strickland, on behalf of the Academy at Liège, writes (1 Oct., 1788) to Bishop James Talbot, Vicar Apostolic, asking for his support in recovering from Rome the property which belonged to that College. He offers a formula for the bishop to subscribe; and, from the manner of his address, he would seem to have met with encouragement:* summa cum animi alacritate . . . confugio. *On the second folio he gives a list of those who had finished their course of higher studies at the Academy, and been ordained priests under its patronage:* Qui studia philosophica aut theologica aut utraque absolverunt, et ad sacros ordines per Academiam Leodiensem promoti sunt. *The list comprises thirty-three names, including those of ten, who are teaching in the Academy. The names of Americans or of such as are working in America stand thus:* D. Nihil, Leon. Brooks, missionarii jam in Anglia; Fra. Beeston, Stanis. Cerfeumont, Jos. Eden, in America; Fran. Neale; Car. Neale, a confessionibus Antwerpiae; + Jos. Boone,

Why James Frambach, a veteran missionary of standing, was passed over in the foregoing list, does not appear; unless it be that he had proved recalcitrant to orders given in the previous Chapter meeting about retiring from the mission at Frederick,[6] *and therefore was now ignored.*[7] *At the date of the present Chapter in 1792, they have not succeeded in removing the old invalid from Frederick to an honourable retirement at Bohemia. The list, however, was revised, corrected and enlarged at the first meeting of the Corporation, fifteen months later (25 Feb., 1794), and Frambach's name was duly entered with those of others, omitted in 1792.*[8]

No. 164. **1792, December 23.**

Act of Assembly, 23 Dec., 1792: creating a Corporation for the protection of the old Jesuit property. *To simplify for the*

mortuus Leodii, theologus; Paul Erntzen . . . . theologi parantes se. (*Westminster Diocesan Archives, 1788, 1 Oct., Strickland, letter* Dno. Jacobo Talbot.)

Of two memoranda by Strickland in the English Province Archives one may be of a different date from the foregoing; for it mentions that Beeston is actually at work in England, after being graduated from Liège; Fathers Sewal [*Nicholas*], Pole, Beeston, Joy, Ed. Nihell, Jo. Dunn. *The Fathers* in office at Liège *are* Ch. Wright, Marm. Stone, Joa. Hughes, Joa. Spencer, Her. Kemper, Th. Angier, Joa. Lawrenson, W. Anderton, Chr. Wright. *Two have died in England:* Jo. Closset, Mar. Langdale. *This catalogue is drawn up to show that* the Mission has derived considerable advantages from the institution of the Academy at Liège; *and the formula which Strickland uses regarding the graduates of the institution is that they* have all finished their higher studies and have been ordained priests under the protection and by means of the Academy. *The other memorandum agrees with that submitted to Bishop James Talbot.* (*English Province Archives,* MSS. II., Ex-Jesuits, Society in Russia, Liège Academy, etc., *f. 190. Ibid., a loose 4to sheet, in Strickland's hand.*)

As to Delvaux, he is referred to by Bishop Carroll, as a disciple of the Stonyhurst gentlemen, that is to say, when they were still at Liège. In 1798, after speaking to Plowden of his own relative, Charles Wharton, who is confirmed in obduracy, he goes on to say; But, if his conduct affords no ground for hope, it will be some consolation to the gentlemen of Stonyhurst to hear, that their disciple, Mr. Delvaux, who fell into grievous disorders, and finally into apostacy within a few years after coming to America, sollicited readmission into the Church, and promised compliance with the penitential course which should be prescribed. I directed him to enter into a probationary state under the rigid discipline of the true son of the Society, Mr. James Walton; but he had scarce begun his religious exercises under him in the month of August last, when he was seized with a fever; and, having persisted obstinately, as his custom was, to be his own physician, he soon yielded to the violence of the disorder; happy, as I hope, in being allowed to live, till he could have those succours, of which in his former situations he would have been deprived. (*Md.-N. Y. Province Archives, 1798, Dec. 13, Carroll to Plowden; 3 pp. 4to, No. 53.*)

[6] No. 156, K, 3º

[7] *Cf.* Nos. 143, [VI.], 7ly *Carroll's Plan of Organization;* 146, H, 15º, 16º, *Chapter Form of Government. But the case was definitively covered for the future by a resolution of the Representatives, at their first meeting (3 June, 1795), after incorporation:* Resolved . . . 7º That invalids must reside in such house belonging to the R. C. Clergy as shall be appointed them by the Representatives, or in such other place as said Representatives may approve of; otherwise they shall forfeit their claim to any pension from the public fund. (*Md.-N. Y. Province Archives,* No. 3, *p. 7, minutes of the Representatives, as above,* No. 162, p. 705.)

[8] No. 172, A, 2º

reader the legal diffuseness of style in a statute, we shall emphasize some words or passages, for the sake of calling attention to points of consequence in subsequent controversy.

A. 1792, December 23.

Summary of the Act, passed 23 Dec., 1792.

[*I.*] *Rehearsing the petition that certain property heretofore dedicated to pious uses, but held by individuals, may be secured legally to its purposes;*

[*II.*] *It enacts that the individuals, seized of property for the said pious uses, are hereby allowed and authorized to make a Declaration of their trust;*

[*III.*] *Then all the persons, in whose favour the said Declaration shall have been made, and who are citizens of the State of Maryland, are authorized to meet, organize, make bye-laws, elect from three to five Trustees, who, assuming a corporate name and certifying the same, shall be possessed in their corporate capacity of all the property covered by the Declaration, and shall control and manage it;*

[*IV.*] *And thenceforth shall have the usual powers of a self-governing Corporation to the aforesaid purposes.*[1]

Maryland Sc[t]

At a Session of the General Assembly of Maryland, begun and held at the city of Annapolis on Monday the fifth of November, and ended the twenty-third day of December, in the year of our Lord one thousand seven hundred and ninety-two. His Excellency Thomas Sim Lee Esquire, Governor. Amongst others the following law was enacted.

[1] *Cf.* No. 115, § 13, *Mgr. Marechal's summary of this same Act; ibid.*, § *14, the omission of all allusion to the Declaration made in virtue of the Act. In the use made by him of this Charter, as seen throughout* Section III., *the Declaration of Trust, to be made in favour of specific persons for the operation of the Act, is ignored. Nevertheless, he uses the Declaration, "copied," he says, "from the public register of the City of Annapolis"* (No. 135, A, Prop. 6); *but it is for the purpose of extracting a list of the estates* (*ibid.*, Prop. 7). *As is seen in the Declaration* (No. 167), *which is triple, being made in an identical formula by the three Trustees, Walton, Molyneux, and Ashton, the list of estates cannot possibly be seen without the beneficiaries also being seen—the estates being the subject and the beneficiaries being named in the predicate consisting of one sole clause, which is the object of the Declaration. As to the Act of 1806* (No. 165), *which rehearses the Charter, and names expressly who the beneficiaries were declared to be, Marechal does not allude to it. His summary of this fundamental Act is: "An Act, by which certain estates and properties are protected for the use and support of ministers of the Roman Catholic Church. I. All, who possess in their individual names* [certain] *goods consecrated to sacred or pious uses, shall throw them into one mass; and the revenues arising thence shall be applied for ever to the use and support of Catholic priests who legitimately exercise the ministry in Maryland. II. Roman Catholic priests, within one year from the day on which the present decree shall have been published, shall meet in one place, and there elect not more than five nor less than three priests; who once elected, and their successors in like manner legitimately elected, shall for ever be held before the magistrates of Maryland as the true possessors and administrators of all ecclesiastical goods belonging to the Catholic Church in Maryland"* (No. 115, § 13). *We have noted in brackets a word "certain," which is essential to the summary, but has been omitted; and we have spaced the interpolations which appear in the summary, but are not in the Act. The said interpolations comprise seven or eight distinct elements, either not in the purview of the instrument, or not with that extension exhibited in Marechal's summary.*

No. 55. An Act for securing certain estates and property for the support and uses of ministers of the Roman Catholic religion.

[I.] Whereas it has been represented to this General Assembly, that certain property real, personal and mixed, or the rents and profits thereof, have been heretofore applied to the use, support and maintenance of ministers of the Roman Catholic religion, although the said property hath been held and possessed by certain individuals as the legal proprietors thereof, but under a confidential or implied trust, that the said property and the rents and profits thereof should be faithfully applied to the use, support or maintenance of the ministers of the Roman Catholic religion: and whereas, by the Declaration of Rights, all gifts, sales or devises, for the support, use or benefit, of any minister or preacher of the Gospel as such, or of any religious sect or denomination, without the leave of the Legislature, are declared to be void: and whereas it is highly reasonable and just to grant unto ministers of the Roman Catholic religion, who are citizens of this State, that legislative aid, without which they will be destitute of that protection and security to their property, to which they are entitled equally with every other sect or denomination of Christians:

[II.] Be it therefore enacted by the General Assembly of Maryland, that every legal proprietor or possessor of any property, real, personal or mixed, held or possessed on or before the fourteenth day of August, seventeen hundred and seventy six,[2] under a confidential trust, that the same or the rents or profits thereof should be applied to the use, support or maintenance, of ministers of the Roman Catholic religion, and every legal proprietor or possessor of any property, real, personal or mixed, acquired since the fourteenth day of August, seventeen hundred and seventy six, by exchange for property sold under a confidential trust,[3] as aforesaid, before the said fourteenth day of August, seventeen hundred and seventy six, may have full power and authority at any time hereafter to execute an instrument of writing, declaring the purposes for which the said property hath been or is held in confidential trust; which said Declaration, so to be made, shall be signed by the party making the same in presence of two witnesses, and acknowledged in the same manner as deeds are directed by law to be acknowledged; and on the said Declaration shall be endorsed the affidavit of the party, that the property comprehended in such Declaration was really and bona fide held for pious purposes or acquired as aforesaid; and the same affidavit shall be recorded, with the same Declaration, within six months after the execution thereof.

[2] *Date of the first Constitutional Convention of Maryland. Cf.* No. 86, p. 293.

[3] *This clause must have been adequate to meet the scruples of those who had opposed for a while the erection of Georgetown College because the outlay would impair the fund of old Jesuit property, hoping as they did to restore it intact at the revival of the Society. See* No. 152, C.

[*III.*] And be it enacted, that it shall and may be lawful for the ministers of the Roman Catholic religion, within this State, citizens thereof, exercising their ministerial functions agreeably to the rules and discipline of their church, and in whose favour the said Declaration shall have been made, to convene at a place, to be by them agreed on, within twelve months from the passing of this Act, and then and there adopt such Regulations for the management of their estates and temporalities, as shall seem fit and adviseable to a majority of the members so convened; and the said ministers, or a majority of them, so met, shall then and there choose from their own body certain persons, not less than three nor more than five, who shall assume the style, name and title, by which they are to be designated and known; and shall certify the same under their hands and seals within three months thereafter to the clerk of the General Court of the Western Shore, who is hereby authorised and required to record the same in the records of the laws of this State, at the expence of the said Corporation; and thereupon the said persons and their successors shall be a body politic or corporate by the name and designation so assumed by them, for carrying into execution more effectually the Regulations aforesaid and the provisions of this Act; which said body corporate shall immediately be seized and possessed, in as full and ample manner, and of the same estate, title and interest, in law and equity, of all such property, then declared in manner aforesaid to be held by any person or persons, upon the trusts and to the uses hereinbefore mentioned, or which thereafter shall be declared to be held by any person or persons to the said uses and upon the said trusts before the fourteenth day of August, seventeen hundred and seventy six, or acquired since that period by exchange for property so held, as the person or persons making such Declaration now hold and possess the same; and the said property with the rents, issues and profits thereof, shall from thenceforth be under the sole control and management of the said Corporation or body politic and their successors, subject nevertheless, at all times hereafter, to be taken into the valuation, as other property liable to assessment.

[*IV.*] And be it enacted, that all vacancies occasioned by death, resignation or other disqualification, of any person constituting the said Corporation or body politic, shall be filled and supplied from time to time, by other person or persons, elected or appointed by the ministers of the Roman Catholic religion within this State, citizens thereof, and acting agreeably to the Rules and Directions to be established at their first meeting to be held pursuant to this Act, or by a majority of them present at such election or appointment; and it shall and may be lawful for the ministers aforesaid, qualified as aforesaid, to meet as often as may be necessary for their general interests or concerns, or to fill up vacancies occasioned by death, resignation or other disqualification,

of any persons constituting the Corporation or body politic aforesaid; which said Corporation or body politic and their successors shall be capable of suing and being sued, impleading and being impleaded, in any court of law and equity within this State by their corporate name, in as full and effectual manner as any other person or persons, bodies politic or corporate, may sue or be sued, implead or be impleaded.

By the Senate, Dec. 22, 1792. Read and assented to.

By order. H. Ridgely Clk.

By the House of Delegates, Dec. 23, 1792. Read and assented to.

By order. Wm. Harwood Clk.

Thos. S. Lee.

The great seal in wax appendant.

General Archives S.J., Maryl. Epist., 2, II.; a copy, 6, 7 Dec., 1825, authenticated by Th. Harris, Clerk, Court of Appeals, Western Shore, Maryland; certified by John Buchanan, Chief Judge, State of Maryland; by Tho. Cullreth, Clerk, Council of State, Maryland; by Ramsay Waters, Register, Court of Chancery, Maryland; and accompanied by letters patent of Henry Clay, Federal Secretary of State, Dec. 16, 1825. Copy taken from Lib. J. G., No. 1, fol. 634 seq. (Ch. 55). Cf. No. 140, A, note 1.

No. 165. **1806, January 28.**

Act of Assembly, rehearsing the foregoing Act of 1792, and confirming the Corporation, 28 Jan., 1806. *On occasion of the danger mentioned before,*[1] *whereby, in 1805, nearly all the property was found to be liable to escheat, through the defect of an ill-worded will, several measures were proposed for saving the estates. There is much literature in the archives treating of the emergency. Carroll, Francis Neale, Bitouzey, and others, all betray confusion of mind, and confess their ignorance as to the property involved, and the means of liberating it. One measure proposed was that of* discovering *the escheat, calling for a re-survey of the vacated lands, and, by the payment of purchase money to the State, taking up the entire property anew. We find ten formulas on hand, properly stamped as issued by the* Land-Office, Western Shore, *signed in the margin by* John Kilty, Reg. Ld. Off., W.S., *the 29th day of May, 1805, each at a cost of "31/3^{d}," wherein Mr. Germain Barnabas Bitouzé, of Prince George's County (White Marsh), appears as the discoverer of the escheat, gives instructions to the surveyors, etc. The tracts covered by the ten formulas are: St. Thomas' Manor; St. Inigoes Manor; Chapel Lands, St. Mary's Co.; St. George's Island; Britton's Neck and Outlett (Newtown); Carrolsburg, Cheney's Plantation, Ridgeley and*

[1] No. 64, C.

Tylor's Lott, Cheney's Adventure (contiguous White Marsh tracts); Ayno, Bright Seat, Little Bright Seat (tracts distant from White Marsh); Thomas' Beginning, Addition thereto, Part of Maiden's Bower Secured, Part of Pogmod's; Arabia Petrea (Deer Creek tracts); Mountain Prospect, Frederick Co. In the formulas there are spaces left vacant for the name of the person said to have died intestate (Father James Quin), as well as for the dates of the original grants.

Instead of this method, which may have proved too cumbersome and expensive, if not impracticable, the Corporation resolved to address the Legislature, and secure an act of confirmation, ratifying the past. The two bishops, Carroll and Neale, were appointed a committee to obtain the said remedy. As the requisite Act was passed some five months later, we presume that Carroll was as much the godfather of the second Act, as he had been of the first. The resolution of the Corporation ran as follows:

A. 1805, August 5.

Proceedings of the Corporation, 5 Aug., 1805.

2. It being surmised that some essential error was committed in making originally the transfer of the property, held in confidential trust, to the Corporation; for which error there is no remedy but an Act of the Legislature: Resolved, that the Rt. Rev. Bishop Carroll and Neale be a committee to take the best legal advice on the subject, and make preparation for an application to the Assembly at their next session for such remedy, if it be judged necessary and advisable.

. . . *Signed:* + J. Bish^{p} of Balt^{re} + Leon^{d} Neale, B^{p} of Gortyna. Henry Pile. Rob^{t} Plunkett. J. B. Bitousey.

Md.–N. Y. Province Archives, Proceedings of the Corporation, *5 Aug., 1805. There was a full Board present, viz. the two Bishops, with Pile, Plunkett, and Bitouzey, who all sign, as usual, m.p. The 4th and last resolve of the minutes, reporting the agent's accounts, is in Carroll's hand.— The correspondence and memoranda on the threatened escheat are in the same Province Archives, Correspondence under date; also ibid., in T, Z, etc.*

It is to be noted in the following Act (1806) that, as the recital [I.] *of the previous Act (1792) is not strictly verbatim, but really a summary, and the account* [II.] *of the same preceding enactment having gone into operation is a statement of conditions fulfilled, we have an independent legislative statement by the General Assembly of what its former Act contained and meant. Hence we reproduce it in full, and emphasize as before the relevant points.*

B. 1806, January 28.

Summary of the Act passed 28 Jan., 1806.

[*I.*] *Rehearsal of previous Act, 1792.*

[*II.*] *Declaration that all the conditions were fulfilled by the parties interested, the three individual legal proprietors having made known their confidential trust, as being in favour of those who were formerly members of the Religious Society heretofore known by the name of the Society of Jesus.*

[*III.*] *Enactment that the said Corporation is hereby confirmed;*

[*IV.*] *And that it stands legally possessed of all the property so specified in the instruments of Walton, Molyneux, and Ashton.*

[*V.*] *One proviso is added, that nothing in the Act touches or changes the vested rights of any person to any item of the property covered by the Declaration of Walton, Molyneux, and Ashton.*

Maryland Sc[t]

At a Session of the General Assembly of Maryland, begun and held at the City of Annapolis on Monday the fourth of November, in the year of our Lord one thousand eight hundred and five, and ended the twenty eighth day of January, one thousand eight hundred and six. His Excellency Robert Bowie Esquire, Governor. Amongst others the following law was enacted, to wit:

No. 118. An Act for the benefit of the Corporation of the Roman Catholic Clergymen and for other purposes.

[*I.*] Whereas by an Act of the General Assembly of Maryland, passed at November session, seventeen hundred and ninety two, entitled, An Act for securing certain estates and property for the support and uses of ministers of the Roman Catholic religion, it was among other things enacted, that every legal proprietor or possessor of any property held under a confidential trust, in the said Act specified, should have power and authority to execute an instrument of writing, declaring the purposes for which the said property was holden:

And whereas it was also by the said Act enacted that it should be lawful for certain persons of the Roman Catholic religion, in the said Act specified, to convene at a place to be by them agreed on within the time limited by the same law, and then and there adopt such Regulations for the management of their estates and temporalities, as should seem fit and advisable to a majority of the said ministers so convened, and that the said ministers or a majority of them so met should then and there choose from their own body certain persons, not less than three or more than five, who should assume the style, name and title, by which they were to be designated and known, and certify the same under their hands and seals within the time limited by the said Act to the clerk of the General Court for the Western Shore, who was thereby directed to record the same in the records of the laws of the State:

[*II.*] And whereas the aforesaid ministers of the Roman Catholic

religion have, agreeably to the authority delegated by the said recited Act, convened and assumed to themselves the style, name and title of the Corporation of the Roman Catholic Clergymen,[2] and certified the same under their hands and seals to the clerk of the General Court for the Western Shore, and the same hath been recorded among the records of the laws of the State:

And whereas the Reverend James Walton, Robert Molyneux and John Ashton, by several instruments in writing,[3] sealed with their seals, each bearing date on the third day of October, seventeen hundred and ninety three, and recorded among the records of the late General Court for the Western Shore, in Liber I. G. No. 3, folios 285, 286, 287, 288 and 289, by which said instruments of writing it was, agreeably to the provisions of the said recited Act, declared, that all and every the property, in the said instruments of writing specified, had been and was held, by the respective persons executing the same, under a confidential or implied trust, for the use, benefit and maintenance of the ministers of the Roman Catholic Church, now exercising their ministerial functions within the United States of America, agreeably to the rules and discipline of their church, and who were formerly members of the religious society heretofore known by the name of the Society of Jesus.

And whereas doubts have arisen, whether there may not have been some formal inaccuracy in the above recited proceedings, and a memorial having been presented on behalf of the Corporation of the Roman Catholic Clergymen, praying that any defects existing may be remedied; and the object of the said memorial appearing reasonable, therefore:

[*III.*] Be it enacted by the General Assembly of Maryland: That the Corporation of the Roman Catholic Clergymen is hereby confirmed under and by that name, and under the name and style of the Corporation of Roman Catholic Clergymen shall have all the estates, rights and authorities meant to be vested in or transferred to the Corporation intended and authorised to be established under and by virtue of the above recited Act, entitled an Act for securing certain estates and property for the support and uses of ministers of the Roman Catholic religion, passed at November session, seventeen hundred and ninety two.

[*IV.*] And be it enacted: That the Corporation of the Roman Catholic Clergymen shall be seized and possessed in and of all and every the property, specified in the several above recited instruments severally executed by the Reverend James Walton, Robert Molyneux and John Ashton, each being dated on the third day of October, seventeen hundred and ninety three, and recorded among the records of the late General Court of the Western Shore, Liber I. G. N°. 3, folios 285,

[2] No. 169, A.

[3] No. 167.

286, 287, 288 and 289, in as full and ample a manner and of the same estate, title and interest, in law and equity, as the said several persons executing the aforesaid instruments of writing respectively then held and possessed the same:

[V.] Provided always that nothing in this Act contained shall operate to affect the rights acquired by any person to any property mentioned in the aforesaid several instruments of writing.

By the House of Delegates, January 28th, 1806. Read and assented to.
By order. Jno. Brewer, Clk.

By the Senate, January 28th, 1806. Read and assented to.
By order. Thos. W. Hall, Clk.

ROBERT BOWIE.

The Great Seal in wax appendant.

General Archives S.J., Maryl. Epist., 2, II.; a copy, authenticated as above, No. 164, p. 726.

No. 166. **1808, 1894.**

Acts of 1808 and 1894: enlargement of the Corporation's powers.

At the General Assembly of 1808, a private law was passed (chapter 37), enabling the Corporation to acquire a tract of land, that of the Patuxent Meadows, a valuable addition to White Marsh. The meaning of this enabling Act is explained by the circumstance, that the previous law of 1792 (chapter 55) had only empowered the Select Body of Clergy to incorporate itself, for the protection of the property actually in its possession, unto the uses heretofore intended; and the later Act of 1806 (chapter 118) had merely confirmed the Corporation within the limits of its former capacity. The transaction, which called for further powers on the part of the Trustees, is explained in the Roman memorial of Charles Neale and Benedict Fenwick (Nov. 22, 1822). After recounting the history of the White Marsh donation, Fenwick's autograph copy proceeds as follows:

A. 1822, November 22.

The Charles Neale and Benedict Fenwick Memorial, on the occasion for this Act of 1808.

. . . It must be here observed that to the property left by the testator, James Carroll, an addition, consisting of a tract of very valuable land of 133 acres, was not very long ago purchased by Germain Barnaby Bitouzey, a member of the Corporate Clergy, and by him conveyed over to them, for which he paid the sum of eight hundred dollars. This addition is called in the deed, conveying the said property, Patuxent Meadows, and was purchased of William Bowie of Watten [?], Prince

George's County, who bought the same of Colmore Duval and had it conveyed to him, on or about the 2d. day of September, 1807, as the deed shows, recorded in Lib. I. R. M., N°. 12, one of the land records of Prince George's County. It lies sufficiently convenient to the Church, and much nearer than other tracts willed by James Carroll. . . .

B. 1808.

Act of 1808, chapter 37. Abstract.

No. 37. Whereas Germain Barnaby Betouzey, by his petition to this General Assembly, hath set forth that the Corporation of the Roman Catholic Clergy are possessed of a tract of land called Carrolsburg and part of another tract called Cheney's Adventure, lying and being in Prince George's County, and that a vacancy was discovered and taken up between the same by a certain Colman Duvall, which vacancy was afterwards purchased by the said Germain Barnaby Bitouzey, and praying that he may be authorized to transfer his title to the said Roman Catholic Clergy; and the prayer of the petitioner appearing reasonable, *the said petition is herewith granted*; *the property* to be held, occupied and enjoyed by the said Corporation and their successors, in the same manner and for the same uses and purposes, that the lands are held or occupied and enjoyed by them, under an Act of Assembly entitled, "An Act for securing certain estates and property for the support and uses of members [*ministers ?*] of the Roman Catholic religion."[1]

Finally, under date of 9 Feb., 1894 (chapter 13), the Corporation received the most ample enlargement of powers from the General Assembly:

C. 1894.

Act of 1894, chapter 13. Abstract.

No. 13. *After citing the Act of Session, 1792, chapter 55,* and its supplements, *the Acts of 1806, chapter 118, and 1808, chapter 37, it enacts the present law in eight sections. Approved, 9 Feb., 1894. The title will suffice here:*

An Act to amend the Corporation . . . incorporated by Acts . . . and to amend and enlarge the powers of the said Corporation, and to authorize said Corporation to take, receive and hold by purchase, gift, lease, devise, bequest, legacy or in any other manner, any real or personal property, and the same to alien, sell, transfer, mortgage, grant or convey, and to explicitly authorize the said Corporation to alien, sell, transfer, grant or convey any property, real or personal, acquired by it under the said Act of 1792, ch. 55, 1805,[2] ch. 118, 1808, ch. 37, or acquired by it in any other

[1] No. 164, A.

[2] *Designating the Session, which began 4 Nov., 1805.*

manner since the passage of said Acts, and to ratify and confirm any sale, gifts, transfers, mortgages and deeds executed to it or by it, or the trustees thereof, since the original incorporation thereof, and to remove any doubts arising out of the language of said Acts.

General Archives S.J., Maryl. Epist., 6, ii., Charles Neale's Memorial, composed by Benedict Fenwick, 22 Nov., 1822; p. 23.—Md.-N.Y. Province Archives, (b) White Marsh, an ample plot of the tracts at White Marsh, done by John McGill, surveyor of Prince George's Co., who has surveyed the 133 acres of Patuxent Meadows, as vacant land, for Colemore Duval, Oct. 28, 1805. For the party. *Ibid., Cc, Charters, copies of the Acts passed by the Assembly of Maryland, 1808, 1894.*

No. 167. **1793, October 3.**

Declarations of Walton, Molyneux and Ashton, 1793. *In accordance with the Act, empowering the members of the Select Clergy to convene and organize under the legal provisions offered, a constituent meeting was held on the 4th day of October, 1793, at St. Thomas's Manor. This was within the twelve months allowed for profiting by the Act. The day before the meeting and the day after were both used for the fulfilment of necessary conditions on the part of those who had been Trustees heretofore, and of those who were to be Trustees hereafter. The Trustees of heretofore came forward and declared their trusts for the purpose of incorporation. On 3 Oct., each of the three, who happened to be invested with property of the Select Clergy, certified under oath what was the property confided to him, and who were the beneficiaries. The new Trustees, who seem to have been elected at the constituent meeting of 4 Oct., used the day after for giving the name or title to the new Corporation, which then began to be, on 5 Oct., 1793. We begin with the Declarations.*

James Walton represented almost alone the old order of things, for he was the heir of George Hunter. To allow of a comparison between the property, as Hunter left it, with the same as Walton held it, we shall compare the items in the Declaration of the latter with the corresponding items, if any there be, in Hunter's two wills, the earlier of which bore the date of 1769, the last and effectual one that of 1778. As to the other Trustees, Molyneux and Ashton, they stood invested with three more pieces of property, which local or temporary circumstances had assigned to them. Molyneux had some of the lands purchased at Tuckahoe on the Eastern Shore,[1] *and Ashton held a*

[1] No. 95, J, L.

tract of White Marsh, called Cheney's Adventure,[2] *as well as the Deer Creek purchase, consisting of a part of Arabia Petrea, which he bought in 1786 by order of the Select Clergy.*[3] *The fact of his having the title to Cheney's Adventure intimates that he had likewise purchased that property.*

A. 1793, October 3.

Walton's Declaration, 3 Oct., 1793.

I James Walton, of the County of Saint Mary and State of Maryland, do by virtue of these presents make known, publish and declare, in conformity and agreeably to an Act of Assembly of the State of Maryland, entitled, An Act for securing certain estates and property for the support and uses of the Ministers of the Roman Catholic Religion, that the real property hereafter specified, viz.: St. Inigo's Manor, and St. George's Island, lying in St. Mary's County and containing about three thousand acres; the lands in St. Mary's commonly called Chapel Lands containing twenty acres more or less, Britton's Neck and Outlett lying in St. Mary's County containing seven hundred acres more or less, (1) St. Thomas's Manor lying in Charles County containing four thousand acres more or less,(a) and the several lesser tracts (2) adjoining that part of the said Manor lying on the East side of Port Tobacco Creek, (3) Carrollsburg lying in Prince George's County and containing two thousand acres more or less, Cheney's Plantation adjoining thereto and containing one hundred and fifty acres more or less, Ridgeley and Tyler's Lott (b) in the said County and containing sixty four acres more or less (4),

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B. 1769, May 31; 1778, July 22.

George Hunter's Wills, 1769 and 1778. Points of divergence from Walton's enumeration.

(1) *The two wills insert here:* The land in St. Mary's County commonly called Mooney's Land, containing two hundred acres more or less.

(2) *The two wills add:* belonging to me.

(3) *1769 adds:* my lands in Zakia called Gates's hope and Maidstone or whatsoever name or names [*this land or*] those lands in Zakia is or are called, reputed or known by, and containing about four hundred acres more or less.

(4) *Both wills are wanting in* Cheney's Plantation and Tyler's Lott.

(a) *Words erased in draft:* Wilkinson's Range Part of Pye's Chance.
(b) *Words erased in draft:* adjoining to Ch.

[2] *Cf. infra*, B, (4).

[3] No. 85, B, C. Arabia Petrea. . . . It was purchased by Fr. John Ashton, by order of the Clergy for their benefit, of James Calhoun of Baltimore, for the sum of 645 pounds, 15 shillings, current money. *The deed and all other papers are on hand.* (*General Archives S.J., Maryl. Epist., 6, ii., C. Neale–B. Fenwick Memorial, 22 Nov., 1822; pp. 19, 20.*) *Cf.* No. 129, A, *ad* note 1.

Hainault commonly called Aino, Bright Seat and Little Bright Seat (5) lying in Ann Arundell County and containing seven hundred acres more or less (6), Thomas's Beginning lying in Harford County and containing fifty acres more or less, the Addition to Thomas's Beginning adjoining thereto lying in Harford County and containing sixty five acres more or less, a part of a tract of land called Maidens Bower Secured lying in Harford County and containing eighteen acres more or less (7); a part of a tract of land lying also in Harford County on Deer Creek, commonly called Pogmod's and containing thirty six acres more or less (8);[4] two lots of ground in Baltimore Town in Baltimore County; Mountain Prospect lying in Frederick County, and containing six hundred acres more or less; the lots of ground belonging to me in Frederick Town in Frederick County (9); my lands on or near Little Bohemia River in Cecil County containing about eleven hundred acres more or less (10); my lands at or adjoining St. Joseph's in Talbot County, containing one hundred and forty four acres more or less (11); and also all other my lands and real estate whatsoever in (12) the State of Maryland; and all the mixed and personal property, annexed and appertaining to these several estates, (13) hath been and now is held by me, the said James Walton, under a confidential or implied trust for the use, benefit and maintenance of the ministers of the Roman Catholic Church, now exercising their ministerial functions within the United States of America, agreeably to the rules and discipline of their Church, and who were

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(5) *The two wills omit these secondary names,* Aino *and the* Bright Seats.

(6) *The two wills add:* Fingal lying in Ann Arundel County; *1769 continues:* containing four hundred acres more or less.[5]

(7) *The two wills are wanting in these parcels of Harford County, but say in general of the same tracts in what was formerly Baltimore County:* Deer Creek in Baltimore County containing one hundred and forty acres more or less.

(8) *Both wills are wanting in* Pogmod's.

(9) *Both wills:* my lot . . . in Baltimore Town . . . my three lotts . . . Frederic Town.

(10) *Both wills:* and all my lands on or near Bohemia . . .

(11) *Both wills are wanting in this clause about* St. Joseph's in Talbot County.

(12) *The formula of the wills diverges from this point, as infra.*

(13) *Formula added in the wills:* in this province of Maryland, and colony of Virginia, and province of Pensylvania or elsewhere, to hold the

[4] *From* Thomas' Beginning *down to* Pogmod's *meant what was commonly called Deer Creek.*

[5] *From* Carrolsburg *to* Fingall *the enumerations cover what was commonly called White Marsh. Cf.* No. 62, C. *On the alienation of Fingall, see* No. 135, A, note 21.

formerly members of the Religious Society, heretofore known by the name of the Society of Jesus.

In testimony whereof I have hereunto set my hand and seal, this third day of October, Anno Domini, 1793.

Manu propria: JAMES WALTON

Signed, Sealed and Delivered in presence of

m.p. Henry Barnes.
Henry H. Chapman.

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said lands [*1769:* particularized and all other my lands] and real estate whatsoever and wheresoever with their and each and every of their rights, members and appurtenances to him the said [*1769:* John Lewis; *1778:* James Walton; *and in default by death, in the former case to* Joseph Moseley of Queen Ann's County; *in the latter to* John Bolton of Charles County; *each heir in all cases becoming sole executor*].

C. October 3d. 1793.

State of Maryland
Charles County, to wit.

Then came before us, two of the United States Justices of the Peace for the County aforesaid, the Rev. Mr. James Walton and acknowledged the within instrument of writing to be his act and deed, and that the whole of the property, which he is now in the actual and rightful possession of, whether real, personal or mixed, is by him vested in manner and form, according to the true intent and meaning of the Act of Assembly, entitled an Act for securing certain estates and property for the support and uses of the Ministers of the Roman Catholic Religion.

Acknowledged before and certified by

HENRY BARNES. HENRY H. CHAPMAN.

D.

At the same time, to-wit on the day and year last aforesaid, personally appeared before us, the subscribers as aforesaid, the Rev. Mr. James Walton and made oath on the holy Evangels of Almighty God, that all the property, whether real, personal or mixed, now in his actual possession, he always and now in bona fide holds for pious purposes, acquired either before the fourteenth day of August in the year seventeen hundred and seventy six, or acquired since that time in exchange for property held before the said fourteenth day of August, seventeen hundred and seventy six, in manner as in the within written Declaration is expressed, and for the purposes as therein mentioned. Sworn before

HENRY BARNES. HENRY H. CHAPMAN.

E.

Received the 15th day of October, 1793, to be recorded, and the same day recorded in Liber I. G. N° 3, folio 285, one of the General Court Land Record Books for the Western Shore, State of Maryland, and examined by

JNO. GWINN Clk.

F. 1793, October 3.

Molyneux's Declaration, 3 Oct., 1793.

I Robert Molyneux, of the County of Montgomery and State of Maryland, do by virtue of these presents make known, *etc., as in Walton's formula,* that the real property hereafter specified, viz.: a tract of land known by the name of St. Joseph's lying in Talbot County, containing two hundred and seven acres and half more or less, hath been and now is held by me under a confidential or implied trust, for the use, benefit, and maintenance of the Ministers of the Roman Catholic Church, now exercising their ministerial functions within the United States of America, agreeably to the rules and discipline of their Church, and who were formerly members of the Religious Society heretofore known by the name of the Society of Jesus. In testimony whereof . . .

ROBERT MOLYNEUX.

Signed, Sealed and Delivered, *etc.*

Same Justices as for Walton's act, with same acknowledgment and affidavit, and subsequent certificate of record, with same dates.

G. 1793, October 3.

Ashton's Declaration, 3 Oct., 1793.

Same formula as the two preceding, the only difference being in the property specified: a part of Arabia Petrea in Harford County containing three hundred and forty four acres more or less, and a part of Chaney's Adventure containing one hundred acres more or less, in Prince Georges County. . . .

JOHN ASHTON.

On his authenticated copies Gwinn endorses:

The Rev. Mr. Walton
The Rev. Mr. Molyneux
The Rev. Mr. Ashton
} Declaration of Property.

Md.-N. Y. Province Archives, (*d*) *Bohemia, Walton's Declaration, a copy or draft; 1 fol. sheet. Ibid., F* (*G*)*, authentic copy of the original document as taken, 2 May, 1804, from the original Record, by Gwinn, Clk., as above. Ibid., copies in like form of the two other Declarations. Ibid.,* (*k*) *Charters, Molyneux's Declaration; 2 pp. fol., seemingly autograph.*

No. 168. **1793, October 4.**

The constituent meeting: the Select Body of the Clergy fulfilling the conditions of the Charter. *We select here from the minutes of 4 Oct., 1793, the points which regard the legitimate constitution of the Corporation, or* Trustees, *whose original records begin as follows:*

A. 1793, October 4.

Proceedings of the Roman Catholic Clergy convened at St. Thomas's Manor on the 4th day of October, 1793.

Whereas an Act of Assembly for securing certain estates and property, for the support and uses of the Ministers of the Roman Catholic Religion, was passed in the last session of the Assembly of Maryland, begun on the first Monday of November, 1792, authorising and directing every legal proprietor or possessor of any property, real, personal or mixed, held under a confidential or implied trust expressed in the said Act of Assembly, to execute an instrument of writing, declaring the purposes for which the said property has been or was, at the time of passing the said Act, held in confidential trust;

And whereas, in compliance with the Act aforesaid, instruments of writing have been executed, declaring the confidential or implied trust above recited:

A majority of those Ministers of the Roman Catholic Church, citizens of the State of Maryland, exercising their functions agreeably to the rules and discipline of their Church, and in whose favour the said Declaration was made, convened by agreement at St. Thomas's Manor, near the town of Port Tobacco, in Charles County, on the 4th day of October, 1793; and then and there did adopt the following resolves and regulations for the management of their estates and temporalities.

1º Resolved, that the persons present are a majority of those, in whose favour the Declarations were made by the possessors or proprietors of property held under the confidential or implied trust expressed in the Act of Assembly.

2º That the members present are the following, viz.: The Rt. Rev. John Carroll, the Rev. Messrs. James Walton, Aug. Jenkins, John Boarman, Henry Pile, Charles Sewall, Joseph Doyne, Leonard Neale, Charles Neale, Robert Molyneux, John Ashton, John Bolton, Sylvester Boarman.[1]

3º That the election of Trustees be made by the Representatives[2] of the Select Body of Clergy.

4º That all admission into the Select Body of Clergy be made by the election of the Trustees,[3] without appeal.

[1] *See* No. 163, A. *For the names of twenty-six members declared or elected to be such, at the first meeting of the Corporation, 25 Feb., 1794., see* No. 172, A, 2º

[2] *The former General Chapter.*

[3] *The new body corporate, or Corporation.*

5º *Three Trustees to form a quorum.*

6º, 7º. *Trustees to be elected triennially. They are removable at pleasure by the Select Body.*

8º–12º *Representatives: distribution of Maryland Counties into three Districts, for the election of two apiece. Said election to be triennial. The duties of their secretary in this matter. Their quorum to consist of a majority. They must meet at least once in three years for the election of Trustees, and other incidental business.*

13º *Trustees: their agent's books, and accounts, always open to the Representatives.*

14º *The same agent: he* is to pay all public expenses as regulated by the Representative Body.[4]

15º *The Trustees for the present may regulate the number of Select Body of Clergy, always remaining subject to directions from the Representatives.*

16º That the Trustees are required to have particular attention to the interests of the former members of the Society of Jesus; and, in case of its future establishment in this State, to use their best endeavours to restore the estates to its members; and they shall elect them into the Select Body in preference to all others.

17º That, where a manager[5] is wanting to an estate, the Trustees, after advising with the Bishop and obtaining his approbation, shall have the appointment.

18º That notorious immoral conduct, grievous uncanonical disobedience to ecclesiastical authority, habitual neglect of the duties of a clergyman engaged in the care of souls, open opposition and violation of the established regulations of the Select Body of Clergy, shall be sufficient causes for depriving the person or persons guilty of any of them from a share in the administration or profits of the estates secured by law. In the above cases, the Corporation shall have (a) [*p. 4*] power to judge; but an appeal may be made to the Representatives of the Clergy and Bishop, jointly convened for that purpose.[6]

19º That the Corporation shall not alienate real property without the consent of the Representatives of the Clergy.

20º That the Corporation may admit members recommended by the Bishop to a participation of the profits of the estates pro tempore, tho' they should not be received as members of the Select Body.[7]

21º That the Corporation may contract with managers of estates for

(a) *Here at the foot of p. 3, the following insertion has been erased:* The representative body here signifies the former Chapter, which has regulated all public expenses before the Act of Incorporation. *This declaration appears later, and probably at the same time was inserted here; but the tampering with former minutes was judged to be irregular; and hence probably the erasure was made in this place.* *Cf.* Nos. 162, E, 1º; 175, H, 1º; N, 6º

[4] *See* No. 162, E, note 6.
[5] *Cf.* No. 162, J, *ad* note 26, *Ashton's criticism.*
[6] *Cf.* No. 162, J, *Ashton's strictures in connection with this regulation.*
[7] *Cf.* No. 163, A, 2º

annual sums of money to be deposited in the hands of their agent, and to be at their disposal for public uses.

22º That the Bishop of Baltimore, and his successors for the time being, shall be entitled to the salary, as now established, of £ Currcy 210 per annum,[8] provided that the future Bishop be not appointed without the free election of the clergy of this diocese, or of a part of them selected for that purpose.[9]

23º That the Trustees shall not alter any contract made by the clergy of this State with any Society of clergymen not of their body,[10] nor concerning the College of Georgetown, or pensions allotted to clergymen, without the request of the Select Body, and agreeably to the spirit and meaning of such contracts.

24º That the Trustees, before they enter on their office, shall bind themselves by oath made according to law, that, during their continuance in that office, they will truly and faithfully execute the trust reposed in them, according to the true intent and meaning of the regulations adopted or to be adopted by the ministers of the Roman Catholic Church, for the management of their estates and temporalities.

So the minutes of this constitutional meeting close. They resume in the twenty-four resolutions many of the principles acted on before, and they start the new era of legalized existence on the part of the old Select Body of the Clergy. The Chapter henceforth assumes the name of Representative Body in face of the incorporated Board, and, while equal in authority to what it was before, and superior to the Corporation or Trustees, it is no longer charged with the ordinary executive administration.

The secretary does not add nor prefix any notice of the prescribed election, whereby from three to five Trustees were to be appointed, the same who should become the Corporation on the assumption of a name. It is quite probable that the five persons were already designated, under the direction of the Carroll-Walton committee or agency appointed in the year 1789;[11] *and that, on the present occasion, it was a question of the merest formality to vote for them. They appear in the full exercise of their duties on the next day, 5 Oct.*

The oath required of them embodied the words of the last regulation (24º). *An old formula of promise, to observe the rules of the*

[8] No. 157, A.

[9] *Cf.* No. 157, p. 693.

[10] *This clearly refers to the Sulpicians, with whom the Select Body had already established relations. See* No. 170, C *seq.*

[11] No. 159, A, 2º

Select Body, had held for all members.[12] *The oath, as appointed for Trustees in the future, was regularly entered in the minutes at the triennial election of every new Board, and was signed by the members. Thus, to quote the formula of the oath taken by Bishop Carroll when for the first time he sat as a Trustee, and henceforth to be taken by him at the four subsequent triennial elections till his death,*[13] *the minutes, after certifying the election, continue as follows:*

B. 1802, October 13.

Proceedings of the Corporation, Newtown, 13 Oct., 1802. The oath of the Trustees.

. . . Wherefore the said Rt. Rev. Messrs. John Carroll and Leon^{d} Neale, the R.R. Messrs. James Walton, John Bolton and Barnaby Betouzey, constitute the present Corporation of the Select Body aforesaid.

It being provided by the resolves and regulations of the R. Cath. Clergy, enacted at their general meeting at St. Thomas's M[*anor*], Oct. 4th, 1793, Sect. 24, that the Trustees, before they enter on their office, shall bind themselves by oath, made according to law, to a faithful execution of their trust, the said Trustees have severally made and signed in legal form the following oath:

C.

Maryland Sc^{t}

Oct. 13, 1802. Then came before me, the subscriber, one of the justices of the peace of St. Mary's County, the persons underwritten, who made oath on the Holy Evangels of Almighty God, as follows:

We, whose names are hereto subscribed, make oath solemnly on the Holy Evangels of Almighty God, that, during our continuance in the office of Trustees, we will truly and faithfully execute the trust reposed in us, according to the true intent and meaning of the regulations adopted, or to be adopted, by the Ministers of the Roman Catholic Church, for the management of their estates and temporalities.[14]

Sworn before me, P. Ford.

+ J. Carroll, Bis^{p} of Balt^{re}. + Leon^{p} Neale, Bis^{p} of Gortyna.
John Bolton. J. B. Bitouzey.[15]

Md.-N. Y. Province Archives, Proceedings of the Corporation, *i. 1-4; 4 Oct., 1793. Ibid., 39, 40; 13 Oct., 1802.*

There was no other oath to take.[16]

[12] No. 145, A, [*IV.*].
[13] *Cf.* Nos. 113, p. 369; 117, E, note 16; 119, [*V.*], note 12; 169, B.
[14] *The whole of this entry* (C) *about the oath is in Bishop Carroll's own hand, vol. i. p. 40 of the Corporation minutes. The signatures which follow are autograph.*
[15] *Cf.* 175, N, pp. 789, 790.
[16] *Cf.* Nos. 119, [*V.*], note 12; 126, B, *ad* note 5.

No. 169. **1793–1820.**

The name of the Corporation: a list of the Trustees. *We give the recorder's entry regarding the legal birth of the Board.*

A. 1793, October 5.

Inception of the Corporation.

At the request of James Walton and others, the following Declaration of the Roman Catholic Clergy is recorded as follows, to wit:

Whereas an Act of the Assembly of the State of Maryland was passed at the session begun in the month of November, 1792, entitled, "An Act for securing certain estates and property for the support and uses of the Ministers of the Roman Catholic Religion";

And whereas it is therein enacted that Trustees be chosen for certain purposes expressed in the said Act:

We, the undersigned, being so chosen, do hereby declare that we have assumed and do assume the style, name and title of "The Corporation of the Roman Catholic Clergymen," by which we and our successors for the time being are to be designated and known; and that we hereby certify the same under our hands and seals at St. Thomas's Manor, Charles County, this fifth day of October and in the year of our Lord one thousand, seven hundred and ninety three.

Test: Henry Pile. John Bolton.

James Walton (*seal*). John Ashton (*seal*). Leonard Neale (*seal*). Robert Molyneux (*seal*). Charles Sewall (*seal*).

Recorded the 15th day of October, 1793, in Laws I. G. N^{o} 1, folio 701.

Georgetown College Transcripts, Marechal Controversy, 1793; an authenticated copy.—Ibid., Shea abstracts, 1818–1825; his own copy (f. 29), attached by him to his transcript (ff. 28, 8vo) of Marechal's Diary (cf. infra, No. 198, A). *He had found the original* pasted in a volume of the Laws of Maryland, in one of the public offices, I think of Annapolis (*J. H. Richards, Rector, Georgetown; note on the copy*).

B. 1793-1820.

Old list of Trustees, 1796–1820; corrected from the Proceedings of the Corporation.

Trustees chosen.

[*In 1793. James Walton, John Ashton, Leonard Neale, Robert Molyneux, Charles Sewall.*]

In 1796. Walton, Ashton, Sewall, Jenkins, and [*H. Pile*], F. Neale [*vice H. Pile*], Oct^{r} 14.

In "98 [*1899*]. Walton, Molyneux, Ashton, Sewall, Leo^{d} Neale.

In 1802. B^{ps} Carroll and Neale, Walton, Molyneux, [*Bolton, vice Molyneux*], Betouzey. [*Pile and Plunkett, vice Walton and Bolton, before 1805.*]

1805. Carroll, Molyneux, Pile, Plunkett, Betouzey.

1808. Carroll, Leon[d] Neale, Molyneux, Betouzey, F. Neale. [*Sylvester Boarman, vice Molyneux, 1809.*]

1811. Carroll, [*L.*] Neale, Plunket, Ch. Neale, Betouzey.

1815. Carroll, [*L.*] Neale, F. Neale, Malevé.

And in 1816. B[p] Neale, Grassi, F. Neale, Malevé, Edelen.

And in 1817. B. F. [*Benedict Fenwick*], loco Grassi.

1818. Ch. Neale, F. Neale, Malevé, Edelen, B. F.

1820. Kohlmann, C. Neale, F. Neale, Edelen, B. F.

Md.-N. Y. Province Archives, (k) Charters; a long slip in hand of Enoch Fenwick (?).

SECTION V

THE ENDOWMENT OF RELIGION, 1792–1822

§ 15. The Select Body and General Religious Interests, 1792–1822

From the Suppression of the Society in 1773 during a period of twenty years to the date at which our documents have arrived, there were two stages in the administration of the old Jesuit temporalities.

One was that of general inaction, covering a period of ten years. This state of inertia threatened a general dilapidation of the property. For, with the death of the old members, it was uncertain who would enter, not so much into their labours, as into the mere enjoyment of the good things, so well prepared and husbanded. Those whom Carroll styled adventurers,[1] *and whom Charles Plowden with more incisiveness called a* strolling clerical fraternity, *were beginning to favour the country with their presence and its consequences, some of which will betray themselves in the events now following.*

The second stage was that of the Select Body organized by ex-Jesuits, but without the advantage of legal incorporation. This organization coincided with the establishment of a prefecture-apostolic in the person of one of their number; and the combination of the two factors proved satisfactory in the employment of temporalities. The real estate interests were supervised by the executive called a General Chapter. Some funds were created and administered by the same Board. The action of the Select Body shows the ex-Jesuits resuming operations over much of the field covered by the old Society. In Maryland and Pennsylvania, they were maintaining with their farms and their subsidies a number of missionaries, chiefly of their own body, who supplied the needs of the faithful and advanced the interests of religion. This was from 1783 to 1793.

[1] No. 144, B.

A third stage now begins with the period of legal existence, by means of an incorporated Board. In the twenty-four years which follow, until Dr. Marechal succeeded the second ex-Jesuit Bishop of Baltimore, it is noteworthy how they extended their temporal administration in various lines of activity; and, as Catholicity increased rapidly in the States, they established new centres of Catholic enterprise. Having the two bishops at their Board, they attended to the wants of the universal diocese, which extended from New York to Virginia. But then, with the foundation of new bishoprics, they began to circumscribe their activities, and limit the employment of their resources to their own household of novices and scholastics, without omitting some general ecclesiastical interests, chiefly in the archdiocese of Baltimore. This third stage lasted from 1793 till 1817.

To complete the episode of the Corporation's somewhat abnormal administration after the date of the Society's restoration in 1814, we shall sketch the career of the Board till about 1822. Only in 1826 was its exercise of authority superseded by a more normal system of management on behalf of the Order, for the sake of which it had originally come into being.

No. 170. **1792–1802.**

Provision for the Sulpicians: Bohemia and Georgetown. *In the same letter (12 Oct., 1791; infra,* B) *in which Dr. Carroll announces to Charles Plowden the opening of Georgetown Academy, he tells him that the Sulpicians have arrived in the country, to establish the second monumental establishment for Catholicity in the United States. The preliminaries had all been settled while he was in England for his consecration, on which occasion the Nuncio at Paris and M. Emery, Superior General of the Seminary of St. Sulpice, had written to him, desiring him to cross the Channel, that measures might be concerted for a Sulpician Seminary in America. At first, Carroll demurred. He wrote to Plowden at the time:* They offer to bestow their services gratis. We certainly are not ripe for a Seminary: it will take some years before we have scholars far enough advanced to profit by this generous offer. *Accordingly he declined to visit Paris.*[1] *However, six weeks later, he informed Lord Arundell that* Mons^r^ Nagot, Superior of the Seminary of St. Sulpice, came

[1] *English Province Archives, portfolio 6, f. 40^v^, Carroll, King's St. (London), 2 Sept., 1790, to Plowden, Lullworth, Pool, Dorset.*

over hither, in consequence of a previous correspondence between the Nuncio at Paris and me.[2] *All preliminaries were then arranged; and he explained with satisfaction the fundamental programme on which Catholic secondary education in the United States was founded:* Thus we shall be provided with a house fit for the reception and further improvement in the higher sciences of the young men, whom God may call to an Ecclesiastical state, after their classical education is finished in our George-town Academy. *And now, a year later, he tells of the results.*

A. 1791, September 3.

Carroll, Baltimore, 3 Sept., 1791, to Plowden. Arrival of the Sulpicians in Baltimore.

The arrival of M. Nagot, with three other Sulpicians, one as procurator, the other two being professors,[3] and five seminarians, amongst whom are Messrs. Tulloh and Floyd (English), Caldwell, a native of the United States; and one most amiable Frenchman, already a great proficient in English, and a Canadian. Besides these, came with Mr. Nagot another worthy priest, Mr. Delavan, lately Canon of St. Martin de Tours, and a man of handsome private fortune. *Carroll's gratification at their arrival.* Besides the Seminary, which will be the source of many blessings, I expect some other valuable and useful priests. One,[4] well known to M. Nagot, is just arrived in Virginia, with a number of French Emigrants [*emigrés*], who propose forming a settlement there. *The arrival, last year, of a Benedictine Monk with a congregation, on the banks of the Ohio.*[5] My only apprehension respecting the Seminary is a deficiency of means for its support. I believe that my Brethren will join me in appropriating to its use the income of one of our estates here, the annual value of which may be sufficient for the support of the four directors. In time, the whole of the clergy here will be pupils of the Seminary, and they will not fail to provide for their alma mater. In the mean time, I must seek assistance from my friends to pay the boarding and clothing, &c., of Mr. Tulloh, during his studies; this is, about four years. He has nothing to expect from his family. *The Bishop then goes on to mention the names of ex-Jesuits in England, who will continue in this matter the liberality already so amply exercised by their English brethren,*[6] *not to mention Mr. Weld himself and Father Charles Plowden, who have been so generous heretofore. The*

[2] *Ibid., f. 38v, Carroll, London, 4 Oct., 1790, to Lord Arundell, Wardour Castle, Salisbury.*

[3] *The Rev. MM. Tessier, Garnier, Levadoux.* (*Cf.* Memorial Volume of St. Mary's Seminary of St. Sulpice, Baltimore, *1891, p. 4.*)

[4] *Rev. John Dubois.*

[5] *V. Rev. Dom Didier.*

[6] *Cf.* No. 176, note 12.

names suggested for this charity during four years are those of Mr. Stanley, Mr. Clinton, Mr. Porter and Mr. John Talbot. I would trouble no person in Europe on this head, were I not obliged here to find means for two other seminarians. Our George-town Academy will be opened next month; but no president yet to be had. . . .

B. 1791, October 12.

Carroll, Baltimore, 12 Oct., 1791, to Plowden. Inauguration of Georgetown College.

. . . The [*Georgetown*] Academy will be opened in a few days; but not so advantageously, as I hoped. No president pro dignitate loci. I can hardly forgive my friends at Liège. Here was an opportunity for infinite services to the cause of God and his Church. Mr. Molyneux cannot be prevailed on; and indeed he has not the activity of body, nor the vivida vis animi for such an employment. I have recurred to Mr. Plunkett, but cannot get his answer yet. . . .[7]

The Sulpician gentlemen had arrived on the 10th of July, 1791. On the 24th of June, 1792, there came also Messrs. Marechal, Richard, Ciquard, and Matignon, the last-mentioned, observes M. Tessier, not being "of our company." M. Marechal, who had just passed out of the rank of seminarians into that of the priesthood, said his first Mass on arriving in Baltimore, and, in December of the same year, went to Bohemia.[8]

At the Chapter's White Marsh meeting, held on the 7th of November, 1792,[9] *an ample response was given by the Chapter to Carroll's petition on behalf of the Sulpicians. At the same time, the members voted further provisions for Georgetown College.*

C. 1792, November 7.

Proceedings of the General Chapter, White Marsh, 7 Nov., 1792.

Present the following members. Rev. Messrs. James Walton and Rob. Molyneux for the southern District, John Ashton and Charles Sewall for the middle District, and John Bolton for the northern District.

The Rt. Rev. Bishop also attended according to request.

[1.] . . . 5º *Resolved*, That, in consideration of the services actually rendered and to be rendered hereafter by the Rev. gentlemen of St. Sulpice at Baltimore, the Procurator General be authorized to sell

[7] *About this time, the Rev. Mr. Plunkett came over to America. The Corporation voted, 21 Aug., 1795:* 5º That the agent [*Sewall*] pay the Rev. Mr. Ch. Neale, when convenient, fifty pounds currency, advanced for Mr. Plunkett's passage to America. (*Md.–N. Y. Province Archives*, Proceedings of the Corporation, *21 Aug., 1795*, 5º)

[8] *Cf.* No. 121, A, note 6, *Marechal's Diary.*

[9] No. 163.

the land on Pipe Creek [*Mountain Prospect*],[10] and that the money arising therefrom be put to interest to the best advantage, and that one moiety thereof be paid to the Superior of the Seminary now under the Bishop's direction, as long as the Chapter shall deem it necessary to continue the same.[11] Chapter, sensible of the great services the Rev. gentlemen of the Seminary do render to religion, would with pleasure make further grants, if their circumstances were adequate to their wishes.

6º That the Procurator General do consult with the Rt. Rev. Bishop and the Rev. Mr. Ashton respecting the above lands, as well as the mode of securing the capital arising therefrom in private hands or public funds, and that the title of the said capital be vested in the Rev. Mr. Walton.

[II.] George Town Affairs.[12] Resolved—

1º–4º *Attributions of the General Chapter and the three Directors, appointed by it for a term of three years.*

5º That the Revd Messrs. Robt Molyneux and John Ashton be the Directors, jointly with the President of the College.

6º That Chapter approve of an addition to be made to the College of Georgetown, and empower the Directors to undertake and execute the same to the best of their skill, so as to make it convenient for the purpose of schools, study-place, hall and dormitories.

7º That all savings made or to be made in the Procurator General's Office, or on any of the estates in the hands of the Clergy for the space of the three ensuing years, be applied to the foregoing laudable purpose, after all contracts, debts and necessary expences are satisfied by the respective managers of estates.

8º *Ashton principal agent in the collection and use of the money, subject to the Board of Directors.*

9º That the Directors are empowered to borrow money for the same purpose, on the credit of the estate already appropriated by a former Chapter to the benefit of the College.[13]

In lieu of proceeds from the sale of Mountain Prospect or Pipe Creek, which in fact it took many a long year to sell, the gentlemen of the Seminary received from the General Chapter the usufruct of the estate at Bohemia. The conditions of the grant are stated in the agreement, signed by Molyneux, secretary of the Chapter, and Nagot, Superior of the Seminary.

[10] No. 78.

[11] *The property of Mountain Prospect on Pipe Creek, thus ordered to be sold, appropriated in part for the benefit of the Seminary, and actually sold later by Dr. Carroll with powers of attorney received from the Corporation, was treated of by Dr. Marechal, in a note to the Propaganda, as seen above; the subsequent use of the funds by the Trustees (infra,* K, 3º, M, 1º*) being represented as a breach of a sacred trust. See* No. 119, [IX.]; *cf.* Nos. 78, note 6; 198, *ad* note 3.

[12] *Cf.* No. 162, A.

[13] *Cf.* No. 158, A, note 1.

D. 1793, May 3 [*8 ?*].

The Chapter's grant of Bohemia to the Seminary.

Resolved: 1º That the profits arising from the Bohemia estate be granted to the Seminary of St. Sulpice, erected at Baltimore under the inspection of the Bishop, for so long a time as the legal Trustees for the property shall find it advantageous to the general benefit of the diocese.

2º That the profits be employed for the maintenance of the Superior and Directors of the Seminary.

3º That, if any surplus should remain, it be applied to the education of such students as the Bishop may think proper to recommend.

4º That the said body of Sulpicians shall maintain a clergyman on the said estate for the benefit of the neighboring congregations.[14]

5º That the Resolve passed by the last Chapter, concerning the appropriation of money to the assᵗ [*assistance*] of the Seminary,[15] be void.

In consideration whereof, the Seminary obliges itself to discharge the debts due from the aforesaid estate to the amount of £400 currency.

Baltimore, May 3 [*8 ?*], 1793.

Robert Molyneux, Secʸ. Gen. Chap. Franciscus Carolus Nagot, Superior Seminarii Baltimorensis.[16]

E. 1790–1793.

Note of Father Peter Kenney, Visitor (1831), on the debt of Bohemia, 1790, and changes of personnel, 1790–1793.

Bohemia.

The Revᵈ. Robᵗ. Molyneux gave up the charge of Bohemia to the Revᵈ. Francis Beeston on the 1ˢᵗ of July, 1790: it then owed £925.4.0¼, (in the then American money, each pound being about 17s. and 3 p. [?]) and had credit to meet this sum for £163.15.11½, of the same currency.

Mr. Molyneux left on the 15, same month, for Port Tobacco. 1791, Dec. 10. Revᵈ. Lewis De Barth came to live at Bohemia with Mr. Beeston. Left for Port Tobacco, June 10, 1792 . . . Mr. Beeston left, 18 May, 1793, and succeeded Mr. Sewall in the care of the Cong[*regation*]. Rev. Lewis Caesar [?] Delavan succeeded him at Bohemia.

In 1800, there were at Bohemia: Blacks 26 in 1800; 46 whites at their Easter duties. In 1801, only 28 whites and 15 blacks. In an add[*itional ?*] list, 10 whites and 6 blacks.

[14] *Cf.* No. 178, Q, 1º, *the same condition imposed in the grant of Bohemia to Carroll, 11 Sept., 1806.*

[15] *Supra*, C, [*1.*], 5º

[16] *Here the object of the transaction is the service of the Baltimore diocese and of the Ordinary, Bishop Carroll. The conditions are the duration of the diocesan necessities, the appropriation of the income to the Directors and such students as the Ordinary may recommend, the continuance of the local pastoral service, and the assumption by the Seminary of the actual debts on Bohemia, but only to a certain amount. This was apparently on the principle: Qui sentit commodum sentire debet et onus. The rest of the debts remained at the charge of the Select Body. Cf. infra*, J.

F. 1793, May 13.

M. Tessier, S.S., on the Sulpician occupation of Bohemia. M. l'abbé Marechal installed as manager in the name of the Seminary.

. . . 1793. . . . Le 13 Mai nous entrâmes en possession de la maison et plantation de Bohemia, que les Messieurs du clergé annexèrent au séminaire pour un tems indéfini, à leur volonté, et sous diverses conditions. Ayant fait [*partir ?*] Mr. Marechal de la Congrégation de Sainte Mary's County, où il se plaisait fort, on le chargea de celle de Bohemia, et du soin du temporel. . . .[17]

It was with reference to the agreement thus made by the General Chapter that the 23rd resolution of the constituent meeting (4 Oct., 1793)[18] *tied the hands of the Trustees in their dealings with a* Society of Clergymen. *In a couple of years a difficulty arose, which was considered by the Corporation in a resolution (infra,* H). *During the same years and later, the further improvement of Georgetown College, and the liquidation of its urgent debts, engaged the attention of the Board. The proceeds of the Pipe Creek sales were assigned exclusively to these purposes. The estate of Bohemia, in like manner, after being for six years at the service of the Seminary, was appropriated to Georgetown. These matters appear in the following documents.*

G. 1794–1795.

The sale of negroes at Bohemia, objected to in the following resolution of the Corporation (H). *M. Marechal's notes of buying and selling.*[19]

Negroes sold, since the year 1793.

1794, January 8. Philis and her infant 3 weeks old, sold to George Reece £35.0.0
1795, February 11. Clara, Philis's other child, 4 years old, sold to Nelly £5.0.0
February 13. Bob and his child Lucy, sold to John Cainan £80.0.0
February 28. Ralph, his wife Jany and child Nelly, to Robt. Hodgson £70.0.0
1796, April. Henry, sick and run away £15.0.0

[17] *Cf.* No. 121, A, note 6, *Marechal's Diary.*
[18] No. 168, A, 23º
[19] *Cf.* No. 135, A, Prop. 9, 1º, *Marechal's statement to the Propaganda in 1826, that the Jesuits had "500 African men bound down to them in slavery, at an average value of about 200 dollars."—His hand begins to appear in the Bohemia Register of Burials, 17 July, 1793. Cf.* No. 83, B, *Marechal's elaborate plat of Bohemia.*

Negroes bought.

1795, March 10. Davis, his wife Poll, and child, Bigail .. £65.0.0
Eod. Stephen (from Dr. Matthews, as the three aforesaid) .. .. £90.0.0[20]

H. 1795, August 21.

Proceedings of the Corporation, St. Thomas's Manor, 21 Aug., 1795.

Resolved : . . . 3º That the debt due from the estate of Stephen West be applied to the College of George Town.

. . . 6º That the agent [*Mr. Sewall*] do write to the president of the Seminary of Baltimore to inform him, that it is the opinion of the Corporation, that, by the profits arising from the estate of Bohemia and granted to the benefit of the Seminary, are understood the annual crops, rents, the increase of stock, and fire wood not fit for building or fence rails ; but that moneys arising from the sale of negros are not understood to be enumerated among the profits of the estate, nor is timber to be carried off the land.

Signed : Robert Molyneux. John Ashton. James Walton. Charles Sewall.

J. 1796, June 28.

Agent's Cash-Book, 1793–1806 : specimen of Bohemia debts discharged, among divers entries regarding the creditors of Bohemia estate.

1796, June 28. By Cash to the Creditors of Bohemia Estate £313.5.7¾

K. 1796, June 2.

Proceedings of the Corporation, St. Thomas's Manor, 2 June, 1796.

. . . [1º] *On the incorporation of* the College of George Town with the lots adjacent and belonging thereto . . . under the same trust, as the other incorporated property of the Roman Catholic Clergy of Maryland,[21] *and the appointment of* the Right Revd Mr. John Carroll and Revd Mr. John Ashton *as a committee*, for carrying the same into effect.

2º *On the manner of appointing Directors for Georgetown College.*

3º Whereas a very considerable sum of money has been already expended on the buildings of the College, and more is necessary to compleat the work, the Board of Trustees now met agree, that the Right Revd Mr. John Carroll, Revd Messrs. Robert Molyneux and John Ashton, or either of them, be authorized to take up the necessary sum on interest, to be paid out of the monies yet due from the sale of Pipe Creek lands, provided it does not exceed the sum of four thousand dollars, and that

[20] *These transactions yield an average of about* $74 *apiece, in the money of that time, for young and old, men and women. See* Nos. 148, note 5 ; 157, A, 6º *Cf.* No. 171, B, p. 767.

[21] *Here appears a clause*, of Maryland, *which was not part of the legal title.*

the said money or part of it be applied, in the first instance, to the discharge of the debts now due from the College.

4º *The agent is authorized to advance, from the remainder of said monies,* such other sums, as he and the Directors of the College may judge yet necessary to compleat what work may yet remain unfinished.

5º *On the future appropriation of any further remainders.*[22]

Signed: Robert Molyneux. John Ashton. James Walton. Charles Sewall.

Md.-N. Y. Province Archives, 1791, Sept. 3, Carroll, Baltimore, to Plowden; 4 pp. 4to, No. 37. Ibid., 1791, Oct. 12, same to same; 3 pp. 4to, No. 39. Ibid., 1792, Nov. 7, Proceedings of the General Chapter, *3 ff. 4to, copy unsigned; ff. 1ᵛ, 2. Ibid., A (2), Memorandum of Kenney (1831), on Bohemia. Ibid.,* Proceedings of the Corporation, *21 Aug, 1795; 2 June, 1796. Ibid., carton DB, Agent's Cash-Book, 1793–1806, f. 3.—Georgetown College MSS., Beeston's Ledger of Bohemia; continued by the Sulpicians, f. 9, commencing from the back of the book.—Georgetown College MSS. and Transcripts, Devitt Papers, Rev. J. A. Frederick's copies from Baltimore Diocesan Archives, 3 [8?] May, 1793, Grant of Bohemia by the Chapter to the Seminary. Ibid., 1791–1827, Tessier's* Epoques du Séminaire, *24 pp. fol., f. 1ᵛ; copy among the Shea papers.*

Father Robert Molyneux, who had accepted the presidency of Georgetown College,[23] *resigned his post, and made way for M. Dubourg, who was neither an American, nor ex-Jesuit, nor affiliated to the Select Body of Clergy.*[24] *How affairs proceeded under the new administration, Grassi and Kohlmann have already sketched in part.*[25] *Carroll adds some particulars.*

L. 1796, September 24.

Carroll, Baltimore, 24 Sept., 1796, to Plowden. Dubourg president of Georgetown College.

. . . I am sorry to tell you that, tho the Ecclesiastical Seminary, erected in this town [*Baltimore*], is well appointed, and in all respects

[22] *The independent action of the Corporation with regard to Georgetown, making no further reference to the Ordinary of the diocese than that of appointing him a committee-man to execute its orders, and giving him powers of attorney for the purpose, is in keeping with Carroll's own views of the immunity from episcopal interference with a literary institution in the diocese. Writing to C. Plowden, he speaks of the opposition which is apprehended from Bishop Gibson to the Academy of Liège now taking refuge at Stonyhurst, within the diocese of the said Vicar Apostolic:* I am surprised at one of the reasons assigned by you, for your apprehension of success to the academy of Stonyhurst, the opposition of Bishop Gibson. For, in the first place, that opposition ought not to have come from a prelate who owes so much to the principles and influence of the members and friends of the academy of Liège; and 2ly: I cannot conceive of what detriment, excepting to his own reputation, his opposition can be; for your submission to Episcopal interference must be much greater than I ever expect or wish to see it, if the Bishops concurrence be necessary to the establishment of a literary [institution, *erased*] Society. (*Md.-N. Y. Province Archives, 1794, Nov. 15, Carroll, Baltimore, to Plowden, Lullworth, forwarded to* Stonehurst Nr. Clitheroe, Lanc.; *3 pp. 4to, No. 45.*) *Cf.* No. 220, C, *ad* note 13.

[23] *Cf. supra,* B. *According to Grassi* (No. 178, W), *he succeeded Robert Plunkett.*

[24] *Cf.* No. 162, E, note 7.

[25] No. 135, A, note 6.

established on good foundations, yet hitherto few young men from the country have entered into an ecclesiastical state. Of the few, who have, some did not persevere, and the best among them died. This is not only a loss for a future succession of pastors to the congregations, but of a present supply of capable and virtuous masters to the College of George-Town. Your good friend Robert [*Molyneux*] found the employment of president of this institution too bustling, and requiring too much energy for his good-natured and somewhat torpid disposition; and, after many entreaties, he has obtained a release from it. Mr. Dubourg, a French gentleman of abilities and most pleasing character, replaces him. . . .

M. 1797, March 29.

Proceedings of the Corporation, St. Thomas's Manor, 29 Mar., 1797.

Rehearsal of the former resolutions about the appropriation to Georgetown College of the monies from the sale of Pipe Creek land;[26] therefore resolved:

1º That a power of attorney be granted to the Rt. Revd Mr. John Carroll, Bishop of Baltimore, to convey the aforesaid land of Pipe Creek to the purchasers on their complying with their contract; and that the purchase money be applied as before directed.

Rehearsal of the resolution about incorporating Georgetown College; resolved:

2º That the Rt. Revd Mr. John Carroll and the Revd Mr. John Ashton, or either of them, be and they are hereby authorized to apply to the next Assembly of Maryland for carrying the same into effect, with powers for the body politic to receive donations for the benefit of the College and Trinity Church of George Town.

. . . *Signed:* JAMES WALTON. JOHN ASHTON. CHARLES SEWALL. AUGUSTINE JENKINS. FRANCIS NEALE.

N. 1797, March 31.

The Corporation's power of attorney to the Right Rev. John Carroll, 31 Mar., 1797, authorizing him to sell the tract of land on Pipe Creek, containing six hundred and twenty acres of land more or less. *See above,* No. 78, D, E.

O. 1797, September 4.

Proceedings of the Corporation, St. Thomas's Manor, 4 Sept., 1797.

. . . Resolved. . . . 2º That, whereas there appears to be a misunderstanding of accounts between the agent [*Sewall*] and the manager [*Marechal*] of the Bohemia estate, the Rev. Mr. Beeston is hereby appointed an arbitrator on behalf of the Corporation for settling and adjusting the same; and the gentlemen of the Seminary of Baltimore are requested to appoint

[26] *Supra*, K, 3º, 4º

another on their behalf for the same purpose, with full powers to bring the same to a final conclusion; and, in case of a difference of opinion, to call in a third person to be mutually agreed on, either by choice or ballot, and that the settlement by them shall be final.

. . . *Signed:* JAMES WALTON. JOHN ASHTON. CHARLES SEWALL. AUGUSTINE JENKINS. FRANCIS NEALE.

P. 1798, December 3.

Proceedings of the Corporation, Newtown, 3 Dec., 1798.

Whereas large sums of money have been frequently drawn from the estate of the now incorporated Clergy and expended towards the building of the College of George Town; and it has been notified to the Body Corporate that certain persons, not admitted to the participation of the incorporated property of the Clergy, have not only attempted to be the sole and entire administrators of said College, but also to make that property their own, resolved:

1º That no person or Society of men, except the present incorporated Body of the R. C. Clergy, ought to be in possession of any part of the College property even for a time, and that the best and [*most?*] speedy means ought to be made use of to secure said property of the College to the Body Corporate.

2º That a letter shall be sent to the Bishop of Baltimore, informing him that the Body Corporate are in possession of strong proofs of a plan being laid by some clergymen of the Seminary to take the College from us, who had been at great expense in building it, and that the Board of Trustees do oppose a scheme so highly unjust.

3º That the deeds of conveyance of the College property now signed by the Rev. Mr. Molyneux shall be immediately sent to the Bishop and Mr. Ashton by the Agent for their signatures.

4º *About the printing of Directoriums, to be distributed gratis to the Select Clergy, but to be sold to the rest.*[27]

5º *On applying $800 to discharging the debts of Mill Creek Hundred, Delaware.*[28]

6º That, as the estates in Pennsylvania heretofore the property of the Society of Jesus ought to be secured to the Body Corporate for the same purposes as their estates in Maryland, the legal proprietors of said estates in Pennsylvania shall be requested to make over said estates in Pennsylvania, in the manner which may be advised by an intelligent attorney at law.

. . . *Signed:* JAMES WALTON. CHARLES SEWALL. A. JENKINS.[29]

[27] *This resolution was repealed, 9 Oct., 1799, when the agent was ordered to print and distribute to the clergy of the diocese gratis.*

[28] No. 96, B.

[29] *Francis Neale was present at the beginning, but his signature does not appear at the end of this meeting. By an accident, four lines of the minutes reporting a meeting*

Q. 1798, December 11.

Carroll, Baltimore, 11 Dec., 1798, to Plowden. Difficulties between Dubourg and the Directors.

I am indebted to you for your favours of June 21st, and another without date by Mr. Young, who with Mr. Laurenson Jun.[30] arrived at George Town about the last of October. I have not yet seen the latter, but am happy to hear from all sides a most pleasing account of his character and talents. They arrived at a happy moment for the college. The president of it, a Mr. Dubourg, a man of great merit and amiable accomplishments, has somehow or other not been on the best terms with those amongst our Brethren, who have been chosen to be Visitors or Directors of it; and their regulations have given him so much discontent that he is to resign his place at Christmass. In this untoward business it is not easy to say, where the fault lies; most probably, some on both sides. But national attachments, that bane of all communities where they are suffered to exist, have been the original cause of the mischief. He was too fond of introducing his countrymen into every department; and the Directors had too strong prejudices against everything which was derived in any shape from France; and, in consequence thereof, their judgment had an involuntary bias to blame him, where others thought there was no reason to blame. God grant, that everything may turn out for the best! Yet I fear that a heavy prejudice for some time will afflict the new establishment, in consequence of the approaching change. No successor is yet finally named. . . .

R. 1799, August 22.

Nagot, 22 Aug., 1799, to Messieurs *the Trustees. Restoration of Bohemia to the Corporation.*

The Seminary restores Bohemia in a flourishing condition. The estate had been sinking into debt from year to year. Now it yields more than $1000 annually, as a consequence of liquidating debts to the amount of £400 or £500, and of improving the property with buildings, etc. The Seminary had hoped to derive profit from this capital so sunk. Nous ne sommes pas fâchés aujourd'hui qu'il passe au profit du clergé; c'est une

of the Georgetown Directors are inserted and then cancelled prior to these Corporation minutes of 3 Dec., 1798. Those of the Directors are for 3 Oct., 1797; and the members present are Messrs. John Ashton, Francis Neale, Robert Plunkett, being a majority, after due notice given to all. The presence here, even by accident, of the minutes misplaced and then cancelled, as well as the fact that two persons, Ashton and Neale, are members of both boards, and that Francis Neale is actually present on both occasions, may throw light upon the individual agencies at work. The measures now taken to obtain a charter for the Pennsylvania estates, and reported on in the next year (9 Oct., 1799) by the bishop, no less than the order for a prompt conveyance of Georgetown titles to the Corporation, would seem to have originated in the alarm excited by the Dubourg administration of the College.

[30] *Cf.* Nos. 93, pp. 319–322, *passim*; 174, C, 2º

preuve que nous lui offrons de la déférence respectueuse avec laquelle j'ai l'honneur d'être au nom de mes confrères,

Messieurs,

Votre très humble et très obéissant Serviteur,

22 Aoust, 1799. NAGOT.

S. 1799, August 22.

Nagot, Baltimore, same date, 22 Aug., 1799, to the Rev. Trustees of the Roman Catholic Clergy of Maryland.

GENTLEMEN,

The Seminary, when requested by three of the Trustees, in April last, to return the plantation of Bohemia to the Clergy, immediately offered to comply with the request; and answered to the Rev. Mr. Beeston, the bearer of the letter, that the plantation should be returned, even with the whole income of the current year, deduction being made of the expenses that were then or should be made in the course of this year, during the time that the Seminary should still keep the administration. But, considering how difficult it would be to ascertain and value these expenses, and that the time of our administration was so far protracted, the Seminary has thought more proper to fix the date of the return of Bohemia to the present assembly of the Rev. Trustees; so that the Seminary shall have his [!] part of the income of this year 1799, in proportion of the time of his administration.

The Seminary further requests the Rev. Trustees, as a small compensation of the capital which we have stocked on the plantation of Bohemia, in building new houses and repairing others, etc., that they please to yield to the Seminary *the negro girl Peg, and the small boy Jack, both now in the service of the Seminary, as well as the other young boy Jack, now serving Mr. Marechal at Bohemia. Four reasons why the request may rightfully be granted, on the score of compensation: 1. £500 sunk in liquidating debts, including Mr. Bolton's full claim; 2. the sums contributed from Baltimore to the improvement of the place; 3. a notable part and even half of the annual proceeds reinvested in the plantation; 4. the enhanced capital value of Bohemia thence resulting. A request for a mutual discharge in writing.*

NAGOT.

Balt. Aug. 22, 1799.

T. 1799, September 30.

The Directors of the Seminary, Baltimore, 30 Sept., 1799. A Messieurs les Trustees du Clergé Catholique, à Portobacco.

They have learnt from Mr. Beeston, on his return to Bohemia, that the Trustees are not disposed to allow them the revenue of this year, up to the date of Mr. Marechal's withdrawal, que vous ne seriez pas tout à fait disposés

à nous laisser la portion des revenus de Bohemia qui répond à la durée du tems de cette année que nous l'avons possédée, c'est-à-dire, jusqu'à la retraite de M. Marechal. *Accordingly they submit in all deference. They desire an adequate written discharge for use with their chief superiors.*

Nota. *A lease to M. O'Donald,*[31] *given by them in 1794, reserves for them the right to so much of the crop, when the lease is expired, as they had invested in sowing the ground for him at the commencement. They offer to yield this right for a compensation.*

Nous avons l'honneur d'être très respectueusement,

Messieurs,

Vos très humbles et très obéissant[*s*] Serviteurs,

NAGOT. J. TESSIER. A. GARNIER. A. MARECHAL. P. BABADE. WM. DUBOURG.

U. 1799, October 9.

Proceedings of the Corporation, St. Thomas's Manor, 9 Oct., 1799. Winding up the Bohemia accounts.

Bohemia affairs.

Resolved: 1º That the use of the two negros, Jack and Peg, belonging to the estate of Bohemia and now in the service of the gentlemen of the Seminary at Baltimore, be granted to them, as long as they retain said negros in the Seminary.

2º That the gentlemen of the Seminary shall be allowed as many bushels of wheat as they had sowed on the farm, when they rented it to James O'Donald, and also the usual compensation for putting in said wheat.

3º That all expenses incurred on the rented part of Bohemia since the first day of January, 1799, from which time the Corporation is to receive the profits of said estate, shall be defraid by said Corporation.

4º That, on a final settlement of the affairs of Bohemia with the Seminary, a mutual discharge shall be given by the Corporation and Seminary respecting all past transactions.

5º That, in the recess of the Corporation, the agent be empowered to give said discharge in behalf of the Corporation.

6º That the Rev. Mr. Beeston be appointed to superintend the affairs of Bohemia, to receive the rents for the Corporation, and to point out a decent support for the clergyman, who is to serve the congregations annexed to Bohemia.

7º That the Rev. Mr. Beeston be authorized to sell Kate and her two children, now belonging to Bohemia estate.

. . . *Signed:* JAMES WALTON. ROBERT MOLYNEUX. JOHN ASHTON. C^{s} SEWALL. LEON^{D} NEALE.

[31] *Cf.* No. 121, A, note 6, *ad fin.*

V. 1800, May 12.

Proceedings of the Corporation, Newtown, 12 May, 1800.

. . . *Resolved. 1º, 2º On Deer Creek, Pasquet and Sylvester Boarman.*

3º That, whereas it is found more necessary to satisfy the urgent demands of the creditors of the College of George Town before the building of said College is completed, the monies arising from the sale of Pipe Creek land, heretofore to be applied by the 4th article of the Proceedings of the Trustees met at St. Thomas's Manor, June 2d, 1796, to the compleating of the building of the College, may now in the first place be applied to the discharge of the debts of said College.

4º That, where any of our estates shall be destitute of a manager, and one is to be appointed in the recess of the Board of Trustees, he shall be appointed by a majority of the three senior members of the said Board, in concurrence with the Bishop.[32]

5º Resolved, that the education of the young men of the diocese, destined to an ecclesiastical state, be intrusted to the Rev. gentlemen of the Seminary of Baltimore, if this shall meet with the approbation of the Bishop. It is, however, understood that the Bishop and the Board may hereafter make a different regulation, if, in their opinion, the general advantage of the diocese should render it expedient.

6º Resolved, that the Right Rev. Dr. Carroll, the Rev. Mr. Leond. Neale, and the Rev. Mr. Francis Beeston be appointed, and are hereby appointed a committee to treat with the Superiors of the Seminary, and determine the salary to be paid for each of said young men per annum, which determination be binding on the parties concerned.

7º Resolved, that the Rev. Jno. Ashton is hereby authorized and directed to pay to the Seminary, in suitable time, from the savings of White Marsh estate, conformably to the agreement between the above named committee and the Superior of the Seminary, for all such young men as are now proposed to be educated at the expence of this Corporation.

Signed: Robert Molyneux. John Ashton. James Walton. Leonard Neale.

W. 1800, July 29.

Proceedings of the Corporation, St. Thomas's Manor, 29 July, 1800.

Resolutions. 1º, 2º *On establishing the course of philosophy at Georgetown, and providing funds for making accommodations. See infra*, No. 174, B.

X. 1800, September 3.

Carroll, 3 Sept., 1800, to Plowden. Criticism on the foregoing resolutions.

. . . *Georgetown is not flourishing. The reason is not merely* the want of a sufficient number of men capable of conducting that establishment;

[32] *Cf.* Nos. 120, note 4, *on the jus patronatus;* 168, A, 17º, *on the concurrence of the bishop.*

but errors committed in the outset, and, above all, national prejudices, in my opinion, very ill-founded against the worthy priests of S. Sulpice and the system of education pursued in the Seminary, contribute exceedingly to defeat the purposes, for which the College and Seminary were instituted. Allow me to say to yourself alone, that, amongst our few remaining brethren here, to whom is committed the administration of the temporalities, there are some whose violence[33] will listen to no lessons of moderation; and others, whose knowledge and observations are too confined to comprehend that anything can be learned beyond what they know; or that any change of circumstances should suggest improvements suitable to times and situations, and cause the slightest deviation from the track, in which they once walked themselves.[34]

In consequence of these unseasonable prejudices, they, who have managed hitherto so unskilfully and unfortunately, have entered on a new plan, which will be more fatal to my diocese than any mistakes hitherto committed. Six or seven young men, who intend to embrace an ecclesiastical state, were to have entered into the Seminary and commence their philosophy this month, when a violent and, to me, unexpected opposition broke out; and, to counteract the Seminary, a sudden resolution was adopted to open a course of philosophy in the College.[35] Tho' I find fault with the manner and time of announcing this resolution, yet I should not be opposed to it, if there were amongst us a man fit to undertake a course of philosophy, without disgracing himself and the College; and unless this appear[d] to be evidently an attempt to wrest from the Bishop the government and superintendence over the studies and education of his clergy, which the canons and decrees of the Church confer on him.[36] In consequence, I shall place in the Seminary all those,

[33] *The term*, violence, *would seem to suggest Ashton; though Leonard Neale's and Charles Neale's manner of expression was not always very temperate.*

[34] *Cf.* No. 135, A, note 6, *Grassi's description of the new scholastic regime, introduced by Dubourg at his new college in Baltimore, and therefore probably tried already by him at Georgetown. Carroll here seems to be reflecting on the Neales. Cf.* No. 154, C, *his letter to Francis Neale (19 Jan., 1790).*

[35] *Supra*, W; No. 174, B.

[36] *In this stricture on the management of the Corporation, while the bishop takes a rigid stand in the matter of diocesan rights, he does not extend his view of those rights to the property administered by the Corporation. Yet, as he implies in the next sentence, the pivot of the question was precisely there, in the supply of subsidies for the maintenance of the young men, since he and his Seminary could have proceeded to open their own course of philosophy, if they had possessed the pecuniary means of support. And, in the event, the Seminary did undertake to man the course of philosophy, but there where the means of support were provided, for students and professor alike, that is, at Georgetown (cf. infra,* No. 174, E). *M. Ambrose Marechal was the person chosen to conduct the philosophical course at the College (1801–1802). For the rest, the interpretation, put by Carroll here on the action of the bishop-elect Leonard Neale and the others, seems only to betray an extreme irritation of mind; for their antecedents and the sequel do not agree with such an interpretation, as that the Trustees meant to control the diocese. The premises show that it was the diocese which had thrown its charges upon them and their charity.*

It was evidently about the same time that Carroll wrote a letter to Nagot, without date, but on the same matters as the above to Plowden, and in the same tone of complaint.

for whom I can make a provision. It is said, that Mr. Francis Neale, or perhaps his Br. [*brother*], my new Coadjutor [*Leonard Neale*], has written to Stonyhurst to obtain a professor of philosophy. If one, raised in that house, can be spared, it will be well; but if, [*that house*] not being able to send any, a French priest[37] should be engaged for that employment, I am much afraid that he neither will please long, [*n*]or be pleased. If those of St. Sulpice, the most edifying and inoffensive clergymen I

He expressed his desire to avail himself of the Seminary for the gratuitous education of clerical candidates, and he offered in return a special patronage, establishing thus a reciprocal interest, financial and moral, between the diocese and that institution: For these and many other reasons which to you will be obvious, I cannot acquiesce in the intended measure, and, if only two or three of the number proposed for the Seminary will agree to go thither, I rely on your co-operation for receiving them, and at my return I will concert with you and your brethren the means of securing to your establishment more constant and extensive usefulness. *In this letter to Nagot, a non-Jesuit whose interests were involved in a sense counter to the measure taken by the ex-Jesuits, there is no allusion, any more than in the letter above for Plowden, to any rights of a financial value claimed by Carroll, as diocesan bishop, over the funds of the ex-Jesuits. On the contrary, both letters are conceived on the opposite hypothesis, that he, as far as his diocese was concerned, had no standing whatever in that direction. Cf.* No. 178, *passim.*

Thus, from these letters and other acts, statements, and implications, which are seen passim in this series of documents, a complete view, negative and positive, is had of Carroll's attitude towards the ex-Jesuit property: 1. His complete silence here, in 1800, when the circumstances challenged him to assert his rights if, as Ordinary, he had any to the ex-Jesuit property. 2. His absolute exclusion till 1802 from any share in the control of the same temporalities, though, it would appear, he had desired to obtain a footing in the management of those concerns (*cf.* No. 162, p. 708; *ibid.*, J; No. 175, K–N). *3. His steady and constant co-operation with the Board, but as a mere committee-man executing its orders* (*cf.* No. 170, K, M; *and passim*). *4. When admitted to the Board in 1802, his absolute act of submission to the Select Body, as a mere officer of the same* (No. 175, N, 14º). *5. His triennial oath, 1802-1815, to observe the regulations adopted by the Select Body,* for the management of their estates and temporalities. *6. With respect to Georgetown College, an institution supported by the said estates, the conformity of his conduct with his profession to Plowden about* Episcopal interference, *that* the Bishop's concurrence *was not necessary to the establishment of a literary Society or institution* (*see* No. 170, K, note 22). *All this was perfectly coherent with Carroll's Declaration, that the See of Baltimore had no claims or rights over the ex-Jesuit property* (No. 160, C). *At the same time, it is all in evident contradiction with the assumptions of Mgr. Marechal, when he based his representations to the Propaganda on appeals to his* venerable predecessor's *name, for statements and propositions in a sense contrary to Carroll's recorded words and acts* (*cf.* Nos. 115–121, *passim*).

It is also to be noted that, in the effort to turn his back on the Corporation and create instead a financial and moral interest with the Seminary, offering a special patronage to secure for that establishment more constant and extensive usefulness, *if these words have the reference, which seemingly from the circumstances they do bear, to St. Mary's secular college, which now began its career of success* (No. 175, S–C²), *they furnish a clue to the subsequent charges made against Carroll by the Maryland Jesuits, that he was partly responsible for the competition set up with Georgetown College in its own legitimate sphere by the courses established for the laity at the ecclesiastical institution for the clergy* (*cf.* No. 178, V²). *The language which he uses, when contemplating the success of St. Mary's College, does not disagree with this imputation* (*cf.* No. 175, U); *but the policy does disagree with Carroll's own formal programme respecting the clerical instruction for which alone the Seminary was instituted, and the literary or classical education for which Georgetown had been founded* (*cf.* Nos. 170, p. 745; *ibid.*, A; 171, note 11).

[37] *On contingents of French priests, who arrived in America during the French Revolution, cf. J. G. Shea,* History of the Catholic Church in the United States, *ii. 407.*

ever knew, have failed in giving satisfaction to many amongst us, I think none of their countrymen ever will. . . .

Y. 1800, December 15.

Carroll, 15 Dec., 1800, to Plowden. Repetition of criticism.

. . . I wrote in my last of the jarring between myself and some of our good brethren; in whom, as it seemed to me, an antigallican spirit had engendered prejudices against the Sulpicians here. In consequence, the six or seven youths, who were to have come from G. Town to begin their ecclesiastical life and studies this autumn, are detained there for philosophy. It is still my endeavour and hope to compose these differences. For never can the candidates for H. Orders be placed in better hands [*than in those of the Sulpicians*]; and I am sure that, at present, there are none others in the U. States fit to form their education. . . .

Z. 1801, January 2.

Release and discharge given by the Corporation to the Seminary, 2 Jan., 1801, of all further obligations in connection with the recent administration of the estate at Bohemia.

Whereas, by a Resolve of the Rev. Cath. Clergymen, met at Baltimore on the third day of May, in the year of Our Lord one thousand, seven hundred and ninety three, the profits arising from the Bohemia estate were granted to the Seminary of St. Sulpice at Baltimore, for so long a time as the legal Trustees for this property should find it advantageous to the general benefit of the diocese; and whereas the Rev. Mr. F. C. Nagot, Superior of the said Seminary, voluntarily returned the management and administration of the aforesaid estate of Bohemia to the Corporation of the Rev. Cath. Clergymen in Maryland, on the first day of January, in the year one thousand, seven hundred and ninety nine: Be it known to all whom it may concern, that the undersigned Agent of said Corporation do hereby acknowledge to have received in full the debts due from Rev. Mr. F. C. Nagot, Superior of the above said Seminary, on account of any contract, administration, sales, or management relative to estate of Bohemia; and that the said Mr. Nagot is by said Corporation hereby cleared, acquitted and discharged from all further obligations and future payments of any moneys or debts whatever on account of any grant, contract or administration of the aforesaid estate of Bohemia, or use, or consumption, or sales of any property thereunto belonging. In testimony whereof, I hereunto put my hand, and fix the seal of my office, this second day of January, in the year of Our Lord, one thousand, eight hundred and one.

C^{s} SEWALL,
Agent for the Corporation of (*Seal.*)
the Rom. Cath. Clergymen.

A². 1801, May 5.

Proceedings of the Corporation, 5 May, 1801.

. . . Resolved : . . . 6°. That the management of Bohemia estate be put into the hands of the President of the College of George Town, as the income of the said estate has been heretofore granted to the benefit of said College.

. . . *Signed :* + Leon^D. Neale, B^p. of Gortyna, [*president of Georgetown College*]. James Walton. Robert Molyneux. John Ashton. C^s. Sewall.

B². 1801, November 3.

Proceedings of the Corporation, St. Thomas's Manor, 3 Nov., 1801.

Resolution (4°.) *granting a salary of £85 per annum to the professor of philosophy, and subsidy of £75 to the College* for each free place of students in philosophy in said College. *See infra*, No. 174, D.

. . . 13°. Ordered, that the Directors of the College do make out and lay before the Board of Trustees all expenditures of buildings lately erected for the use of the College, and all debts due by the College from the commencement of Mr. Dubourg's administration, and also all monies paid from Pipe Creek, Bohemia, etc., towards the discharging of said debts.

Signed : + Leon^D. Neale, Coadj^tr. of Balt^re. James Walton. Robert Molyneux. John Ashton. C^s. Sewall.

C². 1801, 1802.

Bishop L. Neale and the policy of the ex-Jesuit Trustees in the foregoing transactions. While they were negotiating for the immediate restoration of the Society, their policy consisted in holding Georgetown, as well as the estates, for the Order soon to be restored.

L. Neale, 19 Oct., 1801, to Father Marmaduke Stone, president of Stonyhurst College, England. . . . All the members of the Society here are now grown old, the youngest being past 54. Death therefore holds out his threatening rod, and excites us to redoubled wishes for the re-establishment of the Society, on which the welfare of this country seems much to depend. Could we have some of its genuine members to fix in the possession of our College and estates,[38] the gratification would be singular. We are struggling to commence philosophy immediately. We hope to get a professor from the Seminary of Baltimore for the present, till you can provide us one, if possible, of the Society. . . . My brothers are well, as are all in the College. Messrs. Young, Matthews and Laurenson are still here. They and all our BB. join me in every cordial wish and congratulation on the flourishing state of Stony Hu[*r*]st College, for which we feel as for the elder brother of our own.

[38] *This precise reference to the reversion of the property shows an additional reason for accelerating the restoration of the Society. Cf.* No. 178, F.

L. Neale, 21 Apr., 1802, to Stone. . . . We have heard of the re-establishment of the Society thro' Mr. Strickland. But the clear light does not yet shine on us. You, who are nearer the sun, should not refuse to communicate its benign rays. If we could get members of the Society, they would be objects of our wishes. Any thing genuine[39] from our ancient body would be highly gratifying. If possibly you can assist us, do not let the want of feeling for remote and distressed brethren prevent the salutary aid. If Stony Hurst can forward assistance to our poor George Town College for masters, etc., surely selfishness will have no influence with you. I never looked upon you as a selfish man. I am obliged to have recourse to extremes, even to make scholars prefects, etc. We have some moderate prospects of future success. This blessed day I gave the tonsure to six young men, all promising characters. More are coming on for next year. We have but four philosophers, three of whom are clerics. Mr. Marechall is my professor of philosophy. He is one of the French gentlemen of the Seminary of Baltimore. There is but one cleric studying in the Seminary, making his way to higher Orders. . . .

L. Neale, 30 June, 1802, to Stone. He is frequently called upon by members of the cleryy, who wish to know what effect my communications with you have, or are likely to produce in our favor. Mortifying it is to me, to have no other reply to make, but that I have received no answer to my applications, or that I am left entirely in the dark relatively to the object in question.[40] For God's sake relieve me from my distressed situation. If the Sulpicians remove to France (which is threatened by Mr. Emery, their Superior in Paris[41]), we shall be left perfectly bare. Besides, I suspect some of our professors will quit the College for other views,—say, one or two. In a similar situation, what would you feel without any prospect of succour from our friends more happily circumstanced? In these circumstances, do not act so cruel a part as to retain from me the communications, which may either afford relief or form a basis for entering into new plans. *Bishop Neale expands at length in the same vein. He returns to the entail of the property.* We enjoy good health. But all the members of our old Society are aged and worn down with continual labour. How long they may subsist depends on the hand of God, which holds the thread of life. If we form not successors before that fatal period, the Society tho' re-established will scarcely succeed to the property we have been studiously preserving for her. A concurrence

[39] *An allusion to the recent negotiations of Bishop Carroll with the Paccanarists, a pseudo-Society of Jesus.*

[40] *Taciturnity or dilatoriness was constitutional with Father Stone; and the General of the Society often had occasion to desiderate even official information from him.*

[41] *Cf.* 175, S; *and J. G. Shea*, History of the Catholic Church in the United States, *ii. 606-608. M. Dubourg's enterprises had given a false direction to the work of the Sulpicians in America.*

of our BB^{n} in England, I think, is of strict obligation. Br. Francis, Messrs. Young, Matthews, Laurenson, etc., etc., join me in most cordial wishes to you and our worthy BB^{n} with you. With the sincerest sentiments of esteem and regard, R^{vd} Dear S^{r},

I remain

Y^{r} most affectionate friend and B^{r}

In Xt.,

Leon^{d} Neale,

B^{p} of Grtna. and Presd^{t} of G. T. College.

Md.-N.Y. Province Archives, 1796, Sept. 24, Carroll, Baltimore, to Plowden; 4 pp. 4to, No. 49. Ibid., 1798, Dec. 11, same to same; 4 pp. 4to, No. 52. Ibid., 1799, Aug. 22, Nagot, Baltimore, two letters, one in French, the other in English, to the Corporation; each 1 f. 4to. Ibid., 1799, Sept. 30, the six Directors of the Seminary, Baltimore, to the Corporation, Portobacco; 2 pp. 4to. Ibid., Proceedings of the Corporation, *29 Mar., 1797; 4 Sept., 1797; 3 Dec., 1798; 9 Oct., 1799; 12 May, 1800; 5 May, 1801; 3 Nov., 1801.—Georgetown College Transcripts, Devitt Papers; Rev. J. A. Frederick's copies from Baltimore Diocesan Archives, 2 Jan., 1801, Release given by the Corporation to the Seminary.—English Province Archives, portfolio 6, f. 46, Carroll, 3 Sept., 1800, to Plowden. Ibid., f. 53, same to same, 15 Dec., 1800. Ibid., f. 54, Leonard Neale, 19 Oct., 1801, to Stone, Stonyhurst. Ibid., f. 59, same to same, 21 Apr., 1802. Ibid., f. 60, same to same, 30 June, 1802.*

No. 171. **1792–1805.**

M. Tessier, S.S., on the ex-Jesuit benefactions: later traditions.

From the foregoing documents it appears that a grant was made of Bohemia to the Sulpicians, in the interest of the Baltimore diocese. The grant was not onerous, in the sense of being, like a contract for a consideration, to the advantage of both parties. There was no quid pro quo. Nor do the conditions seem to have been onerous, in the sense of being oppressive. The grantors reserved to themselves part of the debts, instead of leaving them inherent in the provisional gift. They reserved also the right of revoking the grant, whenever they should consider that the interests of the diocese did not call for its continuance. When they did revoke it, they resumed the revenues from the 1st of January, 1799, and also took the burden of current expenses for the year on the portions rented. They made a due allowance for a contract entered into with a tenant. They added a gift of two negro servants, who were not to be sold for profit. And, in the settlement of accounts, the Corporation does not appear to have reopened the question of negroes, sold by M. Marechal without the authorization of the proprietors. The home farm, or part not rented, they left at the service of M. Marechal, as long as he stayed there. But, whereas notice had been served in April, 1799,

and the Corporation had declined to leave the administration with the grantees for the current year, it was not till 20 Dec., 1799, that M. Marechal resigned the place, as appears by the following memoirs of M. Tessier.[1]

The facts, as presented in the foregoing documents, assume a different complexion in the Memoirs of M. Tessier, written or dictated some thirty years later. It is stated there that the gift had been charged with very onerous *conditions; that no allowance was made, in the year 1799, for "the crops of that year," nor* for the great improvements which we had effected *in the estate; that the only act of grace was to leave M. Marechal in the enjoyment "of the lot near the house." It is not mentioned that this "lot near the house" was the home-farm of 110 acres, which always sufficed for the maintenance of the pastoral residence.*[2] *Besides, there are in the Memoirs several implications regarding Bishop Carroll, as if he were the sole benefactor, both in the grant of Bohemia, and in the call of M. Dubourg to the presidency of Georgetown, as well as in the deputation of M. Marechal to teach philosophy there.*

A. 1792–1805.

M. Tessier's Memoirs, on the foregoing transactions regarding Bohemia, etc. Extracts.

Époques du Séminaire de Baltimore, par Mons. Tessier, [*1791–1828*].

1791. Le 10 juillet nous arrivâmes à Baltimore. . . .

1792. . . . Le 24 juin, Mrs. Marechal, Richard, Ciquard et Matignon arrivèrent de France. *M. Matignon, not a Sulpician, was placed in Boston. M. Ciquard became an Indian missionary at Passamaquoddy.* Mr. Marechal venait d'être fait prêtre en France, et il dit sa première Messe à Baltimore, quelques jours après son arrivée; puis il fut envoyé pour apprendre l'anglais, d'abord à Bohemia avec Mr. Beeston, puis à Philadelphie chez Mr. Fleming. . . .

1793. . . . On May 13, the Sulpicians, "entered into possession of the house and plantation of Bohemia, which the Gentlemen of the Clergy annexed to the Seminary, for an indefinite time, subject to their pleasure, and under divers conditions." M. Marechal was called from St. Mary's, and put in charge of the temporalities at Bohemia. See the text above, No. 170, F.

1794. Mr. Smith (Prince) Gallitzin arrived from Germany with Mr.

[1] *At a later date, Mgr. Marechal informed the Propaganda that, after living in Bohemia "during seven years, when he was a simple missionary priest," he "was forced to abandon this mission, by the order of physicians, since he suffered from continual fevers." The beneficence of the ex-Jesuits is not alluded to there; M. Marechal was serving a "mission." See* No. 121, A, Notae, 3º, (1º). *Cf. ibid.*, note 6.

[2] No. 110, F, note 5.

Brosius, and entered the Seminary. Gallitzin and Floyd were the only seminarians at this time.

1796. Mr. Flaget, returning from the Illinois, etc., was put to teach at Georgetown, about 6 Oct., 1795. Sept. 30, Mr. Dubourg, ayant appris que Mgr. l'Evêque l'avait fait élire président du Collège de Georgetown, partit pour s'établir.

1798, Jan. 13, arrival of Mr. Dilhet, S.S.; sent to the mission of Detroit, where Mr. Levadoux was already stationed. Sept. 30, the two Propaganda students from Rome came to examine their vocation; both abandoned the ecclesiastical career. L'un s'appelait Smith, l'autre Daugherty . . . Le 10 Nov., Mr. Flaget était revenu du Collège [*Georgetown*], et partit pour aller joindre Mr. Babade à la Havanne.

1799. Le 7 de janvier, Mr. Dubourg revint du Collège du George Town, où il ne pouvait pas faire les choses aussi librement qu'il le désirait, étant souvent arrêté dans ses plans pour la conduite du Collège; et parce que Mr. Babade, qui était à la Havanne, avait écrit qu'il serait très aisé d'y faire un établissement, Mr. Dubourg se résolut d'y aller. Le 24, il partit en effet avec son neveu et deux autres jeunes gens, qu'il avait emmené de George Town.

[*1799.*] Le 30 avril, Mr. Nagot reçut une lettre de Mr. Sewell qui, au nom des Trustees du Clergé, nous redemandait Bohemia. C'était à peu près l'époque où, après bien des dépenses et des peines, nous espér[*i*]ons y percevoir quelques profits. Cependant, personne de nous ne jugea qu'il fût convenable d'as[*in?*]sister à retenir ce bien; outre que, selon la teneur de la concession, nous n'avions aucun droit d'y insister. Ainsi on la leur remit d'une manière pure et simple, leur laissant meme la récolte de toute l'année, excepté celle du lot près de la maison qu'on laissa à Mr. Marechal.

Mr. Flaget, de retour du Collège suivit Mr. Dubourg à la Havanne, dans l'espérance d'y fonder un établissement de Saint Sulpice. Mais leurs espérances furent frustrées; une violente opposition de la part surtout du clergé et des religieux du pays les força à s'en revenir.

1799, Aug. 8. Arrival of Mr. Dubourg and Babade with some Spanish students from Havana.[3] *Plan of a new Academy for them; twelve French students to be admitted, for the assistance of the Spaniards in learning French. The Bishop did not oppose the project. Aug. 20, commencement of studies, and the arrival soon of more scholars than the Seminary could accommodate.*

1799, 20 Dec. M. Marechal left Bohemia for good.

1801 . . . mars 5. Mr. [*Ignatius*] Brooks,[4] ancien habitant du bas Maryland, est venu au Séminaire pour se préparer aux saints ordres. *He was then ordained in due time. More students come from Havana. Mr. Flaget, 30 July, brings three. Dubourg voyages to and fro.*

[3] *Cf.* Memorial Volume of St. Mary's Seminary of St. Sulpice, Baltimore, *1891; pp. 79 seq.*

[4] *Cf.* No. 172, B.

1801, *Nov. 5. Marechal invited by the bishop to go and teach philosophy to young ecclesiastical students at Georgetown.*

1802 . . . Le 16 août, Mr. Marechal revint du Collège de Georgetown, où il avait fini l'année de philosophie, qu'il avait promis d'y enseigner. Il espérait que les jeunes gens le suiveraient à Baltimore à son retour pour y faire leur séminaire, ainsi qu'on le lui avait promis ; mais ils furent retenus au Collège.

1803, July 4. M. Marechal embarks for France from Philadelphia, following others who had already departed.[5] . . . [*1803*] *Sept. 20. All the Spanish scholars, except four, are carried off to Havana in a corvette. Desperate condition of Mr. Dubourg. The Directors of the Seminary determine to admit American students. See text infra,* No. 175, R.

1804. A title-deed of the ground and of the great court of the College made out in Mr. Dubourg's name, to enable him to borrow. . . . Le 26 sept., il vint du Collège de Georgetown cinq jeunes ecclésiastiques, qui vont faire ici leur théologie, avec Mr. O'Brien leur condisciple, qui a déjà été au Séminaire depuis le 6 juin, 1803. *Mr. David taught philosophy to four scholars and two seminarians. The scholars' refectory placed in the new college ; separation of the community from the students,*

1805 . . . Les MM. Fenwick, élèves du Collège de Georgetown, vinrent au Séminaire pour y faire leur théologie.[6] *But four of the ecclesiastical students this year were kept at Georgetown. Mr. Poole was judged unfit for the priesthood ; he went to be a schoolmaster at Lancaster* . . .

B. 1792–1799.

Mr. Bruté's record of Mr. Tessier's answers.

. . . 9. At first we had no relations with the Jesuits ; but our resources coming to be exhausted,[7] Bishop Carroll obtained for us the plantation at Bohemia on the Eastern Shore, but under very onerous conditions ; and the possession of the property was revocable at the will of the Jesuits. In fact, after some years, they took it back, without making any allowance for the great improvements which we had effected there.[8]

About the purchase of the tavern, where the Seminary grounds were laid

[5] *In Lyons, M. Marechal became known to the archbishop, Cardinal Fesch, with whom he subsequently dealt familiarly in Rome. See* Section III., *passim. There, too, he became acquainted with James Whitfield, seminarian, his future successor in the See of Baltimore. Carroll, 21 Feb., 1809, to Plowden, quotes a letter from the Abbé Marechal,* now professor in the Seminary of St Irenée, *Lyons. The writer asks for Carroll's help in obtaining from England the episcopal dimissorials for James Whitfield of Liverpool, the particulars of whose baptism he gives in full. (English Province Archives, portfolio 6, f. 90.)*

[6] *Cf.* Nos. 175, E²-G² ; 179, C, 4º

[7] *Mr. Bruté's note here :* I think I have heard something of 60,000 $ [*francs*] — the books, pictures (which ?)— chalice of M. Olier, ostensorium—relics (what ? the skull of St. Bernard, of St. Martin ? &c.).

[8] *Cf. supra,* A, *ad* 1793 ; 1799, 30 avril.

out: price in fee simple being 850 pounds Maryland money. The pound was $\$2.66\frac{2}{3}$ cts. . . .

The above answers were given by Mr. Tessier in 1832, to a series of questions proposed by Mr. Bruté.

Georgetown College Transcripts, Shea papers, 1791–1828, Époques du Séminaire de Baltimore, par Mons. Tessier; *a copy, 24 ff., fol.; ff. 1–11. Georgetown College MSS., (B. U. Campbell's) quarto copy-book; f. 100, Bruté's notes from Tessier's answers. The blanks for years, etc., in these notes show that the respondent was drawing on his memory, and not from documents.*

The statements and answers of Mr. Tessier, belonging to the years 1828–1832, are to be understood in the light of a tradition prevailing at that time. During ten years previously, as is seen in the documents of Section III. *above, everything good that had been done was the work of the "venerable predecessor," Dr. Carroll, and all the rest was the doing of the "Jesuits," at a time when there were no Jesuits. The tradition was filled out with several figures, appearing always in the same parts.*

There was the figure of Carroll, with his goodness, kindness, zeal, and prudence. Seemingly, he had everything in his own hands, and conducted everything. Thus Tessier says, that Carroll had obtained for the Seminary the estate of Bohemia; that he had caused Dubourg to be appointed president of Georgetown. There was the figure of an undefined Clergy, obedient and obsequious to Carroll, whenever his benefactions required and received assistance from others. Then there was the figure of the Jesuits, *who did the rest.*

To these three characters corresponded only one reality. That was a Select Body of ex-Jesuit clergymen, among whom Carroll was on the footing of mere membership like the others, and, because of his ecclesiastical character as Ordinary of the diocese, was excluded from their official deliberations, during the years under review. His personal influence was subject to such fluctuations that, as he wrote to Plowden, he regarded the policy of the Corporation in 1800 as an attempt to wrest from the Bishop the government and superintendance over the studies and education of the clergy.[9]

All the establishments at which M. Marechal had been entertained, even that at Philadelphia, were ex-Jesuit houses. The students of divinity whom Georgetown furnished to the Seminary were maintained there at the expense of the Corporation.[10] *As Mr.*

[9] No. 170, X, *ad* note 36.
[10] Nos. 170, V; 179, C, 4º; D, 1º

Tessier's records show, Georgetown was practically the only feeder of the Seminary during these years, when even the Propaganda students failed. But, except by inference, these circumstances do not make their appearance in the tradition of 1828–1832. How Georgetown College came to be affected by M. Dubourg's College of St. Mary will be seen later.[11]

No. 172. **1793–(1816).**

Membership in the Select Body of the Clergy: promiscuous during thirty-three years from the first organization of the Chapter. *It was not till 1816, two years after the Bull of Restoration, dated 7 Aug., 1814, that, in accordance with the fundamental Constitution of the Select Body,*[1] *members of the restored Society were declared by the Board of Trustees to be the only eligible candidates for the future. The Archbishop of Baltimore was a member of the Board at the time, and was in attendance.*[2]

A. 1794, February 25.

Proceedings of the Corporation, White Marsh, 25 Feb., 1794.

Proceedings of the Corporation of the Roman Catholic Clergy met at the White Marsh on the 25th day of February, 1794.[3]

Present the Rev. Messrs. Robert Molyneux, John Ashton and Charles Sewall,[4] who unanimously agreed to the following regulations.

It appeared to the Corporation that the Declarations, made by the former Trustees of the property of the Roman Catholic Clergy, Rev. Messrs. James Walton, Robert Molyneux and John Ashton, on the 3rd day of October, 1793, had been recorded the 15th day of the same month and year in one of the land record books of the General Court for the Western Shore, State of Maryland, as the law of Incorporation

[11] No. 175, R *seq. The tradition is partially reproduced in the* Memorial Volume of the Centenary of St. Mary's Seminary of St. Sulpice, Baltimore, Md. 1791–1891, *pp. 12–16. As to what is mentioned there for 1793 and 1799 (p. 12), it is to be noted that the wish of M. Emery to see a Preparatory Seminary established, had a different object from that of St. Mary's Academy or College, the origin and progress of which had nothing to do with seminary training. See ibid., p. 16 :* The measure, taken 1803, of receiving subjects without discrimination of creed or aspiration, while it gave impetus to St. Mary's College, destroyed its peculiar character of Preparatory Seminary. *It never had been a Preparatory Seminary. While M. Emery (ibid., p. 12) evidently discussed the question of a petit Séminaire with Bishop Carroll, on the lines of* the Council of Trent, *Mr. Dubourg's enterprise, as Tessier has shown (supra,* A), *started from a different point of departure, and ended differently.*

[1] No. 168, A, 16º

[2] No. 180, F, 2º ; *19 June, 1816.*

[3] *Immediately after the minutes of the constituent meeting, 4 Oct., 1793. Cf.* No. 168, A.

[4] *Walton and Leonard Neale, absent.*

directs.[5] Likewise, that the instrument, by which the Trustees assumed the style, name and title of the Corporation of the Roman Catholic Clergy, had been also duly recorded in one of the law record books of the said General Court on the said 15th of October, agreeably to the said law;[6] in consequence of which, the said Trustees, viz. the Rev. Messrs. James Walton, Robert Molyneux, John Ashton, Charles Sewall and Leonard Neale, do now form the Corporation of the said Roman Catholic Clergy.

The Corporation then proceeded to an election[7] of the members to compose the Select Body of Clergy, entitled to a share of the profits arising from the estates secured by law.

1º Resolved, that the number to compose the Select Body of Clergy, entitled to active and passive voice in the administration of their temporalities and to a support when living in their houses, or employed by due authority with a stipulated pension out of them, or declared to be invalids, shall not for the present exceed the number of twenty-six.

2º That the said number be composed of the following clergymen, viz. the Rt. Rev. John Carroll, Rev. Messrs. Thomas Digges, James Pellentz, James Frambach, Lewis Roels, Joseph Doyne, John Boone, James Walton, Robert Molyneux, John Ashton, John Bolton, Henry Pile, John Boarman, Charles Sewall, Sylvester Boarman, Augustin Jenkins, Leonard Neale, Charles Neale, Francis Neale, Francis Beeston, Joseph Eden, Stanislaus Cerfoumont, F. Xavier Brosius, Robert Plunket, Lewis De Barth and G. D. Erntzen.[8]

3º *Order for the election of Representatives, whose powers are defined, in resolution* 4º,[9] *with other business then following*, 5º *to* 12º

Of these twenty-six persons, five at least had never been Jesuits: Eden, Cerfoumont, Brosius, De Barth, Erntzen. One other, Francis Neale, had probably been a candidate under some form, before the Suppression of the Society.[10] *One, Robert Plunkett, had already been an ex-Jesuit before the Suppression. Thus only nineteen out of the twenty-six had been Jesuits at the close of the old era. How quickly strangers were admitted into the Select Body appears*

[5] Nos. 164, A, [*II.*]; 167.
[6] No. 169, A.
[7] *In virtue of the fundamental statute*, No. 168, A, 4º
[8] *Cf.* No. 163, A, *the list of twenty-two, declared at the last meeting of the General Chapter, 7 Nov., 1792. Two of that former list were now deceased, Diderick and Graissl; and Delvaux was morally incapacitated* (*cf.* No. 163, note 5). *To the nineteen remaining there were now added Frambach, Doyne, Boone, Cerfoumont, Brosius, Plunkett, De Barth.*
[9] *This was a mistake of the Corporation. In the course of some years after this, the position of the Representatives, or elective body of the Corporation, was defined as being superior to the Corporation, not inferior. They were the old Chapter. See* No. 175, H, 1º; N, 14º, 4, 6. *For the business following here, cf.* No. 175, A.
[10] *Cf.* No. 163, p. 721.

in the case of De Barth, who had arrived in America only at the end of October, 1791, less than three years previously; and in the case of Brosius, who had come in 1792, only two years earlier.

The Representatives, who met more than a year later at St. Thomas's Manor, prefixed to their minutes the foregoing list of twenty-six members in the Select Body. Of the six Representatives themselves four were ex-Jesuits and two had never been Jesuits. The former were Pile, Charles Neale, Bolton, and Beeston; the latter, Francis Neale and Eden.

The list in the minutes of the Representatives served as a memorandum to receive future additions; and so we give the appendix as it stands, showing the accessions of new members. Of the first eight, none became Jesuits, though some were candidates for the Society at one time or other. The remaining eleven were all Jesuits of the restored Society, beginning with Rev. James Spink and ending with Joseph Carbery.

B. 1794–(1813).

Proceedings of the Representatives, 3 June, 1795; with additional memoranda, till about 1813.

[*P. 1*] Members of the Select Body of Clergy.
Feb. 25th, 1794.

Rt. Revd. John Carroll . . . . . R. Paul Erntzen, *twenty-six names as above.*

+R. Germain Barnaby Bitouze[a]
+R. Notley Young
+R. John Mondesir

[*p. 2*] Rev. William Vergnes
Rev. Enoch Fenwick
Rev. Leonard Edelin
Rev. Anthony Kohlman
+Rev. Francis Malavé d.
Rev. John B. Cary
Rev. Joseph Carbery.[b]

+R. Will. Pasquet
+R. John Dubois
Wm. Mathews
+Ignatius B. Brooke[11]
+Rev. James Spink
Rev. Benedict Fenwick
Rev. Adam Marshall
Rev. Peter Epinette
Rev. James Wallace

C. 1799, August 28.

Proceedings of the Representatives, St. Thomas's Manor, 28 Aug., 1799. Present: Robert Molyneux, Henry Pile, Leonard Neale, Francis Beeston.

(a) *To be read crosswise, for the order of admission.*
(b) *The crosses signify, no doubt, "deceased," or departed the country; and were affixed at some later date.*

[11] No. 171, *ad* note 4.

. . . Resolved that the number of the Select Body may be increased to thirty members.

Signed: BEESTON, Secy

D. 1816, June 19.

Proceedings of the Corporation, Georgetown, 19 June, 1816.

Proceedings of the Roman Catholic Clergy of Maryland, assembled at George Town, June 19th, 1816. Present the Most Rev. Archbishop Neale, Rev. Mr. Grassi, Rev. Mr. Francis Neale and Rev. Mr. Malevé, being a quorum for the transaction of business.

. . . 2º Whereas, by the 16th article of the Proceedings of the first meeting, 1793, Oct. 4th, the Trustees are directed to elect the members of the Society of Jesus into the Select Body in preference to all others, and whereas the said Society is now duly re-established, resolved that none but members of the said Society be hereafter admitted; and, in case that any should cease to be members of the said Society, he [!] shall not be considered any more as a member of the Select Body of the Catholic Clergy of Maryland.

. . . *Signed, 20 June:* LEONd ABshp. of Baltre. JOHN GRASSI.
FRANCIS NEALE.

Md.-N. Y. Province Archives, Proceedings of the Corporation, *25 Feb., 1794; 19 June, 1816.—Ibid.*, Proceedings of the Representatives, *4to book, No. 3, pp. 1, 2, June 3, 1795; pp. 20, 22, Aug. 28, 1799. The latter minutes of the Representatives are copied into the Proceedings of the Corporation, under date.*

No. 173. 1794–1800.

Pensions and aids. *The general fund; and the support extended to missionaries in and out of the Select Body.*

A. 1794, February 25.

Proceedings of the Corporation, White Marsh, 25 Feb., 1794.

. . . 6º *Resolved*, That the said Secretary [*and agent, Rev. Mr. Charles Sewall*] is charged to receive the rents of Cedar Point,[1] St. Inigo's, and all other profits arising from funds not entrusted to managers of private estates;[2] to keep regular accounts; and to pay from the profits of such estates the pensions allotted to certain clergymen, viz. to the Bishop £210 per annum, to the clergyman of Frederic Town £50, to the clergyman of Lancaster £50, to the invalids £20 each; and to pay all public debts acknowledged heretofore to be due from the Body of the Clergy in this country.

7º That the managers of estates shall have the sole power to dispose of and receive the profits arising from the plantations entrusted to their

[1] *Rented farms of St. Thomas's Manor. Cf.* No. 110, F.
[2] *Cf.* No. 146, B, 4º

charge, out of which the allotted pensions and all expenses of house keeping, plantation and family, are to be paid, and the residue reserved for public uses.

. . . *Signed:* ROBERT MOLYNEUX. JOHN ASHTON. CHARLES SEWALL.

B. 1795, June 3.

Proceedings of the Representatives, 3 June, 1795.[3]

. . . 7º *Resolved*, That invalids must reside in such house belonging to the R.C. Clergy as shall be appointed them by the Representatives, or in such other place as said Representatives may approve of: otherwise they shall forfeit their claim to any pension from the public fund.

8º The managers of estates shall receive such invalids as the Representatives shall send to their houses, for whose maintenance the public fund shall be answerable.

9º That each manager of an estate, and each clergyman exercising his ministry with due authority and living on one of the estates belonging to the Roman Catholic Clergy, shall be allowed eighty dollars per annum from said estate,[4] unless he be otherwise sufficiently provided by the congregations on which he bestows his services.

10º *£50 ordered, to reimburse Mr. Charles Neale, for having defrayed Mr. Robert Plunkett's expenses in his voyage to America.*

11º That annual pensions, payable from the public fund, be discharged before any other payments.

12º As by the 14th Regulation of the Clergy assembled at St. Thomas's Manor on the 4th of Octr 1793, the Representatives are to regulate all public expenses, *authorization is hereby given to the agent of the Corporation that he pay those pensions, which the latter Board had undertaken to assign in resolution 6º, just given above, and which are repeated in the same terms.*[5]

13º The Secretary of the Representatives is directed to write without delay to the clergyman of Frederick-Town [*Dubois?*], to desire him to use his utmost endeavour to obtain, as soon as possible, a sufficient support from the congregations on which he bestows his services, agreeably to the directions of the Bishop in his pastoral letter.[6]

14º *The 10th and 11th resolutions of the Corporation (25 Feb., 1794) are cited and approved, about a contract of Ashton with Mr. Robert Plunkett* for

[3] *For members, all present, see* No. 175, B.

[4] *Cf.* No. 119, [VII.], note 17.

[5] *Supra*, A, 6º *The Corporation's resolution is not cited. Here begins the conflict of jurisdiction between the two Boards, as to the power of making appropriations. See* No. 175, B *seq. Cf.* No. 162, C–E.

[6] *At the Synod of 1791, the decrees 5-8, Session III., 8 Nov., concerned collections to be taken up from the faithful at the Holy Sacrifice of the Mass; and the offerings were to be divided according to the ancient usage of the Church: one third for the priest's support, one third for the poor, and the remaining third for the needs of divine worship. Decree 23, Session V., 10 Nov., treated of the general support to be provided for religion, and announced an "instruction" to be published with the decrees of the Synod.*

an annuity of 9 per cent. for $2000, *White Marsh (under Ashton's management) being security; and about the application of said $2000, and a loan of £2000 more (White Marsh again being security) for the new building at Georgetown.* *See* No. 162, C, 10º, 11º; D, 14º

15º Formal disapproval by the Representatives of the Corporation's policy in farming out the estate of White Marsh to its manager, John Ashton. *See* No. 162, C, 12º; D, 15º

BEESTON, Secy

C. 1795, August 21.

Proceedings of the Corporation, St. Thomas's Manor, 21 Aug., 1795.

. . . 4º *Resolved*, That the Rev. Mr. C. Sewall, agent of the Corporation, pay into the hands of the Bishop the balance due from the said Corporation, on account of the German salaries arising from Sir J. James's foundation.[7]

. . . *Signed:* ROBERT MOLYNEUX. JOHN ASHTON. JAMES WALTON. CHARLES SEWALL.

D. 1796.

Agent's Cash-Book, 1793–1806.

. . . 1796, April 3. By ditto [*cash*] to the Bishop: balance due to Sir Jno. James's foundation £18.12.0

[*Same year and day.*] By dº to dº, balance due for salary of 1795 .. .. 40.11.3

[*Same year and day.*] By dº to dº, for salary of 1796 .. 116.9.10

. . . 1796, Oct. 14. To the Bishop for Sir J. James's foundation .. .. .. £60.18.8, ster[*ling*] = 101.11.1

E. 1797, March 29.

Proceedings of the Corporation, St. Thomas's Manor, 29 Mar., 1797.

. . . 10º *Resolved*, That the Revd Mr. Molyneux be and is hereby appointed to superintend the estate of New Town, provided the Rt Revd Bishop do approve of the appointment.

11º That the agent of the Corporation be authorised to confer with the Bishop respecting a proper person to superintend the estate of Deer Creek, and to approve of his nomination in behalf of the Corporation, till the next meeting thereof.[8]

. . . *Signed:* JAMES WALTON. JOHN ASHTON. CHARLES SEWALL. AUGUSTINE JENKINS. FRANCIS NEALE.

[7] *Cf.* No. 150, notes 9, 43.

[8] *On the understanding that the manager was also the missionary pastor, these two resolutions and others which follow show the jus patronatus in operation; the proprietors agreeing with the Bishop on the appointment, the former granting the temporal maintenance, the latter conferring the spiritual powers.* *Cf.* No. 120, 5ª

F. 1797, September 1.

Proceedings of a select committee[9] *of the Select Body of the R. C. Clergy, St. Thomas's Manor, 1 Sept., 1797.*

. . . 3º *Agreed*, That the Trustees be and they are hereby authorized and empowered to augment or diminish, as circumstances may require, the pensions of clergymen to be paid by the agent; provided nevertheless that they never reduce the pension of the Bishop of Baltimore below the sum of two hundred and ten pounds current money of the State of Maryland, as fixed and agreed on by the 22d. resolve passed by the R. C. Clergy on the 4th day of October, 1793.[10]

4º That the pensions paid to clergymen by managers of estates may be augmented or diminished, as circumstances may require, by the unanimous consent of the manager, who has such pension or pensions to pay, and the two Representatives of same district.

Signed: JOHN ASHTON. CHAS SEWALL. BEESTON.

G. 1797, September 4.

Proceedings of the Corporation, St. Thomas's Manor, 4 Sept., 1797.

. . . Resolved, 1º That, in consequence of a power given to the Corporation of the Roman Catholic Clergy by the Committee of the Select Body convened at St. Thomas's Manor, Sept. 1st., 1797, for this and other purposes, the salary of the Right Rev. Bishop be augmented from the sum of £210 current money to the sum of £300 per annum, from the first day of January, 1797, till farther regulations be made respecting the same; and that the agent of the Corporation do pay him the sum of 160 dollars for extraordinary expences incurred in Philadelphia.

. . . 5º That in consideration of the Rev. Mr. Thos. Digges's infirmities, he be allowed the sum of £30 per annum,[11] including this present year.

6º That the Rev. Germain Barnaby Bitouzé, having petitioned the Corporation to be admitted into the Select Body of Clergy, it is agreed that he is accordingly admitted.

. . . *Signed:* JAMES WALTON. JOHN ASHTON. CHARLES SEWALL. AUGUSTINE JENKINS. FRANCIS NEALE.

An appendix to the foregoing resolutions:

1º Resolved that the sum of one hundred pounds be granted out of the public fund towards the building of a church at St. Thomas's Manor, and also that the savings of the Southern District be applied towards the building and finishing the same.[12]

. . . *Signed by the same.*

[9] No. 175, H.
[10] No. 168, A, 22º *Cf.* Nos. 116, C, note 8; 117, C, note 8.
[11] *Cf. supra*, A, 6º
[12] *The project of a church at Cedar Point Neck, St. Thomas's Manor, appears for a long time in the minutes.*

H. 1793–1798.

St. Thomas's local Day-Book and Ledger, 1793–1821.

From Charles Sewall's arrival, May 25, 1793, till 1802, the accounts of his church are prominent, comprising the contributions from other managers, and the formal record of laying the first brick in the foundation-wall of the Church of St. Ignatius of Loyola, *31 July, 1798.*[13]

J. 1798, December 3.

Proceedings of the Corporation, Newtown, 3 Dec., 1798.

. . . 7º *Resolved*, That, in consideration of the great and necessary expenses incurred by the present managers [*manager?*] [14] of St. Thomas's Manor in building a church, and of the failure of his crops, a sum of money, not exceeding one thousand dollars, be granted to him from the P[*ublic*] Fund by the first day of January in the year 1800, as a necessary assistance in prosecuting the building of said Church, which has been heretofore approved of.

Signed: James Walton. Charles Sewall. A. Jenkins.

K. 1798–1810.

Proceedings of the Corporation, 3 Dec., 1798; Oct. 9, 1799, seq.; also Proceedings of the Representatives, 28 Aug., 1799, copied in the minutes of the Corporation.

Measures taken, on the report of Leonard Neale, for the relief of the Delaware Mission, Mill Creek Hundred. The foundation of the West Chester Mission. Provision made for the priest who shall attend the congregations there. See No. 96, B–F.

L. 1799, October 9.

Proceedings of the Corporation, St. Thomas's Manor, 9 Oct., 1799.

. . . Resolved: That two hundred dollars be granted to the Rev. Mr. De Barth to enable him to pay expences and ground rent due from the house of Lancaster.

. . . The Corporation, finding that the present number of the Select Body amounts to twenty-four,[15] agree that the Rev. Messrs. Notely Young, John Dubois and John Mondesir be admitted into the same Body.

. . . *Signed:* James Walton. Robert Molyneux. John Ashton. Cs. Sewall. Leonp. Neale.

M. 1800, May 12.

Proceedings of the Corporation, Newtown, 12 May, 1800.

. . . *A resolution on the appointment of managers, that is to say, priests*

[13] *The St. Thomas's Day-Book shows well a local manager's pension list, expenses, etc.*

[14] *Sewall, agent of the Corporation.*

[15] *Cf.* No. 172, C. *The number now admissible was thirty.*

having the chief pastoral functions on an estate as well as the responsible charge of temporalities. The first form of the resolution is cancelled; the second form remains.

4º That the appointment of a manager to any of our estates may, in the recess of the Trustees, be made by the concurrence of the Bishop with a majority of three of the senior members of the Corporation. *For this the following is substituted:*

That, where any of our estates shall be destitute of a manager, and one is to be appointed in the recess of the board of Trustees, he shall be appointed by a majority of the three senior members of the said Board in concurrence with the Bishop.

. . . *Signed:* Robert Molyneux. John Ashton. James Walton. Leonard Neale.

This latter form of the resolution seems to define more precisely the character and working of the patronage, the nomination being made by the Trustees without the bishop, and the bishop concurring, by reason of the spiritual faculties attached. When the Society was restored, a provision was attempted, arranging for the case, when the manager, appointed absolutely by the Superior of the Society, might not be acceptable to the Ordinary for the post of local pastor. This could happen, when the superior at White Marsh, for instance, was master of novices,[16] *and therefore too much occupied to fill a missionary post. In such a contingency, if no other adjustment were made, it should devolve upon the bishop to appoint his own local pastor, who however could claim support, not from the property of the Society, but only from the congregation or the bishop.*[17]

Md.-N. Y. Province Archives, Proceedings of the Corporation, *25 Feb., 1794; 21 Aug., 1795; 29 March, 1797; minutes of select committee, 1 Sept., 1797; 4 Sept., 1797; 3 Dec., 1798; minutes of the Representatives, copied, 28 Aug., 1799; 9 Oct., 1799; 12 May, 1800. Ibid.*, Proceedings of the Representatives, *3 June, 1795; minutes of select committee, 1 Sept., 1797; 28 Aug., 1799. Ibid., DB, Agent's Cash-Book, 1793–1806, f. 3, f. 1, beginning respectively from different ends of the book. Ibid., ST, St. Thomas's local Day-Book and Ledger, 1793–1821, consisting of fragments; ff. 1, 5, 34.*

No. 174. **1800–1802.**

The Seminarians: support of the diocesan students. *Baltimore Seminary and Georgetown College.*

[16] *Cf.* No. 178, M², note 76, *Carroll, 23 July, 1814, to Grassi. Such a case, but involving special reasons, appears in* No. 178, Y², *Carroll, 31 Mar., 1815, to Grassi; on the master of novices at Washington.*

[17] No. 186, A, 1, 2, *the Carroll-Molyneux attempted agreement.*

A. 1800, May 12.

Proceedings of the Corporation, Newtown, 12 May, 1800.

. . . 5º Resolved that the education of the young men of this diocese, destined to an ecclesiastical state, be intrusted to the Rev. gentlemen of the Seminary of Baltimore. *Provisoes. See* No. 170, V, 5º

6º *Carroll, L. Neale and Beeston, are appointed* a committee to treat with the Superior of the Seminary, and determine the salary to be paid for each of said young men per annum. *See* No. 170, V, 6º

7º *Ashton to pay said salaries to the Seminary,* for all such young men as are now proposed to be educated at the expence of this Corporation. *See* No. 170, V, 7º

Signed: ROBERT MOLYNEUX. JOHN ASHTON. JAMES WALTON. LEONARD NEALE.

B. 1800, July 29.

Proceedings of the Corporation, St. Thomas's Manor, 29 July, 1800.

. . . Whereas a majority of the Corporation met at New Town, May 12, 1800, resolved, that the education of the young men of this diocese, destined to an ecclesiastical state be intrusted to the Rev. gentlemen of the Seminary of Baltimore; and whereas, in the same resolve, it was provided that the Bishop and Board may hereafter make a different regulation, if in their opinion the general advantage of the diocese should render it expedient;[1] and whereas, in the last meeting of the Directors [*of Georgetown College*] at the White Marsh, an offer was made by them to put the old College in a condition suitable to receive the above-mentioned young men and procure a proper teacher; therefore it is the opinion of the Board now met, that the said offer should be accepted of. Therefore resolved:

1º That, when the above conditions are complied with, the appropriations made by the Corporation in the above-mentioned meeting at New Town shall be applied to the support of said young men, during their course of philosophy in the College of George Town.[2]

2º That the manager of St. Thomas's Manor [*Charles Sewall, the agent*] be authorized to apply to the preparation of the College, for the accom[*m*]odation of the young philosophers in George Town, four hundred dollars out of the sum granted to him for the building of his church,[3] by the meeting held at New Town, Dec. 3d, 1798.[4]

. . . *Signed:* JAMES WALTON. JOHN ASHTON. LEONᴰ NEALE. Cˢ SEWALL.

[1] No. 170, V, 5º

[2] *Cf.* No. 170, X, *Carroll's criticism on this resolution.*

[3] No. 173, J.

[4] *According to these new resolutions, only the theologians were to be supported at Baltimore. The Directors referred to were still the same as those appointed by the select constitutional committeee of 1 Sept., 1797, for the ensuing three years: Francis Neale, Robert Plunkett, John Ashton, Charles Sewall, and Francis Beeston. Cf.* No. 162, p. 705. *Cf.* No. 170, P, note 29.

C. 1801, May 5.

Proceedings of the Corporation, Newtown, 5 May, 1801.

. . . 2º *Resolved,* That the Rev. Mr. Young's petition for 45 dollars, which he paid for the passage of Mr. Phil. Laurenson,[5] be granted, and paid by the agent, as soon as it can be spared from the fund.

3º That, as it will be inconvenient for the Corporation to meet again soon, the appropriation of moneys, heretofore granted for the education of young men in philosophy, as well as the place where they may be taught it, be left to the discretion of the Directors of the [*Georgetown*] College.

. . . *Signed:* LEONᴰ NEALE, Bp. of Gortyna. JAMES WALTON. ROBERT MOLYNEUX. JOHN ASHTON. Cˢ SEWALL.

D. 1801, November 3.

Proceedings of the Corporation, St. Thomas's Manor, 3 Nov., 1801.

1º, 2º, 3º *Acceptance of Mr. Ashton's resignation, and appointment of Mr. Bitouzey, with divers orders; all regarding White Marsh.*[6]

4º *Resolved:* That all savings from the stock of the Insurance Office and from the estate of the White Marsh be lodged in the hands of the agent, who shall pay out of said savings £40 per annum for the salary of the professor of philosophy, and £45 annually for his board in the College; and also he shall pay out of the stock money £75 for each free place of students in philosophy in said College.

. . . *Signed:* LEONᴰ NEALE, Coadjᵗʳ of Baltʳᵉ JAMES WALTON. ROBERT MOLYNEUX. JOHN ASHTON. Cˢ SEWALL.

E. 1801–1802.

Tessier's memoirs.

. . . *1801, 5 Nov. M. Marechal is invited by the bishop to go and teach philosophy to young ecclesiastical students at Georgetown.*

. . . *1802, 16 Aug. M. Marechal returns from Georgetown to Baltimore, having finished the year he promised to give; but he is disappointed on finding that the young men did not follow him to make their Seminary course.* See No. 171, A.

Md.-N. Y. Province Archives, Proceedings of the Corporation, *12 May, 1800; 29 July, 1800; 5 May, 1801; 3 Nov., 1801.—Georgetown College Transcripts, Shea papers, 1791-1828,* Époques du Séminaire de Baltimore, par Mons. Tessier, *a copy; ff. 6, 7.*

No. 175. 1801–1815.

The Corporation and the Baltimore Seminary: vicissitudes. *The date to which we have come was signalized by the election of the Ordinary of the diocese, Bishop Carroll, as a member of the Corporation. Leonard Neale, while serving his second term*

[5] *Cf.* No. 170, Q, C².

[6] *Cf.* No. 162, p. 706.

(1798–1802) since the establishment of the Corporation, had been consecrated Bishop-Coadjutor, 7 Dec., 1800. His presence at the Board, as that of a subordinate in the diocese, was stated by Ashton to meet with no opposition on the part of those, who did object to what they considered an intrusion of the hierarchy in their temporal affairs.[1]

On 3 June, 1801, the three Districts had elected in proper form their six Representatives: Messrs. Henry Pile and Charles Neale for the lower District; Messrs. Francis Neale and Robert Plunkett for the middle; and Messrs. William Pasquet and Francis Beeston for the upper District (comprising Baltimore, Philadelphia, and Pennsylvania in general). This Chapter therefore consisted of four ex-Jesuits and two others (Francis Neale and Pasquet). They met in the following year, 1802, at Georgetown, on 11 Aug. Their ballots returned for the new corporate Board, 1802–1805, the Rt. Rev. John Carroll, Rt. Rev. Leonard Neale, Rev. James Walton, Rev. Robert Molyneux, and Rev. Barnaby Bitouzey: two bishops, two ex-Jesuits, and one secular.[2]

The trouble with the Rev. Mr. Ashton had just begun. No sooner had the Representatives admitted the Ordinary to the Board of

[1] No. 162, J, *ad init.*, p. 709.

[2] *The election of the Ordinary, Dr. Carroll, as Trustee of the Corporation, was clearly a departure from an original principle of the Chapter Form of Government* (No. 146, F), *which was meant to be kept inviolate under the act of incorporation, and had not been tampered with so far. This particular principle, that* the person invested with spiritual jurisdiction in this country shall not, in that quality, have any power over or in the temporal property of the Clergy, *was already implied in Carroll's own Plan of Organization submitted for a Chapter Form of Government* (No. 143, [*VII.*], *ad fin.*). *It was distinctly affirmed in a circular letter (Feb., 1787) on the establishment of a bishopric, that the Ordinary* is secluded from all share of government in our temporal affairs (No. 153, B, [*XIII.*]); *and to this letter Carroll appended his signature. The principle was not formally re-affirmed amongst the twenty-four resolutions of the constituent meeting under the act of incorporation. Whether the omission of it was due to any influence, we cannot say. It would appear, if we are to believe Ashton in a letter submitted to the parties interested* (No. 162, J, p. 709), *that, in the form given to the 17th resolution of the same constituent meeting* (No. 168, A, 17º), *Carroll had elicited Ashton's reluctant consent to the intromission of the Ordinary's influence in the appointment of managers. That, as Ordinary, he should now desire to advance farther and be favoured with a seat at the Board seems evident from the course of events. His complaints to Plowden on the trend of the Board's policy regarding the provisions for seminarians* (No. 170, X, Y) *were dated less than two years before the election of himself to a seat among the Trustees. A state of anxiety likewise to preserve for himself the newly acquired privilege of eligibility may be discerned in an act of the new Board at its first meeting* (No. 175, N), *which makes a declaration of absolute self-abandonment and obedience to its superiors, the Select Body of Clergy speaking by the mouth of the Representatives; this act, the last* (14º) *at the meeting, is immediately signed by Carroll in the first place among the four Trustees. His subsequent conduct as a Trustee, from 1802 till his death in 1815, is that of a most assiduous member at the meetings, and a most faithful officer, even punctilious in the observance of the Constitution. This, however, was of such a liberal form in the matter of eleemosynary subsidies to the diocese, that he had only to concur in observing the principles of the Corporation, and diocesan interests would find a place.*

Trustees, than some one obtained a declaration from twelve members of the Select Body, protesting against the legitimacy of the late Representatives' meeting, and consequently against the election.[3] *The circumstance that the outgoing Trustees accepted and put on record in the Corporation minutes (27 Sept., 1802) the declaration or protest of the twelve betrays something like sympathy with the protesters; for the cognizance and criticism of Representatives' acts and doings were not within the competency of this merely executive Board.*[4] *The final rectification of the issue in a very solemn act of submission on the part of the new Trustees will show the attitude taken by Bishop Carroll in all questions concerning the Jesuit property, and the use of it for seminarian or other diocesan purposes. Hence we begin with a supplementary series of documents showing the conflict of jurisdiction between the two Boards, from their very inception.*

Carroll and the two ex-Jesuit Boards, 1794–1802.

A. 1794, February 25.

Proceedings of the Corporation, at its first meeting after incorporation, White Marsh, 25 Feb., 1794. Regulating public expenses, etc.

. . . 1º, 2º *Number and names of members. See* No. 172, A.

3º *An order that the Select Body shall elect Representatives by Districts. Mode of procedure.*

4º *A definition of the powers of Representatives. Cf. infra*, G, 9º

. . . 6º *The appropriation of pensions. See* No. 173, A, 6º

. . . 10º *Approval of a contract between Ashton and Plunkett, by which a life annuity at 9 per cent. is granted to the latter for $2000. See* No. 162, C, 10º.

11º *Order for the taking up of a loan, £2000, in favour of Georgetown. See* No. 162, C, 11º

12º *Farming out of White Marsh to its manager, Ashton. See* No. 162, C, 12º

Signed: Robert Molyneux. John Ashton. Charles Sewall.

B. 1795, June 3.

Proceedings of the Representatives, at the first meeting after incorporation, St. Thomas's Manor, 3 June, 1795. Use of their own right in regulating public expenses.

[3] *The outgoing Board consisted of L. Neale, Walton, Molyneux, Ashton, and Sewall. The new Board was to consist of L. Neale, Walton, Molyneux, Carroll, and Bitouzey. Thus the two last mentioned, the Ordinary and the Norman new-comer, were substituted for Ashton and Sewall, the latter having been both Trustee and agent of the Corporation.*

[4] *L. Neale was absent from that last meeting of the outgoing members.*

Preamble, citing not only the 8th regulation *of the constituent meeting* (No. 168), *but also* the 3rd. Regulation of the Corporation (*supra*, A, 3º), *for the legitimacy of the election in the persons of those present.* The Rev. Messrs. Henry Pile and Charles Neale were elected Representatives for the Lower District; the Rev. Messrs. Francis Neale and Joseph Eden for the Middle District; and the Rev. Messrs. John Bolton and Francis Beeston for the Upper District. The said Representatives of the Rom. Cath. Clergy, having received notice from the Agent of the Corporation of said Clergy to assemble at St. Thomas's Manor, near the Town of Port-Tobacco in Charles County Maryland, there to enter upon office, and the business appertaining to their Department, met accordingly at St. Thomas's Manor aforesaid, on the 3rd day of June, 1795.[5] *All were present.*

1º Resolved: That all transactions of the Representatives, or a majority of them, legally assembled, are to be considered as the transactions of the Select Body of the R. C. Clergy.

2º That the number of the Select Body of Clergy shall not for the present exceed twenty six.

3º–6º *Mode of procedure; interchange of acts between the two Boards. The secretary shall sign minutes. Summons to meetings.*

7º, 8º *Invalids to reside in residences designated by the Representatives, or to forfeit their claims to pensions. Managers of estates to receive invalids so placed.* *See* No. 173, B, 7º, 8º

9º *Salary of $80 for each manager and clergyman on the estates. Proviso.* *See* No. 173, B, 9º

10º *Reimbursement of Charles Neale for £50 currency advanced to defray Plunkett's voyage to America.*

11º *Annual pensions from the public fund to be discharged before any other payments.* *See* No. 173, B, 11º

12º As by the 14th Regulation of the Clergy, assembled at St. Thomas's Manor on the 4th of Octr 1793 [*the constituent meeting*],[6] the Representatives are to regulate all public expenses, they therefore decree that the Agent of the Corporation pay out of the public fund the following pensions, *etc.* *See* No. 173, B, 12º

13º *The clergyman of Frederick-Town to obtain his maintenance from his congregations.* *See* No. 173, B, 13º

14º *Ratification of the 10th and 11th resolutions, at the late meeting of the Corporation.* *See* No. 173, B, 14º

15º *Qualified disapproval of the farming of White Marsh to its manager, Ashton.* *See* No. 162, C, 12º; D, 15º

Signed: Beeston, Secy

[5] *Here, at this stage, they evidently regarded the Corporation as having some directive authority over them. Cf. supra*, A, 4º

[6] No. 168, A, 14º

C. 1795, August 21.

Proceedings of the Corporation, St. Thomas's Manor, 21 Aug., 1795. Overruling the Board of Representatives.

. . . Resolved: 1º That, whereas the Representatives convened at St. Thomas's Manor, June 3rd, 1795, made sundry resolves interfering with the power of the Corporation concerning the disposal of money and other business, belonging and entrusted to the sole management of said Corporation, the Agent be directed to pay no moneys by any order of the Representatives; nor any attention be paid to any resolves, which any way interfere with the trust committed by law to the Corporation of the R. C. Clergy.

. . . *Signed:* Robert Molyneux. John Ashton. James Walton. Charles Sewall.

D. 1796, June 2.

Proceedings of the Corporation, St. Thomas's Manor, 2 June, 1796. Assumption of the power to appoint Directors for the College of Georgetown.

. . . 2º Resolved, that the appointment of Directors of the College be made hereafter by the Trustees, provided there be no dissent from the Select Body of the Clergy within a reasonable time; and, during the recess of the Board of Trustees, all vacancies be filled by the remaining Directors then in office.

. . . *Signed:* Robert Molyneux. John Ashton. James Walton. Charles Sewall.

E. 1796, October 5.

Proceedings of the Representatives, St. Thomas's Manor, 5 Oct., 1796. Proposal to meet the Corporation in joint session for the settlement of differences.

Present Rev. Messrs. Henry Pile, Charles Neale, Francis Neale, Joseph Eden and Francis Beeston.

1º Said Representatives elected the five following members of the Select Body of Clergy Trustees of said Body for the three ensuing years, viz. Rev. Messrs. James Walton, Charles Sewall, John Ashton, Augustine Jenkins and Henry Pile.

2º As there appears a difference of opinion between the Representatives and the Trustees, concerning the true meaning of some of the Regulations made by the Clergy at their general meeting at St. Thomas's Manor on the 4th of October, 1793, the Representatives judge a joint meeting to explain the same necessary; and that as soon as may be. They therefore direct their Secretary to write to the members of the Select Body [7] for their approbation of the measure; and to confer with the Secretary of the Trustees about the time and place of such meeting.

[7] *The members at large being the original authority and ultimate referee.*

3º The Representatives dissent from the 2nd. resolve of the Trustees met at St. Thomas's Manor, June 2nd., 1796, until it be discussed and determined in the joint meeting above proposed.

Signed: BEESTON, Secy

F 1796, October 14.

Proceedings of the Representatives, St. Thomas's Manor, 14 Oct., 1796. They reform the resolution 2º, just passed, 5 Oct.

Present Rev. Messrs. Henry Pile, Charles Neale, Francis Neale and Francis Beeston.

1º Considering the inconveniences attending the 2nd. resolve, made on the 5th inst., judged proper to repeal the same, and to adopt the following in lieu thereof, viz. That the Rt. Rev. John Carroll, and Rev. Messrs. John Ashton and Francis Beeston be appointed, and they are hereby appointed a committee with powers: (*1*) *To explain the controverted Regulations, especially the 14th;*[8] (*2*) *to define the powers of Trustees and Representatives;* (3) To determine by whom the Directors of the College of George Town shall be appointed.

2º The Rev. Henry Pile refusing to accept the office of Trustee, the Rev. Francis Neale was duely elected Trustee to fill up the vacancy.[9]

Signed: BEESTON, Secry

G. 1797, March 29.

Proceedings of the Corporation, St. Thomas's Manor, 29 Mar., 1797. Proposed that a select committee on the Constitution be appointed, with an extension of its powers regarding Georgetown College, and also pensions.

. . . And, whereas a difference of opinion subsists between the Trustees and Representatives of the R. C. Clergy, respecting the meaning of certain resolves passed at the first meeting of the Select Body of Clergy, and that no provision has been made to determine the meaning thereof, therefore resolved:

3º That it is the opinion of the Trustees, that one person should be chosen out of the Select Body of Clergy in each District by every member thereof, to settle the same, and that the votes be collected by the Rev. Mr. Francis Beeston in the Northern District, and by the Rev. Mr. John Ashton in the Middle District, and by the Rev. Mr. Sewall in the Southern District, and that, after they are collected, they be transmitted to the Agent of the Corporation, who is to notify the same to the persons so chosen, and that the persons chosen do meet at a convenient place to be appointed by the Agent for the aforesaid purpose.

And, whereas there is no authority constituted for the appointment of Directors of the College of George Town, therefore resolved:

[8] No. 168, A, 14º

[9] *Francis Neale's incumbency as Trustee or agent was destined to extend over more than a quarter of a century.*

4º That it is the opinion of the members of the Corporation now present, that the aforesaid committee of three be empowered to settle, how and in what manner the Visitors of the said College shall in future be chosen, and that, in the first instance, the said committee should chuse three Visitors out of the Select Body.

And, whereas it may be found convenient and proper in some instances to make certain alterations in the pensions of clergymen, and that it would be very inconvenient to assemble the Select Body in one place, therefore resolved :

5º That it is also our opinion, that the said committee should be empowered by the Select Body to authorise the Trustees to augment or diminish the pensions to be paid by the Agent, agreeable to the 23rd. resolve of the first meeting of the Clergy.[10]

. . . 9º *Erasure ordered in the 4th resolution of their minutes, 25 Feb., 1794. Cf. supra,* A, 4º.[11]

. . . 12º Resolved that the Rev. Mr. Charles Sewall be Agent of the Corporation.

Signed : JAMES WALTON. JOHN ASHTON. CHARLES SEWALL. AUGUSTINE JENKINS. FRANCIS NEALE.

H. 1797, September 1.

Rulings of the select committee on the Constitution. Their minutes are entered in the Proceedings both of the Representatives and of the Corporation.

Proceedings of the Committee of the Select Body of R. C. Clergy.

The Rev. Messrs. John Ashton, Charles Sewall and Francis Beeston, being chosen by the Select Body of the R. C. Clergy a committee with power and authority from said Body : (1), (2), (3), *rehearsal of the three subjects of reference, as propounded by the Trustees. See supra,* G, 3º, 4º, 5º ; No. 162, E. *Being accordingly met at St. Thomas's Manor, 1 Sept., 1797, they* do agree as follows, viz.

1º That in the 14th resolve passed by the R. C. Clergy, Oct. 4th, 1793,[12] the words, Representative Body, mean the former Chapter of the R. C. Clergy.

2º *On not leasing* an estate of the Clergy. *See* No. 162, E, 2º

3º *The Trustees are empowered to augment or diminish, as circumstances may require, the pensions of clergymen paid from the general fund, but not to* reduce the pension of the Bishop of Baltimore below the sum of two hundred and ten pounds current money of the State of Maryland, as

[10] No. 168, A, 23º

[11] *The words to be erased are :* to regulate all internal matters of importance (where real property is not concerned). *This was one of the attributions which the Trustees had assigned to the Representatives in superintending* the conduct of the managers of estates, *within the respective Districts of the said Representatives. It would seem to have touched rather the sensibilities of managers than the question of jurisdiction betwixt the two Boards.*

[12] No. 168, A, 14º

fixed and agreed on by the 22nd. resolve, passed by the R. C. Clergy on the 4th day of Oct., 1793.[13] *See* No. 173, F, 3º

4º *On augmenting or diminishing pensions paid to clergymen by managers of estates.*[14] *See* No. 173, F, 4º

5º That there shall be five Directors of George Town College, chosen every three years by the Trustees from amongst the Select Body.[15]

6º–11º *Rulings about the powers, etc., of Directors, the President of the College, and mode of procedure.*

12º That the Rev. Messrs. Francis Neale, Robert Plunkett, John Ashton, Charles Sewall and Francis Beeston be the Directors of George Town College for the three ensuing years, commencing on this first day of September.

Signed: JOHN ASHTON. CHARLES SEWALL. F. BEESTON.

Md.-N. Y. Province Archives, Proceedings of the Corporation, *25 Feb., 1794; 21 Aug., 1795; 2 June, 1796; 29 Mar., 1797; minutes of the select committee on the Constitution, 1 Sept., 1797. Ibid.*, No. 3, Proceedings of the Representatives, *3 June, 1795; 5 Oct., 1796; 14 Oct., 1796; minutes of the select committee on the Constitution, 1 Sept., 1797.*

So ended the controversy between the two Boards on the extent of their jurisdiction respectively. But the election of Dr. Carroll, Bishop of Baltimore, to a seat at the Board of Trustees partly reopened the question. This was due to the action of the Corporation in taking official notice of the protest, formulated by twelve members of the Select Body against the meeting in which the superior Board of Representatives had elected Dr. Carroll. The result of such an act on the part of the outgoing Board was that the new Board of Trustees, by a very formal and explicit resolution, bound itself down more than ever in obedience and subservience to the Select Body when speaking through its legitimate organ, the Board of Representatives. The names of members composing the two bodies, during the latter period till Carroll's election, are seen in the following acts of the Representatives.

J. 1799, August 28.

Proceedings of the Representatives, St. Thomas's Manor, 28 Aug., 1799.

An election having been held by the Select Body of the Roman Catholic Clergy for Representatives of their body, for three years from

[13] No. 168, A, 22º *In consequence of this resolution, the Corporation immediately (4 Sept., 1797) augmented the allowance for Bishop Carroll. See* No. 173, G, 1º

[14] *Evidently distinct from pensions at the charge of the general fund. Cf.* Nos. 173, B, 9º; 175, B, 9º

[15] From amongst the Select Body: *for the purpose of this clause, to exclude M. Dubourg, S.S., president of the College, cf.* No. 162, E, note 7. *It had the effect later of excluding for a while from the Board of Directors Father John Anthony Grassi, president. Cf.* No. 178, A^2-C^2.

the 3rd. day of June, 1798, the following gentlemen were duly elected, viz. Rev. Messrs. Robert Molyneux and Henry Pile for the Lower District, Rev. Messrs. Leonard Neale and Robert Plunkett for the Middle District, Rev. Messrs. John Bolton and Francis Beeston for the Upper District.

The said Representatives having been summoned to meet at St. Thomas's Manor, on this day, the following gentlemen assembled, viz., Robert Molyneux, Henry Pile, Leonard Neale and Francis Beeston, who, forming a quorum, proceeded to business.

Having elected Francis Beeston secretary to the Board, they proceeded to the election of five Trustees for three years, to commence on the 4th. day of next Oct. On counting the ballots, the following gentlemen were declared duely elected, viz. Rev. Messrs. James Walton, Robert Molyneux, John Ashton, Charles Sewall and Leonard Neale.

. . . *Signed:* BEESTON, Sec^{ry}

K. 1802, August 11.

Proceedings of the Representatives, George Town College,[16] *11 Aug., 1802.*

Since the last meeting of Representatives[17] an election has been made, by the Select Body, of Representatives for three years from the 3rd. day of June, 1801, in which election the following gentlemen had a majority of votes, and consequently were duely elected, viz. Rev. Messrs. Henry Pile and Charles Neale for the Lower District; Rev. Messrs. Francis Neale and Robert Plunkett for the Middle District; Rev. Messrs. William Pasquet and Francis Beeston for the Upper District.

The said Representatives having been summoned to meet at George Town College on this day, the following gentlemen assembled, viz. Henry Pile, Francis Neale, William Pasquet and Francis Beeston.

Who, having elected Francis Beeston secretary to the Board, proceeded to the election of Trustees for three years, to commence on the 4th. day of next October. On counting the ballots, the following gentlemen were declared duely elected, viz. Rt. Rev. John Carroll, Rt. Rev. Leonard Neale, Rev. James Walton, Rev. Robert Molyneux and Rev. Barnaby Bitouzé.

Signed: BEESTON, Sec^{y}

L. 1802, September 27.

Proceedings of the Corporation, St. Thomas's Manor, 27 Sept., 1802.

. . . Whereas the Rev. Messrs. Ignatius Brooke and Wm. Matthews

[16] *Meetings were generally held at St. Thomas's Manor. When latterly Georgetown College had become the favoured place for the assembling of the Trustees, a legal technicality was found to be wanting, inasmuch as Georgetown was not in the State of Maryland, and, according to the Charter of the Corporation, all the past acts might be nullified. The Board, not sitting at Georgetown (20 Jan., 1818, St. Thomas's Manor), repaired the irregularity, by sanctioning then all the resolutions of the past. Cf.* No. 180, O.

[17] *Supra*, J.

having petitioned to be received into the Select Body of Clergy, Resolved, that they shall be considered as members of said Body.

. . . Whereas twelve members of the Select Body have given in their votes to this meeting, that the late meeting of Representatives at George Town was improper, if not illegal, null and void, also plainly subreptitious, as being planned and carried on by two of the Representatives[18] without the knowledge and consent of the other members ;[(a)] and, whereas the 7th article of the Constitution says that the Trustees are removeable by the Select Body of the Clergy at pleasure,[19] therefore, to prevent all disputes or uneasiness which may arise under the present circumstances, the opinion of the Select Body having been taken on the case,[20] it is hereby declared, that there shall be another meeting of the Representatives for the choice of other Trustees.[21]

It is the opinion of this Board, that there ought to be a committee of three chosen once in three years to interpret and decide all disputes, which may arise relative to the sense of any article of the Constitution, as was resolved in a meeting held at St. Thomas's Manor on the 29th of March, 1797, with respect to some certain points, and afterwards agreed to by the Select Body.[22] We therefore request the members of each District will

(a) *Here four and a half lines have been carefully erased. Cf. infra*, N, 14º, 2, *about not entering into the minutes* any censures on the members of the Select Body.

[18] *As to the persons impeached here* (*apparently with the implication that they had favoured the election of Carroll*), *they must have been two among the four Representatives present at the meeting. Pile would not seem to have been one of them ; he was not identified with any interest, and he was of the same Lower District, for which Charles Neale was a member. Bishop Carroll says of him :* The worthy Mr. Pile has resided on his own estate, since his return to Maryland, but without indulging in idleness, having constantly performed the work of the ministry (*English Province Archives, portfolio 6, f. 78, Carroll, Baltimore, 10 Jan., 1808, to Plowden*). *Francis Neale was considered as always true to the Neale party, and therefore not in particular sympathy with Dr. Carroll* (*cf.* No. 170, X, *Carroll, 3 Sept., 1800, to Plowden*). *On the other hand, Beeston, after being long identified with Bohemia, was Bishop Carroll's pastor at Baltimore ; and besides, as secretary, could not be out of the secret, if there were any. Pasquet, a secular priest, was now manager at Bohemia, where he seems to have followed a* successor to Mr. Phelan (*Corporation Proceedings, 3 Nov., 1801, 8º*) ; *and when Bohemia was granted to Carroll* (*1 Sept., 1806*), *he remained there, managing the estate for the bishop. Afterwards, he became a troublesome character* (*cf.* No. 178, Z²). *Hence the two persons incriminated seem to have been Beeston, an ex-Jesuit who never re-entered the Society, and Pasquet, a secular clergyman. As the protest says that the meeting had been held* without the knowledge and consent of the other members, *one of the two absent must be supposed to have given occasion for such a complaint. Of the two absent, Plunkett and Charles Neale, the latter was never on very good terms with Carroll, who considered him to be little better than an opponent. The charge of illegality against the late meeting at Georgetown may have been based on the fact of its having been held within the Federal jurisdiction of Washington city ; and the other charge of its having been subreptitious, on the circumstance of its not having been held at St. Thomas's Manor, or Portobacco, where Charles Neale lived, and from whence he could seldom be drawn forth for any reason whatsoever.*

[19] No. 168, A, 7º.

[20] *Cf. infra*, N, 14º, 3.

[21] *This assumption of general supervision over the affairs of the Select Body seems to have had no basis in the powers attributed by the Constitution to the Board of Trustees.*

[22] *Supra*, G, 3º.

send in their votes for said committee to the Rev. Mr. F. Beeston of the Northern District, to the Rev. Mr. F. Neale of the Middle District, and to the Rev. Mr. Charles Sewall of the Southern District ; and that, after the votes are collected, they be transmitted to the Agent of the Corporation, who is to notify the same to the persons so chosen, and that the persons chosen do meet at a convenient place to be appointed by the Agent for the aforesaid purposes, according to the above-mentioned resolve.[23]

To settle a dispute between Rev. Messrs. Brosius and Dubois, Beeston is appointed arbitrator.

Rev. John Mondesir, having returned to France, is no longer a member of the Select Body.

Archives not to be removed from the residence of the Agent, unless carried by himself.

We recommend to the Agent that, when there is to be a meeting of the Trustees, he also notify the same to the present Bishop and his Coadjutor, that they may either attend in person or send to the Board any communication they may deem proper.[24]

Signed: JAMES WALTON. ROBERT MOLYNEUX. JOHN ASHTON.
C^{s} SEWALL.[(b)]

M. 1802, October 2.

Proceedings of the Representatives, St. Thomas's Manor, 2 Oct., 1802.

Present Messrs. Henry Pile, Charles Neale, Robert Plunkett, Francis Neale and William Pasquet. The Rev. Henry Pile being chosen secretary pro tempore, they agreed to the following resolves :

Whereas the validity of the meeting of the Representatives, held at George Town in August last, and of the election of Trustees made therein is called in question, we, the Representatives now met at St. Thomas's Manor, for the sake of peace and to do away all discord, think the most

(b) *Thus far the minutes of the Corporation from the initial record of the constituent meeting, 4 Oct., 1793, till this date, 27 Sept., 1802 (37 pp. fol.), are seemingly in one hand (Sewall's ?), excepting some paragraphs. The original signatures throughout are appended under one another.*

[23] *Here there is no reference made to the pleasure of the Select Body on the main question, as had been done, says this resolution, on the former occasion.*

[24] *This last recommendation, given to their agent, that he may invite the Ordinary and his Coadjutor either to attend the meetings or to send communications, clearly points to the exclusion of both from a seat at the Board ; as is intimated also in the last words of the first paragraph, that the Representatives should proceed to* the choice of other Trustees. *As far as the Ordinary was concerned, such a mode of procedure agreed perfectly with the original practice of the Chapter, when Carroll, Prefect Apostolic, was* respectfully intreated to attend Chapter, *but only after the said Board was already in session* (No. 150, B, [1.]). *With regard to the Coadjutor's eligibility, Ashton in his controversy with Bishop Neale dismissed that point as quite immaterial to the issue in debate, as much so as if L. Neale were* the Bishop of Pumphlygonia or Carthage (No. 162, J, *ad init.*) ; *the reason being that the Coadjutor was not a diocesan judge. The high-handed proceedings at this Board were no doubt inspired by Ashton. But the absence of Sewall's name from the first and second lists of the new Board, and the election of such a new man as the Norman, Barnaby Bitouzey, may convey the impression that the late agent agreed with Ashton on the general question. However, both Sewall and Walton were sinking into the grave.*

conciliating means to bring about this desired effect is to proceed to a new election.

On counting the votes, the following Rev. gentlemen were declared duely elected Trustees to serve for three years from the date of this present October, viz. John Carroll, Leonard Neale, Barnaby Bitouzé, James Walton, John Bolton.[25]

Signed: H. PILE, Sec. pro temp.[26]

N. 1802, October 13.

Proceedings of the Corporation, Newtown, 13 Oct., 1802. Minutes of the first meeting at which Carroll sat as a Trustee, with the Board's act of submission to the Select Body.

The following clergymen, viz. Rt. Rev. J. Carroll, Rt. Rev. Leonard Neale, and the Rev. Messrs. John Bolton and Barnaby Bitouzey convened the 13th. day of October, 1802, at New town, St. Mary's County, where the Proceedings of the Representatives of the Select Body of the Roman Catholic Clergy of Maryland[27] were laid before them. *Rehearsal of the action taken by the Representatives, George Town, 11 Aug., 1802,*[28] *with the clause thrown in, that they had met,* after notice duly given to them [*the members present*] and the other Representatives [*those absent*]. *Result of said election.*

Likewise were exhibited to the above mentioned Rev. gentlemen the Proceedings of another meeting of the Representatives, held at St. Thomas's Manor on the second day of October, 1802,[29] at which were present the Rev. Messrs. Henry Pile, Charles Neale, Robert Plunket, Francis Neale and William Pasquet, who then and there did elect the Rev. John Bolton to be one of the Trustees, it appearing to the satisfaction of the said Representatives that the Rev. Robert Molyneux declined accepting the appointment heretofore made of him to that office. Wherefore:

The said Rt. Rev. Messrs. John Carroll and Leon[d] Neale, the R.R. Messrs. James Walton, John Bolton and Barnaby Betouzey constitute the present Corporation of the Select Body aforesaid.

It being provided by the resolves and regulations of the R. Cath. Clergy, enacted at their general meeting at St. Thomas's M[*anor*], Octob. 4th, 1793, Sect. 24, that the Trustees, before they enter on their office, shall bind themselves by oath made according to law, to a faithful execution of their trust, the said Trustees have severally made and signed in legal form the following oath: [(c)]

(c) *The oath is transcribed in Carroll's hand. The minutes before and after are in Bolton's (?) writing.*

[25] *Here Bolton is substituted for Molyneux, a corpulent person, very averse to movement or activity of any kind. As appears from the next document* (N), *he had declined to serve any longer.*

[26] *See* No. 162, J, *the open letter of John Ashton on the controversy, under date of 11 Oct., 1802.*

[27] *Here appears in the title of the Body the incorrect phrase,* of Maryland.

[28] *Supra,* K.

[29] *Supra,* M.

Maryland Sc[t]

Oct. 13, 1802. Then came before me the subscriber, one of the Justices of the peace of St. Mary's County, the persons underwritten who made oath on the Holy Evangels of Almighty God, as follows:

We, whose names are hereto subscribed, make oath severally on the Holy Evangels of Almighty God, that, during our continuance in the office of Trustees, we will truly and faithfully execute the trust reposed in us, according to the true intent and meaning of the regulations adopted, or to be adopted, by the Ministers of the Roman Catholic Church, for the management of their estates and temporalities.

Sworn before me, P. Ford.

Signed: + J. CARROLL, Bis[p] of Balt[re] + LEON[D] NEALE, Bis[p] of Gortyna. JOHN BOLTON. J. B. BITOUZEY.[30]

The Trustees, being thus qualified, proceeded as follows.

1º *Bolton appointed secretary.*

2º *Salary of the Corporation's agent put at sixty dollars per annum.*

3º *Francis Neale*[31] *appointed agent.*

4º Resolved that the Rt. Rev. Bp. Carroll receive into his custody from the late Agent [*Sewall*] the effects, moneys, books of accounts, and all other papers appertaining to the Office of the general agency of the Corporation, and deliver them to the Rev. Francis Neale at George Town.[32]

5º–10º *Duties of the agent inculcated, in accordance with resolutions originally made by the Board. No erasures to be made in minutes, but the repeal of former acts to be made by a new determination. The late Agent's accounts desiderated.*[33] *The agent in future to have his books always ready for the Corporation, with due precautions for their transmission, if he cannot attend the meetings himself. His expenses to be provided, as for the Trustees. Legal advice to be procured about assuring the accountability of managers to the Corporation.*

11º *The Rev. Mr. Eden's services and compensation.*

12º Resolved, that the Rev. Mr. Betouzey repair immediately to the White Marsh, and enter into the management of that estate, agreeably to the 1st. resolve of the Corporation at St. Thomas's Manor, Novemb. 3, 1801,[34] the Bishop's approbation being now obtained.

[30] *Cf.* No. 168, B, C.

[31] *Not a Trustee, but one of the Representatives.*

[32] *The meaning of this commission is partly explained by the direction of Carroll's journey, as he had to travel up northwards from the lower counties, the present meeting being held at Newtown, on the Potomac. He could pass on his way by Portobacco, where Charles Sewall was stationed, as the address of letters to him from his brother, Nicholas, in England, shows at this time.*

[33] *There is a tone of complaint in this 7th resolution about* the late Agent.

[34] *As Ashton had* resigned the management of the White Marsh, *and intended* to retire from thence in the course of the next summer, *the Corporation, 3 Nov., 1801, had resolved on the transfer of Bitouzey from St. Thomas's Manor, if the bishop approved, and had desired Ashton* to give his successor all necessary information concerning the estate of the Marsh and the annexed property. *Cf.* No. 162, G, note 8.

13º Resolved, that the Rev. Mr. Pasquet be empowered to obtain from the Rev. Mr. Sougé the plat and deeds for certain lots lying in Kings Town, Queen Ann's County, and sell the same on the best terms he can obtain; and the Corporation will execute the necessary deeds to the purchaser.[35]

14º Resolved, that the following declaration is expressive of the principles which the Corporation will make the rules of their administration. 1. That the Corporation possesses no power or authority, excepting those which are derived from the Act of Incorporation and Regulations made pursuant thereto, by a Convention of the Roman C. Clergy held at St. Thomas's Manor, Octob. 4, 1793.[36] 2. That the Corporation is not vested with authority to establish or decide on the true meaning of the controverted clauses of the Constitution, nor to inflict and enter into their Proceedings any censures on the members of the Select Body, excepting the cases particularly specified in the Constitution; nor to decree and convoke a meeting of the Representatives, nor to declare any meeting held by these illegal, null, void, or subreptitious. 3. That the Corporation would betray their trust, and pave the way to the corruption and degradation of the Select Body, by solliciting for their particular views the concurrence and interest of clergymen not members of the said Body, and adducing their pretended approbation and concurrence as the vote of that Body; and, immediately after, admitting such clergymen into it.[37] This violation of trust would be more flagrant, if the opinions, ascribed to those persons, had never been delivered by them. 4. That the Corporation, without assuming to themselves to decide on a point not committed to their office, are of opinion that, to determine doubts arising on the meaning of the Constitution, it is necessary for the Select Body either to meet in general convention or to instruct their only constitutional organs, the Representatives, to declare the sense of their several Districts. 5. That the fair and deliberate sense of the Select Body cannot be collected from answers written by individuals, and unauthorized applications; that such applications and answers would open a door to intrigue, and infallibly breed dissensions, and uncharitable misrepresentation; especially if no time should be allowed for a free communication with other members of the Select Body holding opposite opinions; and the more so, when partial statements accompany the applications made to individuals. 6. That the

[35] *As documents already cited have shown, and this resolution now instances at the first meeting which Carroll attended in the quality of Trustee, the alienation of real property was carried on without any distinct or even implicit reference to canonical prohibitions. It illustrates the view, entertained by Carroll and the others, as to what they called the* civil *nature of the property covered by the act of incorporation. Cf.* No. 87, B, E-H; *also* Nos. 124, C, note 7, *Marechal's statement to the Propaganda;* 148, note 3; 197, *on the Maryland use of the term,* ecclesiastical property.

[36] No. 168, A. *Compare, in this document signed by Carroll, the manner of referring to the constituent meeting with Marechal's account of the same assembly, submitted to the Propaganda* (Nos. 117, E; 119, [*III.*]—[*VI.*]).

[37] *Cf. supra,* L, *the admission of Rev. Messrs. I. Brooke and W. Matthews.*

Representatives, chosen triennially, are the constitutional organs to declare the sense of the Select Body, and sufficient to make known their will; and that to elect triennially others besides these,[38] to superintend the interests of the Select Body, would only serve to promote intricacy in their government, and multiply trouble and expence, without producing one good effect, which is not already within the reach of the Select Body, by their constitutional power of chusing Representatives entitled to their confidence. 7. That it is to be wished that the Representatives, previous to their next meeting, obtain instruction on the foregoing subjects for [*from?*] their constituents, assembled together, if possible, in their respective Districts; and particularly on that, which relates to the authority that ought to be attached to individual opinions, delivered without deliberation and mutual discussion.

Signed: + J. CARROLL, Bis^{p} of Balt^{re} + LEON^{D} NEALE, Bis^{p} of Gortyna. JOHN BOLTON. G. B. BITOUZEY.

Md.-N. Y. Province Archives, No. 3, Proceedings of the Representatives, *28 Aug., 1799; 11 Aug., 1802; 2 Oct., 1802. Ibid.*, Proceedings of the Corporation, *27 Sept., 1802; 13 Oct., 1802.*

We have a copy of the opinions expressed by the Middle District (*16 Nov., 1802, infra,* P), *and also that of the northern constituency* (*17 Nov., 1802, infra,* Q) *on this referendum* (N, 14°, 1–6) *of the Ordinary, the Coadjutor, the other ex-Jesuit, and the secular. The former, who sit at Georgetown and are cautious in their judgment, consist of five seculars and one ex-Jesuit. The others, who sit at Conewago, Pennsylvania, are four seculars and one ex-Jesuit. These rehearse, in the first place, and then approve absolutely, the said* six articles, *and* are of opinion, that all future Trustees ought to be guided by the same principles and rules, *which they proceed to commend in particular, and in special terms of emphasis. To this opinion, which is inserted in the Proceedings of the Representatives, a note is appended, that the* members of the Select Body, residing in the Lower District, never complied with the request and recommendation of the Corporation, by assembling and taking into consideration the foregoing subjects.

The foregoing subjects *thus submitted were two. But the second, to which we now come, is not recorded by the Board of Trustees from whom it emanated like the first. It appears in the Proceedings of the Representatives, and is nothing less than a proposal to*

[38] *Cf. supra*, L, *the opinion and action of the outgoing Board, relative to a special committee of three.*

combine with the Sulpicians in reconstituting their Baltimore Seminary, which was not flourishing, and in restoring Georgetown College, which was not thriving. In communicating this project, which they say has originated with the Sulpicians, the Trustees take occasion to introduce and second it with considerations on the extension of religion in the whole country, from Pennsylvania to Kentucky and Georgia.

O. 1802, October 15.

Letter of the Corporation, 15 Oct., 1802, on joint action with the Sulpicians.

Letter addressed to the members of the Select Body of the R. C. Clergy, residing in the different Districts, by the Trustees of the said Clergy.

Newtown, October 15th, 1802.

GENTLEMEN,

The College of George Town is at present almost the only resource, from which the friends of religion can hope for a supply of young men, of literary education, willing to devote themselves to an ecclesiastical state; and consequently the prosperity of that establishment is essential to the procuring of a sufficient number of clergymen to answer the demand for them in the United States. Already many large and heretofore flourishing congregations are without spiritual assistance; and every day it may be expected that others will be in the same situation. In Maryland alone the numerous congregations of Boone's Chapel, Seneca, Bohemia, etc., have no pastors; to say nothing of the States of Pennsylvania, Kentucky, Georgia, etc. From France no further assistance must be looked for; on the contrary it is both natural to expect, and late advices give too much reason to fear, that much of the assistance, heretofore derived from French Priests, will be withdrawn from us. These, and many other obvious considerations, strongly inforce the necessity of encouraging the College, so that it may be productive of the principal advantage, contemplated at its institution.

It is thought that, amongst other causes of its declension, one is the establishment of the Academy now existing at the Seminary at Baltimore.[39] Without examining the foundation of this persuasion, it is certain that the raising of the Academy has unhappily increased and kept alive the sparks of disagreement between the members of the Select Body and others of the Sulpicians. From this unhappy division it naturally ensues, that each is backward of requiring from or affording to the other the desirable assistance and confidence. Hence the College is not supplied sufficiently with capable masters, to raise its credit and estimation in the eyes of the

[39] *St. Mary's College, Baltimore.*

public; few students are sent to it, and consequently it declines in reputation and in the means of subsistence and improvement.

In this situation, a proposal has been made by the gentlemen of St. Sulpice, which deserves the attentive consideration of the Select Body; for it opens a prospect of returning harmony and confidence; of a supply of students and teachers to the College; and of securing to this country the services of a meritorious, edifying and respectable body of clergymen. They offer to suppress immediately their Academy at Baltimore; to transfer the students to the College; and to furnish it with a certain number of subjects for teaching and other purposes. This offer is accompanied with conditions, some of which will probably be thought inadmissible,[40] some requiring modifications; and others, reasonable and advantageous. But, on the whole, there is no authority competent to come to an agreement on the proposal above mentioned, without the sanction of the Select Body. And, as the object is of the first importance, we take the liberty of suggesting to our Brethren the propriety of their authorising their Representatives to convene, and appoint from amongst themselves a committee of two or three, to confer with a like number of gentlemen of St. Sulpice, and agree upon the terms of the union proposed by the latter. This appears to us, and to those of our Brethren with whom we have conversed on the subject, a matter of so much importance as to demand your immediate attention; and, as such, is recommended to you.

By order of the Corporat^{n},
JOHN BOLTON Sec^{y}

[*P.S.* ?] Rev. Messrs. H. Pile and Charles Neale.—Messrs. Francis Neale and Robert Plunkett.—Messrs. Francis Beeston and William Pasquet.[41]

You are requested by the Corporation to communicate immediately the inclosed letter to the gentlemen of your District, that they may deliberate together on its contents, and give you their instructions thereupon.

I am etc.
JOHN BOLTON Sec^{y}

P. 1802, November 16.

Answer of the Middle District to the foregoing letter of the Corporation (*supra*, O).

George Town College, Nov. 16th, 1802.

We, the underwritten members of the Select Body of the Middle District, having convened agreeably to the request of the Trustees assembled at Newtown on the 15th day of October, 1802, have unanimously come to the following resolves:

[40] *Cf. infra*, P, 2º
[41] *The Representatives.* *See supra*, K.

Resolved, 1º *That such a committee as is proposed be chosen by the Representatives, but not from themselves alone as projected; rather from the Select Body at large. Proviso, that if the other Districts have already adopted the project as presented, the Representatives of this District conform themselves to the majority.*

Resolved, 2º That the said referees be directed to consent to no proposals, calculated to commit the interests, or accumulate the debts, either of the Corporation or of the College.

Resolved, 3º That the plan which may be adopted by the referees on both sides be submitted to the Trustees for their consideration and final approbation.

Signed: FRANS NEALE. ROBT PLUNKETT.[42] JOS. EDEN.
JNº DUBOIS. NOTLEY YOUNG. WILLM MATTHEWS, Secy

Q. 1802, November 17.

Answer of the Upper District to the same letter of the Corporation (*supra*, O).

Conewago, Nov. 17th, 1802.

We, the undersigned members of the Select Body of the Roman Catholic Clergy, residing in the Upper District, assembled at Conewago on the 16th and 17th days of November, 1802, agreeably to the request and recommendation of the Trustees of said Body, to instruct our Representatives on the proposed union of the College of George Town and the Academy now existing at the Seminary at Baltimore; and to give our opinion of the Principles and Rules adopted by the present Trustees, for their Administration, expressed in the 14th Resolve, passed by said Trustees, met at Newtown, St. Mary's County, Oct. 13th, 1802, viz. *Here is inserted the whole of the said 14th resolution* (*supra*, N, 14º).

We, the undersigned, having taken into serious deliberation and thoroughly discussed the foregoing subjects, unanimously agree and declare as follows, viz.:

1º That the union of the College and Academy aforesaid is, in our opinion, a matter of the utmost importance for religion in the United States. *Approval of the project; the committee to be appointed either from the Representatives or the Select Body at large; their agreement with a similar committee from St. Sulpice to be binding on both sides, without appeal.*

2º *Endorsement in detail of the six Articles, referred to them by the seventh, of the 14th resolution. See supra*, N, 14º

Signed: F. X. BROSIUS. LEWIS BARTH. STANISLAUS CERFOUMONT. WM PASQUET. FRANCIS BEESTON.[43]

[42] *Plunkett is the only ex-Jesuit here; and he had been such before the Suppression.*
[43] *Beeston is the only ex-Jesuit here.*

Md.-N. Y. Province Archives, No. 3, Proceedings of the Representatives, *pp. 25-29, circular letter of Bolton, secretary of the Corporation, Newtown, 15 Oct., 1802. Ibid., pp. 30, 31, answer of the Middle District, Georgetown, 16 Nov., 1802. Ibid., pp. 32-39, answer of the Upper District, Conewago (Pa.), 17 Nov., 1802.*

It is to be noted that, in the conduct of the Select Body now, two District meetings, taken as they occur and consisting of eleven active members, yield two ex-Jesuits and nine who had never been Jesuits; nor did the two ex-Jesuits ever re-enter the Order. The whole control of affairs was, by the mere force of circumstances, passing out of the hands of the ancient body.

That Baltimore Academy which, as the circular noted, had given rise to a persuasion that it was ruining Georgetown, is sketched with great simplicity by M. Tessier, and is commented on with no less sincerity by Carroll and others.

M. Tessier, in his memoirs, sketches the course of events up to the present time:[44] *the coming to Georgetown of MM. Flaget and Dubourg; the retirement of the latter from the office of president, and the departure of both for Havana; the new establishment attempted there, and the return of Dubourg with Spanish scholars; the admission of a dozen French scholars into the Seminary, by way of helping the Spaniards in the study of French; the increase of numbers; the return of M. Marechal from Georgetown, where he had taught philosophy for a year (16 Aug., 1802). Soon after this, the new Board of Trustees, Dr. Carroll being a member, sent round the circular letter to the Select Body, conveying the new project of united action with the Sulpicians (15 Oct., 1802; supra,* O). *Marechal and others left for France in the following July, 1803; and the responsibility for what followed devolves upon the enterprising M. Dubourg. To the dismay of all, the whole detachment of Spanish scholars, excepting only four, were ordered off from Baltimore by their civic authorities, and carried away to Havana in a corvette. This disaster happened on the 20th of September, 1803. The condition of the Seminary, as being involved with its Academy, seemed desperate.*

Here, under the spur of necessity, the great step was taken, after the gentlemen of the Seminary had pondered the matter long and maturely. In spite of "the other Sulpicians,"[45] *says Grassi,—notwithstanding* the rigid Sulpicians, *says Carroll,—they resolved to open their doors to American students. M. Tessier does allude*

[44] No. 171, A, Époques du Séminaire du Baltimore.
[45] No. 135, A, Prop. 4, note 6.

to what might possibly be thought or felt at Georgetown, and what "ought to suffice as an excuse in the eyes of those gentlemen."

R. 1803, September 20.

M. Tessier on the opening of the public college at the Seminary, Baltimore. Tessier's Memoirs, 20 Sept., 1803.[46]

M. Dubourg's embarrassment. He proposed returning to France, especially as the Seminary itself should have to return soon. Cependant, après de longues réflexions sur l'incertitude du gouvernement actuel de France, et sur les entraves dans lesquelles l'éducation publique y était retenue, il se résolut à retour [*de l'Havanne?*] à Baltimore. Jusqu' à ce jour on n'avait admis à l'académie aucun sujet du pays par déférence pour les Messieurs du collège de Georgetown. Mais enfin on pensa que la nécessité de soutenir un établissement, lequel seul pouvait nous mettre en état d'élever des jeunes gens pour l'église,[47] devait suffire pour nous excuser aux yeux de ces Messieurs ; et on annonça publiquement qu'on recevrait les Américains dans l'académie de quelque religion qu'ils fussent. *On the 25th of September, a colony of Trappists arrived, for whom they found lodging near Conewago in the house of "a French gentleman, one of our friends, Mr. Harent, who had returned to France three months before."* [48]

Georgetown College Transcripts, Shea papers, 1791-1828, Époques du Séminaire du Baltimore, par Mons. Tessier ; *a copy, f. 8.*

This Baltimore College was the fourth enterprise, in which M. Dubourg now exercised his talents: Georgetown, Havana, the Spanish school in the Seminary, and this general public school, called St. Mary's College. It succeeded for a time, like two of the three gone before; and it ended like all of them. As Bishop Carroll's sympathies were understood to be engaged in this new departure,[49]

[46] No. 171, A, p. 766.

[47] *This was an original function of Georgetown College, as a general literary institution. Cf.* Nos. 170, X, note 36, *ad fin.*; 178, G[3], *ad* note 136. *The "necessity" of setting up another establishment for the same purpose would have been plausible, if there were question of establishing a preparatory seminary. But such the new college never pretended to be. Cf.* No. 171, note 11. *And, according to the reflections of Carroll (infra,* U, V) *and of L. Neale (infra,* S), *to which may be added Grassi's description of Dubourg's secular enterprise* (No. 135, A, note 6), *it was Georgetown College which bore at this time the air of a preparatory seminary, and, as Carroll implied, was* governed on the principles and in the system of a convent, *while Dubourg's Academy adopted the forms of advanced laicism. That Carroll was in sympathy with the new undertaking is clear enough from the documents* U *and* V *following, as well as from* No. 170, X, note 36.

[48] *Cf.* No. 162, M. *Card. di Pietro writes from the Propaganda (13 July, 1805) to Bishop Carroll, saying that the Rev. Joseph Harent, now in Lyons, has imparted information about the progress of religion in the United States, the churches, the Baltimore cathedral, M. Nagot's Sulpician college of 110 pupils, a seminary with twelve students, etc.*

[49] *Cf.* No. 171, A, *1799, Aug. 9. However, at the time when M. Emery had the intention of recalling all the Sulpicians from America to France, Carroll wrote to him*

and that circumstance more than probably helped to arouse the partial antipathy for him, which became traditional in the new Jesuit Mission of Maryland, we subjoin a short series of documents to complete this phase of the history.

1803–1815.

Sequel of the foregoing: St. Mary's College, Baltimore, and Georgetown College.

S. 1803, June 25.

Bishop L. Neale, president of Georgetown College, 25 June, 1803, to Father Marmaduke Stone, president of Stonyhurst College.

Speaking of aggregation to Russia, he says: We are reduced to a very small number of suitable members. The gentlemen of St. Sulpice are ordered back to France. Some have already departed, others are on the point of sailing. Of course, the Seminary is no longer calculated on. The school of boys erected there, to the great prejudice of George Town College, still exists; but, as the Spanish youths, their chief support, are ordered by their Government to return immediately to their native country, it must naturally fall to nothing. Our number of scholars is very small, but we still stand in the critical moment of trial. Were it the will of Heaven that the Society be speedily re-established here, I should be happy to deliver up my presidency to their happyer guidance. Notwithstanding our small number of scholars, we have a respectable number of postulants for the clerical state; and, had we but funds for free places, we should undoubtedly be able to supply a considerable number in a moderate time. Hence, as this must be our grand object, you will be kind enough to transmit to me the money I formerly deposited with you, if the object then proposed cannot be obtained. . . .[50]

T. 1803, July 29.

Charles Sewall (Maryland), 29 July, 1803, to Nicholas Sewall, England.

Their joy in Maryland at the news of the Society having been restored in England, Father Stone being Provincial. Charles Sewall says, he will not wait very long before he applies to Stone for admission into the Society. The property, and the College of Georgetown to be made over and placed in the hands of the Society.[51] I am sorry to inform you, that the College of George Town does not flourish, but has for some time past been declining in numbers, character and reputation; so that there are only about 40 boys at present; and I am told by one, who is better acquainted with the

that he would allow the (Spanish-French) College at Baltimore to continue for two or three years, receiving only twenty-four students at most, after which time only clerical studies must be pursued at St. Mary's. (Georgetown College Transcripts, Shea abstracts, 1799–1802; Carroll, 13 Feb., 1801, to Emery.)

[50] *That of sending over masters or a president from Stonyhurst.*

[51] *Cf.* No. 178, G.

College than I am, that its bad success is owing to the want of proper masters, and better administration in sundry points. Tho' the gentleman, who presides at present, is certainly a very virtuous and zealous bishop, yet it appears that something is wanting to give satisfaction to parents, many of whom have withdrawn their children and sent them to Protestant schools and academies. We are so few in number, and are now so far advanced in years, that, unless Mr. Stone will be pleased to send us a proper superior and president for the College, to say nothing of some masters, it will, I fear, come to nothing, to the great detriment of religion and our great disgrace. . . .

U. 1808, January 10.

Carroll, Baltimore, 10 Jan., 1808, to Charles Plowden.

. . . *The College of Georgetown is not flourishing, except in the discipline and piety prevailing there.* One of the Sulpician priests, who is a man of very pleasing manners and towering genius, named Dubourg, has formed a college in this town ; and, being aided in teaching by his Brethren and other Frenchmen, and other[*s*] of various accomplishments, has raised it to high estimation, notwithstanding the education there is enormously expensive. It contains far more Protestants than Catholics. Some of the rigid Sulpicians shake their heads at this (to them) seeming departure from their Institute ; but I believe that the general effect will be beneficial. . . .

V. 1808, April 2.

Carroll, Baltimore, 2 April, 1808, to Father William Strickland, London.

On the great promise of the novitiate, where, amongst the scholastic novices, are some young men of brilliant parts (*alluding, no doubt, to the Fenwicks*). I wish I could say as much of the College of Georgetown, which has sunk lamentably in character ; and no wonder it should ; my worthy Coadjutor, Mr. Leon. Neale, was its president for many years, and his brother Francis his right-hand man. You know that the latter is piety and virtue itself, but too illiterate to have any share in the direction of a litterary institution. *The bishop likewise was deficient in polite literature.* In this country, the talents of the president are the gauge, by which the public estimates the excellence or deficiency of a place of education ; to which must be added affability, address and other human qualities, for which neither of them is conspicuous. When Bp. Neale resigned his station, necessity alone compelled the election of Mr. Molyneux, who would now be too old for it, even if he had ever possessed sufficient energy and activity. Mr. Kohlman is said to possess all the confidence of Mr. Molyneux ; and this will perhaps be a benefit to the College, when Mr. Kohlman has become more informed of the customs of this country, and understands that a College, founded like that of G. Town for the education of youth generally, must not be governed on the principles and in the system of a convent. . . .

W. 1808, June 19.

Carroll, Baltimore, 19 June, 1808, to (Molyneux, president, Georgetown).

. . . Mrs. Seton, the mother of your scholars, arrived at Balt^re^ some days ago, and will proceed to G. Town with Mr. Hurley. Domestic difficulties, it seems, have induced her to leave N. York, and, I presume that Mr. Dubourg, when he was there last Easter, persuaded her with his promises of protection to remove to this city. What her views are with respect to her sons, is unknown to me; I hope, not to bring them hither. They do so well, and have been so happy with you, that they cannot be benefited by being brought to S. Mary's. Their mother is a saint; if therefore they are to leave you, she is not in fault. Her embarrassments of fortune, and the suggestions of her French director at N. Y., closely connected with Mr. Dubourg, may have induced her to form some plan, of which I shall fear bad consequences, if carried into execution.

I am, *etc.*

X. 1808, July 1.

Carroll, Baltimore, 1 July, 1808, to Molyneux. Endorsed upon a letter to himself from Rev. John Rosseter, Philadelphia, 29 June, 1808, about the presbytery on Willings Alley.

I avail myself of the occasion to write about N. York. One cause of the diminution of scholars at G. Town, and their flocking to Balt^e^ is, that the priests of Philad^a^, N.Y., and Boston, are in the interests of St. Mary's, and flattered by the civilities of the Superiors of the latter. Is it impossible to spare for N. York one of the Fenwicks? Tho' it would derange the plan adopted for them, will it not be compensated by the footing obtained for the Society in that flourishing city? There will be a fine opportunity soon to effect this.

I am, *etc.*

Y. 1810, September 14.

Father Anthony Kohlmann, New York, 14 Sept., 1810, to Strickland, London.

. . . R. Mr. Dubourg, a Sulpician, a man of very good parts, has established, about 10 years ago, a college in Baltimore, with the approbation of the Bishop. He has at present about 100 students. He has 5 or 6 clergymen of his Congregation from France in his college. His policy is to make much s[*tir ?*], to strike thus the public, in which he has in great measure su[*cceeded*]. I am informed, however, that he is deep in debt,[52] and that the reputation of his college is much decaying. He undertook, methinks, too much and above his means. Some of his teachers are externs. . . .

[52] *Cf.* No. 135, A, Prop. 4, note 6.

Z. 1812, (January) 27.

Carroll, 27 (Jan.), 1812, to Plowden,

. . . *On the new dioceses, and the English Dominicans in Kentucky.*[53] Too much praise cannot be given by me to the priests of St. Sulpice here for their zeal and sacrifices to the public cause. They now maintain and educate at their own expense twenty-two seminarians for the ministry. . . .

A². 1813, December 12.

Carroll, 12 Dec., 1813, to Plowden.

. . . Mr. Grassi has revived the College of G[e] Town, which has received great improvement in the number of students, and course of studies. His predecessor [*Francis Neale*], with the same good intentions, had no ability for his station, and was nominated by a strange combination. *On Father Beschter, and his novitiate.* Fr. Kohlman, with his companions at N. York,[54] has done much for Re[*ligio*]n; and their little college[55] would do well too, if it could be supp[*lied w*]ith proper teachers. Mr. Kohlman is unwilling to [*rece*]ive any but the members of his body; and these are too few to supply that place and G. Town; so that, if he persist in his resolution, his institution must be dissolved. The Seminary here of S. Sulpice feels now the effects of departing from their original destination and the spirit of their Society, which is the education of young ecclesiastics only. They would go on the plan of forming a college for promiscuous and ornamental education. A priest of great talent, but delighting more in brilliancy than solidity, carried it on with much apparent success and splendor for a few years. But the consequence was an enormous debt, which has almost ruined both College and Seminary—a most deplorable event; for truly a more exemplary and worthy company of ecclesiastics nowhere exists. . . .

B². 1815, January 5.

Carroll, 5 Jan., 1815, to Plowden.

. . . The flourishing state of Stonyhurst and Hodder, as well as the new establishment in Ireland, has spread great comfort here; ours at George town is much improved, and comes more and more in vogue. It now contains, if not entirely, nearly one hundred pupils; which number cannot be much exceeded without additional building. . . .

C². 1815, January 25.

Carroll, 25 Jan., 1815, to Plowden.

. . . It appears to me not improbable, that you may have [*seen*] or may see at Stonyhurst the Rev. Mr. Wm. Dubourg, Priest of St. Sulpice,

[53] *Cf.* No. 192, F².
[54] *Benedict Fenwick, one of them.*
[55] *The New York Literary Institution.*

who projected, established and was first president of St. Mary's College, attached to the Seminary of his Society in Baltimore. In virtue of the power vested in me by the Holy See, I appointed him to take charge of the vacant diocess of Louisiana four or five years ago, and have long expected to hear of his being constituted its Bishop. He is an amiable man, of first-rate abilities. . . .

English Province Archives, portfolio 6, f. 63, L. Neale, 25 June, 1803, to Stone. Ibid., f. 78, Carroll, Baltimore, 10 Jan., 1808, to Plowden. Ibid., f. 82, Carroll, Baltimore, 2 Apr., 1808, to Strickland. Ibid., f. 99, Kohlmann, New York, 14 Sept., 1810, to Strickland. Ibid., ff. 102ᵛ, 103, Carroll, Baltimore, 27 (Jan., *P.O. mark*), *1812, to Plowden. Ibid., f. 108, same to same, 12 Dec., 1813. Ibid., f. 114, same to same, 5 Jan., 1815. Ibid., f. 120, same to same, 25 Jan., 1815.—Ibid.*, Letters of Fr. Stone, Sewall, Connell, *ff. 147, 148, N. Sewall, Portico, 21 Oct., 1803, to Stone, transcribing the letter of his brother, Charles, (Maryland), 29 July, 1803.—Md.-N.Y. Province Archives, 1808, June 19. Carroll, Baltimore, to (Molyneux); no address; 4 pp. 4to, No. 82. Ibid., 1808, July 1, same to same, note, 9 lines, endorsed on letter of John Rosseter, Philadelphia, 29 June, 1808; No. 83.*

Coinciding with the close of the dispute between the two Boards (*supra*, A–N), *and with the commencement of a dual system in secular colleges* (O–C²), *comes the matter of pecuniary support for the clerical candidates at Georgetown and Baltimore, 1802–1805, which is the proper subject of this Number.*

The maintenance of the seminarians, for the service of the diocese, meant their board, lodging, and instruction, during the courses of philosophy and theology. Some entries from the agent's cash-book, and from Carroll's correspondence will show the progress of this arrangement, the expenses being defrayed by the Corporation.

D². 1803–1805.

Agent's Cash-Book, 1793–1806. Extracts.

1803, Dec. 2. By cash paid Georgetown College to account with White Marsh, for board and cloathing of Philosophers $133.10

1804, Apr. 28. By cash paid the College for board of the Philosophers $373.34

1804, Aug. 9. By cash paid the College on account of board and cloathing of Philosophers and Professors of ditto .. .. $372.10 [*00?*]

1805, Nov. 28. By cash paid Mr. J. Tessier for board, etc., of the young ecclesiastics at the Seminary .. $400.00

E². 1805, November 7.

Molyneux, Superior, S.J., St. Thomas's Manor, 7 Nov., 1805, to Francis Neale, agent, Georgetown.

. . . I wish you also to advise with the President of the College concerning the demand of the Fenwicks, and determine what can be done. It was so regulated that such Teachers, while I was at the College, should be allowed £75 per annum. This was for cloathing and the surplus to enable them to pay their board at the Seminary during their studies there [*i.e. in theology*]. But would not their Father, in case of their not being promoted to Holy Orders, think it just to indemnify us for that expence, if advanced by us? . . .

F². 1805, November 12.

Carroll, Baltimore, 12 Nov., 1805, to Francis Neale, agent, Georgetown.

. . . Let me once more earnestly recommend to you to pay up the pensions of the Seminarians. This next year, you will have only to pay for the two Messrs. Fenwick.[56] I am ashamed of meeting Mr. Tessier.[57] . . .

G². 1806, May 23.

Molyneux, St. Thomas's Manor, 23 May, 1806, to Francis Neale, agent, Georgetown.

Rev. Dear Sir,

I have two letters from Bishop Carroll before me, one 12 May dated Washington City, the other Baltimore, Dº In both he complains much of your withholding the payment of the boarding of the two Fenwicks at the Seminary, and much more of the manner of doing, as tending to breed a spirit of disaffection to the Society, *by neglecting the letters of Mr. Tessier* agent for the Seminary, *and sending back his orders* with the uncivil and quite unusual indorsement of rejected, without excuse or explanation—*how painful to the Sulpicians, how ignominious to the Bishop, who had given* " assurances to them, under your authority and that of the Corporation, that the Fenwick's board should be paid for. How much is it to be feared, that these excellent young men, finding themselves so treated by us, will lose their attachment to their first friends, or perhaps to the loss of their vocation itself? I cannot conceive how Bishop Neale, if he has any share in this transaction, can fail to be sensible of the disaffection he is exciting towards himself, in a great and respectable part of the clergy, which he is soon to govern. On this business, I request your immediate attention." (d)

In compliance with this injunction, I hope, Rev. Dear Sir, that you by and with the advise of your Brother the Bishop, will take lenient measures to heal this irritating wound by applying the proper soothing balsam of apology for the past, with promise of payment as soon as it may be in your power. . . .

(d) *So far Bishop Carroll in the letter quoted by Molyneux, who then continues.*

[56] *Cf.* No. 171, A, p. 766, *Tessier's memoirs, 1805.*

[57] *An entry of payment is given supra,* D², *for 28 Nov., 1805.*

Md.-N. Y. Province Archives, Carton DB, Agent's Cash-Book, 1793–1806, ff. 17, 19, 24; a fragment. Ibid., 1805, Nov. 7, Robt Molyneux, S.J., *St. Thomas's Manor, to Francis Neale, Georgetown, forwarded thence to Port Tobacco; 3 pp. large 4to. Ibid., 1805, Nov. 12, Carroll, Baltimore, to Francis Neale, Georgetown, 2 pp. 4to, No. 62. Ibid., 1806, May 23, Molyneux to same; 3 pp. large 4to.*

These last three letters carry us up to the period of the restoration and beyond, when on the 21st day of June, 1805, the Society had been reconstituted in a private manner by the appointment of Father Robert Molyneux as Superior.[58]

Resuming now the general pensions and aids, where we left them for 1800, we shall scan the last period between the old Society and the new. Thus we shall have covered the ground, in the management of temporalities, for one hundred and forty years under the ancient Jesuits, and thirty-two years under the ex-Jesuits, with not a few anticipations of what followed in the sequel during thirty-five years afterwards.

No. 176. 1801, 1802.

Pensions and aids, 1801, 1802: different ways of receiving gratuities from the Corporation. *M. John Dubois, besides being appointed to the old Jesuit station of Frederick, had been admitted into the Body of Select Clergy, with Young and Mondesir, 9 Oct., 1799.*[1] *He had thus a double title to the consideration of the Trustees. A letter of his, conveying a proposal about certain business, will show in what light a gentleman of this kind regarded his* salary *of £50 per annum, which had been the recognized allowance to the Frederick pastor for some thirty years.*[2]

A resolution had indeed been passed by the Representatives (3 June, 1795), to the effect that the pastor should obtain his support from the congregations on which he bestows his services, agreeably to the directions of the Bishop in his pastoral letter.[3] *This attempt at obtaining local maintenance seems to have been unavailing.*

In the proposal which he makes, M. Dubois' habit of mind appears to be so rare that we shall adduce, in connection with it, a specimen of the ordinary type of clients, that of a Rev. Mr. Smith at Deer Creek, some fifteen years later.

[58] *Georgetown College Transcripts, Shea papers, 1788–1805, ff. 2v, 3, letters of Carroll, as delegate of the General, appointing Molyneux Superior, Baltimore, 21 and 27 June, 1805.* *See* No. 178, H, J.

[1] No. 173, L.

[2] No. 91, F.

[3] No. 173, B, 13º

A. 1798, June 5.

J. Dubois, Frederick, 98–6–5½, *to the Corporation.*

To the Reverend Gentlemen Trustees of the Select Clergy of Maryland.

Rev. Gentlemen,

After the greatest exertions and personal sacrifices to build a Church in Fredericktown for a very numerous but very poor congregation, after having received as friendly and as generous a support as that congregation could possibly afford, I find myself under the necessity not only of stopping the work, but of seeing many of my first expenses rendered useless, unless a last effort will enable me to put that building in a state of service; if I cannot compleat it entirely. I beg leave to apply to you for your kind support, not so much with your money as with your credit. You have allowed to the clergyman officiating in Fredericktown the sum of fifty pounds yearly. It is his bread, and without it he must be deprived of many necessaries and of all the comforts of life, at least in the present state of the congregation. But, necessary as this income is to me, I am willing to undergo all the privations, which must be the consequence of giving it up to the building of my church, if you will concurr with me in granting me the following petition: that you will authorise your treasurer to borrow the sum of two hundred pounds to be lent to me for the use of the Church in Fredericktown, the principal to be recovered by your treasurer out of the fifty pounds allotted for the salary of the officiating clergyman in Fredericktown, and the interest to be paid by me every year, in proportion as the principal will be paid; that is to say, three pounds for the 1st year, six for the second, nine for the third, and twelve for the fourth; unless I should become able to discharge the whole without waiting for my salary, which might be the case, if my congregation's ressources would enable them hereafter to make further sacrifices. Should the Treasurer not find any money to borrow, I could procure it from our parts.

In addition to this response, I beg you would give me leave to sell a little piece of ground belonging to the Church, which is but of little use to the clergyman, and the money of which being applied to the building would contribute much more effectually to the advantage of religion, and even to the temporal advantage of the clergyman, provided such reserves should be made, as to prevent any building from being raised opposite to the front of the Church; and I would endeavour to sell it to such people as would give me a chance to recover it, in case the ressources of my congregation and mine would afford us the means of doing it. It is about one acre of ground.

Religion promises well here. Only half of the congregation can get admittance into the present place of worship. The sects divided among themselves, and rather inclined to attend our Church.

I am with great respect, Rev. Gentlemen,

Your most humble and obed^{t} serv^{t}

J. Dubois.

B. 1801, May 5.

Proceedings of the Corporation, Newtown, 5 May, 1801.

1º *Resolved*, That the Rev. Mr. Dubois be authorized to borrow the sum of £200, for which he is to pay the interest as it becomes due. To discharge the capital, the agent is directed to retain the £50 annually, which are destined for Mr. Dubois's salary.

Though we do not find any authorization in the minutes for the sale proposed, still it seems to have been effected to the Vincendiere ladies, and to have caused Father Malevé and the Trustees some trouble, eighteen years afterwards.[4]

To the courteous manner exhibited by Dubois in addressing and treating with the benevolent Corporation, we append at once a sample of the ordinary style used in subsequent years.

C. (1816), September 27.

Rev. R. Smith,[5] *Seminary of Baltimore, 27 Sept. (1816), to Rev. Mr. Francis Neale, Georgetown College, Md.*

Rev. and Dear Sir,

I find with much regret that you are very slow in commencing the building, designed as a residence for the Priest of Harford. You have forgotten us; or you have given up the idea of undertaking it. I am sorry for either. If a multiplicity of business prevent you from taking this into consideration, it is hard that we should suffer. I know, Rev. Father, that you are overwhelmed; but perhaps my establishment in Harford for the good of religion is not a thing of small importance. I can do nothing. I have neither power nor means. As to the dependance of the trustees, it is a mere bagatelle. If you could pay us a visit, it would be well. If you could come for the purpose of making a beginning, it would be still better; because you are the man of money. If your personal assistance cannot be had, then say, that I may depend upon the $800 in your hand, and the money in the hands of Mr. Green; and we will soon have a house built near the church, either stone or frame. I will undertake it; I will make a stir among the people. But, if you will not grant us the means, then everything may stand as it is, and go to rack, before I meddle or interfere. We have waited a long time; I hope you will not put our patience to the trial any longer.

As to your other business entrusted for transaction to Mr. C. Green, he told me he would do it soon. Some one in Harford told me to inform you, that the present tenant is cutting down the wood and carrying it off to Baltimore.

Please to inform the Arch-bishop, that the year for which I had my

[4] No. 91, B-D.
[5] *Cf.* No. 177, F.

faculties will soon be out; and I wish to know whether he intends me to continue to hold them. I must know this in two or three weeks. With respect, Rev. Sir, I remain,

Yours etc.,[a]
R. SMITH.

This demand of Roger Smith's would seem to have been based on the allowance granted him by the Corporation, 15 Feb., 1816, as given above.[6] *As to M. Dubois at Frederick, the subsequent relations of the Corporation with the pastor at Frederick are shown in such entries as the following:*

D. 1804–1811.

Agent's Cash-Book, 1793–1806. Extracts.

1804, Novr 5. By cash paid Rev. Mr. John Dubois, missionary at Frederick, for his salary for the year 1804 $133.34

1811, Feb. 16. By cash paid Rev Mr. Dubois, for 15 months' salary (omitted, June 30, 1809)[7] .. .. $166.67[8]

Md.-N. Y. Province Archives, Bb, Dubois, Frederick, 5 June, 1798, to the Trustees; 4 pp. fol. Ibid., T., R. Smith, Seminary of Baltimore, 27 Sept. (1816), to Francis Neale, Georgetown. Ibid., Proceedings of the Corporation, *5 May, 1801. Ibid., Carton DB, Agent's Cash-Book, 1793–1806, f. 20.*

The accounts comprise some funds which were not original benefactions of the Board or the Select Body. Thus there is the following one, and another noted infra:[9]

E. 1801, May 5.

Proceedings of the Corporation, Newtown, 5 May, 1801.

. . . 4º *Resolved*, That the petition of Mr. Anthony Hearn for funding the sum of £200 in the Corporation of the R. C. Clergy, Maryland, be granted: and the board engages to pay annually to the clergyman serving at West Chester in Pennsylvania the legal interest of £12 for ever.

F. *Same date.*

Proceedings of the Corporation, 5 May, 1801.

. . . 7º *Resolved*, That the Rev. Mr. Peter Jenkins's annuity of £10 sterling be assumed and paid by the Corporation.

(a) *Sic.*

[6] No. 88, B; *cf.* No. 180, C.

[7] *This parenthesis intimates that it was a payment of arrears, when Dubois was no longer at Frederick.*

[8] *Compare the account of Dubois' successor, a Jesuit:*

1813, Jan. 1. By cash paid Rev. Francis Malevé, part of his salary, from March 6th, 1812, ... $ 64.00

(*Md.-N. Y. Province Archives, carton DB, Agent's Cash-Book, 1802–1820, under date.*)

[9] No. 179, A–C, *life-annuity of Rev. John Rosseter.*

. . . 9º That the expences of £100 for the Coadjutor's consecration be paid by the agent, as soon as said sum can be spared from the fund.

Signed: + LEONARD NEALE, Bp. of Gortyna. JAMES WALTON. ROBERT MOLYNEUX. JOHN ASHTON. CHARLES SEWALL.

G. 1801, November 3.

Proceedings of the Corporation, St. Thomas's Manor, 3 Nov., 1801.

. . . 3º *Resolved:* That the manager of the Marsh be authorized to pay the usual salary to the Rev. Mr. Vergnes, untill his congregations be served from the Marsh.

. . . 5º That the Rev. Mr. Staunton be appointed, with the approbation of the Bishop, manager of that part of Bohemia estate,[10] which is allotted for the support of the clergyman, who serves the congregations of said residence.

6º That the Rev. Mr. Sougé be and is hereby appointed, with the approbation of the Bishop, to succeed the Rev. Mr. Bolton [*ex-Jesuit*] in the management of the plantation of St. Joseph on the Eastern Shore.

. . . 12º That the rents arising from the new purchased land on Deer Creek be applied towards paying the present debts of the estate of said place.

. . . *Signed:* + LEONARD NEALE, Coadjutor of Baltimore. JAMES WALTON. ROBERT MOLYNEUX. JOHN ASHTON. CHARLES SEWALL.

H. 1802, October 13.

Proceedings of the Corporation, Newtown, 13 Oct., 1802, first meeting at which the Ordinary, Dr. Carroll, sat as a Trustee. *See* No. 175, N.

. . . 11º *Resolved,* that the Rev. Mr. Eden be requested by the agent, before the next meeting of the Corporation, to make a statement of the services now performed by him, and of the compensation he receives therefor.

12º *Bitouzey to undertake at once the management of White Marsh,* the Bishop's approbation being now obtained. *See* No. 175, N, 12º.

. . . *Signed:* + J. CARROLL, Bishop of Baltimore. + LEONARD NEALE, Bishop of Gortyna. JOHN BOLTON. G. B. BITOUZEY.

After these provisions of good places for clergymen, who had never been Jesuits, and were never going to be such, we need add only a memorandum of the agent's about the annual charges at this time, which fell upon the public fund direct.

[10] *110 acres.* *Cf.* No. 110, F, note 5.

J. 1802, December 5.

Agent's Cash-book, 1793–1806. Note prefixed by the Agent, Francis Neale.

1802 Dec. 5. A memorandum of annual de - - - paid by agent, viz.

To Rev. Mr. Peter Jenkins an annuity of £10 sterling from August 1801; in currency is £16.13.4; in dollars is	$44.44[?]
To Bishop of Baltimore	$800.00
To Directoriums [*viz. Ordos*]	$50.00
To interest to Bishop Neale due on Bond. Paid ..	16.00
To interest to Anthony Hearn due on bond	32.00
To clergyman of Frederick Town	133.3 - -
To agent of the Corporation	60.0 - -
To agent in Cedar Point Neck	30.0 - -
To Rev. Mr. T. Digges	80. - - -
To Rev. Mr. Jos. Doyne	53. - - -
	$1299.1 - -
[*To Rev. Mr. Jos. Doyne?*]	53.3 - -
	1245.7 -

Here the Jenkins' life-annuity[11] *was an obligation attached to a donation of £200 sunk with Bishop Carroll for the benefit of Georgetown. It was one of a munificent sum of benefactions which he had received when he went to England for his consecration.*[12]

The bond to Bishop Neale, mentioned in the same memorandum, seems to be for a loan made in favour of Mill Creek Hundred, Delaware.[13]

[11] *Supra*, F, 7°; *infra*, No. 181, F.

[12] *Other gifts were noted at the time by Bishop Carroll: Mr. Gage, £25 sterling; Messrs. Thomson, Lane, Beeston, ten guineas each; 20 guineas from a person* incognita; *other benefactors to the amount of about £85. Mr. Hoskins added something, and was engaging Sir John Lawson's kind interest. Father Charles Plowden gave a* generous benefaction. *All the names of donors so far are those of ex-Jesuits at the time. A capital of two hundred pounds sterling ceded by Father Peter Jenkins was burdened with an annuity. Besides the ex-Jesuits, Sir John Lawson sent ten guineas; Sir John Webb, £30. 0. 0.; Mr. Weld, £50. 0. Here is a sum-total of benefactions from England alone of about £500 sterling in 1790, with other gifts following later. (English Province Archives, portf. 6, f. 35, Carroll, 2 Oct., 1790, to Mr. Peter Jenkins, Market Harborough, Leicestershire. Ibid., f. 40°, Carroll, 2 Sept., 1790, to C. Plowden, about a handsome donation to be received from somebody at Bury, on condition, as Father Talbot told him, that he must pay a visit there himself.—Md.-N. Y. Province Archives, 1790, Sept. 7, 13, 20, 27, Oct. 4, Carroll to Plowden, Lullworth, letters Nos. 28, 29, 30, 32, 33, about the English gifts of that year.)*

[13] No. 96, B.

The other points of the memorandum are clear enough from what has been reported already. Father Thomas Digges was superannuated. The invalid salary of Mr. Doyne is subtracted because of his death.

Md.-N. Y. Province Archives, Proceedings of the Corporation, *5 May, 1801; 3 Nov., 1801; 13 Oct., 1802. Ibid., carton DB, Agent's Cash-Book, 1793-1806, memorandum of annual disbursements, prefixed to f. 1.*

No. 177. **1803–1805.**

Pensions and aids, 1803–1805. *Chiefly to Baltimore and the bishops.*

A. 1803, May 24.

Proceedings of the Corporation, White Marsh, 24 May, 1803.

. . . 13º As there is happily a prospect of the restoration of the Society in this country, the resolutions heretofore made respecting that contingency, shall be carried into effect as much as will depend on this Corporation. At the same time assurances are hereby given to all those who, not having been or [*not*] intending to be of the Society, have nevertheless been associated to the Select Body of the Clergy of Maryland [!], that they will be entitled to their rights as members thereof during their natural life, and as long as they conform to the general regulations of the Select Clergy.

. . . 15º The building of a cathedral church being a concern of the whole diocese, the Corporation recommends to the different managers, as well as individual members of the Select Body, to promote in the best manner they can the success of the lottery instituted for that effect.[1]

Signed: + J. Carroll, Bishop of Baltimore. + Leonard Neale, Bishop of Gortyna. G. B. Bitouzey.[2]

B. 1803, 1804.

Agent's Cash-Book, 1793–1806. Extracts.

1803, Oct. 11. By cash paid the Coadjutor (as assumed by the Corporation) to expences in his consecration[3] $266.67

1804, Oct. 29. By cash paid Rev. Robert Molyneux in the purchase of tickets in the cathedral lottery, $60, assumed by the Corporation for money spent in Georgetown College $60.00

C. 1804, April 25.

Proceedings of the Corporation, White Marsh, 25 April, 1804.

. . . Resolved: 1º That the manager of St. Inigo's estate is directed to pay to the Rev. M. Durozey the annual stipend of thirty pounds, to commence from the first day of the current year.

[1] *Cf.* No. 93, *old St. Peter's and the Cathedral.*
[2] *Secretary pro tem., vice Bolton absent. Walton also absent.*
[3] *Cf.* No. 176, F, 9º

. . . 6º The agent is hereby directed to pay 150 dollars towards the necessary repairs of the house and stable of the clergy at Baltimore.[4]

. . . 8º Also, in compliance with the petition of the said Directors [*of Georgetown College*], two hundred dollars are granted annually towards the keeping of the horses of the R. R. Coadjutor and of the agent of the Corporation.

. . . *Signed:* + J. Bishop of Baltimore. + LEONARD NEALE, Bishop of Gortyna. HENRY PILE. ROBERT PLUNKETT. G. B. BITOUZEY.

D. 1804, November 28.

Proceedings of the Corporation, White Marsh, 28 Nov., 1804.

. . . 5º *Resolved that:* The Rev. William Vergnes having petitioned to be admitted into the Select Body of the R. C. Clergymen of Maryland, he is hereby declared a member of the said body.

Signed: + LEONARD NEALE, Bp. of Gortyna. ROB. PLUNKETT. HENRY PILE. G. B. BITOUZEY.

E. 1805, July 9–11.

Proceedings of the Corporation, White Marsh, 9–11 July, 1805.

. . . 7º *Here begin the negotiations, in the interest of the new Baltimore cathedral, about allowing the use of the ground occupied by old St. Peter's. See* Nos. 92–94, *the full history of these negotiations, ending in the entire surrender of the Jesuit property.*

. . . *Signed:* + J. Bishop of Baltimore. + LEONARD NEALE, Bishop of Gortyna. ROBERT PLUNKETT. G. B. BITOUZEY [*secretary pro tem., vice H. Pile*].

F. 1805, October 3.

Carroll, Baltimore, 3 Oct., 1805, to Francis Neale, Georgetown.

. . . Mr. Smith,[5] being now ordained priest, will be sent to Deer Creek next week. You have received the price of the Blacks which belong to that estate, the rent of Arabia and the amount of sales. Out of this fund he ought to be provided with everything necessary for rigging him out. The stock purchased in the 6 ℘ cents is bringing an interest;[6] and with some money, still unexpended for that purchase, I furnished Mr. Smith this day with $100, that is, one hundred.

Mr. Moynihan departed to-day for Bohemia. You have been informed already, that all had been done there, which depended on me. But Jem's family are not yet disposed of; tho' purchasers for a term of years could be had, and in my estimation I had settled that term and its correspondent price. But it was necessary to have your concurrence. *The Ashton litigation.*

[4] *At old St. Peter's Church.*
[5] *Cf.* No. 176, C.
[6] *This is an investment evidently anterior to that treated of in connection with Deer Creek,* No. 87, K.

Mr. Fenwick[7] and I were surprised and mortified to learn that, in direct contradiction to the humane decision of the Corporation, sales of Negroes for life have been made and are making from the estate of White-Marsh.[8] I doubt very much whether such sales are valid; and [*I*] think that the persons sold may recover by law their absolute freedom, leaving on the Corporation an obligation to refund the purchase money.

I am very respectfully, Rev. Sir,

Your most obed^{t} s^{t}

+ J. Abp. of B^{e}

Balt^{e}, Oct^{r} 3^{d} 1805.

At this time, the best part of the property, including no less than six of the great estates, ran the imminent risk of escheating to the State. It was saved by the second legislative act (1806),[9] *confirming the original charter. Passing over a resolution already quoted,*[10] *whereby the two bishops were made a committee for obtaining such an act, as well as other resolutions and records about the heavy expenses of lawyers, etc., we note the ordinary disbursements of the agent, Francis Neale, between the date of his succeeding Father Charles Sewall (13 Oct., 1802) and that at which we have arrived, a period of less than three years.*

G. 1805, August 5.

Proceedings of the Corporation, Georgetown, 5 Aug., 1805.

. . . 2^{o} *The two Bishops appointed a committee for procuring the act (1806).*

. . . 4^{o} The Rev. MM. Plunkett and Bitouzey being chosen a committee to examine the agent's accounts, report that, when the Rev. Fs. Neale received the books from his predecessor, a sum of two thousand four hundred and sixty-five dollars ($2465) was due; which sum has been since paid unto the various orders of this Board, together with all the salaries excepting those of the current year; and that there is now in his hands a balance of $329.

Signed: + J. Bishop of Baltimore. + Leonard Neale, Bishop of Gortyna. Henry Pile. Robert Plunkett. G. B. Bitousey.

Md.-N. Y. Province Archives, Proceedings of the Corporation, *24 May, 1803; 25 Apr., 1804; 28 Nov., 1804; 9–11 July, 1805; 5 Aug., 1805. Ibid., carton DB, Agent's Cash-Book, 1793–1806, f. 16 (1803), f. 19 (1804). Ibid., letters, 1805, Oct. 3, Carroll, Baltimore, to Francis Neale, Georgetown; 3 pp. 4to, No. 61.—Baltimore Diocesan Archives, D. 10, vol. 22, Carroll's own draft, of Corporation minutes, 9–11 July, 1805.*

[7] *Benedict (?) or Enoch (?), then studying theology at the Seminary of Baltimore; or perhaps their father.*

[8] *Bitouzey was now manager there.*

[9] No. 165, B.

[10] No. 165, A.

Thus, including the annual disbursements[11] *for two years, which, since F. Neale's appointment, 13 Oct., 1802, added $2490 to the debt extinguished, $2465, we have $4955 disbursed in less than three years from the general fund alone. The individual estates had their own charge of salaries or pensions to pay;*[12] *and they were expected to yield annually a surplus of income to the general fund. The tide of beneficiary appropriations was now largely set in the direction of new men, unconnected with the Order.*

It is not surprising that the Ordinary of the diocese should have been anxious to find a place at the Board. During the thirteen years of Bishop Carroll's service, from the time of his election as Trustee in 1802 till his death at the end of 1815, we find that he was the most assiduous and industrious member of the Corporation; its president *sometimes, though no provision appears in the Constitution for such a post; constantly a committee-man; sometimes drawing up the minutes, autograph specimens of which may be seen in the diocesan archives of Baltimore;*[13] *and identifying himself with all the operations of the Board.*

Since the last meeting (5 Aug., 1805) is just six or seven weeks after the reconstitution of the Society, and six or seven weeks before his attempted concordat with the new Superior, Robert Molyneux, we give now his views from 1800 to 1815 on the value and meaning which Carroll attached to the Jesuit tenure of all the property.

No. 178. 1800–1815.

Carroll's policy with regard to Jesuit property: a concordat projected with regard to ministerial functions. *In 1800, under date of the 4th day of July, the Rev. Abbé Prince Charles de Broglie and the Abbé Rozaven, chief members of the Society of the Faith of Jesus, commonly called Paccanarists, offered to lend Dr. Carroll the services of their new community in his vast*

[11] No. 176, J.

[12] *Cf.* No. 175, H, 4º

[13] *Cf. Baltimore Diocesan Archives, vol. 22, D, 10, Carroll's original draft of the Board minutes for 9–11 July, 1805, 4 pp. 4to; containing resolutions about the threatened escheat, about powers of attorney for Carroll to convey Mountain Prospect on Little Pipe Creek* (No. 78, E), *and about disposing of Poplar Hill or the Church Lots, in King's Town, Queen Anne's Co.* (*cf.* No. 69, C); *also concerning old St. Peter's, Baltimore* (No. 93, B). *Cf. ibid., 22 D. 11, Carroll's original draft of the Board minutes for 19 Oct., 1814* (No. 179, W), *2 pp. fol., where the constantly recurring question of slaves is treated, with a view to selling them for the relief of the estates, as had been voted on occasion of the threatened escheat.*

American diocese. He and the bishop-elect, Leonard Neale, answered the grateful offer with cordiality. Among other things, Carroll alluded to the Jesuit properly invested in Georgetown.

A. 1800, October 27.

Carroll, Georgetown, 27 Oct., 1800, to PP. de Broglie and Rozaven, left open for Fr. William Strickland to inspect. Extract translated from the Latin.

. . . *3rd. Men or women can live in community life, and can follow a pious and holy institute and manner of life, without any legal prejudice,* salvis legibus: *but they cannot possess anything or do anything legally,* juridice peragere, *in the name of the community. However, this difficulty is of a kind which prudent persons can easily escape or surmount. 4th. A college for the education of youth in polite letters has already been established by those priests who, having been of the Society of Jesus, devoted some of the property of the extinct Society to so beneficent an object,* bona aliqua extinctae Societatis in tam salutare opus contulere. *It now stands in need of professors of philosophy.*

B. 1800, November 28.

Joint letter of seven Maryland ex-Jesuits, dated St. Thomas's Manor, 28 Nov., 1800, to Rev. Marmaduke Stone, on the subject of uniting with the Society of the Faith of Jesus, or Paccanarists.

St. Thomas's Manor near Portobacco.
Nov. 28, 1800.

Rev. and Dear Sir,

Knowing your desire of the re-establishment of the Society of J., and of our being one day reunited as Bretheren under the Institute of our H: Founder, St. Ignatius, we address you on this important subject.

On the information which has been received through Bishop Carroll, from the Rev. Fathers De Broglie and Bozaven. Also the paper which has been communicated to them: An Account of the establishment of the Institute of the Faith of Jesus, by Father Halnat, one of the first companions of Father Paccanari. *Further particulars desired from Father Stone; especially whether the English ex-Jesuits are taking steps towards a union with the Paccanarists.*

We, the undersigned, are met here to consider on this important subject. Our other Bretheren have not been able to attend; yet we have little doubt of their sincere concurrence.

Being further informed that our Rt. Rev. Bishop has written for three or four members of this Society, and his Coadjutor for two more to come over to America, on their arrival we have no doubt but they will meet with a hearty welcome among us, and everything be fully adjusted, to our mutual satisfaction.

Ad majorem Dei gloriam.

We wish you to communicate the above to the RR. FF. De Broglio and Bozaven, SS.S.F.J.

With much respect we are, Rev. and Dear Sir,

Your affectionate Bretheren in Xto.

ROBERT MOLYNEUX. JOHN BOLTON. C^s^ SEWALL. C. NEALE. JOSEPH DOYNE. HENRY PILE. SYLVESTER BOARMAN.

Addressed: The Rev. Mr. Marmaduke Stone.[1]

C. 1800, December 15.

Carroll, 15 Dec., 1800, to Charles Plowden, Stonyhurst.

The offer made him by the Paccanarists; and his reply. He criticizes their having ingrafted on their institute an Order of nuns. He wishes to hear of their progress in England. Mr. Stone, to whom I sent my best respects, will receive a letter signed by some of our Brethren, amongst whom is D^nus^ Doyne, concerning this application to me from these two delegates of the Faith of Jesus. They (our Brethren) met together, without a general concert of the rest of us, and full of zeal for the re-establishment of the Society have written, as if that happy event were already effected; and I have since seen a letter from one of those who attended that meeting, in which to the signature of his name he adds the words, Soc. J. This is going too fast for one who subscribed his submission to the destructive Brief.[2] . . .

D. 1802, August 30.

Joint letter of seven Maryland ex-Jesuits, dated Newtown, 30 Aug., 1802, to Bishops Carroll and L. Neale, on reunion with the Society in Russia.

They have heard that the Pope, by a Bull, has allowed the reunion of other countries to the Society existing in Russia.[3] Therefore we pray our Rt. Rev. Bishop of Baltimore and the Rt. Rev. Coadjutor Bishop of Gortyna to write to his Reverence, the General in Russia, in our behalf, informing him of our wish to be reinstated; of the remains of our Body here; of the property once belonging to the Society [*to be handed back*] in case of its future existence in this country. *They desire to have an authentic copy of the said Bull transmitted*, that we may be readmitted into the Society when it can be done on terms consistent with the said Bull. *They ask for the appointment of a Visitor or Commissary General, to be sent either from Russia or England, or else to be named in America.*

New Town, August 30^th^, 1802.

C. NEALE. JAMES WALTON. JOHN BOLTON. IGNATIUS BAKER BROOKE. C. SEWALL. ROBERT MOLYNEUX. SYLVESTER BOARMAN.

[1] *The letter was probably never forwarded to De Broglie and Rozaven. Father Stone, having received it, begins on the next blank page a complimentary note, discharging his commission; but he breaks off in the middle of a word.*

[2] No. 141, H.

[3] *See infra*, note 6.

E. 1803, April 25.

Joint letter (to Bishop Carroll) from applicants, ex-Jesuit or otherwise, for admission into the Society by aggregation to Russia; dated Charles and St. Mary's Counties, 25 Apr., 1803.

Having heard of the authority vested by His Holiness in Rev. Father Gruber, General of the Society of Jesus in Russia, to extend the Society throughout the world, and of his Paternity's request[4] *to be informed of all particulars concerning old members who desire to be reunited, as well as young clerics who wish to enter, the subscribers submit their* names signed individually by ourselves, as postulants desiring to enter into the Society of Jesus.

Name	Age		Name	Age
Rev. Charles Sewall,	59, 4th July, 1803	*Students.*	Enoch Fenwick,	23
			James Spink,	21–3 [!]
Rev. Robert Molyneux,			Benedict Leonidas Sylvester Eden,	20–3 [!]
Rev. Sylvester Boarman,				
Rev. John Bolton,			Benedict Fenwick,	20–4 [!]
Rev. C. Neale,	52, 10th Oct. 1803		Thomas Poole,	27
			Josephus Mobberly,	24
Rev. Ign. B. Brooke,	52, 25th Apl. 1803		Francis Beeston (Sacerdos),	52, June 15th, 1803
Rev. Francis Ignatius Neale,			Gulielmus Matthews (Sacerdos),[5]	31
Rev. John Du Bois,				

Endorsed: St. Mary's and Charles County.

The status of the reviving Society at this time was determined by several pontifical acts, among which, in the first place, came the Brief for Russia, 7 Mar., 1801. By this act the existence of the Order as a body was legalized in Russia, with power to aggregate members, and the Brief of Suppression was formally repealed to this effect. Then, answering the General's request for power to admit foreign ex-Jesuits, Card. Consalvi, Secretary of State to Pius VII., sent information, 2 July, 1802, to Benvenuti, Papal agent at St. Petersburg, that the Brief did not prohibit the aggregation of members who lived in England and other countries, Catholic or non-Catholic; for otherwise the Society "could not endure and be

[4] *This information was, no doubt, derived from the English ex-Jesuits, since no direct communication had as yet taken place between America and Russia.*

[5] *The first six who sign were ex-Jesuits. As the heading and the endorsement show, the letter was sent from the Southern District. The other names, including that of Francis Beeston, ex-Jesuit, were probably added at Georgetown and in the northern parts. Cf. infra,* G, *last paragraph.*

preserved."[6] *Another Brief was issued, 30 July, 1804, extending to the two Sicilies the provisions already made for Russia. Besides other considerations moving Pius VII. to these acts, the Russian Emperor Paul I. and King Ferdinand of Naples had petitioned for this re-establishment of the Society. A review of both Briefs is contained in the Bull of general restoration,* Sollicitudo omnium ecclesiarum, *issued at a later date, 7 Aug., 1814.*[7]

In the answer (13 Mar., 1804) which the General, Father Gabriel Gruber, sent to the letter of Bishops Carroll and Neale here following (F), *reference is made to the Brief for Russia already published, and to vivae vocis oracula of the Pontiff, including that forwarded to the General by Card. Consalvi.*[8] *Frequent intimations of the Pope's will by his consent to measures, his approbation, resolution of difficulties, etc., were conveyed in subsequent years to the General, whether through his procurator in Italy, Father Angiolini, or through the Provincial, Father Pignatelli, or in documents even autograph, sent by Pius VII. himself.*[9] *Little or no reference was made to the Propaganda in all these proceedings.*[10]

[6] Excerptum ex epistola Emin. Card. Consalvi Secret. Status data ad Abbatem Benvenuti, negotiorum S^ae^ Sedis agentem, Petropoli, 2 Julii, anno 1802.

"Quod attinet ad postulationem factam a P^e^ Gruber, ut possint corpori Jesuitarum ibi existentium aggregari multi antiqui Jesuitae, qui nunc sunt in Anglia et in aliis regionibus acatholicis, videtur hoc non esse prohibitum per Breve ipsi concessum. Exprimitur quidem ibi, Breve hoc valere pro solis Statibus Russiae: id tamen nihil aliud significat, nisi quod extra hos Status non possint illi aperire novos Novitiatus, nec videtur prohibitum, ne individuum aliquod, quod invenitur in aliis locis non solum acath. sed etiam Catholicis, possit aggregari et uniri Societati in illis Statibus existenti. Hujusmodi facultas inhaerere videtur intime concessioni ipsis factae, eo quod sine illa facultate nullo modo Societas durare possit et conservari." *To the words of the Cardinal:* nisi quod . . . non possint illi aperire novos Novitiatus, *the General in his copy appends the note:* Intelligendum hoc de Novitiatibus cum omni formalitate, publicis, cum habitu Societatis, et a Gubernio recognitis. (*English Province Archives, folio vol.*, Some Letters of V. R. Fr. General, &c., from 1783, *f. 110, T. Brzozowski, St. Petersburg, 23 Oct., 1807, to Strickland.*)

[7] *Cf. F. J. Hernaez*, Colección de Bulas, Breves y otros documentos relativos a la Iglesia de America y Filippinas, *i. 690–696, the text of the three documents mentioned.* —Juris Pontificii de Propaganda Fide Pars Prima (*R. de Martinis*), *iv. 520–522, the text of the Bull,* Sollicitudo.

[8] *General Archives S.J.*, Epist. Vic. Gen. in Russia, 1802–8, *13 Mar., N.S., 1804.—Md.-N. Y. Province Archives, 12 May, 1804; original differing from the draft in the Register, but the same in substance.*

[9] *Cf.* No. 192, K, note 23; N, note 30.

[10] *Cf. infra,* D^2^, note 68. *On the contrary, the Sacred Congregation, using its ordinary authority and only the official data communicated to it, issued documents in a sense quite different from that of the Pope's private utterances, or vivae vocis oracula. These rescripts or answers of the Propaganda recur in English, Irish, and American affairs, and they are treated in the correspondence of the General, Father Thaddeus Brzozowski. Cf.* No. 221, B, *ad* note 4, *Card. Borgia's rescript, 24 Feb., 1804; and* No. 214, H, note 17, *Gradwell's reference to* instructions . . . from the H. See to the English Vicars Apostolic. *An ambiguous divergence subsisted between the public and*

In the one letter, which was addressed by Carroll and L. Neale to the General, Father Gruber, and to which, after duplicates had been sent from both sides, a reply came to hand from Father Thaddeus Brzozowski, Gruber's successor, there are a few lines upon the subject of the old Jesuit property.[11]

The passage states, that the property of the old Society suffices now for the maintenance of thirty Jesuits, and that some portion has been used in the construction of Georgetown College.[12] *Another observation touches the fidelity of religious men, in whose names individually sacred property is legally invested.*

In the petition for restoration, there is a significant declaration, that what is wanted is not any idle form of the old Society without its substance, but the "genuine" body itself, with its own form of government and its own proper spirit.

F. 1803, May 25.

Bishops Carroll and Leonard Neale, Baltimore, 25 May, 1803, to Father General Gabriel Gruber, in White Russia.

. . . Unde plerique [*eorum qui aliquando Socii fuerant*] ardenti studio rogant, ut votis denuo renovatis, quae Deo in Societate voverant, cursum suum in ejusdem gremio consummare ipsis concedatur, et si per Divinam Voluntatem fieri possit reliqua vitae suae spatia in redintegranda apud nos Societate impendere.

Scit Paternitas Tua, quid, quantumque in hunc finem conferendum sit, ut non larva aliqua pristinae Societatis, sed ejus ipsa forma genuina, ipsum in omnibus regimen, ipse denique spiritus proprius reviviscat.[13] . . .

canonical existence of the Jesuits in Russia on the one hand, and, on the other, the valid but private aggregation to the same of members outside of that empire. As the bishops were bound to obey the Propaganda (*cf.* No. 192, C², P.S.), *Carroll found himself in a state of embarrassment as years went on, and the Pope's imprisonment at Savona prolonged the difficulty. In his correspondence, Carroll criticizes the process of reconstruction by vivae vocis oracula, without public acts to correspond* (*cf.* Nos. 178, U²; 179, M); *and, while endeavouring to improve the situation, he purposely avoids the Propaganda* (*cf.* No. 178, O², note 83). *All this is seen in the following series of documents, as far as their purpose requires.*

[11] *Cf.* No. 113, R.

[12] *Cf. supra*, A.

[13] *Carroll's insistence here upon the revived Society assuming its own genuine form and no other may have been accentuated by the recent experience with the Paccanarists, an unauthorized pseudo-Society of Jesus. But an earlier manuscript of his, belonging to 1795, dilates upon the same subject. We have it in two fragments, partly autograph, partly a Shea copy. His autograph begins:* I have devoted much time to the consideration of the subject recommended to me by some of our Brethren whom I greatly respect, and latterly by the Trustees who were assembled at the Marsh, 1795. This subject is an application to His Holiness for a re-establishment of the Society in the United States. *First, the precautions necessary in approaching the subject. Secondly, though it is so desirable a measure,* yet I am far from an intimate conviction, that any considerable advantage would be derived from the reappearance of the Society with a mutilated and defective Constitution, instead of that one, compleat in all its

Quae bona ad Societatem spectabant, ut plurimum conservantur, sufficiuntque triginta Sociis alendis. Ex iis bonis, post extinctam Societatem, aliqua collata sunt ad extruendum Collegium satis amplum pro juventute in bonis litteris educanda. Pius VI, ubi proprium Episcopum his terris concedere statuit, et deinceps etiam tanquam Coadjutorem cum jure successionis, utrumque ex Societate assumpsit.

In hac Republica aequali libertate gaudent cujusvis sectae homines. Nihil prohibet quominus Regulares suo ritu vivant, dummodo legibus civilibus pareant. Communitatis tamen nomine abstinendum est in contractibus cujusvis generis. Quaecumque possident viri religiosi, ad singulos homines spectare censentur. Et, si quis eorum jugum religionis excusserit, impune in hoc saeculo faciet; nihil opis adferet brachium saeculare ad eum in ordinem redigendum.

Haec sunt quae nostri confratres suo nomine exponi cupiunt, nosque magno studio Deum Optimum Maximum precamur, ut renovandae Societatis spes et initium aliquod inde nascatur. Teque sospitem et incolumem tanto operi perficiendo conservet.

Adm. Reverende Pater, Paternitatis Tuae
Servi et Filii obsequentissimi,

+ JOANNES, Episcopus Baltimorensis. + LEONARDUS NEALE, Episcopus Gortynensis, Coadjutor R^mi^ Ep^i^ Baltimor^s^

G. 1803, July 29.

Charles Sewall, 29 July, 1803, to his brother, Father Nicholas Sewall, Portico, England. Quoted by Nicholas in a letter, 21 Oct., 1803, to Father Stone.

About re-entering the Society, either by attaching themselves to the English Province now reconstituted, or by waiting a while for the General's directions in answer to the above letter of the bishops. On the re-establishment of the Society here, all the property which once belonged to it will again be restored and made over to it, according to law. Tho' the College of George Town was built since the dissolution of the Society, yet this also will be made over to the Society, as it was built chiefly with our own property. *On Georgetown College.*[14]

parts, by which the Jesuits were formerly governed. Indeed, I should have fears that such a restitution might be of prejudice by preventing a full and entire one, in some later period. *The* jealousies *aroused by the Society's constitution, and misrepresentations of it.* Now, if for the sake of obtaining any kind of re-establishment we would submit to a breach of the integrity of the Constitution, a precedent would be obtained for never restoring the body in its original form. The two great hinges on which the government of the Society turned were unity of legislation and unity of the executive power. *Development of these points in the rest of the autograph, and in the Shea copy, which latter continues with a discussion of plans for aggregation to the Russian Province.* (*Baltimore Diocesan Archives, 9, J, Carroll's autograph, without any title; 2 pp. 4to.—Georgetown College Transcripts, "1783," a Shea copy, entitled:* Imperfect manuscript of Dr. Carroll on the Restoration of the Society of J.; *4 pp. fol.*)

[14] No. 175, T.

As Mr. Stone may wish to know the names of those, who as petitioners have already been sent by our Bishops to the General, they are these. In St. Mary's County, R. R. Messrs. Robert Molyneux, John Bolton, Sylvester Boarman, Aloysius [*Ignatius*] B. Brooke: in Charles County, Rev. Charles Neale and C. Sewall; in the College, Rev. Fran. Neale, and 6 or 7 students, who have received the tonsure; at Baltimore, Rev. F. Beeston; in Frederic County and Pennsylvania, Rev. Messrs. John Dubois, and Lewis Barth, worthy missioners, who never were Jesuits; at Conewago in Pennsylvania, I suppose Rev. Mr. Brosius has petitioned.[a]

H. 1805, June 21.

Carroll, Baltimore, 21 June, 1805, to Molyneux, appointing him Superior of the new Jesuit Mission, in virtue of powers received from the General in Russia.

Baltimore, June 21,[15] 1805.

Rev. and Dear Sir,

You know the purport of the letter, which I received from the very Rev. Fr. Gabriel Gruber, Gen[l] of the Society in Russia.[16] Messrs. Bolton and Brooke have likewise informed you of the proceedings had thereupon at St. Thomas's. To give life and vigor to the measures recommended by the Gen[l], it seemed necessary to begin with that exercise of power, with which I was entrusted by his Paternity; that is, the appointment of a Superior, to be one of the former body of the Society, and a candidate for readmission. His authority will last till the General's will be further declared. I am therefore now to make known to you, that you are appointed to that office; and, as no special form of appointment was made use of by the General in delegating to me his power for nominating a Superior, I am to presume that nothing more than this notification is requisite to invest you for the present with all the rights and privileges, power and authority, wherewith the Provincials of the Society were formerly invested; which rights, power and authority are to appertain to you, till the Gen[l] shall otherwise ordain. Of this appointment notice will be sent hence to George Town and S. Thomas's. You will cause this letter to be read to those, who desire to belong to the Society in St. Mary's County.

That God may bless this attempt to restore the Society in the United States, and all your labours to effect it, is the earnest prayer of,

Rev. Sir,

Your most obed[t] S[t]

+J. Bish[p] of Balt[re]

(a) *End of extract from Charles Sewall's letter in copy by Nicholas for Father Stone.*

[15] *This is the feast day of the Jesuit Saint, Aloysius Gonzaga.*

[16] *Dated, in the General's Register, 13 Mar., N.S., 1804; in the original, Md.-N.Y. Province Archives, 12 May, 1804.*

P.S. Tho' I cannot, and ought not to interfere more than the General's letter authorises in the interior administration of the Society, when once a Superior is constituted, yet Bishops and the Jesuits will, I trust, ever be convinced that the interests of religion require from the former a confidence in the wisdom of the provisions made by the Constitutions of St. Ignatius, for conducting the faithful in the true spirit of Christianity, and for regulating and governing the members of the Society as to their domestic discipline, without the Bishop's interference further than by stating to the Sup[r] and requiring from him to provide for and correct any notorious departure from that discipline. But the Bishop must always retain over Jesuits and other regulars, employed in the public ministry, as to their continuance in and manner of performing it, the same authority as over secular priests.

On the other side, I doubt not but that those of the Society will be always convinced, that their happiness and duty require them to live in concert with their Bishops, and to show respect for and due obedience to them in the due exercise of their pastoral office, and furnish an example of submission to all other clergymen, regular and secular. By such conduct the Society will enjoy peace at home, and confidence and esteem abroad, and be enabled to promote more and more the service of God.[17]

J. 1805, June 27.

Carroll, Baltimore, 27 June, 1805. Letters patent, supplying the deficiency in the former letter (H), *and stating more accurately the limited authority conveyed to Molyneux.*[18] *Shea's copy.*

Ego infrascriptus, ex facultate mihi concessa ab Adm. Rev. Gabriele Gruber, Praeposito Gen. Soc. J., nomino et constituo R. Dom. Rob. Molyneux ejusdem renascentis Soc. Superiorem per foederatae Americae regiones, ita ut praedictus P. Rob. M. post renovata pristina vota Rel. in Soc. J., juxta modum ab Adm. Rev. P. G. praescriptum, habeat et exercere valeat omnem illam auctoritatem quae necessaria sit, tam respectu Novitiorum, quam pro regenda memorata Societate. In quorum fidem has litteras consueto sigillo munivi.[19]

Balt[e] hac 27 Junii, 1805.

[17] *Cf.* No. 116, E, note 32. *This* P.S. *is the third among four* Extracts, *copied by Marechal's own hand, and communicated to the General, Father Fortis* (*1822*), *since we find the paper in the General Archives S.J., though without signature or date* (*Maryl. Epist., 6, i. ; 4 pp. 4to*). *The last sentence of the first paragraph in this* P.S. *is underlined in Marechal's copy:* But the Bishop . . . as over secular priests. *What special significance, or bearing on his controversy, Marechal saw in this point of common law, may be gathered from his claim to jurisdiction over the Jesuits as if they were secular priests* (No. 135, B–Q), *at a time* (*1822*) *when they were canonically regulars—a contention excluded by Carroll in the words of the extract itself, where, at a time* (*1805*) *when the ex-Jesuits were not yet canonically re-established, he distinguishes them already,* Jesuits and other regulars, *from* secular priests.

[18] *Cf.* No. 118, note 26. *The General's patents to Molyneux, 22 Feb., 1806, conveyed to him the powers of a Rector.*

[19] *On this re-establishment of the Society in America the Abbé Garnier, S.S., then in France, conveyed his compliments to Bishop Carroll in the following elegant terms:*

K. (1805, August.)

Carroll (*August, 1805*), *to the Rev. Mr. Stone, Stonyhurst. On the present status and the prospects. The possible abdication of the two ex-Jesuit bishops.*

The late proceedings. Carroll has appointed Rev. Mr. Molyneux Superior for the present. Among the applicants who have never been Jesuits, he commends one, without naming him, who is likely to be a virtuous and prudent, tho' not a learned Superior.[20] *He himself and Bishop Neale are considering, whether they should imitate the example of the Bishop of Verona* (*Mgr. Avogadro*), *resign their dignities, and resume their former state.* Into whose hands could the diocese be committed, who would not perhaps thwart the establishment of the Society, and oppose a reinvestment in it of the property formerly possessed, and still so providentially retained? These considerations have hitherto withheld my Coadjutor and myself from coming to a resolution of returning to the Society. If it please God to prolong my life, to see it established on a more sure foundation, and to have a prospect of its being well supported here by a concurrence of men, possessing its genuine spirit and a thorough knowledge of its government, there will be much better encouragement, than is to be found in our present poverty of sciences to illustrate, or of talents to govern it with ability, as well as honest and upright intentions (the last of which are not deficient). *Carroll's own technical difficulties on the want of canonical formalities. The need of able Jesuits in America.*

The first part of this having lain by me a long time, I am enabled to inform you that the Rev. Messrs. Rob[t] Molyneux, Charles Sewall[21] and Ch[s] Neale have resumed their engagements, and given a commencement to the good work so earnestly recommended. *The difficulty of finding a proper novice-master.*

General Archives S.J., Paccan. 7, Soc. Fidei in Anglia, iii., Tentatae Missiones in America—Marylandia, Canada, Nova Scotia, 1800-1803 : *Carroll, Georgetown, 27 Oct., 1800, to PP. de Broglie and Rozaven, through Strickland; 3 pp. 4to. Ibid.*, Ephemerides Regiminis A.R.P. Th. Brzozowski, *a fragment, in the hand of Father Korycki, the General's secretary; N[o] 10[mo], joint letter of Bishops Carroll and L. Neale, 25 May, 1803, to Gruber, General in Russia. —Md.-N. Y. Province Archives, 1800, Nov. 28, joint letter, dated from St. Thomas's Manor, of ex-Jesuits to Stone; signatures not original.—Georgetown College Transcripts, Shea papers, 1788-1805, Carroll, Baltimore, 21 June, 1805, to Molyneux; a copy. Ibid., Carroll, Baltimore, 27 June, 1805, letters patent,*

Je vous fais bien sincèrement mon compliment du rétablissement de la très sainte et très utile Compagnie de Jésus dans votre diocèse. C'est elle qui la première a jeté le fondement de la foi dans vos contrées, c'est à elle qu'il appartient de l'établir et de le consolider. Puisse-t-elle se rétablir dans toute sa ferveur primitive! Puisse-t-elle produire de nouveaux François Xaviers propres à la maintenir et à l'étendre dans l'immense diocèse que la divine Providence vous a confiée. (*Georgetown College Transcripts, 1796-1809, Shea's excerpts; Garnier, 17 Jan., 1806, to Carroll.*)

[20] *Apparently one of the priests, Matthews, Dubois, De Barth, Eden, Francis Neale; or Brosius, if he applied.*

[21] *Molyneux and Sewall renewed their simple vows, 18 Aug., 1805.* (*Md.-N. Y. Province Archives*, Liber Continens nomen, *etc.; a folio book of lists; p. 62, List of Professed, etc., beginning with Robert Molyneux.*)

to Molyneux; a copy in Shea's hand. Ibid., Carroll (Aug., 1805) to Stone, Stonyhurst; a copy.—English Province Archives, portfolio 6, f. 50, 28 Nov., 1800, joint letter, dated from St. Thomas's Manor, of ex-Jesuits to Stone; signatures original. Ibid., f. 52, Carroll, 15 Dec., 1800, to Plowden, Stonyhurst. Ibid., Letters of Fr. Stone, Sewall, Connell, *ff. 147, 148, N. Sewall, Portico, 21 Oct., 1803, to Stone, transcribing letter of Charles Sewall, 29 July, 1803.*—American Catholic Historical Researches, *viii. 25, joint letter of ex-Jesuits, dated Newtown, 30 Aug., 1802, to Bishops Carroll and Neale. Ibid., 25, 26, joint letter of applicants for entrance into the Society, dated St. Mary's and Charles Counties, 25 Apr., 1803, to (Carroll); the appellative,* Rev., *being prefixed there to the six students' names.*

Owing to political difficulties of the time, and to the Pope's captivity at Savona, a canonical restoration of the Society did not ensue for nine years. It is clear, however, that if, about the present date, a partial restoration had not been effected in America, the succession of the new Society to its old property would have been completely cut off.[22] *Among the fifty Jesuits who constituted the American Mission at the general restoration in 1814, there were three categories of members. First, there was the residue of the old Company; besides, there were the Jesuits sent by the General from Europe; and, in the last place, there were the new young men who had entered the Order, and who became later the staple of the Maryland Province. Of the first category, the veteran members who linked the old to the new, there was found just one Jesuit surviving in 1814, Father Charles Neale. Of the second category, there would have been none; for the General could have sent none except to the Order reconstituted in some way. Of the last class, likewise, consisting of the youthful accessions, there could have been no trace. Meanwhile, the Select Body of Clergy which enjoyed its corporate existence under the charter, would have comprised, in 1814, three of the old Society, Charles Neale and the two bishops. Its other members would have been new men, all foreign to the Order. Seeing that, in spite of the preliminary restoration, there was already a rebellion on the part of the non-Jesuit element in the Select Body against the possibility of the estates returning to their primitive destination,*[23] *it is evident that the 16th resolution of the constituent meeting,*[24] *would have become a dead letter in the life of the Select Body; and the property, if any one pretended to a predominant right, would be found in Mgr. Marechal's time just where Marechal's claim placed it—lapsing into his own, the bishop's, hands.*

[22] *Cf.* No. 175, p. 796.
[23] *Cf.* Nos. 113, C–S; 178, R, U.
[24] No. 168, A, 16º

On 20 Sept., 1805, a month after the last letter cited (K), *an agreement was drafted and signed by Carroll and the new Superior, Molyneux. Very favourable provisions were made, by the terms of the agreement, on behalf of the See of Baltimore; while the rights of the Jesuits to their estates, and their jus patronatus over any ecclesiastical use of the same, were fully recognized in the articles. This is the document which figured so conspicuously in* Section III., *passim; and it will be presented infra.*

L. 1805, September 20.

The Carroll-Molyneux Agreement, 20 Sept., 1805. Five articles. See No. 186.

Seven weeks later, we find a new policy in operation. Bishop Carroll wrote to Father Molyneux, giving it as his own opinion, that now the Corporation might become a mere formality, necessary in the eye of the law, but ceding all its active functions to the Superior of the Society.

M. 1805, November 7.

Molyneux, Portobacco, 7 Nov., 1805, to Francis Neale, copying out parts of Bishop Carroll's letter just received, and in a postscript, N.B., *quoting a letter of Bitouzey's, enclosed by Carroll.*

Carroll's urgent advice regarding an appeal to the Maryland Legislature, in the matter of the threatened escheat.[25] Bp. Carroll continues—"It [*a meeting of the Corporation*] must be held within two weeks, that the petition to the Assembly may be signed by them and sealed with the Corporate seal, as well as by yourself, and other proprietors, if any there be. I must, as far as possible, postpone all other business to expediting this.[26]—Concerning Mr. Bitouzey's embarrassment, my advice to the Corporation would be this, to follow the last of the methods proposed in his [*Bitouzey's*] letter, that is, to make a regulation directing the Managers generally to follow your directions, accounting to you and (pro forma) to themselves [*viz. the Corporation*]; for, as the Corporation must subsist for legal purposes, they cannot ostensibly abdicate all inspection into the property of which by law they are to take care." *Various directions of Molyneux to Neale. His respects, etc.*

Rob^{T} Molyneux, S.J. +

N.B. Mr. Bitouzey's regulation, alluded to by Bp. Carroll, is couched in these words—by a regulation that w^{d} direct managers to follow the

[25] *Cf.* No. 165, p. 726.

[26] *He implies that he will not be able to leave Baltimore for the next meeting of the Corporation. Cf. infra,* N, *ad init.*

instructions of the Superior of the Society, and to account to him—w^d^ not, he continues, this or some other plan [*plain?*] and open way clear many uncertainties, shew to every one what he has to do, and remove all mistrusts w^ch^ secret and private agreements[27] are apt to raise in the minds of men?

This Bitouzey-Carroll proposal of practically substituting the Superior of the restored Society for the executive of the Select Body, was carried into effect, a fortnight later, by the new Board; which consisted of Bishop Carroll, beginning his second term of trusteeship to be followed by an unbroken series of terms till his death; of Father Molyneux, the new Superior; of Pile and Plunkett, two ex-Jesuits, who filled the places of Walton and Bolton; and finally of the secular, the Rev. G. B. Bitouzey, now beginning his second term. The other bishop, Leonard Neale, was wanting to this board of 1805–1808.

N. 1805, November 21.

Proceedings of the Corporation (*St. Thomas's Manor*), *21 Nov., 1805.*

After taking the usual oath, before J. N. Digges, one of the Justices of the Peace of Charles County, *binding themselves* truly and faithfully to execute the trust reposed in us, according to the true intent and meaning of the Regulations adopted or to be adopted by the Ministers of the Roman Catholic Church for the management of their estates and temporalities, *the four members present, Carroll being absent, passed resolutions as follows:*

1º *They elected the Rev. Henry Pile Secretary.*

2º *They confirmed Francis Neale as agent.*

3º *Resolved:* That the managers of the several estates of the Corporation of the R. Catholic Clergymen be hereby authorized and directed to follow the instructions of the Rev. Mr. Robert Molyneux; with whom, as likewise with the Corporation, the agent shall account for his administration: provided however the said agent first fulfil all the obligations of, and pay all monies ordered by preceding Regulations of the Select Body or of the Corporation.

4º The Rev. Messrs. G. B. Bitouzey and Francis Neale are directed to take information concerning the propriety of selling the lands of Deer Creek and the plantation in Delaware, Newcastle County near Wilmington; also certain tracts of the White Marsh; and the money arising from these sales be funded as a perpetual fund, the interest of

[27] *An allusion to the private agreement between Carroll and Molyneux? If so, Bitouzey had been informed of this convention. And the subsequent cancelling of the instrument would have been more deliberate, in pursuance of such criticism, than the mere* temper *of the Trustees* (*infra*, R) *would imply. Cf.* No. 116, D, note 24.

which to be applied to such occasional uses as the good of the Mission[28] may require.

. . . *Signed:* ROBERT MOLYNEUX. HENRY PILE. ROB[T] PLUNKETT. G. B. BITOUZEY.[29]

O. 1806, March 4.

Proceedings of the Representatives, St. Thomas's Manor, 4 Mar., 1806.

Due notice being given to the Representatives, that a meeting of their board would take place at St. Thomas' Manor on the 4th of March, 1806; on this day the following gentlemen appeared, viz. Rev. Francis Beeston, William Pasquet, Charles Sewall, Charles Neale, William Matthews.

The members assembled, being a quorum, proceeded to business and passed the following Resolves:

1º *They consent to the sale of as much land in the tract called Arabia Petrea as will suffice* to discharge the present debts of Deer-Creek.

2º That the Representatives consent to the sale of the following parts of Carroll's Burg [*i.e. White Marsh*] and the lands lying between them, viz.: Indian Old Fields, New-Design and New-Quarters.

3º *On changing the term* Agent *into* Secretary of the Corporation, *in a former resolution.* (b)

P. 1806, September 11.

Proceedings of the Corporation, Georgetown College, 11 Sept., 1806.

. . . September 11th. The same members as yesterday met at the same place, and resolved:

1º *Provision made for the philosophers and divines, candidates for the secular priesthood, whether they study at Georgetown or at the Baltimore seminary. See* No. 179, D, 1º

2º Resolved that the managers of the several plantations of St. Inigo's, New Town and St Thomas's, are hereby authorised to pay for one year from the date thereof [*hereof?*] to the Rev. Mr. Molyneux the savings which those respective managers may make; without however taking any part of the general fund for that purpose. Adjourned to the after noon.

+ J. CARROLL. R. MOLYNEUX. ROB[T] PLUNKETT. G. B. BITOUZEY.

Q. *Same date.*

On the same day and place, the same members present as this morning, resolved:

1º That the Corporation accepts and adopts a proposal made by the Representatives of the Clergy, to transfer to the use of the Bishop of

(b) *Here the record of Representatives' meetings ends in quarto book,* No. 3.

[28] *This word,* Mission, *is distinctly new in the proceedings of the Select Body.*
[29] *Only one Jesuit present, the Superior, Molyneux.*

Baltimore, in lieu of the sum of 800 dollars now paid him from the general fund,[30] the estate of the clergy on Bohemia, on condition of the Bishop's maintaining a priest there for the service of the neighbouring Catholicks;[31] and that, at the death of the present Bishop, the Clergy may resume into their hands the estate of Bohemia, on giving sufficient security to the succeeding Bishop[32] to pay or cause to be paid to him annually one thousand dollars. It is understood that the timber on the land is not to be sold, but only used for the necessary purposes on the estate, and firewood only for the Bishop's house.

. . . 5º The President of the Corporation[33] is authorised to execute a bond to the Rev. Mr. Pasquet for the debts due to him from Deer Creek, *etc.*

. . . *Signed by the same four.*

R. 1806, December 19.

Carroll, Baltimore, 19 Dec., 1806, to (Molyneux). The Superior of the Jesuit Mission should not ignore the forms of Corporation business, in appointing the manager of a Jesuit farm.

On the death of Charles Sewall. I find that you desired Mr. Chas. Neale to take provisional charge of the temporalities of St. Thomas, and perhaps nothing better could be done in the exigency of the moment. It could not have been meant as a permanent arrangement;[34] for, besides the glaring and unavoidable inconveniences, losses, waste, and,

[30] *Cf.* No. 173, G, 1º; £300 per annum (current money).

[31] *Cf.* No. 170, D, 4º. *This is the same condition which had been imposed in the grant of Bohemia to the Seminary, May, 1793.*

[32] *On the purport of this resolution, where the term* Bishop *occurs twice in the singular number:* the present Bishop, *Mgr. Carroll ex-Jesuit, and* the succeeding Bishop, *Mgr. Neale ex-Jesuit, compare the argument of Mgr. Marechal, that all succeeding bishops in the plural,* ses successeurs, *though not ex-Jesuits, were by the terms of this resolution to enjoy the same privileges; and this, says Marechal, was "exacted" by Mgr. Carroll* (No. 129, A, 5º). *Cf.* No. 180, D, note 17.

[33] *Carroll fills this new post of* President. *Cf.* No. 179, B.

[34] *Charles Neale always resided at Portobacco, some miles distant from St. Thomas's Manor. He could never be withdrawn from the direction of the Carmelite monastery of nuns, whom he had brought over from Antwerp, and whose institution he had largely founded at his own expense. Carroll says, at the end of the letter to Stone, quoted above (supra,* K), *that Charles Neale would answer the purpose of acting as a novice-master;* but, if he were removed from the convent, whose original members he conducted hither, its dissolution might be much apprehended. *Living at a distance from the estate which he was supposed to be managing, it was only in 1820, Aug. 22, that Charles Neale resigned the management, and his brother Francis was appointed in his stead. Cf.* Nos. 110, E; 181, G, 7º. *Meanwhile, at the present date (1806), Francis became novice-master in default of Charles; which was a curious combination, since this master of novices had never been a novice himself under any master. Compare the following passage in the letter of Molyneux, 7 Nov., 1805, to F. Neale (supra,* M): Bp. Carroll has no objection to yr. beginning yr. Noviceship by entering on the four weeks spiritual retreat or exercise of our holy Founder, to wch. you must also subject those Lay Brothers who are candidates and shall be judged by yr. Br[*other*] and you to be fit subjects. He adds that, before the time of taking the vows expire, I shall have time to know from the General the legality of such a proceeding, that of appointing a Magister Novitiorum, one who never was himself a Novice.

if he leaves no opportunity for waste, the dissatisfaction that must arise out of the non-residence of the manager, besides all this, I say, you know enough of the temper of some of the Corporation to be sensible that public business must be conducted according to the forms adopted by that Corporation at the last meeting of Trustees,[35] in entire conformity with your own suggestion. The appointment of a manager, therefore, is to go thro' those forms, and it is scarce to be supposed that Mr. Ch^{s} Neale will be accepted, while he resides at the monastery. . . .[36]

S. 1808, May 12.

Proceedings of the Corporation, Georgetown College, 12 May, 1808.

. . . 5º Resolved, that the managers of the plantations of St. Inigo, New Town and St. Thomas', are authorised to apply all surplus produce of those estates in the manner specified in the second resolve of the meeting of the eleventh of September, 1806,[37] until the end of September of this present year, 1808.

. . . + J., Bishop of Baltimore. G. B. Bitouzey. Rob^{t} Plunkett. Rob^{t} Molyneux.

To show the full meaning and scope of this joint legislation and administration, we record at once an undated autograph minute of Carroll's, valid as well for the Society as for the diocese. It purports to supply the German faithful with a formula of bequest in favour of the Church; and he adds to it a comment, in which the right of presentation, or jus patronatus, is recognized. Since this document is in the Jesuit archives, and its terms do not imply that the bishop is devisee, it probably contemplated the

[35] *9, 11 Sept., 1806.*

[36] *Here and henceforth is seen the incongruity of a Corporation continuing to exist and hold in trust for the Society at its resurrection, when the Society had in part begun to exist, and was competent in the premises, to take care of itself. Grassi, when Superior, had no better name for the institution than* the blessed Corporation. *Nevertheless, as in the case of the preliminary restoration, the anticipation of the proper date saved the succession of new Jesuits to the old ones* (*supra*, p. 823), *so, in the matter of preserving the property, the postponement of a dissolution on the part of the Corporation saved estates to which the Order should succeed. If, in 1822–1824, the Society had held in its own name, it would have lost some possessions at least, in virtue of its obedience to ecclesiastical authorities. But the hold of the civil Corporation, which knew no obedience outside of its charter, rendered the estates intangible. Compare the attitude taken up by Mgr. Marechal, in face of this impracticable combination between the Board holding and the Society enjoying, the former not amenable to the provisions of a Brief, the latter fully so. While, on the one hand, he represents the Corporation as holding in trust for his diocese* (No. 115, § 12, *and* Section III. *passim*), *and therefore in equity bound to deliver, he exhibits the Jesuits, on the other hand, as having first captured the Corporation* (No. 115, § 14, *and* Section III. *passim*), *then as constituting it* (*cf.* No. 124, C, 7º , 1), *and so incurring a canonical obligation to obey. The episode illustrates anew the policy of Uses and Trusts, as instanced already*, History, I. § 76, p. 614. *Cf.* No. 181, p. 895.

[37] *Supra*, P, 2º ; *i.e. to the service of the Jesuit Mission.*

Corporation or the Society. In any case, Carroll's comment is so far general in its bearings as to mention three distinct beneficiaries of a demise, viz. the Ordinary of the diocese, a society civil (*ex. gr. the Corporation*), *and a* society religious (*ex. gr. the Society of Jesus*).[38]

T. *Undated.*

Carroll's autograph formula for a bequest in favour of religious purposes, with a reservation of the right of presentation, or a jus patronatus.[39]

I N.N. give and bequeath my farm situated (at such a place) with all its appurtenances to N.N., his heirs or assigns for ever; in trust however for the residence, sole use and maintenance of a Roman Catholic Priest, to be presented by the aforesaid N.N., his heirs and assigns, and approved by the Roman Catholic Bishop for the time being; which Priest shall either be a German by birth or descent, or well acquainted with, and competent to preach and instruct in the German language, as long as there shall be any Roman Catholics acquainted with that language, residing in the neighbourhood; and it is my will and intention, that it be sufficiently provided by the above named N.N., his heirs and assigns, that no clergyman hereafter, to be settled on the farm hereby bequeathed, shall continue on, or receive any advantage from it longer than his conduct and demeanor shall be approved by the Roman Catholic Bishop for the time being, of which he, the said Bishop, shall be the sole judge, and not accountable to any person whatever.

It is apprehended that any bequest to, or any duty charged on, the R. Cat. Bishop and his successors, so far as it relates to the latter, would be a nullity, as the Bishop is not known or allowed by the municipal laws of these States to be a Corporation. In the same manner, no society, civil or religious, which is not incorporated by a law of the State, can take benefit from any demise, legacy, etc. It is therefore proper for the purpose of the testator to bequeath the intended property to some person in trust, to carry the testator's views into effect.

U. 1809, April 14.

Anthony Kohlmann (New York), 14 Apr., 1809, to Strickland, London.[40] *On a combination of non-Jesuit members in the Select Body, prejudicial to Jesuit interests.*

. . . Your favour of 24 December, 1808, was delivered to me a few days ago, to which I am going to answer. About the same measures

[38] *Cf.* Nos. 131, 3, 2°, *Marechal on incapacitating Jesuits from owning Church property;* 135, O, *seq., the case of Marlborough, Prince George's County, Md.*

[39] *Cf.* No. 120, 5ª.

[40] *The series of documents here following,* U–X, *is parallel with* No. 192, D–F².

have been taken here by the remaining Fathers of the Society for the preservation of their property as in England. But, for the want of members of the Society, some troublesome men, not very friendly to our body, were admitted into the Corporation, which possesses our goods under a confidential trust; who, against the articles of the said establishment, seem to be eager to appropriate this property by and by to themselves, under pretext that the Society is not as yet legally established. I urged against them repeatedly your very reasoning; but with men of ill will the best arguments have very little weight. However Almighty God seems to baffle their machinations. Short after the departure of our late venerable Superior, Robert Molyneux, who departed this life on the 18th of December, R. Mr. Mathews, who particularly of late appeared to work much contrary to our interests, was appointed president of Georgetown College;[41] and, on the same day, he in conjunction with Rev. Messrs. Young and Byrnes,[42] both Priests, petitioned to be admitted into the novitiate; and so in a short time the Corporation will not consist but of members of the Society. . . .

About the date of this Kohlmann letter to Strickland, there is one of Carroll's to Plowden, in which, speaking of similar business interests and funds belonging to the ex-Jesuits of Ireland, he gives expression to some opinions reflecting his own integrity and sincerity.

V. 1809, June 2.

Carroll, 2 June, 1809, to Plowden. On prelates, Irish and American, supposed to be unfavourable in the matter of the Society's interests. On the Propaganda, and the diffidence shown by Jesuits towards it.

. . . Painful are the apprehensions, excited by your last letter,[43] of unfriendly and uncandid conduct in a person of eminence in Ireland, with whom I correspond occasionally, and whom I have always respected highly. He has taken occasion from various public facts, which have occurred for many years back, to express sentiments on the subject of the restoration of the Society; and no one could use language more expressive of an earnest wish for its accomplishment. Some may impute to [*me a*] too easy credulity, and the want of discernment in judging [*of man*]kind. But

[41] *Matthews succeeded his uncle, Bishop L. Neale; but being "missionary in Washington, an occupation incompatible with that of Rector of a college, he was on that account soon relieved of the office; and Father Francis Neale was appointed Rector. He was missionary in Georgetown and in Alexandria, master of novices, and besides procurator of the Corporation."* (*General Archives S.J., Maryl. Epist., 1, ii., Grassi,* Memorie sulla Compagnia di Gesù ristabilita negli Stati Uniti . . . 1810-1817, *pp. 19, 20.*)

[42] *Cf. infra, Z.*

[43] *Plowden's letter, 30 Apr., 1808, to Carroll, copied in part by the latter, 9 July, 1808, for Molyneux, Georgetown.* (*Md.-N.Y. Province Archives, under the latter date; 3 pp. 4to, No. 84.*)

I have great difficulty in persuading myself that men, whose whole lives have been devoted to the service of religion and who, under trying occasions, have served it successfully, can be acting a false and dishonourable part, especially towards their religious brethren.[44] It would be unfortunate, not so much to the old members of the Society (who will be out of his power) as to the cause of a general restitution, if any such instructions have been given to, or prejudices conceived by, Dr. Concanen, as you suspect. The language of his letters, as well as that from the Congregation of the Propaganda, is as friendly and kind as can be wished; that of the former [*Concanen*] even with respect minimae huic Societati; and that of the latter [*Propaganda*] towards myself. And I must add that, in this respect, the Congregation of their Eminences has been uniformly respectful, cordial and full of confidence; and therefore I have put great trust in it, and thought that our brethren and friends offended by too much diffidence and suspicion. In the case of a happy and peaceful restoration,[45] if my advice could have any weight in the councils of the Society, it would be in favour of a most cordial co-operation and understanding with the Directors and alumni of the College of the Propaganda and other establishments of a similar nature, instead of wrapping up ourselves in our own plans, without endeavouring to profit by the experience, lessons or influence of men, engaged in pursuits similar to our own. The more I study the life of St. Ignatius, the more am I convinced that such was his spirit; and, tho' men who seek always the glory of God, must meet with opposition from ignorance and impiety, yet by inspiring into and bestowing confidence on good men, a great deal of jealousy and heart-burning would be avoided. This is not mentioned with reference to the attempt of the Propaganda on property in Ireland, an attempt which will undoubtedly be resisted as it ought. The attempt is full of mischief; and I am ashamed to think, that my friend the Archbishop can condescend to be an agent in a business, so unfounded and so dangerous to the Catholic cause.[46] . . .

[44] *Here Carroll passes on to the new Bishop of New York, Dr. Concanen, who was still detained in Italy.*

[45] *Public and canonical.*

[46] *Cf.* No. 221, B. *A misunderstanding on the part of Dr. Troy, Archbishop of Dublin, occasioned the negotiations to which Carroll alludes. In this letter of Carroll's there seems to be some degree of confusion, the College of the Propaganda being introduced in the same connection as the Sacred Congregation of the Propaganda; and his remarks, though just in themselves, are not relevant enough to show an insight into the general question. Cf. supra*, note 10. *As to the imputation which, he says, might be cast upon him, that of a* want of discernment in judging of mankind, *a few words of Grassi portraying Archbishop Carroll seem to furnish an exact estimate of his character: "To his* [Carroll's] *courtesy of demeanour was joined a rare goodness of heart, qualities which won him the merited esteem and respect of the public, not only Catholic, but non-Catholic most hostile to the name of Roman Catholic. In the eyes of some he was not cautious enough in his choice of confidants, and he was prone to give in to Protestants more than he should have done, and to appoint trustees over churches when he could have done well without them, and so have averted all the troubles which our missioners suffered at the hands of those same persons, with damage even to religion itself."* (*Grassi*, Memorie, *as above*, No. 178, note 41; *pp. 22, 23.*)

Md.-N. Y. Province Archives, 1805, Nov. 7, Molyneux, St. Thomas's Manor, to F. Neale, Georgetown. Ibid., 1806, Dec. 19, Carroll, Baltimore, to (Molyneux); address wanting; 4 pp. 4to, and 1 p. fol., No. 71. Ibid., (1806), unsigned and undated formula for a bequest in favour of religion; Carroll's autograph, 4 pp. 8vo, No. 64. Ibid., Proceedings of the Corporation, *21 Nov., 1805; 4 Mar., 1806; 11 Sept., 1806; 12 May, 1808.—English Province Archives, portfolio 6, f. 92, Kohlmann, (New York), 14 Apr., 1809, to Strickland. Ibid., ff. 94v, 95, Carroll, 2 June, 1809, to Plowden.—General Archives S.J., Maryl. Epist., 6, i., Carroll-Molyneux Agreement. See* No. 186.

The views of Carroll, on what he and the other Americans, whether Jesuit or non-Jesuit, called the civil *nature of the property, and which he considered that no ecclesiastical authorities could touch even before it was under the protection of a civil charter,*[47] *were always consistently the same.*[48] *At the present stage, a new application of the doctrine arose in relation to the presidentship of Georgetown College. That institution belonged to the Corporate Body; and the Board, which heretofore had installed all the presidents, Plunkett, Molyneux, Dubourg, L. Neale, Matthews, F. Neale, now appointed Father John Anthony Grassi to succeed F. Neale.*

The property of the Corporation was held in trust for the Society, as the statutes of the Select Body declared,[49] *and as the two bishops, in their original letter to the General of the Society, had sufficiently intimated.*[50] *Without adverting to any American technicalities, the General of the Society answered Carroll's complaints about the Superior Charles Neale,*[51] *by appointing Father John Anthony Grassi Rector of Georgetown College and Superior of the Jesuits in America (16 Oct., 1811). This was the first original appointment made from Russia, Robert Molyneux having been chosen by Carroll as delegate of the General, and Charles Neale having been designated by Molyneux at his death.*

Here occurred an episode in which it was not merely seculars at the Board who showed a temper (*supra,* R), *but the two bishops, who, on technical grounds, seemed to oppose the exercise of a Jesuit Rector's authority. In the first place, Bishop Neale was one of the College Directors or Visitors who passed the resolution appointing Grassi president. But the resolution limited his action by declaring the temporalities of the college to be under the* control *of the Vice-President appointed by themselves. Thus*

[47] *Cf.* No. 144, A.
[48] *Cf.* No. 197, *on the Maryland idea of what was* ecclesiastical.
[49] *Cf.* No. 168, A, 16º
[50] *Supra,* F.
[51] *Cf.* Nos. 115, § 4, note 2; 179, M; 192, D-W.

Grassi, who considered himself to be a Jesuit Rector, found himself, in temporal concerns, under an authority which was not that of his regular Superior.[52] *In the second place, when the appointment of Grassi as Rector of Georgetown came to hand from Russia,*[53] *Bishop Carroll signified to Grassi* (*infra*, Y) *that the General had* committed a mistake. *This episode evolves in the following documents*, W–C[2].

W. 1811, October 8.

John Anthony Grassi, recently sent from Stonyhurst to Georgetown, and not yet Rector, 8 Oct., 1811, to Plowden (*Hodder, Stonyhurst*). *A translation from the Italian by Plowden* (*for Father Stone*).

A long narration of the antecedents in the Maryland Mission and Georgetown. The succession of presidents at the College: Plunkett, Molyneux, (*Dubourg*) *a Sulpician, L. Neale, Matthews, and the actual President, Francis Neale.* F. C. Neale, who has the office of Provincial, dwells 36 miles from the College, and is conf[*esso*]r of more than 20 Carmelite nuns. These things cannot fail to displease the Abp. [*Carroll*], and some very wrongly impute his displeasure to alienation from the Society, and I have detailed the whole in various letters to the General, having reason to believe that he is ignorant of what passes here; and every day I expect an answer. *Further criticism.* I cannot and never will suffer it to be said, that such a college belongs to the Society. It belongs to the body of the clergy of Maryland ! ! *Here Plowden follows with home thrusts for the benefit of the English Province.* However, *he concludes* (*to Stone*), your young men at Hodder, all considered, are going on well. . . .

X. 1812, April 28/10 May (N.S.).

Father Desperamus, the General's Assistant, St. Petersburg, 10 May (*N.S.*), *1812, to Grassi.*

Letters since Grassi's of 20 Dec., 1810, No. 1.[54] *Hopes that the General's letters of 16 Oct.* (*by which Grassi was appointed Superior*), *and 1 Nov., 1811, have been received by this time. Six heads of business. 2. As to Georgetown College, if it cannot be managed properly, because dependent on the Corporation, leave it to the Corporation, and use your men elsewhere. But, if the Corporation wants the Society to conduct the College, let the Board suffer the Society to conduct it well, as it knows how; let a yearly allowance be fixed to*

[52] *Withal, if the secular element had its way, the* Russians, *that is Grassi and the other Jesuits sent to America by the General, were not even to be considered as eligible for membership in the Select Body. So Bitouzey wrote* (*23 Oct., 1813*) *describing Grassi:* a man, *he said*, that we feed and support, a man who is not a member, a man who, for the most weighty reasons, ought not to be admitted among us, and who, I trust, never will. *See* No. 113, D, *a characteristic document.*

[53] *Cf. infra*, note 55.

[54] *Grassi's first letter from America.*

maintain the institution, and keep it out of debt. Bishop Neale's view, that everything will come into the hands of the Society in due time, will not save the good name of the Society in the mean time :

. . . 2. Mi pare che il Collegio di Georgetown, non potendosi regolare bene, perchè dipendente dalla Corporazione, devesi abbandonare alla medesima, e prevalersi altrove de' soggetti, che vi sono. A che sostenerlo con discapito del buon nome della Compagnia, la quale non vi puo mettere alcun ordine, nè per il temporale di esso Collegio, nè per la disciplina e buona istruzione dei giovani? Se la Corporazione vuole che sia regolato dalla Compagnia, deve lasciare la piena libertà alla medesima di regolarlo per il bene, come sa, e deve fissare un certo annuo reddito, per cui possa mantenersi e non fare nuovi debiti. Mgr. Neale puo per il suo affetto alla Compagnia credere, che tutto le verrà a cadere in mano col tempo, ma in tanto, se ella perde il suo buon nome trovandosi in discredito, non potrà fare molto bene.

The General adds to the long letter of Desperamus a paragraph, inculcating what the latter has said, and requiring Grassi to take counsel with the Archbishop (Carroll) in matters of moment.

Y. 1812, July 9.

Carroll, Baltimore, 9 July, 1812, to Grassi, Professor at the College, *Georgetown. He says that the College belongs to the Corporation, not to the Society.*

He has received from the General a letter, dated Petersburg, 20 Nov., 1811. He presumes that Grassi also has received his (appointing the latter Superior).[55] *On* the late Superior, *Father Charles Neale, and the Carmelite monastery.*

Rev. Fr. Gen[l], not knowing exactly the state of our regulations in temporal concerns, and the transfer of the ecclesiastical property to a body corporate from the hands of individuals, who might have appropriated much of it to themselves, has committed a mistake, in appointing you to be the president of George Town College, which he has no authority to do.[56] You may be assured, that I will be always glad to render your administration easy and free from contention. *On Father Rantzau, etc.*

Z. 1812, July 30.

Carroll, Baltimore, 30 July, 1812, to Father Beschter, Rector of the Cat. Church, Lancaster, Penns[a]. *In this letter, Carroll makes mention of the Society's* heirs.

[55] *Grassi mentions in his Memoirs that the General's letter, 16 Oct., 1811, conveying the appointment to the management of the Mission and rectorship of Georgetown College, reached his hands in June, 1812. The action of the Directors was subsequent, as infra,* A[2], C[2]. *Cf.* No. 179, Q, note 25.

[56] *Cf. infra,* O[2]; *Carroll repeats the substance of this criticism to the General himself (Jan. [Jun. ?], 1814).*

On Rev. Mr. Byrne,[57] who at his ordination was affiliated in the Diocese of Balt^re^, *but who then* proposed becoming a member of the Augustinian Order. I told him readily, that I ought not, and would not oppose his embracing the more perfect state of religion; adding, however, that his loss to the Diocess was a grievous one; and that, if he did not persevere to the term of his solemn profession in the Order, I claimed him as a member of my clergy. *After that, Carroll lent him to Bishop Egan of Philadelphia. Hence he does not wish to meddle in arrangements concerning him.*[58]

On Father Strickland, and the Sir John James' Fund. See No. 150, L, note 9.

P.S. You ask my advice about remaining to suffer, or flying away. I wish for neither. *Respectfully inform Bishop Egan* that you have a natural right to be consulted in the appointment of your companion, especially to live with you in a house and on premises belonging to the Society,[59] or its heirs.[(c)60]

(c) Or its heirs, *added above the line.*

[57] *Cf. supra*, U.

[58] *Cf.* No. 120, 2ª, *Marechal's views on the diocesan status of a religious.*

[59] *Cf.* Nos. 120, 5ª; 135, E; *Marechal's contrary view. Bishop Egan writes, 3 Aug., 1812, to Beschter, in the same sense, as Carroll here; and, 8 Sept., 1812, to Grassi, Superior, saying that, since Grassi desires to remove Beschter to Georgetown, he, the bishop, does not hesitate to accede; particularly under the promise of another clergyman to succeed Beschter;* any one therefore sent by you will be gratefully accepted by me. *He excepts, however, Father Rantzau.* (*Md.-N.Y. Province Archives, 1812, Aug. 3, Egan to Beschter; 8 Sept., 1812, same to Grassi.*) *Cf.* No. 135, G-N, *Marechal's policy.*

[60] *The word,* heirs, *added above the line, seems to show that, owing to the long delay in the canonical restoration of the Society, Carroll either had lost confidence in its ever being publicly restored, or, at least, was contemplating such a possibility. This may explain his tenacity in maintaining the Corporation, for the continuance of which he gave in the preceding letter to Grassi* (*supra*, Y) *a very slight reason, that it had been instituted to save the property, vested in* the hands of individuals. *Why the Neales should have been so pertinacious in keeping up the forms of Corporation business and* control *is more obscure. It was probably want of confidence in the* foreigners, *who, as was only too evident, formed the chief personnel of the rising Mission. Cf.* No. 135, A, Prop. 13, note 35, *on Americanism. The vocations of young Americans were proving singularly unhappy, not so much through the fault of the youths themselves, as through the bad internal management and the want of Jesuit formation.*

However, Father Benedict Fenwick, a thorough-going American, did not hold in high esteem the capabilities of his young compatriots for the religious state. Writing to Grassi from New York, 20 Feb., 1815, he said: The intelligence received by your letter of the addition of ten scholastics and three lay brothers to the noviciate is indeed as grateful as it was unexpected. I should be glad to know the names, particularly of the scholastics. I hope they may persevere. If, however, the half of them should run away before the expiration of their term [*as novices*], or a little while after, I should not be surprised. What will you do with, or can you expect from young hair-brained Americans? particularly if they enter over young, though within the time marked out by the Institute, which was drawn up for Europeans, or those accustomed to other governments than ours, and who were not so infatuated with the sound of liberty and equality. (*Md.-N. Y. Province Archives, 1815, Feb. 20, B. Fenwick, New York, to Grassi, Georgetown.*) *But it should be noted that the actual experiences on which this unfavourable judgment was based had been with young men, not merely of American extraction or birth, but also of foreign origin, as the catalogues of the Maryland Mission show.* (*Ibid.*, Liber continens nomen, *etc.; List of Novices.*)

A². 1812, September 12.

Bishop L. Neale, Georgetown (Visitation convent?), 12 Sept., 1812, to Rev. Mr. Jn. Grassi, College. *An indignant protest against Grassi's criticism of recent*[61] *action at the Board of Directors.*[62]

Rev^D S^R,

By a letter received from you yesterday, I find myself summoned to answer for my past proceedings, whilst a Director of G.T. College, at the bar of your and your Consultors' tribunal. Without going into an enquiry, whether you and your Board of Consultors have right to take cognicence of my proceedings whilst a Director, I will here answer your letter in that spirit of mildness and simplicity of truth, which I was taught to follow, whilst I was so happy as to be a member of the Society.

The forced construction you and your Board have been pleased to give to those words, With controul over and management of the temporal concerns, does not show cool, calm and deliberate discussion, but betrays suspicious intemperateness and agitation of mind. You, Rev^d S^r, by your appointment, stand precisely in the same situation as I myself formerly stood, whilst I filled the office of presidency in G.T.C. The Vice-President had then the controul over and management of the temporal concerns. Neither did I consider that a mark of distrust in me, or as a diminution of that confidence, which I might have thought myself entitled to at the hands of the Directors. Even in the Society itself (tho' the present case is not totally similar in all its points), the Minister in every college had the controul over and management of all those temporal concerns committed to his charge. The Procurator also had the controul over and management of the procuratorial concerns. Now who, with cool deliberateness, would ever conclude that therefore the Minister and Procurator were appointed guardians to the Rector?[63]

Before the close of your letter you clearly discover the intemperate hight to which your mind is raised, either by your own unfounded suspicions, or the tumultious precipitancy of your imprudent Consultors. For you take the liberty to measure my friendship for the Society by your own intemperate conclusions. My friendship for the Society is not to be convulsed by any such false measurement. It rests upon a calm, solid and composed basis, the very same on which the Society itself rests, viz. the Spirit of God, which can only be attested to the exterior by a temperate, prudent and undisturbed meekness. Tumult, precipitancy and agitation are not the marks of the Spirit of God, not

[61] *That it was recent is shown by Grassi's draft of his answer* (*infra*, B²), *and his Diary* (*ibid.*, note 64).

[62] *Cf.* No. 179, K. *The Directors were Bishop Neale, Matthews, Bitouzey, Notley Young, and Enoch Fenwick.*

[63] *The agent, Francis Neale, Vice-President of the College, had been designated as the person invested by the Directors with the right of* controul.

the marks of the spirit of the Society. It is from this disturbed source that you have concluded, that the Society is injured by the proceeding complained of. And I can, with all truth and calmness of soul, assert that nothing but the honor and true interests of the Society led me to vote for the same proceeding. With the true spirit of charity and the sincerest wishes of prosperity to the Society of Jesus,

Rev^d S^r, I remain,

Y^r Most Ob^dt H. S^vt,

+LEON^D, Bshp. of Grtna.

B². (1812, September 13.)

Grassi's draft of an answer (13 Sept., 1812) to Bishop Neale's letter (supra, A²).

The various steps he had taken; three days' reflection, then consultation. He had consulted, not a dictionary, but an American Jesuit for the meaning of the word controll. *He had not meant to summon the bishop; he only asked for the meaning of a word. He wrote, but first showed the letter to Bishop Neale's brother (Francis), and to no one else in the house.*

My complaint is founded, 1. in the obvious sense of controll; 2ly. in having never been expressed for any other but for me; which is a fact to which your letter declines [*to answer?*]. If I am at the same condition as other Presidents, I cannot complain; still less if the controll means no more than that, that FF. Minister and Procurator had in our colleges; nor am I injured as member of the Society. You are perfectly justified; my doubts cleared.[64]

C². 1812, September 14.

William Matthews (a Director), 14 Sept., 1812, to Grassi. A conciliatory letter.

He explains away the word control. *Francis Neale had been Vice-President under Molyneux, with the charge of temporal concerns. Then F.*

[64] *Twelve years later, the question at issue between the Corporation and the Society, is stated with precision, infra,* No. 198, B, *in the* Esame dei Fogli giustificativi. *At present, as to the difficulty with Georgetown College, the Board of Trustees, at its next meeting (22 Sept., 1812), a week after Grassi's last letter, held the usual triennial election of Directors, and nominated Bishop Neale, Grassi, Francis Neale, Matthews and Enoch Fenwick. Thus Grassi and Francis Neale were substituted for Bitouzey and Notley Young. Cf.* No. 179, Q.

Grassi's Diary contains the following data regarding the question of control: 1812, ... Sept. 9, Nel libro of Consultors vidi che Mr. [*Francis*] Neale has c o n t r o l, etc. 11. Scrissi ai Direttori cercando spieg^ze of the control. 12. Ricevei risposta dal V^o Neale. 13. Scrissi al V^o Neale. 15. Feci visita al V^o Neale; si parlò of control . . . 22. . . . Vi fu il Meeting [*of Trustees*]; al dopo pranzo io, come Sup^re de' nri [*nostri*], fui chiamato, e mi si disse esser risolto, ed io l'approvai, che si mettesse il Noviz^to a S. Inigos sino a tantoche fosse fabricato etc. a White Marsh. Fui fatto anche Direttore del Collegio. 23. Mr. l'Arciv. [*Carroll*] venne a vedere le scuole, etc. Vi fu ancora meeting, etc. Mostrai al sud^to la lettera di Mr. V. Egan (*cf. supra,* Z, note 59), e dal P. G^le (*cf. supra,* X; *infra,* J², note 73). (*General Archives S.J.*, Diario del P. Giov. Ant. Grassi, 1804–1822, No. 632, *as infra,* p. 845; *under date.*)

Neale became President (still charged with the temporalities). Grassi, succeeding F. Neale as President, would have had the double charge; and F. Neale, now Vice-President, should have taken the literary department (for which he was not competent). The example of Father Wright, procurator at Stonyhurst, with regard to the President there. A difference between controller *and* overseer; *they are not convertible terms.*[65]

English Province Archives, portfolio 6, f. 104, Extract translated (*by Plowden*) from Mr. Grassi's late Italian letter, Oct. 8, 1811.—*Md.-N. Y. Province Archives, 1812, July 9, Carroll, Baltimore, to Grassi, Georgetown; 3 pp. 4to, No. 112. Ibid., 1812, July 30, Carroll, Baltimore, to Beschter, Lancaster; 3 pp. 4to, No. 113. Ibid., 1812, Sept. 12, L. Neale, Georgetown, to Grassi, at College, Georgetown; 2 pp. small 4to. Ibid. (1812, Sept. 13), Grassi, draft of answer to L. Neale, on 3rd p. of Neale's letter, 12 Sept. Ibid., 1812, Sept. 14, W. Matthews to Grassi.—General Archives S.J., Chartophylacium P. Desperamus, 28 Apr./10 May (N.S.), 1812, Desperamus to Grassi. Ibid.,* Epist. VV. GG. in Russ., 1809-14, *10 May, N.S., 1812, the General, adding supplement to the foregoing, Desperamus to Grassi, same day.*

Now occurred the sharp issue started by Bitouzey, a secular priest, a member of the Select Body, a Trustee of the same, and the manager of White Marsh.[66] *It appeared as if the secular element entertained designs on the Jesuit property; and Carroll alluded to a possible combination among several members whom he named* (M²). *The archbishop's own attitude was considered very ambiguous in the crisis.*

D². 1812, December 31.

Carroll, Baltimore, 31 Dec., 1812, to Grassi, Georgetown. Items of business.

Cordial salutation. The improvements made in the College. Father Cary. Rev. Mr. Ladaviere. It will be a matter of delicate management, considering the heterogeneous composition of the Select Clergy, to invest with money and authority the Superior of the Society, for the exclusive benefit of the sick members of his body;[67] but think on the subject till we meet, when all in my power shall be done.

The donation of two cases from Belgium; and M. Peemans'[68] *letter.*

[65] *This answer leaves the difficulty just where it stood, that the internal affairs of a house, under a Jesuit Rector, were settled by an extraneous Board. Grassi, in his Memoirs, says that the origin of the restriction imposed upon him was "some reluctance to put in that office one who was not an American citizen." He adds that, after his remonstrance, the authors of this trifling,* picciolezza, "*were ashamed of it.*" (*Grassi's* Memorie, *as supra,* note 41; *p. 55.*)

[66] *Cf.* No. 113, A–O.

[67] *Cf. infra,* J², *ad* note 74. *The non-Jesuit members of the Select Body were already provided for,* during their natural life, *by resolution 13º, 24 May, 1803. See* No. 177, A, 13º

[68] *A distinguished benefactor of the American Mission. A letter of his to Card. Caprara (1805) is summarized with others in a Propaganda document. It shows not only the co-operation of Peemans in the Jesuit affairs of America, but also the attitude of the Propaganda towards the re-establishment, as mentioned above* (note 10, *ad fin.*). *The letter of Peemans, as well as the other two summarized, one from the Nuncio at*

Messrs. Neale and Bitouzey were appointed by the Committee [*Corporation ?*] for carrying into execution the resolve, concerning building new accommodations at the White Marsh for the novices;[69] and I am satisfied that they will perform their trust with care, and an economy suitable to the funds of the Corporation. Great is my sollicitude for the Society in Russia at this time; and much, very much indeed is it now to be wished, that we had here a solemn authentic restoration, to repeal effectually and destroy the effects of the Ganganellian Brief.

With my respects to the Rev. Mr. F^s. Neale, be pleased to ask him, if he did not receive my letter, inclosing a paper from Bishop Egan;[70] whether that paper was satisfactory, and whether he wrote so to the Bishop.

I am, *etc.*

E². 1813, April 23–29.

Grassi's Diary, on Bitouzey's willingness to provide for the novices at White Marsh, and to cede the plantation altogether; also his desire that the bishops should know this. Six days later, Father Beschter, Master of Novices, going to visit Bitouzey, and obtain his consent for the removal of the novices to White Marsh, was met with a refusal. Extracts.

1813 . . . Apr. 23. Ritornai da White Marsh in gig, etc. Ieri esposi a Mr. Bitoussay, che i Novizi, etc., in caso, etc., e lo trovai in ottima dispo^ne: q^ta mattina mi disse che egli era pronto di cedere la plantazione, etc.; che lo dicessi ai Vescovi, etc.

29. Giov. Il P. Beschter partì con un novizio per ottenere il consenso di Mr. Bitouzey d'andare a White Marsh, etc.; ritornò avendolo rincontrato e ricusato, etc.[71]

F². 1813, April 24.

Grassi, Georgetown, 24 Apr., 1813, to Father John Cary, St. Thomas's Manor. Sketch of his visit to the Rev. "Norman" at White Marsh.

. . . *Grassi has spent four days at White Marsh*, with the R^ed Normand. He has been very kind to me, as well as to the young Russian [*A. Divoff*,

Lisbon about Grassi and his companions, the other from the Vicar Apostolic of Constantinople about two Jesuit missionaries who appeared there, all alike suppose or speak of the Pope's own action in these matters, at the instance of the King of Naples, the General of the Jesuits, Father Angiolini, Jesuit procurator in Italy; and papers from the Archbishop of Mohilow have been exhibited by Grassi to the Nuncio at Lisbon. The re-establishment was proceeding through avenues of influence quite beside the Sacred Congregation, as the title itself of the summary intimates: Notitiae circa studia Jesuitarum intrandi in Chium, Archipelagum, Americam (ex Russia). E.g. V. A. Constantinopol. (*Propaganda Archives*, Scritture risguardanti l'esecuzione del Breve di Soppressione de PP. Gesuiti ne' luoghi di Missioni. 1774. Missioni. Miscellan. T. v.; *ff. 413, 414.*)

[69] *Cf.* No. 179, P, 9º; Q, [5º]; Proceedings of the Corporation, *22 Apr. and 22 Sept., 1812.*

[70] *Cf.* No. 179, R.

[71] *Cf.* No. 113, D, *Bitouzey* (*23 Oct., 1813*), *on* the mission, which people occasionally sent down here [*to White Marsh*] were clothed with.

S.J.], who was with me. All the timber for the new house is absolutely ready; and next week they shall begin to frame. *The critical position at St. Inigoes (owing to the British fleet); the Trustees have consented to making White Marsh the seat of the novitiate.* R.d Mr. Bitousey very politely told me, that he is ready to do everything in our favour; the week after next, there shall be a meeting of Trustees, at which time all this business of the novitiate shall be settled. . . .

G². 1813, April 30.

Carroll, Baltimore, 30 Apr., 1813, to Grassi.

On the sudden and unexpected check met with by Beschter. Mr. Bitousey's conversation with him was unexpected to me, tho I have long since suspected in him a secret disaffection to the Society; and it is much to be lamented, that the very incompleat re-establishment of its members in this country furnishes many arguments to their enemies and opposers, to cavil at and dispute their existence or further extension;[72] but how Mr. Bitousey can justify his expressions, that the Society did not exist here nor anywhere else, I cannot understand. As things now are, it is unfortunate that the novices were not left at St. Thomas's [!], where there is room enough, till everything was ready at the White-Marsh, and all preliminaries settled; tho certainly Mr. Bitousey's uncourteous opposition could not be foreseen, after his friendly language to you, especially when necessity and not choice commanded the removal of the novitiate. I dread its continuance at G. Town even for a few weeks. *Difficulties of travelling. Carroll will not be able to reach Georgetown and attend the Corporation meeting before the end of next week.*

H². 1813, May 13.

Carroll, Annapolis, 13 May, 1813, to (Grassi).

Has been taken sick with fever and ague. He cannot reach Georgetown till beginning of next week. Mr. Bitouzey, in consequence, will not be there earlier.

J². 1813, May 17—June 11.

Grassi's Diary, on the meeting of the Trustees, to which he was not called. Meeting of the Directors, who place the manager of St. Inigoes under the control of the president of Georgetown College; and provide for the sick members of the Society, by giving them a right to maintenance from the College. Removal of the novitiate to Fredericktown. Extracts.

1813 . . . Magg. 17. Venne l'Arch.°, e gli si recitarono alcuni versi, etc. Ci fu pranzo de' Trustees.

18. Meeting. Presentai all' Arch.° la mia petiz.e, etc., etc. Me disse che mi chiamerebbe nel Meeting.

[72] *To a date about this time must be referred the paragraph, attributed to Carroll, as if he had written it to the General, Father Gruber.* *See* No. 113, S.

19. Meeting si conchiuse, e non fui chiamato.

21. Ven. Si intimò il Directors' Meeting. Ricevei letters dal P. Kohlman colla notizia della partenza di Mr. Harold e Ryan.

24. Lun.[73] Meeting of the Directors, in sui si risolvè che, non potendo i Direttori cangiar il Menanger [*Manager*] di St. Inigoes, q^u^ fosse sotto il controll del Presidente; 2ly, che tutti i membri della Comp. avrebbero diritto di esser sostentati dal Col^o^ in caso di infirmità,[74] etc.

29 May–11 June. Trip to Fredericktown, etc. Mr. Richard McSherry, Charlestown. Harper's Ferry. Martinsburg, Va. Frederick again. 11. Ven. Cenai col P. Beschter e novizi, etc. . . .

K². 1813, May 17–19.

Proceedings of the Corporation, 17–19 May, 1813.

. . . 9° *On the removal of the novitiate to Frederick.* *See* No. 179, S.

L². 1813, May 28.

Carroll, Washington, 28 May, 1813, to Father Enoch Fenwick, Baltimore.

. . . Mr. Matthews told me, that he had written to you, to meet the Directors of the College, last Monday; I knew you could not obey the summons. The Trustees came to the resolution of removing Mr. Beschter and his novices to Frederic Town for the present. The presbytery there may suffice for a time for their accommodation. Mr. Bitousey was with us, and in all matters seemed to go with the other members of the Corporation. *His own sickness. Movements of Beschter and of Grassi, who proceeds beyond Frederick, to the Sulphur Springs, for the recovery of his health.*

M². 1813, June 8.

Carroll, Washington, 8 June, 1813, to Enoch Fenwick, Baltimore. He alludes to a combination as possible among non-Jesuit members of the Select Body.

The archbishop's movements. Why Mr. Grassi is displeased at the proceedings of the Corporation, I know not, unless because the noviciate was not established at once at the White Marsh;—Mr. Bitousey highly disgusted and perhaps provoked to resistance. I have no doubt of Mr. Grassi having been the instigator of the precipitate and unnecessary removal from St. Inigo;[75] in which, however, he found Mr. Beschter

[73] *Under this date appears a petition of Grassi, himself a Director of Georgetown College, addressed to the Board of Directors, from whom he desires to acquire* the total and independent direction [*of the College*], both spiritual and temporal, *such being the only terms admissible by the Society of Jesus. He gives the substance of the General's letter, 10 May, 1812, as to abandoning the college, unless a suitable arrangement is made. See supra,* X. (*Georgetown College MSS. and Transcripts, 1813, May 24.*)

[74] *Cf. supra,* D².

[75] *Cf.* No. 179, S, 9°

[*master of novices*] a ready and willing cooperator.[76] If Messrs. Bitousey, Pasquet, Vergnes, and perhaps Mr. Debarth,[77] should coalesce as members

[76] *For the rest of the Bitouzey incident, see* Nos. 113, A-Q; 179, U.—*How completely parties were working in contrary directions may be seen from two letters written about the same time by Francis Neale to Grassi, 8 July, 1814, and by Carroll to Grassi, 23 July, 1814. The former, F. Neale, urges on Grassi even a precipitate entry into White Marsh, in order to obtain* possession; *and he seems to express as much fear of the Corporation, as if Bitouzey alone constituted it. The Board consisted at the time of Carroll, Plunkett, Bitouzey, besides two Neales, Bishop L. Neale and Charles Neale. Carroll, on the contrary, speaks precisely in a sense which would seem to justify Francis Neale's apprehensions:*

Francis Neale, St. Inigo's Manor, 8 July, 1814, to Grassi. On sheep and men; ravages of the British, who, however, say they will not touch St. Inigo's, since it belongs to the Church. On Rantzau. Get to White Marsh, as soon as possible, with the novices. This measure I advise, before the measure already adopted can be changed by the Trustees. Possession is of great importance.

Carroll, Baltimore, 23 July, 1814, to Grassi. Answers two letters of Grassi, with apologies for delay. ¶ The concerns of the White Marsh give as much perplexity to my mind as to yours; and the perplexity chiefly arises from the Agent of the Corporation [*Francis Neale*] continuing to hold in his hands the management of the St. Inigo estate, which, as you know, for I informed you officially of it a twelvemonth ago, is vested in you as President of the College; and it is your province to designate the person, to whom you chuse to delegate your power. *Exceptions to F. Neale's intervention, except in extraordinary cases; and to his remaining absent from his own congregation (at Georgetown?), as well as from the agent's office, where business is in suspense.* Besides other things, which suffer from his absence, a material point concerning the land lately sold at Deer Creek has long required immediate decision (*cf.* No. 87, F-H). ¶ *The removal of Father Beschter and the novices to White Marsh is full of difficulties on the score of their* subsistance. No appropriation has been made by the Trustees of the property of that place for such a purpose; and, whenever that comes to be discussed, objections will arise from the circumstance of other and prior burthens, for which that estate is security. *Criticism on the complaints of Beschter and Brother Mobberly about the miserable condition of White Marsh. Carroll refers with commendation to* the income, which Mr. Bitousey constantly raised from it, whilst there was any price for Tob? *Carroll describes its equipments. He has in his hands $75, left him by Mr. Bitouzey.* ¶ Besides Mr. Beschter, I contemplated the appointment of another priest for the neighboring congregations, and to be the Manager; which I deemed incompatible with the duties of a Master of Novices. But, since your letter, this will be suspended till further consultation. *Cf.* No. 173, *ad* note 16. *He defers speaking of other matters.*

(*Md.-N. Y. Province Archives, 1814, July 8, F. Neale, St. Inigoes, to Grassi. Ibid., 1814, July 23, Carroll, Baltimore, to Grassi; 3 pp. 4to, No. 162.*)

In these two letters, the cross purposes are evident; and, in the latter, it may be observed how Carroll contemplated the appointment of *a priest (even a secular?) as pastor, no doubt to be supported by the estate, and of his also appointing the same to be the temporal manager. Here it would seem that the government of both temporals and spirituals, to be administered by either Jesuits or non-Jesuits, had virtually passed into the hands of the Ordinary. In the former letter, Francis Neale makes a direct movement towards obtaining* possession, *no longer against Bitouzey, the lodger, but against the Corporation.*

To finish the setting of the scenes, the following may be added, from the year before. Grassi, Georgetown, 25 Sept., 1813, to Cary, St. Thomas's Manor. About the Rev. X. Miquel, who applies for admission into the Society. Bitouzey, who has resigned the administration of White Marsh, has asked for a room in the College, and Grassi has not refused. The Rev. gentleman also says that he wishes to be replaced at the Marsh as soon as possible. But now there are other plans in his mind; and perhaps another meeting; et Deus scit quo res evadent. Oh India! India! O Normand! O Corporation! . . . (*Ibid., 1813, Sept. 25, Grassi to Cary.*)

[77] *This is a different combination from that insinuated by Kohlmann, 14 Apr., 1809. See supra,* U. *Without mentioning the names, Carroll, 12 Dec., 1813, to Plowden, uses emphatic language:* Stonyhurst will, with God's help, weather the storm preparing against it; unless it be decreed that every branch of the Society shall still be wounded by the weapons of unextinguished hatred and envy. Here, even, some,

of the Select Clergy, they may create scenes of disturbance and mischief, which would be in fact brought about by our foreign and precipitate Brethren, ignorant of our institutions,[78] by which things would gradually come to that state, which the judicious friends of the Society contemplate and prepared for.

I thank you for the communication from Mr. Marechal. My best respects to him and his Brethren *and to Mr. Mertz. Pleasantries.*

N². 1813, December 24.

Rescript on the status of the Jesuits sent to the General in Russia by the Nuncio at Vienna, Archbishop Severoli, under date of 24 Dec., 1813. Answering the difficulties of the Bishops and Vicars Apostolic in England, Ireland, America, and the islands of the Ægean Sea.[79]

whom we had associated to the old remnant, and made partakers of all the profits and prerogatives attached to the possession and government of the estates, are incensed at the admission of the missionaries from Russia, and dread a re-establishment. Artifice, misrepresentation, and the most unfounded suspicions are employed. (*English Province Archives, portfolio 6, f. 108.*) *Carroll's phrase about* every branch of the Society *alludes apparently to the circumstance that, at the Suppression, the Jesuits in England, Ireland, and America had escaped the general expropriation which was witnessed in other countries.*

[78] *Cf.* No. 135, P, note 49.

[79] *Cf.* No. 214, H, note 17, *Gradwell's account of this rescript, to the effect that it was surreptitious*, admitted to be of no authority, *and that it was unknown to the Archbishop of Baltimore till 1824* (*cf.* No. 130, A), *that it was then* produced by the Superior of the Order as a pretext for resisting the execution of the Brief *of 23 July, 1822. Since the degree of accuracy in this passage is characteristic of all Gradwell's historical accounts and writings, many of which are exhibited infra*, Section VII., *we note the following points.*

As to its being unknown to the Archbishop of Baltimore, it was, on the contrary, communicated by the Archbishop of Baltimore, 14 Oct., 1814, to Grassi, Superior of the Jesuits in Maryland. See No. 130, A, note 2.

As to its being produced by the Superior (*F. Neale*), *for the purpose of evading the execution of the Brief, it was, on the contrary, seen by Marechal in the hands of Dzierozynski, and a copy of it was then asked for by him, for the purpose of making a remonstrance to the Propaganda on the subject of the Society's privileges. See* No. 130, A, *ad* note 1.

As to the rescript being of no authority, the following official documents show it to have been of absolute authority :

Card. Pacca, Secretary of State, 16 July, 1814, to the Nuncio Severoli, Vienna (*three weeks before the Bull of universal restoration*, Sollicitudo omnium ecclesiarum, *was published*). *He asks the Nuncio about the special Pontifical faculty, which had been granted by the Pope, 10 Nov., 1813, at the instance of the General of the Jesuits in Russia, with respect to the status of clerics and priests under the obedience of the latter in England, Ireland, America, and the islands of the Ægean Sea. It is presumed that the Nuncio issued a special decree, but they have not been notified thereof in Rome, and do not know whether the Pontifical grant has gone into operation :* Non avendosi quì notizia, se veramente sussista questa dichiarazione, e per conseguenza la grazia Pontificia, si compiacerà Ella informarmene con quella sollecitudine che le sarà possibile.

Severoli, Vienna, 1 Aug., 1814, to Pacca. He encloses his minutes on Russian affairs, where Pacca will find his rescript "for our good Jesuits, whom I need not commend to your Eminence that they be re-established :" Non tralascio di accluderle colla maggiore possibile sollecitudine i fogli, che appartengono al mio Rendiconto della Russia, ove troverà il mio Rescritto per i nostri buoni Gesuiti, che non ho bisogno di raccomandare a V. Em. affinchè risorgano.

Pacca, 1 Sept., 1814, to Severoli. As to the contents of Severoli's papers, despatched

By the authority of Pope Pius VII., communicated to the Nuncio, 10 Nov., 1813, the latter declares that clerics, living under the obedience of the General Superior of the Society of Jesus, can be ordained as religious, sub titulo paupertatis; *and that, in those countries where now they live with the good pleasure of His Holiness, priests under the same obedience enjoy the same privileges as the members of the Society in Russia.*[80] *See text,* No. 130, A, p. 512, *Marechal's letter, 20 July, 1824, to Card. Della Somaglia.*

O². 1814, January (June?) 28.

Carroll's draft of letter, 28 Jan. (Jun.?), 1814, to the General of the Society. A portion cancelled contains a reference to the property of the old Society, and to the fidelity of the ex-Jesuits who had preserved it.

Carroll has received the General's letters of 20 Nov., 1811, and of 15 Sept., 1812. Grassi's perfect fitness for the office of Superior. No need of the General's excuses for not appointing Kohlmann. Carroll had abstained only out of delicacy from mentioning Grassi, as being so young. On Grassi's relations with the Trustees in undertaking the presidency of Georgetown College, which really never belonged to the old Society.[81] *The precipitancy of the newest Jesuit arrivals in demanding that the property be resigned to the Society, and thereby fomenting the intense jealousy of those who were not members of the Order.* Mihi persuaseram, singulari Dei beneficio, et cum magna laude Patrum nostrorum factum fuisse, ut statim, post funditus extinctam hic Soc^tem^ per breve Pontificium an. 1773, omnia cujusvis generis bona ac possessiones non vastarentur ac dissiparentur, ut ubique fere factum

1 Aug., His Holiness revalidates and confirms the graces mentioned: Riferito alla Santità di Nostro Signore il contenuto dei Fogli da V.S. Ill^ma^ rimessi con Dispaccio del 1 decorso, si è benignamente degnata la Santità Sua di accordare la necessaria sanazione, rivalidazione, e conferma delle grazie, delle quali fa Ella menzione nel dispaccio anzidetto.

(*Vatican Archives,* Dispaccj di Mons. Nunzio Severoli, *etc., Pacca, 16 July, 1814; minute,* 22. *Ibid., Severoli, Vienna, 1 Aug., 1814, to Pacca, autograph; endorsed:* Arr. li 18 d^o^ R^o^ li 30 d^o^ ¶ 48. Sanazione e rivalidazione di alcune grazie. All' Em^o^ di Pietro (*Prefect of the Propaganda*). *Ibid., Pacca, 1 Sept., 1814, to Severoli; minute,* 48.)

The rescript of Severoli had practically no effect in America, because a copy of it arrived so late (*cf.* No. 130, A, note 2) *that it was almost immediately superseded by the Bull of universal restoration, which had already been published in Rome two and a half months earlier. Cf. infra,* P²; No. 188, A, B.

But that circumstance does not affect the Gradwell account (No. 214, H, note 17), *the character of which agrees with that of all his writings exhibited in* Section VII. *And, not to repeat there the estimate to be formed, we leave the authenticity of his contributions to history under the mild censure which a critic delivers on other critics of a passage in Cicero:* Hic etiam sunt varietates non tot, quin plures. Quas si quis oscitare velit, et nihil discere, legat apud Graevium. *Olivetus.*

[80] *There is much in the General's letters about this rescript. July 10, 1814, he asks the English Provincial* (*Father Stone*), *whether he has forwarded the copy for Grassi, since the communication is urgent, "especially for America,"* si quid est alicujus momenti, hoc certe est, ac praesertim pro America. (*English Province Archives, vol.* Litterae Generalium, *f. 174.*)

[81] *Cf.* Nos. 164, *ad* note 3; 178, F, G. *From these passages it appears that, by the title of* exchange, *the college was to be classed as property belonging to the old Society.*

est.[82] *Danger of the same loss occurring now. Henry Carroll, the archbishop's relative, takes this to Rome. It were desirable that Henry should go to Russia with it.*[83]

Md.-N. Y. Province Archives, 1812, Dec. 31, Carroll, Baltimore, to Grassi, Georgetown; 3 pp. 4to, No. 119. Ibid., 1813, Apr. 24, Grassi, Georgetown, to Cary, St. Thomas's Manor. Ibid., 1813, Apr. 30, Carroll, Baltimore, to Grassi; 2 pp. 4to, No. 126. Ibid., 1813, May 13, Carroll, Annapolis, to (Grassi); 1 p. 4to, No. 127. Ibid., 1813, May 28, Carroll, Washington, to Enoch Fenwick, Baltimore; 2 pp. 4to, No. 128. Ibid., 1813, June 8, same to same; 3 pp. 4to, No. 129.—Ibid., Proceedings of the Corporation, *17-19 May, 1813.—Baltimore Diocesan Archives, 9 L, Carroll, 28 Jan., (June ?), 1814, to the General; 3 pp. 4to and 3 ll.; a draft.—General Archives S.J., Grassi's Diary;* Diario del P. Giov. Ant. Grassi, 1804-1822 (*No. 632*); 1823-1833 (*No. 633*); *2 vols. 8vo, of quires put together; under date.*

On the 7th of August, 1814, was published the Bull, Sollicitudo omnium ecclesiarum, *restoring the Society of Jesus in full canonical form throughout the world. A copy of it was received by Archbishop Carroll, on the evening of the 7th of December, the same year. That night he despatched it to Father Grassi, with a letter of Father Charles Plowden's. On the 9th, Grassi received the packet; and, on the 11th, the archbishop was already demanding a return of* the miraculous Bull of general restoration.[84] *On the 14th of February, 1815, Grassi received letters from Father*

[82] *This passage is in a part of the draft crossed out. The substance of it agrees with a paragraph of Marechal's to the Cardinals. See* No. 119, [II.], *commenting upon* No. 118, § 2. *The Register of the General is wanting from the end of 1813 till 29 May, 1816. Hence we are not in a position, by inference from the General's answer, to institute a comparison between what Carroll did write, and what is now found to have been cancelled in the Baltimore Diocesan Archives.*

[83] *At the date of this letter, the Severoli Rescript* (N[2]) *had not yet been received in America. It came to hand only in Oct., 1814, enclosed in a letter of Plowden, 19 Apr., 1814, to Carroll. (Md.-N. Y. Province Archives, 1814, Oct. 14, Carroll, Baltimore, to Grassi. Ibid., 1814, Oct. 19, Grassi, Georgetown, to Cary, St. Thomas's Manor.) See* No. 130, A, note 2.

On ——g(?) 30, 1814, *which, if it means 30 Aug., was more than three weeks after the publication in Rome of the Bull of Restoration, Carroll wrote to Grassi about the measures he was taking on behalf of the re-establishment:*

On Mr. McConnell, Mr. Connor, and Georgetown College. On Father Beschter. Nor have I been able to make much progress in my correspondence with Rome; so terribly am I interrupted, both by my own uneasiness for my friends in Washington, George Town, etc., and the constant rumours and agitations in this city [*owing to the presence of the British fleet*]. When I send new dispatches to Rome on the subject so near to our hearts, my petition must be better systematised than the former one; and I dread greatly a reference of it to the Congreg[n] of the Prop[gda], which must have changed much, if it do not put every obstacle in the way of our success. How much caution must then be used! for the chief reliance must be on providence; yet all the Xtian means of prudence are to be used, in order to secure success. May heaven preserve you in these troublesome times!

I am, R. & h[d] Sir,
Y[r] most ob. S[t]
+ J. Abp. of B.

(*Ibid., 1814, Aug. (?) 30, Carroll to Grassi; 2 pp. 4to, No. 165.*)

[84] *Md.-N. Y. Province Archives, 1814, Dec. 7, Enoch Fenwick, Baltimore, sending the copy by order of the archbishop. Ibid., 10-11 Dec., Carroll to Grassi. See* No. 188, A, B.—*General Archives S.J., Grassi's Diary, 9 Dec., 1814.*

General, Mr. Cross (Father Tristram[85]*), and Father Nicola (Nicholas Sewall?), with a printed copy of the Brief.*[86] *This date marked, no doubt, the fulfilment of Carroll's expectations, when he looked forward to the receipt of an* authentic and official copy of the Bull.

P². 1814, December 10–11.

Carroll, 10–11 Dec. (1814), to Grassi. On the Bull of restoration. See No. 188, B.

. . . Dec. 11. The other side could not be finished yesterday. As soon as the authentic and official copy of the Bull is received (Mr. Plowden's MS. was returned yesterday, according to request), I will see what public notice can be taken of it; and, on your side, you will do all that the occasion calls for. You have so many young men, that are undoubtedly getting copies made for St. Thomas's, Conewago, and New York. Laudemus Deum et exultemus in eo.

D^r^ Sir,
Ever Y^rs^,
+ J., Abp. of B.

Q². 1814, December 17.

Carroll, 17 Dec., 1814, to Grassi. He proposes the settlement of a perfect understanding between the bishops in America and the restored Society. He proposes to publish a pastoral on the restoration.

Rev. and respected Sir,

When it is perfectly convenient to all parties, a conference must be held to settle a perfect understanding for their future conduct between the Ordinaries and Superior of the Society, in the United States, so that there may be no conflict of jurisdiction, and source of dissension hereafter.[87] It is probable that R^d^ Fr. General, when he

[85] *Cf. Md.-N. Y. Province Archives, 1815, June 1, Joseph Tristram (Cross), London, to Grassi. About a long packet now going from Mr. Dunn for Grassi. Tristram had sent the Bull of Re-establishment* by Mr. H. Carroll, when he returned to America, and several letters from St. Petersbourg, *at other times. As to H. Carroll, cf. supra,* O².

[86] *Grassi's Diary, under date. Two days later (16 Feb., 1815), the project of placing the novitiate in Washington is started:* Feb. 16, Giov. Andai a White Marsh, dove i Novizi aveano giorno di respiro, etc. Progetto di aver il Noviz^to^ a Whasington, etc.

[87] *Some implications in this letter are obscure. Carroll seems to have in view an* understanding *on matters more general than such as would fall under local agreements or concordats between bishops individually and regulars in their dioceses. He speaks of* a conference *between* the Ordinaries and Superior of the Society, in the United States. *The subject-matter is clearly the operation of a Pontifical Bull. The interposition of a national hierarchy,* to settle a perfect understanding *on such a subject, had antecedents in the history of Gallicanism. It may be to this that Kohlmann refers in the next document* (R²) *as an* incomprehensible *phrase of the archbishop.*

The passage agrees with the spirit of a sentence contained in the document of 1787 given above (No. 153, B, *ad* note 12), *which was signed by Carroll, Prefect Apostolic, with other members of the Select Body. There an implication doubly erroneous was conveyed, that* exemption from episcopal jurisdiction *is not an essential condition of regular Orders, and that the services of the Society in particular had been used by prelates, without the observance of such a condition. A sufficient commentary on this conception*

transmits to you his notification of the late most marvelous and providential event, will suggest some considerations which have occurred to him on the subject of the intercourse between the Bishops of the various dioceses and members of the Society. You must not put it out of your mind that B^ps^ Neale and myself, as we are now the only prelates who were ever Jesuits, so probably we may be the last, who will ever be called to govern any of the Churches in this country. It is therefore of importance to establish a precedent, as will convince our successors of its being for the advantage of their dioceses to live in perfect intelligence with the Regular Clergy, and especially our Brethren, in such manner that these may exercise the functions of the ministry, both in due subordination to episcopal authority, and likewise in compliance with the obedience due to their religious Superiors. *Various points of business, concerning Rantzau, Cary, the novitiate, etc.*

When the official information of the restoration is received, I propose to myself to make a public notification of that memorable event.

I am, *etc.*

is contained in the Schema Constitutionis de Regularibus, Patrum Concilii Vaticani examini propositum, *where, among other reflections, occurs the following passage :* Nec silentio praeterire expedit, nonnullos etiam aliunde spectatos viros specie boni deceptos in Regularium exemptiones insurgere, minime advertentes, eas antiquitate ipsa esse confirmatas, earum utilitatem et necessitatem ab Apostolica Sede proclamatam, et exemptionum abrogationem autonomiam Ordinum regularium, eorum vim et unitatem destruere, ita ut ad dioecesanas institutiones sine nexu, sine uniformitate reducerentur (Juris Pontificii de Propaganda Fide Pars Prima, (*De Martinis*), *VI., ii. 419*). *The very Bull for the Society's restoration,* Sollicitudo omnium ecclesiarum, *which was the origin of all this discussion, referred to the discipline of such regular Orders, and called it "the splendor and pillar of religion and the Catholic Church,"* religionis et Ecclesiae Catholicae splendor et columen, *in subordination to one Ordinary, the Pope of Rome, and in exemption from the division and disunion resulting from subjection to many Ordinaries. Nevertheless, Carroll returns, two months later than the date of the present letter, to the idea of a transaction between Ordinaries and the Society on the subject of* privileges *which seem, however, to be of a less fundamental character than the* exemption from episcopal jurisdiction (No. 188, E).

On the other hand, over against all this, we have heard Carroll pleading for the restoration of the Society in its genuine, unmitigated form, both as regarded head and members (*supra*, F, note 13).

Perhaps the obscurity which hangs over these conflicting views may be cleared away by considering that there were two different states of the whole question, as touching the Ordinary or Ordinaries of America. One was that of obtaining the Jesuits again. The other was that of using them in the quasi-parochial stations of a diocese. The latter interest differed considerably from the former. The Jesuits, now reconstituted, were projecting a new organization of the members of the Society, *and, as Carroll feared, they would* leave the congregations unprovided (*infra*, S²). *This meant that they were going to actuate the full purposes of their Institute in a way which not even the old Jesuit Mission of Maryland had witnessed. In all cases, it meant independence as to the quasi-parochial work of manning stations for the diocese. To save the stations, and to keep the Jesuits in local service, Carroll took the very high stand of propounding a revision of their status—a revision for which neither they nor the Ordinaries were at all competent ; and from this side of the question Grassi spoke, when he said tartly to Kohlmann, "whether he [Carroll] likes it or not, we can do what seems to us good, and to the greater glory of God"* (V²). *But a more practical measure was that which he reverted to frequently in this last year of his life, as the documents here show* (*infra*, S²-G³ ; *cf.* No. 188, F–L). *He proposed a concordat between himself and the Jesuit Superior, by which the latter would bind himself to take over certain posts in permanency, and possibly would also grant other advantages to the diocese* (*cf.* No. 188, note 15).

R². 1814, December 19.

Father Anthony Kohlmann, New York, 19 Dec., 1814, to Grassi. On demanding a transfer of the Jesuit property from the Corporation to the Society.

Eloquent pages of jubilation at the restoration. Many points of business. Kohlmann has just been ordered back to Maryland by Grassi. One passage is on the rights of the Society to its old property, and the view taken by Carroll.

. . . I think it will be but right to demand the property belonging to the Society, for we demand nothing but what justice demands; neither can I see how, without violating all the rules of strict justice, probity and common decorum, they can continue to refuse to restore them, tho' R. F. [*Benedict*] Fenwick apprehends, they will not fail to create new difficulties. The phrase of our V^le^ Arch. is incomprehensible to me in every respect.[88] *Points of business.* Good Mr. Mathews, if received [*into the Society*], may, according to Mr. Fenwick, diminish the number of our opponents; but, to enter truly into the spirit of the Society, it will require more than a month's exercise. *Further business.*

S². 1814, December 27.

Carroll, Baltimore, 27 Dec., 1814, to Grassi. He proposes a conference with a view to providing for missions in the diocese by means of the Jesuits.

He animadverts on Grassi's intentions regarding a new organization of the members of the Society. *Political considerations, and also prudential motives arising from the attitude of persons in the Select Body, suggest caution. See* Nos. 113, P; 188, D.

He continues: As to the proposal of withdrawing those who are employed in the care of souls, to bring them back to the exercises of a community life, and in the mean time to leave the cong^ns^ unprovided, [*it*] would be a measure too inconsistent with that charity and those obligations, which cannot be dispensed with. The restoration of the Society to its antient perfect state must be the effect of time. On this subject, much more may be agreed on in a conference.[89] *A canonical difficulty against recalling Kohlmann, Vicar General of the New York diocese,*

[88] *Cf.* Q², note 87. *As is evident from this correspondence, the view taken by the* foreign *Jesuits agreed with those of the* American *party, on the subject of Archbishop Carroll's policy. For instance, Charles Neale, answering Grassi on the Bitouzey affair* (*12 Oct., 1813*), *added a P.S. on the archbishop. He wrote in the letter:* . . . All that I can say is that I am very sorry that the Rev. Betousey is so tardy, but I must own, that I expected nothing else from him, and the Rev. Will. Matthews. Your observation, respecting the similar treatment of Xsts. follows, etc., [*Christ's followers?*] is what I have often made. It gives me comfort and insures us of success. *His own low state of health.* P.S. You must not wonder if you find the ArchB. more inclined to favour other than the Society. He has always been so. (*Md.-N. Y. Province Archives, 1813, Oct. 12, C. Neale,* S.J.+, *to Grassi.*)

[89] *The context here implies that the concordat projected by Carroll, and carried into execution by his successor, L. Neale, was conceived by the Ordinary in the interest of the diocese. Cf. infra,* V², note 103.

without the intervention of a competent authority, which does not exist in America. Kohlmann himself cannot subdelegate.[90] *Further business.*

T². 1815, January 5.

Carroll, 5 Jan., 1815, to Plowden. On the restoration of the Society, prospects in America, the attitude of himself and Bishop Neale, the hostility possible and actual of others, some of them being members of the Select Body.

My dear and respected Sir,

Your most precious and grateful favour of Oct^r 8, accompanied by a copy of the Bull of restoration, was received early in Dec^r, and diffused the greatest sensation of joy and thanksgiving, not only amongst the surviving and new members of the Society, but also all good Christians who have any remembrance of their services, or heared of their unjust and cruel treatment, and have witnessed the consequences of their Suppression. But your letter of Sep^r 27, to which you refer, has not been received, nor any other copy of the Bull, nor a scrip of paper from Rome since the Pope's delivery ; though I have written by various ways, and, the last time, enclosed my letters to the Nuncio at Paris. You, who know Rome, may conceive my sensations, when I read the account, transmitted in your most pleasing letter, of the celebration of Mass by His Holiness himself at the superb altar of St. Ign. at the Gesù, the assemblage of the surviving Jesuits in the chapel to hear the proclamation of their resurrection, the decree for the restitution of the residence in life and scene of the death of their Patriarch, of the novitiate of S. Andrew, its most enchanting church, and the lovely monument and chapel of S. Stanislaus,[91] which, I fondly hope, have escaped the fangs of rapine and devastation. Is there no hope that these acts of justice and religion will be followed by the restoration likewise of the Roman College,[92] the magnificent church of St. Ignatius, and the wonderful monument of S. Aloysius? If, as I believe, they were appropriated, not to private uses, but to become the public university of the city and diocess of Rome, they will be restored to their former owners with less difficulty. But how many years must pass, before these houses will be repeopled by such men as we have known, whom sanctity of manner, zeal for the divine glory, science, eloquence, and talents of every kind rendered worthy of being the instruments of Divine Providence to illustrate His Church, maintain its faith, and instruct all ranks of human society in all the duties of their respective stations. When I consider the length of preparation required to renew this race of men, my apprehension is that the friends of the Society will be too precipitate, too hasty, in expecting benefits from it, before its pupils will be mature enough to produce them.[93] I was sorry to notice that you apprehended opposition

[90] *Cf. infra*, Y², p. 857.
[91] *Cf.* No. 187, F, note 31.
[92] *Cf.* No. 201, G, *ad* note 8, *Gradwell's language on the same subject.*
[93] *Cf.* No. 194, C, D, *Dubourg's views of Jesuit formation, and the General's rectification of them.*

in England to its existence there, and of course in Ireland, notwithstanding the favourable disposition of the Irish Bishops. This commendation of them, and particularly of the M. Rev. Archbishop of Dublin[94] was the more agreeable to me, because I always esteemed and thought him a real friend of the Society.

Here I do not discover any sensation of hostility in our general or any of our state governments; little is said in the public papers of the event of the re-establishment. In consequence of the law which was obtained some twenty years ago, and had become necessary for securing our old estates to the purposes of religion, it will be our duty to observe the forms of the law, to subsist, and quietly let the property pass into the hands of Trustees, who will all be members of the Society.[95] Their vows and principles will direct them, how and by whom the estates must be administered for the services of the country and religion. You express a wish that all the old members should now return to the embraces of their beloved mother. Of those mentioned by you, the good Mr. Pile has been dead nearly two years ago. I much doubt whether Mr. Ashton, whom I have not seen for several years, will be disposed to do so, or whether Mr. Grassi wishes it. Concerning Bishop Neale and myself, it seems to us that, till more is known of the mind of our rulers, it might not be for the interest of our Brethren, even if his Holiness would allow us to vacate our Sees, to expose their concerns to successors, unfriendly perhaps or liable to be imposed on by malicious misrepresentations. This matter however has not yet received my full consideration. If you should learn hereafter, that difficulties have arisen concerning the Society in this country, you may be assured that the open or secret authors of the opposition are certain foreign ecclesiastics (not one of whom is of that respectable body, the Sulpicians), who after a hospitable reception and ample participation of the product of our estates, proportioned to their services, took offence at every arrangement, preparatory to the now contemplated restitution of the property. Some of these persons would at once sell and divide it amongst the officiating clergy. . . .

U². 1815, February 21.

Carroll, Baltimore, 21 Feb., 1815, to Grassi. An outspoken and indignant vindication of himself.

On Grassi's undeserved insinuations *that Carroll was lax in forwarding the interests of the Society and helping to reinvest the Order with its old property. He had considered suggestions of zeal in that direction to be so precipitate as to endanger harmony, to hurt the Society, and to embarrass his own conscience*, as long as the Ganganellian Brief remained unrepealed. *See* Nos. 113, Q; 188, E.

[94] *Dr. Troy. Cf. supra*, V.

[95] *Cf.* No. 124, C, (7?), p. 489, *where this contingency, when it had become an accomplished fact, is used by Marechal as part of his argument for taking over the property.*

He continues: For my theology forbade me to allow, that pretended, or even acknowledged vivae vocis oracula[96] were of sufficient authority to set aside the public, solemn acts of Pontifical jurisdiction, wherever they had been proclaimed, admitted, and long submitted to. I therefore could not, as long as there was no public instrument from His Holiness, allowing the bishops to ordain titulo paupertatis religiosae, admit on that ground to Holy Orders those, who had associated themselves with the Society in Russia.[97] Till such an instrument was issued, I think that the English VV.AA. [*Vicars Apostolic*], as well as the bishops in Ireland, were quite correct in refusing to ordain the pupils of Stonyhurst and Hodder House titulo paup. &c., whatever my friend Mr. [*Charles*] Plowden may say, who on this point would not be supported by his Br. [*brother*] Robert, the more solid divine of the two.[98] Besides the matter of ordination, there were other points, on which my judgment was nowise satisfied, concerning those who became associated in this country to your Brethren in Russia. In foro externo, as the General himself declared, they were not a religious body, they held no common interest, and they were not (d) united in community, [*but*] only by the bonds of charity, being in the eye of ecclesiastical

(d) Not, *inserted over the line, and "but" not supplied.*

[96] *Cf. supra*, note 10.

[97] *Cf.* No. 192, D, note 11; Y.

[98] *Cf. supra*, N², *the Severoli rescript, 24 Dec., 1813. Respecting the attitude of Dr. Carroll towards certain theological opinions from the time of the Suppression, an examination of the question, as illustrated in his voluminous documents, must be reserved to a subsequent volume of the Text. His siding with Robert Plowden here would indicate that Carroll was as far out of touch with the whole body of English Jesuits as the Neale party considered he was out of sympathy with the American Jesuits. The relations of Robert Plowden with his ex-Jesuit brethren had been abnormal during the thirty years of Suppression. His conduct, so entirely different from Carroll's, and his opinions, somewhat less divergent from those which Carroll is propounding, may be inferred from a few passages selected out of the English Province Archives:*

Strickland, – – – 1799, to Mr. Couche, Hants. Robert Plowden, he says, obtained £750 belonging to the foundation of Bristol (R. Plowden's mission), promising the Office solemnly to make over both house and chapel, in trust for his brethren and their élèves. But he no sooner got the money, than he made over the premises to the bishop of the Western District, and grossly insulted me, when I demanded the security he had promised. He would have done the same with respect to the property of S[*outh*] Wales, if he could have got possession of it. It is his principle that the VV.AA. are the only proper trustees for all ecclesiastical property. (*English Province Archives*, Strickland's Letters, *ff. 82ᵛ-83.*)

Nicholas Sewall, 25 Apr., 1801, to Strickland, enclosing a copy of Father Johnson's letter, which he quotes. Robert Plowden having printed a letter, expressing his displeasure at the mode adopted by his brethren for administering the common property, Mr. Johnson was desired by the others to write a letter to the author, giving the grounds of their universal disapprobation; to the effect that the said publication appears to be a libel on your brethren, to contain unfounded accusations against particulars, calculated to sow the seed of disunion amongst us, to make all the world suspect the justice of our administration, and to incline the VV.AA. to a severe and rigid jurisdiction over us. To prevent these evil consequences, we have determined to burn every copy of the said publication which you sent us, and we sincerely hope that you, and all our brethren in every part of England, will do the same. (*Ibid.*, Letters of Fr. Stone, Sewall, Connell, *f. 143, with a copy of Johnson's letter to R. Plowden.*)

Stone, 9 May, 1801, to Strickland. Robert Plowden, with his printed letter, is irritating the whole body of ex-Jesuits, even his brother. (*Ibid.*, Letters of Fr. Stone, Sewall, Connell, *f. 12ᵛ.*)

government no other than secular clergy; in a word, I saw nothing but contradiction between the established discipline of the Church, and the pretensions[99] of Mr. Charles Neale, late Superior, some of his adherents, and likewise those, which were sometimes asserted by Messrs. Beschter, Malevé, Malou, &c.; but from which I can truly acquit you; tho you have latterly discovered an impatience to be released from such restraints as were introduced thro necessity, and cannot be removed otherwise than gradually, without irritating certain passions. You saw Mr. Pasquet lately. *The threats of the latter. The privileges of the Society. The novitiate.*[100] But I pretend not to dictate. I transmit a letter from Mr. Pl[*owden*] of an old date, received yesterday, and, being much tired, must conclude with my best respect, and hearty congratulations, to Bp. Neale, and compliments to your esteemed companions.

D^r. and Rev. Sir,

Your most ob.

+ J. Abp. of B^re

Addressed: Rev. Mr. J. Grassi, Pres^t. of the College, George Town, Col^a

Endorsed: Excuses his delay.

V². 1815, March 4.

Grassi, Georgetown, 4 Mar., 1815, to Kohlmann, (New York). A very severe criticism on the foregoing letter of Carroll's. After signifying his intention of placing the novitiate in Washington, as he has already stated to the archbishop, he communicates Carroll's letter[101] *"lately" received for Kohlmann alone to read. He treats the archbishop's plea as a mere ostentation of good will and past services, adding reflections of his own, that Carroll had helped to save the Jesuit property, but with the intention of its devolving to "his secular clergy," that he had founded Georgetown College, but for devolution into the hands of the Sulpicians,* etc. etc. *Grassi has not shown the letter to any of the Jesuits, for fear of rousing their indignation. He desires the past to be buried in eternal oblivion. He has asked the archbishop to "determine what are the stations which he desires the Society to take charge of, according to the method of its Institute;" but he has not as yet received an answer.*

On the novitiate and novices.

De Tyrocinio in Wahsington aedificando dicere possum, quod rebus omnibus bene consideratis, nullam invenio objectionem, utilitates plurimas video.[102] Jam de hoc etiam monui R^dm. Arch^pum., sed, sive velit sive nolit, nos facere poterimus quod bonum nobis videtur, et A.M.D.G. Mitto R^ae. V^ae. literas quas nuper ab eodem Arch^po. accepi. Legat, at legat solus, nec aliis

[99] *Cf.* Nos. 116, note 32, (4); 192, D–E².
[100] *See* No. 113, Q, pp. 375, 376.
[101] *Evidently the foregoing* (U²).
[102] *Cf.* No. 188, P.

communicet. Ex his perspicuum est quid Archᵖᵘˢ de nobis senserit, quidve adhuc esset, nisi opportunissime Bulla Sollicitudo finem fecisset tot tantisque molestiis. Jactat ille quidem se tot tantaque pro Sociᵗᵉ fecisse, se curasse Corporationem ne bona venderentur (sed ea volebat pro Clero suo saeculari), se Collegii erigendi authorem fecisse (attamen Sulpitianis tradere voluit, etc. etc.). Nolui nostrorum alicui literas has ostendere, quia indignationem excitarent ; modo vero quod omnia consecuti sumus, melius mihi videtur aeternae oblivioni tradere ea omnia quae praeterierunt, vel quae inutiles de rebus praeteritis quaestiones excitare possunt. Ad eumdem Archᵖᵘᵐ jam literas dedi, quibus ea qua par est reverentia rogabam ut determinaret, quaenam sint missiones quas desiderat[103] tradere Societati juxta sui Instituti rationem regendas, etc. etc. Huc usque nihil respondit.

The Rev. O'Bryan comes from New York to stay in Baltimore. On Father Rantzau, the future assistant of Father Benedict Fenwick at New York.[104] *On Father Henry. Salutations.*

W². (1815), March 16.

Carroll, Baltimore, 16 Mar., (1815), to (Grassi). His pastoral on the restoration of the Society. His approval of the novitiate being placed in the city of Washington.

He introduces Mr. Sartori, an Italian, long resident in America.

I have not yet formed an address to the congregations of my diocess on the subject of the restoration of the Society ; not, I assure you, thro forgetfulness or indifference, but truly and really for the want of time. There are now but few hours of the day, during which my mind is fit for any serious application ;[105] and so many urgent affairs have the first claim on those hours, that you must have a little patience, as my desire is to make the address not absolutely unworthy of the occasion. You informed me, that the Rev. Fr. Genˡ mentioned to you, that he was actually writing to me ; yet I have had no letters from him ;[106] which is the more surprising, as he must have received one at least, if not two from me. Can you tell me, whether he is gone from Russia to Rome? I would be pleased with the establishment of the novitiate at Washington, if I saw how it could be built and maintained ; many advantages would result from its being there ; and the Superiors of the Society would take undoubtedly the same wise

[103] *Cf. supra*, S², note 89. *The manner of Grassi's expression here agrees with Carroll's, as if the initiative for making a concordat with the Society in the assignment of stations lay with the archbishop, the objective being diocesan service.*

[104] *Kohlmann, by order of the General, was being recalled to Maryland, where he should act as master of novices.*

[105] *Carroll had entered on his eightieth year.*

[106] *As to the loss of letters, so often noted in the correspondence, Francis Vespre, writing from Baltimore, 18 Feb., 1816, to Grassi, criticizes the use by the latter of the Jesuit seal. If Rev. Father General has done likewise, it is easy to divine, why no letters come from Russia. Such a seal Vespre considers to be too strong a temptation for prying eyes ; and then, when people have opened the letters and cannot restore them to the original form, there is nothing left but to destroy them. (Md.-N. Y. Province Archives, 1816, Feb. 18.) Vespre was at that time a seminarian in St. Mary's, Baltimore.*

precautions to exclude from it the dangers of dissipation and a worldly spirit, as were used at Rome, Naples, Bolonia and other great cities in Italy, Germany, France, etc.[107] . . . .

P.S. What is become of Mr. Ashton's will?[108]

X². 1815, March 20.

Carroll, 20 Mar., 1815, to Plowden. The restoration of the Society. Civil government and law in America with respect to religious life and obligations. Precipitancy of Grassi and others in demanding an immediate transfer of the property from the Corporation to the Society. The policy that should be followed. English and Irish affairs. The Jesuits certain to be charged with the odium of unpopular measures in the Catholic body.

Congratulations on the return of peace between England and the United States. The pleasure of resuming and continuing till death the correspondence of a lifetime with his friend, Charles Plowden. The favours of the latter all received, with a copy of the Bull of Restoration. The reception given to the news of that most blessed event. *Carroll continues:* I do not foresee any serious obstacle to the re-establishment being fully compleated here, as far as it can be in a country which never can sanction, consistently with its political principles, indissoluble vows of religion, or that they induce an incapacity on individuals for certain acts of civil life, to which, without such vows, those individuals would be competent. In these respects, the future members of the Society can be restrained only by the ties of conscience, as all other religious and priests themselves now are in all Protestant States.[109] My only apprehension is, that some of our Brethren, and perhaps even Mr. Grassi himself, may be too impatient to effect at once what will be done better gradually by the helping hand of time, and dexterity in profiting of favourable circumstances. Some of the good gentlemen from Russia, who before they joined the Society there were monks of different Orders,[110] and are not great adepts in theology, urge the Superior to resume immediately an independent administration of the former estates of the Society, to preserve which cost much trouble and address, and it was found necessary to form a Corporation sanctioned by law, in which those estates were vested. All care was taken to keep this Corporation so as to consist of a majority of our surviving Brethren, with a view to the event which has now happened of a restoration. But so many have died, that it was necessary and even just to associate new members from time to time to the Corporation, and give to them a common interest in the profits and administration of the property, which has been preserved.[111] Some of these persons so associated have manifested a jealousy

[107] *Cf.* No. 119, [XI.], p. 456, *Marechal's divergent views on this subject.*
[108] *Cf.* No. 162, Q.
[109] *Cf. supra*, F, *Carroll and Neale, 25 May, 1803, to the General, Father Gruber.*
[110] *Cf. infra*, K³, note 144, *Grassi on the same subject.*
[111] *Cf.* No. 168, A, 20º. *This regulation of the constituent meeting shows that the admission of non-Jesuits to a legal status in the trust does not appear to have been*

quite unfounded, that an attempt will be made to discard them from the benefits they have enjoyed, tho they have shared in the labours of the ministry ;[112] and [*they*] threaten to maintain their standing by law, if any attempt, such as they have vainly conceived, should be made. But, as this will not happen, a small share of prudence will keep matters strait. The entire Corporation, the form of which must be kept up to secure the title to the property, will soon be filled by members of the Society,[113] and the Superior will administer it according to the rules prescribed by the Constitutions.

I am sorry to observe by your letters, that more difficulty is apprehended with you: opposition from Government is feared, and an odious inquisition was threatened into the concerns of our Brethren in England and Ireland; and no favour was expected from the majority of the Vicars Apostolic in the former kingdom. It is impossible for me, in the compass of a letter, to offer my advice, if I were even competent to it, or decency allowed it. You know all circumstances of persons and things much better than we do here. But I will venture to say this only, that it would give me much pain, if our Brethren should by their general conduct and support give occasion to the other Catholic clergy or to the Government to believe, that it [!], as a body, adopted and promoted the pretensions of either party in the disputes, which now agitate the Catholics of England concerning questions, in which faith is not concerned. Whether the Pope admits a limited Veto or not,[114] is not the concern of religious men, who are called, not to the government of the Church, but to labour in it for the salvation of souls, and under the authority of its legitimate pastors. If individual members of the Society be consulted by the head of the Church, let them with freedom and truth declare their opinions, without, however, constituting their opinions as those of the body to which they belong. Otherwise much good may be prevented. An artful and hostile Government may avail themselves, as they have heretofore done, of such dissensions among Catholics themselves to defeat all plans, for excluding them from their natural and lawful rights.[115] You may be sure that our

necessary. *It provides fully what is* just *for those who would merely* have shared in the labours of the ministry, *without being admitted as members into the Select Body. In Canada, all the property of the Jesuits descended to one individual, Father Cazot, the last survivor of the old Mission. Jus collegii bene remanet in uno.*

[112] *Cf.* No. 177, A, 13º ; *also* No. 173, B, 9º.

[113] *Cf.* No. 180, F, 2º , *the Corporation, 19 June, 1816, carrying out this policy.*

[114] *As a condition for Catholic Emancipation, the Veto was a power to be granted, in virtue of which the English Government could effectually object to the nomination of a Catholic bishop (at the date of Lord Castlereagh's Ministry, 1799) ; or, as modified later, it consisted in a certain governmental control over nominations by means of certificates to be obtained, and in a kind of supervision over the admission of Pontifical documents (under Mr. Canning's Ministry, 1813). Cf. C. Butler,* Historical Memoirs of the English, Irish, and Scottish Catholics, *IV. 118, 119, 237–251 (edit. 1822).*

[115] *Compare C. Plowden's historical statements*: Negotiations were opened first with Oliver Cromwell, then with the ministers of Charles II., for an universal toleration of the Catholic religion ; but they all proved fruitless, because they were carried on by the successors of Blackloe, especially by the well known Dr. Holden ; and these

enemies, in and out of the Church, will endeavour to fix on the J——ts the odium of every unpopular resistance to measures of conciliation, real or pretended.[116] *Carroll's opinions of the English Vicars Apostolic and the Irish Bishops, respectively. The esteem he entertains for the latter, and for Mr.* [*Charles*] *Butler, advocate and guide of the former.*

Y². 1815, March 31.

Carroll, Baltimore, 31 Mar., 1815, to Grassi, Georgetown. On the conference (*cf.* S²), *and concordat to be made between the Ordinary of Baltimore and the Society, regarding the missionary stations which shall be assigned permanently to the spiritual care of the latter. Sketch of the said missions. On Kohlmann and his post of Vicar General in New York.*

News of the Society and its progress in Rome, Italy, etc. I have had no time to settle my own opinion of the stations to be assigned permanently to the spiritual care of [e] members of the Society, or of the manner of doing it. Those congregations will naturally be attributed to them which are convenient to their estates; likewise the College of G. T., the city of Washington, Alexandria,[117] Frederic Town and others, such as Norfolk and Richmond. But all these things must be subject to the deliberation of others, as well as my own; and I shall have no difficulty in performing the necessary acts on my part in behalf of St. Patric's, Washington, upon certain conditions which must essentially accompany my act. You cannot however expect that I am either willing or able to place the Church of Washington under the government of the Society. Its principal Superior must be the Archbishop, to whom will belong the appointment of the Rector of the parish in the capital city of the United States. He will and must be a different person from the Master of Novices,[118] if the novitiate be established there. I would not prepare the seeds of so much enmity, reproach and disquietude for the Society, as would be produced by placing that city entirely under its pastoral care and controul; nor would my regulation be regarded by my

(e) Left in spiritualibus under, *erased.*

men always insisted upon the exclusion of the Jesuits from the favour which they solicited for the body. Other interests of course intervened to impede them; and thus the partial passions of a few obstructed the general good. *Again:* N.B. The negociation with gov^t, for the repeal of the penal laws, miscarried three times, viz. with Oliver Cromwell, with Charles 2^d, and with George 1^st in 1719, because a party of Cath^s insisted that Jes^ts sh^d be excluded from the expected bounty, and even banished from England. The Jes^ts in those days had friends, who were active in their defence. Who befriends them at present? (*English Province Archives*, MSS. III. Ex-Jesuits, Society in Russia, Liège Academy, etc., *f. 133^v; in C. Plowden's* General account of the origin, progress and present state of the Jesuits' Missions in England, *written soon after 1791, and the proceedings of the English Catholic Committee. Ibid.*, Letters of Fr. Plowden. *i., f. 235; letter to Father Stone, dated by Foley, Mar., 1815; postscript.*)

[116] *Cf.* No. 220, C, *ad* note 12.

[117] *Cf.* No. 119, [XI.], p. 458, *Marechal on this allocation of Jesuit stations.*

[118] *Cf.* No. 173, *ad* note 16.

successors. When we meet we shall be better able to determine the respective shares of authority belonging to the Archbishop, and those which may be committed to the Superior of the Society; in doing which, the prevention of jealousies and dissentions will be my principal solicitude.[119] If the informations received from Philad[a] be true, that Mr. Harold is made its Bishop (which, however, I do not yet believe), you may expect trouble there; in which case it will be fortunate for you to keep as the defender of Mr. F. Neale's rights a person there of as much firmness as Mr. Debarth, tempered by your cooling advices now and then.

Carroll's view of Grassi's action in removing Kohlmann from New York, where, as Vicar General, the latter was bound to remain till a successor should be appointed by competent authority; or if, as Grassi considered, Kohlmann had never legitimately filled that office for want of the General's consent, then all his past acts should have to be pronounced illegal and null. *Carroll, citing the General for an implicit approval, continues:* But, happily, this is not the case. In one of the General's letters to me,[120] giving the reasons which induced him to make you the Superior, and not Mr. Kohlmann, tho your elder, he observed that the latter, being in the possession of the administration of the diocess of N. York, and rendering great services to the most numerous congregation of that city, could not be removed from it without great preju[*dice*]. This letter I still have.[121]

Though the congregation of Annapolis is now small, yet it is on certain accounts a very important one, especially since Mr. Carroll Sen[r] [122] has resumed all the pious practices of religion, frequentation of the Scnts [*Sacraments*]. The service of this place is attached to the Marsh; and, if MM. Kohlmann and Beschter remain there, or Mr. K. only, I must insist on its being visited regularly. Excuse the irregularity of this.

I am respectfully, Rev. Sir,

Y[r] most obed[t] S[t]

\+ J. A[bp] of B[re]

Addressed: Rev. Mr. Grassi, Pres[t] (f) of the College, George Town.

Endorsed by Grassi: Cong[ns] intended for the Soc[ty]

(f) Rector, *cancelled.*

[119] *Here Carroll is treating of Washington as comprised in one parish; and he distinguishes between serving St. Patrick's Church, and having exclusive control there of the one responsible position in the capital city. This distinction was ignored in the Concordat effected under his successor, L. Neale, with consequences even more pronounced than those foreseen by Carroll. Cf.* Nos. 189, C; 191.

[120] No. 192, D².

[121] *Cf. infra*, K³, note 142, *the General's own words, 30 Sept., 1813, to Grassi, on this question of Kohlmann's Vicar-Generalship.*

[122] *Charles Carroll of Carrollton.*

Z². 1815, May 7.

Carroll, Baltimore, 7 May, 1815, to (Grassi). Two series of difficulties: Pasquet's management of Bohemia, on behalf of Carroll;[123] *Georgetown College ceasing to co-operate as a kind of higher seminary for the Baltimore diocese.*

Returns from Bohemia; Pasquet absent in New York. Carroll desired to bring Ch. Vincendon[124] *away with him, who should otherwise* remain alone with the Blacks at my departure. *But,* unfortunately, *Pasquet is the boy's guardian; and, though he had given a verbal permission, yet Carroll would not trust a merely verbal authorization of Pasquet as security for the paying of bills, when Vincendon's account with the College should have to be paid.* But, after Pasquet was gone some days, recollecting many instances of M. P. tergiversations and evasions, I condemned myself for not requiring his written instructions signed by himself, and resolved to have no more to do without them [*written*]; for you may be assured, that, if he should be or pretend to be dissatisfied with the College, on account of the future charges or other reasons, he is capable of denying that I acted with his orders, and [*of saying*] that his pupil was carried away by me, and that he would not pay for him. This opinion may surprise you, but not those who have had dealings with Mr. P. It is impossible for me to leave the congregation under his care; and therefore, for heaven's sake, get as many as you can ready for Orders.

The archbishop expresses grief at the dismissal of O'Connor from the

[123] *The present letter merely serves to show Carroll's own difficulties with his manager, Pasquet. Charges were made subsequently by the Corporation against Carroll's executors, on account of Bohemia* (No. 180, H, 5º; K, 2º); *but the issue was really between the management of Pasquet and the interests of the Corporation, not between the late archbishop and the Jesuits. A distinct controversy had been in progress, during seven years, between Pasquet on his own account and the Board. The origin of it seems to have lain in a resolution of the Trustees* (*9 Sept., 1806*, 6º), *that* the Rev. Mr. Pasquet is hereby authorised to rent out the two plantations on Deer Creek to the best advantage; *and in another* (*11 Sept., 1806*, 5º) *that* the President of the Corporation is authorised to execute a bond to the R. Mr. Pasquet for the debts due to him from Deer Creek; that part of the estate of that place, which is ordered for sale, being answerable therefor to the Corporation. *Signed:* + J. Bishop of Baltre [*president*], R. Molyneux, Robt Plunkett, G. B. Bitouzey. *This was followed by a resolution* (*4 Oct., 1808*, 7º), that, in order to the discharging of the bond of the Corporation held by the Rev. Mr. Pasquet, resolved, that the Agent shall call upon him to account for the rent of Arabia Petraea, and the black people removed from Deer Creek and employed by him for his own use. *In 1812* (*22 Apr.*, 7º), *the archbishop agreed to confer with Pasquet on a settlement. Then* (*22 Sept., 1812*, 4º), *Carroll and Francis Neale, agent, were appointed a committee,* to bring this matter to a conclusion. *The same committee was continued till 19 Oct., 1814, when the following desperate resolution was passed:* 2º All previous means already ordained for bringing the affairs of the Corporation with Mr. Pasquet to a settlement having failed, resolved on the voluntary offer of the Arch-bshp and the Rev. Mr. Frs Neale, that they shall proceed, as soon as possible, to Bohemia, and bring all things, if possible, to a final conclusion. *The accounts are not yet settled at the next meeting of the Board* (*29 June, 1815*, 2º), *after the date of the present letter. Without a firm control over their affairs, it would seem from the Corporation's experiences with Pasquet and Bitouzey that, not to speak of rents which generally disappeared one way or other, not even estates would have survived among the assets of the Board. Cf.* Nos. 87, E; 114, p. 378.

[124] *Apparently a candidate for the Society. Cf. infra,* B³.

College, he himself having been the first to write in O'Connor's behalf.[125] *Then there is the refusal to admit Phelan. He will write again on this subject. He must have some one or other ordained, if only to get a substitute for Pasquet. He will promote O'Connor to Orders.*

A³. 1815, May 19.

Carroll, Baltimore, 19 May, 1815, to Grassi. On Georgetown College ceasing to co-operate with the diocese in educating clerics. His pastoral on the restoration of the Society, and on the need of a diocesan fund for clerical education. The concordat on missionary stations to be served by the Society.

He defers discussing the case of O'Connor, till he meets Grassi, next week. He is surprised at being told that he, the archbishop, had never written in commendation of Phelan. The dismissal of O'Connor,[126] and non-admission of Phelan, for the present, have caused the circulation of an opinion, that a resolution was taken to admit no students of divinity, or candidates for the priesthood, into the College, who do not previously manifest an intention of entering the Society. Should this opinion become general, it would generate infallibly a jealousy and party spirit between the secular clergy and Jesuits. With the former all the Friars of every colour would [*side?*] against our Brethren, to the disedification of the public and loss of religion. God forbid, therefore, that the disciples of St. Ign^s^ should begin or give pretext to these dreaded dissensions by odious and narrow-minded institutions. It is a comfort to me amidst these reflections to know, that there is at the head of the College a person of your understanding, capable of estimating the consequences of such disunion, and therefore anxious to prevent all measures which tend to create it.

I have at length begun my long intended address to our cong^ns^ on the restoration of the Society; one reason for deferring it was, that another subject is to be interwoven with it, containing an admonition to the members of the Church to raise [*by*] a joint and general contribution a fund for paying the expenses of young men, destined for the service and ministry of religion, in your College and the Seminary here. The absolute necessity of such a measure was never felt more than at the present time. I was glad therefore to learn from your last letter, that a few ordinations would be made this week at G^e^ Town; and I had

[125] *Cf. Carroll, 19 Aug., 1814, to Grassi, recommending Mr. P. O'Connor, who writes to the archbishop from Bellfield, Prince George's Co., and has the favourable certificate of Mr. Tessier. Grassi has agreed upon terms about expenses of maintenance, while O'Connor studies for Holy Orders.* (*Md.-N. Y. Province Archives, 1814, Aug. 19, Carroll to Grassi; 1 p. 4to, No. 164.*)

[126] *This case was not, in fact, relevant to the question which Carroll goes on to discuss, since it was for the use of "improper language" that O'Connor was dismissed. Compare Grassi's Diary, 1815, Apr. 24, Tuesday: . . .* Partì Glover; seppi il parlare improprio di Connor. 26 Merc[*coledì*]. Visitai la famiglia Carroll, e parlai col Ves^o^ Neale per dimittere P^tk^ O Connor, e al medesimo intimai la partenza. . . . (*Grassi's* Diario, *as above*, p. 845.)

sanguine hopes of the same being done here; but, to my sorrow, the Prest of the Seminary informed me a few days since, that his divines would not be ready before the last of August.

You once or twice desired me to designate the congns in Maryland, which are henceforth to be committed, exclusively, to the members of the Society. To do this correctly requires a joint conference with Bp Neale, you and some more of our Brethren.[127]

Many other subjects are reserved to that time; and next week I hope to see you,[128] if it please God to give us better wea[*ther*] for the improvement of the roads.

I am most respectfully, Rev. and hond Sir,

Yr most obedt St

+ J. Abp of Bre

Balte, May 19, 1815.

Addressed: Rev. Mr. Grassi, Prest of the College, Ge Town.

B³. 1815, May 23.

Kohlmann, master of novices, White Marsh, 23 May, 1815, to (Grassi). He mentions the possible case of Archbishop Carroll asking for an absolute grant of Bohemia.

Glad to understand that Vincendon is coming back. The question of maintaining the establishment in New York.

I do not see any impropriety in exhibiting, with all possible candour and humility, the letter of RR.F.G. [*Father General*] to the Trustees; neither do I see how, in exhibiting the 16th article of the Corporation,[129] they can refuse to restore the property. Of Bohemia I would mention nothing. If the Ap [*Carroll*] should ask a cession of it in writing, it is manifest that yr Revce cannot do it without the consent and approbation of RR.F.G.[130] I would not say a word about the privileges. It will be time enough to speak about them, whenever an infringement should happen to be made upon them. . . .

Endorsed by Grassi: Go to N. Y. again.

C³. 1815, June 25.

Carroll, June 25, 1815, to Plowden. Estimate of Grassi's administration. Criticism of the foreign Jesuits in America. Danger of exciting jealousy by certain action with regard to the Jesuit property.

. . . For my own part, it shall be my endeavor, tho' I fear for my constancy, to keep my soul as clear as I can from those tumultuous

[127] *Cf.* No. 188, note 15.

[128] *This date, the end of May, 1815, would thus seem to mark the origin of the L. Neale-Grassi Concordat dated the following year, 3 Apr., 1816. See* No. 189, C.

[129] No. 168, A, 16°

[130] *This suggestion of Kohlmann's, that Carroll might possibly ask for a complete cession of Bohemia in his favour, gives point to the story about L. Neale, his successor, who openly, and in Carroll's presence, it is said, repudiated all claims to Bohemia. See* No. 116, D, § 4.

sollicitudes, which have agitated it so much for the losses and successes of contending nations. Such degrading immorality, and such base treachery have blackened the history of some of them, that an old man especially sees the benefit of restraining all partialities, and placing his entire reliance on the wisdom and providence of God. Yet there is one point on which I feel and in some degree cherish sollicitude. It is for the effect which the irruption of Bonaparte into France, and consequent events, may have on the progress of the newly restored Society. Your friend Mr. Grassi is doing his best for it here; but it seems to me that he consults chiefly, if not exclusively, foreigners, that is, his Brethren from Russia, Germany, Flanders, etc.; all of them good religious men, but not one of them possessing an expanded mind, discerning enough to estimate the difference between the American character and that of the countries which they left.[131] I apprehend that dissatisfaction, complaint, and perhaps remonstrances will arise against certain acts of his administration. I shall advise, even in matters of the internal government of the Society, whenever I can be useful; but, if what has been noticed and reported hitherto be not misstated or misunderstood, there is great reason to fear that he will undesignedly beget a jealousy on the part of the secular clergy of this diocess, and perhaps other Orders against the Society—an evil which I most earnestly deprecate, and against which our old Brethren, who saved the property here after the dissolution, so peculiarly guarded. . . .

D³. 1815, July 18.

Carroll, Baltimore, 18 July, 1815, to Rt. Rev. Dr. L. Neale, Bishop of Gortyna, Georgetown. On the firm hold to be maintained of the Jesuit property in Philadelphia.

About a nun at the convent, and her sister, who wishes to visit her.[132]

Yesterday Mr. Fenwick heared from Philad[a], that, notwithstanding the letter to me from the Card[l] Secretary of the Prop[da], Mr. Harold is nominated B[p] of Philad[a] Your Grandeur, Fr. Grassi and your Br. Francis should instantly consult on the measures proper to guard the legal property of Mr. F[s] Neale from invasion and foreign appropriation. It being uncertain how soon Mr. H. may arrive, no time should be lost in giving directions to Mr. Debarth to repair to Philad[a], maintain the mastership of the house (Presbytery), the old chapel and premises. He is a firm man and will execute orders. . . .

E³. (1815), July 26.

Carroll, 26 July, (1815?), to Francis Neale, Georgetown. The letter shows, though the writer seems not to notice it, how Carroll's accounts with the Corporation were likely to be found involved, owing to his affairs at Bohemia having been in the hands of such a manager as Pasquet.

[131] *Cf.* No. 135, P, note 49.
[132] Sally Jones, sister of Gonzaga.

Rev. Sir,

Mr. Fenwick has communicated your letter to him received yesterday, full of the blustering of Pasquet,[132] whose threats are so ridiculous, and his plans of revenge on the Corporation so undigested, that they are hardly worthy of contempt; for his character is so universally despised in his own neighbourhood, that he will obtain no credit for all his passionate assertions. He still persists in saying, that he will go in two or three weeks, but that you must go first thither [*to Bohemia*] to settle with him. If the season were not so contrary, it would be well for you to make a visit; not for the sake of his interest in Bohemia, but for the purpose of settling his concerns with the Corporation. It will be a happy day when they finish with him. I am sure that he owed me a ballance of at least $400. Nevertheless, I witnessed so much effrontery, and so little shame, that without looking at a single one of his scraps of paper, which, he pretended, were his counter-charges, that [!] I at once told him I would close all my own concerns with him, by giving to and receiving from him full receipts. He was overjoyed at the proposal, and in one instant closed with it, as well he might; nor have I ever repented of having made such a sacrifice, in order to free the farm from having such a man on it, and the congregation from so great a scandal. *If Francis Neale could defer the visit till the end of August, the archbishop would go with him.*

Addressed: Rev. Mr. Francis Neale, George Town. Hon^d^ by the R^d^ Mr. Pasquier [*S.S.*].

F³. 1815, August 12.

Francis Neale, 12 Aug., 1815, to Lewis de Barth. A power of attorney for the administration of Philadelphia and Pennsylvania property.

G³. 1815, August 25.

Carroll, Baltimore, 25 Aug., 1815, to Grassi. A discussion of Grassi's reason for not admitting seminarians into Georgetown College, inasmuch as they should have to be in one community with scholastics of the Society.

On the death of the Rev. John Fenwick. When I was with you, some conversation passed between us concerning an excellent young man, an Irishman, whose name is Farrell, of exemplary conduct, gentlemanly deportment, and well known to Mr. Edelen as well as to myself. He is tolerably and, I believe, sufficiently acquainted with Latin and the classics, but has not studied philosophy, to which he might be usefully applied for one year. You objected to his admission into the College, because it was unadviseable to associate with the scholastics of the Society other clerics,

[133] *Carroll, Washington, 1 June, 1815, to Enoch Fenwick, pastor, Baltimore, notes among letters received:* one from my new Manager at Bohemia, Benedict Craddock. (*Md.-N. Y. Province Archives, under date.*)

who have not manifested a determination to embrace a religious life.[134] But, as in many other things, especially in the infancy of the re-establishment, and which are not absolutely essential, it has been found necessary to dispense (as, for instance, in removing novices to teach before the end of two years' novitiate, etc.),[135] I cannot help persuading myself, that you will cease from insisting on the establishment of a practice, which must tend inevitably to deprive the churches of America from having priests sufficient to answer public exigencies, with the great loss of souls, etc. To obtain this was an original object of the foundation of the College of G^e^ Town, which must be kept in remembrance.[136] I own, indeed, that care should be had in selecting those, who are to be admitted into it, as candidates for Holy Orders. With respect to Mr. Farrell, Messrs. Fenwick, Edelen and myself are vouchers in his favour, that few young men are more commendable for piety and regularity of life. He possesses, I believe, good talents and money enough[137] to carry him thro philosophy and two years of divinity. You told me that there would be a course of philosophy, but no divinity, this ensuing year. Send an answer soon, and a favourable one.

Carroll's purchase of land at Deer Creek, in the name of Francis Neale.[138] *The trip to Bohemia with F. Neale. Sardagna as a standard text-book in divinity.*

H³. 1815, September 10.

Carroll, Bohemia, 10 Sept., 1815, to Enoch Fenwick, Baltimore. Last letter, No. 186, in the Md.-N. Y. Province Archives.(g)

On a namesake from Ireland *intruding on him at Bohemia. On thirty students of divinity in Kilkenny alone who are ready to come over;* and, no doubt, every one, whose name is Carroll, will call himself my relation. *On Pasquet, who goes off to Baltimore. The archbishop's distress at the non-appearance of Francis Neale.* To-day (Sunday) the whole duty must be performed by me. Mr. Pasquet does nothing, not even Mass . . .

(g) *There is another letter,* Sept. 25, *No. 180, which, if it is of the year 1815, is the latest in the collection. It is about current business: McConnell, letters to Rome, and the boy Lambert, whether he should be encouraged in his hope of becoming a lay-brother.*

[134] *This manner of statement is not quite accurate. According to the rules of the Society, it would be unadvisable to associate with scholastic philosophers even members of the same Order, novices, juniors, or theologians; since the grades, in process of formation, were kept separate. The reason would be stronger against a secular element being mingled with the religious.*

[135] *This is an argument ad hominem, that the Superiors in Maryland had already dispensed in some very essential matters, and, as experience showed, to the immense prejudice of all parties. As a rational argument, its conclusion lay in precisely the contrary direction, that,* in the infancy of the re-establishment, *nothing was more essential than to observe rigidly the fixed principles of things, and direct the progress for the future on right lines.* Cf. *supra* T², p. 849, *Carroll on the* preparation *needed.*

[136] *Carroll does not say that this was a condition of the foundation.*

[137] *This shows that it was not a question of gratuitous education. Cf.* Z², note 125; *the case of O'Connor was similar.*

[138] *See* No. 87, K.

J³. 1815, October 13.

Carroll, 13 Oct., 1815, to Plowden. Last letter of Carroll in the English Province Archives.

Compliments on the attitude of the English Jesuits in having maintained a neutral attitude in the question of the Veto. Jealousy and misrepresentation will attach themselves to our Brethren, tho their demeanour be ever so unexceptionable.[139] *On Grassi, the progress of the College, need of professors; lack of priests; new-comers; Bishop Connolly of New York.* Totus tuus,

\+ J. A. of B.

K³. 1815, November 23.

Grassi, Georgetown, 23 Nov., 1815, to Charles Plowden, Stonyhurst. A long letter in Italian, in which Grassi reviews much of the past experiences in America, regarding the Corporation, etc. Omitting the points which are naturally second-hand, as belonging to times before Grassi's arrival in Maryland, we cite only the following passages, recording his own observations.

No letters received from England, though he has written three to N. Sewall, Wright, and Cross (Tristram). Only one letter, the whole year, from the General, that of 10 Jan. (on the Severoli Rescript, through the English Provincial?) Thanks for the advice about fostering union among the Jesuits, and harmony with those who are not of the Society.[140] *The priest who was the principal opponent (Bitouzey) has gone back to* sua Francia. "*The Corporation of the Clergy of Maryland ought, according to its Constitution, to contain no more than about twenty-six members;*[141] *and, excepting the two bishops, Carroll and Neale, and the Rev. Mr. Young (the friend of Father Wright), and one or two priests, all the others are Jesuits, since the Rev. Mr. Matthews has asked for admission into the Society.*" *Grassi himself will acquire the*

[139] *Compare the sentiment of the Abbé Marechal (21 Apr., 1817) to Grassi when urging him to grant Archbishop L. Neale's request, and undertake a journey to Rome. He suggests the way in which the Superior may do so, without prejudice to the Society:* Appearing in that manner in Rome, the enemies of the Society could not take any occasion of slandering it, from your journey; and, if any would say anything against it, it would fall and die away, like the thousand idle stories which are daily proferred against the Jesuits. (*General Archives S.J., Maryl. Epist., 1, v., Marechal, Vicar General, Baltimore, 21 Apr., 1817, to Grassi.*) *See* No. 184, A, note 2.

[140] *Plowden repeats the same advice in a letter (2 Sept., 1815), which had not yet been received by Grassi: We Jesuits in England, he says, need a leader,* to conciliate externs, especially prelates, priests and religious. . . . You are that very man in America. And I trust that you will be careful not to disoblige any of your own subjects, and not to offend any of the clergy, or of the religious, who are in the country. I say this because, within these two or three last years, reports have been circulated in England, that your pecuniary concerns, which are perfectly unknown to me, may easily become a source of discord in the body, and likewise of disagreement with other ecclesiastics. *Plowden then proceeds to treat of the anti-Jesuit campaign in England, and of his own publications (under the name of "Clericus"), though he does not mention the author.* (*Md.-N. Y. Province Archives, 1815, Sept. 2, Plowden to Grassi; 3 pp. small 4to.*)

[141] *The number was increased to thirty by the Representatives, 28 Aug., 1799. See* No. 172, A, 1º; C.

rights of citizenship this year;[142] *and Mgr. Carroll has assured him that he will resign his place on the Board of Trustees, to make room for Father Grassi. Review of the past; resolution 16º of the constituent meeting, 4 Oct.,*

[142] *On this technicality of citizenship, as being essential to mere membership in the Select Body of beneficiaries, cf.* No. 179, H, 3º, *12 May, 1808, where it occurs to the Corporation as an after-thought in the interpretation of the charter; also* No. 180, p. 884.

The fact of American citizenship not being enjoyed by the Jesuits, who had been sent over at a great pecuniary sacrifice from Europe, their consequent ostracism from administration of the property, and the placing of a man like Kohlmann outside of Maryland, so that he could not be naturalized in good time, gave occasion for several sharp criticisms from the General.

To Grassi (8 July, 1813) he wrote: "If Father Molyneux or Father Charles Neale wanted to have a boarding college, even in Georgetown alone [not to speak of Kohlmann's institution in New York], *he should not have sent so many Fathers to missions, but have kept them for the instruction of ours, and of the boarders. . . . Your Reverence complains that the Corporation administers the property, and that you depend upon it, until five years have passed. Here again things have been badly managed, in as much as those, whom I sent, have settled outside of Maryland. By this time all of them would be citizens, after their five years, and their number might perhaps suffice. . . Your Reverence says that the Corporation will, in a short time, consist of our members only; if that is so, the administration of the temporalities will soon be in your own hands, and your condition will be better. Otherwise, your dilemma holds, and you can maintain and urge it, in the matter of the debt contracted by Father Ladaviere with the English* [Jesuits?]." (*General Archives S.J.*, Epist. VV.GG. in Russ., 1809–14, *8 Jul., N.S., 1813, to Grassi.*)

The dilemma of Father Grassi was, no doubt, against the Corporation in this wise: Either we Jesuits control the temporalities of Georgetown, and then we shall pay the debt of Ladaviere to the English Jesuits; or you control the temporalities, and then you pay. On Ladaviere, cf. No. 179, S, *resolution of the Corporation, 17–19 May, 1813,* 13º

The General, 30 Sept., 1813, to Grassi. Sends a copy of a dispensation for Paul Kohlmann [ex-Franciscan], *qualifying him to enter the Society* (No. 192, N, note 30). *Though the dispensation is not valid now, since the limit of time is passed, it is valid to show that His Holiness acknowledges the Society as legitimately established in America. On letters from Father Anthony Kohlmann, New York; who says, in one, that Grassi has hinted at suppressing the Literary Institution in New York. The General leaves the matter in the hands of Grassi, since he himself cannot judge the merits of the question at such a distance. He refuses to recognize either college, whether at New York or Georgetown:* Collegium neque Neo-Eboraci, neque Georgiopoli ego agnosco; convictum vel residentiam Neo-Eboraci sive Georgiopoli, sive utrobique, si manere potest, esse patior; videat R^a V^a in loco, quid et ubi, ut sit, conveniat. *On the Irish Father St. Leger and a companion to be sent by the Provincial of Sicily for work at Georgetown College. In the mean time, Fathers Ladaviere and Epinette can teach the young Jesuits rhetoric and philosophy. Many other points of business.*

At the close of the letter, the General treats the question, for which Carroll afterwards cited his Paternity (supra, Y²): whether Kohlmann's position in New York, as Vicar General, was regular or irregular. Premising a word on Kohlmann's rather premature profession in the Order, he merely quotes authorities on the question, all in the sense of identifying the Vicar-Generalship with a prelacy, for which only the Sovereign Pontiff could give a dispensation. The General concludes by recommending Grassi to confer with Carroll, and cautiously recommends that Kohlmann "resign this office": Displicet mihi quod P^r Ant. Kohlmann Prof^m 4 Votorum emiserit ante 10 annum in Soc^te completum, licet judicem ideo esse validam; et quod, non obstante Prof^ne et voto circa dignitates, pergat, per ignorantiam certe, esse Vicarius Gen^lis Vicariatus enim Epp^i est praelatio extra Societatem, juxta Suarez, Castropalao, De Lugo, imo juxta declarationem Urbani VIII, 25 Januar. 1632, factam, et solus Summus Pontifex ejus acceptationem Nostris Professis potest imperare. Loquatur R^a V^a cum Ill^mo Archi-Epp^o; ego in hac essem sententia, ut P^r Kohlmann officium hoc resignaret. *On Father (Adam) Marshall.* (*General Archives S.J., ibid., 30 Sept., 1813, to Grassi.*)

1793.[143] *Circumstances which have rendered the situation of the "European" Jesuits (in Maryland) very painful,* veramente dolorosa. *"When it was a question of working, we were Jesuits; when we asked that affairs should be put on a Jesuit footing, we were answered:* This belongs to the Corporation; *so we were neither Jesuits nor secular priests. The General, being informed by me of our miserable situation, had ordered me to abandon the College* [of Georgetown], *and withdraw with ours elsewhere, as long as the Corporation would not leave it entirely to my direction; and this concession was at last made. To let your Reverence understand things exactly, I will add that the Society here is truly heterogeneous; that is to say, out of eight or nine Fathers sent by Father General, two are ex-Augustinians, one ex-Capuchin, one ex-Premonstratensian, one ex-Franciscan, ex-Paccanarists, etc." Grassi's reflections hereupon.*[144] *C. Neale, who was a novice in the old Society, is the only survivor of the former Jesuits. Various other points. Messrs. Ashton and Plunkett, deceased; also Father John Fenwick, a Dominican. Mgr. Neale is just starting for Baltimore to visit Mgr. Carroll, who is dangerously ill. If the latter dies, it will be a severe blow for the Catholic religion in this country. . . .*

Md.-N. Y. Province Archives, (1814), Dec. 10–11, Carroll to Grassi; 2 pp. 4to, No. 171. Ibid., 1814, Dec. 17, same to same; 3 pp. 4to, No. 172. Ibid., 1814, Dec. 19, Kohlmann, New York, to Grassi. Ibid., 1814, Dec. 27, Carroll, Baltimore, to Grassi; 3 pp. 4to, No. 173. Ibid., 1815, Feb. 21, same to same; 5 pp. 4to, No. 174. Ibid., 1815, Martii 1815, prima die Nov[*enae*] S. Fr. Xav., (*Mar. 4*), *Grassi, Georgetown, to Kohlmann, (New York). Ibid., (1815), Mar. 16, Carroll, Baltimore, to (Grassi); 2 pp. 4to, No. 175. Ibid., 1815, Mar. 31, same to same; 3 pp. 4to, No. 176. Ibid., 1815, May 7, same to same; 2 pp. 4to, No. 177. Ibid., 1815, May 19, same to same; 3 pp. 4to, No. 178. Ibid., 1815, May 23, Kohlmann, White Marsh, to (Grassi). Ibid., 1815, July 18, Carroll to L. Neale, Georgetown; 1 p. 4to, No. 181. Ibid., (1815), July 26, Carroll, to F. Neale, Georgetown; 1 p. 4to, No. 184. Ibid., 1815, Aug. 12, F. Neale, power of attorney to Lewis de Barth. Ibid., 1815, Aug. 25, Carroll, Baltimore, to Grassi; 3 pp. 4to, No. 185. Ibid., 1815, Sept. 10, Carroll, Bohemia, to Enoch Fenwick, Baltimore; 1 p. 4to, No. 186.—English Province Archives, portfolio 6, ff. 113, 114, Carroll, 5 Jan., 1815, to Plowden. Ibid., ff. 110, 116, same to same, 20 Mar., 1815. Ibid., f. 118, same to same, 25 June, 1815. Ibid., f. 125ᵛ, same to same, 13 Oct., 1815. Ibid., Grassi Correspondence, Grassi, Georgetown, 23 Nov., 1815, to C. Plowden.*

[143] No. 168, A, 16º

[144] *Cf. Grassi's* Memorie: *"In fact, there was an ex-Capuchin, Father Anthony Kohlmann* [also an ex-Paccanarist]; *an ex-Franciscan, his brother, Father Paul; an ex-Conventual, Father Francis Malevé; an ex-Augustinian, or Conventual, Father Maximilian Rantzau; an ex-Revolutionist, Father Malou* [Belgian statesman, in the war of independence with Austria]. *Our Father General, seeing that many religious had been cast adrift in the midst of the world* [during the French Revolution], *thought it an act of charity to receive them into the Society, which, beginning to expand at the time, had need of subjects. This being prohibited absolutely by the Institute, he wrote to Father Pignatelli, then in Rome and Superior of ours, desiring him to petition the Pope for a dispensation on this head. If ever the religious and blind obedience of that servant of God shone forth transparently, it was certainly on that occasion when, against his own decided opinion that it is not expedient to depart in any tittle or iota from what St. Ignatius prescribed, he bowed his head, obeyed, and obtained the pontifical dispensation to admit into the Society persons who had been in other religious Orders."* (*General Archives S.J., Maryl. Epist., 1, i., Grassi's* Memorie sulla Compagnia di Gesù, ristabilita negli Stati Uniti dell' America Settentrionale, dall' 1810–17; pp. 34–37.)

The foregoing documents, reaching from 1800 till his death in 1815, contain all the substance of Carroll's policy regarding Jesuit property. Other letters of his yield no new element on this subject. Prior to 1800, his policy is seen in previous Numbers, with respect to the establishment of a Corporate Body, and the conduct of its affairs when once established.

Episcopal jurisdiction and the exemption of regulars are topics on which he has touched in this Number (178), *from the date of the canonical re-establishment in 1814* (P^2–G^3). *But this matter had already been practically exhausted even before the re-establishment* (*1809–1812*), *as will appear in a series of documents parallel with those given above from* U *to* X. *See* No. 192, D–F^2.

As to his policy with regard to the property, the interpretation put upon Carroll's methods by the Neale party may seem to be justified in the general trend of his policy, though not in the intentions which animated that policy. In fact, before he was Prefect Apostolic he had proposed a plan of organization for the Chapter, which left a door wide open for the devolution of the property, should the Society not re-enter into possession (No. 143, A); *and he was slow to believe, at subsequent periods, both before the partial restoration, and before the general restoration, that the property would not eventually lapse into other hands. But, as to his intentions, he seems to have been scrupulously correct. Quite content as he may have been to contemplate the prospects of the estates lapsing into hands like his own, which would have used them well for the purposes of religion, he seems never to have been betrayed into a cross-movement, which could justly be interpreted as manœuvring to obtain by sleight what he could not claim by right. In any case, there appears to be no semblance of a likeness between Carroll, the "venerable predecessor," who figures in the documents of* Section III. (Nos. 115–119), *and the Carroll portrayed in his own autograph documents; no more than between Carroll's policy on jurisdiction, and Marechal's policy as shown in* No. 135, B–Q.

No. 179. **1805–1815.**

Pensions and aids, resumed, 1805–1815: continuation of the old system under the new Society. *The first aid attempted after the restoration was in the shape of a concordat between Molyneux, the new Jesuit Superior, and Bishop Carroll, the Ordinary. The*

purport of this arrangement, as already indicated,[1] *was to charge the estates of the Society with the bishop's support, and with the maintenance of the diocesan seminarians; while, at the same time, an adjustment was made between the proprietary rights of the Society on its own property and the Ordinary's right of jurisdiction in his diocese. This latter accommodation was that of recognizing the same jus patronatus inherent in the owners, as had been recognized and acted upon by the Ordinary in dealing hitherto with the Corporation. And so too the former arrangement, charging the Society with the double maintenance of the bishop and his seminarians, was expressly assumed in the document, as continuing the old engagement. Mgr. Marechal submitted a copy of this document to the Propaganda, in 1822.*[2] *The original manuscript did not come to light till some seventy years after the "true copy" had been submitted in Rome. A facsimile of it, and other matters concerning it, are to be seen infra, in the next Section on Concordats.*[3]

Molyneux proceeded to carry out another act of beneficence, as already projected by the Corporation. It had reference to a minor estate in Delaware, treated of before.[4]

A. 1806, January 24.

Robert Molyneux, (Superior), St. Thomas's Manor, 24 Jan., 1806, to Francis Neale, (agent of the Corporation), Georgetown. Transactions with the Rev. Mr. Kenny, West Chester, and Rev. Mr. Rosseter, Philadelphia.

. . . I have two points more to mention, communicated by Bishop Carroll. 1º From Rev. Mr. Kenny of W. Chester. 2º From Rev. Mr. Rossater of St. Mary – – – Church, Philadelphia, known to your Brother Gortyna.

[*1º*] Rev. Mr. Kenny applies to Bishop Carroll and our Corporation for permission to sell White Clay Creek in New Castle County, on these terms: first, to raise two hundred pounds to defray the debt due to Mr. Hearn; secondly, four hundred more, the interest of which to be an annual fund towards the support of the officiating clergyman serving the congregations of that district, viz. West Chester, Wilmington and New Castle, reserving however the church, burying ground and dwelling house, and will try to find a respectable Catholic to purchase it, giving a mortgage on the whole property. As this answers the original purpose of the purchase of that property of which I am sole proprietor, I have approved of that plan and desired Bishop Carroll to inform Mr. Kenny of the same.

[1] No. 178, p. 824.
[2] *Cf.* No. 115, § 23.
[3] Nos. 186, 187.
[4] No. 96.

[2º] Rev. Mr. Rossater, labouring under bodily infirmities which render him unfit for any essential pastoral duties, wishes to retire to some of our houses—to effect this Mr. Rosseter makes the following proposals. *He offers Bishop Carroll to transfer at once* to the Corporation of the Jesuit Fathers *1850* [*silver*(a)] *dollars in the 3% stock U.S.; desiring in return* my board and lodging here or in any of their houses, provided they allow the interest of it—$56.5/100—during my life. *Mr. Molyneux says, he has proposed to Bishop Carroll Bohemia estate* as the fittest place for Mr. Rosseter's retreat, and, as Bohemia estate is under the direction of the Bishop Neale,[5] that they the Bishops may act in the affair as they think best. . . .

B. 1806, June 20.

Indenture between Rosseter and the Corporation.

It is dated June 20, 1806. The signatures stand thus: Michael Egan, F. X. Brosius, *as witnesses for* John Rosseter, *all attaching seals;* Wm Pasquet, Francis Neale, Witnesses for the Corporation. By order of the Corpn. + J. Carroll presᵗ. *The latter attaches the seal of the Corporation, which shows the monogram of the Society:* I H S, *the central letter H being surmounted by a cross and supported beneath by three nails. Carroll's autograph includes the two notes about* Witnesses for the Corporation *and* by order. *Endorsed with an acknowledgment by Rosseter and his two witnesses of the receipt of 5 shillings.*[6]

C. 1806, September 9.

Proceedings of the Corporation, 9 Sept., 1806, Georgetown.

. . . Resolved 1º That MM. Francis Beeston, Robert Plunket, William Matthews, Notley Young and Joseph Eden[7] are chosen Directors of the College of Georgetown, to remain in office from this day to the second of September, 1809.

. . . 4º The RR. Bishop Carroll is desired to settle the accounts of the Seminary concerning the MM. Fenwick, out of the monies now in his hands.[8]

5º The Corporation agrees to accept the offer of the Rev. Mr. Rosseter of Philadelphia, of certain certificates of three per cent. funds of the United States, on the terms proposed by him, and hereby authorize the execution of a proper instrument of writing in their name to that effect.

(a) Silver *in the indenture.*

[5] *Cf.* No. 170, A[2].

[6] *The action of the Corporation, authorizing* the execution of a proper instrument of writing in their name, *appears in the minutes only under date of 9 Sept., 1806* (*infra*, C, 5º). *On 12 Sept., 1807, a power of attorney from Molyneux enables Rosseter, of the City of Philadelphia, to receive rents and pass receipts* (*Md.-N. Y. Province Archives, H; 1 p. 4to*). *The cash received, 23 Oct., 1817, from the sale of Rosseter's 3% stock is $1318.12* (*ibid., carton DB, Agent's Cash-Book, 1802-20*).

[7] *The two first-mentioned were ex-Jesuits; and neither of them had entered the restored Society.*

[8] *Cf.* No. 171, A, *ad* note 6.

6º *Pasquet authorized to rent out two plantations on Deer Creek. See* No. 87, E.

7º The R. Mr. Molineux and the R. Mr. Eden are hereby allowed eighty dollars each per annum out of the funds. Adjourned till to-morrow.

+ J. Carroll. Robert Molyneux. Robert Plunkett. G. B. Bitouzey.

D. 1806, September 11.

September 11. The same members as yesterday [!] met at the same place and resolved:

1º That, if schools of philosophy and divinity be opened in George town College, the young ecclesiastics, who are not postulants for entering into the novitiate of the Society, may have their option, either to continue their studies at said College or the Seminary of Baltimore; and, if those young men be entitled to a maintenance and education from the Corporation, the payment thereof shall be made to either place on the same terms.

2º *Here is one of the resolutions providing for the restored Society, as cited above with other correlative resolutions about this time. See* No. 178, P, 2º.

Signed by the same four.

E. *Same date.*

On the same day and place, the same members present as this morning. Resolved:

1º *Instead of contributing to the Bishop* $800 *a year, the Corporation, in pursuance of a suggestion from the Chapter of Representatives, agrees to let him have the estate at Bohemia, subject to conditions. An engagement is taken to do as much for* the succeeding Bishop (*Leonard Neale*), at the death of the present Bishop (*Carroll*). *See* text, No. 178, Q.

2º That the charges on the general fund of the Corporation for the present year be paid therefrom; and that, after the first day of January, 1807, the rents of St. Inigo estate, now constituting a part of that fund, be applied to the College of George town.

. . . 5º *This resolution about Pasquet authorizes* the President of the Corporation [9] *to execute a bond in favour of Pasquet, towards discharging a debt due to him from Deer Creek. Cf.* No. 87, E.

Signed by the same four.

F. 1806, November 24.

Carroll, Baltimore, 24 Nov., 1806, to Molyneux, Georgetown. On the delay of the Corporation in arranging properly the affair of Rev. Mr. Patrick Kenny, about the conveyance of your estate near White-Clay Creek, Del.; [10]

[9] *This idea of a* President *is already in practical business use. See supra,* B: + J. Carroll, prest.

[10] *Cf.* No. 96, F, *for the conclusion of the business with Rev. Mr. Kenny.*

and in sending the power of attorney to Mr. Rosseter, to receive the interest accruing on the stock of the Corporation, mentioned in his transfer to them. *Both gentlemen are complaining.*

G. 1807, September 1.

Proceedings of the Corporation, 1 Sept., 1807, Georgetown.

. . . 3º. The R : R : Messrs. Adam Britt, John Henry, Francis Malevé, Peter Epinette and Anthony Kohlman,[11] having petitioned to be admitted into the Select Body of the R : C : Clergymen, they are hereby declared members of the said body.

. . . *Signed :* Robert Molyneux. Henry Pile. Robert Plunkett.

H. 1808, May 12.

Proceedings of the Corporation, 12 May, 1808, Georgetown.

. . . 3º. It appearing to this Board that, at the meeting of the Corporation held at the White Marsh on the twenty-eighth of Nov. 1804,[12] and at George town on the first day of Sept. 1807,[13] the RR. Messrs. Willm. Vernes, Adam Britt, John Henry, Francis Malevé, Peter Epinette and Anthony Kohlman were admitted into the Select Body of the Clergy, and it being suggested that they were not citizens of the State of Maryland at the time and not legally qualified to be made members of the Select Body : resolved, that the Board entertains great respect for the aforesaid RR. gentlemen, and regrets that there is any room to doubt of the legality of their admission ; that it approves of their nomination, and requests them to remove the impediment to their admission, as soon as it can be properly effected, that they may enjoy fully the rights belonging to the members of the Select Body.[14]

4º. Resolved, that the seventh resolve of the Corporation at their meeting held on the ninth day of Sept. 1806, so far as respects an annual allowance to the Rev. Mr. Eden,[15] was not meant to be of force longer than during his attendance on the congregation of Alexandria.

5º. *Surplus proceeds of St. Inigoes, New Town, and St. Thomas's, to go for this coming season to the account of the Rev. Mr. Molyneux (Superior of the Jesuit mission). See* No. 178, S.

. . . *Signed :* + J. Bishop of Baltimore. G. B. Bitouzey. Robert Plunkett. Robert Molyneux.

[11] *All Jesuits, sent to Maryland by the General, at his own expense. In 1813, July 8, Father Brzozowski, excusing himself from sending any more, mentions the item of charges :* quia nimis multum constat. (*General Archives S.J.*, Epis. VV.GG. in Russ., 1809–14, *the General, 1813, July 8, N.S., to Grassi.*)

[12] No. 177, D, 5º

[13] *Supra*, G, 3º

[14] *The charter of the Corporation does not enjoin any such qualification as citizenship on members of the Select Body. See* No. 164, A. *For the effects of this action on the part of the Board, cf.* No. 178, K³, note 142. *Carroll seems responsible for it.*

[15] *Supra*, C, 7º

J. 1808, October 4.

Proceedings of the Corporation, 4 Oct., 1808, Georgetown.

A new board, having qualified themselves by oath, before John Threlkeld, justice of the peace, and having signed the usual formula of the oath, proceeded to business.

. . . 6°. The Rev. Mr. Betouzé having left with the agent $400 of the savings of the White Marsh estate: resolved, that $180 thereof be appropriated towards paying the annuity due to the Rev. Mr. Plunkett, and $100 be subject to the order of Bishop Carroll for the future incumbent of Deer Creek; and that the Agent be accountable to this Board for the remainder.

7°. *Pasquet called to account.* *See* Nos. 87, E; 178, Z^2, note 123.

8°. Resolved, that the RR. Messrs. Enoch and Benedict Fenwick, James Spink and Leonard Edelin,[16] having petitioned, are admitted as members of the Corporation of Catholic Clergymen.

. . . *Signed:* + J. Bish^p. of Balt^re. Leon^d. Neale, Bp. Gortn^a. Robert Molyneux. J. B. Bitouzey. Francis Neale.

K. 1809, June 26.

Proceedings of the Corporation, 26 June, 1809, Georgetown.

. . . 9. The Trustees, having proceeded to the choice of Directors of the College, whose term of service will commence on the 2d. of Sept. 1809, made choice of R^t. Rev. Bishop Neale, Rev. Wm. Matthews, Germain Betouzey, Notley Young and Enoch Fenwick.[17]

+ J. Bish^p. of Balt^re + Leon^d. Neale, Bp. of Grtn^a. Sylv^r. Boarman [*vice Molyneux, deceased*]. Francis Neale.

L. 1811, January 4.

Carroll, Baltimore, 4 Jan., 1811, to Rev. Mr. Charles Neale (Superior of the Jesuit Mission), Mount Carmel, near Port-Tobacco. A letter showing the jus patronatus in operation.

Rev. and hon^d. Sir,

I can resist no longer the entreaties and representations of S. Inigo, and Cobneck and Newport. *Carroll has informed the Bishop-Coadjutor of his determination to confide Cob-neck and Newport congregations to Mr. Griffin,* Mr. Sylvester Boarman being quite unable to attend to them;[18] proposing at the same time for your concurrence, and as an

[16] *All Jesuits.*

[17] *One bishop, E. Fenwick Jesuit, Matthews and Young lately accepted as novices (cf.* No. 178, U), *and Bitouzey non-Jesuit.*

[18] *Sylvester Boarman was a Jesuit; Griffin was not. The latter subsequently came to grief in the ministry. Carroll, 12 Nov., 1814, tells Grassi that he will not restore Mr. McGinn to any station in Charles or St. Mary's County; so he will avail himself of the charity of Messrs. Edelen and Moynihan in proposing Mr. Griffin, on condition*

evidence of my wish to act harmoniously with you, to re-establish Mr. Sylvester Boarman at S. Inigo. *The labour there is moderate, and Mr. Boarman is very acceptable to that congregation.* No other cause was ever alledged to me for his removal, but that he interfered with the authority given by Mr. Francis Neale [*agent*] to Br. Mobberly [*a lay-brother*]. This was a trifle indeed, compared with the total abandonment of such a congregation, of the living and dying. Viewing my duty before God, I cannot and must not leave things in their present situation. Decency requires, that Mr. Boarman shall have the interior management of the house, the ordering of the table, and such liquors as are wanted in moderation and in good manners. There is no danger of his using or giving them in excess. Let him have, under his superior controul, the servants necessary for attending on him and about the house, and such other allowances from the estate for his private wants, as his Religious Superior sees proper. I shall write to him, signifying my direction as his Bishop, hoping that you, as his Superior, will issue yours as soon as the old gentleman can travel with convenience. Mr. Griffin will, as is supposed, prepare himself to take Mr. Boarman's station as soon as he gets my notice. . . .

M. (1811, May 25.)

Carroll, (25 May, 1811[19]*), to the General, Father Brzozowski. Shea's abstract, and excerpt of passage reviewing the actual state of the Society in America.*[20]

About 1811, Bishop Carroll writes to the Superior General of the Jesuits in Russia, stating that, with the power sent him by Father Gruber, he had appointed Mr. Molyneux Superior of the Jesuits in the United States; that Father Molyneux [at his death] appointed Rev. Chas. Neale in his place, who was afterwards confirmed by the Superior in Russia; that it is expedient for the welfare and prosperity of the Society that some one should be appointed Superior who would be acceptable to the bishops of the United States: maxime autem necessarium hoc tempore, quo, uti novit tua Paternitas, incerta et ambigua est Societatis apud nos conditio. Hic enim breve Clem. XIV. ex authoritate intimatum suum effectum plene sortitum est; cui, quantum spectat ad Societatis redintegrationem, novorumque sociorum adscriptionem, regimen denique externum, privilegiorum antiquorum usum, nihil opponi potest praeter consensum Pii VII. verbo tenus, nullo authentico instrumento firmatum. Interim quotquot sumus episcopi sacramento constringimur ecclesias nostras ex canonum praescripto, et statutis Congregationis de Prop. Fide administrare, hisque in virtute obedientiae

that he make a thirty days' retreat, according to the method of St. Ignatius, remaining meanwhile suspended. (Md.-N. Y. Province Archives, 1814, Nov. 12, Carroll, Baltimore, to (Grassi); 2 pp. 4to, No. 169.)

[19] *Cf.* No. 115, § 4, note 2, *the date given in the General's answer, 8 Sept., 1811.*

[20] *We have not found the original from which Shea took the following abstract and excerpt.*

morem gerere, etc. Praeterea saepe moniti fuimus tum a sapientissimo piaeque memoriae Praedecessore tuo, tum etiam ab Adm. R. P^s^ tua, in rebus externis sociorum conditionem eamdem esse cum clero saeculari, hos regularium privilegiis non gaudere, corpus et communitatem non constituere; denique, cum sacris votis se obstringunt, obligare quidem conscientias suas ad servanda haec vota et Societatis leges, quibus religiosam perfectionem consequantur, caeterum, quoad reliquum, nihil exterius mutandum esse. Neque sane intelligo quid amplius statui possit, donec specialiter brevi Clem. XIV. aliisque, si quae sunt, authenticis S. Sedis decretis derogatum fuerit, sicut a S^mo^ P. N. derogatum fuit per brevia specialiter edita pro ditione Moscovitica et regno utriusque Siciliae.

The bishop proceeds to say that Father Neale had been imprudent, or not sufficiently exact in his administrative conduct; and especially that he had recalled Father Britt from Philadelphia to Georgetown, without consulting or notifying either the Bishop of Philadelphia or that of Baltimore. Archbishop Carroll applied to the Bishop of Philadelphia for faculties for Mr. Britt, as he could not grant them himself without the permission of Dr. Egan.[21]

N. 1811, June 10.

Proceedings of the Corporation, 10 June, 1811, Georgetown.

. . . 3º The Rev. Ign. B. Brooke having offered his resignation of the management of the Newtown estate, the same is hereby accepted, and the Corporation recommends the immediate appointment of a successor to be made agreeably to the provisions of the Constitution.

4º *Resolution regarding the sale of Deer Creek and lots of land near the White Marsh, and providing for the Rev. Mr. Eden (non-Jesuit).* *See* No. 87, E.

[21] *See* Nos. 115, note 2; 192, P–X: *the General's answer, with other correspondence. The last statement in Carroll's letter is not quite intelligible as it stands here. It seems to mean that, because Father Britt served for some time in Bishop Egan's diocese, he was under some diocesan obligations of obedience to the said bishop, as if he were addictus dioecesi by a promise of obedience on being ordained, or by a formal act of enrolment in the diocesan clergy of Philadelphia. Father Britt was in neither category. Whether he came as a secular priest on his own account, and then left on his own account, or whether he was sent by another (Father Charles Neale), of whose relations with him the Ordinary took no notice in diocesan affairs, as Carroll expressly says in the Latin excerpt, he was free to come and go, and any bishop, who chose to receive him, being certified of his good standing, was free to give him faculties or not, without consulting any other bishop to whom Britt did not belong. Cf.* No. 135, R, *where Card. Fontana (5 May, 1821) instructs Mgr. Marechal, that priests who merely choose to serve a diocese are not therefore bound to a diocese, unless they formally attach themselves to the same.*

Singular as is this last passage of Carroll's, on the supposition that Father Britt was a Jesuit of America, only in foro interno, it becomes much more inexplicable when notice is taken of the fact that technically and canonically he seems to have been a full Jesuit in foro externo, as having been enrolled in the Province of Italy for the year 1805. Cf. A. Vivier S.J., Nomina Patrum ac Fratrum, qui Societatem Jesu ingressi in ea supremum diem obierunt, 7 Augusti, 1814—7 Augusti, 1894; *No. 347, note* (e), *on Adam Britt:* It[*al*]. ingr[*essus*] . . . 1805.

. . . 6º Resolved by the Corporation and Archbishop, that the management of the Newtown estate be committed to the Rev. Mr. Edlen [*Edelen, Jesuit*].

. . . *Signed:* +J. Aᵇᵖ of Baltimore. +Leonᴰ Bˢʰᵖ of Gortⁿᵃ Sylv. Boarman. Francis Neale.

O. 1811, September 17.

Proceedings of the Corporation, 17 Sept., 1811, (Georgetown).

. . . 4º The Rev. Adam Marshall [*Jesuit*] on his petition is received as a member of the Corporation.

+J. Aᵇᵖ of Bʳᵉ Leonᴰ Bᵖ of Grtⁿᵃ Francis Neale.

P. 1812, April 22.

Proceedings of the Corporation, 22 Apr., 1812, Georgetown.

After qualifying themselves with the usual oath which they sign, before the justice of the peace, John Threlkeld, they proceed:

. . . 3º *On Deer Creek and White Marsh.* *See* No. 87, E.

4º The Rev. Messrs. Peter Epinette and Francis Maleve [*Jesuits*], having exhibited certificates of their citizenship, are declared to be members of the Select Body of the Clergy, pursuant to the proceedings of a meeting of this board held May 12th, 1808.[22]

5º Resolved, that the Rev. Messrs. Henry [*Jesuit*] and Griffin [*non-Jesuit*] be allowed eighty dollars per annum, from the first of January, 1812, the former chargeable on St. Thomas's Manor, the latter on the Newtown estate; and moreover that $80 more be granted from St. Thomas's Manor to Rev. Mr. Henry in consideration of his present distress.

6º *The Georgetown College Directors are to demand of Pasquet* a deed of the land taken up by him at Bohemia.

7º *Continuation of the troubles between Pasquet and the Corporation; Archbishop Carroll now undertakes to act as a committee of one, in dealing with this subordinate of his at Bohemia.*[23]

. . . 9º It being expected that some money will be raised from sales of property belonging to the estate of the White Marsh, the Rev. Mr. Bitouzey, or the Agent, is authorized to expend $800, or at most $1000 of the said money, on the buildings necessary to receive the young men,(b) who are destined for the religious life.

+J. Aᵇᵖ of Bʳᵉ +Leonᴰ Bᵖ of Grtⁿᵃ Robert Plunkett. Charles Neale [*Superior of the Jesuit Mission*].

(b) *McElroy transcribing wrote* gentlemen; *corrected by another hand,* men, *over the line.*

[22] *Supra*, H, 3º.
[23] *Cf.* No. 178, Z², note 123.

Q. 1812, September 22.

Proceedings of the Corporation, 22 Sept., 1812.[c]

. . . 3º *The Committee, Messrs. F. Neale and Bitouzey, appointed 10 June, 1811*, to dispose of the estates on Deer Creek, and certain lots of land near the White Marsh, report that they have not yet made sale of the property.[24] *See* No. 87, E.

. . . [5º] Resolved that the young men,[d] destined for their first ecclesiastical education [*noviciate*] be removed to St. Inigoes, where they shall remain under due instruction, till the house at the White Marsh be ready for their reception.

[6º] The Board proceeded to chuse five Directors of the College of Geo. Town. The five having the majority of votes are the following: The RR. Bishop of Gortyna, Rev. John A. Grassi,[25] Rev. Frs. Neale, Rev. Wm. Matthews and Rev. E. Fenwick.

+J. A^{bp} of B^{re} +Leon^{d} B^{shp} of Gortyna. Robert Plunkett.
G. B. Bitouzey.

R. 1812, November 6.

Michael Egan, Bishop of Philadelphia, 6 Nov., 1812, to Francis Neale: a bond.

Whereas I, Michael Egan of the City of Philadelphia in the State of Pennsylvania, have, by the Rev. Frs. Neale of George Town in the District of Columbia, been this day put in possession of the real and personal estate herein specified, viz. of the dwelling house and little Chapel, of Cox and Mackey's ground rents, and of eleven shares in the City loan:[26] Now I, as agent or manager, hold myself accountable to him or to his heirs or assigns for the due management and faithful account thereof, so long as the same remains under my care and management, and do promise to deliver the whole of said real and personal property

(c) *Place of session wanting.*
(d) Men, *left out by McElroy, is supplied over the line by Carroll.*

[24] *After this, Carroll seems to have taken the business of selling Deer Creek into his own hands. See* No. 87, F-K. *Compare the following:*
Carroll, Baltimore, 24 March, 1814, to Grassi . . . Let Mr. Fs. Neale be assured that he will hear from me as soon as it can be ascertained, when it will be proper for him to make his visit to Harford Co. In the Fed. Gazette he will find the land advertised. To any person who will buy both places I would offer them at $20 per acre. Separately, $35 for one of them, and $16 for the other.
Carroll, Baltimore, 19 Apr., 1814, to Grassi . . . Be so kind as to desire Mr. Fs. Neale to come himself, which would be best, or to send an immediate answer to my last, as the purchasers of the farm on Deer Creek are impatient to get possession. A residence must be procured immediately for a successor to Mr. Eden.
(*Md.-N. Y. Province Archives, 1814, Mar. 24, Carroll, Baltimore, to Grassi; 2 pp. 4to, No. 150. Ibid., 1814, Apr. 19, same to same; 1 p. 4to, No. 152.*)

[25] *Grassi had received, 18 June, 1812, the letter from the General, appointing him Superior of the Mission and Rector of Georgetown College.* (*General Archives S.J.*, Diario del P. Giov. Ant. Grassi, *under date.*) *Cf.* No. 178, X-C^{2}.

[26] *Cf.* No. 111, B, *Bishop Conwell's subsequent* just claims *to these subsidies, as* attached to the Establishment.

(inevitable casualties excepted) to the said Francis Neale or to his order, or to his heirs and assigns, or attorney in fact, whenever the same shall be demanded of me in writing.

MICHAEL EGAN, [*m.p.*]

Witness present,

Rev. PATRICK KENNY.

Philadelphia, Nov. 6, 1812.

Endorsed by F. Neale: Bishop Egan's Obligation to Franc^{s} Neale.[27]

S. 1813, May 17–19.

Proceedings of the Corporation, 17–19 May, 1813, Georgetown.

. . . 7º Resolved, that the Board having received sufficient evidence of the citizenship of the Rev. Wm. Vernes [*non-Jesuit*] [28] formerly elected a member of the Select Body of clergymen for the State of Maryland,[29] he together with the Rev. Peter Anthony Joseph Malou and James Redmond [*both Jesuits*] likewise citizens, are hereby declared members of the Select Body of the Clergy.

. . . 9º The young men, candidates for a Religious and Ecclesiastical state, having been removed from St. Inigoes in consequence of the exposed situation of that place,[30] resolved that, for the present, they shall be farther removed to the Presbytery at Frederick Town, Frederick County, and that the RR. Messrs. Grassi and Malevé do settle with the agent provisions for their transportation, and maintenance during their residence there. *Cf.* No. 178, M^{2}, *Carroll's criticism on the unnecessary removal from St. Inigoes.*

10º Resolved, that, in order to promote the increase of piety and religion on Cedar Point Neck [*at St. Thomas's*] and facilitate religious instruction, an annual appropriation for the term of 3 years of $400, arising out of the rents of said Neck, shall be made for the erecting of a church of sufficient dimensions, sacristy and lodging for the priest, on a convenient situation; provided that Catholics who will thereby be benefited manifest a disposition to contribute to this necessary work according to their respective abilities. The site of the church is to be determined by and with the authority of the Archbishop of Baltimore.[31]

. . . 12º Resolved, that an annual allowance of $500, including therein the sum already voted for the keeping of two horses, is hereby made to the Rt. Rev. Bishop Coadjutor, and that the addition, hereby made, be chargeable on the estate of White Marsh.

[27] *Cf.* No. 178, D^{2}, *last paragraph; Carroll (31 Dec., 1812, to Grassi) inquiring about* a paper from Bishop Egan, *which he, Carroll, had transmitted to F. Neale.*

[28] *Cf.* Nos. 124, C, note 6; 179, H, 3º

[29] *The phrase,* of Maryland, *or as here more formally,* for the State of Maryland, *has now slipped quite commonly into the name of the Select Body, which had no such limitation in the terms of its charter. Cf.* Nos. 164, A; 169, A. *See supra,* note 14.

[30] *A British squadron cruising there.*

[31] *Cf.* Nos. 180, C, 6º; 190, E, Catalogus Missionum Soc. Jesu.

13. The Rev. Mr. Ladaviere having thro the unhappy circumstances of his passage to this country incurred extraordinary expence,[32] resolved that, if he do declare an explicit intention of remaining within the diocese of Baltimore, and rendering according to his ability the services usually expected from clergymen officiating therein, he shall be allowed for defraying said expences $200, as soon as the agent shall be enabled, by disposing of the produce in his hands, to pay the same.

George Town, May 19, 1813.(e)

Signed: +J. A^{bp} of B^{re} +Leon^{d} B^{shp} of Gort^{na} Robert Plunkett. Charles Neale. G. B. Bitouzey.

T. 1813, September 14.

Proceedings of the Corporation, 14 Sept., 1813, Georgetown.

· · · 8º Resolved, that the residences of St. Thomas's Manor and the White Marsh are those, in one of which the superannuated and infirm members of the Corporation[33] are to be received and supported from the proceed[s] of the general fund; and they are to be allowed $80 per ann. for cloaths, private expences, etc.[34]

9. Resolved, that the addition of annual allowance made to the Rt. Rev. Bishop Neale, by the 12th resolve of last meeting, be chargeable on the public fund, instead of the White Marsh estate.

Continued by adjournments to Sept. 15th, and then adjourned sine die.(f)

Signed: +J. A^{bp} of B^{re} +Leon^{d} B^{shp} of Gortyna. Robert Plunkett. G. B. Bitouzey.

U. 1813, October 26.

Proceedings of the Corporation, 26 Oct., 1813, Georgetown. The minutes specially note: (after legal notice being given).

In this meeting the episode of Bitouzey's campaign[35] *against the novitiate, the Corporation, the archbishop, commences with the acceptance of his resignation, as manager of White Marsh.*[36]

Signed: + Leon^{d} Neale, Bshp. of Gortyna. Robert Plunkett. C. Neale.

(e) *This line is in Carroll's hand.*
(f) *This paragraph is in Carroll's hand; the rest in McElroy's.*

[32] *Cf.* No. 172, K[3], note 142.

[33] *Here the term,* Corporation, *is used loosely for the whole Select Body; and so it passed into common use in that sense—an error involving others. See supra,* notes 14, 29.

[34] *Cf.* No. 173, B, 7º *This resolution can refer only to non-Jesuits. It is contradictory to a statement made by Marechal* (No. 119, [VII.]), *who draws an inference,* Delà vient, *etc., which cannot follow from a premise not subsisting. The allowance here is the same as for missionaries, whether Jesuit or non-Jesuit, actually in service. Cf. supra,* P, 5º *Infirm members of the Society were at the charge of funds appropriated to Georgetown College. See* No. 178, J[2]; *24 May, 1813. Cf.* Nos. 147, 5º; 163, A, 2º

[35] Nos. 113, A–O; 178, D[2]–M[2].

[36] *He afterwards contended that the meeting was* subreptitious. *See* No. 113, L. *Carroll was prevented by illness from attending this meeting. Bishop L. Neale, in a*

V. 1814, June 14.

(g) *Proceedings of the Corporation, 14 June, 1814, Georgetown.*

. . . 2º *The Pasquet trouble.*

3º–5º *Lengthy resolutions* to dispose for a limited time of the greatest part of the blacks on the different plantations appertaining to the Select Body. *Conditions, precautions; urgency; appropriation of the proceeds* to the use of the estates from which the colored people are sold.

6º, 7º *Ashton's claims. The Bitouzey campaign.*

8º The Rev. Mr. Edelen [*Jesuit*], tho, as manager of Newtown, he has no need of special authority for the necessary repairs of the dwelling house, is assured that he may proceed immediately to make them.

. . . 10º The Rev. Mr. Beschter [*Jesuit*], having presented his certificate of naturalization to the board, is hereby declared a member of the Select Body.[37]

Signed: + J. Abp. of Bre + Leonp Neale, Bshp. of Gortyna. Robert Plunkett.[38]

W. 1814, October 19, 21.

Proceedings of the Corporation, 19, 21 Oct., 1814, Georgetown.

. . . 2º–4º *The trouble with Pasquet, and with Ashton; the question of slaves. After adjournment till Friday next, the 21st inst.—*

. . . 5º The present state and circumstances of the White Marsh being under consideration, it was resolved, that for its relief the following assistance should be afforded it for one year only, viz.

From the general fund	$250
From St. Thomas's	150
From Newtown	100
From St. Joseph's	80
From Bohemia and Archbishop Carroll	50
From Coshenhoppen	150
From Conewago	50
	$830.00

6º If the above sum should not be raised, in consequence of the deficiency of payment from any of the above named estates, the agent and no other person may sell for a term of years, in the manner prescribed

(g) *Here begins vol. ii. of the* Proceedings.

letter to E. Fenwick about affairs of the Georgetown convent, reports through him to Carroll the two principal points of business transacted, that B. Fenwick (*cf.* No. 113, K) *had been appointed in place of Bitouzey, who* refused to attend *the meeting, and that White Marsh had been selected for the novitiate, since the house in Frederick town was inadequate.* (*Georgetown College MSS., 1813, Oct. 29, L. Neale, Georgetown, to E. Fenwick, St. Peter's, Baltimore; 2 pp. 4to.*)

[37] *Cf.* No. 178, K³, note 142.

[38] *No Jesuit whatever sitting at the Board.*

by the 3d resolve of the proceedings of the Corporation of June 14, 1814, one or more of the black servants now belonging to the White Marsh.

. . . 9º Resolved, that the Secretary erase the names of those who have withdrawn themselves from the Corporation [*i.e. the Select Body*]. Adjourned sine die.[39]

Signed: + J. Abp. of Baltre + Leonp, Bshp. of Grtna Robert Plunkett.[40]

X. 1815, May 30.

Proceedings of the Corporation, 30 May, 1815, Georgetown.

. . . 2º The departure of the Rev. Mr. Bitouzy from America and the death of the Rev. Robert Plunkett having made two vacancies in the board of the Trustees, it was resolved that it would be inconvenient to proceed on the business of the Corporation till the Representatives have chosen five Trustees, agreeably to the constitutions of the Select Body. Wherefore the secretary of the Representatives is requested to issue directions to that effect.

+ J. Abp. of Bre + Leonp Neale, Bshp. of Grtna Charles Neale.[41]

Y. 1815, June 29.

Proceedings of the Corporation, 29 June, 1815, Georgetown.

After qualifying by oath, which each of the four new Trustees signs in presence of the Justice of the Peace, John Threlkeld, Washington County, District of Columbia, the two bishops, with Francis Neale agent and Francis Malevé, proceed to business; the fifth, Leonard Edelen, not being present.[42]

1º The Rt. Rev. Arch Bishop was chosen President, and the Rev. Francis Neale Secretary and Agent of the Corporation.

2º *The Pasquet trouble.*

3º The Board, being informed of the tenor of the late Mr. Ashton's [43] Instructions to his heir, the Rev. Notley Young, resolve that the

[39] *Cf. Baltimore Diocesan Archives, D, 11, vol. 22, Carroll's autograph draft of these minutes.*

[40] *No Jesuit present. It will be noticed that a part of the subvention, originally granted by the Corporation to the Archbishop of Baltimore, has entirely disappeared. It was that which provided for the education of seminarians or clerics. The economical state of the Corporation's affairs shows one reason for this. Some six months later, after the re-establishment of the Society had become known in America, the prelate turned expressly to the Catholic laity for the maintenance of seminarian education* (No. 178, A[3]). *Neither he nor his successor, L. Neale, looked any more to the Corporation for means to educate a diocesan clergy. The next successor, Mgr. Marechal, regarded with complacency, as he informed the Cardinals, the acquisition of some Jesuit estate or other as a provision to support his seminary* (No. 135, A, Prop. 15, p. 552). *However, that suggestion would seem to have arisen from his contemplating, as he also explained to the Cardinals, the economic incapacity of the Jesuits for making much out of their property* (No. 119, [VI.]).

[41] *Two bishops and one Jesuit.*

[42] *Henceforth there are no more non-Jesuits on the Board.*

[43] *Cf.* No. 162, Q.

Directors of the College of George Town be respectfully requested to make immediate application to the aforesaid Mr. Young to transfer to the College (by sufficient deed and instrument) all the property devised to him for the pious purposes expressed in those Instructions. Resolved, that the Rev. Francis Neale be directed to inquire into the Chancery suit instituted by the Rev. Mr. Ashton, for recovering the shares of the Insurance Office left in the hands of Aquilla Brown, and to proceed in the business according to his prudence.[44]

4° Rev. James Wallace having presented to the Board letters of his naturalization and requested to be admitted a member of the Corporation, his petition was acceded to, and [*he*] is hereby declared a member of the Corporation.

Adjourned sine die.

Signed: + J., Archbp. of B^re^ + Leon^p^, Bshp. of Grt^na^ Francis Neale. Francis Malevé.[45]

Md.-N. Y. Province Archives, 1806, Jan. 24, Rob^t^ Molyneux, S.J., *St. Thomas's Manor, to F. Neale, Georgetown. Ibid., 1806, Nov. 24, Carroll, Baltimore, to Molyneux, Georgetown; 3 pp. 4to, No. 70. Ibid., 1811, Jan. 4, Carroll, Baltimore, to Charles Neale, Mount Carmel, near Port-Tobacco; 2 pp. 4to, No. 91.—Ibid., B, No. 44, Indenture, 20 June, 1806, between John Rosseter,* Priest and Pastor of St. Mary's Church, Philadelphia, *and the* Corporation

[44] *Seven years previously, Bishop Carroll had described Rev. Mr. Young to Charles Plowden in these terms:* Mr. Young, too undetermined to attach himself to any particular service, has remained much in the College of G. Town, undertaken sometimes to teach, broken off, engaged in cong^ns^, and under various pretences abandoned them. Tho a good man, he will never be a useful one.

Benedict Fenwick, writing to Grassi from New York, in the present year, 20 Feb., 1815, speaks as follows of Young and others who desired to be Jesuits, now that the Society is re-established: What put it in the head of Mr. Mathews to become a Jesuit? Has he not been tried once and been found under weight? Or has he grown since? I recollect to have heard that both he and Mr. Young, the heir apparent, once made the attempt when Jesuitism in the District [*of Columbia?*] was fashionable; but, a little after, it got out of fashion, and they, being gentlemen à la mode, left it. And, now it has become fashionable again, will the latter gentleman also apply for a new suit?

Grassi, Georgetown, 10 Mar., 1815, writes to Father Cary (St. Thomas's Manor), about his claims to the Ashton estate; and says that he is now communicating with Father Charles (Neale, St. Thomas's Manor) on the subject.

Carroll, Baltimore, 16 Mar., (1815), writing to (Grassi), adds a P.S.: N.B. What is become of Mr. Ashton's will? *Cf.* No. 178, W^2^.

Grassi, 11 Apr., 1815, sends an official note to Cary, authorizing him, in default of Father Charles, to claim in Court the property of the Rev. Mr. Ashton, on behalf of Grassi. In a private note he adds: It will not be useless that I may inform you that Rd. Mr. Young has found, among Mr. Ashton's papers, one in which directions are given to his executors to "dispose of nothing without the consent of the Corporation of the Clergy." *Young showed this to Bp. Neale, who told his brother Francis.*

(*English Province Archives, portfolio 6, f. 78, Carroll, Baltimore, 10 Jan., 1808, to Plowden.—Md.-N. Y. Province Archives, 1815, Feb. 20, B. Fenwick, New York, to Grassi, Georgetown. Ibid., 1815, Mar. 10, Grassi, Georgetown, 10 Mar., 1815, to Cary (St. Thomas's Manor). Ibid., (1815), Mar. 16, Carroll, Baltimore, to (Grassi); 2 pp. 4to, No. 175. Ibid., 1815, Apr. 11, Grassi to Cary.*)

As to Notley Young's devise, in favour of the Corporation, see No. 162, S, *his will, 1 July, 1815.*

[45] *This was the last meeting of the Corporation before the death of Archbishop Carroll.*

R.C.C., State of Maryland. *Ibid., H, 6 Nov., 1812, bond of Bishop Egan to F. Neale.—Ibid.*, Proceedings of the Corporation, *9, 11 Sept., 1806; 1 Sept., 1807; 12 May, 1808; 4 Oct., 1808; 26 June, 1809; 10 June, 1811; 17 Sept., 1811; 22 Apr., 1812; 22 Sept., 1812; 17 May, 1813; 14 Sept., 1813; 26 Oct., 1813; 14 June, 1814; 19, 21 Oct., 1814; 30 May, 1815; 29 June, 1815.—Georgetown College Transcripts, Shea's abstracts, 1806–15, Carroll (25 May, 1811), to the General. Cf.* No. 177, note 13.

No. 180. **1816–1820.**

Pensions and aids, 1816–1820: end of the old system, 1818–1820.

In 1816 the period of Jesuit ministry in New York was drawing to a close, Kohlmann, Benedict Fenwick, Wallace, being all withdrawn. On the winding up of affairs there, a heavy debt, which could easily have been liquidated if the Fathers had remained, came to the charge of the Corporation. In 1820, when Adam Marshall was made agent or procurator, he found $10,000 still due, without knowing how the Society had ever become answerable, or, as a matter of honour, had made itself answerable for the debt. His statement we have given above.[1] *The property at Philadelphia was at the service of the bishop there. Property and means were now drifting away in all directions. To save something, the Corporation began to sacrifice what it possessed. The Rev. S. Bruté, who had no personal interest in the affairs of the Society, wrote to Grassi:*

A. 1817, February 6.

The Rev. S. Bruté, (Baltimore), 6 Feb., 1817, to Grassi.

[*3rd P.S.*] Thoughts are coming on and writte still. *On procuring formed Jesuits from Europe.*

And last that I think you are very wrong to cut off your last hopes in Newyork, and far from calling Mr. Fenwick would have done better to send him Murphy, or the other, when you saw they got tired at home—oh, don't give up Newyork as you have done Philadelphia, to form only a concentrated hot bed in Whitemarsh or your College, which will not succeed any better for it, if your Society in Europe send not to you, since you send no more to them. . . .

The Vicar-General of Philadelphia, Louis de Barth, himself a manager of Jesuit property, passed criticisms of a similar kind to those of Bruté, but more general in their bearing and more incisive. In his letters to the procurator, Father Adam Marshall, he ascribed the dilapidation which was going on to the incompetence of the managers, now chiefly Jesuits.[2] *Marshall himself, in*

[1] No. 109, B. [2] No. 109, D.

a statement of 1824, re-echoed these strictures, giving the palm for competent management to those who had not been Jesuits, and insinuating that it was not strange if many people outside of the Order were casting wistful glances at these estates, of which they felt conscious they could make so much better use than the Jesuit missionary farmers were making.[3]

We proceed with the sketch of proceedings during this last period under review.

B. 1816, February 14.

Proceedings of the Corporation, 14 Feb., 1816, Georgetown.

. . . 2º The Rev. John Grassi and Rev. John Cary, having exhibited certificates of their citizenship,[4] are declared to be members of the Select Body of the Clergy.

Adjourned until to-morrow.

C. 1816, February 15.

Feb. 15, 1816. . . . The Rev. John Grassi, having been duly elected (yesterday) a Trustee, was qualified to-day and took his seat.

1º Resolved that the Rev. Roger Smith,[5] who at present attends a congregation in Hartford County, shall be allowed two hundred dollars, in lieu of one hundred and eighty allowed him heretofore, to be paid him in the manner following, viz. $180 in quarterly payments from funded stock, and the balance (20) from the rents of Arabia Petraea when received.[6]

2º, 3º, 4º *Dubois, the Frederick lot affair, and the Vincendieres.*[7] *The Ashton devise, Notley Young and the Corporation.*[8] *No names to be erased from these minutes; but members disqualified to be excluded by special resolutions.*

5º Resolved therefore, that the Rev. John Dubois having associated himself in the Congregation of Sulpicians, the Rev. G. Bitouzy having quitted the country, and the Rev. Mr. Brosius for not having lived in Maryland since his admission, are henceforward not considered as members of the Select Body of the Clergy of Maryland.

6º, 7º *A fire-proof archivium to be constructed in Georgetown College, for he title deeds of the Corporation.*[9] *The Cedar Point church, which has been*

[3] No. 110, G.

[4] *Cf.* No. 178, K[3], note 142. *Father Grassi's Diary, after noting at different times a rather lengthy series of steps towards naturalization, records the final stage of citizenship, at the Court in Washington, 27 Dec., 1815, twenty-four days after Carroll's death.*

[5] *Cf.* Nos. 176, C; 177, F.

[6] *Cf.* No. 88, B.

[7] *Cf.* Nos. 91, B–D; 176, A, B.

[8] *Cf.* Nos. 162, S; 179, Y, 3º

[9] *Grassi's Diary, 1816, Aug. 14:* "*Yesterday, I began to arrange the papers of Father Neale, belonging to the Corporation.*"

so far neglected, is to be started at once, in keeping with the terms of the resolution of 18 May, 1813. . . .

Adjourned until to-morrow, the 16th.

In the foregoing resolution, 5º, we have an arbitrary and extreme application of the unfounded notion, now prevalent, regarding beneficiaries under the charter of 1792.[10] *The interpretation of the charter had wandered far from the words and provisions of the Act. The name of the Corporation itself had come to be saddled with a rider:* of Maryland, *attached to its legal title:* The Corporation of the Roman Catholic Clergymen.[11] *Parallel with the modification in the nomenclature was the mistaken action of the Corporation itself, which, 12 May, 1808 (Bishop Carroll being present), annulled the admission accorded at the preceding meeting (Bishop Carroll being absent), to Messrs. Vergnes, Britt, Henry, Malevé, Epinette, and A. Kohlmann.*[12] *The ground of the nullification was that these gentlemen, one a secular priest, the rest being Jesuits from Europe, were not citizens of Maryland. Now, at the present meeting, the Corporation has advanced further, and requires that aggregated members, or their own recognized beneficiaries, should be resident in the State of Maryland; as not only Brosius was not, and had not been during some twenty-two years, but as neither Erntzen had been, nor De Barth was, and yet all of these had been fully enrolled members of the Select Body.*[13] *They expel Brosius, though not De Barth, for non-residence in the State of Maryland.*

But, as may be seen in the places just cited, all that the charter of incorporation required was that those who should act legally under a Maryland charter were citizens of the State which empowered them to act. There was nothing said of those who did not act in a legal capacity, but who only received benefit under the confidential trust to be administered. The categories of persons qualified to act legally were two: first, such as should come together in constituent meeting, and organize a Board to be recognized thenceforth in law; secondly, the Board so constituted. Of this Board alone, once constituted, the law, from that time forward, was to take cognizance as of a Corporation. The constituent meeting itself thenceforth had no standing in law. Their

[10] *Cf.* Nos. 164, A; 165, B; 179, note 14.
[11] *Cf.* Nos. 165; 169. *See* No. 179, notes 29, 33.
[12] No. 179, G; H, 3º
[13] *Cf.* No. 172, A, 2º; B.

private organization as a Select Body of Clergy, to which aggregations were made by the Board, had no further standing or limitation than that of being Ministers of the Roman Catholic religion, *for whose* use, support and maintenance, *certain estates were administered.*

Beyond this present stage, in wandering from the spirit and letter of the law, one or two further steps might yet be taken. And Mgr. Marechal took them. These further steps were that the Roman Catholic Ministers, the beneficiaries, who under the Act were ex-Jesuits,[14] *or aggregated members; then, by misinterpretation, came to be only citizens of the State of Maryland; and now, by this last proceeding, were to be residents of the said State, and even be excluded from membership on the ground of non-residence—these same beneficiaries should finally, in Marechal's last stage of development, be only the Roman Catholic Ministers belonging to the diocesan clergy of Maryland, and should be the whole body of them indiscriminately, without any aggregation or election, as if they enjoyed a native right of heritage.*[15]

D. 1816, February 16.

Feb. 16th, 1816. . . .

1º *The trouble with Pasquet.*

2º Whereas the Trustees, by and with the consent of the Representatives of the incorporated C.C. of Md. [!], did in the year 1806 [16] transfer the management and proceeds of Bohemia estate, belonging to said Corporation, to the then Arch Bishop of Baltimore [*Carroll*] (he being a member of the said Corporation above mentioned) under certain restrictions mentioned in the resolve to that effect:

Resolved, that the same is hereby renewed in favor of the present Arch Bishop [*L. Neale*], excepting that, without any reserve, the whole of the estate, management and proceeds, shall return to the sole controul of the Trustees of the Corporation at the demise of the present Arch Bishop.[17]

3º *The present Archbishop and the local pastor, Father Enoch Fenwick, made a committee to transact the business, so long standing over, of old St. Peter's, Baltimore, and the new cathedral. See* No. 93, G. Adjourned.

[14] Nos. 165, B, [*II.*]; 167, A, F, G.
[15] Section III. Nos. 115–120.
[16] No. 178, Q, 1º; *11 Sept., 1806.*
[17] *This proviso formulates explicitly the limitation contained in the terms of the resolution* (No. 178, Q, 1º), *which restricts itself to mentioning only the two bishops, one the present Ordinary* (*Carroll*), *the other his actual Coadjutor* (*L. Neale*).

E. 1816, February 19.

Feb. 19. . . . [*1º*] It appeared to the members that it would be of greater security to the Corporation, to reassume the management of Bohemia estate, and to allow the present Arch Bishop what is expressed in the resolve, by which the use of this estate was allowed to his predecessor, in the meeting held, Sept. 11th, 1806.

In addition to the thousand dollars, expressed in the above resolve, to be paid to the present Arch Bishop, the Corporation agrees to allow the same Most Rev. Leonard Neale thirty cords of wood, the expense of which shall be annually laid before this board.

2º *Provision for Georgetown College from St. Thomas's Manor and Newtown.*

Signed: +Leon^{D}, ABshp. of Balt^{re} John Grassi. Francis Neale. Francis Malevé. Leonard Edelen.

F. 1816, June 19.

Proceedings of the Corporation, 19 June, 1816, Georgetown.

1º *Pasquet, having left the country, no longer a member of the Select Body.*

2º Whereas, by the 16th article of the proceedings of the first meeting, 1793, Oct. 4th,[18] the Trustees are directed to elect the members of the Society of Jesus into the Select Body in preference to all others, and whereas the said Society is now duly re-established, resolved, that none but members of the said Society be hereafter admitted; and, in case that any should cease to be members of the said Society, he [!] shall not be considered any more as a member of the Select Body of the Catholic Clergy of Maryland.[19]

3º *Rev. Mr. Dubois and the execution of a deed about a lot at Fredericktown.* *See* No. 91, C.

Adjourned *to next day, June 20.*

G. 1816, June 20.

Proceedings of the Corporation, 20 June, 1816, Georgetown.

1º–3º *Young-Ashton estate business. Four former resolutions reaffirmed. Repairs of mill at Bohemia.*

Signed: +Leon^{D}, ABshp. of Balt^{re} John Grassi. Francis Neale.[20]

H. 1816, August 20.

Proceedings of the Corporation, 20 Aug., 1816, Georgetown.

1º–3º *Young-Ashton estate business. Account of Mr. Samuel Banister against St. Joseph's estate, Eastern Shore.*

[18] No. 168, A, 16º

[19] *Cf.* No. 178, X^{2}, *ad* note 113; *Carroll on this policy. Similar remarks occur passim in Carroll's correspondence.*

[20] *The signature of Malevé, present the day before, is wanting to the minutes.*

4º An account being presented by the executors of the late Most Rev. Archbishop Carroll against the Corporation of $258 for oil for sacred uses, resolved:

The agent is directed to inform the said executors that the Corporation, seeing no reason for such account, they cannot consent to pay it, considering that the late Archbishop was allowed the full income of Bohemia estate to answer the expences of sacred functions.[21]

5º On the information that a quantity of wood had been sold out of Bohemia estate, against the conditions expressed in the resolve allowing the income of that estate to the late Archbishop, the agent is directed to take cognizance of the trespass, and bring the charges against the executors of the late Archbishop.[22]

. . . 8º The Rev. F. Anger, P[*O* (?)].P., having with the consent of the Most Rev. Archbishop accepted to serve a[*s*] missioner the congregation of Zachiah and Matta Woman, will receive from St. Thomas' Manor the salary usually granted to other missions, payable according to practice.

Signed: +Leonp Neale, ABshp. of Baltre John Grassi. Francis Neale.

J. 1816, October 10.

Proceedings of the Corporation, 10 Oct., 1816, Georgetown.

Continuation of the old St. Peter's business. *See* No. 93, H.

The minutes not signed by the persons then present, viz. Archbishop Neale, John Grassi, and Francis Neale.

K. 1817, March 26.

Archbishop Neale's receipt for his pension.

March 26, 1817. Recd of the Rev. Mr. Francis Neale, as agent of the Corporation, four hundred dollars which were due to me for my salary on the fourth day of December, 1816, to which I acknowledge myself now paid in full.

+Leonp Neale, ABshp of Baltre

[21] *Cf.* No. 117, B, note 3. *Two years later, Mgr. Marechal being archbishop, the Corporation withdrew from the clergy at large the subvention for* the purchase of oils (*infra*, Q, 19º). *Whence it is to be inferred that, since the expiration of the arrangement with* the late Archbishop (*Carroll*), *the Board had resumed this special subvention for the benefit of the diocese; the more so, as the present resolution does not say that the allowance* ($*1000*) *for the actual archbishop* (*L. Neale*) *is intended to cover the said item. It might also appear that the executors of Carroll had presented this account on noticing the resumption of the subvention. In any case, it was enterprising to bring forward as a debt what was a matter of free concession from first to last, Bohemia included. The withdrawal of the item, under Archbishop Marechal, coincides with the disappearance of the two ex-Jesuit Ordinaries.*

[22] *Cf.* No. 178, Z^2, note 123.

L. 1817, June 20.

Proceedings of the Corporation, June 20,[23] *1817, Georgetown.*

. . . 1º *Last minutes by accident not signed.*[24] *Resolved to remedy the defect with the signatures of the present meeting.* In addition to the 5th resolve of the meeting, August 20th, 1816:[25]

2º It is resolved that Father John Henry, the actual missioner at Bohemia, should be directed to get written evidences of the depredations committed on that plantation by the Rev. Mr. Pasquet,[26] who is believed to have cut and sold a quantity of timber contrary to the conditions on which the said plantation had been allowed to the Rt. Rev. Arch Bishop. In case that satisfactory evidences be obtained, the board shall appoint a person to consult some eminent lawyers on the legal mode of proceeding in this affair.

Signed: JOHN GRASSI. FRANCIS NEALE. FRANCIS MALEVÉ. LEONARD EDELEN.(a)

M. 1817, June 25.

Agent's Cash-Book, 1802–1820.

. . . 1817. June 25. By cash paid the estate of the late Archbishop in full of all accounts, viz. from the 4 Dec., 1816, till 18 June, 1817 . . .. $650.00.

Here closed the administration of Leonard Neale as Archbishop of Baltimore, and of Father John Grassi as Superior of the Mission and president of Georgetown College. A new order of things began at this date, wherein it was only too evident that the prudence, patience, and influence of Dr. Carroll were conspicuously wanting.

Under the very negative government of Leonard Neale, several noteworthy steps had been taken. The archbishop had signed with Grassi the diploma or arrangement, by which, in accordance with Archbishop Carroll's intention,[27] *a series of stations or missions were assigned permanently to the care of the Jesuit Fathers.*[28] *The original parchment is extant, and forms a striking contrast with the agreement attempted between Archbishop*

(a) *For the past year there had appeared the hand of Grassi writing out the minutes, and that of McElroy, as of a scribe, whose copy is filled up by Grassi. In subsequent meetings Benedict Fenwick writes; then Kohlmann, Edelen, etc.*

[23] *This was two days after the death of Archbishop Neale.*
[24] *Supra*, J.
[25] *Supra*, H, 5º
[26] *Archbishop Carroll's manager.*
[27] *Cf.* No. 178, S²; V², note 103; Y²; A³, p. 860.
[28] No. 189, C.

Carroll and Father Robert Molyneux.[29] *The date, too, of the parchment, 3 Apr., 1816, marks the wide difference between acts proposed after the private restoration in 1805, and acts executed after the public restoration in canonical form by the Bull* Sollicitudo omnium ecclesiarum, *of 7 Aug., 1814.*

The difficulties which Archbishop Neale had encountered in the ecclesiastical management of Norfolk and Charleston made him invite and urge Father Grassi to go on his behalf and enlighten the Propaganda in Rome. This step he took after conferring, *as he says,* with my dear and bosome friend, the Rev. and clear sighted Mr. Marechal, *his Vicar General. Both of them represented to Grassi the state of delusion under which the Propaganda was labouring, because of false representations made.*[30] *The archbishop wrote letters in keeping with the facts, both to Rome (6 Mar., 1817) and to a colleague in the episcopate, whose support he desired to have in the emergency.*[31] *On the ground of a mandate (8 Oct., 1816) being surreptitious and null, he and Marechal finally induced Grassi to go and represent their cause privately in Rome. However, the letter addressed by Archbishop Neale to His Holiness was enough for the purpose. The previous action, founded on false information, was immediately and absolutely rescinded by the Pope (9 July, 1817). When the rescript annulling the previous mandate arrived in Baltimore, Dr. Marechal had already succeeded Dr. Neale.*[32] *The silent and precipitate manner in which Gallagher and Browne had imposed on the Propaganda seems to have conveyed a lesson not lost sight of in America.*

The revolutionary phase which now came over the proceedings of the Corporation need not be dwelt on here, because, though touching the question of property in no small degree, it is rather a history of the Jesuits themselves and belongs to our historical narrative.

[29] No. 186, A.

[30] *General Archives S.J., Maryl. Epist., 1, v., L. Neale, Baltimore, 9 Apr., 1817, to Grassi, Georgetown. Ibid., Marechal, Baltimore, 21 Apr., 1817, to same* (*cf.* No. 184, A, note 2). *Grassi's* Memorie (*as above*, p. 830); *pp. 76–78.*

[31] *Cf.* No. 135, note 50.

[32] *Georgetown College MSS. and Transcripts, 1815–1817; 1816, Oct. 8, Card. Litta to L. Neale. Ibid.,* (*1817*), *L. Neale to a suffragan bishop* (*New York?*). *Ibid., 1817–1827; 1817, Mar. 6, L. Neale to the Pope. Ibid., 1817, July 9, July 10; the Pope to L. Neale; Card. Litta to the same. All the foregoing are in Shea transcripts.* —Juris Pontificii de Propaganda Fide Pars Prima, (*R. de Martinis*), *iv. 557, 558, the Pope, 9 July, 1817, to L. Neale, where the archbishop's remonstrance is referred to the date, 13 Apr.—Cf. J. G. Shea,* History of the Catholic Church in the United States, *iii. 34.*

N. 1817, October 15–16.

Proceedings of the Corporation, 15–16 Oct., 1817, Georgetown.

Swearing in and subscription of Benedict Fenwick, before the Justice of the Peace, John Threlkeld.

Oct. 16. 1º–11º *The Pasquet investigation to be suspended. The Representatives having given their consent, all the Ann Arundel County lands,*[33] *belonging to the White Marsh estate, are to be sold, towards the liquidating of the Corporation's debts; 230 acres of the Coshenhopen farm in Pennsylvania to be sold and proceeds to be laid out in bank stock of the United States Bank. An organization of Georgetown College, quite novel in its character and in its principles of appointment and management. A joint committee of Representatives and Trustees, J. Wallace and W. Matthews, F. Neale and B. Fenwick, appointed to revise all past proceedings, etc., of the incorporated body.*

12º Whereas doubts having arisen concerning the intent and meaning of the 17th article of the Constitution, regulating the appointment of managers for the estates of the Corporation,[34] and whereas it is the duty of the Representatives ex officio to determine the meaning of the Constitution, and whereas a committee having been appointed consisting of two persons to explain the meaning of said article, which committee was composed of the following persons, viz. the Rev. Enoch Fenwick and the Rev. William Matthews, the committee to whom the above was referred are of opinion, that the advising with and obtaining the approbation of the Bishop, as mentioned, was in point of spiritual jurisdiction; and, as the late Most Rev. Archbishop has ceded to the existing Superior the spiritual jurisdiction of said estates,[35] that the Superior of said Society be henceforward substituted for the Bishop. It was by the above Representatives resolved and agreed, that the above explanation and meaning of 17th article of the Constitution be admitted.[36]

Signed: Francis Neale. Leonard Edelen. Francis Malevé. Benedict Fenwick.

Supplement to the above resolution. *In case of Father Francis Neale's incapacity or decease, Benedict Fenwick is hereby substituted as agent.*

Signed again by the same four.

O. 1818, January 20.

Proceedings of the Corporation, 20 Jan., 1818, St. Thomas's Manor.

Jan. 21. *Swearing in of the Rev Charles Neale,* to fill the place of the Rev. Mr. Grassi (actually in Europe).

[33] *Cf.* No. 62, C.

[34] No. 168, A, 17º *Cf.* Nos. 162, J, *ad* note 26; 175, note 2; 178, M², note 76.

[35] No. 189, C, *L. Neale-Grassi Concordat, 3 Apr., 1816.—Grassi, departing for Europe, 3 July, 1817, appointed Charles Neale to act as Superior pro tem. This was C. Neale's second term.*

[36] *Cf.* No. 119, [XI.], note 30.

1º, 2º *Ratification of acts passed in meetings of the Board at Georgetown, which place, being in the District of Columbia, may not have answered the requirements of the charter. The novitiate to be removed from Georgetown to White Marsh or any other place which the Superior may appoint.*[37]

Signed: C. NEALE. FRANCIS NEALE. FRANCIS MALEVÉ. LEONARD EDELEN. BENEDICT FENWICK.

P. 1818, June 6.

Archbishop Ambrose Marechal, 6 June, 1818, to the Trustees and Representatives of the Corporation of the Clergy of Maryland.[38]

Baltimore, 6th June, 1818.

REVEREND GENTLEMEN,

If Almighty God had listened to my prayers, and granted me the grace of spending my days in the humble state of life I embraced from my youth, I should have never troubled you with this letter. The wants which a private clergyman may ever experience are generally very limited and easily provided for. His poverty, although painful to nature, proves often to him a source of blessing and happiness. At least, very seldom it is an obstacle to the success of his sacred ministry.

But, unfortunately, it is quite otherwise with me. By a disposition of Divine Providence, still unaccountable to me, I am Archbishop of Baltimore, and charged with the administration of a vast diocess. Surely you are sensible that my present office necessitates many considerable expenses, which if I cannot meet, religion must unavoidably and greatly suffer. My venerable predecessors have constantly received from the Corporation an annuity of about 1200 dollars,[39] and for my part I have never till very lately entertained any fear of its being withdrawn from me. It appeared to every disinterested person, and I looked upon it myself from the beginning, as an unquestionable right belonging to the See of Baltimore, founded: 1º on the very Act of Incorporation,[40] which expressly states that the grand mass of ecclesiastical property, which it secures by law, shall be applied to the use and maintenance of the ministers of the R.C. Religion in Maryland, which clause manifestly comprehends the maintenance and support of the first and principal minister, the Archbishop: 2º on a positive and formal convention passed between Archbishop Carroll and the Rev. Mr. Molineux, Superior of the Society in the United States,[41] of which Society you are all

[37] *This is the fifth or sixth removal of the novitiate in about half a dozen years.*

[38] *This is the style of address as given in Shea's abstract of Marechal's draft without date* (*Georgetown College Transcripts, Shea's abstracts, 1818–1841*). *The name of the Corporation has thus become unrecognizable; and the intrusion of the term,* Representatives, *conveys a totally new and foreign idea. There were no Representatives of the Corporation. Cf.* Nos. 119, [IV.], p. 451; 169, A.

[39] *Cf.* Nos. 137, *ad* note 1; 217, pp. 1130, 1131.

[40] No. 164, A; *ibid.*, note 1.

[41] No. 186, A.

members ; 3º on the open declaration made on many occasions by Archbishop Carroll, asserting that the annuity he received from the Corporation should be paid to his successors, and that he would spurn to accept it, were it limited to his own person.[42]

How manifest soever my right appears to me and to others, yet a report is spreading abroad that I am exposed to the danger of its being laid aside, either as questionable or unfounded. The state of uncertainty I am in is not only disagreeable, but may even expose me to serious difficulties. I beg you, therefore, to take the subject into consideration, and let me know your final resolution upon it.

I should be very sorry indeed, if in the minute account of my diocese, which I must soon send to Rome,[43] I were under the painful necessity of stating to His Holiness that I am deprived, by an act of the Clergy of Maryland, of the revenues enjoyed by my predecessors.

I remain with great respect,

Rev. Gentlemen,

Your most obᵗ humble Servᵗ,

+ Amb. Arch. Baltᵉ

Q. 1818, June 10.

Proceedings of the Corporation, 10 June, 1818, St. Thomas's Manor.

1º *Urgency in removal of novitiate from Georgetown, considering* the precarious situation *in which the College now stands. Resolved that* the house erected in the City of Washington, adjoining St. Patrick's Church, is hereby ordered to be finished as to its enclosures and in every other respect, and the expences of the same to be defrayed as far as possible from the estate at the White Marsh.

2º *Repudiation of the sale of a slave by the Rev. John McElroy, S.J., unless the agent confirm said sale.*

3º That, considering the many heavy expences incurred by the present Most Rev. Archbishop [*Ambrose Marechal*] and his being able to derive no revenue or income from the city of Baltimore, in consequence of the vast sums actually required for the building of the cathedral, the principal charge of which devolving on the Catholics of said city, resolved that the sum of five hundred and sixty dollars be allowed him for the space of three years, to be annually paid him by the Agent, commencing from the day of his consecration (provided he be willing to accept the same), the present state of the finances of the Corporation not permitting them to give more ; and that it be distinctly understood that the above annual sum is a pure gratuitous grant or donation, and in no wise to be interpreted as given him in consequence of any claim or right he (the said Archbishop) may suppose to have upon them from any of their former

[42] *This assertion is supported by no document. Cf.* No. 157, C.
[43] *Cf.* Nos. 184, A ; 190, B.

acts or resolves. The Agent is hereby charged to inform this Board at their next meeting, whether he accepts the above mentioned sum or not.[44]

4º–18º *A variety of enactments. Among them, Father Anthony Kohlmann (Superior of the Mission) admitted a member of the* Select Body of the Incorporated Clergy of Maryland. *With the consent of the Representatives, a portion of the White Marsh estate in Prince George's County*[45] *to be sold. A report of the* desperate situation *of White Marsh demanded, with powers accorded the agent to take immediate measures against the contracting of further debts.*

19º *Resolved*, That the agent give speedy notice to the person or persons whom it may concern, that henceforward no more than 50 dollars shall be allowed by this board towards printing the Ordos, and expences incurred in the purchase of oils.[46]

20º–22º *Temporary invalid allowance for the manager of Newtown (Leonard Edelen). Repeal of the former resolution about selling the Ann Arundel County lands of the White Marsh estate.*[47] *St. George's Island to be sold, and proceeds to be lodged in the United States Bank, subject to the control of the Corporation.*

Signed: Charles Neale. Francis Neale. Benedict Fenwick. Leonard Edelen.[48]

R. 1818, July 16—1820, April 26.

Agent's Cash-book, 1802–20. Extracts:

1818, July 16. Paid Most Rev. Archbishop Mareshal as part salary $100.00

1819, Nov. 16 By cash paid Archbishop Marshall on account of salary $300.00

1820, Apr. 26. By cash paid Archbishop in part $200.00

Among the few receipts:

1820, Apr. 22. To cash received in part for - - - acres land sold Dr. Duckett at White Marsh $700

To ditto 500

To Mr. Divoff[49] 1341.54

„ bal. due Agent 1071.77

[44] *This resolution, by its terms and limitations, left Mgr. Marechal at liberty to accept or decline the offer as a* pure gratuitous *alms, and not as a right. He preferred to accept it. Cf.* No. 117, A, *where he omits the essential condition of the grant.*

[45] *Cf.* No. 62, C.

[46] *This point alludes to the old custom of defraying the expenses of annual directories for Mass and sacred functions, as well as to the important item of the holy oils, which are procured on Maundy Thursday. What had been an ordinary expense with the Jesuit procurator or Superior in supplying the members of his Mission had, in the course of time, become a general subvention to the entire clergy, probably of more dioceses than one. Cf.* Nos. 170, P, 4º; 176, J; 180, H, 4º, note 21.

[47] *Supra*, N, 2º

[48] *Malevé present at the beginning, but not signing at the close of the meeting.*

[49] *Cf.* No. 135, A, note 8.

S. 1818, August 25.

Proceedings of the Corporation, 25 Aug., 1818, St. Thomas's Manor.

Resolved that the Rev. Anthony Kohlmann [*Superior of the Mission*] be and is hereby appointed Agent of the Corporation of the Roman Catholic Clergy of Maryland, with full power of transacting business for the same, and employing under him such sub-agents as he may deem fit for the purpose.[50]

Signed: CHARLES NEALE. FRANCIS NEALE. FRANCIS MALEVÉ.

T. 1818, November 12.

Kohlmann, Georgetown, 12 Nov., 1818, to (the Provincial of Italy).[51] *Relation of an interview between Kohlmann, Superior as well as agent of the Corporation, and Marechal, on the subject of the claim just advanced by the latter.*

He gives the substance of Marechal's claims and assertions, and discusses the value of the Carroll-Molyneux document, radicallement nul[52] (*cf. supra*, P). *In the interview, which seems to have been quite affecting, Kohlmann assured Marechal that the Society would rather sell all its property than see him in want. But, in the present circumstances, the policy of crippling the Society, and relieving the wealthy Baltimore laity of the obligation which was imposed on them by every law to support their pastor, was not for the glory of God nor for the good of his diocese. Comparison with the other bishops of America. Reference to the gift of old S^t^ Peter's, valued at $40,000;*[53] *and to the actual subsidy voted (supra,* Q, 3°).

[50] *Only one resolution at the meeting.*

[51] *Father Aloysius Fortis, future General, was Provincial in Rome till December, 1818. This letter must have come to the hands of Father Sineo, the succeeding Provincial.*

[52] *Whether Kohlmann's interview with Marechal was held in Baltimore or at Georgetown, there is no mention in the foregoing letter of the original document having been shown. Four years later, after the issuing of a Papal Brief, Kohlmann forwarded a treatise (Washington, 6 Dec., 1822), in which he discusses the same matter, and, while saying that Marechal "sent" him the paper, he also speaks of it as one in which Molyneux "is said" to have undertaken an obligation. He notes the absence of all authenticity in this "very short paper," or "very small paper,"—which would be a very gentle criticism if passed on the original (cf.* No. 186, A, *facsimile), and is a reflection on his own want of foresight if he was content with a copy:*

[*P. 5.*] II^um^ I^mi^ Archi fundamentum, charta R. P. Molyneux.

Secundum, cui I^mus^ Arch^us^ in causa sua adserenda non parum fidit, est charta quaedam in promiscuis scriptis ab I^mo^ Arch^o^ Carroll relictis casu reperta, in qua R. P. Molyneux, pro tempore Superior hujus missionis Americanae S.J., suam dicitur fidem obligasse Arch^o^, seu potius Episcopo Carroll (quia tunc nondum erat Arch^us^) ejusdemque in perpetuum successoribus ad contribuendam summam aliquam indeterminatam ex fundis corporationis ad ipsorum sustentationem. Hanc brevissimam chartam, omni juris solemnitate, puta sigilli, testium, &c., destitutam, ac toti corporationi hucusque incognitam . . . hanc chartam, inquam, I^mus^ Arch^us^ Marechall, dum Superioris hujus missionis officio fungerer, ad me misit, eaque perlecta prolixam cum eodem circa eam conferentiam habui . . . (*General Archives S.J., Maryl. Epist., 6, ii. Kohlmann, Washington, 6 Dec., 1822, to the General, Father Fortis; duplicata, 24 pp. 4to. Cf.* No. 183, B; 197, B, 11; 199, B.)

[53] *Cf.* No. 94, B.

U. 1818, December 29.

Proceedings of the Corporation, 29 Dec., 1818.

State of Maryland, Charles County, S^ct^ *Swearing in of the Rev. Anthony Kohlmann as a Trustee, 29 Dec., 1818, with his subscription to the usual oath.* Sworn before Jno. Edelen, Justice of the Peace.

The one resolution, by which the Maryland Superior of the Society was put effectively in place of the Corporation, and that by order of the General, served to correct for a while the incongruity of a vicarious Board pretending to occupy the place of the Society, when the latter stood no longer in need of such a substitution, and, least of all, when the members of the Board were themselves all Jesuits. But the new arrangement failed to work harmoniously. A year later, Father Peter Kenney of the Irish Mission was hurriedly commissioned by the General to inspect the Maryland Mission, in capacity of Visitor. He largely rehabilitated the former bureau of administration, appointing Adam Marshall as agent. This one circumstance affected the claims of Mgr. Marechal in the most serious manner. For, instead of having a Superior of the Society or any regular authority to face, he had to deal with a piece of civil machinery, which disowned both the forms and the substance of canonical jurisdiction, and which neither the Propaganda, nor the Most Rev. Ambrose Marechal, nor the General of the Society, succeeded in manipulating to any purpose.

Md.-N. Y. Province Archives, 1817, Feb. 6, S. B^e^ (*Simon Bruté; postmark,* Baltimore), *to Grassi; 4 pp. 4to, with three postscripts.—Ibid.,* Proceedings of the Corporation, *14–19 Feb., 1816; 19–20 June, 1816; 20 Aug., 1816; 10 Oct., 1816; 20 June, 1817; 15–16 Oct., 1817; 20 Jan., 1818; 10 June, 1818; 25 Aug., 1818; 29 Dec., 1818. — Ibid., Carton DB., Agent's Cash-Book, 1802–1820; (chiefly McElroy's hand), 1817–1820.—Georgetown College MSS., 1817, Mar. 26, L. Neale's receipt, autograph; a torn half-page 4to.—Ibid., MSS. and Transcripts, Marechal Controversy, 1818, June 6, Marechal, Baltimore, to (the Trustees); 2 pp. fol. Ibid., Shea's Abstracts, 1818–1841, Marechal, 6 June, 1818, to the Trustees.—General Archives S.J., Maryl. Epist., 6, i., Kohlmann, 12 Nov., 1818 (to the Provincial of Italy, Rome); 4 pp. 4to, without address, having been sent by the hand of the novice, Francis Vespre.*

No. 181. **1820–1822.**

End of the eleemosynary administration: Kenney's reconstruction of the Board. *By the solitary resolution of 25 Aug., 1818, the Board had elected the Superior, Father Anthony Kohlmann, to be their competent agent, not responsible to the Trustees.*[1] *Divers measures taken by Father Kohlmann, prior and subsequent to*

[1] No. 180, S.

this act of the Corporation, as well as the want of sympathy and co-operation which he encountered, defeated all the purposes of reconstruction which he and the General had in view. Benedict Fenwick, whom he had allowed, at Mgr. Marechal's request,[2] *to undertake the mission of Charleston, South Carolina, in company with Father James Wallace (2 Sept., 1818), was recalled to Georgetown by the Visitor, Father Kenney. The latter, exercising all his prudence and ingenuity in the effort to reconstruct the temporalities, limited the Superior's authority on that side, restored the Board's administration, and gave extensive powers to the new agent, Father Adam Marshall. Though the Visitor did not intend it, this choice, owing to the character of the man chosen, ended in making the overbearing procurator a general manager of everything and everybody, especially of the Superior. It was while the situation was thus abnormal and false, and long before the new Superior, Father Francis Dzierozynski could with his infinite tact redress it, that the issue against the Board and its temporalities was opened in Rome by the Most Rev. Archbishop Ambrose Marechal (1822);*[3] *who, however, himself a Frenchman lately returned to American soil, discovered before long what was meant by having to confront five such men as two Neales, Benedict Fenwick, Joseph Carbery, all entrenched in a civil Corporation, with Adam Marshall for their executive agent.*

A. (1820, April.)

Kenney's Ordination on the Management of Temporalities, (*Apr., 1820*).

[*I.*] *General preliminaries on the principles of temporal administration in the Society;*[4] *and on the constitutional reservations of the authority, vested by the General in subordinate superiors.* [*Pp. 4–8.*] 4thly. It is also to be premised that, as the Society in this Mission of the United States has entered into the possession of the property, which the ancient American Fathers have so wisely secured and the present Fathers with so much zeal and constancy have preserved, there no longer exists in this country any authority that can conscientiously alienate any part of it; as it is seen in the [*second*] article of this preamble, that such power is reserved to the General Congregation; and even the powers granted by the 4th General Congregation to the General, in the case and manner above cited, are conceived to be much restrained by the posterior decrees of Urban the 8th, 17th Sept., 1624, and 22d. of March, 1626. Hence, in the present

[2] *Cf.* No. 118, § 17.
[3] Section III., Nos. 115–121.
[4] *Cf. Carroll on the same subject*, No. 143, A, [*III.*].

instance, Father General will not take on him the responsibility of any alienation, and therefore orders that, if such measures should be necessary, a dispensation should be obtained from the Holy See. Father General seems also to look on this dispensation as necessary for the sale of the property of the late Litterary Institution at New York. But the Visitor is inclined to believe, that the complicated manner in which that property has now fallen into the hands of those, who have engaged to pay its debt, has not been clearly unfolded to his Paternity, to whom the Visitor has already signified his opinion, that no dispensation is requisite, because that house, tho intended for the Society, never formed any part of the property of the Society. In time, it would eventually have become such; but it neither was given to, or accepted by, the Society. Whilst it was reputed to belong to it, the Society did not pay one dollar for its possession. It has only become subject to the disposal of him who suppressed the Institution, because honor and justice required him to repay the money which seculars had risked in the speculation.[5]

[*II.*] On the general administration of the property of the Mission S.J. in the United States.

Ordinances. 1. The present Trustees are hereby appointed official councillors of the Superior in Maryland. 2. The general procurator of the Maryland Mission. 3. Local procurators. 4. The councillors in relation to other affairs, not temporal.

Fifth article. The better to secure the sacred trust reposed in the Corporation, no dispensation to alienate any part of its property, whether it be such as is termed immobilia vel quasi immobilia, shall be obtained, or used if obtained, unless the majority of the Trustees and the majority of the Representatives of the Select Body, after they have reflected on their oath, shall declare that such alienation seems to them of evident utility.

In like manner, neither shall the Superior or others invested with the legal title to property not incorporated[6] alienate any part of it, unless the majority of the consultors of the Mission, and the majority of the professed, or (until there be 20 professed in the Mission) the majority of the professed and formed spiritual coadjutors deem such alienation of evident utility.

And what is here said of alienation is to be understood of mortgages, bonded debts, or contracts of such magnitude as might eventually cause some part of the property to be sold. In all these cases the above declaration is to be had in favor of such project or contract, to wit, "that it appears of evident utility," before it be carried into effect. And should any learn, that an attempt to alienate or endanger property contrary to the tenor of this Ordination is likely to be made, he is bound to denounce the same to the consultors, who are to employ every means, (even suit at

[5] *Cf.* No. 109, B.
[6] *Chiefly in Pennsylvania.*

law or prosecution) to prevent such a sacrilegious abuse of trust from being carried into effect. Neither can the guilt of disobedience be here apprehended, even tho the Superior were party or principle in the transaction, as in such case he would act against the Constitutions, and the ordinations of superior authority.

All these relations between the Trustees and Superior are to be observed, whether the latter be a member of their Board or not. If he be a member, he will preside at the meeting ; if he be not, then the most ancient of the professed or spiritual coadjutors, who are members of the Board.

Local government *of superiors, in temporal matters.*

B. (1820, April.)

Kenney's Statement to the Consultors of the Mission, (*Apr., 1820*).

[*Pp. 1–12.*] *Religious Discipline. Studies.* Temporalities. Nothing can be more distressing than the general view presented by so much apparent wealth and real poverty. Splendida paupertas. A statement is not here necessary, as the consultors are better acquainted with the details, which the Visitor cannot easily give. As there is not anywhere a regular and uniform system of keeping the books, he could not exactly learn the actual state of each farm ; but, everywhere almost, complaints of bad management, unprofitable contracts, useless and expensive experiments and speculations. Large farms, such as White Marsh and St. Thomas, depending on the produce already secured to clear debts, without leaving any surplus for improvements in house or farm, or any contribution for the encrease of the common fund. It must be said that Conewago[7] and Newtown[8] afford a pleasing diversity in this prospect. The families[9] supported in both places are very expensive, and they are maintained with creditable decency and comfort. They and St. Thomas's[10] are the only places where even our missioners are either lodged and maintained as they ought to be. Indeed, at Bohemia good Brother Hea[r]d does his best to clear the farm of debts, and render the habitation less uncomfortable. But, in the two places mentioned, the farms themselves bespeak attention and activity. *Other special criticisms. Discussion on the choice to be made of a procurator for the Mission. As to Father Enoch Fenwick at Baltimore :* An effort has been made to get Mr. E. F. from Baltimore, and the Arbp. [*Marechal*] would not consent, unless we find some one who will please him, and who is not to be removed from him ! As long as he is in Baltimore, it is useless to think of him. *On the slaves.*

[7] *Under Rev. L. de Barth's management.*
[8] *Under Father Edelen's management.*
[9] *That is, the slaves.* Family *is the regular term with the Fathers for these dependants. Cf.* No. 114, H, K.
[10] *Cf.* No. 110, E.

Before they adjourn he presses on their attention : 1. The Archbishop's demand, which Superior will state.

Six other special heads.

C. 1820, April 20.

Proceedings of the Corporation, 20 Apr., 1820, St. Thomas's Manor.[11]

Only one resolution, that Mobberly's services are no longer wanted at St. Inigoes. He is removed to St. Thomas's Manor.[12]

Signed : ANTHONY KOHLMANN. CHARLES NEALE. FRANCIS NEALE. LEONARD EDELEN.

D. (1820, April 20.)

Father Leonard Edelen, secretary of the Corporation (20 Apr., 1820), to Mgr. Marechal.[13]

MOST REV^D. AND D^R. SIR,

I have the honour of addressing your Grace in the following few lines on the interesting subject of your demands[14] of the R.C. Clergy of M^d.; who, in their late meeting held at St. Thomas' Manor, the 18th. of the pr^s. [*present month ?*], imposed the duty on me ; which I should perform with great satisfaction to myself, were I able to execute it in such a manner, as to afford an additional proof of the constant and high esteem which I have always cherished for your Grace.

On this occasion, the said demands were layed before the Board by Rev. Fr. Kohlmann. After mature deliberation on the same, and a reference being made to the By-laws, as well as to all the Proceeding Resolves, they could not discover any grounds for such a right, and were unanimous in opinion that they could not admit it without a breach of trust and a violation of duty. There is an instrument of writing, written and signed by AhB^p. Carroll's own hand, in possession of the said Trustees, which throws a considerable light upon this subject.[15] As I believe it would afford great satisfaction to your Grace, I will take the liberty of inserting it, word for word, at the end of this letter.

The sum of $500, which at a previous meeting was ordered to be paid annually to your Most Reverence [!] for three years successively,[16] will be immediately attended to. At the expiration of that term, the

[11] *At this meeting, Kenney's Ordinance on Temporalities (supra,* A) *was presented to the Board. Cf. infra,* G, 4º

[12] *This was evidently in consequence of Kenney's stricture on that Brother's management of the slaves alluded to in his Consultation.*

[13] *This letter was the outcome of a consultation, St. Thomas's Manor, 18 and 20 April, 1820. (Md.-N. Y. Province Archives, folio Record Book, IV., ad init.; 2º) The members of the Superior's council were the actual Trustees, according to Kenney's Ordinance on Temporalities (supra,* A, [II.], 1).

[14] *Marechal had renewed his demand, 6 Apr., 1820. (Georgetown College MSS. and Transcripts, Marechal Controversy ; Shea's Abstracts, 1818–1841.)*

[15] No. 160, C.

[16] No. 180, Q, 3º

Trustees assure Y^r^ Grace, that they feel no less inclination to manifest the same friendly disposition, as far as their pecuniary resources will allow, and Y^r^ Grace's situation may require. At least, they will not be more backward than their Catholic Brethren in contributing their proportionable part for so laudable a purpose.

With sentiments of profound respect, I remain,

Y^r^ ob^dt^ and h^ble^ serv^t^ in X^t^,

LEONARD EDELEN.

By order of the Trustees of the R.C. Clergy of Md.

E. 1820, April 30.

Marechal, Baltimore, 30 Apr., 1820, to Edelen, secretary of the Corporation.

REV^D^ AND DEAR SIR,

Although the answer of the Rev^d^ gentlemen, Trustees of the Corp^n^ of Mary^d^, to my last letter be not of a very pleasing nature, yet I beg you to accept my grateful thanks for having transmitted it to me. It relieves me at least from the painful state of suspense, in which I have been kept this long time.

Had I been near you, when you took up the pen to copy the document you have sent me, I should have beged you to spare you that trouble. For that piece and many others of a similar nature are perfectly familiar to me.[17]

The fact is that, soon after Dr. Carroll received the Bull of his nomination to the see of Balt^e^, he read it to F^r^ Ashton, who came to pay him a visit on the occasion. It was in the beginning of April, 1790.[18] When this Father who, as you well know, had very little respect for the Holy See, heard that Pius VI. not only constituted the newly elected Bishop chief Pastor of the American Church, but charged him moreover with the care of administering its property (ecclesiasticos proventus administret), he was quite affrighted. He ran out of the room of Dr. Carroll, panick struck, as if the S. Pontiff had invested this Prelate with full power of seizing on all the ecclesiastical property he and his Brethren possessed in this country. In vain did the Rev. Mr. Sewall try to dispel his fear by assuring him, on the authority of Mr. Thorpe, the agent of Dr. Carroll in Rome, that the sentence so obnoxious to him was a mere matter of form, used by the Pontifical secretaries from time immemorial.[19] He would not listen to any reasons of that kind, and returned precipitantly

[17] *The piece in question was among the Corporation papers. As to the* others of a similar nature, *that is, declarations of Carroll against any right to Jesuit property being vested in the See of Baltimore, what they might possibly be, does not appear, though their equivalent is seen passim in the correspondence given above.*

[18] *This was when Marechal was a seminarian in France. Whence he derived the account which follows, he does not say.*

[19] *Cf.* No. 160, note 2.

to White Marsh. Then he began writing frightful letters to several members of the Society, as enlightened as himself, and succeeded to infuse into their minds the wild fears by which he was day and night tormented. It was to calm this man and his associates, troubled with these fantastick terrors, that Dr. Carroll wrote the above mentioned letter.

But I may assure you, Rev. Dr Sir, that, if ever I be unfortunately compelled to institute a law suit against the Corporation, the proofs and arguments I shall produce before the competent tribunal will be of a very different nature and force from those, which the extravagant imagination of Fr. Ashton drew from the Brief of Pius VI., and which my ven. predecessor had the condescension to confute.[20]

You wrote to me as secretary of the Corpn. Permit me then to make you an observation on a singular mistake, contained in your official letter.

"An instrument of writing," you say, "signed and delivered[21] by Archp Carroll to the Trustees of the R.C. Corporation of Maryland in 1790,[22] is now in their possession, etc. etc. etc."

The act of the Corporation passed the Legislature of Maryland on the 23 December, 1792. How is it possible that Dr. Carroll should have written the Document, you forwarded to me, to the Trustees of the Corporation in 1790, that is, two years before the political body had any existence? The truth is, that Dr. Carroll wrote it to Fr. Ashton and his associates on the occasion above stated.[23]

The Rev. Mr. Carroll has been with us a few days. I was very glad to hear him say that your health is rather better than usual. God grant that it may improve every day!

I am respectfully,
Rev. and Dr Sir,
+Amb. Arch. Baltre

Addressed: To the Rev. L. Edelen, Secretary of the Corporation of Maryld

[20] *Cf.* Nos. 117, C; 124, C, notes 9, 11; 126, B, note 4.

[21] And delivered, *not in Edelen's copy.*

[22] To the Trustees of the R.C. Corporation of Maryland in 1790, *not in Edelen's copy.*

[23] *If Edelen's letter corresponded to his copy, the argument of Marechal would seem to be: The secretary of the Trustees said that they had the document, therefore he said that Dr. Carroll had written it to the Trustees; but the Trustees did not then exist, therefore Carroll wrote it to somebody else, that is, Ashton. In fact, Carroll wrote it for the Select Body, of which, three years afterwards, Trustees became the incorporated Board* (No. 169). *But of the Select Body Marechal betrays ignorance.—This argument from dates is singularly retorted in a paper of the General, Father Fortis, against Marechal's use of the Carroll-Antonelli correspondence* (*No. 115, §§ 17–20*); *inasmuch as the See of Baltimore was erected in 1789, and the said correspondence about the erection of the See could have nothing to do with the property of the Corporation, chartered only in 1792. The General, however, does not seem to be aware that his reasoning is a retorsio argumenti. See* No. 199, A, Osservs 3.

F. (1820), August 7.

Kenney, New York, 7 Aug., (1820), to the new procurator, Adam Marshall, Georgetown.

Words of encouragement. Do not be alarmed at the debt of 21,000 dollars. It is no doubt a reproach to see, with such means, such embarrassment still subsist. In time I confidently hope, that you will see it quite blotted out. *On the foreign concerns of the Maryland Mission.* There are great complaints in England on the manner in which just debts have been neglected either by Dr. Carrol or the Agent of the Corporation. *The Jenkins annuity.* The English Fathers are quite indignant at being refered to Dr. Carrol's executors. The debt was contracted with the College and for the College.[24] I send the memorandum given me at Stonyhurst. *Other items.*

Yours in X^t^,
PETER KENNEY.

G. 1820, August 22.

Proceedings of the Corporation, 22 Aug., 1820,[25] *St. Thomas's Manor.*

. . . 2º *The Rev. Joseph Carbery admitted into the Select Body, and appointed manager of St. Inigo's farm.*

3º Resolved, that the Rev. Adam Marshall be and is hereby appointed General Agent of the Corporation of the Roman Catholic Clergy of Maryland with full power for transacting business for the same, and employing under him such sub-agents as may be found necessary for the same purpose.

4º Resolved, that the Regulations for the Management of our Temporalities presented [*by the Visitor*] at the proceding [*preceding*] meeting held at St. Thomas's on the 20th of April 1820[26] for consideration, be approved of and adopted for said purpose.

5º Resolved, that the salary allowed and paid to the missioners from our farms be no longer paid ; and all special resolves passed heretofore in the [?] favour of missioners living out of our houses[27] be revoked and are hereby revoked and of non-effect in future.

6º, 7º *Repeal of the order, 14 June, 1814, about the temporary sale of slaves on the different plantations.*[28] *Father Francis Neale appointed*

[24] *Cf.* No. 176, F; J, note 12. *The debt had not been formally contracted with the college, which was not yet organized in 1790.*

[25] *This date is three days after Marechal had indited to Cardinal Fontana the fundamental document on his claims to the Jesuit property. See* No. 115.

[26] *Supra*, C.

[27] *This resolution speaks of subsidies paid from the general fund to* missioners living out of our houses, *that is, who were neither Jesuit, nor working in Jesuit missions. Cf.* No. 119, [*VII.*], *where Marechal says that, at this time, "the mediocre allowance" was withdrawn from "the secular priests who work in missions of the Jesuits."*

[28] No. 179, V, 3º-5º

manager of St. Thomas's plantation, in succession to his brother, Father Charles Neale, now resigning the management.

Signed: ANTHONY KOHLMANN. CHARLES NEALE. FRANCIS NEALE. LEONARD EDELEN.

H. 1821, January 18.

Corporation, 18 Jan., 1821, St. Thomas's Manor.

Only one resolution, that the new Washington house should be maintained from the general fund.

Signed: ANTHONY KOHLMANN. C. NEALE. FRANCIS NEALE. LEONARD EDELEN.

The foregoing resolution about the maintenance of the new Washington Seminary had some relation to the attitude assumed by Mgr. Marechal towards this Jesuit establishment in the capital.[29] *At the same time, an issue was opened with regard to the Jesuit property at Deer Creek, Harford County. The documents have been partly sketched already, in the general analysis of the question.*[30] *But the chief* certificates, *presented by Mgr. Marechal in advancing his claim, have not been adduced. They are given here as they stand in his letter.*

J. 1821, March 1.

Marechal, Baltimore, 1 Mar., 1821, to Francis Neale, St. Thomas's Manor.

On the Eutaw Street property, Baltimore. See No. 184, M.

I come now to the business of Harford, and may it be settled so as to put an end to the scandalous discourses to which it give[*s*] occasion!

i. Certainly the Corporation cannot reasonably require, that it be proved by an instrument of writing[31] that the donor left his property for the benefit of the series of Priests[32] attending the congregation of Harford; since the existence of such an instrument would have exposed his donation to be defeated, according to the iniquitous laws existing in 1764.

ii. But there do exist numerous proofs that such was his intention. I will content myself to cite a few of them.

1. Mr. Pat. Bennet, one of the most respectable men in our city, certifies that he attended the church in Harford, about 55 years ago. He had many conversations then with Rd. Ben. Neale [*S.J.*][33] and the principal Catholics living on Deer Creek. Now he declares as a notorious

[29] Nos. 119, [*XI.*]; 191.
[30] Nos. 88, 89.
[31] *Cf.* No. 135, A, note 45.
[32] Series of Priests: *this idea is foreign to the state of the question. See infra,* note 34.
[33] *Uncle of Father Francis Neale.*

fact known to all, that Th. Shea left his property in order that they might have a permanent clergyman in that part of the country, instead of being occasionally visited by one coming from Bohemia. He looks upon as openly false the assertion that he left his property to your uncle, with a power to do with it what he pleased.[34]

2. Messrs. Thomas Jinkens, Wm. Jinkens and Edward Jinkens, in a certificate signed by them all, declare that they have repeatedly heard their respectable mother, who was many years acquainted with Rev. M[*r*]. Neale and Th. Shea, affirm the truth of the fact; viz. that the plantation was given for the support of the Priest of Harford, not personally to your uncle.

3. Mr. Thomas Hillen [*Millen?*] has signed the same declaration. He moreover conversed a few weeks ago with a very old lady who was raised about Deer Creek. Her name is Mrs. Floyd. Her testimony agree[*s*] with those above cited.

4. I have a certificate signed in Harford, testifying that Ignatius Wheeler, Mr. Ruisdau and other Catholicks who were intimate with Th. —— [*Shea*], many times and publickly said they heared said Th. Shea declare that his intention w[*as*] to contribute to the perpetual support of the Priest residing in Harford.

I might bring you many collateral proofs of the same fact.

But I hope that the Corporation will reflect seriously upon the subject and stop the mouths of those who loudly accuse it of a notorious and

[34] With a power to do with it what he pleased. *This formula has no meaning in the subject-matter of property left to a religious, and thereby vested in the Order of which he is a member. The same remark applies to the term,* personally, *in the next paragraph* (2). *Passing over the invidiousness of the insinuation, and the omission to recognize the Society as a proprietor, it is to be noted that the whole question has been misstated, as appears in these phrases about a deceased* uncle, *and above in the term, a* series of Priests attending the congregation of Harford. *The idea is conveyed that there existed in Maryland a clergy undefined, whom the donor had in view on consigning his property to a certain* uncle *in 1764. There was no such undefined clergy in the country, when none but the Jesuits, the uncle included, were serving; and there was no bishop to appoint priests or a series of them, but only the Society operating through its members. The same supposititious idea of a clergy existing from the first, and in a condition to take over lands entrusted to some chance Jesuit missionaries for them, or to be recognized by the ex-Jesuit Corporation from the moment of its inception, appears under various shapes in Marechal's communications to the Propaganda* (Section III.), *no word being dropped of the recent date (1785–1787) at which the first beginnings were witnessed of these new accessions to the old ex-Jesuit clergy* (*cf.* Nos. 152, B, [*II.*], 4[y]; 156, B-J; 172, 173). *Cf.* No. 115, §§ 10, 11, Ecclesia Americana, Ecclesia Marylandiensis, *which, distinct from the Jesuit missionaries, would seem to have existed since Lord Baltimore's time, nearly two hundred years before;* No. 119, [*III.*], p. 449, "*the rest of the clergy,*" *which, in 1792, was not meant to be excluded from the benefits of the Corporation's charter;* No. 126, B, (10), *the extension of the Catholic religion through the United States "altogether" by means of "secular priests," whereas the Jesuits, having exercised the sacred ministry only within "the small part of land which lies between the river Potomac and Patuxent," had at most, about the middle of the eighteenth century, only "six or eight priests in the other parts of Maryland, as many in Pennsylvania"—which implies that the rest of the clergy was, no doubt, considerable, whereas in point of fact there was none. Cf.* No. 200, E, *ad* note 10. *On the historical facts of the case, cf.* Nos. 141, D, p. 604, *ad calcem, Challoner;* 184, C, [*II.*], [*III.*], *B. Fenwick. On Marechal's method, cf.* No. 18, p. 180: tacitis interim laboribus, *etc.*

scandalous injustice. Justitia elevat gentem; and I am sure you would look upon as a great misfortune to enrich the Society by the breach of a religious trust.[35]

I remain respectfully,
Rev. and Dear Sir,
Y & & &
+AMB. A.B.

These specimens of certificates, *selected by Marechal, were corroborated by a series of the same kind, but less cogent. Several have been quoted above, the letter of Mr. A. J. Greme being produced about a month after the rest of the packet; and their quality was analyzed by Adam Marshall,*[36] *in a paper submitted by the Trustees to Mgr. Marechal.*[37]

Md.-N.Y. Province Archives (*1820, Apr.*), *Peter Kenney,* Ordination on the Management of Temporalities; *8 pp. fol., autograph, without date or signature; pp. 4, 7, 8. Ibid.* (*1820, Apr.*), *Kenney,* Statement to the Consultors of the Mission; *12 pp. fol., autograph, without date or signature; p. 8. Ibid.* (*1820*), *Kenney, New York, to A. Marshall, Georgetown; 4 pp. 4to. Ibid., 90 W. 3, Aug. 7, Edelen* (*20 Apr., 1820*), *to Marechal. Ibid., T., Marechal, Baltimore, 1 Mar., 1821, to F. Neale, St. Thomas's Manor; 3 pp. 4to. Ibid.,* Proceedings of the Corporation, *20 Apr., 1820; 22 Aug., 1820; 18 Jan., 1821.—Georgetown College MSS. and Transcripts, Shea's abstracts, 1818–1841; abstract of the following. Ibid., Marechal Controversy, 1820, Apr. 30, Marechal, Baltimore, to Edelen,* Secretary of the Corporation of Maryl[d]; *original, 3 pp. 4to.—General Archives S.J., Maryl. Epist., 2, ii., Kenney's Ordinance on Temporalities, in Latin; 9 pp. fol., a copy.*

No. 182. 1822, November 22—December 23.

Expropriation announced: the order to convey. *On the 27th of November, 1822, a letter was indited from Baltimore, addressed to Charles Neale, Superior of the Jesuit Mission in North America. It was written by Dr. Marechal, who had just returned from Rome; and it announced that his claims against the Maryland Jesuits had been considered in Rome; the case had been opened and closed; and the result was formulated in the order or Brief,*[1] *an authentic copy of which was enclosed in the letter. In a second communication, dated 14th of December, 1822,*

[35] *On a prohibition to assume a religious trust for the benefit of other parties, cf.* No. 135, O, P, *the case of Upper Marlborough; and* No. 55, *the declaration of the General S.J., Father Piccolomini, 1651. On the character and operation of a general trust for the benefit of religion, which is inherent in a religious institute, cf.* No. 61, A, *the Bull of Paul III., 18 Oct., 1549,* Licet debitum, *for the Society of Jesus. On the safety of this policy, cf.* No. 119, [II.], p. 448, *Marechal's Notes for the Propaganda. For Carroll's views on this precise subject of fiduciary limitations in Jesuit titles, cf.* Nos. 116, D, note 27; 118, note 30.

[36] *Original draft in Marshall's hand: Md.-N.Y. Province Archives, T; 3 ff. and 3 lines fol. See* No. 89, p. 308.

[37] *Cf.* Nos. 84, C, D; 89, D–F. *Cf.* No. 117, F.

[1] Nos. 121, F; 205.

Marechal commanded instant obedience to the provisions of the Brief, allowing one month, from the date of his former letter, for the vacating of White Marsh by the Jesuits, and the entrance into possession by himself.

Some information on the subject had reached the Fathers from the General; but, as Charles Neale and Benedict Fenwick informed him in a letter, dated several days before Marechal's communication of the Brief, they seem to have known little of the procedure in Rome, and nothing of the result.

A. 1822, December 22.

The C. Neale–B. Fenwick Memorial, 22 Nov., 1822, to the General.

. . . The late letters of your Paternity to this country gave us the first intimations of his [*Marechal's*] designs against us; but they did not inform us how, or in what manner, he intended to proceed. *See* No. 184, C.

The official correspondence between Marechal and C. Neale (27 Nov.–23 Dec., 1822) has been given above, Nos. 123–126.

No. 183. 1822, December—1823.

Rebuttal by the Corporation: minutes and earliest measures, 1822, 1823. *After the communication of the Brief by Mgr. Marechal on the 27 Nov., 1822, the month of grace expired. When the duties of the Christmas season had been discharged, the Board met, 9 Jan., 1823, and entered a solemn protest against the execution of the Brief.*

Meanwhile, for the first time in the controversy, documents on the issue began to be despatched from Maryland to Rome. These show the mind of the Fathers, the principles which they adopted, and the plan of defence resulting. The American public began to appear, as contemplated in the development of events; for the Brief, it is stated, had already been divulged in Baltimore. Mgr. Marechal endeavoured to avert the final shock by engaging the influence of Father Francis Dzierozynski on his behalf.

A. 1822, December 5–8.

Father Anthony Kohlmann, Washington, 5–8 Dec., 1822, to the General. Abstract from the Latin.

The nature and state of the Corporation. Relation of the same to the Society of Jesus. None of its property actually belongs to the Society.

" *The decree of the Sacred Congregation, which I hear has already been*

divulged in Baltimore,[1] *at least in substance, was transmitted to the College* [Georgetown] *on the 29th of November, 1822. The day following, it was taken to the Rev. Father Superior* [Port Tobacco] *by Rev. Father Dzierozynski. On receiving the letters of your Paternity upon the subject,*[2] *the administrators of the Corporation come together, and unanimously resolved to appeal against the said decree to the same Sacred Congregation, which should now be put in possession of better information;*[3] *and to lay before the same Congregation those very grave reasons which induced them not to put the decree in execution." A lengthy argument follows, before Kohlmann has seen the text of the Brief itself.*

Adding several postscripts,[4] *since he has now seen the text of the Brief, Kohlmann argues:* N.B. I. *There is a false supposition in the decree of the Sacred Congregation:* Decreverunt stabiliter constituendam esse archiepiscopalem mensam super bonis stabilibus, quae fel. rec. Pius PP. VI. decessor noster anno 1789 episcopo Baltimorensi administranda tradiderat. *Bishop Carroll's own Declaration states distinctly that this property was not comprised in such as Pius VI. had committed to his administration.*[5] *"Archbishop Carroll acknowledged therefore that the property of the Corporation is not ecclesiastical:"* Agnovit ergo Arch[us] Carroll, Corporationis bona non esse ecclesiastica, nec ex genere illorum bonorum, quorum administratio a Sede Apostolica sibi commissa fuerat.

B. 1822, December 6.

Kohlmann, Washington, 6 Dec., 1822, to the General. In Latin.

A treatise of 24 pages 4to, upon the issue; referred to by him at the beginning of the next letter, C. *Pp. 23, 24, he gives a copy of Carroll's Declaration, in English and in Latin.*

C. 1822, December 20.

Kohlmann, Washington, 20 Dec., 1822, to the General. Abstract from the Latin.

He announces that, on the 13th of December, the ship Munroe, skipper Handling, set out from New York for Bordeaux, taking the document of B. Fenwick,[6] *and one copy of the treatise which he himself had composed* (*supra*, B).

[1] *Cf.* No. 132, note 3.
[2] Acceptis R.V. Paternitatis litteris in hanc rem. *Cf.* No. 122, A, B.
[3] Jam melius informandam.
[4] *He begins: "To-day, the 7th of December, one of our Fathers, F. William Bescheter, testifies openly that our archbishop has an annual income of 1800 dollars,* scuda Hispanica, *assigned him for his support; and this, the same Father says, he has from the mouth of the archbishop himself, who moreover mentioned the particular sources whence this amount of money comes. From his cathedral he receives 800 dollars, and from the property,* ex fundo, *left him by Archbishop Carroll, 500; whence the other 500 come, the said Father does not now remember."*
[5] No. 160, C, *Carroll's Declaration.*
[6] No. 182, A.

"*Immediately on the archbishop's return, the decree of the Sacred Congregation was made known in Baltimore, and that not by our Fathers*[7]*—a point I should wish to have specially noted. Hence if, as is feared, it really happen that the publicity given to the decree do no small harm to the respect in which the Holy See ought to be held, let that be put to the account of those who made it public, even before it was known whether the decree would be accepted, or whether an appeal would be made against it. We, for our part, had made up our minds not to make it known in any case, and so to obviate the evil consequences which might ensue. As far as the knowledge of it has spread, it excites, as I had foreseen, no little indignation; what then would happen if (which God forbid!) it should ever acquire the notoriety of a case at law?*" *Some think that in no possible case can the Corporation execute the decree. Since it is certain that the property is civil, the Trustees would be unfaithful to their trust, and would be acknowledging the authority of a foreign power by ceding the estate.* "*That part of the decree which ordains that the church be taken as a centre, and 2000 acres be cut out all round, passes all belief,*" *leaving* "*little bits of land*[8] *chipped off at various points of the circumference—utterly useless, that can neither be sold, nor let, nor tilled!*"

D. 1822, December 28.

Father Francis Dzierozynski, Georgetown, 28 Dec., 1822, to the General. Abstract from the Latin; with text of Marechal's letter to Dzierozynski (*infra*, E).

On Marechal's Brief, and the execution ordered. The dilemma of the Jesuits, whether they obeyed the decree or did not obey; instant execution enjoined, and ecclesiastical censures in prospect, if the injunction was disregarded. "*What would the world not say of such a decree and such a manner of execution, so prejudicial to laws and property of a purely civil nature! For this property of ours, which is under the name of the Clergy of Maryland, is not ecclesiastical, as, for example, in Catholic countries, but is merely civil, an hereditament, of the same kind as the private goods of other citizens, which pass from hand to hand by will, just as in England*": Bona enim haec nostra, quae dicuntur Cleri Marylandiae, non sunt ecclesiastica, ut e.g. in regionibus Catholicis, sed sunt mere civilia, haereditaria, et sicut caeterorum civium bona privata, quae de manu ad manum testamento transmittuntur eo modo ac fit in Anglia. *A parallel case from Russia, where the Jesuit property was certainly not civil, though under Government protection:* Imo hoc quoque notari possit, quod in Russia bona Jesuitarum certe non fuerunt, uti hic, bona civilia; sed Regimen civile tantum ea sub sua protectione habere voluit, et nomine tenus Kazionne securitatis gratia vocabat;[9] *and yet the Jesuits could not have handed over such property to an extern.*

[7] *Cf.* No. 132, *ad* note 3.

[8] Frustula terrae.

[9] *That is to say, the Jesuit property in Russia, being ecclesiastical, was taken by the Government under its protection, and, as such, was called* "*governmental,*"

" What may be in store for such as thus offer resistance to his Excellency —who would wish to enter as quickly as possible into the possession of White Marsh—I am not able to state for certain. We fear terrible things, as your Paternity may gather for yourself from the letter of his Excellency to me, here enclosed." Dzierozynski encloses Marechal's autograph letter, as follows :—

E. 1822, December 17.

+ Balt^e^ 17 Decemb^re^, 1822.

Mon Rev^d^ Pere,

Lorsque j'etois a Rome, votre General le P. Fortis m'a parlé de vous comme d'un sujet sur la sagesse & la prudence du quel il formoit de grandes esperances pour le gouvernement de la Societé dans les Etats Unis. Il m'a même dit, si je ne me trompe, qu'il vous avoit associé aux travaux & au conseil du Rev^d^ Sup^r^ le P. Charles Neale.

Vous êtes sans doute instruit, Mon Rev^d^ Pere, du malheureux différent qui existe entre moi & vos Freres du Maryland. Le S. Pontife l'a enfin terminé par un Bref dont j'ai envoyé une copie au Rev^d^ P. Ch. Neale. Il vient de me repondre. Comme ses évasions equivalent réelement a une resistance formelle au rescript de S.S., je pourois procéder, sans crainte d'injustice ou d'erreur, en consequence. Mais les suites peuvent en être si etendues, et si fâcheuses pour la Société,[10] que j'ai cru que la charité demandoit de moi de lui faire quelques observations. Voici ce que je lui ecris.

Balt^e^, 14. X^bre^, 1822.

Mon Rev^d^ Pere,

Je pourois certainement prendre sans crainte d'injustice . . .

. . . . . .

du moins a sa prosperité.[a]

Je suis avec respect

Votre humb. & ob^t^ serv^r^,

+ Amb. A. B.

See No. 125, A.

Telle est la lettre que je viens d'ecrire au Rev^d^ P. Ch. Neale. Comme il pouroit arriver, soit a cause de ses infirmités, soit a cause des distances, qu'il ne put vous la communiquer, j'ai cru devoir vous en envoyer une copie. Vous pouvez même, selon que vous le jugerez a propos, en faire part a ceux de vos [*Frères*] dans les quels vous avez le plus de confiance.

(a) *In* No. 125, A, p. 497, *taken from a copy, the reading was faulty :* posterité. *Similarly, ibid., line 6 :* celle de Trustees *is here* celle des Trustees.

"*fiscal*," Kazionne. *But this was only a denomination unto the effect of protection, not as implying a right of ownership. For similar effects of the British Statutes of Mortmain, cf.* History, I. Appendix C, § 75 (4), p. 599, *Statute of Westminster, A.D. 1285.*

[10] *Cf.* No. 126, C, 1°, *Marechal, 27 Dec., 1822, to Card. Consalvi, where he notes the evil consequences affecting his own diocese.*

Car cette affaire est très grave, & je crains beaucoup que plusieurs membre[*s*] de la Société ici ne sentent pas l'extreme importance de ses suites. Voulez vous, M.R.P., m'aviser la reception de la presente, & me croire en toute sincerité,

Votre très humb. servᵗ.
+ Amb. Arch. Balt.

Addressed: Au Revᵈ P. Dzerozinsky, College of Georgetown. Favᵈ by Revᵈ Mr. Marshal.

Endorsed in Rome: Ricevute li 24 Marzo, 1823.

F. 1822, December 28.

Dzierozynski continues, in his letter to the General, expressing his surprise that such a step should have been taken with regard to himself, a person unknown and bearing no official character. He returned an "officious" answer, which would not serve for any other use except that of an acknowledgment: Respondi breviter Excellentissimo et quantum potui officiose, sed ita tamen ut meo responso nullibi uti possit. "*Our Rev. Superior, who, though very weak in body (every day he says Mass receiving by way of Viaticum), is yet strong in soul and intrepid, has answered* [his Excellency] *splendidly,*[11] *point by point. The Protest he has formulated will perhaps insinuate threats.*[12] *Meanwhile, we have only to pray and cry out: 'Lord, save us, we perish!'" They try to keep the matter quiet. The prelate has few supporters.*[13]

"*This is not the only trouble which his Excellency is giving us.*" *Here Dzierozynski recounts the latest case of friction on the subject of jurisdiction.*[14]

"*For the rest, Dear Father, we are all in very good humour, and are very well:*" Sumus de reliquo, optime Pater noster, satis laeti et bene valentes omnes.

General Archives S.J., 6, ii., Kohlmann, Washington, 5–8 Dec., 1822, to the General; 6 pp. 4to, profusely underscored and otherwise emphasized. Ibid., same to same, 6 Dec., 1822, a treatise on the issue, Duplicata; *24 pp. 4to. Ibid., Marechal, Baltimore, 17 Dec., 1822, to Dzierozynski, with a copy of his letter, 14 Dec., 1822, addressed to C. Neale* (No. 125, A); *3 pp. folio; accents, etc., left as in the original. Ibid., Kohlmann, Washington, 20 Dec., 1822, to the General; 3 pp. 4to. Ibid., Dzierozynski, Georgetown, 28 Dec., 1822, to the General; 3 pp. 4to.*

G. 1823, January 9.

Proceedings of the Corporation, 9 Jan., 1823, Mount Carmel, near Portobacco, the 9th Janʸ, 1823, due notice of the meeting having been given.

[11] Egregie.
[12] Forte minas continebit.
[13] *He continues:* Ill. Episcopus Luisianae, DD. Du Bourg, qui ante mensem venit Georgiopolim, et immediate ante festa Natalitia Domini in nostro Collegio cum aedificatione peregerit [!] Exercitia S. P. N. Ign. per octo dies, relate ad hanc causam dixit: "Quantum, inquit, ad me, mallem certe utramque palmitem [*palmam*] mihi prorsus abscindi, quam ejusmodi rem, manens in persona Excellentissimi, unquam attentare."
[14] No. 135, p. 566; *ibid.*, N, p. 567; *on McElroy's faculties for Fredericktown.*

Present the Rev. Charles Neale, the Rev. Francis Neale, the Rev. Joseph Carbery and the Rev. B. Fenwick.

1. *Endorsement of C. Neale's Protest against the execution of the Brief.*

Signed: CHARLES NEALE. FRANCIS NEALE. JOSEPH CARBERY B. FENWICK.

H. 1823, January 9.

The Protest, endorsed by the foregoing resolution of the Corporation.

Protest, &c.

The Most Rev. Archbishop of Baltimore on his return from Rome having brought with him a Brief, issued by Pius 7th in his favour, whereby the Superior was commanded to see the same executed : he immediately on his arrival forwarded that Brief to the Rev. Charles Neale, Superior, with a letter from the General at Rome also ordering the surrender, etc. The following is the substance of the Protest entered by the Rev. Charles Neale against the above mentioned Brief :

"1st. That the Brief is founded on a gratis supposition," *etc.* *See* No. 126, A, 1mo . . . 10, pp. 498–501.

Md.-N. Y. Province Archives, Proceedings of the Corporation, *9 Jan., 1823.*

The Corporation stood at bay for years afterwards, until, remaining intact as to its legal constitution, it resigned all current administration into the hands of the regular Superior. In this interval, a new phase came over the Marechal claims, which no longer regarded the insolvent Board in Maryland, but the Roman College and the General of the Jesuits in Rome.[15] *Charles Neale died 27 Apr., 1823, a little more than two months after formulating his Protest. Adam Marshall took shipping towards Italy on board the United States warship, "The North Carolina," teaching mathematics to the cadets on the cruise ; but his broken health failed him and he died in the Mediterranean.*[16] *Benedict Fenwick first succeeded Marshall as agent of the Board, and then succeeded John Cheverus, as second Bishop of Boston.*

No. 184. **1792–1822.**

Reviews of the period by Marechal and the Corporation : views of the former on the use of Church property. *The first report submitted by the third Archbishop of Baltimore to the Propaganda (1818) contains an estimate of Maryland Jesuits and their affairs, before he had as yet come to an open rupture with the Fathers.*

[15] *Cf.* No. 130, p. 510 *seq.* ; No. 208.
[16] *Cf.* Nos. 133, A, note 3, p. 527 ; 135, A, Prop. 18, p. 555.

A Memorial drawn up by B. Fenwick in the name of the Superior C. Neale, for the information of the General (22 Nov., 1822), contains a review of the active part taken by the Jesuits in establishing and maintaining the Catholic religion at their own cost. To these we join some views of Marechal on the degree of acquaintance exhibited by the Propaganda with American affairs; as well as on the use of Church property, which latter he considered to be partly in trust, or ecclesiastical, *and partly, it would seem, to be entirely at the disposal of the actual holder for the time being.*

A. 1818 (October 16).

Marechal (16 Oct. [a]*), 1818, to Card. Litta; his first report of the archdiocese to the Propaganda.*[1] *Extracts on the Jesuits in Maryland, and on their property, all of which, from the time before the Suppression, has now returned into the possession of the Society. Necessity of reinforcing the Jesuit Mission in Maryland. The services of European priests still required in America. Defence of them against Gallagher and others, whom the Sacred Congregation has listened to with undue facility. Wealth of the Society. Poverty of the archbishop, who has a right to an annual pension of 1000 dollars, though it is doubtful whether he shall ever receive it.*

[*F. 3*] [b]. Praeter haec duo seminaria [*Baltimore and Emmitsburg*], quorum finis praecipuus est educatio saecularium clericorum, existit Georgiopoli, prope capitalem civitatem Washingtonis, magnificum collegium, quod a patribus S.J. dirigitur. Duobus constat praecipuis aedificiis. Prius occupatur a pueris saecularibus, qui humaniorum litterarum studio incumbunt; [c] posterius continet novitios et scholasticos Societatis, qui sunt numero triginta tres. Dolendum est maxime quod illae domus aere alieno premantur. Verum, cum Societas nuper recuperaverit omnia praedia, caeterasque proprietates, quae ante destructionem Societatis a Jesuitis possidebantur, nullum est dubium quin brevi ditissima erit. Mirantur omnes quomodo fieri possit, quod Superiores Romae degentes non Georgiopolim mittant sex vel octo religiosos viros, scientia et pietate insignes, ad fovendam in nostris regionibus nascentem hanc institutionem. Nulla etenim pars est orbis catholici in qua Societas Jesu securius existere, latius propagare[*i ?*] et uberius fructus producere posset.

[*Ff. 6, 7*] *The fruitful and necessary work of European priests heretofore in the United States. Marechal's endeavours to procure a native clergy.* At, quantacumque sit aut esse possit prosperitas seminariorum Baltimorensis et Emmitsburgensis, quantusque sit numerus novitiorum

(a) *Cf.* No. 200, D, *Marechal, 7 June, 1821, to Gradwell.*
(b) *These folio numbers refer to the Propaganda copy in the Georgetown College archives.*
(c) *Here and elsewhere appears a series of dots in the copy, which agrees with Marechal's style of using dots for dashes or emphasis. Cf.* No. 115, note (b), p. 399.

[1] *Cf.* Nos. 60, A; 135, C; 190, B.

Societatis Jesu, quae Georgiopoli florescit, nunquam tamen sperare possum quod mihi suppeditent sufficientem missionariorum multitudinem, qui necessarii sunt in nascenti imperio ut fidem conservent et extendant. *Thanks to God for inspiring many European priests to transfer their labours to America. Native Americans most acceptable to their countrymen, though generally deficient in studies; next, Englishmen; but still the need of foreigners. Eulogy of the Belgian, French, and German priests. Their defects in speaking English:* attamen verbum Dei annuntiant modo qui non displicet Americanis, quidquid calumniatus fuerit in eos D. Gallagher et impia ejus factio; atque maxime dolendum est, quod S.ª Cong.º facile nimis aures praebuerit horum inimicorum Ecclesiae Christi dicteriis. Si enim aliqua pietas, amor religionis, ac praesertim veneratio erga S.m Sedem, in Baltimorensi dioecesi existant, illorum missionariorum exemplis et indefessis laboribus praecipue illud est referendum. Eos diligunt ac venerantur Americani. *Eulogy of the Irish priests in general.*

[*F. 8.*] Si excipias sacerdotes Societatis Jesu, qui prædia pinguissima plerique[2] possident, omnes reliqui missionarii nullum alium redditum habent praeter pias voluntariasque fidelium oblationes, et pretium quod singulis annis unusquisque fidelis solvit pro sedili, quod in ecclesia occupat. Hinc in villis pauperrime vivunt; in civitatibus vero, longe melius eorum

[2] Plerique possident. *Here Marechal speaks of regulars as if they held possessions in their own name—an implication that he regarded Jesuits in Maryland as secular priests gathered together in a Congregation. On the other hand, it is clear from* Section III., *that he looked upon the Society as a regular Order most strictly bound together; and everything thereto pertaining, even the property dedicated in far-off countries to local purposes, as subject to the mere nod of the General in Rome. This ambiguity of language or of ideas, appears throughout his papers.* *Cf.* Nos. 135, A, Prop. 15, 2º; 190, A, B.

In a letter to Grassi (21 Apr., 1817), advocating the journey to Rome, he answers one objection by saying: When the Archbishop proposed to send [!] you to Rome, I agreed most willingly with him; because it appeared to me that the Society, far from suffering from your temporary absence, would reap immense advantages by it. But I supposed that you would travel and remain in Rome, not as a publick character, sent by the Archbishop to vindicate his cause and that of religion, but as a private gentleman who went to see his friends and family. The case with Dr. Gallagher is so plain that it stands in no need of a negotiator. *The Gallagher case.* Now, appearing in that manner in Rome, the ennemies of the Society could not take any occasion of slandering it from your journey; and, if any would say any thing against it, it would fall and die away like the thousand idle stories which are daily proferred against the Jesuits. *And, writing to the General himself, Thaddeus Brzozowski (20 Nov., 1819), in order that Kenney might be left in America or that other Jesuits might be sent, he uses the phrase:* Lorsque mon Venerable Predecesseur envoya le P. Grassi a Rome, ce n'etoit pas precisément pour les affaires de son diocese. (*General Archives S.J., Maryl. Epist., 1, v., Marechal, Baltimore, 21 Apr., 1817, to Grassi, Georgetown; cf.* No. 178, J[3], *ad* note 139. *Ibid., Maryl. Epist., 2, iii., Marechal, Baltimore, 20 Nov., 1819, to Brzozowski.*)

What state of mind underlay such sentiments, if Marechal really thought that the Society was restored at all in America, it is not easy to define: a Jesuit sent *by an Ordinary; a regular Superior abandoning his post without permission of his General, and sauntering about the world as* a private gentleman, who went to see his friends and family; *and withal transacting public business between a diocese and Rome, without a word of command or advice from his Superiors. Grassi himself presumed permission to undertake the journey; but he explained that he merely used the occasion offered, in view of interests which concerned the Society in America.*

sustentationi providetur.[3] Nigros vestes induunt, talares in Missae sacrificio, brevioribus, modestis tamen, extra ecclesiam utuntur; nec mirum, cum inter Protestantes vivunt, et insuper saepissime equitare teneantur. Omnes Sacramenta administrant, singulisque diebus Dominicis praedicant verbum divinum; in locis, ubi juventutem colligere possunt, eam assidue catechizant.

Quantum ad me attinet, pauperrimus sum. Hucusque, vix redditus mei sufficiunt ad solvendas expensas epistolarum, quae ex omni parte ad me mittuntur (frais de postes). Jus quidem habeo ad percipiendos singulis annis mille nummos Mexicanos; at, propter rationes, quas forsitan aliquando Sacrae Congregationi exponam,[4] dubium est utrum mihi unquam solventur. Ne secretarium quidem habeo, et quamvis oppressus administratione immensa dioeceseos multas audio confessiones, caetera Sacramenta administro, atque identidem praedico verbum divinum. Cum duobus sacerdotibus, qui metropolitanae ecclesiae curam pastoralem habent, in eadem domo vivo, omnibus hujus saeculi deliciis feliciter destitutus.

[*F. 13*] *On two Jesuits (Fathers B. Fenwick and Wallace) recently sent to Charleston, S.C.* *See* No. 190, B.

B. 1819, December 31.

Marechal, Baltimore, 31 Dec., 1819, to Grassi, Rome.

On Kenney and Kohlmann. Mr. Taylor conveys this letter. He goes to Rome for the purpose of representing to the Propaganda the ecclesiastical disorders in New York. On Carbery, who has set up a schism at Norfolk.

Criticism on the Propaganda's information regarding America. He asks Grassi to show Card. Fontana a map of the United States. No See can be established in Virginia, at Washington in Maryland. The precipitancy with which the Congregation makes decrees, and the consequent scandal in America: Vous me feriez bien de plaisir, et ce seroit rendre un grand service à la religion, de preter votre carte des Etats Unis au Card. Fontana. D'après les lettres que je viens de recevoir de la Propagande, il paroit qu'elle n'a connoissance ni du pays, ni des moeurs des habitants, &c. &c. &c. Imaginez vous que S.E. me marque que la Cong^{n} se propose d'eriger un eveché en Virginie, & est [!] a deliberer s'il ne sera point elevé a Washington! c'est a dire, dans le Maryland. Elle confond continuellement dans ses lettres une poignée de mauvais sujets, qu'elle devroit

[3] *This passage is redolent of the notions proper to a European Church establishment, canonically founded with landed temporalities, and aided with tithes. Excepting only the possession of estates by the Maryland Jesuits, there was scarcely a circumstance in missionary countries like England, Ireland, and the United States, which could have given rise to Marechal's reflection and tone of complaint here, on the system of a clergy being directly supported by the voluntary contributions of the laity. As to the enjoyment of an income from landed property, Bishop Carroll had noted to Card. Antonelli (1786) that the possession of such revenues by Catholic priests was being attacked by a political party, with a view to "confiscation."* *See* No. 149, H; *cf.* No. 115, note 28.

[4] No. 115. *Cf.* No. 180, P, *ad fin.*

mepriser et meme condemner [!] du poids de son authorité, avec la multitude Catholique Americaine, qui commence a se scandalizer des resolutions qu'elle prend subitement, soit trompée par de fausses promesses, ou allarmée par les menaces de ces ennemis de l'Eglise.

Mr. Taylor will hand to Grassi a copy of Marechal's pastoral for Norfolk. A translation into Italian is desired, for presentation to the Propaganda.

C. 1822, November 22 [*December ?*].

Memorial of C. Neale–B. Fenwick, dated 22 Nov., 1822,[d] *to the General. Extracts.*

[*I.*] [*Pp. 1–33.*] *An exhaustive treatment of Marechal's claims.*[5] *Among the reasons for not continuing in favour of Marechal the allowance granted by the Corporation to his two predecessors is the following about Eutaw Street property :* [6]

Thirdly. Because considerable property, it was known to the Clergy, had been purchased many years back at an early period in another section of the same city [*Baltimore*], on Eutaw Street, by his predecessor Archbishop Carroll, and which he left by will to his successors in the See of Baltimore for the support of their table; the annual income of which property already afforded, it was stated, five hundred dollars to the present Archbishop.[7]

Fourthly. *Marechal's relations with his own Congregation of St. Sulpice. See* No. 139, F.

After an extensive survey of all the property held by the Society in Maryland, the District of Columbia, Virginia, and Pennsylvania, the Memorial proceeds to a pleading on the generalities of the case. The argumentation, however, becomes declamatory as it advances :

[*II.*] [*Pp. 34–38.*] . . . But, for argument sake, I will suppose it true—I will suppose a large portion [*of the estates*] and the whole, if you will, to have been given [*for the uses of religion generally*]. To whom was it given? It was given to religious men who were members of the persecuted Society of Jesus. It was given to those whom the setlers knew, not to those whom they knew not. It was given to those who had shared their dangers, who had encouraged and supported them in their trials and difficulties, and who had instructed them, and their fathers in England before them, in the ways of eternal life. It was given to those who had sacrificed their ease, often their estates, their paternal firesides, their relatives and their friends to minister unto those who were in the wilderness. And who were those that ministered unto them? They

(d) *The document is clearly antedated, for the first paragraph acknowledges the receipt of the Brief and letter of the General communicated by Marechal. These were sent from Baltimore only on the 27th of Nov., 1822. See* Nos. 123; 125, A; *cf.* No. 183, A.

[5] *Cf.* No. 180, P.

[6] *Cf. infra,* E–M.

[7] *Cf.* Nos. 118, § 7, p. 439 : il reddito di qualche casa affittata ; 135, A, note 30, p. 546, *Kohlmann's Libellus Supplex :* proprietà lasciateli da'suoi predecessori.

were Jesuits. The first setlers of this country knew no other ministers of the Gospel than Jesuits. Happy days! when all were of one mind and one heart! When there was no dispute, no contention, no running to Rome about property! when all was charity, peace and harmony! when the very savage of the desert would respect the abode of him who had taught him the arts of civilized life! Yes, the first setlers knew no other ministers than Jesuits. Nor were others known till after the suppression of the Society, till even after the American revolution.

On the aid granted to the secular clergy. Look at Philadelphia. The episcopal residence there, with the church adjoining it, belong to the Society. Yet, for these ten years and upwards, it has been occupied by the Bishops of Philadelphia in succession, and not a cent has ever been demanded of them, though in justice a reasonable compensation might have been demanded, at least for repairs![8] Look at their farm at Goshenhopen. For these twenty four years just past, it was occupied by a secular priest who served the congregation in the neighbourhood; and nothing was ever demanded of him, though the farm was a valuable one, and he could easily have afforded to pay rent for it. On the other hand, so far from doing so or offering any thing, he did not even take care of what was here entrusted to him; but by suffering the church, the house and every other building about the place to fall into decay by leaving them unrepaired, and in consequence of his other neglect in regard to the farm itself, the whole property has been nearly ruined by him![9] Look again at Lancaster. When did the Society demand rent of the priest stationed there?[10] Also at Conewago. When did the seculars stationed there contribute any thing to the funds of the Society? To return to the State of Maryland; look again at the church and property in Baltimore formerly belonging to the Society, a most valuable establishment, which they generously surrendered to the archbishop and to his trustees, making the same over to them for ever without the least return, although at the time they did not conceive that the purposes of religion were any better served by their doing so, than had they retained and themselves employed it to the benefit of religion![11] Look again at St. Joseph's farm in Talbot County. Who is now, and who has been for this considerable time back, in the whole enjoyment of this farm of the Society? Another secular priest! For how many years did this same Society, or rather those who at the time administered its property, leave the valuable estate on

[8] *Cf.* Nos. 109–111.

[9] *Cf.* No. 108, A, B. *So too Grassi's* Memorie: "*He* [*Kohlmann*] *made also an excursion to Goshenhoppen, where the people spoke German. The old missionary of this place was indolent to such a degree, that the church was all squalid, the altar linen torn, torn too the vestments for saying Mass, the candlesticks broken, etc.*" *To Father Kohlmann's appeal the men of the congregation responded at once with contributions, and the women with new towels, albs, amices.* (*Grassi* Memorie, *as above*, p. 830, note 41; *pp. 27, 28.*) *This was in Apr., 1807* (*cf.* No. 192, D, note 10, *Carroll, 7 Apr., 1807, to Molyneux*).

[10] *Cf.* No. 112.

[11] *Cf.* No. 94, p. 323.

Bohemia, consisting of 1100 acres, in the hands of the Sulpicians in Baltimore, after their arrival in Maryland when they were strangers and poor, without demanding or receiving the least return or compensation for it! How many secular priests have been provided for at our different houses, and who received the same compensation as our own Fathers ! ![12] How long was the property—— But I will urge this point no farther. Enough, I trust, has been said to shew, that in the management of their property the views of the Clergy of Maryland and of the Society have not been selfish at least, and that they knew fully as well how, and have at all times manifested equal disposition, to apply the means within their power to the purposes of religion, as their neighbours. On this subject, I think delicacy at least should enjoin them silence.

[III.] [*P. 39.*] *Schedule of actual debts and income, with a reference for more details to the general procurator's Statement :*[13]

	Dollars.	Cents.
The whole debt of the Society in this country, at present, amounts to	31,776	47
1º–12º *Items of this debit.*		
(Contra : The annual income, as near as can be ascertained.)		
1º Total amount of same	5,956	—
2º–11º *Items of the credit.*		

Uncertainty of the annual proceeds in those farms that do yield something. [*Pp. 40–43.*] *After being suppressed by a Brief, and re-established solemnly by a Pontifical Bull, must the Jesuits* be harassed, tormented, disturbed in their property, blackened and denounced to the Holy See as usurpers? "No, the property you have, and of which you have been in possession nearly two centuries, is not your property"—denounced as guilty even of sacrilege: "it is the common property of the Church you have appropriated to your own use to the exclusion of her Prelates and Clergy." *Amplification, especially with reference to White Marsh. However, the Jesuits are quite willing to contribute a quota on behalf of the episcopal mensa.*

[IV.] [*Pp. 43, 44.*] *Seven conclusions in Latin, of the same substance and style as C. Neale's Protest.*[14]

[*P. 44.*] *Signed :* CHARLES NEALE, totius Foederatae Americae Missionis Superior.

St. Thomas' Manor, near Portobacco, Novembr 22, 1822.[15]

[12] *Cf.* Nos. 173, B, 7º–9º; 177, A, 13º; 179, T, 8º.

[13] *Cf.* Nos. 87, p. 300; 88, p. 303; *Adam Marshall's Statement of Finances, 5 Mar., 1821, to the General.* (*General Archives S.J., Maryl. Epist., 2, ii.*) *It may be to this that the memorialist is referring.*

[14] Nos. 126, A, 1mo . . . 10, pp. 498–501; 183, G. *The conclusions, which are harsh and mordant, more so than the Protest, seem to be C. Neale's own; and the abrupt change from English to Latin intimates the same. Neale, being of the old European formation, was at home in the Latin language, to which B. Fenwick probably did not feel equal. We do not remember ever to have seen a paper in Latin from B. Fenwick's pen.*

[15] *For extracts from this Memorial, cf.* Nos. 62, note 14; 85, C; 91, A; 94, p. 325; 139, F; 167, note 3; *and passim.*

D. (1823.)

Criticism passed in Rome, apparently on the foregoing redaction. A biglietto inscribed, without signature or date, upon a folio cover in which documents have been passed to and fro in Rome, contains an unfavourable judgment on the value of the papers, which are even likely "to create a prejudice."

Restituisco le carte, le quali certamente non gioverebbe di esibire, anzi recherebbero forse del pregiudicio.

Mille ringraziamenti, e rispetti.

Propaganda Archives, Scritture riferite nei Congressi, America Centrale dal Canada all' Istmo di Panama, dal 1818 al 1820, *vol. 4*: Ratio status religionis Catholicae in dioecesi Baltimorensi, reddita ab Ambrosio Archo., 1818. Illusto ac Emo Cardinali Litta, Praefecto S. Congis Prop. F.; *beginning:* Redux Baltimorem, ex visitatione maximae partis missionum; *signed in full at the end.—Georgetown College Transcripts, 1818, Marechal's report to Card. Litta, 14 pp. 4to; a Roman copy from the Propaganda Archives. Ibid., MSS. and Transcripts, Marechal controversy, B. Fenwick's original draft of the Memorial, dated 22 Nov., 1822, with signature of C. Neale copied; 48 pp. 4to. Ibid., 1824, the printed report and* Sommario, *1824, in the Marechal controversy, from the* Atti *of the Propaganda; the report, 21 pp. 4to; the* Sommario *of documents, 76 pp. 4to; pp. 20–59,* Num. IV., *the same Memorial, translated into Italian, 21 Dec., 1823, by* Avv. Felice Ciccognani. *Cf.* No. 210, B.*—General Archives S.J., Maryl. Epist., 2, iii., Marechal, Baltimore, 31 Dec., 1819, to Grassi, Rome; 3 pp. 4to. Ibid., 6, ii., C. Neale, Memorial to the General, 22 Nov., 1822; first copy, B. Fenwick's autograph, signed by C. Neale; 44 pp. 4to. It is evidently antedated a full week before the Brief was received from Baltimore. Ibid., biglietto (of a Cardinal?) inscribed on a folded sheet, otherwise blank; no date or signature.*

The estimate formed in Rome is not belied either by the character of the style, or by a part of the matter. The Memorial degenerated into declamation towards the close, and took on the semblance of defiance at the end. Whether canonists could or could not understand the contention that civil rights were not to be touched, any one could catch the note of State versus everybody, of whatever denomination he might be. The seven conclusions at the end were couched in Latin; and the sixth referred to an archbishop in terms utterly inadmissible.[16] *At the same time, C. Neale was placing in the hands of his opponent letters in which he brusquely rejected the application of the Brief and the interposition of Rome upon the subject.*[17] *The use which was made of his indiscretion is only too evident.*[18] *The solitary precaution which he took against such consequences was the futile statement, that these were his* private sentiments. You must not, *he said,* take them as official.[19] *To B. Fenwick he directed a letter,*[20] *in which he*

[16] *Vulpina sive Gallica calliditas.*
[17] Nos. 124, B; 126, A.
[18] Nos. 124, C–130, A.
[19] *Cf.* No. 124, note 12.
[20] *Cf. ibid.; 18 Dec., 1822.*

seemed conscious that his style might be guilty of improprieties; he wrote: I had a great mind to tell the A.B.[21] *Tradition reports another phrase of his, which, as it has come down to our time, may easily have gone over to Baltimore then.*[22] *Thirteen years before, ever true to the unpolished plainness of his character, but untrue to the traditions and manners of the Society, he had given offence to Archbishop Carroll.*[23] *Hence we append in a note some words from a General's encyclical, which apply exactly to this phase of C. Neale's controversy with the Archbishop of Baltimore.*[24] *In no other part of the Jesuit papers do we find any instance of discourtesy shown to ecclesiastical authorities, whether in writing to them or in writing of them; though an irresponsible layman like Ironside*[25] *might not be sparing of reflections and sarcasm when dissecting a prelate's case.*

With regard to a part of the matter in the Memorial, it is to be observed that the notions of civil right have appeared in this and the preceding Number; and they have appeared, as opposed to the application of any ecclesiastical jurisdiction or administration in a question of property owned by religious men. What is especially singular, they were propounded with emphasis by a distinguished theologian, Father Anthony Kohlmann. Marechal's position on

[21] That his young imported Italian Bull might have fought well in Italy, but that he would not give battle on American soil. ¶ Yours, ¶ C. Neale, S.J.+

[22] *The proverb, with an allusion to the prelate's spectacled aspect*: I was not born in the woods to be frightened by an owl.

[23] *Cf.* Nos. 115, note 2; 192.

[24] *Encyclical letter of the General, Father John Roothaan, 29 Jan., 1845*, De Societatis progressu et periculis.

Second part, De externis periculis. *Imitari Christi discipulos adversis fluctibus jactatos in navicula (Matt. xiv. 24): 1º Colligendo vela per prudentiam in agendo.* Hanc ego prudentiam ita imitari debere Nostros existimo, ut tempestatibus jactati calumniandi materiam adversariis, quantum salvo officio fieri potest, subtrahant, caveantque ne quam praebeant causam adversariis, vel praetextum, acrius Societatem et aliqua juris specie impugnandi. Enimvero incredibile est, quam oculati sint adversarii nostri in rebus nostris omnibus et actionibus observandis; quin etiam vias investigant explorandi, quid vel in familiari sermone a nobis forte proferatur; ut, si qua detur, quamcumque mali speciem arripiant, et occasionem sumant vehementius in nos insurgendi. Quod si annales nostros consulimus, paucas fortasse inveniemus Societatis clades graviores, in quibus non aliqua alicujus e Nostris imprudentia memoretur, quae, quamvis plerumque sine culpa, ansam tamen aliquam vel praetextum aliquem praebuisse malevolis videatur. Aliquando certe vel unius hominis minime mali, sed imprudentis, dictum aut factum, Societati damna gravissima intulit, cum detrimento utique gloriae divinae et salutis animarum irreparabili. Scilicet, si quid ab aliquo imprudenter agatur, recta intentio excusationem quidem habere poterit apud Deum; sed imprudentiae effectus neque impedire bonus animus, neque tollere potest. Ergo provideamus bona, non tantum coram Deo, sed etiam coram hominibus, quoniam dies mali sunt . . . *2º Conjunctis viribus remigando per caritatem. 3º Per humilitatem. 4º Per orationem.* . . . Romae, xxix Januarii, MDCCCLV. (Epistolae Praepositorum Generalium ad Patres et Fratres Societatis Jesu; *tom. ii. 438, 439*; *8vo, Gandavi, 1847*.)

[25] *Ubi infra*, No. 207, N: the French finesse of a French Archbishop, *etc.*

this point was correct. But he was not consistent, either in this or in other cases.[26]

The documents which follow are appended as material for defining this ecclesiastical question, which we endeavour to set on its right footing in No. 197. *At the death of the late archbishop, L. Neale, who died intestate, his brother Francis Neale became administrator of his real and personal estate. In the process of taking over from F. Neale the trust for the diocese, Marechal's papers show that he distinguished two distinct classes of property, one from another: first, what he calls* ecclesiastical, *evidently meaning churches and such like public property;*[27] *secondly, what he considers to be non-ecclesiastical, ranking lots or houses as such, and mentioning in particular the Eutaw Street property.*[28] *This we may call mensal. Marechal seems to have considered mensal property as strictly personal;*[29] *and, in one document, infra* (J), *he dissociates it from his successors, desiring that the words be omitted:* and to his successors in the See of Bal^te^.

In his controversy with the Jesuits, he considered all their property as ecclesiastical, but he claimed White Marsh for himself as mensal; and, on that understanding, he obtained the Brief, which is express on this point. No one in Rome could possibly hold the mensal provision of an Ordinary to be personal, in the sense that an incumbent might dissociate it from his successors, or, to use Marechal's own phrase, when speaking of Father Bennet Neale and Deer Creek, that he might do with it what he pleased.[30] *Of itself, the mere sale of landed property with the sanction of competent authority would not imply that the vendor considered it to be personalty; provided that, as the charter of the Corporation had expressed it under the head of* exchange, *successors were not excluded from the value so realized.*

E. 1818, February 5.

Inventory of the Goods and Chattels, *belonging to the Most Rev. Archbishop Leonard Neale, deceased; made out by D. Williamson and John Walsh.*[31]

[26] *Cf.* No. 124, C, note 7.

[27] *In the words of Carroll's will* (*art. 3*): all houses, lands and lots and parcels within the United States vested in me, whereon are erected, or are intended to be erected, churches or chapels or graveyards to be laid off subject to the same trust or trusts, on which I hold them respectively.

[28] *Cf. supra, C,* [*I.*], Thirdly.

[29] *Cf.* No. 133, C.

[30] No. 181, J, ii. 1. *As to operations by* exchange, *cf.* No. 164, A, *ad* note 3.

[31] *Cf.* No. 94, pp. 323, 324.

Sundries	$125
Books, theological, etc.	150
Sundry lots of ground on the east side of Eutaw St., held under Col! Howard, and leased to various leasees, yielding an annual rent of $374.34 neat	4679.25
Vacant ground, held as above, about 140 feet on Eutaw St.	7000
	11,954.25

Vestments and church utensils are not considered by administrator as particular property of the deceased, nor assets in his hands.

F. 1818, November 14.

Marechal, Baltimore, 14 Nov., 1818, to Francis Neale, St. Thomas's Manor.

Concerning the ecclesiastical property which was left in trust to your venerable brother [*Leonard Neale, late Archbishop*]. God knows that I would wish to have nothing to do with it, if I could conscientiously give up such a fruitful subject of troubles. But I am effrayed lest, in future times, the pious intentions of the donors may be frustrated, and the loss which religion may possibly experience be attributed to my want of care in such an important matter.

The lawyers whom I have consulted here, not understanding the case very well, think that, as a simple administrator, you cannot validly transmit to me the trust in question.

But you told me that I could do it in a legal manner. What is the mode you intended to take? I realy do not know. *He relies implicitly on Father Neale's* great experience and skill in transactions of this nature. *He adds items about Father Cousin* [*S.J.*] *being withdrawn by the Superior, Kohlmann, from St. Thomas's Manor, and Mahoney* [*not S.J.*], *a priest just come from Ireland, who goes to take that place.*

G. 1818, November 27.

Francis Neale, St. Thomas's Manor, 27 Nov., 1818, to Rev. Mr. Leonard Edelen, New Town.

. . . A question to be proposed to Mr. R. [*Raphael*] Neale. The present Archbishop as well as myself wishes an answer. There are several lots or parcels of land for church yards, church buildings, etc., for the use of Catholic congregations, deeded in trust to the most Rev. John Carroll, who by his will leaves them in trust to the Arch Bhp. Leonard Neale, his heirs, executors, administrators, for the same purposes he (John Carroll) held them and had received them by deed. Some may be in this

State, others in Pensylvania and in many other States throughout the Union.

Query. *Can the administrator put them in the line intended by Archbishop Carroll, and deed them over, by a general expression, embracing all deeded lands to Bishop Carroll for the purposes mentioned? If so, Francis wants Raphael to indicate what papers are required for the purpose.* I expect none other than Bishop Carroll's will—whereby he (R. Neale) may prepare a deed for our signature. . . .

P.S.—I inclose the Archbishop's letter, that his intention may be known, etc.

H. 1818, December 11.

Marechal, 11 Dec., 1818, to Francis Neale.

He sends the article of Archbishop Carroll's will, relative to property left in trust for Archbishop Neale.[32] All the lawyers I have here consulted agree that the only mode you can take, to transmit to me the aforesaid property, is the very one by which you conveyed to me the ground on Eutaw Street. *The two Fathers Neale, the nephews and nieces; at Washington, Mr. Matthews and his relations there; all these will have to sign. But perhaps Francis Neale knows better than the lawyers.*

J. 1819, February 4.

Marechal, Baltimore, 4 Feb., 1819, to Father Enoch Fenwick, S.J., Georgetown.[33]

Pleasantries on E. Fenwick's begging excursion (in behalf of the new cathedral, Baltimore). Need of expediting the business. Fenwick has still Philadelphia and New York to visit.

I rejoice to have it in my power to inform you that our petition to the legislature of Maryland has been granted.[34] I could not be too grateful to the gentlemen of the Senate, who, when I was in Annapolis, gave me every mark of attention, and of their readiness to oblige the Cath. community of Balt^e. (This good news you must keep secret.) *Commendations.*

+ Amb. Arch. Bal^te

P.S. In the instrument of writing, which is to be drawn up by the R^d F. Neale, it will be better to omitt these words: and to his Successors in the See of Bal^te

Addressed: The Rev^d Enoch Fenwick, College of Georgetown, Dis^t of Col^a

[32] *Cf.* American Catholic Historical Researches, viii. 52–56, *text of Carroll's will. Cf.* No. 92, F, *article 4 of the will.*

[33] *Enoch Fenwick served Carroll and the succeeding archbishops as pastor at the cathedral, Baltimore, after Beeston's death (1810), till 1820. Cf.* No. 192, D.

[34] *Possibly on the matter referred to in* No. 94, A. *Cf.* No. 121, A, II., p. 463.

K. 1820, December.

Francis Neale, – – – Dec., 1820 [?], to (Marechal). An incomplete draft.

Most Rev. Sir,

He is surprised that the deed executed by D. Brent, Esq., and himself, drawn up by Mr. Proviance, the archbishop's lawyer, should not answer the purpose. The fault must lie in the will of Archbishop Carroll; and, if the archbishop cannot now sell the said property, held in trust for his successors, still he might draw the ground rent, in accordance with the laws. He (F. Neale) thought he was transferring real property, in the line intended by Archbishop Carroll. He is told by some one that it was personal property, which Neale had no power to make over to the archbishop.[35] *He can do no more than he has done. He offers his services for anything he can legally do for his Grace.*

L. 1820, December 30.

Marechal, Baltimore, 30 Dec., 1820, to F. Neale, St. Thomas's Manor.

Rev.d and D.r Sir,

In conformity with your desire, manifested through the Rev.d Mr. O'Brian, I called on Mr. Purviance and asked his advice about the law suit which is or will be directed against you, about Eutaw St. property. *Observations on* some unprincipled natural heirs of your Ven. brother. *Mr. Purviance thinks there will be no danger in either the Court of Equity, or in the Court of Baltimore.* He remarked with surprise that the cession of right on all church property is signed by ten persons; whilst the paper authorising you to transmit to me Eutaw property is signed only by five, viz. Charles Neale, Wm. Mathews, A. Teresa Mathews, Harriet Brent, and Elizabeth Mathews. *Mr. Purviance offers his services to defend F. Neale. The expenses will be covered by the archbishop.*

M. 1821, March 1.

Marechal, Baltimore, 1 Mar., 1821, to F. Neale, St. Thomas's Manor.

Rev.d and D.r Sir,

It is certainly painful for me to hear that Mr. Holmes intends to sue you next Aug.t I hope that by your skill in the management of temporal affairs you will be able to repell victoriously all the attacks of your adversary. As to the Eutaw St. property, Mr. Purvoyance thinks there is no danger, particularly if the cause be brought before the Orphan's Court of Balt.e He is however surprised that there is not the same number of signatures upon the two papers he had drawn, to obtain from all the

[35] *Here there seems to be a dilemma started by the proposal to sell the property in trust: if it be a diocesan trust, Marechal cannot sell it; if he can, then it is not a diocesan trust, but personalty of L. Neale, descending to the natural heirs of the latter. On this plea a lawsuit is now instituted; and Marechal qualifies the claimants as* unprincipled.

relatives of your deceased brother a relinquishment both of the ecclesiastical property and this of Eutaw St. Here are the names of the signers.

Eccles. Property.	Eutaw Propty
Ch. Neale	F. Neale
Wm. Holmes	Ch. Neale
Ign. Simmes	Wm. Mathews
Mary Simmes	Teres. Mathews
Sarah Simmes	Harriet Brent
Eleon. Simmes	Eliza Mathews.[36]
Wm. D. Merrick	
John Brent	
Robt Brent of John.	

[*F. 1v.*] I come now to the business of Harford. *See* No. 181, J.

Md.-N. Y. Province Archives, H, 155v, Inventory of goods belonging to L. Neale, deceased; 5 Feb., 1818. Ibid., 1818, Nov. 14, Marechal, Baltimore, to F. Neale, St. Thomas's Manor; 3 pp. 4to. Ibid., 1818, Nov. 27, F. Neale, St. Thomas's Manor, to Edelen, Newtown. Ibid., 1818, Dec. 11, Marechal to F. Neale; 2 pp. 4to. Ibid., 1820(?), Dec., F. Neale to Marechal; an incomplete draft. Ibid., 1820, Dec. 30, Marechal, Baltimore, to F. Neale, St. Thomas's Manor; 3 pp. 4to. Ibid., T, Marechal, Baltimore, 1 Mar., 1821, to F. Neale, St. Thomas's Manor; 3 pp. 4to.—Georgetown College MSS., Marechal Papers, 1819, Feb. 4, Marechal, Baltimore, to E. Fenwick, Georgetown; 3 pp. 4to.

[36] *F. Neale administered some property on Holiday Street, Baltimore, which may be connected with the foregoing transactions. (Md.-N. Y. Province Archives, H, 157v, draft of letter of attorney, Neale to E. Fenwick, on the back of Malevé's letter, Frederick, July 6, 1816. Ibid., carton A, 1, indenture, endorsed by F. Neale:* Wm. Lee from F. N.; *a copy unsigned and s. d.; 3 pp. fol.)*

SECTION VI

CONCORDATS

§ 16. Maryland and Missouri, 1798–1830

There were several circumstances which originated concordats between the Ordinary of a diocese and the Superior of the Jesuits.

1. *In Maryland, all stable missionary work had hitherto coincided in extent with the acquisition of property to maintain the missionaries in central stations, and to maintain divine worship in all stations, whether central or affiliated. In the canonical order of things, this acquisition of property would have been provided for by means of ecclesiastical foundations, like those of Europe, South America, Central America, Canada, and also Louisiana. In the English Colonies, now become the United States, the Jesuits had themselves endowed religion, as appears from the documents given in* Section II. *When, at the end of the eighteenth century, a bishopric was founded, the exercise of the Catholic ministry was still, almost exclusively,*[1] *an accompaniment of the facilities afforded by Jesuit temporalities.*

2. *Secular clergymen, who began at this date to transfer their labours from Ireland, France, England, and Germany, were admitted by the ex-Jesuits to their own posts, with the maintenance concomitant, as appears from* Section V. *Till the private restoration of the Society in 1806, all clergymen alike were in every way under the bishop's jurisdiction. But the property of the ex-Jesuits was still their own. Bishop Carroll expressed himself in this sense, when writing to the Paccanarists of London (27 Oct., 1800): "4th. A college [at Georgetown] for the education of youth in polite letters has already been established by those priests, who, having been once of the Society of Jesus, devoted some of the property of the extinct Society to so beneficial an object,"* bona

[1] *Cf.* Nos. 152, B, [II.] 4½; 181, J, note 34.

aliqua extinctae Societatis in tam salutare opus contulere.[2] *After the private restoration in foro interno, the Jesuits were still technically on the footing of secular priests with respect to the Ordinary, although in practice Bishop Carroll dealt with them very much as regulars, whether on account of their controlling the property, or out of benevolence. He merely objected to C. Neale's pretensions, which were not supported by the facts of the situation.*[3]

3. *The places in the diocese varied in character. Some were quite dependent on the old Jesuit centres; others not so. Among these latter, one or other was of paramount importance. Thus, speaking of Washington, which, wrote Bishop Carroll, should* naturally be attributed *to the Jesuits as being* convenient to their estates, *he declared that he was not* either willing or able to place the Church of Washington under the government of the Society, *that is to say, by handing over to the Jesuit Superior the right of appointments and nominations there as in the other stations assigned to the Order:* I would not prepare the seeds of so much enmity, reproach and disquietude for the Society, as would be produced by placing that city entirely under its pastoral care and controul; nor would my regulation be regarded by my successors.[4] *His immediate successor, Mgr. L. Neale, seems to have been of a different opinion.*

4. *In Missouri, the desire of Bishop Dubourg to obtain the co-operation of an Order for the propagation of the faith, led him to offer inducements and rights, by way of engaging missionaries and securing their perpetual service. A formal statement of this constituted the material for a concordat, which embodied conditions to obviate cases of friction in the future between the authority of the bishop and the use of rights accorded to the Order. Bishop Conwell of Philadelphia implied such an agreement for the*

[2] *General Archives S.J.*, Paccan. 7, iii., Tentatae Missiones in America: Marylandia, *etc., as above* No. 178, p. 822; *Carroll, 27 Oct., 1800, to Fathers* De Broglio et Rozaven, *Kensington.—Cf. English Province Archives, portfolio 6, f. 48, the covering letter of Bishops Carroll and L. Neale, 27 Oct., 1800, to Father William Strickland, London.* *See* No. 178, A.

Father Charles Sewall speaks in similar terms, writing to his brother, Father Nicholas, Portico, England (29 July, 1803): On the re-establishment of the Society here, all the property which once belonged to it will again be restored and made over to it, according to law. Tho' the College of George Town was built since the dissolution of the Society, yet this also will be made over to the Society, as it was built chiefly with our own property. (*English Province Archives*, Letters of Stone, Sewall, Connell, *ff. 147, 148; N. Sewall, Portico, 21 Oct., 1803, to Father Stone, copying his brother Charles's letter.*) *See* No. 178, G.

[3] *Cf.* Nos. 115, note 2; 192, D, *seq.*

[4] No. 178, Y[2].

missionary work in his own diocese; but he did not mention a formal instrument to be drawn up for the purpose. He said: The propagation of religion requires missioners, and there are none to be found so well calculated to promote that most desirable end as you are. *Specifying the nature of services, which only* Societies *can render, he was of opinion that a statement previously made* gives you, *he said*, no longer any reason to think that I would be inclined to invade your just rights or privileges.[5] *These measures of Bishop Dubourg, on behalf of Upper Louisiana, and of Bishop Conwell on behalf of Jesuit* establishments throughout the diocese of Philadelphia, *were taken at the moment when the controversy between the Society and the Ordinary of Baltimore was in its most acute period.*

No. 185. (1798)-1817.

Jesuit stations: an occasion and basis for concordats. *Lists for (1798), 1816, and 1817.*

A. (1798?)

List of Jesuit stations (1798 or later), almost exclusively in Maryland.[1]

St. Inigo's	Rock Creek +
St. Nicholas'	George Town
St. John's	St. Patrick's
St. Aloysius	Clem. Hill's
St. Mary's	Young's quarter
St. Xaverius	Darnell's
St. Joseph's	White Marsh
Sacred Heart	Annapolis
New port	Elkridge
Cob Neck	Baltimore
Zachei 2 [*2 stations*]	Seneca
St. Thomas'	Frederick Town
Chal[r] Brent's	Mrs. Elders
Pomphret	Taney Town
Cornwallis	Winchester
Nanjemoy and Chickamaken' [?]	Bohemia
Mattawoman	St. Joseph's and 3 others on the Eastern Shore
Boon's	
Piscataway	42—
Mr. Youngs	Alexandria
Eastern Branch	

[5] *Md.-N. Y. Province Archives, 1 Dec., 1823, H. Conwell, Reading, to A. Kohlmann, care of E. Fenwick, Georgetown; 4 pp. 4to. Cf.* No. 110, B.

[1] *Cf.* No. 98, *the inventory of property in Maryland.*

Md.-N. Y. Province Archives, Bb, a memorandum on the fourth page of J. Dubois' letter to the Trustees, dated 98-6-5 1/2 (No. 176, A). *For the probable object of the list, cf.* No. 173, B, 9°, 13°, *resolutions of the Corporation relative to the support of missionaries by their congregations.*

B. 1816, April 3.

List of Jesuit stations embodied in the L. Neale-Grassi concordat of 3 Apr., 1816. See No. 189, C. *This list names only the central stations, and classes all the others under the general terms,* dependencies, missions, congregations.

C. 1817.

Catalogue of the Maryland Mission comprised in that of the Russian Province for 1817. See No. 190, D.

No. 186 **1805, September 20.**

The attempted Agreement between Bishop Carroll and the Superior Molyneux, 20 Sept. 1805: the original, the memorandum, and the translations. *An agreement entered into by Carroll and Molyneux in 1805, was brought to light in 1818, thirteen years later.*[1] *What seems to be undoubtedly the original was discovered in 1889 by Dr. J. G. Shea, eighty-four years after date.*[2] *It was then found to exhibit two different stages of development on the face of the paper: an agreement originally signed but not sealed, and a quantity of alterations by cancelling, and interlining, without any note appended which might serve to give them place in the original. This stage we call that of a subsequent memorandum, written in the same hand, Carroll's, as had drawn up the original agreement.*

Only "a true copy" was shown in the controversy with the Jesuits.[3] *It was given in English; translated into Italian; and a part of it produced in Latin. All these disagree with one another in substantial points; and none of them agree with the paper of Carroll. While two of them change the text, all copy the memorandum form, which was never signed, and append thereto the signatures of the original, which they do not copy.*

We present a facsimile, and copy out the text of the original. In the annotations, which present the memorandum form, we note only

[1] No. 180, P.

[2] No. 187, B. *In 1805 some information of a secret transaction would seem to have reached the ears of Bitouzey at least, who was one of the Trustees at that time. See* No. 178, M, *Molyneux, 7 Nov., 1805, to F. Neale.*

[3] Nos. 115–121.

1

The following articles of agreement were considered and adopted ~~between~~ by the Subscribers, the R. Rt. Bishop of Baltimore on the one part, and the Revd. Superior of the Society of Jesus in the United States of America on the other part, at the house of St. Thomas manor, this 20th day of Sepr. 1805; and it was agreed and under: ~~and~~ that the articles here underwritten shall be the rules of proceeding not only for the parties subscribing, but for their Successors respectively. —

1. Whenever the place of Director or manager of an es: tate belonging to the Society aforesaid, or to the Cor: ~~poration of the Clergy in~~ in trust for the Society becomes vacant, the Supe: rior ~~of the Society~~ aforesaid hath the sole right of ~~appointing the Direc~~ to any vacant place. But the Director or manager appointed by him ~~tor or manager; who however will not thereby acquire~~ will not acquire any authority to govern the congregation ~~contiguous~~ attached to his residence, or to have the care of Souls —

2 — The Bishop, having ~~to~~ necessarily the power of appoint: ing pastors to ~~the Congregations of his Diocese shall~~ the [congregations] of his Diocese will proceed in the following manner ~~with respect to~~ in the appointment of those to whom ~~are to be committed~~ he will [commit] the care of the Congregations, ~~which have heretofore been attended by priests living~~ appendant to, & served in ~~the~~ the houses ~~& maintained by the estates~~ of the Society: He will ~~make known to~~ advise the Superior ~~of the Society~~ who ~~the~~ clergymen to whom ~~he intends to give the charge of these Congregations; and~~ such Congns. are destined: and if the Superior make no objection, they are to ~~unless he whose shall~~ be received, as usual, to

The CARROLL-MOLYNEUX AGREEMENT, 20 September, 1805. Notre Dame University, Catholic Archives of America, Archbishop Carroll Department, file 1. Carroll's autograph. (*Reduced size.*) [*To face p.* 928.

the accustomed residence and maintenance. But if the
to their residence in the houses of the Society,
Superior object ~~to the persons thus named~~, the Bishop, ~~at his~~
~~discretion~~ will either make another appointment, or ~~call on~~ recommend
& maintenance
to the Congregations to make provision for the residence of
their pastors.

3. The annuity allotted to the Bishop from the estates of the
Society or Corporation,
~~Clergy, and now of the Society, & which was destined ana-~~
~~lienable & perpetual, previously to the erection of the~~
continue
~~Episcopal See~~, shall ~~so remain~~ perpetual & unaliena-
ble: and an authentic instrument of writing to that
effect shall be executed.

aforesaid
4. All other public engagements on the estates, ~~of the Society~~
~~made heretofore by the Corporation~~, shall be punctually
to any or any students in philosophy or
complied with, and ~~the annual pension for young clerics~~
Divinity shall be sent of Baltimore Diocese the concurrent direction of
to the Seminary ~~shall be paid as long as any shall be~~
~~sent & thereby direction~~ of the Bishop and Superior the
usual pensions shall be paid.

5 Students of Divinity, at the sd. Seminary ~~aforesaid~~, or else-
a solemn obligation to give their services for a term to
where, who are "bound by" the College (of George Town),
have their theological studies interrupted
ought not to ~~be withdrawn during their course of Divi-~~
~~nity~~ unless in cases of urgent & unavoidable necessity:
of which necessity ~~not only the President of the College, but~~
& Prest. of the College are to
the Bishop, & Superior ~~of the Society shall be~~, the judges.

+J. Bp. of Balt^e.
R. Molyneux S.J.

the more important alterations. The others can be seen in the facsimile.[4]

A. 1805, September 20.

+

The following articles of agreement were considered and adopted between the Subscribers, the R. R^d^ Bishop of Baltimore on the one part, and the Rev^d^ Superior of the Society of Jesus in the United States of America on the other part, at the house of St. Thomas manor, this 20^th^ day of Sep^r^ 1805; and it was agreed and understood that the articles here underwritten shall be the rules of proceeding not only for the parties subscribing, but for their Successors respectively.

1. Whenever the place of Director or manager of an estate belonging to the Society aforesaid, or to the Corporation of the Clergy (a) becomes vacant, the Superior of the Society has (b) the sole right of appointing the Director or manager; who however will not thereby acquire (c) any authority to govern the congregation contiguous (d) to his residence, or to have the care of souls.

2. The Bishop, having necessarily the power of appointing pastors to the Congregations of his Diocess, shall (e) proceed in the following manner with respect to the appointment of those to whom are to be committed the Congregations,(f) which have heretofore been attended by priests living (g) in the houses, and maintained by the estates (h) of the Society. He will make known to the Superior of the Society (j) those clergymen, to (k)

(a) Of the Clergy. *Memorandum:* in trust for the Society.
(b) Has. *Mem.:* shall have.
(c) The Director *to* acquire. *Mem.:* to the vacant place. But the Director or manager appointed by him will not acquire.
(d) Contiguous. *Mem.:* attached.
(e) Pastors *to* shall. *Mem.:* the pastors of his Diocess, will.
(f) *Mem.: divers verbal changes.*
(g) Which *to* living. *Mem.:* appendant to and served.
(h) And *to* estates. *Mem.: erasure.*
(j) Make known *to* Society. *Mem.:* advise the Superior who [*verb*, are, *wanting*].
(k) To, *interlined in the original?*

[4] *The document is endorsed:* Points settled with the Rev. Mr. Molyneux (*Georgetown College Transcripts, 1805, Sept. 20; a copy by Shea, 3 pp. 8vo*). *That there was no other original is inferred from the circumstance that none was ever presented or offered, either to the Trustees in America, or to the Cardinals in Rome; and this one was not of a nature to exhibit. The same inference is drawn from the fact, that in one partial, autograph copy of Marechal's* (*infra*, C), *he mentions a paragraph "6," to which nothing corresponds in the Agreement, but which is nevertheless represented in this original by the number "6" erased. That the signatures were attached by the signers to the original formula on this paper, and not to the second form scratched over the first, is inferred; inasmuch as, says Shea,* it is impossible to conceive how any two sensible men could have signed a paper in its present condition (No. 187, B). *However, as the first formula itself has some erasures, that too may have been a mere draft, and been treated as such, scratched over and altered under the eyes of both parties; and then, even in that state, have received their signatures. In such a case, the whole, from first to last, would have been a mere memorandum; and it could not be spoken of as* a positive and formal convention (No. 180, P, *Marechal, 6 June, 1818, to the Trustees*), *as a "convention," a "contract,"* in qua [*superior*] positive suscipit obligationem (No. 115, § 22, *Marechal, 19 Aug., 1820, to Card. Fontana; and* Section III., Nos. 115–121, B, *passim*).

whom he intends to give the charge of these Congregations; and [l] these shall [m] be received, as usual, to [f^o] the accustomed residence and maintenance. But, if the Superior object to the persons thus named,[n] the Bishop, at his discretion,[o] will either make another appointment, or call on [p] the Congregations to make provision for the residence [q] of their pastors.

3. The annuity allotted to the Bishop from the estates of the Clergy, and now of the Society, and which was declared inalienable and perpetual previously to the erection of the Episcopal See,[r][5] shall so remain perpetual and inalienable: and an authentic instrument of writing to that effect shall be executed.

4. All other public engagements on the estates of the Society, made heretofore by the Corporation,[s] shall be punctually complied with, and the usual pensions for young clerics [t] [6] to the Seminary shall be paid, as long as any shall be sent thither by direction [u] of the Bishop and Superior.[v]

5. Students of Divinity at the Seminary aforesaid, or elsewhere, who are "bound by" [w] the College (of George Town), ought not to be withdrawn during their course of Divinity [x] unless in cases of urgent or unavoidable necessity: of which necessity not only the President of the College but [y] the Bishop, and Superior of the Society shall [z] be judges.

6. [a2] [7]

+ J. Bis^{p} of Balt^{re}
R. Molyneux S.J.

Endorsed: Points settled with the Rev. Mr. Molyneux.[8]

(l) Unless the S: *erased in the original?*
(m) He *to* shall. *Mem.:* such Congns are destined: and, if the Superior make no objection, they are to.
(n) To the *to* named. *Mem.:* to their residence in the houses of the Society.
(o) At his discretion, *erased.*
(p) Call on. *Mem.:* recommend to.
(q) And maintenance, *interlined.*
(r) Clergy *to* See. *Mem.:* Society or Corporation.
(s) Of the Society *to* Corporation. *Mem.:* aforesaid *substituted before* estates.
(t) The usual *to* clerics. *Mem.:* so long as any students in philosophy or Divinity shall be sent.
(u) Shall be paid *to* direction. *Mem.:* of Baltimore with the concurrent direction.
(v) *Mem.:* the usual pension shall be paid.
(w) *Mem.:* a solemn obligation to give their services for a certain term to.
(x) Be *to* Divinity. *Mem.:* have their theological studies interrupted.
(y) Not *to* but. *Mem.: erased.*
(z) Of *to* shall. *Mem.;* and Prest of the College are to.
(a^2) *Erased.*

[5] *There are three matters of fact stated or implied here, which are avoided in the second memorandum form. 1. That the property had* now *been vested in the Society. 2. That an annuity had been assigned in perpetuity, previously to the erection of the episcopal See; in point of fact, it had been assigned, not in perpetuity to a bishop, but* permanently *to the Superior, Carroll, both as a priest and as a bishop* (Nos. 116, C, note 8; 117, C, note 8). *3. That the annuity was thus attached to* the Episcopal See; *in fact, it was attached to the ex-Jesuit Superior of the ex-Jesuits* (*ibid.; cf.* No. 168, A, 22º).

[6] *Cf.* Nos. 174, 175, D^2–G^2, *on the aids for secular seminarians.*

[7] *Marechal copies this number 6 in his* Extracts (*infra*, C); *which seems to show that this paper was his original.*

[8] *This endorsement is noted in Shea's copy.*

Notre Dame University, Catholic Archives of America; Archbishop Carroll Department, file 1. This original was presented to Prof. J. F. Edwards by Emily Brent, sister of John Carroll Brent, writer of a Biography of Archbishop Carroll. See the facsimile, supra, facing p. 928.—*Georgetown College Transcripts, 1805, Sept. 20; a copy in Shea's hand, 3 pp. 8vo, with this note of his added:* Above is an exact copy of a document with erasures and interlineations, entirely in the hand of Archbishop Carroll, except the signature of R. Molyneux S.J., which is evidently in that Father's.

B. (1820, Aug. 19.)

Partial Latin copy of the foregoing Agreement, contained in the letter of Marechal, 19 Aug., 1829, to Card. Fontana, Prefect of the Propaganda. See No. 115, § 23, *and* notes, *ibid.*, 36, 37.

The preamble, article 3, and the signatures are rendered into Latin. Article 3 is taken from the memorandum form (supra, A, note (r)). *There are three additions not in our original: 1.* A.M.D.G.; *2. the gloss:* (Cleri nempe Marylandiensis), *which substantially alters the meaning of the article, and is introduced as if it were part of the text (see* No. 115, note 36); *3.* Sup. *attached to Molyneux's name, which latter is not spelt correctly.*[9]

C. (1822, January ?)

Partial English copy of the foregoing Agreement, contained in Marechal's autograph Extracts, *apparently communicated to the General of the Society. Cf.* No. 116, note 32. *The first extract runs as follows:*

The preamble in full: The following articles, *etc.*

Art. 1, 2,—[*sic*].

Art. 3d, *given in full, as in the memorandum form (supra,* A, note (r)).

Art. 4, 5, 6,[10] &&. [*sic*].

\+ J. Bishp of Baltre
R. Molineux S.J.[11]

General Archives S.J., Maryl. Epist., 6, i., Extracts; *Marechal's autograph, without date or signature; 4 pp. 4to.*

D. (1822, January 18.)

Full English copy of the foregoing Agreement, in the hand of Rozaven, but with abbreviations, spellings, and dots characteristic of Marechal's.

It is all taken from the memorandum form, with preliminary paragraphs that are not in the original, nor in any other copy, except in the Italian translation (infra, E). *Article 3 has prefixed the sign +; and the signature,* Robt Molineux, *has* Supr S.J. *attached:*

Authentick copy of the agreement of Dr Carroll with Revd Robt Molineux Supr S.J.

[9] *Cf. also Shea's own copy (ff. 13, 8vo), Georgetown College Transcripts, Marechal Controversy, 1822,* Baltimori, Sommario, Num. I. 23.

[10] *This seems to be the number "6" of our original.*

[11] *Here* Sup. *does not appear after the name of Molyneux.*

Ad Majorem Dei Gloriam.

Agreement adopted and signed between the Rev.d J. Carroll, Bishop of Baltimore, and the Rev.d Rob.t Molineux, Sup.r of the Jesuits.[12]

The following articles . . .

. . . . . .

. . . are to be judges.

J. Bishop of Baltimore.
Rob.T Molineux Sup.r S.J.

General Archives S.J., Maryl. Epist., 6, i., copy by Rozaven.

E. (1822.)

Italian translation of the foregoing Agreement, printed in the Propaganda brief of the case, 1822, from a copy supplied by Marechal, and authenticated by him as Conforme all'originale. + Amb. A. B., "*A true copy.*" *There are two substantial errors in this version as printed, and presented to the Cardinals in* Num. IV. *of the* Sommario, *1822.*[13]

Copia autentica del convenuto, *etc., as in* D.

I seguenti articoli di convenzione furono conchiusi ed adoperati,[b2] *etc.*[14]

3. L'annuità assegnata al Vescovo dai padri della Società,[c2] *etc.*[15]

+ J. Vescovo di Baltimore.
Roberto Molineux, Super. S.J.[16]

Conforme all'originale.
+ Amb. A.B.

Propaganda Archives, Acta; Baltimori, 1822, *printed* Sommario, Num. IV.; *verified with the MS.* copia autentica: Scritture riferite nelle Congregazioni Generali, *by Rev. Canonico D. P. Semadini.—Georgetown College MSS. and Transcripts, Marechal Controversy, 1822; Shea's copy of the foregoing* Sommario, Num. IV.

(b2) *The* copia autentica, *manuscript* (Scritture riferite nelle Congregazioni Generali) *has these words,* conchiusi ed adoperati. *So too the printed copy.*

(c2) *The* copia autentica, *manuscript, has* poderi, "*estates,*" *as in the English original, The printed copy:* padri, *a typographical error. The same typographical error occurs in the preamble:* alla casa del padre [*podere*] di S. Tommaso. *There are two other typographical faults:* Corporazioni *for* Congregazioni, *in paragraph 2; and* Congregazione *for* Corporazione, *in paragraph 3. Marechal's emphatic dots appear* (D, E) *in the middle of article 2, after* houses of the Society. *Cf.* No. 115, note (b), p. 399.

[12] *These preliminary paragraphs, which are not in the original, seem to be intended for printing in the* Sommario *as infra* (E). *What is meant by the insertion of* Ad Majorem Dei Gloriam, *which here has taken a place different from that allotted to it in* B (No. 115, § 23), *is not clear, unless it means to intimate the authenticity of the document as being Jesuit, by prefixing the Jesuit motto.*

[13] *See* Documents, I. Part I. pp. 402, 403.

[14] *Instead of* The following articles . . . were considered and adopted (*considerati ed adottati*), *this printed version placed in the hands of the Cardinals, has:* "*were concluded and put in execution,*" *as if it were an executed contract that was in question. The paper had never been heard of for twelve years, till Marechal produced it.*

[15] *For the effect of this version, see* No. 115, note 36. *It transfers the claim of Marechal from the estates, as such, to the Fathers themselves, irrespective of the estates. The fact of its being a typographical error does not take the relevancy out of it, when left uncorrected in the copies submitted to the Cardinals.*

[16] *For the significance of the insertion:* Superior, *affixed to the name of Molyneux, and in this place unauthorized, cf.* No. 116, C, note 4.

No. 187. (1805.)

Dr. J. G. Shea on the foregoing Agreement; his comments on the original. *This historian, who discovered the original paper, had at his disposal only a portion of the documents, serving to explain the question. His data being defective, some of his conclusions show the consequences of the deficiency.*

A. 1888, May 31.

Shea, Elizabeth, N.J., 31 May, 1888, to Rev. John A. Morgan, S.J., St. Joseph's Church, Philadelphia.

The case in Rome seems to have gone through surreptitiously. Fr. Charles Neale seems to me to have let the case go by default, instead of acting promptly, or letting a corporator sue the Corporation and Archbishop.

The property was not acquired from the Baltimore family, from the Catholics in Maryland except one or two lots like Brittan's Neck,[1] nor by means furnished by the English province.[2] It was bought by individuals,[3] till it was conveyed to the Corporation. Father Molyneux by his agreement could not bind the Corporation, unless by their acts they recognized his agreement with Bishop Carroll, and that they did by making the payments to Bishops Carroll and Neale.[4] The words of the agreement are: Sept. 20, 1805: "3d The annuity allotted to the Bishop from the estates of the Society or Corporation shall continue perpetual and inalienable, and an authentic instrument of writing to that effect shall be executed."

You seem to think that this annuity was offered to Abp. Marechal: but I think not, as he positively declares the contrary. . . .

Then came the appeal to our Government. There was a letter of Prest Adams to Archbishop Marechal; but I have not seen it or the further action of our Government. . . .

If the Brief[5] were not printed and the matter known, and many papers regarding it accessible at the Archbishop's and the Seminary,

[1] *Cf.* No. 32. *The two parcels of Bretton's Neck and Outlet were bought for 40,000 lbs. of tobacco.*

[2] *All the original purchase of land from Cecil, Lord Baltimore, was at the cost of the English Fathers S.J., amounting in the first few years to a credit of 28,500 acres, whereof only 3400 were ever granted by Lord Baltimore in liquidation of his debt. See* History, I. § 20, p. 254; § 24, p. 264; Documents, I. Nos. 24, 30, 31.

[3] *That is, by individual Jesuits, whether at the cost of the English procurators, or, with the permission of the Provincial, by the assignment of individual patrimonies to the benefit of Maryland, or with the help of loans never repaid to the funds drawn on in the English Province, or through the economy of the missionaries in the use of the landed capital acquired. Cf.* Nos. 42, A; 50, A; 52–54; 109, C; *and* Section II., *passim.*

[4] *These allowances had no connection with the Carroll-Molyneux Agreement. Cf.* Nos. 116, C, note 8; 117, C, note 8; *and the respective acts of the Corporation in* Sections IV., V., *as cited by their dates in the Index, sub voce, Proceedings.*

[5] Nos. 121, F; 205.

Baltimore,[6] I would omit all reference to it.[7] I wish to say as little as possible, after getting all authentic papers.

I enclose copy of a Statement of Abp. Marechal. The very first line is a fallacy.[8] Was not the property in the hands of the Sulpitians as much ecclesiastical property as that in the hands of the Corporation? Was not the Carmelite and Visitation property equally so?[9]

The printed Statement to which I refer was headed Sommario, Pio Pont. VII., and, according to my memorandum, begins p. 32, with an Italian translation of Bishop Carroll's account of religion in this country; then goes into details as St. Inigoes, Newtown, St. Thomas' Portobacco, Bohemia, St. Ignatius, Marcel [*Worsell*], Woodbridge, St. Joseph's, Arabia Pet., Frederick City, Whitemarsh, [*James*] Carroll's Will, 1728. I intend to examine it carefully, and, if I have time, copy it.

It was apparently preceded by his [*Marechal's?*] petition to the Pope: pp. 1–32. This I hope to find.[10]

The papers in the office of the Secretary of State in Washington give, I suppose, the strongest arguments put forward by the Society.[11]

Shea's failure at Georgetown College to obtain information about its history, between its opening and the retirement of Dr. Du Bourg: and in Fr. Sumner's paper that is a blank. *Nor could he learn any particulars about the foundation or founders of the original Trinity Church, Georgetown.*

I return the note, with many thanks for the information. . . .[12]

[6] *There are, moreover, the Propaganda Archives, the English College Archives, Rome, the Jesuit Archives, whether General, English, or American, besides other funds; since three distinct* Ponenze *with* Sommarii *of documents were printed and distributed (1822, 1824, 1826) in the interest of Mgr. Marechal.*

[7] *Cf.* Documents, I. Part I. Preface, p. vii.

[8] No. 140, B. The Jesuits, who now possess all the ecclesiastical property of Maryland. . . .

[9] *Similarly,* the ecclesiastical property, *of which Marechal treated with F. Neale* (No. 184, F–M), *and which was never in the hands of the Jesuits.*

[10] *The document thus described by Shea is the second controversial brief or* Ponenza, *or* Posizione, *drawn up by Card. Fesch (1824) on behalf of Marechal. See* No. 210, B. *What Shea supposes to be the translation of an account by Bishop Carroll is the version of the C. Neale–B. Fenwick Memorial* (No. 184, C, [*I.*]) *which is* Num. IV. *in the said* Sommario. *The parts antecedent are the* Ristretto (*21 pp. 4to*), *and the preceding Nos. of the* Sommario, *which is itself 76 pp. 4to.*

[11] *There were no documents nor arguments presented by the Society to the Government. Cf.* No. 135, A, note 41.

[12] *John A. Morgan, 30 May, 1888, to Dr. Shea; an answer on the Marechal controversy. There are several inaccuracies in Father Morgan's note: that the Corporation voted the same allowance to Marechal as to his predecessors; that White Marsh was granted to the Seminary of Baltimore, after Bohemia had been withdrawn. Father Morgan quotes well from a letter of Father Tristram, England, that the strong and weak points of the Jesuits' land tenure, both in England and in America, were in the attitude of the civil law towards it. (Md.-N. Y. Province Archives, 1888, May 30, J. A. Morgan to J. G. Shea.)*

Father Joseph Tristram, 18 May, 1823, wrote to Anthony Kohlmann, giving the substance of a letter from the General (cf. No. 197, B, 13; *23 Apr., 1823*), *who declines to communicate directly with the American Fathers, at the present stage of the controversy. Tristram rehearses the heads of the General's letter; and then gives his own views: If it is a civil affair, why not test the matter with Archbishop Marechal in the civil courts, and settle the question, one way or other, about a foreign tribunal and foreign jurisdiction?* My only fear is, that such appeal may injure religion; and

B. 1889, February 14.

Shea, Elizabeth, N.J., 14 Feb., 1889,[13] *to Morgan, Philadelphia.*

An 80 pp. folio *comes under review:* one of the pamphlets printed by Abp. Marechal in Rome.[14] *His case; statement of* Grassi; *of Father Fortis. Marechal's rejoinder; the Carroll-Molyneux Agreement; the Act of 1793.*[15]

He [*Marechal*] assumes that the act was a solemn decree of the Legislature, by which the property held for the Jesuits was made a trust fund for the whole Maryland Clergy. How little he could have understood English and American legislation, if he thought that an act of incorporation could change the beneficiaries of a trust!

His next point is the agreement between Bp. Carroll and F. Molyneux. He presented a copy attested by himself![16] Now, by a strange providence, the original document has been sent to me from a western collector.[17] It is entirely in the handwriting of Abp. Carroll, except the signature of F. Molyneux: but from beginning to end it is a mass of erasures and interlineations, of not one of which Abp. M. gives the slightest hint in his assumed copy. It is impossible to conceive how any two sensible men could have signed a paper in its present condition. The

I feel rather surprised that a sensible person, such as I presume the AB. to be, seeing that although a foreigner he has been chosen to such a high dignity, should in your free country have ventured to apply to Rome for the decision of a case, which seems exclusively to belong to the jurisprudence of the country. I do not think that you have anything to expect in your favour from Rome, which seems quite dissatisfied with your not having submitted to its decree. Indeed every means appears to have been used to f o r c e you to comply; a decree of Propag^da^ and an order from your religious Superior, which we cannot help looking on as a point imposed on his Paternity, to make you and the Corporation cede the boon without resistance: nor do I see how you could have done otherwise, if the dominium of the estate had not been vested in the Corporation. *Salutations.* ¶ P.S.—We sincerely hope that his Grace will have no reasonable cause of complaint against you, no[r] be able to say that there is a want of due subordination to proper authority; an accusation which the enemies of the Soc^y^ are endeavouring to propagate, and under which we suffer here, though I hope unjustly. While your A.B. was at Rome we were informed that it was his intention to take Stonyhurst in his way back to America; but probably did not execute his intention in consequence of what passed at Rome.—Instead of documents from yourselves, you ought to have sent legal protestations, backed by the civil authority of the country to the Propag^da^. In this country our adversaries endeavour to make Rome believe, that all that is done against us is by the Governm^t^, and this watchword (Gov^t^) keeps the Propaganda in dread. (*Md.-N. Y. Province Archives, portfolio 3, Tristram, Stonyhurst College, 18 May, 1823, to Kohlmann, Georgetown.*)—*On the English issue, here referred to, cf. Appendix infra,* No. 220, B, C.

[13] *A letter of 15 Feb., 1889, from the Jesuit custodian of the archives at Woodstock College to Morgan, suggests that Dr. Shea should be empowered by Rev. Father Provincial to investigate the said archives.*

[14] *The* Ponenza *with* Sommario *of 1822. See supra,* Part I. pp. 402, 403. *Shea's own manuscript copy of the documents in this printed brief is among the papers, Georgetown College MSS. and Transcripts, Marechal Controversy, 1822.*

[15] Nos. 115–118; 164. *As to Shea's next paragraph, cf.* No. 165, B, [V.].

[16] *Cf.* No. 180, T. *It would appear from the tenor of Kohlmann's document cited there, that not even in a private interview with Marechal (1818) had Kohlmann thought of asking to see the original. Four or five years later, the voluminous correspondence and the documents in Rome and Maryland make no allusion to anything except Marechal's statement of the Agreement, and the copy of it presented by him in Rome.*

[17] No. 186, *facing* p. 928.

strong presumption would be that, objections having been made,[18] Dr. Carroll altered it as the basis of a subsequent agreement. Certainly in no Court of justice would such a paper be received as binding on any one.

The Society ought to have a facsimile of this paper. *Suggestions as to the form of the facsimile, and subsequent use.*

Another point he makes is that Thos. Shea gave Deer Creek, and Rev. A. [!] Carroll White Marsh in 1728 to the Jesuits, not for the Order but for the benefit of the Church at large in Maryland. He adduced no proof, and it is not easy to see where he could get any. He merely says that the fact is notorious.[19] Strange that the Vicars Apostolic [*of London*] and Dr. Carroll were so ignorant of a notorious fact.

He says that Bp. Carroll endeavoured to induce the ex-Jesuits to convey him half their property, and subsequently pressed them to give him Bohemia. Strange that, in all the correspondence, I never met a letter on the subject.

Yours sincerely in Xt.

JOHN GILMARY SHEA.

C. 1889, February 17.

Shea, Elizabeth, N.J., 17 Feb., 1889, to Morgan, Philadelphia.

REV. DEAR FATHER,

I enclose the original agreement and the copy as presented by Archbishop Marechal to the Holy See, attested by himself as a true copy.

Father Grassi declares that there was no counterpart of it in the hands of the Superior or the Corporation, and that its existence was unknown till Abp. M. found the original among Abp. Carroll's papers.[20]

Evidently this original was never produced or shown by Abp. M. to the Fathers, or to the authorities at Rome.

It was a draft hastily drawn and hastily signed ; reconsidered, altered and laid aside. As, after I return it to the present owner, it may not turn up again for years, if ever, I regard it as of the highest importance that the Society should possess a facsimile of it. If reproduced by Grosscup of your city, the size of W. Letter page, it may be inserted some time with very little comment.

A description or written copy would fail to give an idea of the condition of the original. *Directions for the facsimile.*

The subject is one I cannot omit in my history. I wish to say all in about 15 or 20 lines, and to make every word capable of proof,

[18] *Cf.* No. 178, M, *Molyneux, 7 Nov., 1805, to F. Neale.*
[19] No. 115, § 32. *Cf.* No. 181, J, note 34.
[20] No. 118, § 10. *Cf.* No. 116, D, § 24.

and to treat the matter in a way not to excite curiosity or shock any one.

Yours most sincerely,

JOHN GILMARY SHEA,

138, Catherine St., Elizabeth, N.J.

To Rev. J. A. Morgan, S.J.,
St. Joseph's Ch., Philadelphia.

D. 1889, February 28.

Shea, Elizabeth, N.J., 28 Feb., 1889, to Morgan, Philadelphia.

REV. DEAR FATHER,

Gratification at the prospect of a facsimile being preserved. I am afraid that I cannot reach [?] the Corporation papers, and these are the main authority.

Father Fortis' reply to the Archbishop is very clear, able and thorough.[21] There is scarcely a point that could be taken that he does not raise. The rejoinder to it is weak.[22]

How the Committee of Cardinals come to their conclusion, I cannot see.

Particulars of College celebrations at Georgetown and Fordham.

Fr. Fortis cited Bp. Carroll's disclaimer of any claim to the Jesuit estates, as Bishop of Baltimore. Abp. M. replied that this was done only in letters to Jesuit Fathers in 1789-90, when F. Ashton was declaiming against the Bull erecting the See, and before the Jesuits had by the solemn decree of the Senate of Maryland dedicated all their property to the support of the clergy of Maryland, and before the agreement with F. Molineux.[23]

Did he [*Carroll*] make such a disclaimer on the records of the Corporation ?[24]

It looks to me as if Abp. M. secured French influence, which induced Cardinal Fesch to report in his favor.[25] Certainly, the three Cardinals do not seem to have given the case a thorough examination.[26]

As soon as the new administration is organized, I shall apply to the Secretary of State for copies of some of the documents there. Have you seen any ? There is said to [*be*] a very severe letter of John Quincy Adams to the Abp.

Yours sincerely in Xt.

JOHN GILMARY SHEA.

Rev. J. A. Morgan S.J.

[21] No. 116, D.
[22] No. 117.
[23] Nos. 117, C; 162, note 43.
[24] *Cf.* No. 160, C.
[25] *Cf.* No. 202.
[26] *Shea is supposing that it was a case before a tribunal. See* No. 121, pp. 472, 475; Nos. 202-204. *Cf.* No. 181, J, note 34.

Md.-N. Y. Province Archives, Shea, Elizabeth, N.J., to Rev. John A. Morgan, S.J., St. Joseph's Church, Philadelphia: 31 May, 1888; 14 Feb., 1889; 17 Feb., 1889; 28 Feb., 1889.

The sketch, which Dr. J. G. Shea published subsequently, in his History of the Catholic Church in the United States, *iii. 65–71, is substantially correct as far as it gives the state of the controversy, but is misconceived in some details, and is considerably deficient for want of documents. Then, to explain away the Papal Brief, he adduces a theory drawn from the fact and effects of the Suppression: that* the property of the Society vested in the Pope, to be disposed of by him in the best interest of religion. *He refers in a note to the Pious Fund of California and the Jesuit Estates in the Province of Quebec.*[27]

The case of Quebec may be seen in a later volume of this History. As to Maryland property, the explanation offered by Dr. Shea has no place. First, the general principles of Pius VII. and of the Roman Congregations were distinctly at variance with such a theory, regarding the ancient property of the Society from the moment when the Order was restored. This may be seen in the Appendix, infra, No. 224. *Secondly, in the entire controversy started by Mgr. Marechal, and conducted from 1817 till his death in 1828, the voluminous documents show barely a trace here and there of such a principle being invoked. The significance of its futility is accentuated by the circumstance that Marechal had it in view at least as early as 1822; and that, as late as 1826, when all other arguments had failed in Rome, it was then thought of, says Kohlmann in certain Observations for his Holiness the Pope, as "a new principle" to retrieve the cause.*[28]

E. 1822, February 16.

Beschter, Baltimore, 16 Feb., 1822, to Dzierozynski, Georgetown. A letter received by the Rev. Mr. Whitfield, Baltimore, from Marechal, Paris, 10 Dec. (1821), states among other pleas to be advanced in Rome that the Society has never been restored in America, since the Government has never consented to the restoration, and would never consent.[29] *See* No. 200, E.

[27] Cases which have since arisen make it evident that the Holy See holds, that by the Suppression the property of the Society vested in the Pope, to be disposed of by him in the best interest of religion. This, though not expressed in the documents, will explain the action in the Maryland controversy. [*Note:*] The Pious Fund of California, and the Jesuit Estates in the Province of Quebec.

[28] *Infra*, F.

[29] *Precisely the English anti-Jesuit policy transferred to America. See* No. 220, B, C. *Cf.* No. 129, B, p. 510, *Beschter, Baltimore, 17 Feb., 1823, to C. Neale.*

F. (1826.)

Kohlmann's Osservazioni da fare al Papa intorno alla lite col Archº di B., *a document, s.d., belonging to the last stage of the controversy, and apparently after the receipt of Marechal's Twenty-three Propositions (15 Jan., 1826).*[30] *Eleven Observations. The last, § 11, is to the effect that Card. Fesch, it is reported, "thinks of proceeding on a new principle, suggested to him by the Archbishop of Baltimore, and insinuated to myself also, when I was in America. The principle referred to is this: by the Suppression of the Society the members of the Society have lost all right to the estates in question; from that moment these belonged no more to them, but to the Pope alone. I admit the principle." Then Kohlmann argues against acting on it, for motives of policy. The American Government will exercise the same authority over the said property as all princes in Europe had exercised in their dominions over the goods of the extinct Society. It will appropriate all.*[31]

11. Ma mi vien riferito che il Em : ponente [*Card. Fesch*] pensa di procedere sopra un nuovo principio suggeritoli dal Arch : di B., e insinuato ancora a me quando stavo ancora in America :[32] il principio suddeto è questo : per la soppressione della Compª i membri della Comp. hanno perduto ogni diritto sopra i poderi in questione, da quel momento non appartevano piu a loro, ma al Papa solo. Io ammetto il principio, benche

[30] *There is no direct allusion in the document to the technical stage of the case at the moment; but the whole statement, regarding the American Government, a pension instead of White Marsh, the incapacity of the American Fathers to subsidize the prelate, agrees with the issue in 1826. Cf.* Nos. 135, A; 209, B, 1.

[31] *Kohlmann seems to "admit the principle" merely for the sake of passing on to the argument of policy; that is, he passes it over without discussing it. The principle was incorrect for the time after the restoration of the Society. See* No. 224.

The dominium of most of the property had become vested, rightly or wrongly, in new proprietors; and that of such portions as remained within the power of the Pope to restore at the re-establishment of the Society was so restored. His intention, however, that all the ancient property of the Society should be given back to it, was unlimited with regard to the whole world: circa il ristabilimento della stessa Compagnia di Gesù a questa Nostra Città di Roma, ai Dominj Pontificj, ed a tutto il Mondo Cattolico, sembrava giusto e conveniente che alla medesima Compagnia, e sua Procura Generale rispettivamente, così universalmente ristabilita, venissero restituite le Chiese, Case Religiose, e Beni, che possedeva prima della sua soppressione. *With such premises, the Pope proceeds to order the restoration of certain property in Rome; states his intention of doing the same with other property; and declares the right of the Society intact to recover its former possessions in other places, to which end His Holiness states his intention of co-operating:* Non è Nostra Volontà, che resti menomamente pregiudicato il dritto, che alla ristabilita Compagnia, e per Essa al Sacerdote supplicante [*L. Panissoni, S.J.*], o ad altri legittimi rappresentanti la medesima compete in virtù delle contemporanee Nostre Lettere in forma di Bolla [*the Bull of Restoration, same date*], di ricuperare anche le Chiese, e Case Religiose esistenti in altri luoghi, e spettanti alla stessa Compagnia prima della sua soppressione, per la quale restituzione anzi ci esibiamo pronti a far godere alla stessa Compagnia, e suoi rappresentanti, anche in quanto alle disposizioni e providenze necessarie per assicurare il mantenimento degli Individui Religiosi, e l'Offiziatura delle Chiese, tutti gli ajuti ed effetti della Nostra Suprema Podestà. *This Brief, addressed to his Treasurer, Marchese Ercolani, has the same date as the Bull of universal re-establishment for the Society, 7 Aug., 1814. (General Archives S.J., Italia, 12, i.)*

Hence it was a hazardous assumption, twelve years later, to imply, as Marechal and Fesch now thought of doing, that the Society was neither restored nor reinstated.

[32] Cf. No. 180, T.

sono certo che il Governo degli Stati Uniti [a] non ammettera mai di aver [b] meno dirrito di quel che pretendono i Principi non solamente Protestanti ma ancora i catholici, i quali dapertutto si sono emposseduti dei beni della Compª Ma di questo sia come vuole. Io dico, che non è possibile di porre avanti, in questa causa, un pensiero o principio piu fatale alla Religione in generale di questo: perche se questo principio è messo avanti e saputo dal governo, è chiaro che quei beni cadderano nelle mani del governo, o ne sara la metà del primo occupante, e l'altra metà del governo secondo le legi dei Stati Uniti: perche secondo il supposto non sono padroni di quei poderi i Jesuiti, nè è Padrone il Papa, perche questo diritto nel Papa non sara mai riconosciuto da quel Governo: appartengono dunque alla Republica: cosi averra che poderi destinati dal principio per le cose pie non in generale, ma in particolare per quelli fini sublimi che si propone la Compª di Gesu, non saranno nè al Papa, nè al Arch., nè ai Jesuiti, ma apparteranno al fisco.[33]

Kohlmann continues, closing his paper with the following drastic recapitulation of his Observations, and a reflection on the Fesch–Marechal mode of procedure: Questo è il stato preciso della causa pendente tra il Ar. e la missione Am. della Comp. di [*Gesù*]: queste sono le disposizioni del governo e del popolo: queste le consequence che si devono aspettare, se mai la Congregazione venga a toccare di nuovo questa corda gia tanto odiata in America. Sono informato, che il Card. ponente [*Fesch*], senza avere il minimo riguardo a quel che è stato sopra accennato, pare risoluto ad onta di ogni ragione in contrario di guadagnare la causa del suo Cliente [*Marechal*], ma osservi la V. Santita che "una parva scintilla possit excitare magnum incendium non ita facile postea exstinguendum," che in un paese tal che i Stati Uniti si deve procedere con moltissima cautela e circonspectione, che le conseguenze irremediab[*i*]li seguite da un certo passo non si attacoranno mai al Card. Ponente, ma al Pontifice regnante, e che in questa occasione è importantissimo di rifleterre a quel "Nescit vox semel emissa reverti." Voglia Iddio, che i Catholici di America non abbian mai da pensare, molto meno di dire, che Roma, in vece di avancare il progresso della Relig. Cath. negli St. Uniti, ha fatto un passo calcolato per distrugerla.

A. KOHLMANN S.J.[34]

General Archives S.J., Maryl. Epist., 6, iv., R; a draft, not much corrected by the writer; 4 pp. folio.

(a) Pretende, *erased.*
(b) Non, *erased.*

[33] *A similar result, but from other premises, was noted by the General, 19 June, 1824, to the Cardinal deputies of the Propaganda. See* Nos. 131, note 9; 208, G, Memoria Seconda.

[34] *If these Observations were actually presented to His Holiness, it is clear that the substance only, not the style, could have been used. Other extracts from this paper of Kohlmann's are given in* No. 135, A, note 30, *and ibid. passim.*

No. 188. 1814, 1815.

Antecedents of the Neale–Grassi Concordat: preliminaries of Carroll.

From the date (7 Dec., 1814) at which Archbishop Carroll received in Baltimore the Bull of the Society's canonical re-establishment, he opened and pursued the question of coming to an understanding, as between the Ordinary of the diocese and the Jesuit Superior, regarding the course to be pursued, at least in this Diocess.

A. 1814, December 7.

Enoch Fenwick, S.J., Baltimore, 7 Dec., 1814, to (Grassi). The Bull of restoration.

Archbishop Carroll received this evening *a copy of the Bull, re-establishing the Society.* He desires me to transmit it to you with all possible despatch. *Fenwick's own effusions of joy.* The Abp. not having as yet read the Bull of His Holiness quite through, asks a return of it, together with Father Plowden's letter by next Saturday's mail.

Further expressions of joy.

Y^r^ devoted and affectionate Son,

ENOCH FENWICK.

P.S. The Abp. desires me also to inform you that he will to-morrow answer your letter received this evening.—E. F.

Balt^re^ Dec^r^ 7th. 1814.

B. (1814), December 10–11.

Carroll, 10–11 Dec. (1814), to Grassi. First proposal of a mutual understanding.

REV. AND H^D^ SIR,

Having contributed to your greatest happiness on earth by sending the miraculous bull of general restoration, even before I could nearly finish the reading of it, I fully expect to receive it back this evening with Mr. Plowden's letter. Our next consideration will be on the course to be pursued, at least in this Diocess.

You appear to be very uneasy about Mr. Mertz's going to Conewago;[1]

[1] *A month before, Carroll had written to Grassi:* 3º When Mr. [*Francis*] Neale returns from Harford C^ty^, Conewago and Mr. Mertz's affair will be more fully discussed: but be assured, that I shall not interfere in the temporal or spiritual concerns of the estate, or Congregation. 4º *On the Georgetown Church student, Matthew.* (*Md.-N. Y. Province Archives, 1814, Nov. 12, Carroll, Baltimore, to (Grassi); 2 pp. 4to, No. 159.*) *The difficulty seems to be that Grassi had intended to send Father Rantzau as assistant to Father Adam Marshall at Conewago, in Pennsylvania. This would have necessitated Carroll's calling on the suspended priest McGinn*

the truth is, he was tired of, and resolved to leave Balt^re^, and expressed to the Rev. Mr. Francis Neale his desire, or at least some propensity to remain at Conewago, for at least a short time. I had nothing to do with him, if he left this place.—Neither the spiritual or [!] temporal government of the Clergy there are the least under my controul: however you may be easy in that respect. Mr. Mertz has informed Mr. [*Enoch*] Fenwick, and indeed me too, that he will remain here, if possible, till May; and luckily Mr. Debarth[2] had not been applied to on this subject, so matters will remain at Conewago in statu quo, unless you send Mr. Rantzau thither, vice Marshal, which I hardly expect; for the former will not be able to bear the winter fatigue of that station. As to his being transferred to Philad^a^, Mr. Roloff to Lancaster, and Byrne to Maryland, it is a matter to be settled between you and Mr. Debarth, in [*as mu*]ch as relates to the two first.

Dec. 11. The other side could not be finished yesterday. *On the public notice to be taken of the Bull by Carroll.* *See* No. 178, P[2].

C. 1814, December 17.

Carroll, 17 Dec., 1814, to Grassi. A conference proposed.

On a conference, *which should* be held to settle a perfect understanding for their future conduct between the Ordinaries and the Superior of the Society in the United States, so that there may be no conflict of jurisdiction and source of dissension hereafter. *Carroll's reasons for this; and reflections.* *See* No. 178, Q[2].

D. 1814, December 27.

Carroll, Baltimore, 27 Dec., 1814, to Grassi. Exception taken to a Jesuit re-organization, not favourable to the diocese.

Rev. hon^d^ Sir.

I cannot take time to express my opinions on many subjects contained in your late letters to Mr. Fenwick and to myself. But some of them are too important not to demand immediate attention. It appears from some passages in your letters, that you propose to proceed immediately to a new organization of the members of the Society, before you have received an authentic and official notification of the act of its re-establishment, or directions from the General of the Society.[3] *Criticisms. Dangers. Considerations on the needs of Carroll's diocese.* On

for service in Maryland. (Ibid., 1814, Oct. 14, Carroll, Baltimore, to Grassi; 1 p. 4to, No. 158.) Then Mertz, German pastor in Baltimore, offered himself. Carroll disclaims all intention of interfering in the affairs of the Society as touching the diocese of Philadelphia.

[2] *Administrator of the Philadelphia diocese at this time.*

[3] *Such notification was received by Grassi, 14 Feb., 1815.* *See infra*, P.

this subject, much more may be agreed on in a conference. *See* Nos. 113, P; 178, S².[4]

E. 1815, February 21.

Carroll, Baltimore, 21 Feb., 1815, to Grassi. Carroll's vindication of his policy heretofore, with respect to the Society, not yet canonically restored. See Nos. 113, Q; 178, U². *One passage, regarding the privileges of the Society, belongs to this place, because it indicates an object of Carroll in proposing a conference; and also exhibits an additional reason for certain sharp criticisms of the Jesuits on Archbishop Carroll's mode of procedure, both past and present.*[5]

[*F.* 2.] You remind me of my promised public notification of the re-establishment of the Society, which shall be forthwith complied with, and a formulary of the notification sent to you, as soon as I have time. The privileges granted to the Society, as far as practicable, will be acknowledged, as soon as they are known; for I do not believe that all those formerly granted will be renewed, or ought to be desired. Some amongst them were never insisted on for prudential motives; some are incompatible with the state of missioners; and in my opinion [*those*], which can be admitted, ought for uniformity sake, to be agreed on by the other Bps. of the United States.[6]—There is no longer any difficulty about the title ad Ordinationem; and everything concerning internal government and discipline will be left to the Superiors of the Society. Concerning the

[4] *The objective of Carroll's remarks in this letter is obvious.* A new organization of the members of the Society *implied the formation of community life, the development of the college system, and the consequent withdrawal from diocesan service of the priests, who now as Jesuits were, from the moment of canonical re-establishment, no longer in foro externo under the jurisdiction of the Ordinary, except so far as their Superior should freely assign them to the ministry. The efforts of Carroll, and his policy in the circumstances, are to be compared with Marechal's policy,* No. 135, B–Q.

[5] *Cf.* No. 178, R², V².

[6] *Cf.* No. 178, Q², note 87. *For the condition in which the privileges of the Society, as distinct from those essentially connected with the religious state, were left by the Bull of restoration, cf.* Documents, I. Part I. p. 402, note 49; and No. 130, A, note 3. *Twelve years later, Leo XII., by his Brief,* Plura inter, *11 July, 1826, renewed and confirmed a series of the ancient privileges proper to the Society, and granted new ones. Finally, Leo XIII., by his Brief,* Dolemus inter alia, *13 July, 1886, confirmed all the Bulls and Briefs of the Roman Pontiffs, regarding the foundation, constitution, and confirmation of the Society, from Paul III.* (*1540*) *till the present time, with all their contents and deductions, as well as all privileges, immunities, exemptions, indults, directly or indirectly granted, and not abrogated by the Council of Trent or other Papal Constitutions:* Utque vel magis Nostra in Societatem Jesu voluntas perspecta sit, omnes et singulas litteras apostolicas, quae respiciunt erectionem, institutionem et confirmationem Societatis Jesu, per praedecessores Nostros Romanos Pontifices a fel. rec. Paulo III. ad haec usque tempora datas, tam sub plumbo quam in forma brevis confectas, et in iis contenta atque inde secuta quaecumque, nec non omnia et singula vel directe vel per communicationem cum aliis Ordinibus Regularibus eidem Societati impertita, quae tamen dictae Societati non adversentur, neque a Tridentina Synodo aut ab aliis Apostolicae Sedis constitutionibus in parte vel in toto abrogata sint et revocata, privilegia, immunitates, exemptiones, indulta, hisce litteris confirmamus et apostolicae auctoritatis robore munimus, iterumque concedimus. . . . *For a partial summary of pontifical acts here referred to by Leo XIII., cf.* Juris Pontificii de Propaganda Fide Pars Prima, (*De Martinis*), *vii., 197–199, note.*

administration of the College of Georgetown, deliberation must be had, when a convention can be had. One thing appears to be certain, that some regulation is wanting for its being a place of education for Clericks Secular, as well as the members of the Society, destined for the ministry.[7]

On the novitiate and Conewago.[8]

F. 1815, March 4.

Grassi, Georgetown, 4 Mar., 1815, to Kohlmann (New York).

On the transfer of the novitiate to Washington. He has asked Archbishop Carroll by letter, "which are the missions that he desires to consign to the Society, for it to take charge of according to its Institute." See No. 178, V².

G. 1815, March 10.

Grassi, Georgetown, 10 Mar., 1815, to Father Cary.

Grassi's claims to the estate of Rev. Mr. Ashton.[9] *Rev. Mr. Matthews, pastor at St. Patrick's Church, Washington, has offered lots aside of his church for a Jesuit novitiate. Grassi's measures accordingly. . . .* A présent je suis très occupé à determiner la place pour le Noviciat. Le R^d^ Mr. Mathewes a offert les lots qu'il possède près l'Église de St. Patrice à Vahsington pour y bâtir une maison pour les novices, pour jardins, etc. L'endroit plait à tout le monde, et sans doute il offre des avantages très considérables. *Points of business.*

H. (1815), March 16.

Carroll, Baltimore, 16 Mar., (1815), to (Grassi).

His address to the congregations of the diocese on the restoration of the Society. His satisfaction at the proposal of settling the novitiate in Washington, if the means are forthcoming.[10] *The advantages of such a situation for the novitiate.*[11] *See* No. 178, W².

J. 1815, March 31.

Carroll, Baltimore, 31 Mar., 1815, to Grassi, President, Georgetown. Endorsed by Grassi: Cong^ns^ intended for the Soc^ty^

[7] *This passage about Georgetown must refer to deliberation at the Board of Trustees, or at that of the College Directors. Carroll's difficulty on the subject of secular clerics or Church students, and the members of the Society or scholastics, is explained in his letters of May and August, the same year. See* No. 178, Z², A³, G³. *Here he is probably contemplating a stipulation to be inserted in the concordat, which would extend to him the benefits no longer granted by Georgetown College. Secular clerics, not being admitted to fraternize with the Jesuit scholastics, after the manner of diocesan seminarians, were entirely out of place in this lay boarding institution conducted by the Society.*

[8] *Cf.* Nos. 113, R, p. 376; 178, U², p. 852.

[9] *Cf.* No. 162, Q.

[10] *These were supplied by a legacy, apparently from the novice Divoff's estate. See* No. 135, A, note 8.

[11] *Cf.* No. 119, [XI.], p. 456, *Marechal on the "problem," why such a situation should have been chosen.*

Carroll's sketch of the proposed Concordat between the Ordinary of Baltimore and the Society in the diocese. See No. 178, Y[2].

K. 1815, April 24.

Kohlmann, White Marsh, 24 Apr., 1815, to Grassi. Endorsed by Grassi: F. Fen. Br. McEl. Conselors. *Without any direct reference to the projected concordat, Kohlmann delivers a forcible pronouncement against burying the Society in Maryland.*

Grassi's misconception of an opinion expressed by Kohlmann about abandoning the present mission in New York, the Literary Institution there having already been closed.[12] *Kohlmann's real opinion: 1. From every point of view, confinement within the State of Maryland* would be a true misfortune for the Society, and would deprive it of any prospect of success. *Reasons; among which are the following:* because ours are more apt to loose the spirit of their vocation by man[*a*]ging plantations which scarce afford them an honest support; whilst, provided for amply in other States, they might employ themselves altogether in the functions of their vocation, with much less trouble and more fruit. *No vocations to the Order in Maryland.* 2. The State of N. Y. is of greater importance to the Society than all the other States together. *Next in importance is Pennsylvania.* If we be doomed to be confined to the State of Maryland, y[r] Rev[ce] will have soon a professor of Rhetoric [*at Georgetown*] without rhetors,[13] a master of novices without novices. *3. A mere mission in New York is not enough; a solid footing should be obtained, with a house of education. 4. Georgetown College should be transferred bodily to New York; and its place occupied by the novitiate. When there was question of suppressing one college or another,* that [*of Georgetown*] ought to have been sacrificed in preference to the other, *the Literary Institution at New York. Kohlmann commends Benedict Fenwick and the lay brother McElroy for the expression of a sound opinion on the subject.*[14]

[12] *Kohlmann himself had just been withdrawn, and made master of novices at White Marsh. Benedict Fenwick with Malou remained in New York.*

[13] *Kohlmann refers apparently to the Jesuit scholastics or "Juniors," who reviewed their literary studies after the novitiate, in a course of "Second Rhetoric."*

[14] *Cf.* No. 180, A, *Rev. Simon Bruté writing from Baltimore (6 Feb., 1817), and expressing substantially the same opinion as Kohlmann here. Some temporal effects of the policy, which Grassi was now about to fix more firmly by his concordat with the Ordinary of Baltimore, had already appeared in the decline of the farms managed by missionaries* (*cf.* No. 179, W). *The results became much more serious afterwards* (*cf.* No. 180, N, Q). *Compare the criticisms of De Barth and of Father Adam Marshall* (Nos. 109, D; 110, E-G; 135, A, note 3, *ad fin.*); *as also the debit and credit of the farms, with other items* (No. 114, D-L).

Some six weeks after the date of the present letter, Kohlmann enlarges on a number of counts against the predominance of the Neales in directing the policy of the Jesuits (*cf.* No. 115, note 2, pp. 389, 390). *His language is as trenchant as before. He says to Grassi: Your inferiors are forced to behold* that the same plan of policy is always pursuing, and that, instead of getting a footing at N.Y., there appears a determined disposition to recall all ours to a State the worst and poorest in the Union, a State from which even seculars retire into the wilderness of Kentucky, a State in which immense labours must be undergone, little go[*od*] is done, as is

L. 1815, May 19.

Carroll, Baltimore, 19 May, 1815, to Grassi. At the end of a letter on Georgetown and other affairs, he settles the date for a conference, at which the concordat can be adjusted. See No. 178, A[3].

. . . You once or twice desired me to designate the cong[ns] in Maryland, which are henceforth to be committed, exclusively, to the members of the Society. To do this correctly, requires a joint conference with B[p] Neale, you and some more of our Brethren.

Many other subjects are reserved to that time ; and next week I hope to see you, if it please God to give us better wea[*ther*] for the improvement of the roads. . . .

There are extant only three more letters from Archbishop Carroll to Grassi. The business of the concordat does not appear in them ; nor do we find an allusion to it in the documents here subjoined. Whether the conference was held, or what was the issue of it, we cannot infer. And we do not find any more letters of Grassi, till the date of the archbishop's death in December of the current year, 1815.[15]

M. 1815, May 30.

Proceedings of the Corporation, 30 May, 1815, Georgetown College.

The departure of Bitouzey and the death of Plunkett, having reduced the number of Trustees, necessitate the election of a new Board by the Representatives of the Select Body. See No. 179, X.

N. 1815, June 1.

Carroll, Washington, 1 June, 1815, to Enoch Fenwick, Baltimore.

. . . We did little business at G. Town ; not because there was not plenty of it before us ; and some of it of considerable moment ; but

known from experience and the avowal of all missionaries, in which the Society will be eternally buried as in a tomb, there being no kind of energy, of public spirit, or room for exertion, to a State in which our Fathers must become farmers contrary to their vocation, loose their spirit, and [*be*] starved to death by - - - , witness of this F. Henry, M. Wouters, F. Epinette and Carry—y[r]. inferiors, I say, observing this cannot but grieve the more, the greater a love and interest they have for the Society. (*Md.-N. Y. Province Archives, 1815, June 9, Kohlmann, White Marsh, to Grassi ; 5 pp. 4to. Endorsed by Grassi:* Neale influence, etc.) *This arraignment was delivered when the Jesuits were still in the peaceable enjoyment of their poverty-stricken farms, of which Kohlmann goes on to say:* As to F. Francis [*Neale*], the whole Society is so convinced of his attachment to his blessed farmes, that, if whole N.Y. were offered to him, he would not accept it in exchange for them.

[15] *Considering that the Concordat between the new Archbishop L. Neale and Grassi, signed in the following April, deviates from a condition emphatically laid down by Carroll* (No. 178, Y[2], *ad* note 119), *we might surmise that, if the conference was held, the opinions of L. Neale and Carroll were too divergent for the latter to act in the premises. Besides, if he conferred with Grassi on his desire to obtain places at Georgetown for secular clerics who should live with the scholastics of the Society, whether* rhetors, *philosophers, or theologians, he could not have received satisfaction. See* No. 178, notes 134, 135 ; *also ibid.*, note 130.

because it was judged inexpedient to proceed on it with a Board so reduced. Mr. Matthews therefore was requested to summon immediately a meeting of the Representatives, of which you will have notice from him. My absence from Baltimore need not be an obstacle to your coming, and remaining three or four days in a case so necessary. *Messrs. Mertz and Babade will supply Fenwick's place.* We had with us, at the College, Messrs. Chs. Neale, Baker Brook, Fr. John Fenwick, Mr. Notley Young, Messrs. Matthews, Vernes, Anthony Kohlman, besides the Bishop of Gortyna [*L. Neale*], and the G[n]. [*Gentlemen*] of the College itself. *Items of information about Benedict Craddock, Carroll's new manager at Bohemia, about Pasquet, Father Benedict Fenwick, New York, etc.*

O. 1815, June 29.

Proceedings of the Corporation, 29 June, 1815, Georgetown College.

Swearing in of the new Board, Bishops Carroll and Neale, Francis Neale and Malevé. Business of Pasquet, Notley Young, Ashton's will, etc. See No. 179, Y.[16]

Grassi's Diary records the steps taken in establishing the Jesuit house at Washington. The foundation of the novitiate had Carroll's approval and sanction;[17] *and, if there was any disagreement between the archbishop and his coadjutor as to the future status of the Society in the capital, it did not interfere with the harmonious execution of the plan. The project had started immediately after the announcement of the Society's restoration, the Rev. Mr. Matthews asking for the co-operation of the Jesuits in Washington (22 Dec., 1814). The foundation-stone was laid by Bishop Neale at the moment when the archbishop was expected at Georgetown for the conference (24 May, 1815). Three weeks afterwards, the necessary deeds were delivered by Mr. Matthews (13 June). Mgr. Marechal says that Matthews also made a will in favour of the Jesuits.*[18]

[16] *This was the last meeting of the Board before Archbishop Carroll's death.*

[17] No. 188, H.

[18] No. 119, [IX.], p. 456. *With this consensus of ecclesiastical authorities, at a time when Marechal was not as yet Vicar General, compare his own account of the transactions (ibid.,* pp. 455, 456). *He says that Matthews subsequently destroyed the will, and took other measures. This would seem to be when Marechal had become Ordinary. However, four months after the decease of L. Neale, Matthews is seen to be still working harmoniously with the Jesuit Representatives and Trustees, he himself being one of a select committee on the very subject of the Neale-Grassi Concordat* (No. 180, N, 12º; *15 Oct., 1817). His views on Marechal's policy towards the Society, as expressed some eleven years later, are given in* No. 214, H. *His reflections, supposing that he was consistent throughout, do not agree with the tenor of Marechal's account (supra,* p. 456).

P. 1814, December—1815, June.

Grassi's Diary on the establishment in Washington City. Extracts.

1814, Dec. 9. *Receipt of the Papal Bull, restoring the Society throughout the world.*

Dec. 22. Giov. Andai alla City. Mr. Mathews chiese la Compª.

1815. Gennº 19. Giovedì. Giunse il P. Kohlm. da N. Y., e Mr. Bruté.

Feb. 14. Martedì. Ricevei lettere dal P. Gle, Mr. Cross [*Tristram*], e dal P. Nicola [*Sewall*], col Breve stampato.

Feb. 16. Giov. Andai a White Marsh, dove i Novizi aveano giorno di respiro etc. Progetto di aver il Novizto a Whasington etc.

Marz. 17. Andai alla City e parlai con Mr. Mathews & Capt. Hoban sulla fabrica etc.

Apr. 12. Merc. Andai alla City, vidi Mr. Mathews e Lambert etc.

Apr. 14. Mr. Harburt, the architect of this College, venne quì a pranzo.

Maggio 2. Andai alla City per vedere Mr. Mathews etc.

Magg. 23. Mart. Si pranzò presso Mr. Seems. Andai alla Citta per sapere circa la prima pietra del noviziato etc., per invitare il Vesº Neale etc.

Magg. 24. Merc. Oggi alle $9\frac{1}{4}$ fu messa la prima pietra pel Novizto in Vashington sotto la quale fù posta una reliquia di S. Luigi, e di un S. Martire coll'iscrizº dell'anno etc. etc.

Magg. 29. A pranzo ci fù l'Archº, il Vesº, MM. Wemys [*Semmes ?*], Mathews etc.

Giugno 13. Mart. Le Tour lasciò il figliuolo al Collº Mr. Mathews gave us the deeds etc.

Giugno 29. Meeting of the Trustees etc.

Md.-N. Y. Province Archives, 1814, Dec. 7, E. Fenwick, Baltimore, to (Grassi), Georgetown. Ibid., Carroll, Baltimore, to Grassi: (1814), Dec. 10–11, 2 pp. 4to, No. 171; 1814, Dec. 17, 3 pp. 4to, No. 172; 1814, Dec. 27, 3 pp. 4to, No. 173; 1815, Feb. 21, 5 pp. 4to, No. 174; 1815, Mar. 16, 2 pp. 4to, No. 175; 1815, Mar. 31, 3 pp. 4to, No. 176; 1815, May 19, 3 pp. 4to, No. 178. Ibid., 1815, June 1, Carroll, Washington, to E. Fenwick, Baltimore; 3 pp. 4to, No. 179. Ibid., 1815, Mar. (4), prima die Nov[enae] S. Fr. Xav., Grassi, Georgetown, to Kohlmann (New York); 1 pp. 4to (a rare instance of a letter received by Kohlmann having been preserved). Ibid., 1815, Mar. 10, Grassi, Georgetown, to Father Cary. Ibid., 1815, Apr. 24, Kohlmann, White Marsh, to Grassi; 3 pp. 4to.—General Archives S.J., Diario del P. Giov. Ant. Grassi, 1804-1822 (No. 632); *small 8vo, stout vol. of quires put together; followed by the continuation*, 1823–1832 (No. 633).

No. 189. **1816, April.**

The Neale–Grassi Concordat: minutes, text, and execution of it. *We find in the General Archives S.J., a quarto sheet of paper, with a list written partly in what is clearly Archbishop Leonard Neale's hand, and partly in Father Grassi's. The title has the air of*

signifying the will and intention of the Ordinary in an act of diocesan administration: "The Roman Catholic Congregations committed to the solicitude and care of the Fathers of the Society of Jesus." It is a list much more in detail than the Concordat itself; which however, though more summary, is more comprehensive. We take this document to be part of the minutes for drawing up the Concordat.

A. (1816.)

Congregationes Romano-Catholicae sollicitudini et curae PP. Societatis Jesu commissae.

[*F. recto, 1st col.*] In Comitatu Principis Georgii.

1°. Ecclesia in Praedio vulgo White Marsh.
2°. Annapolis. Sacellum in superiore contignatione privatae domus. 15 [*miles*][a]
3°. Praedium D^ni^ Young, quo conveniunt catholici vicinitatis multis milliaribus distantes. 6 „
4°. Congregatio vulgo D^ni^ Diggs. Sacellum in superiore contignatione domus. 20 „
5°. Congregatio vulgo Boone's Chapel.[b] 25 „
6°. Congregatio vulgo Piscataway. 15 [?] „
7°. Congregatio vulgo Mattawoman. 10 „

In Comitatu Caroli.

1°. Ecclesia in Praedio St. Thomae.
2°. Cong. vulgo Pomphret. 12 „
3°. Cong. vulgo Cornwallis neck. 16 „
4°. Cong. Cedar Point. Nulla ibi ecclesia.[c]
5°. Cong. vulgo Chikomo[*e* ?]xen. Nulla ibi ecclesia. 20 „
6°. Cong. New Port. 10 „
7°. Cong. Cob-neck. 20 „
8°. Cong. Upper Zachiah. 18 „
9°. Cong. Lower Zachiah.[d] 18 „

In Comitatu S. Mariae.

1°. Ecclesia in Praedio vulgo Newtown.
2°. Cong. Nostrae Dominae vulgo Meddley's Neck, ultra fiume.[e] 12 „
3°. Cong. Sti. Joannis. 12 „
4°. Cong. Sti. Aloysii. 6 „

(a) *The numbers for distance (in miles) are added in Grassi's hand.*
(b) *Many of the names of places are underlined by L. Neale.*
(c) . . . Nanjemoy, *added and erased by Grassi.*
(d) 10° Mathewoman, *added and erased by Grassi.*
(e) Ultra fiume, *added in Grassi's hand.*

[*2nd col.*]

5º Cong. Sti. Josephi. 12 [*miles*]
6º Cong. Sacratiss. Cordis. 12 „
7º Parva Cong. trans flumen vulgo Patuxent.
8º Ecclesia in Praedio Sti. Inigos.
9º Cong. Sti. Nicholai.(f)

In Districtu Columbiae.

Ecclesia Sti. Patritii in Urbe Washington pri[*n*]p [?] Ecclesia St. Mariae ibidem.
Ecclesia Quin [*Queen ?*] distat 4 milliaribus.
Ecclesia Georgiopoli, non procul a Collº
Ecclesia Alexandriae in Virginia. 8 „
Ecclesia Rockcreek, Montgomery County. 10 „
Philadelphiae Ecclesia S. Jos. & dom.
In Pensylvania Ecclesia et praedium Cochenhoben.

In Eastren Shores[!].

S. Fran. Xav. seu Bohemia.
S. Joseph.

Lancaster.

Elizabet Town.
Mont Libanon.
Harrisburg.
Sunbury.
Chester Cty
Little Britan.

[*F. verso, 1st col.*] Conevago.

Ecclesia praedii.
E. Carlisle.
E. York.
Little Town.
Brand-Sacellum.
South Mountains.

[*2nd col.*]

S. J.
P. P.
1. Grassi.
2. Car. Neale.
3. Fr. Neale.
4. Ant. Kohlman.
5. Epinette.
6. Henry.
7. Maleve.
8. Fenwick E.
9. Fenwick B.
10. Vallace.
11. Cary.
12. Britt.
13. P. Kohlman.
14. Lekeu Novit.
15. D'Etheux Novit. [*De Theux*]

(f) *Thus far the handwriting of Archbishop Neale. All the rest is in Grassi's hand.*

16. Edlen.
17. Malou.
18. Rantzau.
19. De Barth.
20. Marshall.
21. Bescheter.
22. Wanvekel.[g]
24. Baxter.
25. McElroy.

Scholastici.

1. Baxter.[h]
2. Downing.
3. Walsh.
4. Neil.
5. Adams.
6. Combs.
7. Dubuisson.
8. Dempsey.
9. Durkee.
10. G. Fenwick.
11. Finigan.
12. Gough.
13. Liddle.
14. Mullady.
15. Mudd.
16. McSherry.
17. Pise.
18. Schmitt.
19. Shneller.
20. Young.
21. McElroy.[j]
22. Rider.

FF. Coad. temp.

1. Baron H.[?]
2. Drain.
3. R. Fenwick.
4. Kiernen.
5. Lynch.
6. Marshall.
7. Moberly.
8. Mullen.
9. McLaughlin
10. O Conor.
11. O Hare.[k]
13. Redmond.
14. Reislman.
15. Sweeney.

Novitii Sch.

C. Newton.
Murphy.
O'Brien.

FF.

Hearth [*Heard*].
Kelley.
Gormby[*ly*?].
Mead.
Sullivan.

Priests	= =	22
Scholast.	= =	22
Brths.	= =	15
Novit.	= =	6
		65[1]

General Archives S.J., Maryl. Epist., 1, ii. ; lists of stations and members S.J., without date or signature.

The first part of the document omits among missionary stations that of New York. In the second part, the name of Louis De Barth

(g) *No. 23 wanting.*
(h) Baxter *cancelled because transferred.*
(j) McElroy *cancelled because transferred.*
(k) *No. 12 wanting.*

[1] *This sum was made before Baxter and McElroy were passed over to the list of priests. The number of brothers is in excess by one. Mead and Sullivan were added to the novice-brothers after the sum had been counted up. Since Heard is registered in the catalogues as having entered the Society 28 Dec., 1816, the list of persons would seem to be a memorandum later than the minutes of the stations.*

appears; but practically he was never more than a candidate for the Society.

For the service of the forty-five stations thus enumerated, besides other places in Virginia, the distribution of the twenty-two men will appear in lists given below (No. 190, E). *Several of these Fathers were also directors or professors in the college at Georgetown.*

B. 1816, April 2, 3.

Grassi's Diary, 2, 3 Apr., 1816. He wrote out the Concordat, which was then concluded between the archbishop and himself.

1816. Apr. 2. Scrissi il concordato tra me e l'Arch. per le missioni, etc.

3. Oggi si finì la convenzione tra Mr. l'Archi. e me per le missioni che i n^ri^ [*nostri*] devono avere.

C. 1816, April 3.

Text of the Neale-Grassi Concordat, 3 Apr., 1816.

An Arrangement made by the Most Rev. Leonard Neale, Archbishop of Baltimore, with the Superiour of the Society of Jesus, regulating the Missions of the said Society within his Diocese.

The Most Rev. John Carroll, late Archbishop of Baltimore, intended to determine, together with the Superior of the Religious of the Society of Jesus in North America, what stations or missions were to be assigned to be permanently under the spiritual care of the Religious of the Society of Jesus, according to their Institute.[2] But, as by his continual occupation and at last by his lamented death, he was prevented from doing it in an authentic manner, his successor the Most Rev. Leonard Neale, actually Archbishop of Baltimore, agreed with the Rev. Father John Grassi, Superior of the Religious of the Society of Jesus in this country, to come to a proper conclusion of this affair, being as convinced as his worthy predecessor was that such an arrangement is and will always be for the real good of his diocese, as it tends to diminish in an advantageous manner the burden of episcopal duties, and will enable the Religious of the Society of Jesus to exercise their functions both in perfect understanding with episcopal authority, and in exact compliance with the obedience they owe to their Superiors, as it is prescribed by their laudable Institute.

In consequence of these considerations, by mutual agreement between the Most Rev. Leonard Neale, Archbishop of Baltimore, and the Rev. Father John Grassi, Superior of the Society of Jesus in North America, the missions and congregations of Saint Inagoes, Newtown, St. Thomas's

[2] According to their Institute: *the meaning is: "subject to conditions in accordance with their Institute." Compare the last clause of this paragraph. Otherwise, on the face of it, the passage would imply that the acceptance of stations to which a parochial care of souls was attached had the endorsement of the Jesuit Institute. Such an implication would be incorrect. Cf.* No. 135, Q, 10^mo^

with their dependencies ; White Marsh, Harford, Bohemia and St. Joseph in the Eastern shores [!], also Fredericktown, with their dependencies, are now restored as [*they*] formerly were, and put again permanently under the spiritual care of the Religious of the Society of Jesus. Likewise the missions and congregations of Georgetown and Alexandria, District of Columbia, St. Patrick's Church in Washington City, with Queen's Chapel and Rockcreek Congregation, are assigned and given to be permanently in the spiritual care of the Religious of the Society of Jesus, according to their Institute.

In case that it should not be in the power of the Superior of the Society of Jesus in this country to send any of his Religious, and he could procure other Priests duly qualified, it will be lawful for him to send them on the said missions with the approbation of the Most Rev. Archbishop. Should it happen that no Priest could be found to supply the said missions, the Superior of the Religious of the Society of Jesus will give notice to the Most Rev. Archbishop, and adopt with his concurrence the most proper measures to provide for the exigency of the missions.

In confirmation of this mutual agreement, which is intended to have the force of an instrument regulating in future, this writing is signed by both parties.

Georgetown, Dist^{t} of C^{a}, April the third, A.D. 1816.

\+ Leon^{d} ABshB. of Balt^{re}

John Grassi, Sup^{r} of the Relig^{us} of the Soc^{ty} of J. in North America.

J. W. Beschter, Secret^{us}

General Archives S.J., Diario del P. Giov. Ant. Grassi, 1804–1822 (No. 632), *as above*, No. 188, p. 948.—*Md.-N. Y. Province Archives, 3, Neale-Grassi Concordat, 3 Apr., 1816 ; large 4to parchment, signed autograph by the parties and the secretary, the text being in Grassi's hand.*

This mutual agreement, *which* is intended to have the force of an instrument regulating in future, *and is signed in due form with a witness, restores one set of stations* as they formerly were,[3] *while it places a new set on the same footing, both to be* permanently under the spiritual care of the Religious of the Society of Jesus. *It agrees with Carroll's original proposal.*[4] *The arrangement is practically that of committing what the late archbishop called* the pastoral care and controul[5] *to the care of a Vicar General ; just as the Jesuit or ex-Jesuit head of the old Maryland Mission, whether as Vicar General or not,*[6] *had made*

[3] *Cf.* No. 120, 5 , note 4.
[4] No. 178, Y^{2}.
[5] *Ibid.*
[6] *Compare Father Ferdinand Farmer, 29 Jan., 1778, to Father Christian Mayer : "After the Suppression all our missionaries remained in their own places and offices (I speak of Pennsylvania and Maryland) ; yes, and they continued their manner of*

his appointments to stations which he governed, and the Vicar Apostolic of London did not concern himself therewith.

The new stations assigned in Maryland or the District of Columbia had, according to Carroll, the same reasons for being attributed *to members of the Society, as the old congregations which were to be restored:* Those congregations will naturally be attributed to them which are convenient to their estates; likewise the College of G. T. [*Trinity Church*], the city of Washington, Alexandria, Frederic Town and others,[7] *posts already served by the Fathers, or practically dependent on Jesuit centres near.*

The only point in the Concordat at variance with Carroll's intention was that by which the assignment of St. Patrick's Church, Washington, was not subjected to the limitation of reserving to the Ordinary the appointment of the Rector of the parish in the capital city of the United States. *He had explained the reasons for this intended reservation.*[8]

D. 1817, October 16.

The Concordat in operation. After the death of Archbishop Neale, a committee of the Select Clergy examined the effect of the foregoing Concordat on the relations between the Ordinary of Baltimore and the Superior of the Jesuits, in the matter of appointing managers and pastors for the Jesuit estates.[9] *W. Matthews, pastor of St. Patrick's Church, Washington, was one of the two designated to form the committee. The decision was that the Concordat had substituted the Superior for the Ordinary, since the said Superior had been invested with the spiritual jurisdiction at these missionary centres:*

. . . The committee [*the Rev. Enoch Fenwick and the Rev. William Matthews*], to whom the above was referred, are of opinion, . . . as the late Most Rev. Archbishop has ceded to the existing Superior[10] the spiritual jurisdiction of said estates, that the Superior of the said Society be henceforward substituted for the Bishop. *See text*, No. 180, N, 12º[11]

The archbishop who had signed the Concordat was deceased. The Superior Grassi, who had signed it with him, was in Rome. Wm. Matthews occupied the post in Washington, which Carroll

life, with the single change of the office of Provincial [Mission Superior?] *into that of Vicar General."* (*English Province Archives, portfolio 6, f. 9º*, Copia epistolae R. P. Ferdinandi Farmer *to C. Mayer, Mannheim; in letter of Father Mayer, 22 Apr., 1778, addressed apparently to the president of the Academy at Liège; in Latin.*)

[7] No. 178, Y².

[8] *Ibid.*

[9] No. 168, A, 17º

[10] *At this moment, Charles Neale, Superior pro tem.*

[11] *Cf.* No. 119, note 30.

had thought was likely to create difficulties under the instrument[12] *and he was half of this deliberating committee. The decision rendered by him and his colleague treated the Concordat as having created a new status for the Jesuits in the archdiocese of Baltimore. Clearly, the agreement had been executed and was publicly in operation.*

No. 190. **1817–1822.**

The ecclesiastical status in general, 1817–1822: secular and regular.

One of the following documents (C) *reviews the whole territory of the United States. Otherwise, the matter is chiefly about Maryland. As to the seculars and regulars, it will be noted that the same document of Marechal* (C) *recognizes in a certain column the existence of regulars; but another* (A) *merges them, without distinction, in a "Catalogue of priests." In a third document* (B) *he states that he has "obtained from the Provincial Superior" two Jesuits; but he himself has "despatched" them to Charleston, South Carolina.*

As to the forces which the Society had at its command, one list (D), *taken from the Catalogue of the Russian Province for 1819, represents the status for 1817. Another list without date* (E) *shows the state of the American Mission, probably for 1822; it could not be later than the beginning of 1823, in which year the novitiate at White Marsh was closed. Both of these lists appear in the Propaganda Archives, evidently in connection with the controversy begun at Rome (1822).*

The sum-total of priests in the archdiocese of Baltimore for 1818 is fifty-three, of whom twenty were Jesuits (A). *The others included some nine Sulpicians, who were engaged chiefly in their seminaries or colleges at Baltimore and Mount St. Mary's, Emmitsburg. This would leave twenty-four secular priests engaged in pastoral duties of the archdiocese.*

Besides the twenty Jesuits in Maryland and the District of Columbia, there were six others employed in Pennsylvania, and in New York; and Grassi, then in Rome, not being as yet detached from the American Mission the sum-total of Jesuit priests was twenty-seven. Including all the members, scholastics, novices, and brothers, the Superior Kohlmann reported to the General for the beginning

[12] Nos. 178, Y²; 188, J.

of 1819 a total of eighty-three, of whom twenty-three were novices.[1]

Co-operating with the Jesuits in their missions, and maintained at the expense of the stations, were twelve secular priests, as appears by document E. *Their position was the same as that of any curate or pastor in a parish.*[2] *It is observed in a* Nota *attached to* D *that, among the secular priests working at Jesuit stations, some had been educated in Georgetown, at the expense of the College or of the Society.*

Document E *is of particular interest as showing the amount of labour entailed in travelling to distant stations from the central mission to which the Jesuit missionaries were attached. These journeys from station to station on the same morning, when a second Mass had to be said, a sermon preached, and confessions heard, imposed the necessity of fasting "till 3 or 4 o'clock in the afternoon," as Dzierozynski mentions of Father Enoch Fenwick in Charles County.*[3]

A. 1818.

Catalogue of priests serving in the Baltimore diocese, 1818; sent with his report of the same year (infra, B), *addressed to Card. Litta, Prefect of the Propaganda.*

[1] *General Archives S.J., Maryl. Epist., 2, i., Kohlmann, 1 Mar., 1819, to the General.*

[2] *Cf.* No. 119, [VII.], *Marechal's observations on the unprovided lot of secular priests working with the Jesuits; where he also speaks of his "sending" ecclesiastics to the missions of the Fathers. In the paragraph deleted (ibid.,* note (b)*) he mentions that they received 80 dollars (annually)* pour leur habillement. *Cf.* No. 184, C, *ad* note 12.

[3] *"The archbishop begged me some little while ago to charge one of our Fathers with the care of two congregations deserted by a parish priest, who returned to England* [Angier]. *These congregations are situated in Upper and Lower Zacchia. . . . I was constrained to impose this work on Father Enoch Fenwick, who every Sunday after saying Mass at the convent* [Port Tobacco], *where he is chaplain, must go to say another Mass and preach either at Lower or at Upper Zacchia, or to a third congregation at Pomfret, distant respectively six, ten, and fourteen miles; and so, before he has finished his missionary labours, he has to remain fasting till 3 or 4 o'clock in the afternoon. These and similar services of ours do not help to pacify his Grace. To God alone be the glory. We are not offended at these annoying difficulties; nor are we averse to him; but we pray for him. I am waylaid by many other manoeuvres and artifices of the same prelate,* non careo aliis pluribus ejusdem AEpi. machinationibus et factionibus; *but with God's protection they do not hurt us; they serve to bind us together in greater unanimity."* (*General Archives S.J., Maryl. Epist., 3, i., Dzierozynski, 20 July, 1825, to Korycki, the General's Secretary, in Polish, with Latin excerpts or translations.*) *The archbishop's letter had stated that Mr.* Angiers *had returned to England; many of Dzierozynski's missioners were quite near to the abandoned congregations at Upper and Lower Zacchia.* Pourai-je espérer de votre zèle pour le salut des ames et de votre charité—*could he hope that one of them would be charged with a ten days' excursion per month, one Sunday at Lower, the next at Upper Zacchia?* (*Md.-N. Y. Province Archives, 1825, May 25, Marechal to Dzierozynski; 2 pp. 4to.*) *This suggestion seems to mean that the chaplain of the nuns might transfer his quarters for ten days a month, so as to be at the two stations over two Sundays.—Cf.* No. 135, K, p. 565; *over 30 stations in Maryland attended by Jesuits.*

Catalogus Sacerdotum in Dioecesi Baltimorensi, 1818.

Americani:
Hickey [*S.S.*].[4]
E. Fenwick [*S.J.*].
Smith.
F. Neale [*S.J.*].
Cooper.
Mathews.
Young.
Edelen [*S.J.*].
Carbery [*S.J.*].
B. Fenwick [*S.J.*].
Ch. Neale [*S.J.*].

Italus:
Zocchy.

Angli:
Whitfield.
Fairclough.
Angier.
Baxter [*S.J.*].

Galli:
Tessier [*S.S.*].
Deleol [*S.S.*].
Jaubert [*S.S.*].
Damphaux [*S.S.*].
Babade [*S.S.*].
Bandanne [*S.S.*].
Moranville.
Du Bois [*S.S.*].
Bruté [*S.S.*].
Epinette [*S.J.*].
Carey [*S.J.*].
Lucas.
de Clorivière.
Vergnes.

Germani:
A. Kolman [*S.J.*].
P. Kolman [*S.J.*].
Mirtz.

Hiberni:
Mahoen [*Mahoney*].
Kerney.
Moynihan.
Redmond.
M. Carroll.
M. Leroy [*McElroy, S.J.*].
Tuomy.
Ryan.
Franklin.
Monolly.
Egan.
Wallace [*S.J.*].

Belgae:
Henry [*S.J.*].
Malevé [*S.J.*].
Beshter [*S.J.*].
de Teux [*S.J.*].
Vanquickborn [*S.J.*].
Cousin [*S.J.*].
Vanvikle [*S.J.*].[5]
Devos.

B. 1818.

Marechal, 1818, to Card. Litta; his first report of the archdiocese to the Propaganda.

[*F. 1.*] [(a)] Eminentissime Praesul.

Redux Baltimorem, ex visitatione maximae partis, *etc.* . . . In mea Dioecesi 52 [!] sunt sacerdotes sacrum exercentes ministerium, ex variis nationibus oriundi, nempe 1 Italus, 3 Germani, 4 Angli, 7 Belgae, 12 [!] Americani, 11 [!] Hiberni, denique 14 Galli. . . .

The seminaries. Georgetown College. The European priests. Means of subsistence for the missionaries and himself. See No. 184, A.

As to the Englishmen, whose names are seen in the catalogue above (A), *Marechal invited one of them to come from England* [*Whitfield*], *and he brought over with him two friends* [*Fairclough, Angier*].

[*F. 9v.*] *Religious convents of women are thriving in point of vocations, which indeed are too numerous for the means of subsistence.* Americanae virgines, quae non ita pridem vix a cachinno [*se*] refrenare poterant,

(a) *See* No. 184, A, *ad* note (a).

[4] *The annotations, identifying the members of the Society of St. Sulpice, are derived from the* Memorial Volume of the Centenary of St. Mary's Seminary of St. Sulpice, Baltimore, Md., *1891.*

[5] *Cf.* No. 135, B. *Van Vechel ceased to be a Jesuit in 1818 or 1819.*

cum audirent Europeanos de monialibus in monasteriis perpetuo viventibus loquentes, religiosam vitam ultro nunc amplectuntur ; *he must see that not too many are admitted, out of proportion with the means of the convents. As to men, the difficulty is altogether in the other direction. They are deterred from embracing the ecclesiastical state by the celibacy of the priesthood, the length of studies necessary, and the poverty of the missioners.*

[*F. 13.*] Illuc [*Charleston, S.C.*] misi duos praestantissimos sacerdotes Societatis Jesu, unum natione Americanum [*B. Fenwick*], alterum Hibernum [*Wallace*] ; neque eos a superiore provinciali obtinui nisi post multas negotiationes.[6] Utrum isti novi pastores poterunt ad pacem et aliquem religionis sensum reducere illos perditos homines, dicere mihi impossibile est. Nomen quidem Catholicorum retinent, sed certissime sunt ss. nostrae religionis infensissimi inimici. Mores, principia et turbulentas passiones habent quibus agitabantur illi impii homines, qui in nefanda Galliae revolutione altaria Christi subvertere conati sunt (Jacobins). Mittunt quidem Romam nuntios, sed S. Congregationis, imo S. Pontificis authoritatem aeque ac meam summe despiciunt.

[*F. 14v.*] . . . Eminentissime Cardinalis

Humillimus ac devotiss^us^ servus

+ Amb. Arch. Balt.

Eminentiss^o^ Card^i^ Litta,
Praefecto S^ae^ C^is^ P.F.

Propaganda Archives, and Georgetown College Transcripts, as above, No. 184, p. 918. *The* Catalogus Sacerdotum (A), *much corrupted in the spelling, is attached to this report in the Georgetown College copy, f. 14v.*

In the subjoined tableau of the general ecclesiastical status (1821–1822) a manifest error has placed the number 18, in the column on Religious, opposite the College of St. Sulpice, Baltimore; and it has been corrected here.

If the numbers of students in the colleges have not been likewise misplaced, Georgetown College, which had been flourishing signally under Grassi's administration,[7] *has been passed over without notice, unless the excess in the sums-total supplies the deficiency.*

[6] *This last clause has the tone of a remonstrance against the Superior, as if Marechal had a right to obtain what men he chose. If he regarded the Jesuits as secular priests, he had such a right in his own opinion. Cf.* No. 135, C.

[7] *Cf.* No. 175, A², B².

C.

(1821–1822.)

Tableau of the dioceses in the metropolitan province of Baltimore (1821–1822), with annotations on the Catholic population in the United States.

Generalis descriptio Provinciae Metropolitanae Baltimorensis in foederatis Americae Septentrionalis Statibus.

Sedes.	Episcopi.	Nus Sacerdotum saecularium.	Nus Ecclesiarum.	Nus Fidelium ad minus.	Seminaria, Collegia, Monasteria.	Nus Convictorum.	Nus Religiosorum.	Nus Monialium.	Praesens Status religionis in unaquaque dioecesi.
					Seminarium majus pro Philosophia et Theologia	15			
					Seminarium minus pro humanioribus litteris	75 Ext. 12			Pax et Deo favente prosperitas magna
					Baltimorense Collegium S. Sulpitii	Convict. 68 Ext. 120			
Baltimorensis	Ambrosius Maréchal	40	52	80,000	Collegium Jesuitarum Georgiopoli qui insuper habent		18		
					1º domum pro novitiis	24			
					2º domum pro scholasticis	10			
					Monasterium Visitationis S. Franc. Sal.			70	
					Carmelitarum			27	
					Puellarum Charitatis S. Vinc. a Paulo			52	
Bostoniensis	J. Cheverus	4	3	3,500	Monasterium Ursularum	0	0	11	Omnia prospera
Neoeboracensis	Dr. Connelly	5	4	24,000	0	0	1	0	Graves dissensiones
Philadelphiensis	Dr. Conwell	11	16	30,000	0	0	6	0	Summa confusio
Virginiae	Dr. Kelly	2	2	2,400	0	0	0	0	Confusio
Kentucky	Dr. Flaget	15	Nescio sed circiter 20	20,000	Majus Seminarium pro Philosophia et Theologia	12			
					Minus Seminarium pro humanioribus litteris	25			Pax et incrementum religionis
					Monasterium Dominicanorum		8		
					Puellarum Charitatis			25	
					Matris Dolorosae			30	
Carolinensis	D. England	6	3	3,600	0	0	1	0	Pax et spes futurae prosperitatis
Ohio	Ed. Fenwick		Nil de hac dioecesi novissime erecta dicere possum						
Summa Totalis 8	8	Secul. 83 Regul. 34 — 117	100	163,500	15	Convict. 279 Ext. 144	34	208	

N.B. In foederatis Americae Statibus, anno 1783, 17,000 fidelium tantum reperiebantur et 15 Sacerdotes,[8] neque Religiosa institutio cujuscumque generis existebat.

N.B. In numero probabili Catholicorum quem exhibui, computavi tantum eos qui constituunt congregationes seu parochias. Verum praeter illos magna est in [*una*]quaque dio[*e*]cesi Catholicorum multitudo qui dispersi in pagis destituuntur templis et pastoribus; atque si ratio istorum habeatur dici potest, quod forsitan sint 60,000 Catholici in dio[*e*]cesi Philadelphiensi, 50,000 in Neoeboracensi. Idem asseri potest in eadem proportione de numero totali Catholicorum in aliis dio[*e*]cesibus, Baltimorensi excepta.

Insuper maxima pars civium Louisianiae et Floridarum, quam haec descriptio non complectitur, profitetur religionem Catholicam.

Nunc, addendo eorum numerum Catholicis Provinciae Baltimorensis, sine erroris periculo dici potest quod sint ad minus 1,000,000 Catholici in Imperio foederatae Americae.

Georgetown College MSS. and Transcripts, Marechal controversy; Marechal's autograph notes, ff. 24, 25, double fol. It is not clear whether the tableau here is an original of Marechal's.

The status of the Jesuit American missions, in 1817 and about 1822, is exhibited as follows:

D. 1817.

Catalogue of the Russian Province S.J., submitted by the General of the Society to the Propaganda in 1822.[9] *The Russian catalogue was apparently the latest published (1819), before the expulsion of the Order from the Czar's dominions in 1820. The portion summarizing the status in America dates from two years earlier, 1817, as is stated in the first* Nota *which is appended to the catalogue.*

O.A.M.D.G.

[*Pp. 1–2.*] Index Collegiorum, Domorum et Domiciliorum Societatis Jesu, ac numerus Sociorum in imperio Rossiaco.

1º–30º *Colleges, houses, residences and missions in Russia. Missions in Siberia, etc. Sum-total:*

Sacerd.	Schol.	Coadj.	Univer.
184	82	82	348

Ex Catalogo Soc: J. impresso Polociae, Aº Dⁱ 1819.

[*Pp. 3–6.*] Index Domiciliorum S.J., et numerus Sociorum in America Septentrionali.

[8] *All ex-Jesuits.*
[9] *Cf.* Nos. 118, p. 447; 121, J, Primo.

	Sacerd.	Scho.	Coad.	Univ.
Collegium Georgiopolitanum (vulgo Georgetown) penes Urbem Washington in Marylandia	4	20	12	
Missio Georgiopolitana	1			37
1. + Alexandriae.				
2. + Queen Chapel.				
Domus 1^{e} et 2de Probationis in White Marsh in Marylandia	2	10		
Missio in White Marsh.				
Annapolis.				
3. + Praedium Di. Young.				
4. + Praedium D. Diggs.				
5. + Capella Boones.				
Domicilium S. Thomae in Marylandia ad ripam Fluminis Potomak	4	0	0	4
6. Missio Pomphret.				
7. Cornwallis-neck.				
Cedar Point.				
8. Cichomuxen.				
Newport.				
Capneck.				
9. + Domicilium Upper Zechaja	1	0	0	1
10. + Lower Zachaja.				
Mathewoman.				
Piscataway.				
11. + Coenobium Carmelitarum Monialium non procul a Portobaco in Marylandia	1	0	0	1
Domicilium S. Francisci Xav^{i} in Newtown in Marylandia	4	0	0	4
Missio S^{i} Aloysii.				
B.V.M.				
S. Josephi.				
SS^{mi} Cordis Jesu.				
S. Joannis.				
12. + Trans Patuxunt.				
Domicilium S. Ignatii in Marylandia inferiori	1	0	1	2
Missio S. Ignatii.				
S. Nicolai.				
Domicilium S. Francisci Xav^{i} in Marylandia ad Bohemiam in litore orientali sinus Cesapeake	1	0	0	1
[*13.*] + Domicilium S. Josephi ibidem.				

	Sacerd.	Scho.	Coad.	Univ.
14. + Missio Arabiae Petreae ut vocant in Marylandia	1	0	0	1
Domicilium Frederiktown in Marylandia occidentali	2	0	0	2
Missio Frederiktown.				
Mannor.				
Maryland-track.				
15. + Heagherstown.				
16. + Martinsburg.				
17. Cumberland. Batto-Church. Shepherds-town.				
15 mile Creek.				
18. + Lees-farm.				
19. Hardy's. Liberty-town. Hawack et aliae.				
In Pensylvania.				
Philadelphiae Ecclesia S. Joseph et domus adnexa	2			
Domicilium Connevago Missio Germanica	4			
Missio Connevago.				
Carlisle.				
Little York.				
Little town.				
Brandi Chapel.				
South Mountain.				
Domicilium in Cochenhoben	1			
Domicilium Lancastrie	1			
Missio Lancastri.				
Elizabethtown.				
Mount-Libanon.				
Harrisburg.				
Sunbury.				
Chester.				
Little Britain.				
	32	24	19	75

Nota. Index qui hic ex[*h*]ibetur non omnino accuratus dici potest, quia post annum 1817, quo confectus fuit, plurimae mutationes factae sunt.

Nota. Inter Missionarios in praedictis domiciliis Soc. J. degente[*s*] numerantur sex vel septem sacerdotes saeculares, quorum non[*n*]ulli in coll^{o} Georgiopolitano educati fuerunt, ipsius Collegii, seu Societatis, sumptu.

Quare Sacerdotes S. J. erunt circiter 25 vel 26.

Duo Americani sunt Romae [*Aloysius Young, Francis Vespre*], quorum alter Theologiae operam dat, alter est in Tyrocinio.

[*Endorsed:*] Catalogo de' Collegi, e delle Missioni che la Comp[a] di Gesù ha nell' Impero delle Russie e negli Stati Uniti dell' America Settent[rale]

Extra Summarium.

Propaganda Archives, Scritture riferite nelle Congregazioni Generali del 1822, *parte prima, vol. No. 927, among the manuscript papers subjoined to the printed brief of 1822* (*cf.* Section III., pp. 402, 403), *in the controversy of the Archbishop of Baltimore with the Jesuits of Maryland.*

E. (1822 ?)

Catalogue of the American Mission S.J. about 1822, showing the distance of dependent stations served from the central residences, as well as the distribution of men.

Catalogus Missionum Soc. Jesu in statibus unitis Americae.

	Patres.	Schol.	Frat.	Sacerdotes Saeculares.
Collegium Georgiopolitanum	4	7	17	1
Domus studiorum in Washington (civitate) ..	2	7	3	
Novitiatus apud White-Marsh	1	9 nov.	10	1

In Comitatu Principis Georgii Missiones quae pertinent ad White-Marsh.

1º Ecclesia in praedio White Marsh		Pro his omnibus unus Sacerdos saec. et Pater magister novitiorum.
2º Annapolis Sacellum in domo privata distat ..	14 mill.	
3º Praedium Dom[i] Young in quo conveniunt plurimi Catholici, distat	6 „	
4º Congregatio McGruder, distat	19 „	

Missiones in Comitatu Principis Georgii quae pertinent ad Sanctum Thomam.

1º Congregatio vulgo Domini Diggs sacellum distat	20 „	Pro omnibus his tredecim missionibus sunt tres Patres e Societate, quorum unus est valde infirmus; et praeterea unus Sacerdos saecularis.
2º Congregatio vulgo Boone's Chapel distat ..	25 „	
3º Congregatio Piscataway distat	23 „	
4º Congregatio Mattowoman		

Missiones in Comitatu Caroli quae pertinent etiam ad Sanctum Thomam.

1º Ecclesia in praedio S[ti] Thomae		
2º Congregatio Pomfret distat a S. Thom. ..	12 „	
3º. Congregatio Cornwallis's Neck	16 „	
4º Congregatio Cedar's Point. Nulla ibi ecclesia		
5º Congregatio Chitromucen [*Chickomuxen*]. Nulla ecclesia. Distat	20 „	
6º Congregatio New Port. Distat	10 „	
7º Congregatio Cob-Neck. Distat	20 „	
8º Congregatio Upper-Zachiah. Distat	18 „	
9º Congregatio Lower-Zachiah. Distat	18 „	

In Comitatu Sanctae Mariae.

1º	Ecclesia in praedio Newtown		Pro his 7 unus Pater e Soc. Jesu; sed propter infirmitatem nunquam praedicat; et duo saec. Sacerdotes.
2º	Congregatio Nostrae Dominae, vulgo Meddley Neck. Dist.	12 mill.	
3º	Congregatio S. Joannis. Distat	12 „	
4º	Congregatio S. Aloysii. Distat	6 „	
5º	Congregatio S. Josephi. Distat	12 „	
6º	Congregatio SS. Cordis. Distat	12 „	
7º	Congregatio parva trans flumen Patuxent. Distat	20 „	

Missiones in Comitatu Sanctae Mariae quae pertinent ad praedium S^{ti} Ignatii.

1º	Ecclesia in praedio		Duo Patres e Soc. & unus Frater coadjutor.
2º	Congregatio S^{ti} Nicholai. Distat	17 „	
3º	Congregatio Domini Smith. Distat	12 „	

In Marylandia.

1º	In Civitate Frederick-town. Ecclesia et domus cum praedio parvo		Unus Pater e Societ.
2º	— — Ecclesia in Carrol's Manor, distans ..	17 „	

In littore orientali vulgo Eastern Shore.

1º	Ecclesia in praedio Bohemia		Unus Pater et Frat. Coadj. et unus Sacerdos saecul.
2º	Ecclesia S. Josephi		

In Pensylvania.

1º	In civitate Philadelphia, ecclesia S^{ti} Josephi et domus		Unus Saecularis.
2º	Ecclesia in praedio Cochenhoben		Unus e Societate.
3º	In civitate Lancaster		Duo Sacerdotes saeculares.
4º	In civitate Elizabeth, quae distat a residentia Lanc.	30 mill.	Duo sacerdotes saeculares.
5º	Mount Libanon	20 „	
6º	Harrisburg (oppidum)	35 „	
7º	Sunbury	25 „	
8º	Chester County	15 „	
9º	Little Britain	18 „	

Conewago, etiam in Pensylvania.

1º	Ecclesia in praedio			Duo Patres Soc.; unus vero aetate senex et infirmus et domo nunquam exire potest; audit tamen confessiones.
2º	Carlisle, ecclesia et domus (civitas est)	Distat	30 „	
3º	In civitate York ecclesia	Distat	22 „	
4º	In oppido Littlestown	Distat	6 „	
5º	Brand Sacellum	Distat	9 „	
6º	South Mountains	Distat	150[?] „	

A. M. D. G.

Numerus Sociorum in tota Missione Americana.

Sacerdotes	26	Saeculares Sacerdotes in nostris missionibus sunt septem.
Scholastici	25	
Nov. Scholastici	10	
Coadjutores	25	
Nov. Coadjutores ..	9	
	95	

Propaganda Archives, America Centrale, *i.*, *1673–1775*, *ff. 292–3*; *endorsed*, *f. 293b*: "Gesuiti—Baltimore. Missionarj Gesuiti." *The document is quite out of place, having been put alongside of Bishop Challoner's letter, London, 2 Aug., 1763, in which he describes the condition of various missions in America: ibid., ff. 290, 291.—Georgetown College manuscripts, 1823, a copy from the same Propaganda Archives, omitting, however, the sums-total at the end.*

No. 191. **1819–1821.**

Fate of the Concordat: Mgr. Marechal's views. *It appears from the following documents that the reason adduced for ignoring the Concordat of 1816*[1] *as inoperative, was the fact that the attempted Agreement of Carroll with Molyneux had been inoperative.*[2]

A. 1819, February 9.

Kohlmann, Superior, 9 Feb., 1819, to Marechal. Shea's abstract.
Sends agreement of Archbishop Neale with Grassi.

B. 1819, February.

Kohlmann, Feb., 1819, to Marechal. Shea's abstract.
Speaks of large house near the church at Washington which Father Grassi built for $12,000, on condition that the church would be made over to the Society. Archbishop Neale made it over. Asks if Archbishop Marechal will do so by authentic instrument.

Georgetown College Transcripts, 1818–1819, notes of Shea.

C. 1820, March 17.

Marechal, Baltimore, 17 Mar., 1820, to Francis Neale (Superior, St. Thomas's Manor).
He has learnt by a letter from the Rev. Mr. Cary (St. Thomas's Manor), that his Rev[d] Sup[r] has recalled him to the College of G. T. The news of this sudden change gave me at first sight great uneasiness indeed. However Fr. Kohlmann writes to me that I need not be troubled about the good people of Newport and Cubneck, *and that Neale and Beschter suffice.*[3] *Marechal offers*, with the concurrence of Fr. Kohlmann, *a new priest, Comisky, if he is desired.*

D. 1820, March 18.

Marechal, Baltimore, 18 Mar., 1820, to Francis Neale.
Can the Rev. Ryan be spared for Nanjomy?

E. 1820, April 8.

Kohlmann, Georgetown, 8 Apr., 1820, to Grassi, Rome. On Marechal's citation of a Synodal Statute, and his claims.

[1] No. 189, C.
[2] No. 186, A.
[3] *Cf.* No. 193, C, *ad init.*

Sums up his letter of 6th Dec. ult^o to Grassi:[4] *1st., that articles have failed to reach;* 2ly., that the Archbishop seems to insist on our compliance with the synodal article,[5] which deprives the Superior of the power of disposing in any way whatever of such of his inferiors as are stationed in congregations. I had a good deal of trouble in getting Father Baxter from Richmond to the college,[6] and much more indeed at the removal of Father Carey from St. Thomas' to the College, where Rev. Father Visitor thought proper to appoint him minister.[7] For, though about six weeks prior to his removal I had written to the Archbishop to that effect, at which time he seemed to object to the measure, and again about ten days before the removal was to take place, at which he kept profound silence, and [!], instead of answering my letter, he wrote directly to Father Carey, forbidding him to quit his station without his orders. His letter came too late; and of course on the day appointed Father Carey came up to the College, where he continues as minister. The following day I received from the Archbishop a letter of expostulation of such an independent manner of acting, in which he descends all at once to the main point by asking me, "Whether I thought myself conscientiously bound to observe the Synodal Statutes, and especially that under consideration, or not?" Having conferred on the matter with the Father Visitor, who set down his thoughts on the subject in writing,[8] and which I inserted nearly word for word in my letter to the Archbishop, I answered to the following effect: 1. That in the case of Father Carey I had done my duty in giving him twice previous[9] notice of the measure, and that the place was well supplied without Father Carey. 2. That we never considered the regulation alluded to as a Synodal Statute; and that, even if it were so, we could not think it obligatory on us, for many reasons; among others, because contrary to the general exemption of Religious Orders quoad domos et personas from the jurisdiction of Ordinaries; because destructive of the vow of obedience and the nature of a religious government; because disturbing the peace and conscience of religious persons, in giving them two independent Superiors and placing them in the unpleasant alternative of disobeying the one or the other; because contrary to the salvation of inferiors, for the sake of which a Superior may be bound to recall his subjects, without being allowed to communicate his reasons for doing so, not even to Father General; because discouraging externs from entering the Society, as is obvious;

[4] *General Archives S.J., Maryl. Epist., 2, i., Kohlmann, Georgetown, 7* [*!*] *Dec., 1819, to Grassi, Rome; 3 pp. 4to. There is no mention in that letter of either his first or second point here.*

[5] *Cf.* No. 115, § 5, *Latin text.* *See* Nos. 192, 193.

[6] *Cf.* No. 118, § 17.

[7] *Cf. ibid.*, § 16.

[8] *See* No. 193, C.

[9] *Cf.* No. 135, B, *Marechal's demand for a* previous *notification, and his claim to give a* previous consent, *before the removal of* Fathers who are pastors of souls. *Cf.* No. 192, G², K², *Benedict XIV.'s rulings in a contrary sense.*

and, in fine, because opposite to the explicit decision of this case by Benedict XIV., as Liguori relates it in his treatise De Privilegiis.[10] The Archbishop answered, that he thought it best to postpone answering my arguments to some other day.

Marechal's letter to Kohlmann, asking him to take into consideration with R. F. Visitor and my consultors the claim of a perpetual pension for himself and his successors from the Society.[11] *Kohlmann's observations on this claim. Various points of business.*

F. 1821, June 2.

Kohlmann, Washington, 2 June, 1821, to the General. On Marechal's claims now before the Propaganda. Translated from the Latin.

"*The archbishop told me yesterday, that he has addressed himself to the Propaganda for a decision on the claim which he thinks the See of Baltimore has to a perpetual pension from the Society. He has forwarded for that purpose all the documents, which he thinks go to prove that claim, asking however that judges be appointed who do not belong to the Propaganda; which request, he is afraid, will not be regarded.*[12] *Your Reverence is perfectly well acquainted with the subject; if however it be necessary, the documents on our part shall be forwarded. 2. He has likewise referred to the same Propaganda for a decision on the spiritual authority which he claims to have over our missionaries, so as not to let the Superior recall them or station them elsewhere, when they think* [he thinks] *it necessary.*[13] *This subject is likewise familiar to you; and Benedict XIV., whom he seems to cite for this contention, is, as far as I recollect, decidedly against such a pretension.*[14] *3. The archbishop told me that he has already brought or he intended to bring before the Propaganda another difference between him and the Society.*" *The case of Deer Creek.*[15] *In a postscript, Kohlmann adds an extract from the patents of the General Brzozowski, appointing Robert Molyneux Superior.*[16]

[10] *Liguori*, Theologia Moralis, *I., Append. ii., De Privilegiis*, § 79: . . . 4. *Quod, licet Superiores Regulares non possint deputare aliquem ad curam sine Episcopi approbatione, possint tamen eum removere illo inscio; et ita pariter Episcopus potest cura illum privare sine consensu Superioris, si id justa causa expostulet.* . . .

[11] *Cf.* No. 181, B, *ad fin.*

[12] No. 115, *Marechal, 19 Aug., 1820, to Card. Fontana, Prefect of the Propaganda. The contents of that document do not quite correspond to the sketch given by Kohlmann here. The other official papers of Marechal, five in number, from 16 Oct., 1818, till the present date, are catalogued by Marechal, in a letter, 7 June, 1821, to Dr. Gradwell, Rome. See* No. 200, D.

[13] *On the 3rd Aug., 1821, Kohlmann formulates Marechal's claim in other words, "that our missionaries cannot be removed from a place without his* [Marechal's] *approbation and consent." (General Archives S.J., Maryl. Epist., 2, i., Kohlmann, 3 Aug., 1821, to the General.)*

[14] No. 192, G^2, K^2.

[15] Nos. 88; 89; 181, J.

[16] *Cf.* No. 118, note 26.

G. 1821, December 24.

Grassi, Turin, 24 Dec., 1821, to the General. Marechal's reason for repudiating the Concordat. Translated from the Italian.

Local business. Last Saturday, Father Grassi had the pleasure of seeing Mgr. Ambrose Marechal at Turin, on his way to Rome. "We had a long talk about our affairs in America; and, from what I understood, they are in a deplorable condition. He told me that a secondary object of his journey was to settle with your Paternity certain points regarding ourselves." The first was, of course, the pension. 2. "He complains that Father Kohlmann, the Superior, has transferred some of our Missionaries, without saying a word about it to the Archbishop. If that be true, it seems to me that Father Kohlmann is wrong. But I remember that Father Kohlmann wrote me,[17] *that he had not failed to notify the Archbishop in writing on such occasions, but that he had received no acknowledgment. Perhaps the letters went astray. 3. A document was drawn up by Mgr. Archbishop Neale and myself, as I was at that time Superior, by which instrument the said Archbishop assigned to the restored Society the ancient missions and some new ones. Before that, there had been drawn up in writing an agreement between Mgr. Carroll and Father Molyneux, Superior of ours in 1808 (if I am not mistaken), whereby the latter bound himself to pay to Mgr. Carroll and to his successors,*[18] *I believe, 1,000 dollars a year. Now Mgr. Marechal says that, if this second document does not bind the Superior of the Society, neither does the first document bind the successors of Mgr. Neale."*[19] *Here Grassi adduces some arguments against the validity of the Carroll-Molyneux Agreement: that Molyneux could not impose a burden on the Society without the authorization of the General;*[20] *and besides Carroll at that time did not recognize the Society as re-established in America. 1º The making of the Agreement showed it to be necessary, and Carroll's right to be dubious or null; 2º if the Society did not exist, Molyneux was not Superior. "On the contrary, as regards the assignment made to the Society of certain missions while I was in America, I wrote about it to our Father General Brzozowski; and this assignment*

[17] *Supra*, E.

[18] *Cf.* No. 186, A, note 5.

[19] *Cf.* No. 135, L, *where Marechal's original runs as follows:* Mes Vener. Prédecesseurs ont fait deux concordats avec les vôtres; Mgr. Carroll avec le P. Rob. Molineux en 1805; et Mgr. Neale avec le P. Grassi en 1816. ¶ On vous a dit sans doute que les principaux membres de la Société n'ont pas craint, par un motif qui vous est parfaitement connu, de déclarer le 1er concordat nul et d'aucune valeur; et on a dû vous dire egalement, que j'ai été forcé en consequence de déclarer que je regardois le 2d concordat nul, comme s'il n'avoit jamais existé. ¶ Mais il est encore tems, je l'espere, de remedier aux consequences très facheuses qui ont resulté et qui peuvent encore resulter de l'infraction volontaire du premier concordat, et de l'infraction subsequent et necessaire du second. ¶ Le seul moyen de réussir seroit de faire un troisième concordat, *etc. This argument implies that Marechal regarded the Neale-Grassi Concordat as authentic and permanent in its import. But cf.* No. 119, [XI.], p. 458, *Marechal's Notes:* Cependant les craintes a la vue de cette liste s'evanouir[*ent*] en observant que cette [!] ecrit estoit passé entre le P. Grassi e[*t*] mon ven. predecesseur, sans lier leur successeurs respectifs. *Cf. ibid.*, 2º, pp. 458, 459.

[20] *Cf.* No. 118, § 10.

took place after the Society was re-established by the Bull, Sollicitudo." *He begs to submit these observations by way of preparing the General for Marechal's demands.*

Md.-N. Y. Province Archives, 1820, Mar. 17, Marechal, Baltimore, to F. Neale; 2 pp. 4to. Ibid., 1820, Mar. 18, same to same; 2 pp. 4to.—General Archives S.J., Maryl. Epist., 2, i., Kohlmann, Georgetown, 8 Apr., 1820, to Grassi, Rome. Ibid., Kohlmann, Washington, 2 June, 1821, to the General. Ibid., 6, i., Grassi, Turin, 24 Dec., 1821, to the General.

No. 192. **1810–1820.**

The "synodal article" of 1810: its origin and progress. *As in the foregoing documents*[1] *Marechal reinforced his repudiation of the Neale–Grassi Concordat by referring to a synodal article of 1810, the following papers will show the origin, intent, and use made of the article. Its tenor appears to be so much out of harmony with the principles of Archbishops Carroll and Neale, that the article must be examined historically and critically. Its form and purpose have some relation with projects and documents of the Right Rev. Michael Egan, Bishop of Philadelphia.*

Antecedent action of M. Egan, pastor in Philadelphia.

A. (1803, December 11.)

Fr. Michael Egan, O.S.F., curate of St. Mary's Church, Philadelphia, (11 Dec., 1803), to Card. Della Somaglia.[2] *He asks for authority to found a Franciscan Province in America, the members of which shall be* subject . . . to be called out and serve when and where the Right Rev. Doctor Carroll or his successors may think proper to send them.

His Eminence Cardinal Della Somaglia.

Egan formerly Guardian of St. Isidore's Convent, Rome. His seven years' residence in Ireland. Now he has been two years in the United States, and is pastor of St. Mary's, Philadelphia. The congregation here is both numerous and respectable, but I am sorry to say there are many places in this extensive country, where the faithful are destitute of pastors, and deprived of the bread of life. To remedy this evil in some manner, application is made to your Eminence (with the concurrence and approbation of the Right Rev. Doctor Carroll, Bishop of Baltimore), and is, that you would be pleased to procure for me, from the Superior of the Order at Aracoeli, power of receiving and professing novices, and of forming a Province distinct and independent of that of Ireland, subject however to be called out and serve when and where the Right Rev. Doctor Carroll

[1] No. 191, E; G, note 19.

[2] *Card. Della Somaglia was addressed, because Egan and Bishop Carroll supposed him to be a member of the Propaganda. He was Vicar of Rome at the time. But he referred the letter to the Propaganda.*

or his successors may think proper to send them. An institution of this kind has been formed here by a gentleman of the Order of St. Augustin; the effects whereof are already felt; and, as the Franciscan Order is more numerous, it is to be hoped the benefit resulting to religion will be more extensive. *A dispensation will be necessary from the Franciscan rule, enabling members of the Order, resident in the United States, to acquire and possess property.*

Philadelphia, March ye 4th, 1804.[a]

Most obed[t] and humble serv[t],

MICHAEL EGAN, Pastor of St. Mary's.

B. 1803, December 11.

Carroll, 11 Dec., 1803, to Card. Della Somaglia, Cardinal Vicar. Endorsing the foregoing petition of M. Egan.

Duplicate.

MY LORD,

The Rev. Mr. Egan having communicated his letter to your Eminence, and desired to certify that its contents are agre[*e*]able to me, I take the liberty of adding that they have my entire approbation, and that I shall esteem it as a singular favour of divine providence to see, before the close of my life, the measure, which he proposes, carried into effect, because it would afford to me a reasonable hope, that there [*would be*][b] a provision made for supplying a [*large?*] portion of this extensive diocess - - -[c] with worthy and edifying priests, to perform the services of our holy religion. As I believe that your Eminence is a member of the Sacred Congregation de propaganda fide, I request most humbly the favour of having an answer sent to the many urgent letters, which have been sent by me during the past years; and am with the greatest respect and veneration,

My Lord Cardinal,

Your Eminence's

Most devoted and humble serv[t],

+J. CARROLL, Bis[p] of Baltimore.[d]

Addressed: His Eminence Gulio [!] Maria della Somaglia, Cardinal Vicar, Rome.

Endorsed: America Settentrionale, 4 marzo, 1804.

C. 1804, September 29.

Decree of the Propaganda, 29 Sept., 1804, conveying the grant of Egan's petition, as endorsed by Carroll.

(a) March ye 4th, 1804, *appears here; but the official Italian translation has,* Philadelphia, 11 Decembre, 1803, *which is also the date in the official translation of Carroll's letter following.* March ye 4th *seems to be the date of a duplicate sent from America.*

(b) *Paper torn.*

(c) *The translation has:* di vedere per questo mezzo suppliti i bisogni di una parte di questa vasta Diocesi.

(d) *The signature is manu propria. The style of the rest seems to be Egan's.*

Decretum S. Congregationis de Propaganda Fide.

Ad augendam et conservandam evangelicorum operariorum copiam in foederatis Americae septentrionalis provinciis P. Michael Egan Ordinis Minorum S. Francisci strictioris observantiae parochus Philadelphiae, accedente etiam consensu atque consilio R. P. D. Joannis Caroll Episcopi Baltimorensis, supplicavit pro facultate novam sibi erigendi provinciam sui Ordinis, a provincia Fratrum Minorum Hiberniae penitus distinctam atque independentem, quae constet coenobiis omnibus, quae adhuc in iisdem foederatis provinciis fundata sunt, vel quae in posterum fundari contigerit, facta illius Ministris Provincialibus potestate admittendi novitios ad Ordinem, et professionem juxta Ordinis regulas et Apostolicas Constitutiones. Cum autem regularis hujusmodi institutio ob eorumdem locorum naturam nec facile subsistere, nec diutius conservari posset sine fundis, certisque redditibus, hinc petita est etiam facultas, ut liceat iisdem coenobiis fundos fructiferos aliaque bona immobilia ad Fratrum substentationem acquirere ac possidere. Re igitur ad R. P. D. Archiepiscopum Valentinum Ministrum Generalem Ordinis Minorum delata, et plena habita illius consensione ac venia, Eminentissimi Patres, referente R. P. D. Dominico Coppola Archiepiscopo Myrensi Secretario, decreverunt, approbandam esse erectionem praefatae provinciae juxta petita, imposita tamen illius Fratribus obligatione praestandi operam suam missionibus foederatarum Americae provinciarum arbitrio Baltimorensis Episcopi, et supplicandum SS^mo^ pro petita facultate acquirendi ac possidendi bona stabilia ad beneplacitum S. Congregationis.

Hanc autem ipsius Sacrae Congregationis sententiam SS^mo^ Domino Nostro Pio PP. VII. relatam, in Audientia habita per eumdem D. Secretarium die 23. Septembris 1804, Sanctitas Sua benigne adprobavit, facultatesque necessarias et opportunas concessit, ut coenobia et hospitia ejusdem novae provinciae bona immobilia, fundosque fructiferos ad Fratrum substentationem licite acquirere ac possidere valeant ad beneplacitum tamen ejusdem S. Congregationis; non obstantibus Apostolicis Constitutionibus, regulis Ordinis, aliisque in contrarium quibuscumque.

Datum die 29. Septembris 1804.[3]

Endorsed: America settentrionale. Provincie Unite.

Propaganda Archives, Scritture riferite nei Congressi; America Centrale dal Canadà all' Istmo di Panama, dal 1791 a tutto il 1817, *III.*: *f. 165, Egan, Philadelphia, 4 Mar., 1804, to Card. Della Somaglia, apparently duplicate of the original, 11 Dec., 1803, which latter was translated (ibid., ff. 155, 156); f. 166, Carroll, 4 Mar., 1804, to Card. Della Somaglia, duplicate of the original, 11 Dec., 1803, which was translated (ibid., f. 156). On the translations, f. 156v, the course of business is endorsed in five or six different hands:* ¶ America

[3] *As to the operation of the licence granted by this decree, that the Franciscans might hold property, Card. Della Somaglia objected to their doing so in their own name, even as a community, since it was contrary to the spirit of their Order. He suggested that a bishop or other reliable person should hold the property in his own name, as a trust on their behalf. (Georgetown College Transcripts, 1793–1814, Egan's letters to Carroll, etc., pp. 3–5; 8 Jan., 1805; 29 Jan., 1805; copies.)*

Settent., Provincie Unite, 11 Xbre, 1803. ¶ Tradotta dal M. Concanen. Si scriva a Mr. Caroll che dal Card^le Vic^o, che non è di Prop^a, si è avuta, e si procurerà, e si scriva anche ad Egan. ¶ Biglietto al Com^o Gnl. ¶ *Then summary of Egan's letter.* ¶ Scritto a Mr. Caroll ed al P. Egan, ai 24 Giugno, 1804. ¶ Si è scritto al Comiss^o gle. di Araceli in Giugno, 1804, pro informat^e et voto. ¶ Si stese il decreto di Cong^e li. – – – Sett^e, coll'Udienza n[*ro S^re*] dei 23 del prd^o Mese, 1804. ¶ Si veda la risposta a Carroll e ad Egan.—*Ibid.*, Decreti della S. Cong. dall' anno 1800 all' anno 1819, *ff. 102^v–103; after other decrees of the session held, 17 of Sept., 1804, decree answering the petition of Egan (not entered in the* Acta *of the Propaganda for 1804).*

On the 8th of April, 1808, the Bull was issued, appointing the Right Rev. Dr. Michael Egan, first Bishop of Philadelphia. He was consecrated in Baltimore, 28 Oct., 1810. Bishop Cheverus of Boston was also consecrated in the same place, a few days later; as well as Bishop Flaget of Bardstown. These suffragans of Carroll, who was now archbishop-elect, remained with him for two weeks to consult on matters of regulation and discipline.[4] *We infer from several indications that Bishop Cheverus acted as secretary in the consultations.*[5]

Among the resolutions adopted at this meeting of the bishops in November, 1810, with a view to uniform practice *till a Provincial Council should be held before November, 1812, there is one which recalls exactly the tenor of Egan's plan respecting the dependence of the Franciscan Province on diocesan bishops. However, it does not speak of a bishop "calling out" the members of Orders or Congregations for diocesan service. It limits its view to keeping them in service when once engaged in the ministry, notwithstanding the necessities of colleges, seminaries, or posts of government. It formulates an opinion that members, when once charged with the care of souls, "ought not to depend upon their Superiors' will," but it does not define what kind of dependence is meant. As to what may be "altogether necessary for the existence or prosperity of the said Congregations," to justify a religious superior in recalling men from pastoral charges, the bishop is to be the judge.*

The Latin text of this article was given by Marechal in his document to Card. Fontana, when opening the controversy with the Jesuits.[6] *A criticism, short but sharp, was passed on it in the General's Report to the Propaganda.*[7] *The authority of Benedict XIV.*

[4] *Cf. J. G. Shea,* History of the Catholic Church in the United States, *ii. 632.*

[5] *Md.-N. Y. Province Archives, portfolio 92, No. 7, a copy of the Pastoral issued 15 Nov., 1810. with the signatures of the five Bishops, Carroll, Neale, Egan, Cheverus, and Flaget. It has an endorsement:* Autograph of B. Carroll or Cheverus. *Document* G, *infra, betrays a foreignism in the heading:* Regulations given by the Archbishop Carroll, *etc.*

[6] No. 115, § 5.

[7] No. 118, §§ 14, 15.

was cited[8] *in relation to the canonical question involved in the resolution, which, while professedly temporary in its character, was loosely drafted in its conception. A letter of Bishop Egan's given below* (V) *is equally loose in its conception of these ecclesiastical matters; and, taken in conjunction with his Franciscan Province adjustment, may give a clue to the authorship of the proposal, which then passed among the resolutions of the bishops. In a document of Kenney's, dated ten years later,*[9] *it is clearly implied that Carroll had been overruled in the passing of the article.*

The documents which follow show the occasion, and some practical results of this article; as well as Carroll's repudiation of the interpretation put upon his action by C. Neale, Superior of the Jesuits.

D. 1810, September 11.

Carroll, Washington, 11 Sept., 1810, to C. Neale, Port Tobacco. A complaint against Neale's reserving authority to keep men at Georgetown, and out of the ministry. Status of the Jesuits in America, as being under the bishop's authority for ministerial work, while the Society is not canonically re-established.[10]

[8] *Cf.* No. 121, A, note 1, *ad fin.*

[9] No. 193, C, *ad* note 21.

[10] *The antecedents of Carroll's dealings with Molyneux and C. Neale, ever since the private re-establishment (1805), were in accordance with the policy which he urges in this letter. The only new element which had intervened was the rather impracticable character of the new Superior, C. Neale. Molyneux, the first Superior, seems to have been perfectly complaisant, whatever arrangement the bishop might make.*

Carroll, Baltimore, 7 Apr., 1807, to Molyneux, Georgetown. He hopes that Molyneux will not be too angry *if the missionary expedition of Kohlmann through Pennsylvania exceeds the allotted time of a month by* a week or two. I presume the more on this, because the General of the Society has granted me a power, which however will never be used to the prejudice of your authority; for neither of us will, as I firmly persuade myself, be unreasonable.

Carroll, Rock Creek, 19 Sept., 1808, to Molyneux, President, Georgetown. Presuming that Mr. O'Brien will return from Ch^s^ County about this time, and the R^d^ F^r^ Britt will depart in a few days for Phil^a^, it is necessary to have your concurrence in the plan, which I have conceived for the relief of the Diocess, as far as it will go. For tho the R^d^ F^r^ Gen^l^ has empowered me to employ the members of the Society in such manner, as shall appear to me most beneficial to the advancement of religion, yet I shall make it my rule always to communicate with the Superior of the Order in disposing of those who owe obedience to him. *Then follows a long series of changes or combinations regarding Jesuits and secular missionaries.*

C. Neale, 24 May, 1809, to F. Neale, Georgetown. Some business. I am desired by Bishop Carroll, who professes himself a great friend, to write a Circular to our members, a Circular of caution, ne quid Societas detrimenti capiat ex nostra imprudentia. You will communicate it to all under you. ¶ My Brethren, I direct all and each of you in future not to assume, more than can be avoided, any outward manifestations of your private and conscientious ties to the Society, to claim no exclusive rights as members thereof, and to continue, as to exterior government as seen by others, on the footing of secular clergy. If anything distinguish you in publick from other priests, let it be your obedience, let it be your humility, let it be your modesty,

On the reluctance shown to part with Father Enoch Fenwick for the bishop's service at Baltimore. Carroll himself regrets that Fenwick should leave his charge at the College, and give up the mission of Alexandria. However, as to the college, where the number of students is now so miserably reduced, a Vice president is unnecessary, or Mr. Marshall can do whatever is wanted from one. At the age of 74, I cannot any longer act the part of Curate of the Rector of a parish, and at the same time undergo all the drudgery of my episcopal duties. You know, that the Gen[l] has committed to me the disposal of the members of the Society for their ministerial functions; that the Society out of Russia does not constitute a corporate body, and is incapable, as such, of holding estates, colleges, etc.; that in all outward government its members are precisely in the state of secular priests, and cannot claim any privileges or exemptions to which religious bodies, regularly and authentically introduced, were entitled. I request earnestly of you to act in all things, as our old Brethren in England have done, consistently with this principle. As long as matters, with respect to the Society, are on their present footing, no Bishop can ordain those, who belong to it, titulo religionis, for they cannot be known as such in foro externo; and the pupils of Stonyhurst, when presented for ordination after

let it be your zeal, etc.; sic luceant opera vestra bona coram hominibus, ut glorificent Patrem vestrum qui in coelis est; but never forget that you are children of obedience, and never fail in time and place to exhibit the same to your proper Superiors. Thus will you please God and advance the great work you have undertaken, your own and neighbour's sanctification. Amen. C. Neale. ¶ *Messages, etc.*

Kohlmann, New York, 26 July, 1809, to (Grassi). Much business about New York, etc. Here is what our R. F. Superior Charles Neale writes to me, May 24th, 1809: "Bishop Caroll, I am afraid, is not very favourable to us. He complains that we make our affairs too public, that we style ourselves S. J. &[c], but, what is worst of all, he says that the Bishops have no power to ordain our members titulo paupertatis. I wish F. General knew as much; if you find an opportunity, let him know it as coming from me. Some suppose that y[r] new Bishop [*Concanen*] is inimical to the Society; that he is charged by the Propaganda to keep an eye over us." *Kohlmann continues:* Bish[p] Caroll desired afterward R. Charles Neale to direct a Circular to all the members of the Society, desiring them to abstain from all such exterior marks that could distinguish us from secular priests, acknowledging however the obligation of our vows to the Society. *Kohlmann's own sanguine views of the situation.*

Not only did Carroll acknowledge, *as Kohlmann says,* the obligation of our vows to the Society, *but he insisted that Molyneux should observe certain remote points of the Jesuit Constitutions, which seemed to escape the Superior's notice. Carroll, Baltimore, 19 June, 1808, to (Molyneux):* . . . Before the Divines of the Society conclude their Theology, remember that it is made incumbent on you by the Constitutiones S.J. to have them examined by sworn Examiners on a stated number of the most important questions of Theology, who are to send their secret and sealed suffrages to the General. Their degrees in the Society will depend on this examination, so far as they are to be regulated by their estimated learning. *Other business.*

(*Md.-N. Y. Province Archives, correspondence; 1807, Apr. 7, Carroll, Baltimore, to Molyneux, Georgetown; 1 p. 4to, No. 75. Ibid., 1808, June 19, same to (same), address wanting; 4pp. 4to, No. 82. Ibid., 1808, Sept. 19, Carroll, Rock Creek, to Molyneux, President, Georgetown; 2 pp. 4to, No. 86. Ibid., 1809, May 24, C. Neale, Port Tobacco, to F. Neale, Georgetown; 2 pp. 4to. Ibid., 1809, July 26, Kohlmann, New York, to (Grassi, who endorses it); 4 pp. 4to.*)

For examples of the subsequent troubles between Carroll and C. Neale, cf. No. 179, L, M.

their novitiate, take the usual oath of Seminary priests, of serving the Mission under the authority of the Vicars Apostolical.[11] To confess the truth, the brief of Clement 14th., the fatal brief of extinction, which had so general an execution, and was intimated in all the houses of the Society, would, I fear, subject any Bishop, who should ordain members of the Society sub titulo religionis, to the heaviest censure, until that fatal brief be formally revoked.[12]

I am most respectfully, Rev. Sir,
Y^r very ob^dt S^t
+ J. A^bp of B^re

[11] *This account seems not to be accurate, regarding the Jesuits of England. As to the title of ordination, which did cause difficulty in England and in Ireland, at least with such bishops as were not* benevolentiores, *the General arranged the matter thus, that if, notwithstanding the good will of the Sovereign Pontiff, bishops refused to ordain Jesuits as religious, titulo paupertatis, they could do so titulo missionis, or titulo patrimonii, the Provincial or procurator providing the necessary security:* Quodsi, hoc non obstante, nolint Ep^pi ordinare Nostros titulo paupertatis, ordinentur sane, sicut R^a V^a bene animadvertit, titulo patrimonii, data eis a P^e Prov^li vel a Procuratore Hiberniae obligatione solvendi eis annuam summam sufficientem ad titulum patrimonii. *The General then provides against the inconveniences which might result from this obligation so assumed.* (*General Archives S.J.*, Epist. VV. GG. in Russ., 1809–14, *the General to Strickland*, (*London*), *25 Dec., N.S., 1811; on the measures of the English Provincial, Stone, to introduce the Society into Ireland.*)

The titulus patrimonii appears in the foregoing letter, dated 25 Dec., 1811, in relation to Ireland. The title of "missions or congregations" had already been reluctantly approved by the General, in a letter to Strickland, 10 Feb., 1810, and in another to C. Neale, 10 May, 1810. (*Ibid.*) *But the General added a postscript to Neale, permitting the use of such a titulus ordinationis only in extreme necessity:* P.S. Quae hic dicuntur, ut, casu quo Ill^us Archi-Ep^pus aliter judicat, R^a V^a permittat nostros ordinari titulo alicujus Eccl^ae sive Congrega^onis, haec intelligenda sunt non nisi in extrema necessitate; *but his Paternity believed that Carroll would not take such a view in the circumstances.* (*General Archives S.J., Maryl. Epist., 1, ii.; copy of the foregoing letter, 10 May, 1810, in the hand of the Secretary, Korycki.*) *Cf.* No. 178, U[2].

With the Severoli declaration (24 Dec., 1813) as to the intrinsic force of the private restoration by aggregation to the Society in Russia, all the former difficulties were solved. See No. 178, N[2]. *That Rescript declares "the priests and clerics in question so to belong to the Society of Jesus, that the latter can be admitted to Holy Orders, servatis servandis, titulo paupertatis; the former, in the countries, where they live by Apostolical grant, enjoy the same privileges, as the members of the Society of Jesus in Russia."*

[12] *Compare Carroll, 31 Jan., 1814, to Father Stone, London: Argumentation on the abnormal position of the Society, in view of Clement XIV.'s Brief.* With these impressions on my mind, and the recollection of the solemn orders of His Holiness, contained in the Briefs for my Consecration, the erection of this and other Episcopal Sees in the United States, my obligation to be subject to the commands of the Cong^n de Prop^da fide etc., I never could persuade myself to admit that our young men, who associate themselves to the Society, can be admitted to Orders, titulo religionis; they are ordained titulo missionis under the authority of the Ordinary.—As long as I and my Coadjutor Bis^p Neale continue alive, there will be little or no inconvenience; for we shall always act in harmony with the Superior of the Society: but in England I am sensible that this must be a disagreeable situation. (*English Province Archives, portfolio 6, ff. 109, 110, Carroll, 31 Jan., 1814, to Stone, London; re-addressed back to Stonyhurst.*) *Severoli's Rescript* (No. 178, N[2]), *declaring precisely the contrary of Carroll's opinion, had already been issued, but not yet received in America.*

E. (1810, November.)

The occasion given for formulating the resolution about regular and secular Congregations, in the bishops' meeting, Nov., 1810. Kohlmann and Malou, both in New York, assign the action of C. Neale as the provocation.[13]

Kohlmann to Grassi :[14] *" Your Rev. knows already that the bishops lately had reason, or at least they were dissatisfied with the manner of proceeding on the part of our Superior, in removing ours from their parishes without the approbation of the bishops, who have made an ordinance with reference to this, restricting the power of religious superiors."*

Malou to the General :[15] *The resolution was occasioned by the abrupt removal of Father Britt from the German church at Philadelphia,*[16] *without providing a substitute, and without giving notice to ecclesiastical superiors. The same occurred in a case of Father Edelen. In fine, when (Beeston) the pastor of the archbishop's cathedral died, his Grace asked for the elder Fenwick ; but for months he was refused, and was forced in the mean time to do the pastoral work himself.*

F. 1810, November 15.

Pastoral of the bishops, dated Baltimore, 15 Nov., 1810.

The preamble states that a meeting had been held, for establishing uniformity of action in the different dioceses ; but that the bishops have reserved to a future occasion a general review of the question. Some matters, requiring immediate attention, were maturely discussed, on which after humbly invoking the assistance of the Divine Spirit, resolutions or ordinances were made which in due time will be communicated to the Clergy or Laity, as they may be concerned in them. The following are some of these, and are now published for general information. *Five points follow. The signatures of the five bishops are appended : the Archbishop of Baltimore, and his Coadjutor, L. Neale ; the Bishops of Philadelphia, Boston, and Bardstown.*[17]

G. 1810, November 15.

The Regulations, containing the resolution subsequently spoken of as the " synodal article " of 1810. There are eighteen points, and they include the five published in the Pastoral (F).

Regulations given by the Archbishop Carroll and the other bishops, 1810.

The first is about a Provincial Council to be held before the 1st of Nov., 1812 ; and in the meantime the Archbishop and Bishops will now consider

[13] *The statement of Malou, who had just arrived from Europe, naturally reflects Kohlmann's opinion.*

[14] *Ubi infra*, M, *2 Apr., 1811.*

[15] *Ubi infra*, E², *20 Nov., 1811.*

[16] *Cf. supra*, D, note 10, *Carroll, 19 Sept., 1808, to Molyneux.*

[17] *Cf. J. G. Shea*, History of the Catholic Church in the United States, *ii. 633–635.*

together such matters as to them appear the most urgent, and they recommend an uniform practice in regard to their decisions, until the holding of the said Provincial Council.

The second, third, and fourth are on a Diocesan Synod, episcopal visitation, and the nomination of Bishops. The fifth, published as second in the pamphlet of Mgr. Marechal, is to this effect, as translated from the Latin text : [18]

5. " *When priests, who are members of secular or regular Congregations, have been, with the consent of Superiors, charged with the care of souls, it is our opinion,* judicamus, *that such priests ought not to be at the disposal of their Superiors, and be recalled against the will of the Bishop. However we readily profess that those Congregations are in high honour and esteem with us, being so useful to our dioceses, and that we place all confidence in their Superiors. We shall be glad to see members of our dioceses, who wish to embrace the religious life, adopt the rules of those Congregations. Nor is it our intention that those, whom the said Congregations really need, should be bound over to the sacred ministry ; nor even to prevent priests, who are working in the missions, from being recalled, provided that this recall appear to the diocesan Bishop altogether necessary for the existence or prosperity of the aforesaid Congregations.*"

H. 1810, November 28.

Protest of C. Neale, Superior of the Jesuits. From the date and tenor of an Extract, *communicated apparently to the General of the Society by Mgr. Marechal in 1822,*[19] *it would appear to be taken from a letter of Neale's protesting against the foregoing article, which in some way or other must have been communicated to him.*

Extract of a letter of R^d^ Ch. Neale, Sup^r^ of the Society to Arch^p^ Carroll, dated Mount Carmel, 28th. Nov., 1810.

Be it however, Most R^d^ Sir, positively understood, that I mean not to give up any control over any individual subject of our Congregation (that being absolutely necessary for the well governing thereof). It is true I ought to be reasonable in that respect. But it is equally certain that I have no authority to give up any right that would put the subject out of the power of his Superior, who must and ought to be the best judge of what is most beneficial to the universal or individual good of the members of his Congregation.

Marechal continues : On the back of this letter, Arch^p^ Carroll wrote these two words : Inadmissible Pretensions.[20]

[18] *Cf.* No. 115, § 5. *Cf. infra*, p. 996.

[19] Note 116, E, note 32, (4).

[20] *In 1822 this* Extract *had no relevancy to the Society or to the Archbishop of Baltimore, seeing that the whole status, which had given occasion to the difference in 1810 between Carroll and C. Neale, had been radically altered by the Bull of 1814 which restored the Order canonically. However, the words of the ill-drafted article :* " *regular Congregations,*" *left the bishops still liable to the charge of having passed a*

J. 1811, January 4.

Kohlmann, New York, 4 Jan., 1811, to (Grassi), who had arrived in America the preceding year.

A severe criticism on the three Neales—the Bishop Coadjutor, Charles, and Francis—as general managers of all the Jesuit policy and affairs. In particular, a stricture on the action of C. Neale, the Superior, in making a formal protest against "a Synodal Statute of the Bishops met in Baltimore." *See* No. 115, note 2, pp. 389, 390.

Among other points of business, he should wish to have Mr. Cary for New York. Mgr. Cheverus of Boston is willing to ordain Cary, if Kohlmann (Vicar General of New York) gives the dimissorials.

K. 1811, January 10.

Grassi, 10 Jan., 1811, to Charles Plowden. He gives an explanation of the tension between Archbishop Carroll and the Jesuits of Maryland. Translated from the Italian into English by Plowden.

"At my arrival at Baltimore, I found Abp. Carroll alarmed and frightened by the Propag[a]. This circumstance, joined to a want of good understanding between him and the Neales, has occasioned a suspicion, which in my opinion is ill grounded, that said Abp. is alienated from the Soc[ty]. The Abp. knows for certain that, in consequence of an application made by him immediately to the Pope, not through Propag[a]. but through the channel of Mr. Concannen, on the business of our restoration, his Holiness had intrusted to said Mr. Concannen[21] a writing, I believe, of his own hand, directed to the Abp.; and this latter is persuaded that said paper can be nothing else than a written approbation of the intire re-establishment of the Society in this country. Mr. Concannen, to whom this writing had been specially recommended as a paper of the highest consequence, would not send it with other papers, which are all arrived. He kept it to be delivered with his own hand to Abp. Carroll. After Mr. Concannen's death at Naples, it was believed that the French police-officers had seized all the papers belonging to the deceased, and that it would be extremely difficult, or rather impossible, to recover the fore-mentioned paper. Bp. Neale has lately assured me, that Mr. Concannen's papers have not fallen into the hands of the French, but on the contrary have all been consigned to a certain Mr. Filicky[22] an American, well known to our people, and that letters have been written to him to recover them. May God grant that our hopes be not disappointed. If the expected paper be favorable, of which I have no doubt, it will produce the

resolution in terms which they had not pondered, as will appear infra; and, in the new hypothesis adopted by Marechal, that the Order had not been canonically restored in America, the article bore a significance which made it relevant to his purpose. Cf. No. 200, E.

[21] *Nominated first Bishop of New York at the same time as the Philadelphia and other new Sees were provided with bishops.*

[22] *Filicchi, a merchant of Livorno, or Leghorn.*

best consequence for England, as well as for America. Our F. General must have had some notice of this paper ; for in his letter, I think of last May, to F. Cha. Neale,[23] he inquires if a writing relative to the re-establishment of the Society be yet arrived from Rome. As soon as more shall be known, I will send you immediate notice." So far Mr. Grassi. He adds that he is stationed in Georgetown College, and is almost as busy with various occupations as Mr. Thos. Reeve himself. I quite agree with him in his opinion of Abp. Carroll. I am sure he is a friend of the cause, and I believe he could not act otherwise than he has done. He considers Mr. Cha. Neale as a wrongheaded man, and persons who knew him at Liège and Antwerp are nearly of the same opinion.[24]

L. 1811, March 1.

The General Brzozowski, 1 Mar., 1811, to C. Neale.

Repeating the representation made by C. Neale, as to the claims of Carroll on the services of the Jesuits,[25] *the General denies that he ever gave or could give such authority to the archbishop.*

Particular arrangements about men and affairs. Quod Ill^mus^ Archi-ep^pus^ ait de Sct^te^, eam in vestris regionibus non esse, se habere potestatem a me sibi datam mittendi nostros quocunque velit inconsulto et invito Superiore,[26]

[23] *The General's letter, 10 May, N.S., 1810, does not speak of this matter. It is a long and reasoned argument, from Pontifical utterances, regarding the re-establishment so far as being canonical, the Pope's captivity alone having prevented the issuing of a Rescript or Brief. He treats a possible or actual difficulty proposed :* Dicet aliquis, *that the case may be granted for Jesuits sent from Russia or for the old ex-Jesuits of America ; but what is to be said of those " who have made their novitiate here " ? He considers that the bishop can, with a safe conscience, " ordain ours titulo paupertatis ; " but he submits to Carroll's judgment in the matter, and desires that a copy of this letter be respectfully communicated to the bishop. See supra,* D, notes 11, 12. *In subsequent letters there is mention of the paper committed to Concanen. Thus, 31 May, 1811, to C. Neale :* Gratias quoque egi misericordiarum Patri et Deo totius consolationis, quod Ill^mus^ Archiep^pus^ Carroll, re ex litteris meis de 10 Maii melius intellecta, factus sit erga vos benignior. Utinam perveniat ad illum quam primum responsum, quod S.P. dederat per Episcopum Concanon ; non dubito responsum illud favere Societati in vestris partibus, et per illud cessaturum omne dubium de canonica vestra etiam pro foro externo existentia. Postquam responsum illud perlatum fuerit, curet R^a^. V^a^. omni modo ejus exemplar ad me transmittendum. (*General Archives S.J.*, Epist. VV. GG. in Russ. 1809–14, *the General's Register ; under dates.*) *A similar reminder was given to Grassi, May 22/June 3, 1811, in the answer to Grassi's letter of 27 Sept., 1810.* (*Ibid.*, Chartophylacium Patris Desperamus, *Assistant of the General, Father Brzozowski.*) *As the paper committed to Concanen was never recovered, there were no means of ever ascertaining what it contained ; and three years and a half passed before the Severoli Rescript gave the requisite assurance of the Sovereign Pontiff's intentions. During this period Carroll practically lost all hope of ever seeing the Society restored in the manner which he desired.*

[24] *Cf.* No. 178, V^2^, *where it appears that, before 1815, Grassi came to adopt the views of the Neale party.*

[25] *Cf. supra,* D, note 10.

[26] Inconsulto et invito Superiore. *This must be C. Neale's representation of the issue. It is not in Carroll's statements to Molyneux,* (*supra,* D, note 10), *nor in the article passed at the bishops' meeting, Nov., 1810, which restricts itself to the detention of missionaries in parochial service, after they have once been assigned thereto. It agrees, however, with the claim put forward by Bishop Egan, in his letter, 14 Oct., 1811* (*infra,* V), *that the bishops in America ought to have the power also of* calling out the members of any Religious Society established in this country.

hoc totum gratis asserit. Potestatem hujusmodi in praejudicia Soct^{tis} ego neque potui dare, neque dedi. Rogavi illum certe in exordiis rerum, dum nullus ibi adhuc esset Superior, ut rem Soct^{tis} juvaret, ut Superiorem postea a me confirmandum constitueret, quem judicaret aptissimum, ut ad Summum Pontificem daret literas pro impetrando Brevi etc., nunquam vero concessi ut Soct^{tis} regimen ab eo mutaretur.[27] Praeterea scit Pontifex nostros esse in America, non tamen jussit eos ibi non esse, sed e contra promisit benigne se daturum literas, ne VV^{i} AA^{i} et EEp^{i} inquietent eos, qui aggregati fuerint Sct^{ti} in Russia existenti. Gravis aetas Ill^{mi} est certe in causa, ob quam aeque ac ignorantiam nostrorum fundamentorum aliquanto durius procedat. Agat R^{a} V^{a} cum illo mansuetissime, exponat fundamenta nostra, roget ne opus, quod ipse coepit cum tanto Gl^{ae} Dv^{nae} incremento, destruat; dicat sufficere interea consensum tacitum et generic um S^{mi} Pon^{fis} consensum quem jam habemus, recursum nunc non dari,[28] ventura meliora tempora, et tum omnia plene ab eo obtinenda. Abstineo pluribus. . . .

M. 1811, April 2.

Kohlmann, New York, 2 Apr., 1811, to Grassi, Georgetown. On the difficulties with the bishops. Abstract from the Italian.

He returns a direct negative to the proposal that some one (apparently Adam Marshall) should be sent to New York, receive dimissorials from Kohlmann, be ordained, and then be sent back to the diocese of Archbishop Carroll. He asks, why not come to an understanding with the archbishop, and procure the ordination there? He refers to the article passed at the late meeting of the bishops.[29] *He then discusses a number of projected changes, which will disgust the archbishop, Mgr. Egan, "etc. etc. etc." The affairs of New York.*

N. 1811, April 17.

The General, 17 Apr., 1811, to C. Neale. On the religious status of the Jesuits in America. Letter sent by Fathers Malou and Rantzau.

On Father Paul Kohlmann, who had been a Franciscan, and had received a dispensation from the Sovereign Pontiff, enabling him to enter the Society.[30]

[27] *The antecedent letters to Carroll, which we find registered, are dated respectively: (Gruber), 13 Mar., N.S., 1804 (Md.-N. Y. Province copy, 12 May, 1804); (Brzozowski), 17 Sept., 1805 (Ephemerides, P. Korycki, "17 Nov., N.S./5 Nov., V.S.," 1805); 9 June, N.S., 1806; 16 July, N.S., 1807.*

[28] *The Pope was at this time imprisoned at Savona.*

[29] *See supra*, E.

[30] *The dispensation for Paul Kohlmann, from the Nuncio at Vienna, is remarkable for its style at a time when the Society seemed to be so precariously re-established.*

Admodum Rev^{de} Pater,

Per me a Pontifice Maximo impetratum est, ut Admodum R^{dae} Paternitati Tuae Jesu Societatem ingredi liceat. Sed hujusmodi benignitate non poteris frui, nisi te ad P. Brzozowski Praepositum Generalem convertas, cujus voluntati et arbitrio tota res haec tradita est. Hoc igitur te monitum volui, ne moreris ea facere,

Thus four missionaries have now been assigned by the General to the American Mission. The Pope's declining to let the younger Jesuits among the Neapolitan exiles pass over into Russia, as the General desired, because His Holiness was contemplating a Bull of universal restoration, but was impeded by being carried off into exile. Respects of the General to Archbishop Carroll and Bishop L. Neale. He adds an Appendix on the necessary inferences to be drawn from the foregoing:

Appendix ad epistolam datam 17 Apr. R^{o} P^{i} Carolo Neale Superiori.

Epistola haec mea sit documento, non tantum eos, qui e Russia in Americam missi sunt, sed etiam alios omnes sive antiquos nostros, sive recens admissos vel admittendos pertinere ad Soct^{tm}, quae est in Russia; ad hujusmodi incorporationem sive unionem faciendam me dedisse R^{o} P^{i} Molyneux et R^{ae} V^{ae} dare omnem facultatem, pro foro scilicet interno, cum vestis Societatis propria alioqui non portetur; me considerare omnes ibi susceptos tanquam incorporatos Provinciae Rossiacae; suffragia pro mortuis in America fieri ac pro Sociis ejusdem Provinciae. Patres proinde, cum sint Religiosi et non vocentur Missionarii Ap^{lici},[31] debere pendere quoad religiosam disciplinam a suis Superioribus et a P^{e} Gn^{li} Hanc appendicem communicet R^{a} V^{a} cum Ill^{mo} Archiep^{po} et cum aliis quibus communicanda videbitur.

0. (1811, May 25.)

Carroll, (25 May, 1811), to the General.

His antecedent action in reconstituting the Society, with powers sent him by Father Gruber. The necessity of a Superior being appointed, who should be acceptable to the bishops. The obligations of the Ordinaries at present, until an authentic Pontifical declaration shall reach them as to the legitimate status of the Society in America. The inconsiderate mode of procedure followed by C. Neale. See No. 179, **M.**

quae facienda sunt, ne praefinitum tempus effluat. Oro Deum, ut in nova familia, cui nomen es daturus, is quidem sis, a quo id coeteri capiant, quod sit imitandum. Vale Admodum R^{dae} Paternitati Tuae.

Viennae, 3 Septembris, 1808. *Signed autograph:* Addictiss. Servus,
F. P., Archiep. Nun^{s} Ap.

Addressed to Paul Kohlmann, Ferrete apud Altikirchum in Alsatia. (*Md.-N. Y. Province Archives, 1808, Sept. 3.*)

The General remarked later, that the prorogation of this dispensation, allowing another six months' delay, was signed by the Pope's own hand, which his Paternity knew well, having received an autograph letter from His Holiness on a former occasion (Epist. VV. GG. 1783–1825, *the General, 30 Sept., 1813, to Grassi*). *Cf.* No. 178, K^{3}, note 142.

[31] *The issue about Jesuits being sent as missionaries apostolic of the Propaganda, or as entirely under the General's control, had been settled practically (1807) in the case of Fathers Grassi and Korsak, who with Brother Sturmer were deputed at the request of the Russian Emperor for China. The General declined to pass them over from his jurisdiction, recalled them from Lisbon, and sent them to England, whence Grassi (1810) was ordered to America. Cf.* Nos. 178, note 68; 193, C, *ad* note 25.

P. 1811, May 31.

The General, 31 May, 1811, to C. Neale.

He is gratified to hear that, in consequence of the explanations given in his letter of 10 May, 1810, "Archbishop Carroll has become more kindly disposed towards you." He speaks of the Papal document sent through Bishop Concanen. Cf. supra, K, note 23. *Many particular directions and criticisms on affairs; wanted a full catalogue of the American Mission; C. Neale's living in a monastery, as chaplain to nuns; Georgetown College; three official counsellors appointed, Kohlmann, Epinette, Grassi, with a fourth to be chosen ad libitum, etc.*[32]

Q. 1811, June 10.

B. J. Fenwick, New York, 10 June, 1811, to Francis Neale, President of Georgetown College. On the misunderstanding with the bishops.

In answer to F. Neale's two last kind and affectionate letters. Benedict Fenwick's defence of the New York Literary Institution, as a foundation approved by the former Superior, Molyneux. The enterprise means no hostility to Georgetown College.

Your Reverence talks of enemies to the Society. I know not who they are. No man can be an enemy to the Society who is not an enemy to God and to his religion. It is not the Clergy and Bishop of Boston. They always speak of it in the highest terms. It is not the Bishop of Philadelphia. I know his sentiments on that head. He is a pious man and would wish it all success. It can't be our most venerable Arch-Bishop Carrol. He is too well known for so ungenerous a thing ever to be applied in the most distant manner to him. In all his letters to us he speaks in the most affectionate manner of the Society. It can't be Mr. Flaget—you know him better than I.[33] Who then are these enemies? If any, the idea can attach itself to but two or three seculars of the Clergy of Maryland.[34] And what harm can they do it? None. But it is proper that you should know one thing towit [?]: that it is much to be apprehended that a coldness for and a want of confidence in the Society will take place in the breasts of three of the first-named Bishops, if the Society does not cease to insist upon its prerogatives and make a less bold stand. Bishop Cheverus spoke lengthily on this subject to us when in New York;[35] and ArchBishop Carrol complains incessantly in his

[32] *In a letter, No. 1, to Grassi, May 22/Jun. 3, 1811, the General answers that Father's first letter from America on various points of business, repeats the substance of May 31, addressed to Neale* (P), *and commissions him to tender the General's humble respects to Archbishop Carroll.* (*General Archives S.J.*, Chartophylacium P. Desperamus; *a draft.*)

[33] *In a letter of Flaget, 1 Mar., 1815, to Grassi, the bishop expands in the most affectionate terms on the old Jesuits of the Mississippi and on the recent restoration of the Society. He begs for a colony, and offers every inducement to have his hopes fulfilled.* (*Md.-N. Y. Province Archives, under date; 3 pp. 4to.*)

[34] *Cf.* No. 178, M².

[35] *Cf. infra,* E², *ad* note 71.

letters of some act or other. It seems indeed that a great misunderstanding exists. And, should it once come to an explosion, the Society will be in the wrong, because it is dependent on them. It exists indeed now but by their permission. No good can result from this difference and a great dea[*l of*] harm will follow. It has already scandalized many. The con[*sequenc*]e will be, the Society will be hated. I fear it.—I wish that it were possible that a general convocation of the Society could take place; it might be a means of healing this difference.—I have mentioned these things because I deem it proper that you should be acquainted with them. We hear here what you will never be told at Geo-Town by any of the members at or in the vicinity of that place, altho' they also may know what is every where said on this subject. I hope all however will be for the best. God grant it so.—Religion suffers enough already.

Points of business.

R. 1811, September 8, N.S.

The General, 8 Sept., 1811, to Carroll.

His astonishment and distress at receiving (8 Aug., 1811) the archbishop's account (25 May, 1811) of C. Neale's management. *See* No. 115, note 2, p. 389.

S. 1811, September 8.

The General, 8 Sept., 1811, to C. Neale.

A reminder of the deference due to the Ordinaries. *See* No. 115, note 2, p. 389.

T. 1811, September 11.

C. Neale, Mount Carmel, 11 Sept., 1811, to F. Neale, Georgetown.

Some business. Extract from F. General's letter just received is as follows. Quod Ill. Archiep. ait, eam in vestris regionibus non esse, se habere potestatem a me sibi datam mittendi nostros quocumque velit inconsulto et invito Superiore, hoc totum gratis asserit. Potestatem cum praejudicio Societatis ego neque potui dare, neque dedi. — Nunquam concessi, ut regimen Societatis ab eo mutaretur.[36] Let ours know this, I mean the Consultors at least, as well as the enclosed letter. If the meeting be closed,[37] [*let*] me hear the result, but not by the Rev. Sy. Boarman, who is too slow in his motions.

Yours,

C. NEALE.

U. 1811, October 8.

Michael Egan, Bishop of Philadelphia, Philadelphia, 8 Oct., 1811, to (Carroll). Rantzau desired for Philadelphia.

His recent visitation of the diocese. The Rev. Mr. Helbron's advanced

[36] *Cf. supra*, L.

[37] *Meeting of the Corporation, 9 Sept., adjourned to 17 Sept., 1811.* *Cf.* No. 179, O.

age requires that he be assisted. Egan asks the aid of the archbishop in procuring a German priest for Holy Trinity church. A Rev. gentleman [*Father Maximilian Rantzau*], *who arrived here lately from Germany, in company with the brother* [*Paul*] *of Father Kohlmann, would be very acceptable.* The Rev. gentlemen of the Society ought to consider that they have appointed Mr. Marshall,[38] on whom I have every claim, to New York without consulting me. *They should indemnify the diocese by granting the present request on behalf of Holy Trinity.*

V. 1811, Oct. 14.

Egan, Philadelphia, 14 Oct., 1811, to (Carroll). On the question of recalling regulars, and calling them out.

Most Rev. Sir,

I am truly thankful to the Archbishop for his goodness in anticipating my request, respecting the Rev. Mr. Rantzau, as I have every confidence that his letter to the Rev. Charles Neale will have the desired effect, in prevailing on that Rev. gentleman to appoint Rev. Mr. Rantzau to Holy Trinity Church; without that assistance, I should feel very uneasy, in consequence of a letter I have seen of Mr. C. Neale to Rev. Mr. Kenny on that subject, dated the 8th Oct.r It seems Rev. Mr. Kenny[39] in my absence, but with the consent of Mr. Harold my V.G., had written to Mr. Neale in the name of the trustees of Holy Trinity Church, requesting him to have the goodness to consent to the appointment of Mr. Rantzau to said Church. Rev. Mr. Neale in his answer informs Mr. Kenny, he is sorry he cannot comply with his request, as there is a great want of missionaries in his own parts.[40]

2ndly (And this paragraph in his letter I shall transcribe in his [*C. Neale's*] own words, as I deem it worthy of the Archbishop's attention:) "You [*Rev. Mr. Kenny*] will likewise inform him, R. Mr. Harold, that our Rev. Father General has forbidden me to suffer the constitution of the Society to be any ways changed, which would be the case were its members subject to Bishops, and not to their own Superiors. All ours must be recallable at the will of their religious Superior.[41] On such

[38] *A native of Pennsylvania.*

[39] *Serving pro tem. at Holy Trinity. Cf.* American Catholic Historical Researches, *x. 26.*

[40] *Rantzau was sent by C. Neale to St. Inigoes, where, says Malou, he neither knew nor could learn English, nor did he know farming, so as to manage the place.* (*Relation, 20 Nov., 1811, as infra*, E².) *He was granted then to Bishop Egan, but, having failed to give satisfaction, he was not desired in Philadelphia any more. Cf.* No. 178, Z, note 59.

[41] *This declaration of C. Neale is exactly contradictory to the resolution of the bishops nine months before. In the next paragraph, Egan deprecates Neale's attitude, and yet does not cite the resolution even in this private letter to Carroll. In Malou's account of Carroll's indignation at Neale's declaration here* (*infra*, E²), *the resolution is not mentioned as referred to by Carroll, though Malou himself gives the substance of it, and states that it was the origin of all this disturbance.*

conditions, if it should ever be in my power, I will with pleasure serve your worthy Bishop."

The Rev. Mr. Neale makes no distinction between Jesuits direct from Russia,[42] and those received into the Society here. However, as I suppose he had written this letter before he received the Archbishop's, I hope he will change his mind, and not insist on the principle he had laid down, in its full extent. As the necessity of providing for Holy Trinity Church is very urgent, I am willing to receive Mr. Rantzau at present on the terms mentioned by the Rev. Mr. Neale, and entreat the Archbishop to intimate the same to him in whatever terms his prudence may suggest.

It is indeed greatly to be regretted that we can have no communication with his Holiness, at this critical time. We may then easily obtain the power of calling out the members of any religious Society established in this country.[43] When the necessities of the diocese require it, this power is invested in the Bishops of Ireland, because it is a mission country.[44] The same reason applies much more forcibly to this country.

I remain, Most Rev. Sir,

Your most humble and obedient servant,

+ MICHAEL, Bishop of Philadelphia.

[42] *Cf. supra*, K, note 23; N, Appendix. *Rantzau himself would rank as a Jesuit* direct from Russia.

[43] Calling out: *this goes beyond the bishops' resolution* (*supra*, G), *which spoke only of retaining missionaries in parochial work, whether the said missionaries belonged to regular or secular communities. However, the principle clearly stated here by Egan was sufficiently implied in the resolution; for, if bishops could keep regulars when merely lent for service, the same power should enable them to* call out *regulars when wanted for service. Yet if, as he implies here, bishops had no power over regulars without a special commission of the Holy See, it is not clear why the same implication was not made in the resolution. Possibly, the explanation is that the bishops were not thinking of exempted regulars at all, but of such as, like C. Neale, considered themselves to be regulars, without having received the canonical authorization. It appears, indeed, from the documents in this series, that the resolution was directed against C. Neale; and the communication of it, however made, was meant to convey the opinion of the bishops on his claims. They said*, judicamus, "*we are of opinion.*" *Cf. infra*, No. 193, C, *Kenney's analysis of the article. Of the article being cited, even to Neale himself, we find no trace. As to its ever having been published, the General's Report to the Propaganda* (No. 118, § 15, p. 445) *states distinctly that Bishops Carroll and Neale* "*never published it,*" essi non mai lo pubblicarono. *That Report was apparently drawn up by Grassi himself, and was ascribed by Marechal to that Father* (No. 118, note 1), *whom the present documents show to have been in the very midst of all the turmoil*—ce tintamarre, *says Malou—caused by the communication of the resolution to C. Neale. Marechal, on the contrary, conveyed the idea to Card. Fontana that the article was published:* Ex quo haec regula disciplinae publicata fuit (No. 115, § 5); *and he went on immediately to say that it put an end to all controversy about jurisdiction* "*between Archbishop Carroll and the Superiors of the Society.:*" nulla alicujus momenti, quantum noverim, controversia quoad jurisdictionem extitit inter Ill^mum^ DD. Carroll et superiores Societatis. *How inexact this statement was, for the time prior to the canonical restoration of the Society, is evidenced by the controversy now raging. And how inapplicable it was to the time afterwards is clear by Carroll's own statements passim* (*cf.* Nos. 178, Q², U²; 188, E).

[44] *The statement here should rather be inverted. Certain powers were granted, not to the bishops of Ireland because it was a mission country, but to the bishops of that missionary country because it was Ireland. Egan is, no doubt, referring to the ample provisions made in a Particular Congregation of the Propaganda, 7 May, 1743, revised*

Md.-N. Y. Province Archives, 1810, Sept. 11, Carroll, Washington, to C. Neale, Port Tobacco; 2 pp. 4to, No. 90. Ibid., 1811, Jan. 4, Kohlmann, New York, to (Grassi, by whom it is endorsed); 4 pp. 4to. Ibid., 1811, Apr. 2, Kohlmann, New York, to Grassi, Georgetown; 3 pp. 4to. Ibid., 1811, June 10, B. J. Fenwick, New York, to F. Neale, President, Georgetown; 4 pp. 4to. Ibid., 1811, Sept. 11, C. Neale, Mount Carmel, to F. Neale, Georgetown.—Georgetown College Transcripts, 1793–1814, Egan, Philadelphia, 8 Oct., 1811, to (Carroll). Ibid., same to (same), 14 Oct., 1811; Rantzan *is written throughout for Rantzau. —Baltimore Diocesan Archives, Carroll Papers, Administration, 11, I, MS. copy or draft of the Pastoral of the Bishops, dated Baltimore, Nov. 15, 1810, with the names of the five bishops copied. Ibid., MS. copy or draft of the* Regulations given by the Archbishop Carroll and the other bishops, 1810, *Nov. 15, 1810, with the names of the five bishops copied.—General Archives S.J.,* Epist. VV. GG. in Russ. 1809–14, *the General Brzozowski, 1 Mar., 1811, to C. Neale. Ibid., same to same, 17 Apr., N.S., 1811:* Missa per PP^{s} Malou et Rantzau. *Ibid., same to same, 31 May, 1811:* Per D^{m} Adams.—*Ibid., Maryl. Epist., 6, i., Marechal's* Extracts (*cf.* No. 116, E, note 32, p. 424).—*English Province Archives,* Letters of Fr. Plowden, *1, f. 203, 7 Mar., 1811, Plowden to (Strickland?), Poland St., London, containing a translation in part of Grassi's Italian letter, (Georgetown), 10 Jan., 1811.*

So far the papers would seem to show, in the passing of the bishops' resolution, 1810, a development of Bishop Egan's original idea, towards secularizing for missionary purposes the regular Orders of the Church. When a curate, he had brought about a new status for the Franciscan Order in America;[45] *and he said that the Augustinian Order had already been treated similarly.*[46] *In one of the dioceses, that of Bardstown, the English Dominicans*

28 July, 1750, and sanctioned by His Holiness, 15 Dec., 1750. There is nothing in these decrees about "calling out" regulars independently of their religious superiors, nor about detaining them in service. But the bishops are directed to fill places with regulars ad interim, when secular priests are wanting; the Belgian Nuncio is to be notified of the missionary districts to which superiors assign regulars; and the bishops are free to change, for a sufficient reason, such missionary destination:—

I. Large parishes to be subdivided, and provided with secular clergy. Et quotiescumque desint presbyteri saeculares ad ejusmodi munus satis idonei, substituant ipsorum loco ad interim, et per modum provisionis regulares, qui tamen argumenta probatae pietatis et zeli in animarum salute curanda praebuerint. *II. All Irish priests, ordained* titulo missionis Hyberniae, *etc., to betake themselves to Ireland within a year, etc. III. Definition of exempted religious houses. IV. Regulars, who go to Ireland, must have letters of obedience from their General or Provincial Superiors.* Qui vero legitimis obedientialibus muniti erunt, eas Episcopis, ad quorum dioeceses accesserint exhibere debeant, una cum literis testimonialibus nuncii apostolici Bruxellensis qui missionibus Hybernis praeest, eique [*eisque?*] pariter patefacere teneantur locum seu districtum, ad quem a suo respective regulari superiore designati fuerint. Liberum autem sit cuique Ordinario in propria dioecesi, si justa causa ei subeat, vel mali cavendi vel consulendi majori animarum bono, iis alia loca constituere, in quibus missionis munia utiliter exercere valeant. Hujusmodi itidem testimoniales literae nuncii apostolici exhibendae erunt etiam a quolibet presbytero saeculari, et sine iis nemo ad missionem accedere audeat. Quotiescunque autem ob rationabilem causam transferendus sit aliquis religiosus missionarius ab uno ad alium locum, id a superiore regulari minime fiat, nisi requisito et obtento consensu Ordinarii. *Qualifications of such regulars. Visitors of regular Orders.—Two other chapters of decrees follow (28 and 30 July, 1850) on general Irish affairs, and on schools.* (*Propaganda Archives,* Congregazioni Particolari d'Ibernia, dell'anno 1750, *ff. 99–101.*)

[45] *Supra,* A–C.

[46] *Supra,* A.

had already settled;[47] *and the Trappists were establishing themselves in the States. All these would be affected by the secularizing purport of the resolution.*

Nevertheless, it has already transpired, and it will be seen still more clearly from the following documents, that Archbishop Carroll himself, while seeming to repudiate any attempt on the regular Orders, or even on the unrestored Society, does at least not excuse himself from responsibility for the resolution. If he had endorsed it in the precise significance of its terms, his action in doing so should have to be connected with some other statements of his.[48] *If he had not meant the resolution to signify what its terms express, then the drafting of it in such a form would suggest a reflection on the hasty or at least temporary character of the bishops' proceedings at their meeting, as will be evinced by the critique on the resolution, in the next Number* (193).

W. 1811, (October 16).

The General, (16 Oct.), 1811, to C. Neale.[49] *A letter of expostulation on all matters concerning the government of the Maryland Mission; in particular, on his manner of treating Archbishop Carroll. Incomplete, and the whole cancelled.*

This is the eleventh letter which the General writes to C. Neale, from whom he has received only three in all. On Neale's impracticable manner of dealing with the archbishop: Perlatum postea fuit ad me, R^m^ V^m^ cum Ill^mo^ Archiepiscopo dure agere, petitis ipsius reluctari, velle juxta privilegia Societatis Societatem gubernare, his difficillimis temporibus, quibus Societas in illa regione nondum est canonice approbata. Scripsi R^ae^ V^ae^ [*Finis.*]

X. 1811, October 16.

The General, 16 Oct., 1811, N.S., to C. Neale. Letter substituted for the preceding.

A formal letter, announcing the appointment of Father John Anthony Grassi as Superior of the American Mission, in place of C. Neale. Directions about the profession of Grassi, etc. Thanks to Neale for his administration.

[47] *Infra*, F[2].

[48] *Cf.* Nos. 178, Q[2], note 87; 188, E, *ad* note 6. *There are other passages of a more general import, though at a much earlier period. They will be considered in due time. Cf. J. G. Shea*, History of the Catholic Church in the United States, *ii. 249–251.*

[49] *From* D[2], *infra, the General, 20 Nov., 1811, to Carroll, it appears that this series of letters from the General* (W–Z) *was partly due to the archbishop's suggestions, 25 May, 1811, received 8 Aug., 1811. Letters of an import similar to that of Carroll's were sent by Jesuits in the American Mission* (*cf.* Z).

Y. 1811, October 16.

The General, 16 Oct., 1811, to Grassi. Appointing Grassi Rector of Georgetown College and Superior of the Mission.

Apologies due to the archbishop and bishops of America.[50] *Business. Reference to the rescript of the Sovereign Pontiff, expected through Bishop Concanen. The General promises a letter to Carroll through the Minister (Adams). Grassi will understand from the General's letters to Neale that a Pontifical rescript is necessary to re-establish the Society publicly:* cognoscet [R^a V^a] ex omnibus, ibi in America, antequam rescriptum S. P^s veniat favorabile, et derogans Brevi Clementis XIV., nos non posse praetendere antiqua nostra jura et privilegia in praejudicium Episcoporum, bono, suavi et humili modo agendum cum ipsis esse, indulgendo, orando, et interim domi et foris agendo quae nostri sunt Instituti ad gloriam Dei et salutem animarum.

Z. 1811, October 16.

The General, 16 Oct., 1811, to Kohlmann, New York. On the administration of C. Neale.

A long letter of directions, desiring him to assist Grassi with advice, etc. Among the "essential errors" of C. Neale, the General notes the wrong attitude taken towards the episcopate: Deo sint laudes et grates, monitus tandem fui litteris R^ae V^ae ac P^s Grassi de essentialibus erroribus P^s Caroli, et quidem qui maximus est in his circumstantiis, de illius obfirmata jurium et privilegiorum Soct^tis praetensione in praejudicium Episcoporum in hoc statu rerum vestrarum nondum firmato.[51]

A². 1811, October 27.

Carroll, Baltimore, 27 Oct., 1811, to Grassi, Georgetown. On the difficulties with C. Neale.

Rev. and Dear Sir,

Both your letters have been received; the first, which communicated the melancholy account of Mr. Fenwick's death, and which I had the painful office of making known to his son [*Enoch Fenwick*], my excellent companion; the other of the 23^d inst., for which I feel myself under great obligations to you, and for the trouble you were at in vindicating me from an imputation, which would indeed have given me much uneasiness, were I not conscious to myself of its being totally unfounded.[52] How Mr. Chs. Neale could have been induced to misrepresent me so grievously, and undeservedly, I cannot account for otherwise than on a supposition, that my authority and obligation to obey orders which

[50] *Cf.* No. 115, note 2.

[51] *The two letters to C. Neale and Kohlmann* (X *and* Z) *were enclosed in that to Grassi* (Y).

[52] *Apparently that rehearsed from the General's letter in C. Neale's, 11 Sept., 1811, to F. Neale. See supra*, L, T.

I have sworn to obey, might prevent him from exercising episcopal jurisdiction more than myself. Nothing can be more detrimental to the Society, tend more to hinder its perfect re-establishment, and to violate the canons of the Church, than his pretensions, of which he has given a fresh instance in the case of Mr. Rantzau, without the least necessity or advantage. For the credit of the Society we have too much cause to blush at the degraded state of G. Town College, and I am glad to hear that the Gen.l knows of it; for tho it is, in no sense, a property or house of the Society,[53] yet, the members of it being of that body, the discredit attaches to them; and, under its present administration, there is no remedy. *Other business.*

B². 1811, November 1, N.S.

The General, 1 Nov., 1811, to Grassi, with enclosures: duplicate of 16 Oct., 1811, to C. Neale;[54] *a letter to Carroll;*[55] *and others.*

A fuller treatment of the matters contained in the letter to Grassi, 16 Oct., 1811.[56] *The duplicate for C. Neale to have the force of the original.*

C². 1811, November 5.

Carroll, Baltimore, 5 Nov., 1811, to C. Neale, near Port Tobacco. On the case of Rantzau, and the status of the Jesuits.

Rev. Sir,

I resume again a subject, on which you treated in your last letter, concerning the R.d Mr. Rantzau. He is kept at Georgetown (at whose expense, I know not; for you have no right to load that house with it) where he can do little, if any service at all; you alledge your instructions from the Rev.d F.r General to maintain inviolate the Constitutions of the Society; and it would be surprising indeed, if that duty were not imposed on you. For those Constitutions I believe that no one feels more respect, or a higher estimate of their wisdom, not merely because I love the Society with the most filial tenderness, but because I have studied their excellence, and in various countries and circumstances have had the happiness of observing their effects in forming the minds and hearts of those, who embraced them as their rules of life. Everywhere they answer'd the most religious purposes of their author. Wherever these Constitutions were observed in their letter and spirit, they raised men eminent in knowledge for defending the Church, and illustrating its history and doctrines; great masters of a spiritual life; zealous and disinterested labourers in all the functions of zeal and evangelical ministry; distinguished for their talents, success and reputation in the

[53] *Cf.* No. 178, F, G, Y, O². *The college belonged technically to the Corporation. Why Carroll says that* in no sense *the college belonged to the Society, is not clear. He stated at other times that it should revert from the Corporation to the Order. Cf.* No. 113, Q, p. 375, *med. He may be referring to the circumstance mentioned by him to C. Neale* (*supra*, D), that the Society out of Russia does not constitute a corporate body, and is incapable, as such, of holding estates, colleges, etc.

[54] *Supra*, X. [55] *Infra*, D²? [56] *Supra*, Y.

education of youth; studious of every improvement which might advance the glory of God; sollicitous to recommend themselves to the first pastors in the Church by their co-operation in whatever might conduce to the salvation of souls. In what respect have you been required to violate the Constitutions?[57] It was stated to you, on the part of the B^p of Phil^a that Mr. Rantzau's services were essentially necessary to a German Cong^n in that city, where there was no other who could understand and instruct many of them. What a desirable opportunity was this for you, in the genuine spirit of the Society, to accede to his and their wishes, and to prove your readiness to grant the reasonable request? Was not the application to you an acknowledgement of your having authority over him? You could not be afraid of his being altogether loosed from that authority.[58] If the urgent interests of the Society or other reasons of weighty consideration should hereafter require his removal, the same means would be left in your power, as always remained with the former Superiors.[59] They advised the Bishops by whom the Jesuits were employed; the Bishops might alledge their wishes to retain them, but never

[57] *In the first letter written by the General (18 Sept., 1809) to C. Neale, he had expressed a hope that the new Superior, who had been nominated by Molyneux deceased and was herewith confirmed, would conduct all affairs "according to the spirit of St. Ignatius and his Institute,"* et confido in Domino fore, ut juxta spiritum S. P. N^i Ignatii et juxta Institutum ejus [*R^a V^a*] regat omniaque constituat. (*General Archives S.J.*, Epist. VV. GG. in Russ., 1809–14.) *In the letter of 1 Mar., 1811, answering Neale's representation of Carroll's action, he had said, that he had never granted the prelate power "to change the government of the Society,"* ut Soct^tis regimen ab eo mutaretur (*supra*, L). *On the other hand, as time proceeded, the General had to complain that no information about the Mission was vouchsafed him by C. Neale, no orders executed, and, in particular, that he had not left his remote monastery of nuns, forty miles away from Georgetown, to come and govern the Mission (ibid., 31 May, 1811); while one, among the new orders given, was that of "reverencing the archbishop,"* Archiep^pum reverere. *Following this letter with one to Grassi (3 June, 1811), he had appointed the latter, as well as Fathers Epinette and Kohlmann, official counsellors of C. Neale, who was to settle with them the question whether he could live in the college; and his Paternity stated that the Superior had been written to in this sense,* ut habitet in Collegio et sit simul Rector (*ibid.*, Chartophylacium P. Desperamus; *cf. supra*, P, note 32). *When Grassi wrote from Georgetown to C. Neale on many points of business, and in particular mentioned something about the monastery (as Neale's abode?), the Superior replied in a short and characteristic letter, of which the last phrase in a postscript is this:* Plane non intelligo R. V^tram de nostris monialiumque rebus (*Md.-N. Y. Province Archives, 1811, Dec. 9, C. Neale, Mount Carmel, to Grassi, Georgetown*). *Hence C. Neale's appeal to the General and the Constitutions, in the one case where he was at variance with Carroll, would seem to be singularly out of harmony with his disregard for both the Constitutions and the General. However, he had never seen the Society in life and action, having been only a novice before the Suppression, whereas Carroll at that same time had been a formed man of learning and wide experience.*

[58] *This sentence does not accord with the literal meaning of the bishops' resolution:* judicamus eos non debere ex superiorum suorum arbitrio pendere. *See Kenney's observations*, No. 193, C, p. 1005.

[59] *This sentence seems contrary to the last clause in the bishops' resolution, by which the Ordinary was made the ultimate arbiter:* modo haec revocatio dioecesano episcopo omnino necessaria ad existentiam aut prosperitatem praedictarum congregationum esse videatur. *See* Nos. 115, § 5; 192, G, 5. *If the context here is Carroll's adequate commentary on the resolution, he, for his part, meant much less than the article says; and the whole discussion shows that the resolution was a hasty utterance on the spur of the moment to settle a domestic dispute.*

resisted the reasonable and respectful requisitions of the Superiors; and this was especially considered by the B^ps^ when they met last year, and formed a resolve on this principle, consulting equally what was due to their own episcopal prerogative and general care of their flocks, and the right of the heads of religious Orders.[60] If this mutual harmony be not preserved, and the fault lies on the side of the Superior, what hope is there of the Society being cherished, and its full re-establishment being perfected here? You must expect that your refusal will be complained of to the Pope, if ever a free correspondence be renewed with him, and made a handle of by our [!] enemies to represent our Brethren as desirous of unwarrantable independence: it was not by such harshness that the Society heretofore obtained the confidence of the Prelates of the Church, and was enabled by them to render such eminent services. Remember that, without writing a line of civility to Bishop Egan, you ordered away from Phil^a^ Mr. Britt, which left a deep impression.[61] You have had a favourable opportunity for healing that wound; you did not avail yourself of it. But it is yet in your power, and I depend on your giving the matter another consideration.[62] Much might be added on this subject; but this will be sufficient, if you be governed by a spirit of conciliation. My best respects to Mother Prioress, and paternal wishes for the blessings of heaven on her pious daughters in Christ. I am respectfully,

R^d^ Sir,

Your most faithful and most obed^t^ S^t^

+ J. A^bp^ of B.

Bal^re^, Nov. 5, 1811.

P.S. I have no certainty that the communication, which B^p^ Concanen had to make to me from his Holiness regarded the Society, and which communication he wrote repeatedly, and told one of our venerable

[60] *Carroll's language about* a resolve *passed at a meeting of bishops is technically identical with the formulas about resolves framed at meetings of the Corporation, when the Board passed so many for its own guidance, and Carroll subscribed his name to each meeting. It is noteworthy that here, where he should quote the resolution against Neale, if it was either made for a religious Superior's guidance or had been officially communicated as a "statute," he merely refers to it as a matter which concerned the bishops, and which apparently was meant for their own guidance, in the sense of their first resolution or* Regulation *passed at that same meeting* (*supra*, G). *He does refer immediately afterwards to a consequence of ignoring the* principle *involved, that is,* mutual harmony *between the bishops and religious Orders; but the consequence is that of being* complained of to the Pope, *not for violating any statute or resolution, but for disturbing* mutual harmony, *and for cultivating an* unwarrantable independence, *or* harshness *of policy. This was precisely what the General had signified in the cancelled letter to Neale about information received that he was dealing "harshly with the archbishop,"* dure agere (*supra*, W); *and, in the letter to Grassi* (*supra*, Y), *that apologies should be made to Carroll, since his Paternity had long been left in the dark about Neale's "manner of government and especially his harshness towards the archbishop,"* me ipsius gubernandi modum et speciatim duritiem erga Archiep^pum^ diu nescivisse; *that he himself had at once sent a letter of apology for Neale's "imprudences,"* statim me dedisse literas ad illum deprecatorias pro imprudentiis (*supra*, R); *and that Grassi should proceed on quite other principles* (*supra*, Y).

[61] *Cf. supra*, E, *Malou's Relation.*

[62] *C. Neale yielded and sent Rantzau to Philadelphia.*

surviving Brethren at Leghorn, could be trusted only to ME. I thence inferred that it could relate to no other subject, because I had, by a private and confidential channel, besought his Holiness to derogate, at least for these States, by an express Brief, from the penalties and censures of the Ganganellian Brief which had its full execution in this country: and I am sure that no ecclesiastical tribunal would allow, should the point ever come to a discussion, the plea of an oraculum vivae vocis, in opposition to a decree formally executed. The authority of the Congregⁿ of the Propᵃ is great here for the government of Church affairs: in all rescripts from his Holiness, in the Bull for the erection of the dioceses, for the consecⁿ of the Bᵖˢ, in the oaths of office required of them, they are bound to obey its instructions: and I know that my delicacy and embarassment, between inclination and attachment on one side and duty confirmed by oath on the other, has induced some and perhaps yourself to impute to me disaffection to the Society, which I am confident that I love more than you do, because I knew it much better. This misrepresentation has been carried to the Genˡ, who, thank God, now knows how unfounded it was. [*Finis.*]

D². 1811, November 20.

The General, 20 Nov., 1811, to Carroll. On the new provisions made. Apparently the letter enclosed in that of 1 Nov., N.S., 1811, to Grassi.[63]

Contents of his letter, 8 Sept., 1811, to Carroll. Receipt (8 Aug., 1811) of Carroll's letter, and the General's action in consequence.[64] *Excuses for not appointing Kohlmann Superior, as Carroll had suggested, and for nominating Grassi instead. Kohlmann's laborious work in New York, where a substitute could not easily be found for him.*[65] *Grassi's excellent antecedents, formation under Pignatelli at Parma, and his seniority in the Society. As to C. Neale, the General trusts that he has already resigned the care of nuns, on which subject a letter now sent gives instructions to Grassi; if not, his Grace has only to withdraw the faculties necessary for that post, and appoint some secular priest, or a religious of another Order. The Jesuit Institute on this matter. The document entrusted by the Pope to Bishop Concanen; the General should wish to have a copy.*

E². 1811, November 20.

Father Pierre Malou, New York, 20 Nov., 1811, to the General. His first letter to the General from America; a long relation about matters of all kinds.[66] *Extracts, translated from the French.*

"*All the bishops, excepting Mgr. Neale, are exasperated to the last degree,*

[63] *Supra*, B².
[64] *Supra*, R, W–Z.
[65] *Cf.* No. 178, Y², *ad* note 120.
[66] *Malou had been in America thirteen years earlier. He as well as Kohlmann give valuable accounts of New York at this period. Malou reports in this letter that a boarding-college is asked for in Boston.*

not against the Society, but against what they call the triumvirate[67]*—perhaps not without reason, as your Rev. may judge for yourself from the extracts of letters hereunto annexed, as well as by the verbal accounts. Matters had come to such a pass that, by the advice of many among ours, I thought it would be well for me to address the archbishop in writing and beg him, in the name of all, to suspend all action, assuring his Grace that, when Rev. Father General should have been exactly informed of how things stood, I doubted not but that he and the other bishops would receive entire satisfaction. Here, word for word, is the portion of his letter which decided us to take this step. After treating with Father Kohlmann about different affairs relative to the diocese, he continues thus :* (e)

" ' *Bishop Egan of Philadelphia sent me an extract of a letter received from Mr. Charles Neale, in answer to a petition of the Germans of Holy Trinity church in Philadelphia, asking to have Mr. Rantzau. It is a master piece of temerity and extravagance, and, if the General does not make Mr. Neale change his tone, the bishops of America, obliged as they are to maintain the discipline of the Church, and bound by their solemn oath to obey the orders received from the Congregation of the Propaganda, will be forced to take very severe measures against him and his adherents.*'

" *Here follows the extract of the letter of Mr. Neale to Mr. Egan*[68] *of Philadelphia :*

" ' *Our Rev. Father General has forbidden me to allow the Constitutions of the Society to be changed in any way, as would be the case if its members were subject to the bishops and not to their superiors.*' [69]

" *The archbishop then continues thus :*

" ' *What language, what a spirit of dissension and independence, making the bishops his subjects, or obliging them to exclude Mr. Neale and all those who act in concert with him from the direction of souls. I could not believe he was so ignorant or presumptuous. I am with affectionate consideration for you and your worthy colleagues,*'

" *Signed :* ' *J.* + *Archbishop of Baltimore.*'

" *Here follows the copy of my letter as approved.*"

After the copy of his own long letter to Carroll, Malou continues to the General : " *I do not know whether this letter will meet with the approbation of your Paternity. But it is a true axiom that, when the country is in danger, every one is a soldier, and we certainly are at that pass now.*[70] *The*

(e) *The following extracts are given by Malou in French.*

[67] *Evidently the three Neales.*

[68] Egan ; *it should be Kenny. Cf. supra*, V.

[69] *In C. Neale's text* (V) *it may seem from the sentence which follows, about his subjects being* r e c a l l a b l e , *that he was thinking only of what the bishops' resolution had propounded, about the said missionaries not being recallable ; and that, far from assuming independence in the care of souls, he was asserting a right of withdrawal from such pastoral care. For withdrawal, Carroll goes on to threaten exclusion.*

[70] *Malou had been a leading spirit in the Belgian Revolution, and had been charged at the time with a public administration. Cf.* No. 178, K³, note 144.

Bishop of Boston, passing by here, reported that, when speaking of these differences to Father Neale, and assuring him of the archbishop's devotedness to the Society, whereof we are all convinced, Mr. Neale treated—and this could not have been but with irony—of 'the great bishop, and that what he was he owed to them;' at least it was in such a tone that this bishop caught the observation; and he was indignant at it.[71] *However, all this is going on still; and it appears from the last news that it is going on from bad to worse." Still, Neale has at last yielded. Rantzau has gone to Philadelphia; and Malou has written to the archbishop, as being a new-comer, and more likely to appease his Grace.*

A resolution of the bishops had originated all this hubbub, tout ce tintamarre. *Occasion of the resolution.*[72] *C. Neale's solemn protest against it; "and all this, they say, by the positive order of your Paternity; and usually, they say further, his refusals are couched in language far from moderate."* [73]

F². (1812, January 27.)

Carroll (27 Jan., 1812) to Plowden. A review. Extracts.

When the suffragan Bishops of this metropolitan See were assembled here in Nov^r 1810 with my Coadjutor, they received episcopal consecration; and for some days after we regulated some points for the government of our respective dioceses. *The letter of the Irish bishops on the imprisonment of the Pope; answer of the American prelates. Difficulties of the present ecclesiastical situation.* Bp. Flaget of Bardstown, Kentucky, entered on a field well prepared for his coming by the zealous clergymen who preceded him, and great is his encouragement there. The English Dominicans, who came some years ago, are settled in that country, have built a convent, large church, college, and have many novices. Besides four priests of that Order, the Bishop found and carried thither five other zealous labourers, is building a seminary, etc. Too much praise cannot be given by me to the priests of St. Sulpice here for their zeal and sacrifices to the public cause. They now maintain and educate at their own expense twenty two seminarians for the ministry. . . .

[71] *Cf. supra,* Q, *ad* note 35.

[72] *See supra,* E.

[73] *This careful relation of Malou's fills eleven closely written quarto pages. The General answered on the 18th of March, 1812, and conveyed some useful instruction to the old soldier who had rushed into the breach. In the first place, the American Minister at St. Petersburg (Adams) had to pay forty roubles to the post, for the transmission of Malou's letter from the American Minister in Paris; the latter should be asked to hold communications over till they can be sent by hand. Malou's letters are very agreeable:* je remarque cependant que quant aux projets et aux affaires, le soin d'en écrire au P. G^nl doit être laissé au Supérieur et à ses Consulteurs, autrement cela jetteroit une trop grande confusion dans l'esprit du P. G^nl, s'il devoit entrer dans l'idée de tous les particuliers; je remarque encore, qu'il est essentiel que vous évitiez dans vos lettres certaines expressions, comme celle d'intrigues; la lettre interceptée feroit qu'on abuseroit de votre simplicité, et qu'on concevroit trop mauvaise opinion de vous et du corps. *On Masses for stipends. On Mr. Jumel of New York, a benefactor, whose kindness the General will requite with spiritual aid. Salutation to Kohlmann and B. Fenwick.*

General Archives S.J., the General, (16 Oct.), 1811, to C. Neale; cancelled. Ibid., same to same, 16 Oct., 1811. Ibid., the General, 16 Oct., 1811, to Grassi. Ibid., the General, 16 Oct., 1811, to Kohlmann, New York. Ibid., the General, 20 Nov., 1811, to Carroll.—Ibid., Chartophylacium P. Desperamus (*Assistant of the General*), *the General, 1 Nov., 1811, to Grassi, No. 3; a summary.—English Province Archives, portfolio 6, ff. 102^{v}, 103, Carroll (P.O. mark: 27 Jan., 1812) to Plowden.—Md.-N. Y. Province Archives, 1811, Oct. 27, Carroll, Baltimore, to Grassi, Georgetown; 2 pp. 4to, No. 102. Ibid., 1811, Nov. 5, Carroll, Baltimore, to C. Neale, Port Tobacco; 4 pp. 4to, No. 103. Ibid., 1811, Nov. 20, Malou, New York, to the General; 11 pp. closely written, 4to.*

The letters of the General (16 Oct., 1811) arrived in due time, that is, in the course of about eight months; and they took effect in the succession of Grassi to C. Neale, whereat Kohlmann expressed great delight (23 June, 1812).[74] *Other letters followed from Russia; but, on account of the Napoleonic invasion, no answer reached the General to assure him that any missive had arrived at its destination. One year and a half after date (22 Mar., N.S., 1813), he wrote to Grassi, enumerating six letters, "besides others, which I directed to your Rev., as well as to others;" and he said: "to your Most Rev. Archbishop I addressed two others, one dated 15 Sept., (1811), the other, 15 Oct.;" he wonders whether all have miscarried. "I sent them all," he says, "through your consul, Mr. Harris, or through your Minister, his Excellency Adams." Duplicates or triplicates were sent through Father Strickland, London. At last, on the 25th of March, 1813, the General answers a letter received from Grassi.*

From the time of this new appointment, the amicable relations between Archbishop Carroll and C. Neale's successor are sufficiently portrayed in the correspondence given already.[75]

Of the resolution passed at the bishops' meeting, 1810, we have heard little so far; and we never hear of it again till Marechal's time. Egan had not even quoted it against C. Neale, when complaining of the independence manifested by the latter, and desiring that some provisions were made on the subject with the sanction of Papal authority.[76] *Carroll had alluded to it in a letter of grave remonstrance to the same Neale, but he spoke of it as* a resolve *formed by the bishops, and he made no appeal to the Superior for obedience to the resolution, or other recognition than that of a*

[74] *Md.-N. Y. Province Archives, 1812, June 23, Kohlmann, New York, to Grassi, Georgetown; a letter in answer to points presented by Grassi for advice; 3 pp. 4to.*

[75] No. 178, Y–K^{3}, *9 July, 1812—23 Nov., 1815. The earlier portion of* No. 178, L–X, *shows a series of documents parallel with the foregoing in this* No. 192, *from the time of the private restoration (1805) till Grassi's appointment (1812).*

[76] *Supra,* V.

principle *underlying it, the principle of* mutual harmony.[77] *It is not apparent how C. Neale came to know of the resolution at all. But he formulated a protest, which seems to have been gratuitous; and, the first time the resolution appears in Jesuit papers, it has already the name of a "synodal article," as if Neale himself had branded it with that title.*[78] *Seeing that there was no semblance of a Synod in the bishops' conference, and much less the Pontifical sanction necessary for decrees passed at a Synod, the insinuation conveyed in the odious title would have made Egan and Carroll only the more sensitive on the subject; particularly if it was L. Neale, one of the bishops themselves, who had communicated the resolution and provoked his brother's protest.*

In 1815 the Bull came to hand, restoring the Society in canonical form; and it went into operation in America. The Jesuits were now regulars in foro externo, with the conditions essential to the religious state.[79]

Several more years passed, and Mgr. Marechal succeeded the second Archbishop of Baltimore, L. Neale. He published for his clergy an undated pamphlet,[80] *beginning with an address, in which he stated what he herewith presented for their consideration and observance: 1. the statutes of the Baltimore Synod, held in 1791;*[81] *2. some "articles of discipline" sanctioned by the bishops in 1810; 3. some new provisions of his own:* Tota haec collectio triplici continebitur paragrapho: 1. Vobis exhibebit statuta synodi Baltimorensis, anno 1791 celebratae; 2. Articulos quosdam disciplinae complectetur quos Ill. D. D. Archiepiscopus Baltimorensis et Foederatae Americae Episcopi communi consensu anno 1810 sanxerunt; 3. Denique paucas regulas continebit, quas ut conderemus postulare adjuncta temporum in Domino judicavimus. *The second paragraph, pp. 22–26, contains ten of the eighteen points formulated at the bishops' conference, 1810.*[82] *The fifth of the eighteen, that under review about "priests belonging to secular or regular Congregations," becomes the second in Marechal's selection. The five names of the*

[77] *Supra*, C[2].
[78] *Cf.* No. 115, note 2.
[79] *Cf.* p. 402, note 49.
[80] *Without date, place, or title-page; 34 pp. 8vo. Our copy has a corroded address on the paper cover:* [*Rev*]^{d} Mr. Carey, *seemingly in Marechal's hand.*
[81] No. 161, p. 701.
[82] *Supra*, G.

bishops in attendance at the conference are attached to paragraph the second (p. 26).[83]

In his fundamental document addressed to the Cardinal Prefect of the Propaganda, 19 Aug., 1820,[84] *Marechal, opening his controversy with the Jesuits on the subject of jurisdiction, adverted to the critique, which the Jesuit Visitor Father Kenney had passed on the resolution of the bishops, or the "rule of discipline."* [85] *He cited Benedict XIV. as sanctioning the principle of the said resolution.*[86] *Before passing on to Kenney's critique, we adduce the relative passages of Benedict XIV., and some kindred documents.*

Documents of Benedict XIV., etc., on co-ordinate jurisdiction.

G². 1744, November 6.

Apostolical Constitution of Benedict XIV., Firmandis atque asserendis, *6 Nov., 1744, on the jurisdiction of bishops with regard to parochial churches of regulars, and to the persons exercising therein pastoral duties. Extract on the independent jurisdiction of the Ordinary and of the regular Superior, in removing a regular from pastoral duties.*

11. Eveniente autem casu, quo vel Episcopus vel Superior Regularis aliquem ex praedictis parochis ab exercitio curae removendum, eademque privandum esse judicaverint[*it?*]; quoniam hujusmodi parochis sine praevia Episcopi approbatione ad curam animarum accedere nequaquam licet, quamvis a suis Superioribus deputati, iidemque ad nutum sint amovibiles; dubitatum propterea fuit, an Episcopus possit ad hujusmodi remotiones procedere sine Superioris Regularis consensu, et an remotionis causas eidem adducere easque verificare deberet; tum etiam an Regularis Superior, ad similem remotionem et privationem suo jure deveniens, consensum Episcopi exquirere, suasque agendi rationes illi notas atque probatas facere teneretur. Qua de re, supradicta Congregatio Concilii decrevit, hujusmodi parochos tam ab Episcopo quam a Superiori Regulari,

[83] *The First Provincial Council of Baltimore, held in 1829, published its acts in 1831, with a decree of approbation from the Propaganda, 28 June, 1830* (*8vo, pp. 29; Baltimore, J. D. Toy, 1831; cf.* No. 130, C, p. 517). *There is no reference here to the articles of 1810. In later volumes of Baltimore Provincial decrees*, ab anno 1829 ad annum 1840 (*printed in 1842*), *again*, ab anno 1829 usque ad annum 1849 (*printed in 1851*), *the articles of 1810, as edited by Marechal, are prefixed under the heading:* Monitum (*pp. 21–24 and 25–28, respectively*); *and the tenth Private Congregation of 1829 is cited to this effect:* Magni etiam facimus quae ad nos pervenerunt, ab eodem venerabili Praesule [*Carroll*], postquam ad dignitatem Archiepiscopalem evectus est, gesta una cum aliis hujus Provinciae Episcopis anno 1810. Iis plurima contineri agnoscimus, quae utilitatem ac aedificationem magnam afferunt; et volumus eadem Acta prout edita sunt a proxime defuncto Archiepiscopo [*Marechal*], doctrina et studio fidei venerabili, iterum edi una cum hujus Provincialis Concilii decretis.

[84] No. 115.

[85] No. 193, C; *cf.* No. 191, E.

[86] No. 115, § 7.

aequo jure, non requisito alterius consensu, ab animarum cura removeri posse, nec unum alteri causam judicii sui aperire, multoque minus probare et verificare debere. Id quod a nobis in omnibus approbatur et confirmatur.

Benedicti XIV. Bullarium.

H². 1751, September 24.

The Nuncio at Brussels, 24 Sept., 1751, to the Secretary of the Propaganda, Mgr. Lercari, forwarding a copy of the Instruction given, 18 Mar., 1724, to the Nuncio at Brussels, Joseph Spinelli (afterwards Cardinal), on the affairs of the Vicars Apostolic and regulars in England.

After much fruitless searching, the Instruction of the Propaganda, 18 Mar., 1724, to Spinelli, has at last been found, and the Nuncio herewith answers the demand of the 28th Aug., by transmitting at once a copy.[87]

J². 1724, March 18 : (1751, September 24).

The Instruction given to the Nuncio, Brussels, 18 Mar., 1724, on the Mission of England. Ten articles, of which the sixth discusses a case regarding the authority of the Carmelite General in recalling four of his missionaries, and rebuts the claim of Bishop Giffard to interfere ; while article the tenth establishes the just equilibrium to be maintained in preserving the rights of episcopal authority, and protecting the regulars without any infringement of their privileges and exemptions.

1. Issue between the Vicars Apostolic of England and the Benedictines. 2. Former decrees remain unchanged. 3. Case of Father Rookesby, Benedictine. 4. Charges of Jansenism against the Vicars Apostolic and secular clergy of England. 5. Charges against the Vicars Apostolic on the score of discrimination in the distribution of alms, etc., left for the maintenance of missionaries.

Articolo 6º È già qualche tempo, che Monsignor Madaurense Vicario Apostolico del Distretto di Londra [*Bishop Giffard*] fece esporre alla Sacra Congregazione, che il presente P. Generale de Carmelitani Scalzi avea spedito colà un Visitator Generale con ordine di farne partire quattro religiosi . . . . *Interposition of Bishop Giffard, appealing to the Propaganda :* fece istanza, che s'insistesse presso il detto P. Generale, acciò gli lasciasse continuare in quella Missione, e che si facesse in modo, che i religiosi di qualsivoglia instituto dipendessero dai Vicarii Apostolici in ciò, che concerne la Missione, durante la loro dimora in quella.[88] *The Propaganda sided with the Carmelite General in the case.*

Da quello però che è succeduto in questo caso, e da quanto si è detto

[87] *The urgent demand for this Instruction seems to be connected with the Apostolical Constitution,* Apostolicum ministerium (*infra,* K²).

[88] *This claim of Bishop Giffard's agrees substantially with the tenor of the American bishops' resolution in 1810* (*supra,* G). *It falls short of Egan's proposal* (V) *about* calling out *regulars.*

per parte de'Vicarii Apostolici su l'articolo della subordinazione, che pretendono dai Missionari Regolari, ha avuto gran motivo la Sacra Congregazione di raccogliere, che i detti Vicarii Apostolici abbiano opinione, che una volta che sia rimasto ammesso alcuno per Missionario, questo divenga così dipendente all'autorità loro, che in tutto e per tutto rimanga loro subordinato, senza che i superiori regolari ne possano più deporre [*disporre?*] per fino a tanto che persevera in detto offizio.

Ma la mente della Sacra Congregazione si è, che i Missionarii regolari non abbiano a diminuir punto della loro subordinazione ed ubbidienza a'proprii superiori dell'ordine, e che non ostante la dipendenza, che devono avere per il loro offizio dai Vicarii Apostolici, debbano in quanto concerne la personale condotta rimaner sempre sotto la natural disposizione de'Superiori proprii; dal che ne viene in conseguenza, che questi abbiano il diritto di richiamarli ogni volta che lo giudichino a proposito: salva la via delle rappresentazioni, ed il rimedio del ricorso alla Sacra Congregazione, quando i sopraddetti Vicarii Apostolici ne giudicassero altrimenti. Sarà bensì sommamente opportuno, ed anche necessario, che i detti Vicarii, ed i superiori regolari s'intendano insieme per invigilare ai diportamenti de'Missionarii religiosi e provedervi secondo le contingenze.

Sarà dunque cura di V.S. di significare e raccomandare tutto ciò con dolcezza ed efficacia ai predetti Vicarii, facendosi quì lo stesso per parte della Sacra Congregazione ai superiori degl'ordini, che [*h*]anno Missionarii in Inghilterra.

7. Three of Spinelli's recommendations adopted: (1) that Scotch and Irish missionaries be not allowed to establish themselves in England;[89] *(2) that every missionary be assigned to a fixed province or district,*[90] *from which he is not to withdraw,* toltone il caso di qualche legitima e necessaria occasione prima approvata dai Vicarii Apostolici, e dai superiori regolari quanto ai religiosi; *(3) that, where two or three regulars of the same Order are together, one be appointed immediate superior over the others. 8. Spinelli's suggestion received with consideration, but subject to further consultation, whether regulars should have their faculties limited to three or, at most, to six years, and that, on the expiration of such a period, they be required to make a month of spiritual exercises in their own convents (on the Continent), and thereafter be deputed anew or not, as their superiors shall think fit. 9. Other suggestions of Spinelli, relative to divers admonitions on the deportment and government of the regulars, can be acted on with the said regular Superiors.*

Articolo X° In fine stimasi necessario di partecipare a V.S., che l'intenzione della Sacra Congregazione suddetta è di conservare bensì illesa tutta l'autorità dovuta ai Vicarii Apostolici, e di favorire il clero secolare; ma non punto meno proteggere i regolari, nè derogar punto ai loro privilegj, ed esenzioni, già da longo conceduti a questi dalla Santa Sede, e di

[89] *Cf.* No. 121, A, note 1.

[90] *There were no dioceses, but only "districts" for the Apostolic Vicariates.*

procurare che il numero ed il credito de'medesimi non abbia punto a scemarsi nel regno d'Inghilterra : atteso che questo giusto equilibrio possa riuscire di sommo utile, mantenimento e progresso della nostra santa Religione, e rendersi più che mai necessario nei tempi correnti, in cui si ha da combattere l'eresia, non solamente palese, ma anche occulta, nè perciò meno dannosa. Conservi Ella in se, con tutto il segreto secondo la sua avvedutezza e prudenza, questa notizia, valendosene unicamente per direzione delle proprie operazioni, con quella desterità, che merita la delicatezza della materia, e che è solita usarsi da Lei, con sua particolar lode, negl'altri affari di non minore importanza, che sono alla sua sagacità e zelo commessi.

Roma, 18 Marzo, 1724.

G. Cardinale Sacripante Prefetto.

Propaganda Archives, Anglia 4, f. 101, J. Arcivescovo di Cesarea (Nuncio), Brussels, 24 Sept., 1751, to Monsignor Lercari. Ibid., ff. 102–105, copy of the Instruction to Spinelli : Istruzione per il Abbate di S. Caterina internunzio apostolico in Brusselles, intorno alla missione d'Inghilterra, *18 Mar., 1724 ; endorsed, fol. 105 bis, b :* Anglia, 24 settembre, 1751. (*In Anglia 2, ff. 342-347, Spinelli, Brussels, 12 Jan., 1725, submits a report, following the points of the Instruction, 18 Mar., 1724, on each of the regular Orders, especially with reference to the approbation of the Vicars Apostolic, which the Benedictines do not ask for, but the others, including the Jesuits, always obtain. Here the Instruction itself is not given.*)

K². 1753, May 30.

Apostolical Constitution of Benedict XIV., Apostolicum ministerium, *30 May, 1753, or Rules to be observed in the English Missions by the Vicars Apostolic, as well as by secular and regular missionaries. Manner of adjusting the independent jurisdiction, exercised by the Vicars Apostolic and by regular superiors over religious employed in the pastoral care of souls. Extracts.*

17. Ne autem de jure cumulativo, quod habent tam Vicarii Apostolici quam Regulares Superiores in Regulares, qui vel parochi existunt vel qui Sacramenta administrant, ulla oboriatur disceptatio, decretum jam est, ut dissidente Ordinario Superiore, vel Episcopus ille sit sive Vicarius Apostolicus, a Regulari Superiore, prioris sententia alterius praestet opinioni ; itidemque, ut cum velit Superior Regularis ab animarum regimine et Sacramentorum administratione Regularem sibi subditum removere, efficere id possit, quin prius Ordinarium de causa certiorem faciat ; quod vicissim ab Ordinario fieri posse tenendum est, secluso debito causam patefaciendi Regulari Superiori. Adeatur superius recensita Constitutio Firmandis, 109, § 10 et 11, Bullarii tom. I, praesentis nostri Pontificatus.[91] . . .

. . . 21. Etsi Regularis Superior, qui statuit aliquem ex suis religiosis a Sacramentis administrandis sive a missionibus exercendis removere, ex superius allatis, non teneatur remotionis causam Vicario Apostolico significare, et eadem ratione liberum sit Vicario Apostolico, insciis atque

[91] *Supra*, G².

inconsultis iisdem Superioribus, contra missionarios regulares, quos delinquentes in Sacramentis administrandis, vel ineptos atque rudes negligentesve in suo munere adimplendo deprehenderit, animadvertere, prout ipsi expedire videbitur; tamen consentaneum erit, si unanimi voluntate et consensu rem gerant, ne Missiones operariis destituantur, et uni missionario amoto alter continuo subrogetur, qui ejus subeat vices; idemque exhibeatur officium a Superioribus Regularibus cum Apostolicis Vicariis, ubi velint suos in alium locum transferre, vel eos revocare in catholicas regiones,[92] atque uno eodemque tempore successores expediant, videlicet ne Missio necessariis operariis careat.[93]

Benedicti XIV. Bullarium.

No. 193. **1819, 1820.**

Jurisdiction and Jesuit government: critique of Kenney and others on the "synodal article" of 1810. *The appearance in 1820 of what Mgr. Marechal called a "synodal statute" has been described above.*[1] *At this date, the Society was a canonically instituted regular Order, in virtue of the Bull* Sollicitudo omnium ecclesiarum, *promulgated in 1814, and duly recognized by the Archbishop of Baltimore, J. Carroll, in 1815. The entire control of its members, outside of pastoral duties, was vested juridically in the regular superiors. From the end of 1819 till the middle of 1820, Father Peter Kenney, a Visitor sent by the General, was in America. He met with great difficulties in reconstructing the Jesuit Mission, and in providing for the College of Georgetown. The appreciation which the Visitor as well as the Superior, Kohlmann, showed for Archbishop Marechal's embarrassments in providing for pastoral stations, whether in the diocese of Baltimore or outside in Richmond and Charleston then under Marechal's administration, appears in various private letters of the time; but, as the expression of their sentiments is mingled with much local and personal business, we select only a detached passage or two, by way of showing their delicacy in meeting urgent needs of the Order without giving umbrage to the Ordinary. When the latter began to adduce a "synodal article" against the Superior, Kohlmann, the Visitor Kenney supplied the latter*

[92] *Belgium, etc., where regular convents or colleges of the Orders existed.*

[93] *Cf.* No. 115, § 7. *Marechal, appealing to this Constitution, introduced the element that, when regular Superiors "think of recalling their subjects from the missions, they should first come to an amicable agreement on the subject with the Vicars Apostolic." Cf.* No. 121, K, *the clause:* ac nisi antea.

[1] No. 191, E.

with a draft on Episcopal Interference.[2] *The archbishop, says Kohlmann, gave for answer,* that he thought it best to postpone answering my arguments to some other day.[3] *The answer seems to have been that which appears in Marechal's fundamental document to the Propaganda (19 Aug., 1820), in which he says to Card. Fontana: "When I had placed before his* [Kenney's] *eyes the aforesaid rule of discipline, he was so bold as to send me a very long letter, and one certainly wanting in due regard, contending that the article of discipline was both in form and matter reprehensible, and quite destructive of the rights and privileges which the Society enjoys."* [4]

A. (1820, April.)

Kenney's Consultation,[5] *or* Statement to the Consultors of the Mission.[6] *Difficulty in selecting a procurator. Extract.*

The choice of the procurator of the Mission, who is also to be the agent of the Corporation, is difficult. *De Barth is not free from the Philadelphia diocese; qualities of E. Fenwick, and of Carbery.*

An effort has been made to get Mr. E. F[*enwick*] from Baltimore, and the Ar[bp] would not consent, unless we find some one who will please him, and who is not to be removed from him! As long as he is in Baltimore it is useless to think of him.[7] *F. Neale's incapacity on account of his infirmities, etc.*

B. 1820, April 24.

The Visitor, Peter Kenney, 24 Apr., 1820, to Louis de Barth, administrator of the diocese of Philadelphia.[8] *The difficulties resulting from Marechal's unwillingness to see any Jesuit leave the pastoral office which he occupied.*[9] *Extract.*

[2] *Cf.* No. 191, E; *also* No. 170, note 22, *Carroll, 15 Nov., 1794, to Plowden, on* Episcopal interference.

[3] No. 191, E.

[4] No. 115, § 6. *Cf.* No. 121, E, p. 473, *similar answers of Marechal to the letters of Rozaven and the General. Kenney's paper has no word about any special privileges or rights which the Society enjoys. It is all conceived on the basis of a regular Order's essential status. The later document of Father Fortis, a petition from the General of the Society to the Pope* (*infra*, D), *rests the whole discussion on four Constitutions of Benedict XIV. As to the force of the Constitution,* Apostolicum ministerium, *formulating rules for the English Missions* (*supra*, No. 192, K[2]), *it is to be noted, as Fortis observed to the Secretary of the Propaganda* (No. 121, J, p. 480), *that America was at that period comprised in the said English Missions.*

[5] No. 181, B.

[6] *The Superior Kohlmann, C. Neale, F. Neale, and Edelen.* (*Md.-N. Y. Province Archives, Record Book, IV., ad init., Consultation, St. Thomas's Manor, 18, 20 Apr., 1820. Cf.* No. 181, D, note 13.)

[7] *The matter was arranged with the archbishop in Sept., 1820, and E. Fenwick became Rector of Georgetown College.*

[8] *De Barth was, in a general undefined way, a candidate for the Society.*

[9] *Father Roger Baxter had already been recalled from Richmond, a place outside of Marechal's diocese, but at present under his administration. Cf.* No. 118, §§ 16, 17.

College, Georgetown, Apr^{l} 24, '20.

Very Rev^{D} and D^{R} Sir,

You are not more tired of your bishoprick,[10] than I am of my office. Measures are not easely taken or devised, where every thing is involved in intricacies and difficulties; but men are the greatest desideratum. I am however comforted by the willingness manifested by every one to co-operate; and, if E. Fenwick,[11] B. Fenwick and Wallace[12] had not been placed out of my reach, matters would soon be in great part adjusted. But unfortunately the Ar^{bp} is so much against any one missioner being recalled, that we are driven to the alternative of displeasing him, or of letting all things go to ruin. Had we a procurator of the missions and a Rector for the College, I should feel quite happy. *Satisfaction of the Trustees with Kenney's Ordinance on Temporalities,*[13] *etc.*[14]

C. (1820), March 14.

Kenney's draft of a reply to Marechal's citation of the "synodal statute." [15] *It is endorsed in a modern hand:* On Episcopal interference with Religious authority.

March 14th Memoranda.

The case of F. [*Cary*] [(a)] does not seem to militate with the object of the famous 2nd. article[16] of the 2nd. Parag. of the Arch$^{p's}$ letter to his

(a) Carey *written over the line, and cancelled. Crossed out again at the beginning of the next paragraph.*

Father Cary had been withdrawn from St. Thomas's Manor, and appointed minister at Georgetown (March, 1820). Cf. ibid., § 16.

[10] *De Barth returned the Bulls appointing him to the See of Philadelphia.*

[11] *The archbishop's pastor at Baltimore.*

[12] *Both at Charleston, S.C., then under Marechal's administration. Cf.* No. 190, B.

[13] No. 181, A.

[14] *In letters to Irish Jesuits, Kenney expresses a high regard for Archbishop Marechal, and his zeal on behalf of the flock:*

Kenney, Georgetown, 5 Oct., 1819, to Rev. Charles Aylmer, Clongowes Wood, Naas, Ireland. He reached Georgetown, 15 Sept. Various items. Mr. Baxter has just come from Richmond, and will remain here. *General state of the Mission; and Kenney's hopes.* I fear that we shall have some difficulty with certain pretensions of the Arch^{p} He has enough to trouble him; and, as he is a friend to the Society, it were a pity to displease him. *A letter has just come from his Grace, opposing Baxter's recall;* and I fear that we shall have to yield to this combined effort to deprive us of that help, which ought to be rendered to this house by that young man. H. Grace makes a grand battle for his people, even tho' he have to engage, like the Angel of the Persians, with other guardians of God's people. I admire him; and really the desolate state of his flock, s[*t*]ill more desolated by the enormous scandals of so many bad preists, plead his excuse for any trespass on the rights of others.

Kenney, Georgetown, 20 Mar., 1820, to Rev. B. Esmonde, Hardwick St., Dublin. A long letter on affairs. He mentions the trouble with the archbishop, on account of Father Cary's being removed, and made minister at Georgetown. The Visitor leaves the Superior Kohlmann to do the fighting fortiter and suaviter *with his Grace. The affair will surely go to Rome. He hopes that Grassi will manage it. The danger of recalling B. Fenwick and Wallace.*

(*Md.-N. Y. Province Archives, 15, Kenney's Correspondence, etc.*)

[15] *Used by Kohlmann in his answer to Marechal. See* No. 191, E.

[16] No. 192, G, 5.

clergy.[17] 1st. Because the object of said Article must be, that their flocks should not be left without an authorised pastor, which was observed in Mr. C. case; no flock having been deserted, no pastor intruded, as Messrs. Neale and Beschter could attend both St. Thomas' and Newport.[18] There was then little more done in this case than remove a Jesuit from one house of the Society to another; for which if the consent of the Ordinary were request[*ed*] the essential privilege of all Religious Orders must be revoked or limited, that is, that their houses and the persons of their members are withdrawn from all local jurisdiction, and placed under the immediate jurisdiction of the Holy See.—Now only the authority that gave this privilege of exemption, essential to the well being of every Religious Order, can either limit or revoke it.

2dly. Mr. [*Cary's*] removal could not be supposed to be against the will of Dr. M[*arechal*]; for, when informed that it was about to take place, he never objected to it in his letter to Mr. Khln [*Kohlmann*] received a few days before Mr. C.'s return.—But it grieved Mr. Khl. to find that H[*is*] G[*race*] had thought proper to write to Mr. C. to prevent the execution of the Superior's order, whilst he observed a profound silence towards the Superior on the subject,—a course, which does not appear to Mr. Kh. likely to maintain that respect for authority so necessary to ecclesiastical subordination.—Dr. Marechal had then no reason to complain in the present instance.

It is unpleasant to Mr. Khln. to be asked if he consider himself bound to observe the Statutes of the diocese.—His conduct as an ecclesiastic had never given any reason to doubt that he knew his obligations to canonical authority, and which he has always observed. To this moment he did not, however, know that the article alluded to could be called a Statute of the diocese.

1st. Because it was not made in Synod, nor given in the form in which Statutes are generally given. 2ly. Because Statutes always enact something. The article in question enacts nothing. Whatever may have been the meaning of the four prelates who signed it,[19] they only there express their sentiments: "Judicamus eos non debere ex Superiorum suorum arbitrio pendere ab eisque revocari, invito Episcopo;"[20] and, in the sequel of a long explanation of that sentiment, they have most prudently abstained from any measure that would make their sentiment or judgment a rule for those who are not subject to their ordinary jurisdiction. Had the intention of M[t] Rev. Dr. Carroll been carried into effect, of consulting and concerting with the Superiors of the religious

[17] No. 192, p. 996.

[18] *Cf.* No. 191, C.

[19] *Five are given in the documents cited,* No. 192, p. 986, *and in the printed pamphlet* (*supra*, p. 996).

[20] *For Latin text of the article, see* No. 115, § 5. *For English translation, see* No. 192, G, 5.

congregations, before the Article in question was signed[21] or published,[22] the collision of authorities would have been prevented even in appearance; but now that the publication has been made it is unpleasant to give any opinion on the Article in question.

It must be supposed to give to its language the meaning which the same language has in the canons of the Church. If so, then it must be only meant for a time yet to come, when the congregations of the various dioceses would cease to be missions, and become parishes. As there is no collation of parishes in the United States, there can be no cura animarum in the canonical sense of the word. And yet the article only speaks of preists to whom "cura animarum demandata est."

Any one who knows the obligation contracted by the vow of obedience, which leaves to the Superior the free and unrestrained disposition of the person who makes it, is really puzzled to know what could be the meaning of the first part of the cited sentence: "non debere ex Superiorum arbitrio pendere." It cannot be that the subject might resist the Superior, if by him recalled "invito Episcopo," for that seems to be contained in the last member of the sentence: "ab eisque revocari invito Episcopo." The first member establishes the independence of the subject, and the second follows as consequence of that independence of the Superior. To say, that the missionary preists of the Society were subject to episcopal authority in those things that regarded the sacred functions of the ministry, would be canonical language; but to say, that from the time they are appointed to discharge them in favor of any particular congregation "eos non debere pendere ex Superiorum arbitrio," must mean one of these three things:

1st. That the Superior give up or limit his own authority over them; or [*2*] that the subject may violate his vow of obedience; or finally [*3*] that the Bishops so far exempt him from its obligation.

The 1st. the Superior cannot do; his consent to that effect would be nugatory. The 2d. would be sacrilege. The 3d. is not within the sphere of episcopal jurisdiction. Indeed, the insertion of the word "pendere," followed by the words "ab eisque" seems inexplicable, when we find at the end of the article, that its entire object is only to prevent the recall of the missioner, in cases in which such recall "D. Episcopo omnino necessaria ad existentiam aut prosperitatem praedictarum Congregationum non esse videatur." This limitation throws [*shows?*] an insuperable objection to the recall of the missioner, equivalent to an absolute prohibition. It supposes that the bishop is the judge of the wants of the houses of such Congregat., of the course of studies, of the abilities of the members, the propriety of placing them in such and such posts, etc. etc.; in fine, it makes him a kind of Gen! Superior of the very houses of these

[21] *This is distinctly a new element in the history of the article, that Dr. Carroll was overruled in the matter of drafting it. Cf.* No. 192, C², notes 58–60.

[22] *It was not published at that time. Cf.* No. 192, V, note 43.

Congreg.; and after all cannot attain its object, for the local Superior may have private reasons for the removal of a subject,[23] that he cannot even disclose to the General of the Order. Hence, with all the inspection, knowledge of persons and affairs of the regular houses uncanonically assumed by this Article, it is impossible that in every case D. Bishop should see that such recall was "omnino necessaria." Tho' he could be made acquainted with those reasons, is it not an intolerable burthen to place on religious Orders, that their own [?] members cannot be recalled, unless to save the houses from ruin or decay?[24] Who can ascertain the degree of necessity, which is here so vaguely designated? Will the bishop, who has no charge over such houses, be the first to foresee its danger and provide for its wants?

The evils, which would follow from this Article if reduced to practice, would be so destructive of religious discipline, would so facilitate means of intrigue on the part of the subject, and of absolute independence when stationed at a mission, in fine so subversive of the peculiar govern[t] of the Society, that Mr. Khln., since he is called on to speak for his successors, does not hesitate to say, that the Society would sooner withdraw its subjects from America, to be employed where ecclesiastical authority puts no obstacle to the practice of its Institute. Of this its history affords more than one example.

About 1630, a similar regulation was made by the Ordinary of Peru, who, aided by the authority of the royal Governor, endeavored to withdraw the Jesuits who had been made parish preists (veri parochi) from the uncontrouled authority of the Superior; and, after an unpleasant contest, F. General Vitilleschi declared that, if such regulation were put in force, the Society could not be employed in the Mission of Peru.

The late Card[l] Borgia asked of the late Gen[l] Gruber, about 1802, to send a mission to China,[25] to which he assented; but, when he understood that the Card[l] meant them to go thither as missioners under the jurisdiction of the Apostolic Prefects of that Mission, he replied that he had no power to transfer his subjects from the jurisdiction under which they had taken their vows, and therefore could not send them, unless under his exclusive direction, and revocable at his will.[26] [*Finis.*]

[23] *Cf.* No. 118, § 17.

[24] *Cf.* No. 118, § 15.

[25] *It was the Imperial Government of Russia that asked for the mission of Jesuit mathematicians to China. Fathers Grassi and Korsak, with Brother Sturmer, were deputed. They had reached Lisbon for transit to the East, were detained there owing to negotiations regarding their dependence on their General, and then were recalled by the latter.* *Cf.* No. 192, note 31.

[26] *In the following October, 1820, Kohlmann wrote to Kenney at Rome, mentioning the contents of a letter from Grassi, also in Rome. The latter reported an interview with Pope Pius VII., who, referring to the subject of the present controversy, had said that, if bishops meddled with what did not concern them, it would all end in ruin, and in the triumph of the unprincipled:*

Kohlmann, Washington Catholic Seminary, 7 Oct., 1820, to Kenney, Gesù, Rome. A letter of Grassi's received, about the Brief (on the canonical status of the Society in

D. (1825.)

Petition to the Sovereign Pontiff (Leo XII.), submitted by the Father General Fortis. The occasion of this petition was the interpretation put by Mgr. Marechal on the new decree (27 July, 1822), which he had obtained from the Propaganda, containing a clause: ac nisi antea, *as explained in* No. 121, K.[27] *See text of the decree, ibid. In this petition, the whole case is made to rest on the unrepealed provisions of four Constitutions issued by Benedict XIV.*

Beatissime Pater,

Praepositus Generalis Societatis Jesu, ad pedes Tuae Sanctitatis provolutus, humillime exponit, nihil sibi magis cordi esse quam ut sacerdotes Societatis, ubicunque terrarum Ecclesiae inserviant, locorum Ordinariis debitam reverentiam debitumque obsequium exhibeant, curentque diligenter ut ex parte sua omnia observentur quae a Sancta Sede, quoad dependentiam ab episcopis, sancita sunt. Cum igitur aliqua quaestio recenter orta sit inter Societatis sacerdotes et Ill^m^ Archiepiscopum Baltimorensem, orator ad Sanctitatem Tuam suppliciter recurrit, ut eam apostolica auctoritate dirimere dignetur. Ill^s^ Archiepiscopus obtinuit a S.C.P.F., die 3^a^ junii,[28] 1822, decretum quod sic sonat: "S. Cong^o^ censuit et decrevit PP^es^ Societatis Jesu, qui in Missionibus Marylandiae et in tota Dioecesi Baltimorensi animarum curam gerunt, inde a suis superioribus removeri non posse, eodem inscio Archiepiscopo, ac nisi antea praesides Societatis praefato antistiti alios proposuerint qui dimittendis subrogentur, quique sint ab eodem Archiepiscopo approbati." Ill^s^ Archiepiscopus hoc decretum ita videtur intelligere, quasi sine suo consensu religiosus Societatis removeri non possit a cura animarum, vel, quod eodem recidit, nisi successorem propositum acceptaverit.[29] Hoc vero si admittatur, sequitur religiosos animarum curam suscipientes subtrahi auctoritati suorum superiorum, saltem quoad mutationem loci vel officii. Superiores autem Societatis in America arbitrantur per supradictum decretum nequaquam derogatum fuisse multiplicibus constitutionibus fel. rec. Benedicti XIV. hac in materia editis, et praecipue constit. Firmandis atque asserendis, 8^o^ id. Nov. an. 1744; constit. Cum nuper, 6^o^ id. Nov. an. 1751;[30] constit.

England?); about the claim of Marechal, who however, as Grassi thinks, has not claimed from the Propaganda one of the Jesuit farms (*cf.* No. 115, § 32). He [*Grassi*] continues as follows: "praeterita hebdomada adivi SS. Pontificem, qui coepit loqui de nonnullis Episcopis, qui vellent Regulares sub sua potestate redigere. Venerabilis senex animadvertit, Con. Tridentinum limites dependentiae Regularium bene definivisse, eosque servandos: quod si Episcopi in aliis immiscere se velint, tunc omnia corruent, 'e trionferanno i Birbanti.'" (*General Archives S.J., Maryl. Epist., 2, i.; 3 pp. 4to.*)

[27] *Cf.* No. 121, J, p. 480, *Fortis, 24 May, 1822, to the Secretary of the Propaganda:* In fine; *and ibid.*, L.

[28] *Date of the decree as passed in the Propaganda. See* No. 121, K, p. 481.

[29] *As if the decree said:* approbati [*in dioecesi*], *et acceptati ad hunc vel illum locum. Cf.* No. 121, K, p. 481, *Dzierozynski's representation to the General.*

[30] *Issued on the subject of parochial churches in the West Indies, subject to the Spanish Crown. As to the question in dispute, this Constitution* (§ 5) *makes an*

Apostolicum ministerium, 30 Maii, an. 1753; et constit. Cum alias, 5° id. Jun. an. 1753. Quibus asseritur non minus superioribus regularibus quam ipsis episcopis libertas removendi, quando in Domino judicaverint, sacerdotes saeculares a cura animarum. Verba Benedicti XIV. clariora sunt quam ut interpretatione indigeant: "Cum Regulares non nisi cum amovibilitatis qualitate animarum curam exercere valeant, tam Episcopus quam Regularis Praelatus, quoties in Domino expedire judicaverint, Regularem Parochum ab hujusmodi cura valent removere, ita ut neque Regularis Superior compelli possit hujus remotionis causas Episcopo significare, neque Episcopus ad similem remotionem procedens Regulari Praelato notas facere teneatur causas quibus ad id adductus fuerit." (Constit. Cum nuper, § 5).

Hinc superiores Societatis, persuasi decretum S^ae^ Cong^s^ ad mentem constitutionum Benedicti XIV. intelligendum esse, non dubitant decreto plane satisfieri si, antequam Religiosum removeant a cura animarum, Ill^m^ Archiepiscopum praemoneant, ipsique aliquem ex approbatis ad confessiones audiendas ab eodem Archiepiscopo praesentent, qui discedenti subrogetur. Utrum, ita agendo, recedant a debita Sanctae Sedi obedientia, ut ipsis exprobrat Ill^s^ Archiepiscopus, dignetur Tua Sanctitas declarare.[31]

Md.-N. Y. Province Archives, 1820, Apr. 24, Kenney, Georgetown, to De Barth, Philadelphia. Ibid., (1820), Kenney's Statement to the Consultors of the Mission; original, 12 pp. fol., heavily underlined; p. 10. Ibid., 15, (1820), Mar. 14, Kenney's Memoranda, *endorsed:* On Episcopal interference with Religious authority; *original, 5 pp. 4to.—General Archives S.J., Maryl. Epist., 6, vi., Petition of the General, Father Fortis, to the Pope, s. d.; a draft or copy in Rozaven's hand, without any corrections.*

No. 194. **1816–1821.**

Bishop Dubourg of New Orleans and the Jesuits: Louisiana and the Indian missions. *Mgr. Louis William Dubourg, Administrator of New Orleans, being in Rome (1815), was consecrated bishop of the See (18 Sept.). Then, and in subsequent years, he exerted himself to obtain Jesuit missionaries for his vast diocese of Louisiana, Lower and Upper.*[1] *This was the territory west of the Mississippi, reaching indefinitely to the north-west, and comprising the countries of the Indian tribes. On the first occasion,*

application of what had been decreed in the former one, Firmandis atque asserendis. *So too,* Cum alias, *cited infra, on benefices and offices charged with pastoral care, in the same West Indies* (§ 2). *For the text of the Constitutions,* Firmandis atque asserendis, *and* Apostolicum ministerium, *see* No. 192, G², K².

[31] *As to the views of the Holy See on the observance of Benedict XIV.'s Constitutions, cf.* No. 121, L, note 17, *Gregory XVI.,* Accepimus litteras (*20 June, 1835*), *to the Vicars Apostolic of England.*

[1] *He had already applied to Father Grassi, Superior in Maryland, writing to him from New Orleans, 26 Mar., 1814. (Md.-N.Y. Province Archives, under date.) This was about the time when a long negotiation of the Canadian bishops, Plessis and Burke, to obtain from the General a Jesuit foundation at Halifax, had finally to be abandoned owing to many incidental difficulties.*

while he was in Europe, he failed to secure a contingent of Jesuits; but, among the volunteers whom he did engage, he had the Lazarist Father, Joseph Rosati, who succeeded him as bishop in Upper Louisiana, with his See in St. Louis (1827). Mgr. Dubourg made efforts a second time to obtain Jesuit reinforcements for the evangelizing of the Indian tribes, who had not forgotten the Black Gowns of half a century before. Writing from his diocese (1821), he used the mediation of the Propaganda in dealing with the General, Father Fortis. Again frustrated in his hopes, he succeeded finally (1823) in negotiations with Father Charles Neale, Superior of the Maryland Mission; and he was gratified with the appropriation of the whole personnel then in the novitiate at White Marsh, the master of novices himself, Father Charles Van Quickenborne, being allowed to go with his Belgian novices. The relative documents are noted, summarized, or produced in the following three Numbers (194–196). *The property arrangements which were made are seen in the last Number of this* Section VI. (196). *They were the subject of a Concordat between the Bishop of New Orleans and the Superior of the Maryland Jesuits.*

A. 1816, August 25.

The General, Thaddeus Brzozowski, (Polotsk, Russia), 13/25 Aug., 1816, to Mgr. Dubourg, Bishop of New Orleans.

M. L'abbé de Szadursky, just come from Rome, has announced a letter of Dubourg's, which, however, has not come to hand. He explained the contents. The General's good will to second the views of the bishop by sending missionaries; the more so, as it is said that the Sovereign Pontiff desired it. But it is necessary to understand the project with more precision. Directions for sending a letter with safety, by addressing it to Father De Clorivière or to Father Grivel in Paris. Meanwhile, the General cannot promise anything in the present dearth of subjects. He hopes that time will remedy this deficiency. Compliments to Mgr. Dubourg as a member of the Congregation of St. Sulpice, which has been united so long in the bonds of friendship with the Society of Jesus.

B. 1816, August 25.

Father John Rozaven, Assistant of the General, Polotsk, 13/25 Aug., 1816, to Father Grivel, Paris.

Forwarding the foregoing, and stating the circumstances, as well as the difficulties attending the project.

C. 1816, October 8, 9.

Grivel, (Paris), 8, 9 Oct., 1816, to the General. A long letter, stating the desires and views of Mgr. Dubourg, whom he has seen in Paris. Abstract.

In Nov., 1815, Dubourg sent from Rome, under cover addressed to Grivel at St. Petersburg, two letters for the General, one from himself, the other from the Sovereign Pontiff. The Pope had said to Dubourg that Italy could not supply Jesuit missionaries; they were too old there, or too young; the bishop should apply to the General in Russia. His Holiness supported the request with a Brief from himself, and in terms similar to those of the bishop; viz. asking for "two professed and five or six novices to begin the establishment in Louisiana."[2] *Grivel remarked to his lordship that novices were not proper subjects for such an undertaking, and a form of request like that would not lessen the difficulties. The persons selected should either know French, or be able easily to learn it, as well as to acquire the knowledge of some Indian tongues. They could begin with missions in the cities, and especially at New Orleans, which has a population of 25,000 to 30,000 souls, all Catholic. Hopes of a numerous novitiate there. No expectation of obtaining men from Father Grassi (Superior in Maryland), who is himself in great need of priests.*

The diocese is 500 leagues long, reaching to the confluence of the Missouri and Mississippi at St. Louis; its width is not known; it reaches to the "Sea of the South," towards the west, and it is bounded by the dioceses of Kentucky and Florida on the east. The savage nations, now more civilized by contact with the whites; their desire to have again the Black Robes, whom they remember. The need of priests. The Sulpician Bishop Flaget in Kentucky has only twenty.

It is desired that the Louisiana Mission do not depend on that of Maryland. The Bishop alleges the great distance, but "his true reason" is that he fears Father Grassi might withdraw men for service in "the United States." However, said Dubourg, "if some of my young ecclesiastics manifested the desire of becoming Jesuits, as divers have done already, and I thought it proper to place them at once in the Maryland novitiate, I ask that, in case they are already priests, they be sent to Louisiana after one year, and that the Provincial receive orders to this effect from Father General—always supposing that the said Provincial judges them worthy of being admitted to their first vows [after two years]."

Grivel's own view of the bishop's mind as to the ways of the Society in disposing of its members. His rectification accepted by Dubourg. The defraying of travelling expenses: Voilà, M. T. R. Père, les demandes de

[2] *The Pope addressed the Brief, 16 Oct., 1815. See* Juris Pontificii de Propaganda Fide, *iv., 533, 534. His Holiness commends Dubourg's desire, and is very gracious in his own form of request:* negotium hoc tibi, dilecte fili, etiam atque etiam commendamus, petimusque ut, quos ille optat tuae Societatis alumnos, qui quidem idonei judicentur, et devovere se sanctissimo huic operi velint, eidem, si fieri possit, concedas. . . .

Mgr., et voici mes observations. Il n'a pas encore une connoissance entière de notre façon d'agir, et se défie de notre franchise, craignant qu'on ne lui enlève ses sujets pour les employer ailleurs. Je l'ai rassuré per ma franchise même ; et lui ai dit que si les robes noires avoient fait autrefois du bien en suivant l'institut sans être gênés en rien, qu'il devoit avoir en nous une confiance illimitée, puis qu'il nous appeloit dans son diocèse. Il l'[*a*] compris et finira par nous laisser libre[*s*] sur l'emploi de nos sujets ; et cela d'autant plus que n'y ayant à la Louisiane ni collège pour les humanités et la philosophie, ni séminaires, les sujets qu'il nous cédera devront, dans les commencemens, être élevés au Maryland ; ainsi les service[*s*] que nous lui rendrons en cela feront qu'il sera moins difficile. D'ailleurs, c'est un homme de Dieu et on s'entendra aisément.—Quant aux moyens de subsistance dans le pays, on les aura ; il y a des ressources.—Pour les frais du voyage, ils seront à la charge de Mgr. depuis Bordeaux à la Louisiane ; mais, étant pauvre Évêque, il ne peut payer les frais de Polotsk à Bordeaux. Ce ne seroit pour vous, M. T. R. Père,qu'une dépense de 75 ducats per personne ; c'est ce qu'il en a couté au P. Folloppe et moi ; à moins que vous ne jugiez à propos de les envoyer par Stockholm pour s'embarquer à Gothenbourg pour Bordeaux ou pour Baltimore. Mais pour partir avec Mgr., il faut qu'ils soient à Bordeaux au mois de Mars prochain.

Du 9 octobre. *Grivel just now receives the General's letter for Dubourg, who is at Bordeaux, sending off ten Ursuline nuns and two priests to New Orleans. He has been informed already of the delays incident to his project from the difficulty of obtaining (Russian?) passports.*

On Father de Clorivière, and French affairs.

D. 1817, January 11, N.S.

The General, 11 Jan., 1817, to Dubourg. A long letter. Abstract.

The General has received the bishop's letter, dated Marseilles, 28 Nov., 1816. The delays imposed by circumstances. The condition of the Society in Italy ; all old men or novices. The latter are not qualified to be Jesuit missionaries, even though they are already priests: Ce ne sont point des novices que la Compagnie envoyoit dans les missions, mais des hommes qui avoient passé un grand nombre d'années dans la Compagnie et qui s'étoient bien pénétrés de son esprit. Je sais bien que parmi les novices il y a des prêtres, mais ce n'est pas en un an qu'ils peuvent devenir de vrais Jésuites et acquérir cet esprit qui animoit nos anciens missionaires. *They might be admissible, if there were formed missionaries to whom they could be attached. If Father Perelli [Vicar in Italy] did promise Dubourg to provide men, he would find himself very much embarrassed now, should the General order him to fulfil such a promise. However, a letter is herewith sent to him, enjoining him to provide, if he have men formed, who are sufficiently free to be sent. A similar condition in France. Father de Clorivière [Provincial] is*

at liberty to send proper men, if he have them to spare. Russia alone is really available. The term of four months not enough to have them on hand when the bishop departs. They are 1000 and even 2000 leagues distant from here [*Polotsk*], *and, besides that, they could not be summoned on the spur of the moment. It is not unlikely that they will be sent away from Astrachan, Mozdoc, Saratoff, Odessa, etc.; and then passports can be obtained at least for the foreigners. The General regrets that he has only promises to make.*

E. 1817, January 12, N.S.

The General, 12 Jan., N.S., 1817, to Father Perelli, Vicar in Italy.

The words of Bishop Dubourg regarding the promise made him by Perelli: En verba Episcopi: " J'en parlai au Père Vicaire, qui me dit qu'il n'avait pas l'autorité de les envoyer, mais qu'il se réjouirait que vous lui en donnassiez l'ordre." *If there be no other difficulty, Perelli is free to act. But most probably Dubourg did not rightly understand the Vicar. State of affairs in France and Flanders. Russia can do something, but, in the present circumstances, the General cannot dispose freely of himself, or of others:* ob Gubernium non possum libere disponere de me ipso, neque de aliis. *It is necessary to let things mature, or the result will be anything but the glory of God:* opus est enim permittere ut res maturescant, aliter non juvaremus gloriam Dei, sed eam destrueremus. *The precarious condition of the Society in Russia. A petition of the General to the Emperor, asking for permission to go to Rome, was read, but not answered.*

F. 1817, January 12.

The General, 12 Jan., 1817, to Grivel, (Paris).

He rehearses what he had written to Dubourg. The latter had desired that the General should issue orders to Italy, France, Belgium, requiring men to be supplied.

G. 1817, (February).

Dubourg, (Feb.), 1817, to the Card. (Prefect of the Propaganda). " *Received, Feb., 1817.*"[3]

Answering the Cardinal's letter of 23 Nov. last. Dubourg is about to start from Europe. Thirteen recruits: nine ecclesiastics for St. Louis, and four for New Orleans. In delaying so long, he has acted on the advice also of Mgr. Flaget, Bishop of Bardstown, as well for the purpose of allowing him time to make arrangements at St. Louis before Dubourg arrives: pour lui donner le tems de faire à St. Louis les arrangements convenables pour ma reception et mon établissement; *as also to gather recruits for Flaget's*

[3] *As to the situation of affairs in America, L. Neale, Archbishop of Baltimore, to the Cardinal, 20 Dec., 1816, discussed the nominations for Sees, and added that the pressing question was not that of bishops, but of missionaries:* Res in praesentiarum magis videtur requirere missionarios quam Episcopos. (*Georgetown College Transcripts, 1816, Dec.; copy from the Propaganda Archives, Canada-Panama, III., 1791-1817.*)

diocese, which is as ill provided as Louisiana. Dubourg has been promised twelve or fifteen more by their Ordinaries, etc.[4]

H. 1817, June 17.

Dubourg, Bordeaux, 17 June, 1817, to the General. An insinuating letter.

On the point of departing for his diocese, he asks whether he may not have Father Barat, at present in Bordeaux. The bishop desires the favour as a pledge of the good things to come. Barat yearns for the foreign missions. Local superiors will no doubt make difficulty; hence Dubourg has recourse to the General, who is all-powerful, and is raised above the interests of particular places: Mais c'est pour prévenir de pareils obstacles que votre St. Fondateur a voulu que tout fût réglé par un seul, qui ne pouvant être influencé par l'interêt particulier de tel ou tel endroit prononcât sur les vocations de ses sujets d'une manière plus conforme a l'intérêt général de la plus grande gloire de Dieu. *Barat knows that he writes. The General can signify his will to that Father.*

J. 1819, March 1.

Father Anthony Kohlmann, Superior in Maryland, 1 Mar., 1819, to the General.

He reports two letters received from Mgr. Dubourg, who invites him to come and settle in the city of Franklin, on the right bank of the River Missouri. Glowing accounts of western colonization. A wide field open, with the Indians on the right, Catholics and heretics on the left. But the first consideration at present is to extinguish old debts rather than contract new ones.[5]

K. 1821, February 24.

Dubourg, 24 Feb., 1821, to Card. Fontana, Prefect of the Propaganda.

He has been unable thus far to provide for the conversion of the savages, "who abound in the upper parts of my diocese." His former negotiations with the General of the Society, and the support vouchsafed by His Holiness. No progress as yet. He has now commissioned Signor Inglesi to use all his talent and assiduity in accomplishing this design with the Jesuits. He asks his Eminence to assist him in having Father Barat and other French Fathers

[4] *On May 3, 1817, Dubourg announces to the Cardinal from Lyons that, besides thirteen, who have already departed (Rosati among them), twenty go now with the bishop, some of these latter being from the Roman College.*

[5] *At Florissant, near St. Louis, where the Jesuit novitiate was established four years after the present date, the religious of the Sacred Heart became devoted benefactors of the Fathers. Dubourg at this time, 27 Apr., 1819, writes of the new institute to Mgr. Marechal, saying that he has received five of these ladies, of whom three have a rare talent for teaching.* Cet institut, calqué sur celui des Jésuites, est dans sa première ferveur, et fait aujourd'hui en France l'ambition de tous les évêques. Il y en a au moins 20 maisons considérables. Je n'ai rien vu de si beau que ses constitutions et réglemens. (*Georgetown College Transcripts, 1816–1819; a Shea copy.*)

granted him by the Superior of the Order, as well as some of the Jesuits recently expelled from Russia and now in France. Five or six would be enough, if two or three of the Maryland Fathers joined the party, on account of their speaking English, and "because of the goods of fortune in which they abound." His Eminence is urged to further the project; or else there is reason to fear that "heretical missionaries will carry off from us so enviable a palm of victory."

L. (1821, May.)

Rozaven, (Rome, May, 1821), to Grivel, Paris.

He has met by chance the Abbé Inglesi, who reckons on taking with him to America four Jesuits from France, and asks for four from Italy. The Abbé has not yet presented himself to the General.

M. 1821, May 30.

Rozaven, Rome, 30 May, 1821, to Grivel, Paris.

Father Barat seems to have an understanding with Inglesi; Rozaven hopes that it is not without the knowledge of Superiors. The Abbé always places Barat at the head of four French Jesuits. Nor is this the only game he is playing. There is question of having a Jesuit bishop in America, and the General has already been spoken to on the subject.[6] *Inglesi's idea seems to be that of carrying everything with a high hand:* Autant que j'en puis juger, ce brave M. veut emporter ce qu'il désire de vive force et par autorité. *Rozaven hopes that it will be without success. Again, Inglesi wants four Jesuits from Italy. He has been in Rome three weeks without coming to see the General.*

N. 1821, June 2.

Mgr. Pedicini, Secretary of the Propaganda, 2 June, 1821, to the General, Father Fortis, reporting Dubourg's request (K), *and commending it warmly.*

He transmits a copy of the letter (K). *"An answer is being returned to the prelate, that the Sacred Congregation will lend all its services in obtaining from your Most Rev. Paternity the fulfilment of the desires expressed; and that, in the mean time, he himself should determine and circumscribe the limits of the Mission to be placed entirely under the care of the Jesuit Fathers, so that no collision or disturbance arise subsequently. In pursuance of the orders received from the Sacred Congregation, Pedicini the Secretary prays your Most Rev. Paternity to take to heart a work so conducive to the glory of God and the salvation of souls; and to let the undersigned know*

[6] *Father Peter Kenney was proposed for the See of Philadelphia by the Archbishop of Baltimore. In a Memorial on the motives which had induced him to close his visitation and return to Europe, he states this as one of the reasons.* (*General Archives S.J., Maryl. Epist., 2, iii.; Memorial written in Rome, 27 Oct., 1820.*)

what you will be able to resolve upon with regard to each of the points mentioned, so that he may be enabled to give the prelate a suitable reply."

O. (1821, June.)

The General, (June, 1821), to (Pedicini, Secretary of the Propaganda). Abstract from the autograph Italian draft of Father Fortis.

Commendations of Bishop Dubourg's zeal. Antecedents of the same in treating with the late General, Father Brzozowski. The present condition of Europe, where in so many places the faith has been lost or has "run wild."[7] *The scarcity of priests who are fit for active work, and have received the formation of the Order, since the re-establishment. The engagements already made, binding the General in conscience and honour to complete the establishments founded by the Society in divers States of Europe. The urgency of so many European princes, who demand the return of the Order, or its extension into their own countries, with the additional consideration that these same princes have distinguished themselves as protectors and great benefactors of the Society. The state of France, where many bishops have placed the Jesuits under signal obligations, and have been so liberal in allowing members of their diocesan clergy to enter the Order, "in the hope that they should receive a return in kind" by seeing the same as Jesuits lending their help in the ministries proper to their new state. What would they think if, after being so frequently put off, they now saw their most strenuous workmen, who are actually in their service, withdrawn and despatched to America? As to Father Barat, Signor Inglesi has been referred by the General to the Provincial of France and to the Bishop of Bordeaux, who entertains a special affection for that Father. Finally, the General treats the question of men and means in Maryland, rectifying the impression conveyed in the bishop's letter, that the Jesuits of Maryland have revenues enough to found and maintain missions over and above those which they already conduct.*

General Archives S.J., Epist. Vic. Gen. in Russia, 1810–19, *the General, Brzozowski, 13/25 Aug., 1816, to Dubourg. Ibid., same to same, 11 Jan., N.S., 1817. Ibid., the General, 12 Jan., N.S., 1817, to the Vicar (Italy), Perelli. Ibid., same, 12 Jan., 1817, to Grivel (Paris).—Ibid., Missour. Epist., 1, ii., Grivel, 8, 9 Oct., 1816, to the General. Ibid., Dubourg, Bordeaux, 17 June, 1817, to the General. Ibid., 2, i., Kohlmann, 1 Mar., 1819, to the General. Ibid., 1, ii., Dubourg, 24 Feb., 1821, to Card. Fontana. Ibid., Pedicini, 2 June, 1821, to the General, Fortis. Ibid.*, Risposta fatta dal P. Generale, d.l.C.d.G., ad un'articolo di lettera, *etc., enclosed in the foregoing; loose autograph draft of Fortis.—Md.-N. Y. Province Archives, carton 25, Grivel Papers, Rozaven, 18/25 Aug., 1816, to Grivel, Paris. Ibid., the General, Polotsk, 12 Jan., N.S., 1817, to Grivel; written by Rozaven, signed by Brzozowski. Ibid., Rozaven, (Rome, May, 1821), to Grivel, Paris. Ibid., same to same, Rome, 30 May, 1821. —Georgetown College Transcripts (1816, Dec.), Dubourg, "received Feb., 1817," to Card. (Prefect, Propaganda); copy from the Propaganda Archives, Canada-Panama, III., 1791–1817.*

[7] Inselvatichita, *as if playing on the word* selvaggi, "*savages*," *used in his first paragraph.*

No. 195. **1823, 1824.**

Marechal on Missouri: prejudice done to Maryland. *Mgr. Dubourg was in Maryland at the beginning of 1823. He secured from the Superior, Charles Neale, the transfer of the novitiate from White Marsh to St. Louis.*

A. 1823, March 7.

Marechal, Baltimore, 7 Mar., 1823, to Kohlmann, Catholic Seminary, Washington. On Dubourg and his transactions with the Jesuits. He gives authorization for Dubourg to ordain Mudd, and no other.

Acknowledgments. The request of Father Charles Neale, Superior, that Mgr. Dubourg on his return from Washington may be allowed to ordain Mr. A. Mudd, whom alone Neale mentions. Pour cette raison, mais surtout à cause des circonstances où je me trouve, je crois qu'il faut agir avec prudence.—Mgr. Dubourg m'a bien fait hier quelques aveux. Mais comme il est partie agissante et intéressé[*e*], je crains qu'il ne m'ait pas dit tout son secret. Et c'est pourquoi je vous envoye l'incluse, qui est restreinte à l'ordination de Mr. Mudd.—Quant aux cinq autres sujets, je ferai en sorte qu'ils n'attendent pas long tems. Je suis avec respect M. R. P. . . .

P.S. Supposé que Mgr. Dubourg ne puisse ou ne veuille pas ordonner Mr. Mudd, il faudra deslors me l'envoyer.[1]

B. 1823, March 15.

Marechal, Baltimore, 15 Mar., 1823, to Kohlmann, Washington Seminary. His discontent at the projected expedition of Jesuits to Missouri.

A letter received from B. Fenwick has been already answered by Marechal's last to Kohlmann. The expedition to Missouri should be sent off by detachments: Je suis plus intimément convaincu que jamais que le bien de la Religion en général, celui de mon Diocèse et surtout l'intérêt de la Societé, demandent que l'émigration projettée, du Maryland dans la Louisiane, doit se faire par détachemens successifs, sans fracas ni tapage. Ce mode de procéder sera aussi efficace et aussi avantageux pour Mgr. Dubourg et la Societé que le plan subitement concerté dans le secret entre ce Prélat et Mr. Ben. Fenwick. *Public scandal thereby avoided. It is not pecuniary difficulties which have occasioned this enterprise. The archbishop is pained to hear it said on all sides,* that the American party has at last found a means of mortifying the Arch^{p} and of getting rid of their Dutch Brethren.

C. 1823, April 20.

Marechal, Baltimore, 20 Apr., 1823, to Dr. Robert Gradwell, English College, Rome. Strictures on the Missouri expedition.

[1] *From St. Inigoes, where Mudd was studying at the time.*

On Boston and Philadelphia. Mgr. Dubourg, who came hither last winter, is carrying off seven young Flemings, who were finishing their novitiate at White Marsh, besides two missionaries of the same nation.[2] *C. Neale's pretext, the indebtedness of the Society. The true reason, domestic dissensions.*[3] *Want of men for Maryland and Virginia. The packets of letters sent by Marechal on the White Marsh controversy*[4] *should have reached Gradwell by this time. Compliments.*

D. 1823, April 20.

Beschter, S.J., German pastor, Baltimore, 20 Apr., 1823, to Francis Neale, St. Thomas's Manor. Marechal's efforts to stop the Missouri expedition. His objection to a successor of Van Quickenborne at White Marsh.

On the imminent death of Charles Neale, Superior, Portobacco. Fr. Van Quickenborne left Baltimore late in the evening for Conowago, where his companions are waiting for him to set out for Hagerstown and the Missoury. The wagon with their effects left this place last Saturday for Wheeling. He had to pay 4.000. w[*eight?*] at $3½ per 100. When he went to the Archbishop to take leave and get an altar stone, he was told that Fr. Murphy by going to the White Marsh,[5] and take care of souls without his previous approbation, has incurred the poenam suspensionis infligendae, by the regulations made [*by*] the Archbishop Carroll and the other Bishops.[6] The Archbishop was also doubtful if he in conscience could give him an altar stone for fear to concurr in his irregular undertaking. Still at last he overcame that scruple and gave him a stone.

Items: The White Marsh controversy. Beschter being sick had called for Father Kohlmann. The two of them with Edelen accepted of the Archbishop's invitation to dine with him, who with his Gentlemen where extraordinarily polite and kind. He then requested in secret Fr. K[*ohlmann*] and Fr. Ed[*elen*] to exert their utmost credit to prevent the novice master and the rest to go to the Missoury; at least some of them, that it might not be said, that the noviceship was transfered there; for, said he, the people will think that I am the cause of the Jesuits leaving this diocese!!! *Reflections on the situation.*

[2] *Fathers C. Van Quickenborne, master of novices, and P. J. Timmermans, stationed at White Marsh.*

[3] *Cf.* No. 135, A, Prop. 13, p. 549.

[4] *Cf.* No. 127, p. 504.

[5] *To supply the place vacated by Van Quickenborne, in accordance with the rules of Benedict XIV. and of the Propaganda. See* Nos. 192, K², 21; 193, D, note 29.

[6] *The article referred to seems to be that about* strange and unknown priests. *Cf. Shea,* History of the Catholic Church in the United States, *ii. 634. Father Murphy was evidently a known and approved priest of the archdiocese, if suspension was* infligenda. *The sixth regulation among those cited here by Marechal, and published by himself as first in his printed pamphlet* (*cf.* No. 192, G), *allows such a priest to exercise his faculties even in "neighbouring dioceses." However, this is the inauguration of Marechal's policy concerning the Jesuits. Cf.* No. 135, p. 562.

E. 1823, May 6.

Joseph Rosati of the Congregation of the Mission, St. Genevieve, (Missouri), 6 May, 1823, to his Prior, (Rome). The subsidy offered to Mgr. Dubourg by the American Government for each missionary sent to the Indian tribes, $200 annually. The new mission of the Jesuits. The laudable zeal of Dubourg.

MOLTO R^NDO^ SIG. PRIORE COL^MO^,

Non so se la presente troverà il Sig. Borgna alla Nuova Orleans. Spero che in qualunque caso sarà rimessa a V.S.M.R^da^ *Difficulties and hopes. Need of subjects. The new Jesuit establishment. Praise of Dubourg.* Ma converrà fare il possibile per trovare de'soggetti. Di più il governo ha promesso a Monsignore [*Dubourg*] di dar 200 scudi all'anno per ciascun missionario che sarà mandato da lui tra i selvaggi, tanto sacerdoti che fratelli. Si è convenuto di cominciare col mandervene quattro nel Missouri ed altrettanto nel Misissipi. I Gesuiti sono stati incaricati delle missioni del Missouri, e la nostra congregazione di quelle del Misissipi. Ostium magnum apertum est: messis multa, operarii autem pauci. Dopo aver pregato Dominum messis ut mittat operarios in messem suam, non ho altro mezzo che di raccomandarci a V.S.M.R. È tempo oramai di pensare alla conversione di questa povera gente. Monsig. Vescovo nel viaggio che a fatto a Washington capitale dei Stati Uniti è riuscito felicemente in tutto quello che ha intrapreso pel bene spirituale della sua diocesi; ha ottenuto dai Gesuiti dodici soggetti i quali formeranno una casa 20 miglia incirca da S. Luigi. Questo stabilimento formerà dei soggetti per le missioni del Missouri e sarà al caso di rendere servizi importanti alla religione. Mi raccomandò di scrivere a V.S.M.R., affinchè noi possiamo del canto nostro fornire soggetti per le missioni del Misissipi. Dio prospera in una maniera particolare tutti i progetti di questo degnissimo prelato, il quale pare essere prescelto dalla Providenza par piantare la religione solidamente in questa diocesi. . . .

Di V.S.M.R.,

Um^o^ ed Ob^tmo^ servo,

GIUSEPPE ROSATI, Prete della Cong^e^ della Missione.

Da S. Genovefa, 6 Maggio, 1823.

F. 1823, June 24.

Marechal, Baltimore, 24 June, 1823, to Gradwell, Rome. A criticism on the Missouri enterprise of Dubourg.

On the packet of letters safely received by Gradwell. Marechal hopes that the Holy See will speedily settle his controversy with the Jesuits about White Marsh.[7] Mr. l'évêque de la Louisiane est venu l'hyver dernier à Baltimore. Sa conduite pendant son séjour dans mon diocèse a été bien

[7] *Cf.* Nos. 127–129.

peu honorable pour un évêque. Il étoit accompagné d'un jeune prêtre, à peu près de la tournure de l'abbé Inglesi. J'ai empêché qu'il ne fît du mal. *Dubourg's negotiations with the Government of Washington on behalf of the Indians. He obtained an allotment of $200 a year for each Catholic missionary, just as the Methodists and Moravians, etc., are provided for by the Government.* Les personnes instruits per l'expérience regardent ici le projet de Mgr. Dubourg comme chimérique. Elles pensent et non sans fondement que le but véritable du prélat est de faire un peu de tapage dans les gazettes d'Europe et sous prétexte de conversions d'Indiens[8] de faire de nouvelles collectes en France et ailleurs. *The secret treaty between Dubourg and the American Jesuits of Maryland. Marechal represented to both Dubourg and C. Neale the decree of June, 1822,*[9] *which prohibited such a removal as that of Van Quickenborne and Timmermans:* J'ai en vain representé et à Mgr. Dubourg et au P. Neale la décision du St. Siège du mois du juin dernier, par le quel il est défendu au supérieur de retirer ses sujets employés dans le saint ministère, tels qu'étoient les deux prêtres en question sans m'en présenter d'autres qui pussent [prendre] soin des congrégations dont ceux-là étoient chargés.[10] Mais ils se sont mis au dessus de ce décret. *The pretext of debts advanced by C. Neale. The scandal caused by Dubourg. The embarrassment resulting for the archdiocese of Baltimore and for Virginia. Censures to be fulminated by the Holy See against any priests leaving Marechal's diocese without his permission:* Pour mettre fin à toutes ces intrigues, je ne vois point de moyen à prendre, si ce n'est que le St. Siège défende sous peine de censures ipso facto incurrendae à tous prêtres réguliers et séculiers de se retirer, sans ma permission, de mon diocèse. Communiquez, je vous prie, l'idée de cette mesure à S.E.,[11] votre proche voisin. Autrement la religion peut souffrir énormément. *Further criticisms on Dubourg, and episcopal nominations, which will prejudice Marechal's diocese. Compliments.*

G. 1823, July 11.

Marechal, Baltimore, 11 July, 1823, to Card. Fesch. Criticism on Dubourg's proceedings.

On Mgr. Dubourg's late enterprise and his doings, with additional items. Par des intrigues secrètes et assurément bien deshonorantes, il a réussi à emmener avec lui sept jeunes gens, que je regardois comme devant sous peu servir mon diocèse. Bien plus il a séduit deux jeunes prêtres

[8] *In a long letter, s.d., containing the recommendation of Rosati as Bishop of New Orleans and administrator of Alabama and the Floridas, leaving Upper Louisiana to Bishop Dubourg, Marechal devotes the last part, 3°, to establishing the thesis that the project of converting the Indian savages is an idle dream:* Quant à la conversion future des sauvages, c'est un château en Espagne. (*English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, ff. 282, seq.; original.*)

[9] No. 121, K.

[10] *Father John Murphy had been appointed* (*supra*, D). *In the following year, A. Kohlmann also is registered for White Marsh.*

[11] *Card. Fesch.*

actuellement employés dans les missions situées aux environs de White Marsh.[12] Enfin à sa persuasion et sans respect pour le Bref de sa Sainteté, six nègres jeunes et vigoureux appartenant à cette habitation viennent d'être enlevés par force et conduits à S. Louis. Pour masquer des fautes aussi considérables et aussi scandaleuses, Mgr. Dubourg vient de faire partir pour Rome un ecclésiastique Italien en qualité d'agent. *His parade of Indian missions. His plans about New Orleans as an archbishopric, with Rosati as suffragan at St. Louis.* Cela m'est assez indifférent. Mais cependant je ne peux en conscience cacher à la Propagande que Mgr. Dubourg a perdu la confiance et des ecclésiastiques et des laics de la N. Orléans. *A new diocese needed in Alabama and Florida. Detroit. Marechal's loss of men through the death of two missionaries in Maryland,*[13] *and two in Virginia; the declining health of others.* Ces pertes, réunies à l'invasion subite et scandaleuse de Mgr. Dubourg, me jettent dans des embarras extrêmes, et à moins que la Propagande ne me protège contre des menées et des séductions semblables à celles de Mgr. de la N. Orléans, je crains beaucoup qu'avant peu l'administration de mon diocèse ne me devienne entièrement impossible. *Fear of loss through nominations to bishoprics. Excuses.*

H. 1823, (August or September).

Marechal, Baltimore, 9 (Aug. or Sept.),[a] *1823, to Gradwell, English College, Rome. He demands two new decrees against the Jesuits of Maryland.*

On the nomination of Father Enoch Fenwick to a bishopric in Florida and Alabama. Distress for want of priests. Marechal makes a nomination of Father Benedict Fenwick. The controversy about White Marsh; Marechal fears that his case against the Jesuits is going to drag in Rome. The Jesuits have sold Arabia Petrea in Harford Co. (Deer Creek). Could not Dr. Gradwell, with Cardinal Fesch and others, obtain a decree prohibiting all such sales, under pain of censures ipso facto incurrendae, unless the Archbishop of Baltimore has previously given his consent; as also another decree, restraining the Jesuit Superior from sending out of Maryland any of his subjects who have been educated in Maryland.[14] *On Philadelphia, Hogan, etc., the lay-trustees there. On Dubourg, who may have further designs, after his exploit of last winter.*

. . . Ne pouriez vous pas vous combiner avec le Card. F. et autres et obtenir du St. Siège 1° un décret par le quel il seroit défendu aux Jésuites Trustees, sous peine de censures ipso facto incurrendae, de vendre aucunes

(a) *Apparently* avril, *but, as appears by the dates of letters cited, it must be either the 9 Sept., or possibly* août, *Aug. There is another letter of Marechal's to Gradwell which seems to read 9* avril, *erroneously.*

[12] *This manner of conceiving the status of the Jesuits in question agrees with Marechal's thesis that the Order had not been canonically re-established in America. Cf.* No. 200, E.

[13] *Fathers Malevé, Henry, and Charles Neale had died.*

[14] *Cf.* No. 120, 2[a]

des terres dont ils ont l'administration, sans avoir obtenu le consentement préalable de l'archevêque de Baltimore ; 2° un autre décret obligeant le Supérieur de ne point envoyer hors du diocèse de Baltimore les sujets qui auront été élevés aux frais et au dépens des biens du clergé du Maryland ?[15] Deux décrets de cette nature pouroient prévenir bien des abus préjudiciables à mon diocèse. *Philadelphia.*

Mgr. Dubourg a envoyé à Rome un autre agent pour remplacer Inglesi. Je ne le connois pas. Mais veillez ses démarches. Tel est l'esprit excentrique et intrigant de l'évêque de la Nouvelle Orléans que je ne serois point surpris qu'il n'eût chargé son agent de demandes peu sages et nuisibles au bien de la religion. Faites surtout grande attention que la Propagande n'accède à aucune mesure qui pouroit toucher ou la province métropolitaine de Baltimore ou mon diocèse, ou qui tendroit à me faire perdre quelques prêtres, sans m'avoir écrit auparavant. Après m'avoir débauché l'hyver dernier 9 sujets, ce seroit me donner le coup de mort, si ce prélat m'alloit encore m'en enlever d'autres. Je suis dans la pénurie la plus extrême. La Virginie est presque sans pasteurs et malheureusement je n'en n'ai point à lui envoyer. *Items and directions.*

Md.-N. Y. Province Archives, 1823, Mar. 7, Marechal, Baltimore, to Kohlmann, Catholic Seminary, Washington ; 2 pp. 4to. Ibid., 1823, Mar. 15, same to same ; 2 pp. 4to. Ibid., 1823, Apr. 20, Beschter, Baltimore, to F. Neale, St. Thomas's Manor.—Georgetown College Transcripts, 1823, May 6, Rosati, St. Genevieve, Missouri, to his Prior, (Rome) ; copy from the Propaganda, 3 pp. 4to. —Propaganda Archives, Scritture riferite nei congressi, America Centrale, *vol. 8, 1823–1826, same document, Rosati, 6 May, 1823.—English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, f. 31, Marechal, Baltimore, 20 Apr., 1823, to Gradwell. Ibid., ff. 32, 33, same to same, 24 June, 1823. Ibid., ff. 84, 85, Marechal, Baltimore, 11 July, 1823, to Card. Fesch ; Gradwell's copy. Ibid., ff. 29, 30, Marechal, Baltimore, 9 (Aug. or Sept.), 1823, to Gradwell. Accents supplied.*

No. 196. 1823–1830.

The Upper Louisiana Concordat, 1823 : the territory and conditions.

Subsequent relations between Bishop Dubourg and the Society.

A. 1823, March 19.

A Concordat or Agreement

entered into by the R[t] Rev. Louis Wm. DuBourg, Bishop of New Orleans, on the one part, with the Rev. Father Charles Neale, Superior of the Society of Jesus in the United States of America, on the other part, respecting the Missions about to be undertaken by the said Society in the Diocess of the said prelate.

The R[t] Rev. Bishop of New Orleans, animated by the desire of propagating and extending the Gospel through his extensive diocess, and anxious to promote, as much as possible, the temporal as well as the spiritual welfare of the numerous savage tribes inhabiting the shores of

[15] *That is, at the expense of the Jesuit funds or estates. Cf.* No. 120, 2[a].

the Missouri and its tributary streams, by conferring on them the benefits and comforts of civilization and at the same time instructing them in the ways of God and opening their eyes to the truths of His holy Religion, as taught by Jesus Christ His divine Son and proposed by the Church, seizes with joy a proposal made to him by the Superior of the Society in the United States, to co-operate with him and to carry into effect so laudable a design, by furnishing him with a number of able and zealous missionaries, who shall immediately proceed to the work. And, in order that a fair understanding may always hereafter subsist between the Bishop of New Orleans and his successors in the See and the Superior of the Society of Jesus and his successors, the following concordat or agreement is entered into, and has been signed by each of the parties; and when approved and ratified by his Holiness as well as by the General of the Society in Rome, the same shall be perpetually binding on them and their successors.

1. The Bishop of New Orleans cedes and surrenders to the Society of Jesus for ever, as soon and in proportion as its increase of members enables it to undertake the same, the absolute and exclusive care of all the missions already established and which shall be hereafter established on the Missouri River and its tributary streams; comprising within the above grant and cession the spiritual direction, agreeably to their holy institute, as well of all the white population as of the various Indian tribes inhabiting the above mentioned district of country, together with all the churches, chapels, colleges and seminaries of learning already erected and which shall hereafter be erected, in full conviction of the blessed advantages his diocess will derive from the piety, the learning and the zeal of the members of the said religious Society.— Reserving, however, at all times to himself and his successors the right of visiting in charity said portions of his diocess, agreeably to the canons of the Church in such cases made and provided; also of requiring the removal of any member or members of the Society from any post or station in the ministry, when such removal for impropriety of conduct is deemed by him necessary; and also of requiring upon all occasions, when a Superior shall desire to withdraw a member or members from any post of the mission, the name of the individual or individuals he appoints to succeed him or them; in order that he (the Bishop) may judge of his or their qualifications, etc., and empower him or them to exercise jurisdiction accordingly.[1]

2. The Bishop, to enable the Superior and the Society to enter immediately upon the work so laudably undertaken by them, engages to cede and transfer to said Society all right and title to a tract of valuable land at Florissant, of which he is now legal proprietor, consisting of

[1] *Here a correlative right of the Jesuit Superior to remove men has been omitted. The matter is adjusted in a friendly correspondence between the General and Dubourg, infra*, F, G.

three hundred and fifty acres or thereabouts, with all its buildings and improvements; and to make over the same immediately in such way and to such person or persons, in trust for the Society, as the Superior shall think fit.

3. The Bishop furthermore pledges and hereby binds himself and his successors to support, encourage and promote to the best of his ability, and with such pecuniary aid, collections and donations, as his circumstances and means will allow, the missions herein conceded to the Society with their respective establishments, colleges, seminaries, churches, etc., which are and which shall be hereafter made and erected,—and especially the seminary immediately to be commenced on the above mentioned tract of land at Florissant.

4. The Superior of the Society on the other hand engages himself to send immediately to Florissant, in the State of Missouri, two Priests of the Society of Jesus, with seven young men, candidates for the same, for the purpose of forming an establishment there, which shall serve for the present as a seminary of preparation for the objects above specified.—He promises moreover to send, with the above, two or three lay-brothers of the same Society, with at least four or five negroes to be employed in preparing and providing the additional buildings that may be found necessary, and in cultivating the land of the above mentioned farm.

5. The Superior also engages that, at the expiration of two years, counting from the time of their arrival, four or five, at least, missionaries duly qualified shall proceed to the remoter missions, (i.e.) to the Indian settlements in the vicinity of Council Bluffs,[2] and shall there labour towards the attainment of the great object specified above for the greater honor and glory of God.

6. The Superior pledges himself to foster and promote, as much as he is able, the above mentioned missions with their several departments ; and, until it shall be deemed necessary for the greater good of the mission to fix upon some other site for the principal residence of the Society engaged in this mission, to retain at the establishment at Florissant at least two capable Fathers, whose chief care it shall be to superintend and to direct the same, in qualifying the youth who shall offer themselves, and who shall have been received there with the approbation of the Superior, for the purposes of the mission.

7. The Bishop of New Orleans in his desire of promoting the establishment about to be commenced at Florissant, and to benefit the mission at large, obligates himself and his successors to pay into the hands of the chief of the mission whatever sum or sums of money the United States Government shall think fit to advance, and to apply towards this object, and to transmit to the same whatever sum or sums it shall hereafter

[2] *On the Missouri River, in Iowa, opposite to Omaha, Nebraska, a distance of over 500 miles by river from St. Louis.*

appropriate, and as long as it shall continue to appropriate it or them, towards the furtherance of the work of God in this section.

In confirmation of this mutual agreement this instrument is signed by both parties.

George Town, Dist. of Cl[a], March 19, A.D. 1823.

+ L. W[m] DuBourg, B[p] of N. Orleans.
Charles Neale, Superior of the Mission of the Society of Jesus in the United States of America.

B. 1823, March 25.

Dubourg's original bond to deliver over a farm at Florissant, 25 Mar., 1823.

He has sold this day, for the consideration of $4000, to Francis Neale, 350 acres more or less at Florissant, originally purchased by himself from Mr. Edw. Lyon. He herewith binds himself in the full sum of eight thousand dollars, current money, *U.S., to the said Francis Neale, his heirs, etc. The conditions of avoiding the above obligation are that he deliver over effectually to Francis Neale the said lot of ground with premises, etc.*, as soon as it shall have been duly notified to me that his Holyness the Pope has ratified the agreement or Concordate entered upon between me *and Rev. Charles Neale, at Mount Carmel, Md., 19 March, 1823.*

Signed: Adam Marshall. +L. W[m] DuBourg [*seal*].
B. Fenwick.

C. 1823, March 25.

Dubourg's explanation of the above bond, Georgetown, D.C., 25 Mar., 1823.

He declares that, whereas in virtue of a Concordat dated 19 Mar., 1823, I drew a bond of conveyance to Francis Neale as the assign of said Charles Neale of said property, *for $4000, this is to secure Francis Neale from all demands for said sum of $4000, that consideration being only nominal, and the true consideration being the articles of the aforesaid Concordat, which, if executed here by Neale and approved by Rome, must be considered full equivalent for the farm. Done in presence of B. Fenwick, Enoch Fenwick. Signatures all autograph.*

D. 1823, April 10.

Assignment of six negroes to Florissant, Apr. 10, 1823.[3]

Whereas Adam Marshall undersigned is the duly appointed agent general of the Corporation, etc., with powers duly certified, Nov. 21, 1822, he declares: I hereby deliver up to the Rev. Charles F. Van Quickenborne the six

[3] *Cf.* No. 195, G.

following Negroe slaves, (viz.) Tom and Polly his wife, Moises and Nancy his wife, Isaac and Succy his wife, all of whom are the property of the above Corporation, *for service in Missouri.* I also hereby appoint the Rev. Charles F. Van Quickenborne my Sub-Agent to govern and dispose of said slaves as he thinks proper, and to sell any or all of them to humane and Christian masters who will purchase them for their own use, should they at any time become refractory, or their conduct grievously immoral.

ADAM MARSHALL, Ag[t]

Washington, D.C., April 10th, 1823.

E. 1823, May 6.

B. Fenwick, Mount Carmel, (Portobacco), 6 May, 1823, to the General. Commentary on the Missouri Mission and the Concordat.

Four reasons for the transference of the novitiate, etc. 1. Reasons from the side of Mr. Calhoun, Secretary of War, who would otherwise have engaged Protestant missionaries; 2. the insistence of Mgr. Dubourg, who feared that his successor in the See might not favour the establishment of the Society; 3. the debts of Maryland, which rendered the novitiate a burden on the eastern Mission; 4. the unfitness of foreigners for Maryland and their fitness for Missouri. A fifth motive might be added, which might also have contributed something to influence his [*Charles Neale's*] determination, as he apprehended at the time persecution on the part of the Archbishop of Baltimore in consequence of his refusal (a thing he had no power to grant) to surrender the Marsh-Plantation to him [*Marechal*], agreeably to the Brief of his Holiness to that effect: viz. the obtaining in a new diocese an asylum[4] where the Society (if the present concordate should meet your Paternity's approbation and that of his Holiness) would experience no interruption, and where its members would have no other enemies to encounter but such as are equally enemies to God and His holy religion. *The term of novitiate had nearly expired for the seven Flemish novices.*

F. 1823, July 25.

The General, Father Louis Fortis, Rome, 25 July, 1823, to Mgr. Dubourg.

Acknowledges the receipt of the prelate's letter which he transmitted at once to Card. Consalvi, Prefect ad interim of the Propaganda. The approbation of the Sacred Congregation will no doubt be given in due time. The General approves of all the articles, but desires a more express statement of one point,[5] which no doubt was really intended by the Bishop; viz. that not only the Ordinary may desire a man to be withdrawn without giving his reasons, but the regular Superior may withdraw any one precisely on the same terms.[6] Il est stipulé que lorsque l'Évêque exigera qu'un individu soit

[4] *Cf.* No. 220, *ad* note 5.
[5] *Supra*, A, 1.
[6] *Cf.* No. 192, K[2].

retiré d'une mission le Supérieur religieux devra le rappeler aussitôt, sans que l'Évêque soit tenu d'exprimer ses motifs. Cela est juste ; mais il doit y avoir réciprocité. C'est à dire que, si le Supérieur religieux a des raisons de rappeler un de ses missionaires, il doit pouvoir le faire sans obstacles. Il sera tenu d'en prévenir l'Évêque, mais il ne doit pas être obligé de manifester ses raisons dont il reste seul juge, et l'Évêque ne pourra refuser son consentement. Cette réciprocité est evidemment fondée sur la justice et sur la raison. *Benedict XIV. formulates the same principle in his Bull relative to the English Missions. An ample return of thanks to Bishop Dubourg for his action in thus opening the Indian missions of the west to the Society, and congratulations on having found a convenient occasion in the circumstances of the Maryland mission. The General will endeavour to further the despatch of Father Barat from France.*

G. 1823, November 27.

Dubourg, New Orleans, 27 Nov., 1823, to Rev. F. Neale, Superior of the Maryland Mission.

Expresses his gratification at the General's letter, recently come to hand. He rehearses the contents. He is quite ready to make more explicit the point mentioned by his Paternity. The Propaganda has the instrument in consideration just at present. The difficulty arising, I suppose, from the extent of jurisdiction I was willing to abandon to the Society will be adjusted between your Superiors in Rome and the holy Congregation of Propaganda. The moment we receive conclusive information from that quarter, I will execute the deed for the farm of Florissant, in conformity to our agreement.

I would also feel disposed to give to your Society two beautiful squares of ground in the city of St. Louis, and to help in the erection of a house for an academy, as a preparation for a college, if you thought you could spare a couple or three of your Maryland brethren, even scholastics, to commence that establishment ; in which case I will shut up the one that is now kept by some of my Priests on the Bishop's premises. *He proceeds to offer the furniture of his little college and all its appurtenances ; as also $300 towards the expenses of the journey from Maryland. He stipulates for the personal attendance of Jesuits at solemn functions in his cathedral. They will have a church of their own in due time, at the new college. A superior promised by the General for Missouri. Father Barat. Bishop Dubourg announces the appointment of his coadjutor, Dr. Rosati, Superior of the Lazarists,* who professes to y^r^ Society the same respect and affection as myself. *Directions for a letter of answer on the subject of the college.*

Endorsed by Father Francis Dzierozynski, the new Superior in Maryland : Accepi 27 Januarii, 1824.

H. (1824, 1825.)

Note (1824 or 1825) on the Missouri property, in B. Fenwick's hand.

Property of the Society formerly belonging to the Bishop of New Orleans, in Missouri.

1. The farm at Florissant, healthy and fertile, with good water.

2. The church at St. Ferdinand,[7] about a mile and a half from the house on the farm, together with the adjoining ground. The pews rent for $300.

3. A lot in the village about two arpens, with a house on it, renting at the rate of $5 per month.

4. A frame house near the above church.

Trustees Churches.

1. St. Charles, 16 miles from St. Ferdinand.

2. Portage des Sioux, a considerable village, 9 miles from the above.

3. Dardennes, 30 miles D°

4. Aux Cotés sans dessein, 100 miles D°

Adjoining the Church at St. Ferdinand is the Convent des Dames du S. Coeur.

J. 1824, June 6.

Van Quickenborne, Florissant, 6 June, 1824, to the General.

A new proposal from Bishop Dubourg, to start a mission in Lower Louisiana. "*Near New Orleans he has acquired certain lands, and to these he will add others, preparing us a place for a boarding-college. He is truly most friendly to us, as is also Dr. Rosati, who has just been consecrated Bishop Coadjutor.*"

K. 1824, June 22.

Bishop Joseph Rosati, Coadjutor of Dubourg, St. Mary's Seminary, Perry Co., Mo., 22 June, 1824, to the General of the Society.

A pressing letter to the General, commending with equal earnestness the Indian missions and the St. Louis establishment.

L. 1824, December 28.

Rosati, Bishop Coadjutor of New Orleans; Odin, S.C.M. Secretary; 28 Dec., 1824. Appointment of Van Quickenborne as Vicar General of Upper Louisiana.

Nos, de probitate . . . Rev. P. F. Van Quickenborne, S.J. Sacerdotis, plurimum in Domino confidentes, . . . illum Vicarium Generalem pro hac Superiori parte Dioecesis nostrae curae specialiter commissae facimus et constituimus . . . Datum ex aedibus Seminarii S^tae^ Mariae . . . *28 Dec., 1824.*

[7] *In the town or village of Florissant.*

M. 1826, May 2.

Van Quickenborne, Florissant, 2 May, 1826, to the General.

On Bishop Dubourg's intended voyage to Europe. "He offers to us, and he will speak about it to your V. Rev. Paternity, a farm of 200 acres situated at Opelusas, in Lower Louisiana. He wishes to assign to the Society some entire district, as much as he gave us here." [8]

N. 1830, September 9.

Van Quickenborne, Florissant, 9 Sept., 1830, to the General.

Returning at this date, in 1830, to the matter of the original Concordat, Van Quickenborne remarks that he has never heard whether it was approved by the Sovereign Pontiff. "Bishop Dubourg, when he was here, told me he thought that the Propaganda stood in the way. The actual Bishop, Mgr. Rosati, a man eminent for learning, prudence, virtue, and highly esteemed in Rome as is clear here from the issue of his undertakings, adheres to the compact; and desires that religious communities should have their own districts, where they can work according to their own institute in the vineyard of the Lord; and he offered himself to obtain for me the confirmation of the contract from the Sovereign Pontiff." Would his Paternity then please intimate what is to be done in the matter. "Bishop Dubourg observed the conditions well enough; and the present Bishop perfectly; not so ourselves, albeit with the approval of the Bishops Dubourg and Rosati. I say, that the former observed them well enough; he failed in one point; but he made up for it as quickly as he could."

Description of the district assigned to the Jesuits: "The whole of it is in the State of Missouri." Extent of that district, with a roughly sketched map: 13 stations marked, the most distant being "12. Place for an Indian establishment, 240 miles" away, on the Osage River.

"It begins at the spot where the Missouri flows into the Mississippi, or rather the Mississippi into the Missouri, distant from Florissant eight or ten miles; then it extends westward to the head of the same River Missouri.[9] *The day before yesterday our Bishop [Rosati] told me that he desired much to have the Society take charge of the districts lying on the right bank of the Mississippi, beginning at the confluence mentioned above, and extending northwards thence as far as the limits of this State, that is, about 250 miles."*

General Archives S.J., Missour., Epist., 1, ii., Concordat, 19 Mar., 1823, between Dubourg and C. Neale; the original instrument (in B. Fenwick's hand) with authentic signatures, a Latin copy authenticated by Dubourg, and a copy in English by Van Quickenborne. Ibid., B. Fenwick, Mount Carmel (Portobacco), 6 May, 1823, to the General. Ibid., 1, iii., Van Quickenborne, 6 June, 1824, to the General. Ibid., J. Rosati, of the Congregation of the Mission,

[8] *The General, Father Fortis, underscores this last clause. The territory already assigned to the Fathers in Upper Louisiana was no less than the whole range of the Missouri River; and 250 miles in length on the right bank of the Mississippi were to be added. See infra,* N.

[9] *A range of 2200 miles by river.*

Bishop of Tenagra and Coadjutor of New Orleans, 22 June, 1824, to the General. Ibid., Van Quickenborne, 2 May, 1826, to the General. Ibid., 1, i., same to same, 9 Sept., 1830.—Ibid., Epist. R. P. N. Fortis, Lib. I., pars 1, *No. 149, the General, 25 July, 1823, to Dubourg.—Missouri Province Archives, 1823, Apr. 10, A. Marshall's assignment of six negroes to Van Quickenborne; in bundle of letters, inscribed* Nr 1st (*apparently by De Smet*). *Ibid., 1824, Dec. 28, Rosati's appointment of Van Quickenborne as Vicar-General; a long formula, 1 p. 4to. —Md.-N. Y. Province Archives, 21, McElroy's Missouri Papers, Concordat, 19 Mar., 1823; original* (*in B. Fenwick's hand*) *with authentic signatures. Ibid.*, (*B. Fenwick's*) *original draft of same, with corrections and erasures, and inscribed a* true copy. *Ibid., Dubourg's original bond, 25 Mar., 1823, to deliver over a farm at Florissant; 2 pp. fol. Ibid., Dubourg's explanation, Georgetown, D.C., 25 Mar., 1823, of the foregoing bond. Ibid., Dubourg, New Orleans, 27 Nov., 1823, to Rev. F. Neale, the Jesuit Superior, Portobacco, received by Dzierozynski, 27 Jan., 1824; 3 pp. 4to. Ibid.* (*1824 or 1825*), *note on the Missouri Jesuit property, in the hand of B. Fenwick* (*who became Bishop-elect of Boston in August, 1825*).

SECTION VII

CRITIQUE AND SEQUEL

§ 17. Documents in the Propaganda, etc.

The Critique contained in this Section consists chiefly in showing from a series of documents the development of a controversy, which occupies so prominent a position in Section III. *This development, in proportions altogether beyond the range of any one's prevision, would seem to have been the result of co-operating agencies, which indicated to Mgr. Marechal at different stages still further steps or measures to be taken. From a simple desire of his for a mensal provision, and some views which he entertained about his episcopal rights over regulars, there arose a contention affecting all the property of the Jesuits under the aspect of ownership, and their whole religious status under that of jurisdiction. Marechal was led to exemplify Livy's dictum: "Bella ex bellis seri," War sowing war; and Shakespeare's: "The end of it unknown to the beginning."*

The Sequel is of consequence, since it contains the process by which the Maryland Jesuits passed into history as having appropriated lands which belonged to other people, and as even not being Jesuits at all, but a kind of broken limb barely hanging on to the Society. This ultimate result, not to mention other features of the controversy, shows that, whatever they gained in maintaining their rights, they lost in reputation, and that they might have been much wiser in desisting from contention at an early stage, even at their own cost. So the General Father Fortis had enjoined them to do. So, nearly two hundred years before, Father Copley had done, in yielding to Cecil Lord Baltimore; and the General Father Vitelleschi had enjoined it as far as his own power extended, leaving what was beyond to the action of higher authorities, and to Lord Baltimore himself.[1] *The line of conduct pursued by the Maryland Jesuits was distinctly at variance with a policy already*

[1] History, I. 532, *ad* note 13; 558. Documents, I. No. 6, G, H, K, N, O, R, T.

explained in another place, that of foreseeing the lengths to which others may go, and of withdrawing from the contest in good time if one does not wish to stand all the consequences.[2]

The limits of space not admitting the full text of many letters and documents, nor even ample excerpts out of them, it will be sufficient in divers instances to trace the course of events with the help of abstracts or indications.

No. 197. **1549–1825.**

Civil and ecclesiastical tenure: use and meaning of the terms in Marechal's controversy with the Jesuits. *Civil or civic property, in European jurisprudence, is conceived to be such as falls within the cognizance of civil or common law, because it is the property of citizens, is for secular uses, or, if intended for pious purposes, is only private property which is completely at the disposal of the owner, and can be used or alienated by him as he chooses. Thus the private property of an ecclesiastic, whether used for pious or for other purposes, is civic in its nature. Ecclesiastical property is that which, for pious, charitable, or educational purposes, has come under the jurisdiction of the Church; it pertains in legal phrase, as Lord Chief Justice Coke stated, to the ecclesiastical forum;*[1] *and it cannot be relieved of its ecclesiastical character, or be alienated for secular purposes, except by ecclesiastical authority.*[2] *It has been a fixed principle, that whatever a regular acquires,* a man of religion, *as Coke styles him, is acquired for the Order to which he belongs: Quidquid monachus acquirit monasterio acquirit.*[3] *By that fact it is subject to the essential laws of religious life, and it comes, like the religious institute itself, under canonical jurisdiction. It is in a strict sense ecclesiastical.*

In the legislation of the United States, a double jurisdiction, and a twofold character, civil and ecclesiastical, found no place. Hence a new situation arose with respect to civilly incorporated property like that of the Jesuits. The exclusion of any legal recognition for ecclesiastical rights as such would seem to have confused the minds of men like Carroll and Kohlmann, who were otherwise clear thinkers. And, going back to times antecedent, when the

[2] History, I. 73.
[1] *Ibid.*, I. 584. *Cf. ibid.*, 592, *ad* note 1.
[2] *Cf. ibid.*, 599. Documents, I. No. 6, G, H, N, R.
[3] *Cf.* History, I. 580, *ad* notes 7, 8.

Federal legislation did not yet exist, Kohlmann argued that, because English statute law had not recognized Catholic ecclesiastical rights as such, therefore not even from the beginning had the property, held by the Jesuits in colonial times, been in its nature ecclesiastical.[4]

Charles Neale put the question to Marechal: Is the property civic or ecclesiastic ?[5] *Marechal answered: "The property of the Corporation is in a strict sense ecclesiastical." He gave three reasons; but, if any of these were true or exact, no one of them was conclusive to prove the ecclesiastical character. "1. Prince Baltimore and other pious donors consecrated it [the property] to the divine worship." He should have added, in order to make the argument good, that the intention of such persons was effectual in giving the property to the Society, whereby it became ecclesiastical; but, as he everywhere contended that the Society had never become effectually the owner of the property, the intention of the supposed donors must have been nugatory.*[6] *"2. The Jesuits themselves, civil possessors according to the tenor of the Maryland charter, declared under oath before magistrates that the property was destined for religious and pious uses." The private property of an ecclesiastic could be the subject of such a declaration. "3. The Senate of Maryland decreed that it should be applied to the maintenance of the Roman Catholic clergy in Maryland."*[7] *The decree of a senate or parliament does not make property ecclesiastical, least of all in the American Union.*

Premising that the inhibition to alienate property without the authorization of the Apostolic See is correlative with the ecclesiastical character assumed by the property,[8] *the state of the question and its decision will be made apparent under the two following heads: A. authoritative statements, acts or prohibitions, showing the purchases of the Jesuits to have been strictly ecclesiastical; B. the diverging language and practice in Maryland, under the Federal Government.*

[4] *Infra*, B, 11.
[5] No. 124, B, p. 489; *and ibid.*, note 7.
[6] *Thus Kenney discussed the nature of the Corporation's title to the New York Literary Institution, and inferred that it had never been possessed by the Society, and therefore was not subject to ecclesiastical laws. See* No. 181, A, [*I.*].
[7] No. 124, C, (9º), p. 489.
[8] *Cf.* No. 150, R.

A. 1549–1825.

Ecclesiastical character of the property.

1. 1549, Oct. 18. Paul III., in the Bull, Licet debitum, *confirming the Society of Jesus. Authorization to accept property of any kind; and the application of all such, and its appropriation in perpetuity is sanctioned by Apostolical authority. See* No. 61, A.

2. 1641, Nov. 17. The Provincial Knott to Rosetti, in his Observations on Cecil Lord Baltimore's Points. Obs. 10: "Since the property which they [the Jesuit missionaries in Maryland] take possession of assumes at once the character of ecclesiastical property, it seems that they cannot resign it without prejudice to the Church." See No. 16, Notandum 10°, p. 171.

3. 1643–1647. The Generals Vitelleschi and Carrafa on the claims of Lord Baltimore to be put in possession of the Jesuit land. The property acquired, says Vitelleschi, seems to have become ecclesiastical; and nothing but a Papal dispensation, obtained through the Sacred Congregation, can release it. But, as the General's own power can be exerted over the fact of acquisition or acceptance, it is exercised in ordering the missionaries for the future not to acquire anything except in the manner desired by Lord Baltimore. See No. 6, G, H, K, N, O, R, T.

4. *1759, Apr. 2. The Provincial Corbie's* Some Heads to which the Superior in Maryland, by the advice of his Consult, in case of difficulty, must give a distinct answer to the Provincial at the beginning of every year, that he may inform the General, should any thing require his participation or knowledge. . . . 3°. If any alienation of land be at any time made without previous leave of the General, and for what reason.[9] 4°. . . . (*Md.-N. Y. Province Archives, 1759, Apr. 2; contemporary copy, if not original, attached to Corbie's* Ordinations and Regulations for Maryland, Apr. 2d. 1759.)

5. *1771, Oct. Petition in the name of G. Hunter, Superior of the Maryland Mission, to the Governor of Maryland, R. Eden, Esq., for the laying out of a town, Edenburgh, on an estate belonging to the former. The Petition affirms that Hunter holds the said land* in right of the Roman Catholic Church. *See* No. 81, B, p. 282.

6. *1806, Feb. 22; 1821, June 18. Letters patent of the Generals, appointing respectively Molyneux and C. Neale Superior of the Mission. Authority to alienate is withheld. See* No. 118, note 26.

7. *1812, July 9. Carroll to Grassi characterizes the incorporation of the estates as* the transfer of the ecclesiastical property to a body corporate from the hands of individuals, who might have appropriated much of it to themselves. *See* No. 178, Y.

8. *1815, Feb. 21. Carroll to Grassi speaks of* the preservation of the property, which formerly did, and now again does, belong to the Society. *See* No. 113, Q, p. 375, *ante med.*

[9] *Cf. infra,* A, 9–12. *The alienation in question affects not merely the Society's rules, but canonical laws.*

9. *1818, May 8. The General Brzozowski to Kohlmann, Superior in Maryland, on the proposal of the latter to alienate property. The General's power in the matter of alienation is derived in the first instance from the Sovereign Pontiff, Gregory XIII., subject to the limitation that any such alienation must be "unto the evident utility of the Society."*[10] *The Bull of Restoration (Pius VII.) seems to place the Society on the footing which it had under Paul III., prior to Gregory XIII. Hence the General considers that he must apply now for a distinct authorization to that effect :*

. . . Je désire vous donner en conséquence les pouvoirs nécessaires pour exécuter les déterminations qui seront prises après une mûre délibération. Mais il faut remarquer que le pouvoir qu'a le Général lui-même d'aliéner les biens immeubles est fondé sur la Bulle de Grégoire XIII., Apostolicae Sedis, et que tous les privilèges qui nous ont été accordés posterieurement à Paul III. peuvent nous être contestés du moins in foro externo, puisque la Bulle de notre rétablissement, prise à la rigeur, ne remet la Compagnie que sur le pied où elle étoit sous ce Pontife ; il est donc nécessaire d'obtenir une nouvelle autorisation du Saint Siège, et je vais écrire à Rome à cet effet. Il ne faut donc rien décider avant le retour du Père Grassi en Amérique, dont je désire que vous preniez aussi l'avis, l'ayant constitué procureur par ma lettre du 17 Février.

Il faut remarquer, en second lieu, que l'aliénation ne doit se faire que in evidentem utilitatem Societatis, et que par conséquent elle demande l'unanimité morale, ou du moins la grande majorité des suffrages de ceux qui sont en état de juger de cette utilité, et qui seront appelés à donner leur avis. . . . (*General Archives S.J.*, Epist. Vic. Gen. in Russia, 1810–19, *under date.*)

10. *1819, Dec. 4. The General Brzozowski to Grassi, Rome. He had asked Grassi, 12 May, 1818, to obtain for the Society in North America the faculty of alienating property moveable and immoveable, for the reasons assigned. He had desired the same to be obtained for "these northern parts of Europe, from which it is as difficult at times to have recourse to Rome, as it is from America." A faculty to that effect has now been returned for Russia ; but not a word in it about America. The necessary correction to be made by a new application to the Sovereign Pontiff for the faculty granted formerly by Gregory XIII. and Urban VIII. :*

Duodecima Maii anno 1818 scripsi R^ae^ V^ae^, et commendavi, ut pro nostris qui sunt in America foederata peteret a S. Pontifice facultatem alienandi bona tum immobilia tum mobilia, ob rationes quas tum recensui. Ad finem ejusdem epistolae commendavi praeterea, ut eamdem facultatem impetraret etiam pro his Europae partibus septentrionalibus, e quibus recursus quandoque Romam non minus est difficilis quam ex America.

[10] *The power of alienation, communicable to Provincials, Visitors, and Commissaries, is among the Faculties for the Indies, of which the General Vitelleschi sent a copy to the English Provincial, Father Blount, for use in Maryland. See* History, I. 267.

Per errorem factum est, ut tota facultas impetrata pro Russia fuerit, ne verbo quidem uno dicto de America, cum tamen pro illa mundi parte primario petierim. Displicet mihi valde error iste, praesertim ob Sanctissimum Pontificem, cui molestiam nullam creare vellem, et tamen supplicationem repetere debeo. Displicet 2^do^, quod Legatus Rossiacus facultatem hanc legaliter scriptam viderit. Quid si ad suam rem [?] deferat? Quanta hinc vexationum pro nobis materia et seges? Corrigat R^a^. V^a^. errorem. Petat a Summo Pontifice facultatem olim jam a Gregorio XIII. et ab Urbano VIII. concessam, qua nostri in America foederata[a] licite possint bona tum immobilia tum mobilia alienare, ad Dei gloriam et Societatis levamen et pacem. Brevissimum sine formulis juris scriptum in hanc rem sufficeret, quod R^a^. V^a^. P^i^. Kohlmann prima secura navi transmittere velit et me informare. (*General Archives S.J.*, Epist. Vic. Gen. in Russia, 1810–19, *under date.*)

11. *1822, Feb. 4. The General Fortis to Marechal. Canonical laws prohibit such alienation of property as was attempted in the agreement between the Superior, Molyneux, and Bishop Carroll. A previous consent of the General for alienation had always been required in Maryland, whether by a general authorization or for particular cases. His authority for this is derived from the Apostolical See. See* No. 116, D, §§ 18–20; No. 124, C, note 7. *This passage of the General's letter answers Marechal's contrary affirmation, noted infra,* B, 8.

12. *1820. The Visitor, Kenney's Ordinance on Temporalities. He says that,* as the Society in this Mission of the United States has entered into the possession of the property, which the ancient American Fathers have so wisely secured and the present Fathers with so much zeal and constancy have preserved, there no longer exists in this country any authority that can conscientiously alienate any part of it. *See* No. 181, A, [1].

13. *1824, July 11; 1825, Apr. 3, May 1. The General Fortis to Dzierozynski, Superior in Maryland. No alienation of any property can be effected without the authorization of the Sovereign Pontiff; he is not aware that Grassi ever obtained a general faculty in that respect for America (1824, July 11). As to selling the property in Philadelphia, ecclesiastical laws are to be observed, and the Society not to suffer detriment (1825, Apr. 3). Against the sale effected of a part of White Marsh one reason why the General condemns it is that "the property (say what you like) is an ecclesiastical possession, and therefore subject to the jurisdiction of the Congregation of Bishops and Regulars, from which Congregation, in order that the alienation should be legitimate, a licence had first to be sought" (1825, May 1):*

(1.) *1824, July 11.* 7. De venditionibus. *First, as to slaves: the principle and the precautions. Secondly, as to property:* De alienatione domus, ecclesiae vel praedii alicujus, nihil fieri potest sine Pontifice

(a) Valide et, *cancelled.*

Summo.—Fertur hanc facultatem pro America obtentam fuisse a P. Grassi olim; sed nobis non constat. Itaque de hoc alias scribam absolute. (*General Archives S.J.*, Epist., R. P. N. Fortis, Lib. I. pars 1, *No. 308.*)

(2.) *1825, Apr. 3.* 5^to^ Quod spectat ad venditionem domus nostrae Philadelphiensis, R^a^ V^a^ faciat et servet id quod praescribitur per leges ecclesiasticas, et ne Societas detrimentum patiatur. (*Ibid.*, Epist. Vicariorum et Generalium, 1783–1825.)

(3.) *1825, May 1.* Ultimae R^ae^ V^ae^ literae magnum mihi dolorem attulerunt. Intellexi enim ex ipsis vos nec prudenter decernere nec legitime. Vendidistis enim et abalienastis partem possessionis Whitemarsh, quae possessio adhuc sub judice est. Non poteratis in re primum controversa disponere; secundum, non poteratis per vos disponere; possessio enim (dicite quidquid vultis) est res ecclesiastica, atque adeo subjecta jurisdictioni Congregationis Episcoporum et Regularium, a qua Congregatione petenda primum erat, ut legitime id fieri posset, licentia; tertium, in infinitas molestasque quaestiones nos projecistis. (*Ibid.*, Epist., R. P. N. Fortis, Lib. III. pars 1, *No. 499.*)

The foregoing series of statements, covering nearly two hundred years, is sufficient to show authentically the character of the property, which was ecclesiastical. The idea of its being purely civil, and even private in a loose sense, arose after the Suppression of the Society; though no one implied that, being civil, it was also private in a strict sense, so that the holder could dispose of it as he chose. This latter notion does occur once,[11] *but not with any holder of the property, which was regarded as sacredly dedicated to the purposes of religion and piety.*

B. (1782)–1823.

Language and practice in Maryland after the Suppression.

1. (*1782.*) *Carroll's plan of organization for the preservation of the property. Referring to the action taken by the English ex-Jesuits as a precedent for Maryland,*[12] *he speaks of* the common rights of the missioners [*former members of the Society*] to their temporal possessions, to which as the Bishop, or Pope himself, has no just claim, so neither can they invest any person or persons with the administration of them. *See* No. 143, A, [VII.], *ad fin.*

2. *1783, Sept. 26, Carroll to Plowden. He repudiates the idea of any Roman authorities ever getting* possession of a sixpence of our property here; and, if any of our friends could be weak enough to deliver any

[11] *Infra*, B, 7.
[12] *For the action taken by the English ex-Jesuits, see* No. 150, P–E^2^.

real estate into their hands, or attempt to subject it to their authority, our civil government would be called upon to wrest it again out of their dominion. *See* No. 144, A.

3. *1785, Mar. 1. Carroll to Card. Antonelli.* "*There are no goods here that are properly ecclesiastical. What goes to maintain the priests is possessed in the name of private individuals, and is transmitted by will to heirs. Such was the policy imposed by hard necessity, while the Catholic religion here was hampered by the laws. Nor has any remedy been discovered as yet for this inconvenience, although last year we made earnest attempts* [*viz. to incorporate*]." *See* No. 149, E.

4. (*1787, Feb.*) *Letter of Digges, Ashton, Sewall, Boarman, and Carroll, to the members of the Southern District. Pending the reversion to the Society of Jesus if ever re-established,* the property is absolutely our own; *it can be used for pious purposes; and the Ordinary* is secluded from all share of government in our temporal affairs. *See* No. 153, B, [*IV.*], [*XI.*], [*XIII.*].

5. *1809, June 2. Carroll to Plowden. On the subject of a Jesuit property question in Ireland he passes a criticism similar to that in* B, 2, *supra. See* No. 178, V.

6. *1818–1821. Archbishop Marechal negotiating with F. Neale for the transfer to him of diocesan property, left in trust by the deceased Archbishop L. Neale, distinguishes therein two kinds, one* ecclesiastical, *the other apparently not so—Eutaw St. property being in the latter category* (*1821, Mar. 1, to F. Neale*). *He desires E. Fenwick to manage so that, in the instrument to be drawn up by F. Neale, these words be omitted:* to his Successors in the See of Baltimore (*1819, Feb. 4, to E. Fenwick*). *Hence he must have considered some trust property of the diocese as being private in some sense, to be used without reference to successors. See* No. 184, E–M.

7. *1821, Mar. 1. Marechal to F. Neale. He interprets the statement of a donation having been made to a missionary of the old Society*[13] *as* an assertion *that the property was left to the said Jesuit,* with a power to do with it what he pleased. *See* No. 181, J, ii. 1.[14]

8. *1822, Jan. 28. Marechal to the General. He refutes the General's statement that the Carroll-Molyneux agreement was invalid, because contrary to the "canonical rules of the Society," by affirming: "It is an indisputable fact that, for a hundred years and more past, the Superiors of the Society in our America have, without the previous consent of the Superior General, made all sorts of contracts validly, for instance, have bought, sold, lent, borrowed, contracted debts, received donations and very rich ones too, etc., etc." See* No. 116, C, p. 408. *This affirmation is answered by the General, supra,* A, 11.

9. *1822, Sept. 17. C. Neale, Superior, to Kohlmann.* The laws of the country do not permit our property, or the property of any citizen, to be taken away from us or him by the decision of any foreign court. The General himself, I believe, has not the power to do it. (*Georgetown College MSS. and Transcripts, Marechal Controversy; under date.*)

[13] No. 84, B.

[14] *Cf.* No. 89, F.

10. *1822, Dec. 9. C. Neale to Marechal. He states that the Suppression of the Jesuits placed their property outside of ecclesiastical jurisdiction; and that, in any case, the Act of civil incorporation had* changed it into civic. *See* No. 124, B, *ad* (10), (11).

11. *1822, Nov.–Dec. Memorial of C. Neale–B. Fenwick to the General, Nov. 22. See* No. 184, C. *Kohlmann, Dzierozynski, to the same, Dec. 5–28. See* No. 183, A–F. *All these suppose or advance the proposition that the property is civil in its nature. In particular, the clearest argumentation is the following:*

Kohlmann, Washington, 6 Dec., 1822, to the General, Father Fortis. Treatise on the grounds for issuing the Papal Brief. His definition of "ecclesiastical" seems to be restricted to the idea of what is administered by an ordinary episcopal authority. Cf. No. 183, A, *where his argument is, as Carroll's Declaration stated, that the property was not comprised in such as Pius VI. had committed to his administration, therefore Carroll acknowledged that the property was "not ecclesiastical."* [15]

Demonstration that the property in trust with the Corporation is civil, not ecclesiastical:

1. Because the said property, though possessed previously by ecclesiastical persons, was held by them only in a civil capacity. 2. Because the Corporation which holds it now is purely civil, consisting of persons acting only in a civil capacity. The intention of testators, or the fact that such property in the hands of heirs was devoted to pious uses, does not alter the character of the goods, as if they could be appropriated by ecclesiastical authority for the general purposes of religion.

In the further development of the argumentation, Kohlmann uses distinctly phrases to the effect that Fathers of the Society of Jesus acquired dominium of the property; and that they "became as perfectly and absolutely owners, domini, *as other citizens become."*

[*Pp. 7, 8.*] Et hic fortassis haud abs re fuerit aliquid addere circa naturam hujus corporationis, necnon et circa naturam bonorum, quae in ea deposita sunt. Est enim cur suspicemur, nec I^m^ Arch^um^, nec Sacram Congregationem ab ipso edoctam rectam de hujus corporationis ejusdemque bonorum natura habere ideam. Ista corporatio depingitur fortassis ut Ecclesiastica Institutio, Ecclesiastica pariter ejusdem bona forte censentur. Sed quam gratuito haec asseruntur, cuilibet consideranti patebit ex mox dicendis. Praedicta corporatio non est institutio ecclesiastica, sed mere civilis; pariter ecclesiastica non sunt bona quae possidet, sed prorsus civilia. Verum est quod ista bona ante corporationis erectionem fuerint possessa a personis ecclesiasticis, sed ex hoc nemo sanae mentis inferet esse necessario ecclesiastica, nisi quis contenderet Ecclesiasticos cessare esse cives, juriumque civilium esse incapaces. Bona ista utut transmissa ab ecclesiasticis personis sunt mere civilia; fuerunt enim a tempore

[15] *Cf.* No. 139, J, *where Beschter's language is probably to be explained in the same way.*

immemoriali, aliqua per ducentos etiam annos a patribus Societatis Jesu, non qua talibus, non qua sacerdotibus, sed qua civibus Americanis usque ad corporationis institutionem possessa et per legitima testamenta transmissa, haud secus ac bona temporalia ab aliis civibus possidentur et transmittuntur.—Corporatio itidem est institutio mere civilis. . . .

[*Pp. 9, 10.*] *The question of pious uses, and the fact that the property has been so employed.*

[*Pp. 11, 12.*] Dixi superius: qui haec bona ab initio acquisierunt. Nam sane gravissimus est error Arch^{i} arbitrantis, pleraque bona, de quibus agitur, ab initio gratis fuisse donata Societati Jesu a piis fidelibus. Circa quod observare licet, 1º quod, licet daretur hanc assertionem tam esse veram quam est reipsa falsa, non videtur quid contra legitimorum possessorum jus inde sequi possit; cum omni jure constet per donationem absolutam dominium transferri in eos, quibus donatio fit; ergo cum ista supposita donatio facta sit membris S. J. eo tempore quo pleno vigore florebat Societas, haec et nemo alius illorum bonorum dominium acquisivit; et cum iidem patres S. J. haec bona sic acquisita transtulerint in toties jam nominatam corporationem, haec sola et nemo alius hoc dominio gaudet.—Sed negamus 2º assertum. Bona praedicta non dono data, sed vel numerata pecunia, vel per legitimam haereditariam successionem (Whitemarsh non excepto), vel per absolutam concessionem a Gubernio primis Americae colonis, praestitis praestandis, factam originaliter acquisita sunt. Atqui manifestum est, bona sic acquisita nulla affecta esse conditione seu clausula, qua jubeantur expendi in causas pias. Sunt mere saecularia, et qui illa acquisierunt tam perfecti et absolute eorum Domini evaserunt ac evadunt caeteri cives, dum viis a jure civili approbatis bona acquirunt. Non negamus fieri utique potuisse, ut pii illi patres, primi istorum bonorum possessores, bona sic inconditionate et civiliter acquisita fortassis destinarint ad promovendum religionis bonum, sed hoc dicimus 1º quod ista pia intentio non possit immutare naturam istorum bonorum, nec [2º] destruere, annullareve illum primigenium titulum seu jus, quo fuerunt acquisita, adeo ut legitimi illorum possessores non censeantur amplius eodem jure ac titulo ea possidere, quo primum fuerunt acquisita.—Demum, ut omnibus tricis obvietur semper et pro semper, asserimus 3º, quod ex primorum possessorum intentione illud bonum religionis, ad quod promovendum ista bona relicta esse dicuntur, promoveri debeat non per Ecclesiam universim spectatam, non per hanc vel illam personam aut communitatem indifferenter, sed per illud corpus, per illam communitatem religiosam Cleri saecularis vel regularis, pro qua nominatim, determinate, et in specie primo comparata, dein fideliter conservata ac transmissa sunt; talis autem communitas, pro qua corporatio ista bona in custodiam accepit, ac hic et modo tenet, non est alia nisi Societas Jesu, ut abunde patet ex dictis.[16]

[16] *This treatise of Kohlmann's is continued infra*, No. 199, B. (*General Archives S.J., Maryl. Epist., 6, ii., Kohlmann, Washington, 6 Dec., 1822, to the General; 24 pp. 4to, very heavily underlined. Cf.* Nos. 180, T, note 52; 183, B.)

12. *1823, Feb. 17. Beschter to C. Neale, Superior. He rebuts an obscurely formulated argument of adversaries,* that the professed Jesuits cannot hold any property as belonging to them, therefore the property which they obtained from Lord Baltimore, at the destruction of the Society, became Church property ;[17] and that those who had it in trust secured it to the Church by the Act of Corporation ; that Rome therefore dispose of it in his [*Marechal's*] favour. *See* No. 129, B, pp. 509, 510.

13. *1823, Apr. 23. The General to Father Joseph Tristram, Rector, Stonyhurst, England. He mentions from letters of the American Fathers, that they consider their property to be civil, not ecclesiastical, and that the Corporation which is invested with the property for the Society has, in fact, never conveyed it to the Order. Hence he declines to meddle with the case.*

De rebus Americanis haec scribo. . . . 4º Americani considerant sua bona non ecclesiastica, sed civilia tantum. Cur ego in civilibus alterius status [*me*] immisceam ? 5º Addunt etiam (quod plane a me nesciebatur) quod, licet bonorum in usu sustentetur illic Societas, tamen bona illa sunt propria Corporationis, et, licet obligata ea sit Corporatio tradere Societati, tamen haec traditio nunquam adhuc facta est ; et profecto non existit vestigium nec magnum nec parvum, quod sub antecessore meo vel sub me facta fuerit. Jam haec certissimi facti additio me omnino excludit ab eorum quacumque defensione aut mitione [!] [(b)]. Ipsa domina Corporatio sese defendat. . . .[18] *Ubi supra,* A, 13, (1) ; *No. 107.*

14. (*1823.*) *Analysis made in Rome of the American letters,* Fogli giustificativi, *justifying the action of the Maryland Jesuits in not executing the Brief regarding White Marsh. As the conclusion of many facts respecting the Corporation, and in particular of the circumstance that the Trustees have not actually conveyed their trust to the Society, the analysis states that "the property remains still secular," and that the General of the Society "cannot actually exercise any right over it."*

2º . . . Perciò i fondi restano ancora beni secolari anche per vigore di disposizioni testamentarie, e la Compagnia e il di lei Preposito Generale non può attualmente sopra di essi esercitare alcun dritto. 3º . . . *See* No. 198, B, 2º

The last passage seems to afford a reasonable explanation of the question, and to extricate it from confusion. The Americans considered that no ecclesiastical body or authority as such could "exercise" any right over the property. The persons invested with the trust held it in an exclusively civil capacity ; and, though they happened to be ecclesiastics or members of an Order, no such character in

(b) *An error of the amanuensis.*

[17] *Such an argument agrees in its premise with an elementary axiom, and in its conclusion ignores the same : Quidquid monachus acquirit, monasterio acquirit.*

[18] *Cf.* No. 187, A, note 12, *Tristram to Kohlmann, on this letter of the General's.*

them was legally recognized. These premises were true; but they did not warrant the conclusion that the property was not ecclesiastical. Some of the statements made by the Americans themselves prove that it was; because they show that it had been such, and none show that it ever ceased to be what it had been.

Kohlmann in his argumentation (B, 11) *appears to have kept his eye fixed on Marechal's affirmation, with its proofs and suppositions, that, if the property was in the hands of ecclesiastics, or if it was meant for pious purposes, it necessarily passed under the jurisdiction of the Church. He rejects these reasons; for the Corporation, though composed of ecclesiastics, was distinctly a civil institution; and, as to pious purposes, any one could dedicate his goods to such uses without therefore losing any particle of his right over them.*

The one argument which would have served Marechal was the substantial fact that the Society of Jesus, a regular body of the Church, had made the acquisitions, which by that fact had passed under the jurisdiction of the Church, and had never been released from its ecclesiastical character by the authority of the Church itself. But this argument Marechal could not advance. He always contended for the contradictory proposition, that the goods in question had never belonged to the Society; they were intended for a Church in Maryland distinct from the Jesuits, though these in former times had been the only ecclesiastics there.[19]

Kohlmann, pursuing the argument that the property had been possessed by the Jesuits, made it evident that it had been possessed by the Society. He showed that the Jesuits were owners, domini. *So far he was conclusive against Marechal. But, as against himself, he was equally conclusive to the effect that, if the Jesuits were* domini, *the Society was domina, as in one place quoted he expressly affirms.*[20] *The property became and remained ecclesiastical. The accession of a civil title might impede the Church's authority; but it was a title merely co-ordinate.*[21]

[19] *Cf.* No. 181, J, note 34.

[20] *Supra*, B, 11: haec et nemo alius illorum bonorum dominium acquisivit.

[21] *Cf.* No. 150, E², 2°, *a different way of speaking about the dominium; where an English ex-Jesuit says that, in the hypothesis of the ex-Jesuit body (in England) being* totally destroyed, laid aside and not permitted to act, 'tis plain the Dominium would be in the Church as in [*the case of*] all other pious foundations. *In* No. 221, B, *ad* note 7, *Father Stone makes a statement analogous, with respect to Irish property; but, as the antecedents there show, the case is so far different inasmuch as part of the property was in every sense private.*

No. 198. **1818-1824.**

Legal titles: divergent views. *Marechal, in a Diary of his visitations, 1818–1824, makes entries about the Jesuit possessions*[1] *as held by a* legal title, *the implication being that the beneficiary use lay with the Ordinary of Baltimore in the right of the Church. An analysis made in Rome of the papers,* Fogli giustificativi, *sent by the American Fathers at the end of 1822, supplies the necessary complement to the idea of a* legal title.

A. 1818–1824.

Marechal's Diary, April, May, 1818. Extracts.

Newport . . . Mr. Carey [*S.J.*] bought about 700 acres of land next to the church. The congregation paid better than half the money. Mr. Carey has the legal title. . . .

Newtown . . . N.B. They say that New Town was given to the Church by Mr. W. Brittain.[2] . . .

Frederick Town. *Two diagrams, one of town lots, another of two little farms at a short distance off, consisting respectively of nine acres and four acres. A note is added to the first diagram, that there are* 50 acres woodland, at 3 miles distance.[3] *Inscribed on the first diagram:* No. 2, 4 acres. The whole of this property is in the legal possession of Rev. Fr. Neale. *Other items are noted as belonging to the Corporation.* N.B. The church and grave yard were given for the use of the congregation. The houses and gardens together with the lot opposite to the church belongs [!] to the Corporation. There is besides at a small distance a lot of nine acres and another of four acres belonging likewise to the said Corporation, viz. 1 and 2. . . .

Ibid., 1819.

St. Ignatius, Harford Co. Notes. *The church and graveyard.* The whole was deeded to the Rev. Charles S[*e*]wall.

The plantation on which the priest lived has been sold by the Jesuits. $3000 part of the price of the land have been invested in stocks of the Bank of the U.S., whose dividend is perceived by the incumbent. A plantation called Arabia Petraea of about 350 acres belongs to the Jesuits.[4]

White Marsh. . . . N.B. The plantation of White Marsh was given to the Church by James Carroll.

N.B. It is said that Bohemia plantation is composed of gifts made to the Church; 1st. by two poor Irishmen who gave the first track [!] of land; 2. by Mr. Nowland; 3ly. by Mr. Heath.[5] . . .

[1] *Cf.* No. 139, A, note 4, p. 582, *Dzierozynski, 10 Nov., 1826, to the General.*
[2] *Cf.* No. 26, 32.
[3] *Cf.* No. 78, note 6.
[4] *Cf.* Nos. 126, B, *ad* note 1; 129, A, note 1.
[5] *Cf.* No. 28.

Ibid., 1824.

June . . . St. Inigoes. 5th. Read old manuscripts. Thomas Copley kept about 8000 acres out of 28,000 for the Society. He took up St. Inigoes, St. George's Island and 400 acres of town land about St. Mary's, which were granted to Ferdinand Pulton for 19 servants imported (Lib. F., folio 61, 62, 63, in 1637). But he, not being naturalized, *etc. Here the Diary contains a summary of what follows in the manuscript, as given supra*, No. 24, pp. 201-203.[6]

B. (1823.)

Analysis made for the General in Rome of the papers sent by the American Fathers, Nov.–Dec., 1822.[7] *The legal title of the Corporation, which holds for the benefit of the Society, but has not yet conveyed the property to the beneficiary. The General cannot exercise any right over the trust so held; nor is the Corporation free to alienate in favour of any other. The only line of action which the General can pursue is to exhort or command those under his authority to remain passive, whatever measures the archbishop may think fit to take.*

Dall'esame fatto dei Fogli giustificativi spediti dai Religiosi della Compagnia di Gesù dimoranti nella missione del Maryland mi pare, che risulti ad evidenza :

1º Che l'attuale Arcivescovo non hà alcun diritto di appropriarsi i fondi ritenuti dalla Corporazione detta del Clero del Maryland.

2º Che, quantunque detta Corporazione (meno uno o due individui) sia ora composta di Gesuiti, nondimeno i beni dai medesimi ritenuti non possono considerarsi come beni di dritto della Compagnia di Gesù : giacchè restano sotto l'alto dominio di quel Governo che istituì tal Corporazione : perchè dagli amministratori, dai quali si è giurato d'usare ogni diligenza per farne la consegna alla Compagnia qualora fosse colà ripristinata,[8] ciò non si è fatto : e vi saranno state ragioni prudenziali di non farlo, tanto più che in detta Corporazione si ritrovano ancora due individui che non sono della Compagnia ; perciò i fondi restano ancora

[6] *Cf. Georgetown College Transcripts, (1820)*, Churches and lots left to Archbishop Marechal in trust for the benefit of the Catholic religion. . . . 4. The house plantation, 3 negroes and some furniture, of Thomas Courtney Reeves, Upper Zachia, Md., left by him for the support and residence of the pastor (*cf.* No. 76, A). [*5.*] Sept. 9, 1785, Rev. Jacob Frambach obtained three lots, Nos. 97, 98, 99, of the square 13, from Joseph Doll, for the sole use and behoof of the Roman Catholic Church, at Fredericktown (*cf.* No. 91, A). *Other items follow.* (*A Shea transcript with the reference :* The above is taken from Archbishop Marechal's notes.)

As a part of the summary just mentioned in Marechal's Diary appears N.B. *twice, noting Henry Warren's deed in parchment,* London, 24 Augt, 1685, *and another parchment indenture of* Ralph Crouch of London, *Oct., 1662* (*cf.* No. 35, p. 217). *Since these Jesuit names and some others occur in just the same form as the names of the lay gentlemen, Cuthbert Fenwick, Thomas Matthews, William Brittain, it may be that Marechal took them to be designating laymen, whose benefactions to the Society were thus on record in the old parchments ! Cf.* No. 115, § 10, *et seq. passim.*

[7] No. 183, A–G.

[8] *According to the Society's* jus ad rem. (*General Archives S.J., Maryl. Epist., 6, ii., l ; another memorandum on the American letters.*)

beni secolari anche per vigore di disposizioni testamentarie, e la Compagnia, e il di lei Preposito Generale, non può attualmente sopra di essi esercitare alcun dritto.

3º Per la stessa ragione non possono essere astretti gli amministratori, o gli individui della Corporazione, a donare quello che posseggono; poichè [a] gli amministratori non possono dare, mentre converrebbe che restassero prima sciolti dal giuramento, e che consentissero in questa donazione quelli che non appartengono alla Compagnia, e che sono nella Corporazione.

☞ Nota. *A criticism on the donation actually made by the Corporation to the archbishop's cathedral, Baltimore, seeing that the said Board had no power to dispose of property, except according to the terms of the trust. See* No. 94, F.[b]

4º In ultimo a me sembrerebbe che si potesse concludere, che il M. R. P. Preposito Generale, finchè non sia fatta una formale dichiarazione appartenere alla Compagnia di Gesù i beni, che la Corporazione del Clero del Maryland possiede, non abbia alcun diritto di esercitare sopra di tali beni: come niun diritto vi hà l'arcivescovo: e non potrà se non che rimettere il M. R. P. Preposito che esortazioni e comandi, perchè i suoi sudditi, che protestano di non potere in conscienza disporre ed alienare ciò, su di cui non hanno autorità, si diportino passivamente nelle disposizioni che Mr Arcivescovo vorrà prendere sopra i fondi, che da essi s'amministrano. [*Finis.*]

Georgetown College Transcripts, 1818-1825, Diary of Archbishop Marechal, 1818-1825: copied from the original in two volumes now in Bishops' Memorial Hall, Notre Dame, Indiana, *f. 5, seq.; Shea's copy, 8vo, ff. 29.—General Archives S.J., Maryl. Epist., 6, ii., M*, Dall' esame fatto dei Fogli giustificativi, *etc., the opinion apparently of one of the General's Assistants, probably Rozaven.*

No. 199. 1822, 1823.

Presumptive title of the See of Baltimore: analysis by the General and Kohlmann. *The Carroll-Antonelli correspondence; the Bull erecting the See of Baltimore; the expectations of Carroll.*

A. 1822.

Observations of the General, Father Fortis, on the fragments of the Carroll-Antonelli correspondence, cited by Marechal to Card. Fontana, 19 Aug., 1820;[1] *and on the Bull erecting the See of Baltimore. Obs. 1, 2: The fragments, as they stand, show that a hope had been conceived; but a hope is no ground of a right to the property of the suppressed Society of Jesus.*

(a) *Cancelled;* l'arcivescovo non può esercitar dritto su ciò [?]; e prendere per donazione non si può ammetter da. *Inserted infra:* non possono dare.
(b) *The date suggested in* No. 94, F, *is* (1824). *Preferably, it should be as here* (1823).

[1] No. 115, §§ 18-20. *See the fragments supplemented with their context,* No. 149, E-K.

Obs. 3–6: The Bull appointing Carroll to the See of Baltimore was issued several years before the incorporation of the Jesuit estates, over which therefore as incorporated it could give no right; Carroll made an express Declaration to the same effect;[2] *his conduct was conformable thereto; the clause of the Bull, interpreted otherwise by Marechal, is a usual formula, bestowing nothing, but conferring a right to administer diocesan property.*

Alcune poche Osservazioni sui due Fondamenti, ai quali appoggia Mons.r Arciv.o di Baltimore il diritto, che afferma d'avere sui beni della Corporazione de' Gesuiti del Maryland.

Primo Fondamento.

Le Lettere di S. Em.za il Card. Antonelli.

Osservaz.e 1.a Sarebbe stato bene necessario, che tutte intiere le lettere dell'Em.za Antonelli si fosser prodotte nella Ponenza. Ma realmente non se ne sono prodotti che dei frammenti. Or egli è vero; che da tai frammenti[3] ricavasi, essersi in Roma concepita speranza, che si potessero applicare i beni dell' estinta Compagnia per lo sostentamento dell'Arcivescovo di Baltimore, e di tutto il Clero di Maryland.[4] Ma qui è da osservare in prima, che una tale speranza può bene aver inclinato la S.a Sede all'erezione dell'arcivesc.to di Baltimore; ma nessun potrà dire, che tale speranza sia stata il motivo determinante di tal erezione. E la ragione si è; perchè dopo il primo di Baltimore in America si sono eretti varii altri vescovati, i quali nè avevano, nè potevano avere simile speranza.

Osservaz.e 2.a È da notarsi, che un diritto propriamente tale non può avere una speranza per base. La speranza è cosa condizionata, il diritto propriamente tale è cosa assoluta; la speranza è fallibile, il diritto è cosa certa; la speranza può essere immaginaria, può diventare lusinga, un diritto deve essere reale.

2.do Fondamento.

La Bolla d'Istituzione dell'arciv.to di Baltimore.

Osserv.e 3.a Questo è certissimo; che Mons.r Carroll fu consecrato Arcivescovo di Baltimore l'anno 1790. Quindi la Bolla d'Istituzione non potea dargli alcun diritto sui beni della Corporazione del Maryland, la quale si formò due anni appresso, cioè nel 1792.[5] Quelli inoltre, che e cercarono ed ottennero dal Governo di potersi costituire in Corporazione non hanno mai riconosciuto alcun diritto della Sede Baltimorense sopra i beni incorporati; nè alla Sede stessa hanno mai voluto concedere un tal diritto: siccome apertamente si vede leggendo gli Statuti della medesima Corporazione.

Osserv.e 4.a L'istesso Mons.r Carroll è pur certo, che ha espressamente

[2] No. 160, C.
[3] *Not from the fragments supplemented with their context.* *See* No. 149, E–K.
[4] *The clergy of Maryland at the time consisted of ex-Jesuits.* *Cf.* No. 181, J, note 34.
[5] *Cf.* No. 181, E, note 23.

dicchiarato, che in vigor della Bolla di Pio VI. non competeva alla sua mensa alcun diritto sopra i beni della Corporazione suddetta : ciò che non nega l'attuale arciv.º Solo questi si sforza d'indebolire secondo sua opinione la Dicchiarazione di Monsr. Carroll, dicendo, ch'essa fu data per ischivare non so quale scandalo.[6] Ma, dato anche (e in nessun modo concesso) che per tal ragione Mgr. Carroll abbia dato tale Dicchiarazione, resta forse per tale cagione mentale mutato il senso e le parole della Dicchiarazione medesima? Poi, è egli credibile, che un vescovo pio e dotto come Monsr. Carroll, per evitare uno scandalo nato da altrui malizia, abbia così formalmente e chiaro voluto negare un gius sacrosanto della sua Chiesa?

Osservᵉ 5ª Monsr. Carroll, non solo per la suddetta Dicchiarazione, ma sempre e costantemente ha riconosciuto, che i beni posseduti dalla Corporazione erano beni della Compagnia, e posseduti per la Compagnia. Perocchè ciò manifestamente apparisce anche dal solo atto di contratto istituito col P. Molineux ;[7] nel qual'atto non v'ha la più minima menzione di alcun diritto della Sede di Baltimore.

Osservᵉ 6ª Le parole della Bolla di Pio VI., con cui si conferisce all arciv.º l'amministrazione di beni temporali, non sono altro, che una formola generale ;[8] nè questa può conferire alle Sedi alcun nuovo diritto. Trovansi le parole stesse in altre Bolle di vescovi ; nè per ciò v'ha chi pensi che, in virtù di esse, abbiano le Sedi vescovili acquistato alcun dominio di tutti i beni ecclesiastici delle loro diocesi. Dappoichè il senso di tai parole si è che al nuovo vescovo si consegna l'amministrazione dei beni pertinenti alla propria Sede. Quindi suppongono un dominio già acquistato, non conferiscono un nuovo dominio. Dunque nel modo stesso vanno intese tai parole nelle Bolle de'vescovi Americani, come s'intendono nelle Bolle de'vescovi Italiani, o Tedeschi, o Francesi, e anche in Partibus, etc., etc. [*Finis.*]

B. 1822, Dec. 6.

Kohlmann, Washington City, 6 Dec., 1822, to the General. On Carroll's alleged expectations, that a pension granted to him would be continued in favour of his successors. Kohlmann rejects such a plea for grounding a right.—Continuation of No. 197, B, 11, *supra.*

Ultimum I[*ll*]mi Archi Fundamentum

est ejusmodi : Non semel nempe inquit audivisse se ab Imo Episcopo Carroll, pensionem sibi a Corporatione statutam perpetuam fore, et eumdem Archiepiscopum cum indignatione rejecturam[*um*] eam fuisse, nisi certo existimasset, illam cum sua persona non esse exspiraturam, sed ad suos successores in perpetuum transituram.[9] Ad hoc fundamentum evertendum multa verba facere non est necesse.

[6] No. 117, C. *Cf.* No. 162, P, note 43.
[7] No. 186, A.
[8] No. 160, *ad* note 1.
[9] *Cf.* No. 180, P, 3º

1º *Carroll's counter-Declaration.*

2º Haec, per me licet, intellexerit actualis Archus Marechall ex Imo suo praedecessore Carroll; ita sibi persuasum habuerit Imus Carroll, speraverit, non dubitaverit, rem ita se habere; haeccine, quaeso, mera persuasio, haec spes, haec fiducia nulli fundamento innixa sufficient ad imponendam certam, gravissimam eamque perpetuam obligationem? Quid? an non rideretur in judicio sive civili, sive ecclesiastico, qui ex eo quod pensionem annuam per modum doni mere gratuiti a me accepisset, praetenderet hanc pensionem jam jure sibi deberi, deberique esse perpetuam, nullo alio titulo suffultus, quam quod certo existimaverit, nullusque dubitaverit eam fore perpetuam? Jam hic est ipsissimus casus Archi Carroll; assignavit quidem pensionem Archo Corporatio, sed 1º modo majorem, modo minorem pro ratione circumstantiarum, 2º non absolute et illimitate sed sub hac expressa conditione, "donec nempe jus eligendi Episcopum penes Corporationem foret."[10] *Kohlmann then presses the argument for the time when a new circumstance was verified, that the Society of Jesus had revived.*

General Archives S.J., Maryl. Epist., 6, i., F, Alcune poche Osservazioni; *the General's autograph draft; a copy by the amanuensis, corrected by the General, and given above; a Latin translation, in Rozaven's hand. Ibid., 6, ii., Kohlmann, Washington City, 6 Dec., 1822, to the General; 24 pp. 4to.*

No. 200. 1820–1822.

Gradwell and Poynter: an English controversy brought into American affairs. *Dr. Robert Gradwell, agent in Rome of the English Vicars Apostolic, became agent for the Archbishop of Baltimore and the Bishop of Quebec. Bishop Poynter, Vicar Apostolic of London, treated of Maryland affairs in letters which were submitted by his agent to the Propaganda. Two points of a controversy between the English Vicars Apostolic and the Jesuits in England enter into the American controversy between Marechal and the Maryland Jesuits. One was the question of patronatus.*[1] *The other was the civil status of the Society, which, not being recognized by the Government, was therefore to be considered as not revived by the Papal Bull of restoration, and as incapable of re-entering into the possession of its former property.*[2]

A. 1820, Nov. 28.

Bishop Poynter, Vicar Apostolic of London, 28 Nov., 1820, to Gradwell. Abstract of Gradwell's Italian translation for the Propaganda.

1º *Quebec.* 2º *The United States of America. Letter of Mgr. Joseph*

[10] *Cf.* No. 149, B, 2º, note 2.
[1] No. 120, 5ª, note 4.
[2] No. 220.

Octave Plessis, Bishop of Quebec; and two letters of Marechal. On Irish priests and American Sees. Application of English rules to America. Apology of Poynter for entering into American affairs. The confidence to be reposed by Rome in the bishops.

B. 1821, Feb. 9.

Gradwell, English College, Rome, 9 Feb., 1821, to Marechal.

He accepts the post of agent for Marechal. Knows little of American affairs. Card. Fontana allows him to use an amanuensis to copy memorials, etc., for the Propaganda. He finds that a question [3] is before the Sacred Congregation about the Jesuits claiming as their own property the pious foundations, which they have got into their hands; that a plan is in agitation to reduce the Dominican adventurers to some kind of subordination and dependence on the Bishops. *The See in Virginia, and Marechal's desire to have the right of presentation as Metropolitan.*[4] *Gradwell's expenses as agent. He will leave it to Dr. Poynter to determine.*

P.S. by Dr. Poynter, London. Suggests £30.0.0. a year. Compliments Marechal on obtaining such an agent.

C. 1821, Mar.–May.

Poynter's "confidential" communication to Gradwell of a letter from Marechal, with two of his own. Gradwell's Italian translations for the Propaganda.

1º *Marechal, Baltimore, 30 Mar., 1821. On Irish priests and Ireland generally. The Propaganda has allowed itself to be deceived.* (*4 pp. 4to.*)

2º *Poynter, London, 25 May, 1821, to Gradwell. Same matter.* (*3 pp. 4to.*)

3º *Same to same, 26 May, 1821. Directing that his letter of the day before might be communicated to Card. Fontana; but "reserve was to be observed with the other (Cardinals)."* (*3 pp. 4to.*)

On the lay-trustee difficulty in Philadelphia, Poynter cites the Bishop of Quebec. On American Sees to be secured by Irishmen, he quotes Bishop Burke of Halifax, who passed lately through London. On the use of Church property under the title of patronatus or quasi-patronatus, he controverts the views of the Jesuit, Robert Plowden, and his system of sub-quasi-patronatus.[5] *Divers apologies for interposing in American affairs.*

[3] No. 115.

[4] *For the answer to this contention of Marechal, who was always reverting to it, see* No. 121, A, note 2.

[5] *Cf. Md.-N. Y. Province Archives, carton A, 4, R. Plowden, 12 Dec., 1796, to the other English ex-Jesuits; a printed folio sheet. The general principles advanced by Plowden are not different from those exhibited supra,* No. 150, T–E², *on the property of the extinct English Province S.J.*

D. 1821, June 7.

Marechal, Baltimore, 7 June, 1821, to Dr. Robert Gradwell, Rector of the English College, Rome. On Gradwell's acceptance of agency at Rome. Stricture on the Propaganda's measures. Marechal refers Gradwell (3°) *to the fundamental document (19 Aug., 1820),*[6] *by which the controversy with the Jesuits had been submitted to Card. Fontana.*

Baltimore, 7th June, 1821.

Confidential.

Rev. Sir,

I had a few days ago the consolation of receiving your letter by which you inform me that you consent to be my agent near the Holy See. No news could give me a more sensible pleasure. It affords me hope that by your long experience and great abilities an end will be put at last to the disastrous measures, which the Propaganda, misled by Irish intrigues, has this [!] many years not ceased to adopt.

To spare me the trouble of writing, and you the expense of postage, I take the liberty to refer you to several papers which, by means of Card. Fontana, you may easily obtain from the Archives of the Propaganda. The following are the principal ones.

1° a letter I wrote, on the 16th Oct., 1818, to Card. Litta.[7]

2° a letter to Card. Fontana, dated 2nd January, 1820.

3° an ample memoir to D°, on the difficulties existing between me and the Jesuits, respecting both the spiritual and temporal rights of the See of Baltimore.

4to. a letter to D°, against the erection of a see in Virginia.

5° my answer to Dr. Killy [*Kelly*], when he presented to me his bulls as Bp. of Richmond.

Other proceedings of more recent date, which the agent should know of, regarding chiefly the division of his See.

Your humble servt,

+Amb., Arch. Balt.

To the Rev. Mr. Gradwel, Engl. Coll. Rome.

E. 1822, Feb. 16.

Beschter, Baltimore, 16 Feb., 1822, to Dzierozynski, Georgetown. He reports the substance of a letter, recently addressed by Marechal from Paris, 10 Dec., 1821, to Whitfield, Baltimore. Expectations of success at Rome in his case against the Jesuits. One of the reasons is the same which Dr. Poynter, after an interview with Lord Sidmouth, had successfully advanced in Rome, with the help of Card. Consalvi, against the recognition of the English Jesuits, as re-established by the Bull of Pius VII.:[8] *"The Society*

[6] No. 115.
[7] *Cf.* Nos. 184, A; 190, B.
[8] No. 220, B, C.

has never been restored in these [*United*] *States: the Government has never consented; and, if it were consulted thereupon, it would give a negative answer; therefore the Government opposes.*"[9]

. . . Litteras ab ArchEp. [*Marechal*] Parisiis datas 10ª Xbris. Revd Whitfield accepit. Ex his patet eum bono animo Romam tendere cum spe obtinendi pensionem ex bonis Jesuitarum. His nititur rationibus: Bona ista nunquam fuere Societatis, sed pro bono religionis;[10] Corporatione Cleri Baltimorensi eo diriguntur; et, cum ipse sit caput cleri, sic et Corporationis esse debet. Societas nunquam in his Statibus restaurata fuit:[11] Gubernium nunquam consensit, et si desuper consuleretur responsionem negativam daret; ergo obstat Gubernium. Ipse tamen Romae nihil petet nisi ut possit se ad legislatores nostros vertere, et ab ipsis sententiam petere. Haec in conversatione cum Revdo Dno Whitfield, si non verbatim saltem quoad sensum audivi. . . .

Georgetown College Transcripts, 1820, Nov. 28, Extract (in Italian) of Poynter's letter to Gradwell; copy from Propaganda Archives, Scritture riferite nei congressi, 1818–1820, America, *vol. 4; 4 pp. 4to. Ibid., 1821, Mar. 30, (Marechal), May 25, 26, (Poynter), confidential to Gradwell from Poynter; copy from Propaganda, 1821-1822,* America, *vol. 7; 10 pp. 4to.—Baltimore Diocesan Archives, 17, G, Gradwell, Rome, 9 Feb., 1821, to Marechal, Baltimore; 3 pp. 4to.—Md.-N. Y. Province Archives, 1822, Feb. 16, Beschter, Baltimore, to Dzierozynski, Georgetown.—English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, f. 4, Marechal, Baltimore, 7 June, 1821, to Gradwell, Rome.*

No. 201. **1821–1824.**

Gradwell's agency for Marechal: period till the Papal Brief passed out of sight. *Till the Brief is issued the Jesuits are classed with lay-trustees and clerical adventurers. After the issuing of the Brief they figure in various lights.*

A. 1821, June 23.

Gradwell, Rome, 23 June, 1821, to Marechal.

On the turbulent faction, *Hogan at Philadelphia, etc. Gradwell's speech to Card. Fontana:* I said: America needs and now implores the same blessing which England has already received from your Eminence's prefectship, the defeat of a turbulent faction,[1] and the restoration of right order in that afflicted church. *The conspiracy of intriguers to deceive the Propaganda.* The system of trustee-presentation to foundations is a most mischievous pretension. Whether it be done by laymen or Jesuits,

[9] *Cf.* No. 146, J, *ad* note 5; *T. Talbot and Grassi on the American Government.*

[10] *As this antithesis between "the good of religion" and "the Society" has no meaning, unless Marechal supposed the Society of Jesus to be a profane institution of some kind, the passage must be explained in the sense of* No. 181, J, note 34.

[11] *This statement, that "the Society has never been restored in these States," is contradictory to what Marechal's Anglo-Roman agent, Gradwell, had expressly reported to him eight months before, on the authority of Card. Fontana. See* No. 201, A, *ad fin.*: The Order is now restored in America.

[1] *See* No. 220, B, C.

it tends to shake security and confidence in the stability of ecclesiastical authority, even to the length of sacrilege and schism. I beg that your Eminence will look well into the state of the American church; and do promptly what your wisdom shall suggest to console the Archbishop and his clergy, and protect both their character and authority from the machinations of selfish regulars and intruding adventurers. *Fontana has read the letters, translated into Italian, and submitted by Gradwell. Three other American letters reached the Cardinal's hands last night, one being from Marechal. Fontana's opinion on the question of nomination to bishoprics;* with regard to lay trustees, there is precedent against their claims. But the claims of the Jesuits are a stronger case, because they were the only clergy originally, and were always the administrators of the property they claim, till the time of the suppression. Part of the property was given by men of their own body for the Order. The Order is now restored in America. They wear the habit, etc. *Episcopal nominations, etc. A short P.S. added by Poynter.*

B. 1821, Oct. 5.

Gradwell, Rome, 5 Oct., 1821, to Marechal.

Various items. Ever since Gradwell has had the agency for Marechal, the affairs of Baltimore have become the most important.

Baltimore Diocesan Archives, 17, F, Gradwell, Rome, 23 June, 1821, to Marechal; 3 pp. 4to.—English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, f. 50, Gradwell, Rome, 5 Oct., 1821, to Marechal; original draft.

At this point, Mgr. Marechal left Baltimore abruptly for Rome.[2] *In the following July the Brief was issued, requiring the Jesuits of Maryland to surrender White Marsh. The Brief not being executed by C. Neale, Superior in Maryland,*[3] *Marechal sent packets of letters from Baltimore to the Propaganda through Gradwell (4, 17 Jan., 1823).*[4] *The latter began the following series.*

C. 1823, April 24.

Gradwell, Rome, 24 Apr., 1823, to Marechal.

The packets of letters received from Baltimore, by way of London and of Leghorn. Gradwell's activity in delivering the originals and the copies; his interviews with a long series of Cardinals. They are all much displeased with the Jesuits; and will soon come to a result, I conceive similar to

[2] *From New York, 15 Oct., 1821, for France. Father Kohlmann found that he had been appointed by Marechal one of three Vicars General, with six counties to his charge. Neither he nor the General concurred in the appointment. (General Archives S.J., Maryl. Epist., 2, i., Kohlmann, 3 Oct., 1821, 10 Apr., 1822, to the General.)*

[3] *Cf.* Nos. 123–126.

[4] Nos. 127–129.

what your Grace recommends.[5] Be of good courage and do not flinch. *Various Roman and other items. Rosati was nominated for a new See of the Floridas, etc.; but the name was withdrawn on receiving a remonstrance from Mgr. Dubourg, who now obtains Rosati as coadjutor.* Father Fenwick, the Jesuit, is spoken of for Mississipi.

D. 1823, July 31.

Gradwell, Preston, Lancashire, 31 July, 1823, to Marechal, Baltimore.

Procrastination with reference to the Jesuit case in Rome. Difficulties advanced by Card. Castiglione. Gradwell is at present among Whitfield's clerical friends in Lancashire.

E. (1823, Nov. 10.)

Gradwell, Rome, (10 Nov., 1823), to Marechal, Baltimore.

Nothing accomplished yet in the matter of the Jesuits' disobedience to the Brief. Gradwell's devotion in the cause. Three interviews with the Pope: He was indignant. Even Cardinal Castiglione was shocked at the letters of Father Neale. What the Jesuits are at now is to prove that their foundations, farms, etc., are in debt, that they cannot afford to give up White Marsh, etc., that they must wait for a statement of Dr. and Cr. before they can justly resign any part of the property in which they are in possession; that the difficulty arises from the error which Pius VI. originally made in instituting the See, before any property was assigned with all the forms of civil law to the mensa;[6] and that Propaganda ought to remedy this error by itself giving a pension to the Archbishop. I find from Pistelli that General Fortis has said all these things, however extravagant. *On Jesuits and fictitious accounts. Deer Creek. Dubourg. Items.* Cardinal Fesch told me however last week, that they were embarrassed at the request of your Grace, that the S[*acred*] C[*ongregation*] would not proceed to inflict censures on those who were refractory, for fear of ruining the mission of Baltimore. . . .[7]

F. 1823, Nov. 23.

Marechal, Baltimore, 23 Nov., 1823, to Gradwell.

He submits a petition, to be presented to the Pope, if judged fitting: 1º on nomination to bishoprics; 2º on his case with the Jesuits, asking for an immediate decision by supreme apostolical authority. Various items.

G. 1824, January 17.

Gradwell, Rome, 17 Jan., 1824, to Marechal.

Gradwell wrote last, Nov. 10. The Pope's bad health. Surrounded by Card. Pacca, Severoli, and a few other enthusiastic councillors, the only

[5] *Cf.* No. 126, C.
[6] *No trace in any document of such a notion having ever been entertained.*
[7] *Cf.* Nos. 126, C, 1º; 129, A, p. 508.

thing in which he has shown most activity is in exalting the Jesuits, making harsh decrees to expel the Superiors and Professors of the R[*oman*] C[*ollege*], and substitute the Jesuits in Nov. next.[8] Rome has been full of astonishment. *Criticism on affairs. Card. Consalvi appointed Prefect of the Propaganda.* It is hoped that this will infuse wisdom into the public councils, and check that tide of reacting enthusiasm, bigotry and ultra Jesuitism, which portended no good to the Church in general, and was certainly exciting astonishment and disgust in this city. *Zeal of Card. Fesch in Marechal's service.* He finally refused to resign the See of Lyons.[9] His Em[a] co-operated zealously with me to g[*et*] the Brief of Pius VII. regarding the Jesuits executed. *The matter was reported in the General Congregation of the Propaganda, Monday last;* but to my mortification the Cong. decreed that the whole question should be resumed, a new Ponenza made embracing a world of papers lately sent by the Superior of the Baltimore Jesuits, and the whole matter referred to a future Gen[l] Congr[n]. *Bishop Fenwick of Cincinnati has taken with him, from the College of the Propaganda, a young Hanoverian priest, Mr. Résé; and he will call at Turin for Mr. Young, the Jesuit. He had proposed Father Enoch Fenwick for the mitre; Gradwell had opposed. Dubourg. Items.*

H. 1824, Feb. 28.

Gradwell, Rome, 28 Feb., 1824, to Marechal.

The Pope's health. Criticism of the public administration. At the conclave in which he (Leo XII.) was elected, a party of ultra zealots, more formidable for numbers, than furnished with wisdom, *had determined the policy of his reign, binding him, among other things,* to give preponderance to the Jesuits, at the expence of the other regulars and the secular clergy. *In this reactionary policy,* the weaker sort of Jesuits and ultras exult. *Failure of the administrative measures.* Even the favourite measure of expelling the present professors from the R[*oman*] C[*ollege*], and substituting the Jesuits, is deferred at least till next Nov[r]. *Card Consalvi, returned to Rome, was made Prefect of the Propaganda, but died in twelve days, on Jan. 24. Consalvi would have forced the Jesuits of America to execute the Brief. Now Card. Fesch and Mgr. Caprano (Secretary of the Propaganda)* do not flatter me with hopes of a speedy conclusion. A new Ponenza is making, and no time is yet fixed for its determination.

[8] *That is, to restore the Roman College to the Jesuits. Compare with this language of Gradwell's the terms used by Carroll in prospect of the same event* (No. 178, T[2], *ad* note 92); *and also the Pope's statements to his Treasurer* (No. 187, note 31).

[9] *Fesch was in exile from France since the fall of Napoleon, his nephew. The Pope, in concurrence with the French Government, desired him to resign the See of Lyons.*

J. 1824, April 23.

Gradwell, Rome, 23 April, 1824, to Marechal.

Gradwell's audience with the Pope on the subject of the Maryland Jesuits and the Brief. Mgr. Caprano will press the matter forward in Propaganda business, doubts not of Marechal having right and justice on his side; but he always comes to this question: Will the Jesuits obey? or, What if they will not obey? My answer always is: I think they will. Justice and consideration of public fame cannot fail to influence them, when they see that the H. See is firm and determined. At all events, let justice be done. If they refuse to do justice, let them be marked; and, if nothing else will do, let them be unfrocked.[10] *Gradwell sanguine; Fesch not so.*

English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, containing Gradwell's drafts or copies of his own letters; f. 86, Gradwell, Rome, 24 Apr., 1823, to Marechal. Ibid., same to same, (10 Nov., 1823); a loose sheet, the date given in letter of 17 Jan., 1824. Ibid., ff. 149, 150, Marechal, Baltimore, 23 Nov., 1823, to Gradwell. Ibid., Gradwell, 17 Jan., 1824, to Marechal; loose sheet. Ibid., same to same, 28 Feb., 1824; loose sheet. Ibid., same to same, 23 Apr., 1824; loose sheet.—Baltimore Diocesan Archives, 17, F, Gradwell, Preston, Lancashire, 31 July, 1823, to Marechal, Baltimore; 3 pp. 4to.

With the reopening of the whole Jesuit case by means of a new report or Ponenza in the Sacred Congregation of the Propaganda,[11] *the previous action was practically rescinded, and the Brief passed out of sight. Gradwell's activity on behalf of Baltimore took a new objective, leaving the Maryland Jesuits alone. The Roman College, after an interval of fifty years since the Suppression of the Society, was restored to the Jesuits by Pope Leo XII., who assigned funds for its maintenance from the Papal treasury. On these funds Gradwell proposed that a tax should be levied for Marechal's mensa. But, before the Brief disappears, we give its genesis.*

No. 202. 1822.

Cardinal Fesch in the controversy: Rozaven's observations. *The movement towards a compromise.*

A. 1822, Feb. 13.

Father Rozaven, the General's Assistant in Rome, 13 Feb., 1822, to Father Fidèle Grivel, Paris. The quality of the evidence adduced in the controversy.

One hundred good reasons for not writing; one shall suffice, that of having the Jesuit case with Marechal on his hands: Je dois encore faire le

[10] *Re-echoing Marechal, who desired to have Jesuits "reduced [!] to the state of secular priests, under the jurisdiction of the Ordinary"* (No. 129, A, p. 508).

[11] *Cf.* No. 131, *ad init.*, p. 518.

métier d'avocat. Nous avons ici depuis un mois ou plus Mgr. l'archevêque de Baltimore, qui s'est mis dans la tête que les biens des Jésuites dans les États Unis lui appartiennent, au moins en partie, et il assure que c'est là une chose évidente. Je suis chargé de combattre cette évidence ; la tâche n'est pas bien difficile, mais elle ne laisse pas que d'être laborieuse ; car vous comprenez que pour réfuter deux ou trois assertions exprimées en un petit nombre de lignes, il faut souvent écrire bien des pages, et cela demande du temps. *Rozaven has accordingly interrupted his work on M. de la Mennais.*

B. 1822, May 25.

Rozaven, Rome, 25 May, 1822, to Father Gury, Paris. Uncertainty as to the probable action of the Sacred Congregation.

. . . J'ai sur les bras Mgr. de Baltimore, qui me donne bien de la tablature. Il s'est mis dans la tête que nos biens en Amérique lui appartiennent. Je suis chargé de réfuter ses mauvaises raisons et je le fais, je crois, assez bien ; mais l'affaire est portée à la Congrégation de la Propagande, et j'ignore qu'elle sera la décision ; il est comme impossible qu'elle nous soit entièrement contraire. *Other matters.*

C. 1822, July 3.

Rozaven, Rome, 3 July, 1822, to Grivel, Paris. On Fesch's ardour, and the claim that a right be acknowledged in Marechal. The said claim disallowed by the General.

. . . Mgr. l'Arch. de Baltimore nous donne ici bien de fil à retordre, et nous à occasionné bien des désagrémens. En mon particulier, j'ai encouru la disgrâce de son E. le Card. Fe – – –, dont je n'avois pas l'honneur d'être connu. Il s'est déclaré le protecteur et l'avocat de Mgr., et il met dans cette affaire une chaleur extraordinaire. Pour éviter bien du scandale, nous serons obligés de faire quelque sacrifice. Nous nous y prêtons de bonne grâce ; mais sa grandeur et son E[*minence*] voudroient bien nous forcer à reconnoître le droit, et c'est à quoi nous ne pouvons consentir, parceque la verité et la conscience s'y opposent. . . .

D. 1822, August 5.

The Provincial of France, Father D. Richardot, St. Acheul, 5 Aug., 1822, to the General. Card. Fesch, Archbishop of Lyons, and the Jesuits.

The difficulties met with in many parts of France by ecclesiastics who desire to enter the Society. The bishops refuse an Exeat. The embarrassment of the Provincial. He asks advice. If he admits such applicants, he is afraid that Ordinaries will issue against them decrees of suspension. In particular, he names the Bishops of Valence, Montpellier, the Archbishop of Tours, and most of all Card. Fesch, whose Vicars General at Lyons are under orders to allow no Jesuit the exercise of the ministry, and much less to allow of ecclesiastics entering the Order : Episcopi illi sunt : Valentinus, Montepessulanus,

Archiep. Turonensis, et maxime vicarii generales Lugdunenses, qui ex mandato Cardin. Fesch nostros praedicare, confessiones audire vetant, multo magis personas a sua Dioecesi nobis negant.

Md.–N. Y. Province Archives, carton 25, Grivel Papers, f. 27, J. L. Rozaven, Rome, 13 Feb., 1822, to Grivel, Paris. Ibid., f. 28, same to same, 3 July, 1822. —General Archives S.J., Francia, 2, xiv., 4, Rozaven, Rome, 25 May, 1822, to Gury, Paris. Ibid., Francia, 2, i., 23, D. Richardot, St. Acheul, 5 Aug., 1822, to the General.

The Propaganda having referred Marechal's claims to a committee of Cardinals acting as arbiters between the parties, the General showed his willingness to afford Marechal a subsidy, in the name of the American Fathers. But these negotiations for a concordat failed, first and chiefly on the question of a right, which the General could not recognize in Marechal.

No. 203.[a] **1822, May.**

The compromise: conditions offered by the General.[1] *Limitations imposed on his action by the circumstances of the American case.*

A. 1822, May 10.

The General, Father Fortis, 10 May, 1822, to Cardinals Fesch, Castiglione, and Della Genga.[2] *Abstract from the Italian.*

1º The sole basis of any pacific agreement between Marechal and the Jesuits in America must be the mere claim of propriety and equity, that the Jesuits who possess estates in a corporate capacity should contribute to the maintenance of the Archbishop of Baltimore, like other Catholics who are in his diocese.[3] *There must be no implication that the Jesuits in the United States hold any property by an unjust or dubious title.*

2º The General is prepared to impose a tax on the Corporation, under two conditions.

3º First condition: Let the archbishop place in the hands of the General an instrument signed by himself in writing, that neither the Archbishops of Baltimore nor the clergy of Maryland have any right over the property of the Corporation, save such as is acquired by this concordat.

4º This measure is absolutely necessary, (1) to secure peace and quiet to the proprietors; (2) to cut at the root of all litigation, annoyances, claims, expenses, which may be caused by future archbishops, or the rest of the clergy

(a) *The document of Fesch, 18 June, 1822, referred supra,* No. 125, note 1, *to this* No. 203, *may be seen in the next* No. 204, A.

[1] *Cf.* No. 125, note 1.

[2] *Card. Della Genga succeeded the reigning Pope Pius VII. as Leo XII. Card. Castiglione followed the subsequent Pope as Pius VIII.*

[3] *This liberal view goes far beyond the decree of the Second Plenary Council of Baltimore,* § 100. *See* No. 135, A, note 30, *ad fin.*, p. 546. *Nor does it agree with the principle underlying the contributions by means of tithes. See ibid.*, note 25, p. 543, *med.*

in Maryland; (3) to secure peace and harmony in the general service of the Church.

5º Second condition: That the Sacred Congregation call for an authentic statement of the means possessed by the Jesuits in America, lest a tax altogether out of proportion with their means be imposed on them. The state of affairs is very different from that represented by the archbishop.

6º These conditions being fulfilled, their Eminences can determine what contribution is fitting; and the General will see that their decision is executed.

Signed: Luigi Fortis, Supᵉ Genᵉ della Compᵃ di Gesù.

B. (1822, May 18.)

The General, Father Fortis, (18 May, 1822) to the Cardinals. Abstract from the autograph Italian draft.[4]

I. The General's desire for perfect harmony with the Archbishop of Baltimore.

II. He grants "in general and in the abstract" a duty of the Jesuits in the Corporation to make a contribution towards the support of the archbishop.

III. He cannot grant the principle advanced by the prelate, "without declaring the Jesuits of Maryland to be unjust possessors (b), *as the archbishop himself says: 'Invaders of archiepiscopal property.'"* [5] *Nor can he acknowledge the notion of a right which is based on that principle. The supposition being false, any concordat founded on it would be nullified by the Americans, who can produce the facts sufficient in any tribunal to disprove the supposition.*

IV. The question now in the concrete is, What donation to make? "The archbishop wants a farm. Let him have it; and I desire that he be contented herein. But I, as a private religious, have nothing; nor even as General have I anything; for as such I am the first mendicant of my Order, living on pure alms without a square foot of land to my name!" It is a question then of handing over property belonging to the Corporation in Maryland. But this the General cannot do validly, or licitly in conscience.

"First, I cannot do so validly. Your Eminences know that, amongst the many calumnies spread abroad against our Society, one is this which has roused the ire of many people, to wit: That the General of the Jesuits can dispose of the goods of the Society in all states and kingdoms, and can transfer the ownership to others." [6] *The falsity of*

(b) *Cancelled:* e ladri belli e buoni, "*robbers pure and simple.*"

[4] *This autograph, without date, might be taken as a draft of the foregoing. But Marechal cites a letter of the General, dated 18 May, 1822, and refers to a "last paragraph," which seems to agree with the last sentiment expressed here, about an "insuperable impediment." Another passage quoted by Marechal is not in the document, but might have been added when it was copied. See* No. 121, E, pp. 473, 474.

[5] *Cf.* No. 121, A, III., p. 465.

[6] *Cf.* Nos. 143, A, [III.], *ad* note 4, *Carroll on this subject;* 150, A², p. 651, *Strickland.*

this charge in principle and in practice.[7] *The General, as a mere administrator, cannot even transfer the property of one college to another; much less "to other persons outside of the Society, under any plea whatever." Such an error would, according to the Constitutions of the Society, entail his deposition from office by a General Congregation. It would be like the case of a confessor absolving without jurisdiction.*

"Secondly, I cannot do so licitly; because whatever determination I came to, it would be like striking in the dark; since I have not the information, nor any complete statement of the temporalities belonging to the Jesuits in America. And my manner of determining what was to be done would be so much the more unjust, as his Grace the archbishop, who began by declaring that he wanted only what his predecessors had, now, it appears, wants what no one of them had." As to the lack of information in such circumstances, neither the General nor the Americans are in fault.

V. One solution remains. Let his Holiness command; "for with him lies the authority to do so (the natural right of the Americans to make known their reasons always remaining intact).[8] *The General will obey. "If any insuperable impediment comes in the way, it shall be reported promptly to his Holiness; and that shall be done which he shall decide.*[9] *Thus we shall come to terms."* [10]

Georgetown College MSS. and Transcripts, Marechal Controversy, Marechal's autograph notes, ff. 14ᵛ–15ᵛ, the General, Rome, 10 May, 1822, to Cardinals Fesch, Castiglione and Della Genga; Marechal's own copy of the Italian.— General Archives S.J., Maryl. Epist., 6, i., G, the General (18 May, 1822); autograph draft in Italian, small folio, undated. Another autograph, and two 4to slips of Rozaven's, attached to G, contain the chief elements of A *and* B *in this* No. *For Rozaven's own critique, 18 May, 1822, see* No. 121, B.

Two points in the last paragraph forecast the subsequent course of events. The Pope commanded by a Brief. The Americans used their natural right, and remonstrated.

No. 204. **1822, June.**

Fesch's draft of a concordat: criticism by the General. *On June 3, at a general meeting of the Propaganda, the question of the Marechal claims, as propounded by Card. Fesch reporter, was answered by the decree, "that an adjustment,* concordia, *should be arrived at in Rome, before their Eminences Castiglione, Fesch, and*

[7] *Cf. A. Astrain, S.J.*, Historia de la Compañía de Jesús en la Asistencia de España, *(1902), i. 603, 604, note (2), the drafts of St. Ignatius on this subject in the original Constitution of the Order, and the final elimination of the whole by the same Founder.*

[8] *Cf.* No. 124, note 12, p. 494, *Benedict XIV. formulating the same principle.*

[9] *Cf.* No. 121, E, p. 474, *med., Marechal's observation on a "last paragraph" as a* ruse de guerre, *"in case of a defeat."*

[10] *Here follows, in order of date,* No. 121, J, *the General's answer, 24 May, 1822, to Pedicini's request, 22 May, for authentic signatures (General Archives S.J., Maryl. Epist., 6, i.), as explained ibid.*

Della Genga." On June 8 these Cardinals invited the General to a conference for the 10th inst. The latter on this occasion stated the conditions clearly, as he reminded Fesch a few days later.[1] *Then, on the 18th, the Fesch-Marechal conception, all the General's conditions notwithstanding, came to his hands. The case on its merits not having admitted of any judicial decision by the Propaganda in the first stage, this outcome of the attempt at arbitration put an end to the second stage.*[2]

A. 1822, June 18.

Card. Fesch, 18 June, 1822, to the General.

He sends to Father Fortis the project of a concordat, il progetto di concordia, *agreed upon between the writer and the other two Cardinals,* Em[i] conciliatori, *and resulting from the conference held on the 10th inst. If the General has nothing to say against it, the Cardinals invite him to a final meeting on the 20th inst., for the conclusion and signing of the concordat.*

B. (1822, June 18.)

Fesch's project of a concordat, enclosed in A, *supra. Summary, and text, with passages emphasized to show the salient points.*

Summary of Fesch's concordat.

Rehearsal of antecedent action in the case. Here the statement is made about five times, explicitly or implicitly, that the Archbishop of Baltimore had an absolute right to an estate held by the Jesuits, and that the General had "acknowledged the right." As matter of fact, it is affirmed that an estate, Bohemia, had been "possessed" by Carroll; had been "ceded back" by L. Neale; and that the General, Father Fortis, had now assented to the grant of White Marsh, in favour of Marechal. The estate to be acquired in perpetuity.

Seven articles contain the provisions :—

1º Here is an absolute grant of White Marsh by the General to Marechal.

2º–6º Particulars of the manner for making over the estate. Two more implications of an absolute right in the archbishop. No. 2º contains an essential error in the description of White Marsh.

7º The prelate, as a quid pro quo, binds himself and successors never to disturb the Jesuits "in the possession of the rest of the property entrusted to their administration."

Here the signatures to be affixed by Marechal and the General.

[1] *Infra*, C.
[2] *Cf.* No. 121, pp. 472, 475.

Text.

Essendo stata riunita la S. Congregazione Generale di Propaganda Fide il dì 3 corrente, Ponente S. Em. il Sig.r Cardinal Fesch, per decidere sulle emergenze delle Chiese degli Stati-Uniti d'America, fra le quali[3] nel 2.o dubbio si chiedeva dagli Em.i Congregati la soluzione del dubbio in questi termini : Se nello stato presente sia spediente di procedere ad una formale decisione sul merito principale della Ponenza tra l'Arcivescovo di Baltimore ed i PP. Gesuiti del Maryland, circa l'annuo assegnamento che quegli da questi pretende ; detta S. Congregazione rispose : Placere de concordia, explenda Romae coram Em.is Castiglione, Fesch et della Genga.[4]

I prefati Em.i si riunirono a tale effetto in casa dell'Em.o della Genga gli 8 corrente, per prendere in considerazione i mezzi di conseguire tale accomodamento fra M.gr l'Arcivescovo di Baltimore e il R.mo P. Fortis Generale della Compagnia di Gesù.[5] Quindi questi fu pregato di intervenire alla conferenza, che ebbe luogo in casa dell' Em.o Castiglione il dì 10 ;[6] e dopo aver egli riconosciuto il diritto che assiste il suddetto arcivescovo, di ripetere dalla Corporazione, che possiede e dirige i beni di detta Compagnia nel Maryland, uno stabile per formare a perpetuità la mensa arcivescovile, e dopo varj discorsi tenuti per escludere la terra detta Boemia, posseduta altre volte da Mgr. Caroll e riceduta dal suo successore Mgr. Neale, la qual terra non può accettarsi dall'Arcivescovo di Baltimora, tanto per l'insalubrità dell'aria e per la sua troppo grande lontananza di settanta miglia dalla sua Sede ed in un angolo della sua diocesi, quanto per esser deteriorata dopo qualche tempo, e non presentando più le stesse convenienze, gli'istessi vantaggi, ed altre ragioni, fu appoggiata dagli Em.i suddetti la domanda dell'Arcivescovo di costituire in mensa arcivescovile la tenuta di White Marsh, nella supposizione che non oltrepassi due mila arpani di terra. Ma il R.mo P. Fortis osservò che non conoscendo egli le ragioni che li suoi fratelli del Maryland potrebbero avere, tendenti a dimostrare l'impossibilità di accordare detta terra, vedeasi nella necessità di richiedere che White Marsh si accordi pure, ma provvisoriamente, per mensa arcivescovile di Baltimore ; ed era un tal provvisorio, affine di dar luogo ai PP. della sua Compagnia in quella diocesi di sottoporre le loro osservazioni al giudizio della S. Congregazione, non sotto il punto di diritto, ma sulla quantità di detta terra, che si suppone contenere soltanto due mila arpani ; oltre le altre ragioni che potrebbero assistere la Compagnia per preferire la cessione di altri stabili.

Accettarono gli E.mi conciliatori tale riserva, ma vi aggiunsero che sarebbe permesso all'Arcivescovo di presentare anch'egli le sue risposte.

[3] *Here the Marechal pension business is ranked among "the emergencies of the Churches in the United States of America."*

[4] *3 June, 1822.*

[5] *June 8.*

[6] *June 10.*

Vollero inoltre che, nel caso di doversi cambiare detta terra, s'intendesse sempre la condizione di dover dare all'arcivescovo altre terre nel quantitativo, nel valore e in tutti gli altri comodi di buon clima, di vicinanza, etc., uguali a quella di White Marsh suddetta. Il prefato P. Generale esigè però che il S^to^ Padre finisca tutte le querele e pretensioni fra il clero del Maryland e la sua Compagnia, e che dichiari che il resto de'beni posseduti in oggi dai Gesuiti loro appartengono in tutta proprietà, salvi pero i pesi inerenti a detti beni, secondo l'intenzione delle fondazioni o delle donazioni de'fedeli.[7]

A tale effetto essendo invitati Monsignore l'Arcivescovo di Baltimore e il R^mo^ P. Fortis innanzi gli Em^i^ conciliatori suddetti nelle stanze dell' Em^o^ – – – il giorno – – –, dopo aver avuto cognizione di ciò ch'è stato quì sopra scritto, hanno convenuto d'accordo e sottoscritto gli articoli sequenti.

1° *Father Fortis, as General of the Order, vests in Marechal provisionally the full title to the estate of White Marsh, real property and chattels alike, and will order the execution of this measure on the part of the Maryland Jesuits:* Il R^mo^ P. Luigi Fortis Generale della Compagnia di Gesù, come capo dell'ordine, da, cede, concede e transferisce provvisoriamente a Monsignor Marechal Arcivescovo di Baltimore il dominio della tenuta di White Marsh co'negri, bestiami, utensili d'agricoltura, grani, provvisioni ed altri effetti mobiliarj che si troveranno allora nella detta tenuta, eccettuati solamente gli effetti personali appartenenti al Gesuita o ai Gesuiti che vivono attualmente su questa stessa tenuta, e quindi si obbliga di ordinare ai suoi soggetti, componenti la Corporazione del Maryland, in virtù dell'obbedienza a lui dovuta l'intera esecuzione di questo atto di conciliazione.

2° *If there happen to be more than 2000 acres in the estate, the Jesuits may have the strips round the margin, leaving intact for Marechal the whole body of the estate round the church as a centre:*[8] Nel caso che detta tenuta oltrepassi due mila arpani di terra, il di più apparterrà ai PP. Gesuiti, i quali dovranno contentarsi di prendere quelle parti della tenuta che sono piu lontane dal centro. Per centro poi si costituisce la chiesa del luogo.

3° *The right is reserved to the General of being allowed to make known afterwards any mischief which may have occurred through the giving up of the estate; and that only with a view to exchanging one estate for another, since he has already acknowledged Marechal's absolute claim to some one:*

[7] *As to the historical value of a preamble like this, compare V. de Buc:* Ex narrationibus, insertis constitutionibus Pontificum, nullum praejudicium adversus veritatem historicam peti posse, res apud eruditos exploratissima est. (Examen historicum et canonicum, *389.*) *In the text submitted and adopted for a Pontifical Brief* (No. 205, A), *the assumptions and errors of this preamble were evaded by a wholesale suppression, which may have been the result of the General's criticism* (*infra*, C), *but which left the provisions of the Brief without their necessary basis* (*cf.* No. 205, A, note 5).

[8] *Cf.* No. 183, C, *Kohlmann on the* frustula terrae.

Il P. Generale si riserba il dritto di far conoscere alla S. Congregazione, dopo che i PP. Gesuiti del Maryland avranno provvisoriamente messo il detto Mgr. Marechal in possesso pacifico della suddetta tenuta, qualora essi PP. avessero gravi ragioni di non spogliarsi della tenuta di White Marsh, di far conoscere le stesse ragioni, non sopra il diritto riconosciuto di M^gr^ l'Arcivescovo, ma sopra le gravi difficoltà di stabilire in White Marsh la mensa Archiepiscopale, piuttosto che sopra altre possessioni.

These observations of the Jesuits on the injury done them shall then be communicated to Marechal, who shall answer the observations according as he "shall judge to be a-propos:" Tali osservazioni saranno comunicate al detto Monsignore, affinchè egli possa rispondervi secondo ch'egli giudicherà a proposito, per evitare i ritardi della decisione. Questi due scritti di una parte e dell'altra saranno inviati unitamente alla S. Congregazione.

4º *If the Congregation considers that the Jesuits are right in declining to pass an absolute deed of conveyance for the estate of White Marsh, the archbishop shall still keep the said farm, until a variety of conditions are fulfilled for an exchange, that is, till the Jesuits offer him another estate of similar situation, fertility, salubrity, air, size, with chattels, exactly corresponding to White Marsh* : Se la S. Congregazione, dopo le prove le saranno trasmesse, giudicherà che li PP. Gesuiti hanno ragione di rifiutare la cessione definitiva di detta tenuta di White Marsh all'Arcivescovo, per mezzo di un contratto civile ed assoluto, allora il P. Generale obbligherà i suoi soggetti d'America di offrire in cambio all'Arcivescovo due mila arpani di altra terra dello stesso valore, la quale abbia gli stessi vantaggi per la sua situazione, la sua fertilità e la salubrità dell'aria, con tutte le pertinenze per l'agricoltura che siano nella giusta corrispondenza con quanto si possïede dall' arcivescovo in White Marsh.

Meanwhile he remains in quiet possession of White Marsh, until this estate shall have been offered to him, approved by the Holy See, and delivered absolutely to him: Resta inoltre fisso e convenuto che M^gr^ l'Arcivescovo resterà in possesso pacifico di White Marsh, fino a che l'oggetto equivalente di cambio non gli sia presentato approvato dalla S^ta^ Sede, e rimesso liberamente a lui.

5. *Till the moment when the prelate takes possession of White Marsh, the Jesuits shall continue to cultivate it with the same solicitude as if it were to be theirs for ever:* I PP. Gesuiti continueranno a coltivare la tenuta di White Marsh, fino al momento in cui Monsignor l'Arcivescovo ne prenderà possesso coll'istessa cura e colla stessa sollecitudine che se dovesse loro restar per sempre.[9]

[9] *Compare a similar clause in 27 Henry VIII., c. 28, 8º, addressed to the abbots and abbesses of the small monasteries, which the King was expropriating:* wherin [*viz. in assigning pensions to the expropriated*] his Highnes wyll have most tender respect to suche of the seid chief Gov'nours as well and truly cons^ve^ and kepe the goods and ornaments of ther Houses to the use of his Ma^tie^, w^t^out spoyle, wa[*s*]te or embesylying the same.

6. *All debts ever contracted on account of White Marsh, the Jesuits shall keep to themselves and pay. And so too with regard to the other estate, if any exchange be made:* Restano a carico de'PP. Gesuiti tutti li debiti, qualunque essi siano, che essi avessero contratti, che gravassero la tenuta di White Marsh e quella terra che sarebbe definitivamente data in cambio.[10]

However, they may have the back revenues of the estate previous to the day when Marechal enters: S'intende pure che i PP. Gesuiti riscuoteranno tutto ciò ch'è dovuto ad essi per la tenuta fino al giorno del possesso. Così, se avessero dato qualche porzione della piantagione a fittaiuoli, ne riceveranno tutti i redditi fino al suddetto giorno, dopo il quale saran dovuti a Monsignor l'Arcivescovo.

7º *In return for the valuable considerations above, Marechal binds himself and his successors not to disturb the Jesuits in the possession of the remaining property "entrusted to their administration:"* Eseguiti che avranno fedelmente i PP. Gesuiti membri della Corporazione del Maryland gli articoli della presente convenzione, Monsignor l'Arcivescovo obbliga se ed i suoi successori a non mai inquietarli nella possessione del resto de'beni confidati alla loro amministrazione.

And now the archbishop and the General unite in a common prayer to the Sacred Congregation, asking it to obtain from his Holiness a ratification of this agreement, so that, all occasion of mutual disaffection being removed, the archbishop and the Jesuits of Maryland may work together for the good of the Church, etc.: Dopo di che Monsignor Arcivescovo e il Rmo Generale Fortis si uniscono a pregare la S. Congregazione di ottenere da S. Santità la ratifica di tale accordo, affine di far cessare ogni sorta di dissapore e consolidare l'unione che deve sempre regnare, pel bene della Chiesa e de'fedeli, tra l'Arcivescovo ed i PP. Gesuiti nel Maryland.

Signing of this concordat in presence of the Cardinals: E tale accordo fatto in quest'oggi – – – è stato sottoscritto in presenza degli Emi conciliatori.

C. 1822, June 18.

The General, 18 June, 1822, to Card. Fesch. Answer to the foregoing. Criticism of the concordat as projected. Abstract from the Italian.

First, as there is a reassertion of a right, properly so called, and assumed to be vested in the Archbishop of Baltimore, the General reminds the Cardinal that, every time mention had been made of such a thing in the conference, he had objected to it; he had steadily maintained that the ground of concord was "the propriety of things, love of peace, equity, public edification and other such motives, which led him to regard as admissible what the

[10] *Compare some divergent principles of law: "Qui sentit commodum, sentire debet et onus;" and, "Accessorium sequitur principale." Cf.* Nos. 124, B, p. 492, *C. Neale's principle:* Lawful debts must be paid before donations can be given; 208, G, *the General's* Memoria Seconda, (2); *deprived of White Marsh, the Jesuits must liquidate all the rest of their property to satisfy creditors.*

Sacred Congregation might think fit to determine, in its wisdom and justice;" *and he had good reason for maintaining this ground, in view of the proofs which the American Jesuits had, and in view also of the proofs which he himself had, that the right of the archbishop was "evidently false,"* evidentemente falso.

Secondly, the document regarded him, the General, as owner of the American property, in spite of all that he had said to the contrary. "*In particular, with respect to the farm of White Marsh, which the archbishop wants to have, I do not know its value. And how about the contingency that perhaps it is worth twice as much or thrice as much at present, as the farm given once to Mgr. Carroll, at a time when the Society in America was small in numbers, and had no novitiate, nor any burden of supporting a house of studies for its young men, over and above the establishment at Georgetown?*"

Thirdly, the document spoke of his formulating a precept of obedience, requiring the American Fathers to put the archbishop provisionally in possession of an estate; and that his authority should be answerable for such a precept.

"*1. Of such a precept of obedience I never heard a word in the aforesaid conference; and it is altogether new to me; since I always kept resolute on the point of leaving to the Sacred Congregation and His Holiness the determination of what and how much might be allowed the archbishop. In fact, what right have I to give such a command to the American Fathers, that they must hand over the possession of a farm, which perhaps they cannot do without?*

"*2. After they shall have handed over the possession of the estate,*[11] *what good will it do them then to be allowed to make a representation of the injury, which has been done to them in the loss of their property; seeing that forthwith to the possibility of recovering the farm such conditions are attached as it is certain they cannot fulfil? I do not see what difference there is between giving such provisional possession and giving absolute possession. I am not aware of having understood anything else in the conference except this: That the Sacred Congregation shall determine what it is that is to be given to the archbishop, allowing the Americans liberty to object,* libertà di reclamare: *but then, if the* [*definitive*] *judgment of the Congregation shall be given to the effect that their objections are not sufficiently well founded,* ch'essi nei loro reclami abbian torto, *the archbishop shall enter into the possession of that which shall have been determined. This is all that I meant to approve,* ho inteso di lodare.

"*Fourthly, just as I protested besides that all the other circumstances regarding the temporalities of the American Jesuits were unknown to me, so do I now affirm that one thing is perfectly well known to me; and it is that at White Marsh there is a novitiate, altogether different from what the archbishop represents it to be. If details are wanted, I can submit an account,*

[11] *Cf.* No. 126, A, p. 498, *C. Neale, 23 Dec., 1822, to Marechal:* It would be very unreasonable to require a General to deliver up a town to fight for it afterwards, as possession is equal to eleven points of the law.

very dissimilar indeed. Now the General is under an obligation to take special care of the novitiates, by the rules of his office: and he cannot, under any impulse of his own, go and act blindly in a matter which perhaps will do injury to the said novitiate; where it is certain there are, among others, seven young novices who went over some months ago from Europe."

Fifthly, three things had in substance been agreed upon in the aforesaid conference. "*1. That the proprietorship of the Jesuits in America over the property still remaining in their hands, after the final determination of the Sacred Congregation, should be recognized; 2. That the determining of what should be assigned to the archbishop was to come, not from me, but from him who had power to command me in conscience (since the question of quantity is unknown to me); 3. That this determination should be provisional, allowing time for a presentation of the exceptions, which the Americans may desire to take. Apart from this, all the rest of the document, which your Eminence has been pleased to submit to me, is of a kind that I do not see how in conscience I can accept it.*"

D. 1822, June 20.

Fesch, 20 June, 1822, to the General.

Invitation to meet the three Cardinals on 22 June, for the purpose of putting an end to the commission appointed for the adjustment of the case: per por fine alla commissione confidata loro dalla S. Congregazione di Propaganda Fide, di concordare le vertenze fra l'Arcivescovo di Baltimore e la Compagnia di Gesù.

E. 1822, June 28.

Marechal, Rome, 28 June, 1822, to (Fesch).

On the statement of Father Fortis that he does not know the estate of White Marsh. Marechal suggests a way of obtaining the needed information. Let the Cardinals call before them the young American Jesuits now in Rome, and cross-examine them. *See* No. 121, note 14.

General Archives S.J., Maryl. Epist., 6, i., Fesch, 18 June, 1822, to the General. Ibid., the General, 18 June, 1822, to Fesch; autograph draft; accompanied by 1 p. 4to of minutes by Rozaven, contributing to the document. Ibid., Fesch, 20 June, 1822, to the General.—Rome, Archivio di Stato, Fondo Gesuitico, Collegii, mazzo 12, fascic. Maryland, Fesch's project of a concordat; the only copy we have found of this document.—Georgetown College MSS. and Transcripts, Marechal Controversy, Marechal's autograph notes, f. 23; Marechal, 28 June, 1822, to (Fesch).

So ended the second stage, the attempt to arbitrate. On July 1, 1822, at a general meeting of the Propaganda, a decree was passed in keeping with the letter of Father Fortis' oft-repeated declaration, that there was no other solution but for the Pope to command, and he would obey. Accordingly, a project was submitted, to be issued in the form of a Brief from his Holiness. The Pope assented. The project so submitted to be embodied in a Brief was

Fesch's concordat itself, with only an essential alteration in the grounds on which that concordat had rested. What had failed to pass as an equitable adjustment was made to issue as a Pontifical document.

No. 205.[a] **1822, July 23.**

The Brief, 23 July, 1822: an abstract. *In the rehearsal of the decree, submitted by the Propaganda for the Papal sanction by a Brief, all mention of right to the possession of White Marsh is suppressed. Once amongst the provisions* (3°) *the term "right" appears, but it seems to denote the right of possession acquired by the fact of Marechal's entry. In this the same provision differed from Fesch's project which, in the same section, contained a repetition of Marechal's absolute "right being acknowledged." As to matters of fact, the preamble omits Fesch's statements about Carroll's possession, and L. Neale's retrocession. But the error in the description* (2°), *on which an essential provision depended, remains in the Brief as it was in the project of Fesch.*[1] *The same exhortation is given to the Fathers that, till the day when the prelate enters on possession, they continue to cultivate the farm "with the same industry and solicitude, as if they themselves were to possess it for ever." The Brief adds a new element to Fesch's project by limiting the time for the delivery of White Marsh to "one month from the date of the prelate's return to his diocese"* (1°).[2] *The assets are taken over without the liabilities, as in the project.*[3] *After this rehearsal of the petition submitted, the Pope grants the petition by sanctioning the premises; and, among the official formulas which follow, there is the usual one of "rectifying and supplying for all and singular defects of right and fact, if any have crept into the premises."*

A **1822, July 23.**

Text of the Brief, 23 July, 1822.[4] *Abstract from the Latin.*

(a) *The General's* Memoria Seconda, *19 June, 1824, referred supra,* No. 131, note 9, *to this* No. 205, *may be seen in* No. 208, G.

[1] *The church at White Marsh to be taken as a centre, and two thousand acres measured around. Such a survey would take in the property of neighbours, since the church was at an extremity of the Jesuits' estate. Cf. infra,* C.

[2] *Cf.* No. 125, A, p. 497, *Marechal, 14 Dec., 1822, to C. Neale.*

[3] *Cf.* History, I. § 60, pp. 485, 486, note 8, *the French senator, M. Lamarzelle, 14 Nov., 1905, reporting the principles of the French Revolution:* Le clergé peut-il être dépossedé? Oui. Les titulaires peuvent-ils l'être? Non: à moins qu'ils ne soient indemnisés et dédommagés par la nation.

[4] *As the Latin text is long, and may be read in several publications, see the references to published sources given below.*

Pius PP. VII.

Ad futuram rei memoriam.

"*Since it has been reported to Us that a controversy has arisen between our venerable brother, Ambrose Marechal, Archbishop of Baltimore, in the United States of America, and our beloved sons, the Fathers of the Society of Jesus dwelling in Maryland, on the right which the aforesaid archbishop claims, of receiving an annual and customary pension from the estates which the said Fathers claim entirely for themselves, the archbishop affirming that such a pension is due to him and his successors on behalf of his episcopal table,*" *we commissioned the Cardinals of the Propaganda to adjust the matter* "*by a concordat between the parties in Rome, to be effected before three of our venerable brethren, to wit, Francis Xavier Castiglione, Joseph Fesch, and Hannibal della Genga. But, since the desired concordat could not be effectuated, the same venerable brethren, in a congregation held on the first of July, same year, Cardinal Fesch being reporter, decided and decreed, in the hope of obtaining our approbation, that the maintenance of the archiepiscopal table of Baltimore should be charged on the landed property, which Pius VI., our predecessor of happy memory, had put, in 1789, under the administration of the Bishop of Baltimore* [*John Carroll*].[5] *And, in order that no cause of disagreement or contention may arise in the future, they also decreed, that some conditions should be observed, which stand as follows.*"

Here the Brief rehearses the decree submitted for approval by the Propaganda in seven points, which correspond in substance and order to the seven points of Fesch's project,[6] *with the few modifications just noted.*[7] *It then continues:*

"*All these matters having been maturely considered, and adjusted as above, We have been asked in the name of the said Congregation de Propaganda Fide, to confirm with our Apostolic authority, and to prescribe what, according to the premises, seems fitting for the stable maintenance of the archiepiscopal table of Baltimore. Wherefore, desiring to meet the views of the Congregation, and wishing to aid with special grace and indulgence all persons whom this present Brief favours,*" *we approve the aforesaid decree;* "*and, if any errors of right or of fact have crept into it, we make them good and repair them; giving order, moreover, in virtue of holy obedience to the Superior General of the Society of Jesus, that, as soon as the present Brief shall have*

[5] *Here, between the preamble and the recital of the Propaganda's decree, there is omitted a connection between the claim of right, mentioned in the preamble, and the fact, approved in the decree, that he do now take over White Marsh. For the effects of this essential disconnection, rendering the Brief inoperative, compare, in canon law, Benedict XIV., supra*, No. 124, note 12, p. 494; *and, in civil law, Blackstone, ubi infra*, note 9. *J. G. Shea marks this hiatus* (History of the Catholic Church in the United States, *iii. 68. note 1*); *but his attempt to explain the action taken in Rome* (*ibid., 71*) *is unsatisfactory, as may be seen in* No. 187, p. 938, E, F. *Neither the Brief, nor any incident in Marechal's controversy with the Jesuits, was made to rest on the fact or consequences of the Society's having been temporarily suppressed.*

[6] No. 204, B.

[7] P. 1066.

been exhibited to him, he be held to execute with precision everything herein expressed and approved by Us."

The official clauses follow. 23 July, 1822.

B. 1822, July 25.

Pedicini, Secretary of the Propaganda, 25 July, 1822, to the General. He communicates the Brief.

Bullarii Romani Continuatio (*A. Barbéri, R. Secreti, 1853*), *xv., 554–556, No. 1056.*—Juris Pontificii de Propaganda Fide Pars Prima (*R. de Martinis*), *iv. 615–617, No. 103.—General Archives S.J., Maryl. Epist., 6, i., the original Brief on parchment, communicated to the General. Ibid., Pedicini, Secretary of the Propaganda, 25 July, 1822, to the General, communicating the Brief.*

In a matter which, when made public, became invidious and odious in America against Marechal and the Pope because of the contents of the document, and in Europe against the American Jesuits because of the representations made to pass current, we note the following points:

First, the formula at the end of the Brief, rectifying errors of right and fact, naturally applied to rights and facts within the competency of the authority to verify and make good; and it excluded such errors from doing prejudice to parties who were meant to be gratified. It could not apply to other matters which were taken merely as expounded;[8] *nor to the effect of prejudicing other parties.*

Secondly, the language attempted in Fesch's project (1°), *by which the General was made to "give, grant, cede and convey,"* da, cede, concede e transferisce, *is sufficiently suggestive of American and English legal proceedings to warrant a citation from common law of a principle with which other law does not disagree. It is that, while the sovereign himself can do no wrong, yet his acts may be contrary to law, and in such cases are subject to reversal. Thus, if the Crown should be induced to grant any franchise or privilege to a subject contrary to reason, or in any way prejudicial to the commonwealth, or to any private person, the law will not suppose the sovereign to have meant either an unwise or an injurious action, but declares that he was deceived in his grant; and thereupon such grant is rendered void, but merely upon the ground of fraud or deception either by or upon those agents whom the Crown had thought fit to employ. When it appears from the face of the grant that the Crown is mistaken or deceived, either in matter of fact or matter of law, as in the case of false suggestion, misinformation, or misrecital of former grants; or if the royal title*

[8] *So the Brief begins:* Quum nobis relatum fuerit . . .

to the thing granted be different from what was supposed; or if the grant be informal; or if an estate be granted contrary to the rules of law;—in all of these cases the grant is absolutely void.[9]

C. 1824, December 7.

J. W. Beschter, Baltimore, 7 Dec., 1824, to Dzierozynski. Incidents regarding the error in the description of White Marsh, after the Brief had been published.

. . . I went yesterday to wish a happy feast to our Archbishop Ambrose. I found him still in his dining-room with his clergy and the Rev. Mr. Bruté. I informed him that I had just met with Mr. McCollough the Collector of this port, who asked me if I had seen the Pope's Bull published in the Washington paper. At my negative answer he said he had read it in Latin; and that now they (the Protestants) had a good play to laugh at our Archbishop and the Pope, etc. The Archbishop appeared thunderstruck. After a while he said: "How could it fall in their hands; there were but two in existence; and I have certainly shown it to nobody but a few.[10] I blame Mr. Dzierozynski for it." Mr. Bruté then said, there had appeared also a few days ago a gross burlesque, in the shape of a Quaere: "If you put one foot of the compos on White Marsh, the other forming a circle, how great must be the circle to contain 2,000 acres of land, leaving White Marsh in the centre?"—and signed Sulpicius Mytratus. The Archbishop could not hit the meaning of it, until I said that by this circle the property of Mr. Duval, Johnson, and a part Mr. Ogle's must be taken . . .[11]

[9] *Cf. 1 Blackstone's* Commentaries, *246; 2, ibid., 348; 1 Stephen*, Comm., *621; 2, ibid., 479; M. D. Ewell*, Elements of the Law, *i. 44, 240. Cf. supra*, No. 121, F, note 16.

[10] *Cf.* Nos. 132, note 3; 183, A, C.

[11] *Beschter adds a point about the property escheating:* After some time, I told him that last week one of his congregation came to my house, spoke of this affair with great warmness, and indignation that such an application had been made, and assured me that, if he [*the archbishop?*] was put in possession of White Marsh, he would not keep it a fortnight, before it would be escheated; and this he said with a significant expression. The archbishop hearing this said: "It would be escheated?" and then asked where the paper could be had. He retired to speak with Mr. Bruté in private, and I withdrew from the company.

The current of public sentiment at the time appears from Marechal's (or Whitfield's) letter, on the Marlborough affair, 28 Feb., 1827, addressed to Father Mudd (No. 135, P, note 49). *This was more than two years later. At present, feeling seems to have run so high, that Beschter, in a letter four days after the one to Dzierozynski, recommends Francis Neale to consider whether the Society itself might not at this moment be incorporated by the Legislature of Maryland. He writes, 11 Dec., 1824:* The Abp. is dreadfully allarmed, by the publication of the Pontifical Brief, and the warning received from Government, and moreover by news from Rome. *The old St. Peter's case, as quoted above* (No. 94, E). *Beschter adds:* The Abp. has been writing letters in the Seminary these four or five days; they will go off by the next New York packet to Havre. He does not want White Marsh, he never wished to have it—that is Mr. Whitfield's cant now. He wants what the other Abps. had, or what Abp. Neale had, viz. $1000 or 1200. *The incident about McCullough, the Collector, speaking for* the Protestants, *and laughing at* our Abp. and the Pope; *and about the escheating.* ¶ I believe no time ought to be lost for sending to Rome the act of making over that

D. 1831, February 14.

Father Fidèle Grivel, Georgetown College, 14 Feb., 1831, to the Assistant of Germany, Father Aloysius Landes, at the Gesù, Rome. Extract on the error of fact in the Pontifical Brief; pleasantries; the blame still attaching, in 1831, to the Maryland Jesuits.

Je vais partir avec les Novices pour White Marsh; je n'y entends rien, mais c'est égal. White Marsh est cette fameuse terre, dont le nom a retenti à la Propagande et dans une Congregation de 5. Cardinaux, qui en avoient adjugé la belle église, notre vaste maison et la bonne ferme à l'archevêque de Baltimore avec 2000 acres de terre tout autour de l'église. Or d'abord l'église est à une extremité de la terre, et bonnement nos Pères ne pouvaient pas donner à l'archevêque le bien du voisin: ceux qui informent les Supérieurs devroient être avant tout bien informés eux-memes. C'est ainsi qu'on fit donner à l'Empereur Joseph II.d un decret, qui ordonnoit d'effacer la Bulle Unigenitus de tous les Missels ! ! ! Sans doute qu'à Rome la Curia Generalis connoît bien cette affaire: mais ailleurs on en a une idée fausse, et on y condamne sans pitié nos Pères d'Amérique.

Md.-N. Y. Province Archives, 1824, Dec. 7, Beschter, Baltimore, to Dzierozynski.—General Archives S.J., Maryl. Epist., 4, i., Grivel, Georgetown, 14 Feb., 1631, to Landes, Rome.

No. 206.[a] 1822–1824.

Lay and clerical contributions to the controversy: the American Government. *Second stage of the contention.*

A. 1822, July 14.

John Walsh,[1] *Baltimore, 14 July, 1822, to Enoch Fenwick, S.J., Rector of Georgetown College. On Marechal's success in Rome.*

. . . Yesterday there was letters from the Archbishop [*Marechal*] dated at Rome, 8 May. I am informed that he writes he was detained longer than he expected, in consequence of the indisposition of the Pope: that he had however succeeded in obtaining every think he wanted, and

(a) *The document of Dzierozynski, s.d., referred supra,* No. 132, note 3, *to this* No. 206, *may be seen in the next* No. 207, H.

property [*old St. Peter's? cf.* No. 94, p. 323], and in giving proper information against his writings on that subject. Mr. Whitfield came yesterday to me, wishing that I should endeavour to contribute to comming to an arrangement, and that we might have a very good friend in our Abp. I answered, "Yes, indeed, in his very first appearance as Abp., he has shown it, when he rescinded the agreement with Abp. Neale, and has continued ever since the same friendship!!!" Would it not be prudent to apply to the Legislature of Maryland, in the present state of affairs, for having the Society incorporated; I believe we could have at this time a unanimity of votes for it; on account of the attack made upon us? Mind that in a short time we may be deprived of Representatives and consequently of the Corporation [!?]. ¶ I sincerely and respectfully remain, *etc.* (*Md.-N. Y. Province Archives, Bb, Beschter, Baltimore, 11 Dec., 1824, to Francis Neale, St. Thomas's Manor; 3 pp. 4to.*)

[1] *Cf.* No. 94, p. 324.

would leave Rome about the end of the month, return through France and the Low Countries to England, from whence he expected to embark for the United States about the 1 October, so as to get home before winter.—Mr. Whitfield also received a letter from Dr. Poynter, advising him of the success of the Archbishop, and the great benefit to be expected from his journey to the Church of America, as the Archbishop will return loaded with blessings for it. Particulars I have not heard ; indeed I did not understand that any were made known. God grant this journey may prove as beneficial to religion and the peace and harmony of the Church as is anticipated by these gentlemen. . . .

B. 1823, February 18.

Father Joseph Tristram (Stonyhurst), 18 Feb., 1823, to the General. On Whitfield in the controversy. Extract from the Latin.

". . . *Father Provincial Sewall lately received a letter from a friend of Archbishop Marechal, one named Whitfield, who lived formerly in this College, in which he assails our Fathers in strong language,* graviter incusat, *for not giving up their possessions ; and he threatens things worse to come. But this is only an attempt, I think, to get our Provincial to interpose. It is my opinion that we had better leave the matter alone ; for, as Father Kohlmann writes, the Jesuits have reason on their side as to the ground or substance of the controversy. . . .*"

C. 1823, May 28.

Tristram, 28 May, 1823, to the General. On Mr. Matthews and the American Government. Extract from the Latin.

". . . *A certain missionary priest at Washington, one of the Corporation but not one of ours, by name Matthews, took the brief and showed it to the Secretary of State, who was very indignant at such a mode of procedure, and forthwith exclaimed that he would write to Cardinal Consalvi . . . It is said too that all the other American Bishops find fault with such a manner of proceeding on the part of the Archbishop of Baltimore. . . .*"

D. 1824, October 24.

Daniel Brent, Department of State, Washington, 24 Oct., 1824, to Marechal. On the issue with the American Government.[2]

Washington, 20th October, 1824.

Rev. and Dear Sir,

I have the honour to acknowledge the receipt of your favour of the 15th instant, and to inform you in answer to your inquiry, that no letter has yet been written by Mr. Adams [*Secretary of State*] to the government of his Holiness the Pope, upon the subject of the unhappy difference between yourself and the incorporated Clergy of Maryland, in

[2] *Cf.* No. 135, A, Prop. 17, *ad* note 41.

relation to the temporal rights of your See. It is true that, some time in the last year, Mr. Adams was sollicited to write such a letter, in consequence of the steps which had been successfully taken at your instance by that government, as was stated to him, upon an ex perte [!] application to obtain a mandate from the General of the Jesuits residing in Rome to the Superior of that Society residing in the State of Maryland, which should and did prescribe an allotment in perpetuity of a specific portion of the property of the whole Corporation to the use of the episcopal See of Baltimore: which mandate, it was alleged, the latter [*the General*] had no power or authority whatever, as the Superior of that Order, to carry into effect, and the Holy See had still less right to procure or to inforce: the whole property in question being, in fact, absolutely invested by a legislative act of Maryland in a Corporation entirely independent of him and his Society, and placed under the management of the representatives and Trustees of the Catholic Clergy of Maryland, not necessarily, nor in the circumstances of the case actually, members altogether of the Society of Jesus. It was represented to Mr. Adams that, by the terms of the act referred to, the representatives and Trustees of the clergy were bound to take an oath, before entering upon the execution of the trust confided in them, for the faithful administration of that trust; and it was urged that their own discretion, under the limitations of the statute, untrammelled by orders or mandates emanating from any foreign source not amenable in the remotest degree to our laws, should form the rule of that administration. It is likewise true that Mr. Adams, under these circumstances, said he would, with the permission of the President of the United States, write a letter to Cardinal Gonzalvi, at that time Secretary of State for foreign affairs, expressive of the regret of the executive government of the United States, that the government of his Holiness should have been induced to interfere at all in relation to the control or disposition of a trust or any part of it, thus exclusively created by an act of an independent State of this Union, and placed under the exclusive direction of a commission [*the Corporation*] established by that act itself; but circumstances at the time prevented him from doing so; and it has been since neglected. He is however again sollicited to write such a letter; and, if he should, I certainly will, in compliance to your request, furnish you by his permission with a copy of it.

In the mean time I cannot but express my deep regret and mortification that there should exist this unhappy difference or misunderstanding, and I should think myself most happy and fortunate, if by any humble means in my power I might be instrumental in its accomodation, and in that way avert from our Church the scandal inseparable from appeals to Rome and to the law.

Before closing this letter I think it my duty to add, that I am fully persuaded the government of the United States, as at present advised, can never view with indifference any future appeals to such foreign states,

touching the administration of temporal concerns under its own jurisdiction, or that of the separated [*i.e. individual*] States of this Union, or any interference directly or indirectly of such foreign states with such concerns, upon whatsoever grounds such appeals may have been made, or by whatsoever motives that interference may have been procured.

I am, most Rev. and Dear Sir, with highest respect and esteem,

Your ever faithful and obedient servant,

DANIEL BRENT,
(1st Clerk of the Dept. of State.)

Addressed: To the Most Rev. Doctor Ambrose Marechal, Archbishop of Baltimore, Baltimore.

Md.-N. Y. Province Archives, 14 July, 1822, J. Walsh, Baltimore, to E. Fenwick, president, Georgetown.—General Archives S.J., Angl. Epist., 2, epist. gen., Tristram, 18 Feb., 1823, to the General. Ibid., epist. Stonyhurst, same to same, 28 May, 1823.—English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, f. 138, D. Brent, Washington, 20 Oct., 1824, to Marechal, Baltimore.

No. 207. **1824–1826.**

Brent, Ironside: answering the American Government. *Views of the lawyers.*

A. 1824, October 25.

Marechal, Baltimore, 25 Oct., 1824, to Daniel Brent, Washington. On R. Taney's opinion, in the issue with the Government.

DEAR SIR,

I beg you to accept the assurance of my sincere gratitude for the very candid and obliging manner, with which you have had the goodness of answering my letter.[1] From the beginning I suspected that the case had been placed before Mr. Adams under a very improper point of view. Your letter is a manifest proof of it.

When, to avoid the scandal of a lawsuit, I resolved to submit the decision of the controversy between me and the Jesuits, as a matter of conscience and natural equity, to our common Superior, His Holiness Pius VII., although I was convinced that this step did not in the least degree wound the supreme and independent jurisdiction of the United States, however for greater security I consulted with several eminent legal characters upon the subject. They all unanimously assured me that the course I intended to pursue had nothing inconsistent with the principles of our government. Mr. Roger Taney,[2] who holds so eminent a rank among the lawyers of this country, was particularly of that opinion. Yesterday that amiable and excellent gentleman came to see me after Mass. I communicated to him your letter. He appeared to me deeply

[1] No. 206, D.
[2] *Cf.* No. 135, A, Prop. 21.

afflicted on observing the false colours under which my mode of proceeding has been represented to Mr. Q. Adams. He spoke on the subject with so much force and precision that, as he was terminating the conversation, I asked him whether he would be willing to give me his opinion in writing. He answered that he would do it with pleasure. As soon as I receive it, I will transmit it to you, leaving to your prudence to communicate it to Mr. Adams.

You say that you would be happy, could you terminate in an amical manner the existing difference now existing between me and the Jesuits. During nearly five years I have proposed in vain to them every mild means I could think of, tending to that blessed end. If, however, you find out and propose to me any means of that friendly nature, I will certainly never reject them—whatever might be the advantage I would perceive by carrying the cause before the courts of this country.

I am with gratitude and respect, Dear Sir,

Yrs., etc.,[a]

+A. A. B.

B. 1824, October 25.

Marechal, Baltimore, 25 Oct., 1824, to Dzierozynski. He asks for the names of Jesuits who have communicated with the American Government.

He has learnt for certain, acquis la certitude, *that members of the Society*[3] *have represented to the Secretary of State, Q. Adams, the mandate of his Holiness as an encroachment on the jurisdiction of the United States,* comme une infraction de la suprême et indépendante jurisdiction des États Unis. *He wants their names; and he wants also to know, whether this step was taken with Dzierozynski's knowledge and consent,* avec votre consentement et approbation. *Useless to depict the dreadful consequences of such behaviour,* les conséquences très graves qui peuvent résulter d'une semblable démarche.

C. 1824, October 30.

Marechal, Baltimore, 30 Oct., 1824, to Dzierozynski. He insists in his demands.

He repeats his former letter of five days before about investigating. As to Dzierozynski's saying that he knows nothing whatever about it: Fateor me prorsus ignorare, *Marechal desires him to inquire of Mr. Marshall* [*S.J.*], *or Mr. Matthews* [*pastor of St. Patrick's, Washington*], *or still better of Mr. David* [!] *Brent, first secretary of Mr. Adams.*

Has Dzierozynski received Father General's letter, beginning. "Uti ex postremis Rae. Vae. litteris spem non dubiam cepimus. . . ."?[4]

(a) Shea's abbreviation.

[3] *This denomination of the parties does not appear in Brent's letter,* No. 206, D. *Cf. ibid.,* C. *This letter to Dzierozynski is of the same date as Marechal's answer* (*supra,* A) *to Brent.*

[4] *See* No. 208, J. *Cf.* Nos. 208, G, note 5; 210, C, Num. I.

D. 1824, November 4.

Marechal, Baltimore, 4 Nov., 1824, to (Card. Fesch).
Review of the situation. *See* No. 131.

E. 1824, November 6.

Marechal, Baltimore, 6 Nov., 1824, to Gradwell, Rome. Draft of the reply to be made by the Cardinal Secretary of State, if the letter of the American Secretary of State is sent to Rome.

The reply might be that it was only a case of conscience; that the Holy See found the Jesuits guilty of injustice, and ordered reparation. That it was the Jesuits who made use of the Act of Assembly and rules of the Corporation; but that the Holy See merely observed how the Jesuits were abusing these pieces to cover over their injustice. The Holy See had no intention to impugn the validity of the Charter: Après tout la réponse du secrétaire d'état de S[*a*] S[*ainteté*] est facile, si la lettre de Q. Adams est envoyée. Après ses [?] compliments au gouvernement Américain, il pouroit seulement dire que Mgr. l'arch. de Baltimore s'est plaint a S. S. d'une injustice des Jésuites à son égard; que S. S. a fait examiner la cause comme un cas de conscience et d'équité naturelle; et qu'elle a prononcé les Jésuites coupables d'injustice et leur a ordonnée de la réparer.[5] Qu'à la verité les Jésuites ont produit l'acte[6] et les réglements de leur Corporation. Mais que S. S. a observé qu'ils ne fesoient usage de ces pièces que pour couvrir le tort qu'ils font à Mgr. l'arch.; que S. S. n'a point cherché à blesser la validité de cet acte civil. *If the Jesuits refuse to obey, the Holy See will regard them as merely American citizens, and will, at its discretion, withdraw their "spiritual privileges and faculties."*

F. 1824, November 12.

Marechal, Baltimore, 12 Nov., 1824, to Gradwell, Rome. The Maryland Government and the Brief.

He has heard that his adversaries have approached the Governor of Maryland; the prejudice done to the Holy See: À ce que j'ai entendu il y a quelques jours, ils ont travaillé de même auprès du gouverneur du Maryland. Ces incroyables démarches ne peuvent exciter une persécution contre la religion catholique, mais tendent à faire des impressions très fâcheuses contre le St. Siège dans l'esprit des officiers du gouvernement, qui en général sont protestants. *He will accept of $1000 a year, with all arrears "since the day of my consecration." Otherwise his resignation must follow; and the See of Baltimore cease to be:*[7] Si le St. Siège exige que je renonce à tous mes droits, je le ferai sans murmure. Mais alors je vous prie de le préparer à recevoir la démission de mon siège; ce qui

[5] *Cf.* No. 205, A, *the Brief.*
[6] *Cf.* No. 116, C, p. 406, *ante med.*; p. 402, Num. III.
[7] *Cf.* No. 131, 2, p. 519.

équivaudroit à une destruction du siège lui-même. Car je ne vois pas comment un archevêque poura jamais l'administrer, tant qu'il sera privé des petits revenus que je réclame et qui lui appartiennent à tant de titres. *Development of the subject. Jesuit privileges. Reference to his letter, 4 Nov., 1824, addressed to Fesch.*[8] *Items; compliments, particularly to Wiseman:* Mille compliments à tous vos séminaristes, et particulièrement à Mr. Wiseman.

G. 1824, November 13.

Marechal, Baltimore, 13 Nov., 1824, to Dzierozynski. On the publication of the Brief in newspapers.

A respectable person of the congregation, P. Laurenson, has just told him, that by a letter received yesterday from Mr. Matthews he learns of the imminent publication by two editors of Washington—in Adams' paper and in the National Intelligencer—of an account of Marechal's unhappy difference with the Jesuits, du différent qui malheureusement existe entre moi et vos sujets; *and that the same gentlemen are going to publish also the Brief of Pius VII. both in Latin and in English. The archbishop cries out against the enormous scandal threatening the Church,* le scandale énorme dont Mr. Mathews marque que l'Église est menacée . . . source de douleur, nouvelle affligeante! *It concerns Dzierozynski more than himself. Can he avert the blow which is thus preparing in secret?*

H. 1824, (November 13–24).

Dzierozynski, s.d., to (Marechal). The information leaks out to the public through others than Jesuits. He offers to compound with Marechal.

He has used and will use all possible means to obviate any evil on the part of the Jesuits, by preventing them from taking any part whatever in propagating rumours, or countenancing measures. But he cannot answer for others non-Jesuit, who somehow learn everything that the archbishop receives from Rome, spread the news and add their reflections, which are not calculated to do any good. See No. 132, note 3.

Dzierozynski offers $1000 a year, on a certain condition regarding the Corporation's gift of property to the archbishop's cathedral. See No. 94, C.

J. 1824, November 24.

Marechal, Baltimore, 24 Nov., 1824, to Dzierozynski.
Answer to the foregoing. See No. 94, D.

K. 1824, December 20.

D. Brent, Washington, 20 Dec., 1824, to Marechal. He admits Mr. Taney's opinion on the political aspects of the question. It is the same as that on which action has been taken.

[8] No. 131.

Most Rev. and Dear Sir,

I duly received the letter which you wrote to me on the 8th inst., together with the interesting opinion of Mr. Roger B. Taney,[9] which came included in it, in relation to the unpleasant controversy between you and the Jesuits. Mr. Adams has not yet written to the government of the Holy See upon that subject, nor do I believe that he will write, though he has been again sollicited, as I stated to you, to do so. If he should determine to write he will certainly apprize me of his purpose; and in that case I will have great pleasure in laying before him the opinion of Mr. Taney. In the mean time I think it not amiss to state, that the gentlemen of the clergy who sollicit the interposition of this Government have never expressed any apprehension whatsoever, that the Holy See could or would eventually interfere in any other way than that suggested by Mr. Taney; but they nevertheless have all along insisted, that this very course would be a most dangerous assumption of jurisdiction in a matter not at all appertaining to, or at all cognizable by, the Heads of the Church—which ought, if possible, be prevented by candid and friendly representations and explanations on the part of this Government; and that such a course on the matter in question (the administration of temporal concerns for the advancement of religion by a Corporation, deriving its existence from an act of the State of Maryland, and exercising a sound discretion in the administration of these concerns) by means of ecclesiastical admonitions, censures, interdictions or otherwise, or by menaces of such, on the part of the Supreme Pontiff, might lead to other assumption of authority equally or more repugnant to the character of all our institutions and laws—and upon these grounds, and these alone, as they allege, with a view to obviate such interference, have the good offices of the Secretary of State been invoked by them.

I remain, Most Rev. and Dear Sir, with perfect esteem and respect,

Your faithful and obedient Servant,

Daniel Brent.

L. 1824, December 21.

Marechal, Baltimore, 21 Dec., 1824, to Card. Della Somaglia. Review of the situation. See No. 132.[10]

[9] *Infra*, O. *The date affixed there, 11 Jan., 1826, was probably attached by Marechal, connecting it with the letter, 15 Jan., 1826, which it accompanied* (*see* No. 135, A, Prop. 22, p. 556).

[10] *Accompanied, as usual, with a letter to Gradwell, 20 Dec., containing supplementary observations and suggestions, which, as a rule, are re-echoed under some form or other in Gradwell's letters to Marechal. So too Gradwell's suggestions return in the answers from Baltimore to Rome. On this occasion, Marechal acknowledges the receipt of the new Ponenza* (*1824*), *second in the series* (*cf.* No. 210, B). *As to the C. Neale-B. Fenwick Memorial* (No. 184, C), *he says it is not C. Neale's composition; "it is in part a romance," and would require a volume to refute it:* La pièce attribuée au P. Ch. Neale, page 20, n'est point son ouvrage. C'est en partie un roman. Il faudroit un volume pour le réfuter; encore auroient-ils recours à d'autres fables. (*English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, f. 153.*)

M. 1824, December 29.

Marechal, Baltimore, 29 Dec., 1824, to Mr. D. Brent. He asks for the names of those who have communicated with the Government.

Dear Sir,

I had the pleasure of receiving your letter of the 20th inst.,[11] and I thank you again for the amiable candour with which you express yourself to me.

I will not here refute the principle of my adversaries, that Government ought to impede the exercise of spiritual authority pronouncing its judgment upon the morality or immorality, the natural justice or injustice of a civil transaction, even when it does not hurt any right of citizens,[12] lest this exercise might lead to the assumption of authority repugnant to our institutions. I only wonder how they dared to utter such a principle before the officers of this free Government.

Will you permit me to ask you a favour? I do not know any one of those who applied to our Executive. It is however extremely important to me to be informed of the names of those who made such an application. Can you, consistently with the duty of your office, transmit their names to me? Any condition you may please to lay on me as to the use I might make of your communication will be respected as sacred.

I remain with respectful consideration and esteem, Dear Sir,

Yrs., etc.,(b)

A. A. B.

To Mr. D. Brent.

N. 1825, December 16.

George E. Ironside,[13] *Department of State, Washington, 16 Dec., 1825, to Father Fortis, General of the Society.*

Department of State, Washington, 16 Dec., 1825.

Right Reverend Father,

It is with the greatest satisfaction that I have annexed the Certificate and Seal of the Secretary of State of the United States of America to the accompanying Acts of the Legislature of the State of

(b) *Shea's abbreviation.*

[11] *Supra*, K.

[12] *This enunciation of the adversaries'* principle *does not agree with Brent's statement of it in the letter which is being answered* (*see supra*, K).

[13] *Ironside, first a Protestant minister, then a Catholic, and schoolmaster in the house intended for the Jesuit Seminary at Washington* (*cf.* No. 119, p. 456), *obtained later his present position, which he describes as follows to the American Jesuits in Italy*: . . . I am and have been for three and a half years Under Secretary of State of the U.S. for Foreign Affairs, and translator of foreign languages for Uncle Sam, with a salary of $1750 a year. At this, I know, you will be glad. I still jog on in the old fashion, and, if I had not been compelled to be mouthpiece of our congregation at the present time, I should have been able to have written you a rational letter . . . (*Md.-N. Y. Province Archives, 1824, May 11, G. E. Ironside, Washington, to Rev. George Fenwick*, Favoured by F. Kohlmann.)

Maryland.[14] *Ironside then reviews the Marechal claims with considerable heat, and in language not always parliamentary.*[15]

O. 1826, January 11.

R. B. Taney, 11 Jan., 1826,[16] *on the legality of Marechal's claims being complied with by the Jesuits.*

He rehearses the issue (as presented to him by Marechal), and shows that there is no legal difficulty in the way of the Jesuits either delivering an estate to Marechal, or paying him an annual revenue.

Signed : R. B. Taney.

I concur entirely in the above opinion.
Jan. 11, 1826.

John [?] Scott.

Endorsement, copied (from Marechal's original[17]*), giving the status of the two lawyers, one a Maryland senator before, the other enjoying the same dignity now :* Authenticum testimonium duorum jurisperitorum sua in legibus Americanis scientia celeberrimorum ; quorum unus fuit per plures annos senator in legislatura Marylandiensi, alter eodem honorabili officio nunc fungitur.

Georgetown College Transcripts, 1824, Oct. 25, Marechal, Baltimore, to D. Brent, Washington ; a Shea copy, from Bp. Marechal's Letter Book. *Ibid., 1824, Dec. 29, same to same ; a Shea copy from same source.—Ibid., Shea's abstracts of Marechal, 1824, Oct. 15 (25 ?), Nov. 13, Nov. 24, to Dzierozynski.—Md.-N. Y. Province Archives, 1824, Oct. 25, Marechal, Baltimore, to Dzierozynski ; 2 pp. 4to. Ibid., 1824, 30 Oct., same to same ; 3 pp. 4to. Ibid., 1824, Nov. 13, same to same ; 2 pp. 4to. Ibid., 1824, (Nov. 13–24), Dzierozynski to Marechal ; a draft.—English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, f. 143, Marechal, Baltimore, 6 Nov., 1824, to Gradwell, Rome. Ibid., ff. 147, 148, 12 Nov., 1824, same to same. Ibid., f. 151, Brent, Washington. 20 Dec., 1824, to Marechal. Ibid., ff. 210, 211, opinion of R. B. Taney and John (?) Scott,* Jan. 11, 1826; *a copy.—General Archives S.J., Maryl. Epist., 6, iii., G. E. Ironside, 16 Dec., 1825, to the General.*

No. 208. 1823–1825.

The Roman College funds: proposal to impropriate them for the mensa of Baltimore.[1] *Third and last stage of the Marechal controversy with the Jesuits. The statements here in Gradwell's reports to his patron not always agreeing with the official acts which he purports to relate, we give the series of official documents. The abortive state of the claims made heretofore led to the design of procuring a subsidy for Baltimore from the funds assigned by*

[14] *Cf.* Nos. 135, A, note 41 ; 140, note 1.

[15] *On the Feast of the Blessed Trinity, 1826, the General sends a paternal answer to "two letters" of Ironside's. (General Archives S.J.,* Epist. R. P. N. Fortis, Lib. IV. pars 1, *No. 781.) The former letter of Ironside's (12 June, 1825) had been no less drastic in its style than this. (Ibid., Maryl. Epist., 3, i.) Cf.* No. 184, note 25.

[16] *As to this date, see supra,* K, note 9.

[17] *See* No. 135, A, Prop. 22, p. 556.

[1] *Cf.* No. 135, A, Prop. 23, p. 557.

the Pope for the maintenance of the Jesuit College in Rome, now restored to the Society.

A. 1823, November 7.

The General, 7 Nov., 1823, to Francis Neale, successor pro tem. of C. Neale, Superior, deceased. Appointment of Dzierozynski; measures to be taken. Abstract from the Latin.

1. *Father Francis Dzierozynski has been appointed, as announced in letters already sent by the Secretary, Korycki.*[2]

2. *Observations on the qualities required in a Superior, irrespective of nationality or of talents which make one conspicuous in the eyes of the world.*

3. *Three measures to be taken; already absolutely enjoined on the new Superior:* (*1*) *Obedience to the Brief:* Ut res vestras juxta praecepta Pontificis S.M. Pii VII., et nostra, cum Archiep.° Baltimorensi componatis, cum S. Congreg.ne de P.F. et nostra satisfactione. *An exhortation "to show all benevolence and reverence" in dealing with bishops.* (*2*) *The executing a conveyance of the Corporation's trust to the Society. Otherwise, if they continue to hold and administer the property, as true "owners," they cannot be recognized by the General as religious, "much less as religious of the Society." It is a grave obligation in conscience.* (*3*) *No stipends or alms to be received for the ministries, or for tuition in the schools; the Catholic Seminary of Washington. Some items, and further exhortation.*

B. 1823, December 4.

Mgr. Pietro Caprano, Archbishop of Iconio, Secretary of the Propaganda, 4 Dec., 1823,[a] *to the General. Italian.*

On Oct. 1, 1823, the Propaganda, having been informed that the Brief, "relative to the division of property" between Marechal and the Maryland Jesuits, had not yet been put in execution, desired to have in writing an account of such information upon the subject as may have come to hand.

C. 1823, December 6.

The General, 6 Dec.,[b] *1823, to Caprano. Statement on the situation. Italian.*

1°. *The papers received show that the documents had reached the hands of the Jesuit missionaries in Maryland; to wit, the Brief, and the General's letter,*[3] *which he had read himself to Pius VII., and which the Propaganda had approved.*

(a) *The original is distinctly* 4 Otte 1823. *But the General, in his reply* (*infra*, C), *begins by observing that "the context" shows his Excellency's letter was "dated 4th of the current December."*

(b) *Here in the Register, the date is given* 6 Nov.; *a mistake of the amanuensis, as the context shows. See* note (a).

[2] *Aug. 4, 1823, four letters in Korycki's hand, to Dzierozynski, Kohlmann, F. Neale, Epinette. A third redaction of the same letters appears finally under the date of 13 Aug.* (*General Archives S.J.*, Epist. Vicariorum et Generalium, 1783–1825, *pp. 303, 304.*—Chartophylacium P. Korycki, *pp. 94, 97–98, 101, 102.*)

[3] *Cf.* No. 122, A.

2º–5º *Dates and description of the papers, chiefly Kohlmann's and Fenwick's. The originals, an authentic copy and a translation from the English, herewith submitted.*

6º *The General has been heretofore prevented from communicating the aforesaid, because of the clause in the Brief, that no appeal against it was allowed before it was executed:* perchè nel Breve non è permesso di reclamare se non dopo che consti dell' esecuzione di ciò, che è stato dal Breve medesimo e dalla mia lettera comandato.

7º, 8º *He has discovered that he has no authority over the Corporation. The Jesuits are members thereof only as American citizens.*

9º *He professes that he will execute any orders from Leo XII. with the same fidelity with which he carried out the commands of Pius VII.*

D. 1823, December 20.

Caprano, 20 Dec., 1823, to the General. He returns original papers to the General. Italian.

Having had a copy taken of the Latin papers, and retaining the translation from the English, he returns all the originals.[4]

E. 1824, June 9.

Caprano, 9 June, 1824, to the General. A new conference to be held with his Paternity. Italian.

His Holiness has approved of a decree made by the Propaganda, 10 May, 1824, deputing a special committee, Cardinals Castiglione and De Gregorio, to confer with his Paternity on the execution of the Brief.

F. 1824, June 12.

The General, 12 June, 1824, to Caprano. Italian.

Acknowledgments, and profession of devotion in being at the service of the two Cardinals named.

G. 1824, June 19.

Two memorials consigned by the General, 19 June, 1824, to Cardinals Castiglione and De Gregorio. Discussion of the situation, and of measures possible. Italian.

Memoria 1ma

1. *His antecedent execution of orders.*

2. *A debt of 4000 scudi having been contracted by the Maryland Corporation in Rome for the maintenance of the American scholastics, he has demanded nothing, so that other heavy debts incurred by the same might be defrayed, and Marechal's claim be satisfied.* *See* No. 135, A, note 35, *ad fin.*

3. *He has appointed a new Superior, "a European," ordering him to execute the Brief.*

[4] *Cf.* No. 210, B, *the second printed Ponenza, which reproduces several of these documents.*

4. *He has enjoined the cession of the property by the Corporation, so that the General may be able to dispose of the property according to the tenor of the Brief.*

Memoria Seconda.

Difficulties of proceeding further in the present state of affairs.

The way of authority not practicable; for the civil Corporation is not subject to the General. If the individuals of the Corporation were commanded to obey under pain of dismissal from the Society, the results would be: 1º great scandal; 2º the loss of the property, which would remain in the hands of the civil Corporation, and of which Marechal would be unable to obtain anything; 3º the recall to Europe of the Jesuits left without means of support.[5]

The way of persuasion is not likely to prove very effectual, if no regard be had to the difficulties under which the Americans labour. From their papers already communicated to the Secretary of the Propaganda it appears that (1) the estate assigned to Marechal is in value and income about one-third of all that they possess;[6] *(2) deprived of it, they must liquidate all the rest to satisfy creditors.*

The General professes his readiness to execute any orders; to give up not only White Marsh, but everything, and to recall from America all the Jesuits there, especially the Europeans, who do not enter into the Corporation.

H. 1824, August 5.

Gradwell, Rome, 5 Aug., 1824, to Marechal, Baltimore. His version of the decree, reported (infra, J) by the Secretary of the Propaganda.

The conference between the two Cardinals and the General. The result of their Eminences' deliberations and the substance of Cardinal Fesch's letter [*to Marechal*] is that the Jesuits of Baltimore shall pay your Grace at the rate of 1,000 crowns a year with arrears,[7] till you

[5] *Cf.* No. 131, note 9. *A confused echo of this paragraph seems to have reached Father Beschter in Baltimore from the Rev. Mr. Whitfield:*

Beschter, Baltimore, 14 Dec., 1824, to Dzierozynski, Georgetown. . . . The Rev. Mr. Tessier [*S.S.*] paid me a visit to-day, and I had a long conversation with him about our affairs with Abp. He said, that it was really a distressing thing to see that the Abp. had no kind of support; we talked over the act of the Corporation, the acquisition of the property, and of the spirit of the law to preserve it. I believe to have proved to him that it could not be considered Ecclesiastical property, more than their own property (*cf.* No. 197). *Further discussion.* I told him that Mr. Whitfield had come to me to inform me that the letter of our G[*enera*]l mentions, that those who are in congregations, and would not submit to his order, were considered to be no more of the Society, that in that way they remain under the jurisdiction [*of Marechal?*]; that I answered, in that case I would immediately leave the congregation and return to Europe. To be sure, said Mr. Tessier, a Jesuit would not fall of so easily from his Order, or leave it; but, said he, things will not go so far. *Further items. Father N. Sewall, England, 3 and 13 Oct. last, on Whitfield.* (*Md.-N. Y. Province Archives, 1824, Dec. 14, Beschter to Dzierozynski; 3 pp. 4to.*) *Cf.* No. 207, C, *ad fin.*

[6] *Cf.* No. 135, A, note 36.

[7] With arrears: *this is not found in any documents, except Gradwell's and Marechal's. Cf. infra*, J.

are actually in possession of the farm ; the Brief remaining still in force, but its operation suspended till the S. Congregation can ascertain – – – of what the Fathers have advanced – – – nation of White Marsh would ruin their Society. Father Fortis is well satisfied with this decision. I do not view it with any complacency. It betrays a want of firmness. It is milk and water. I do not expect that the Jesuits will pay the money ; while the delay will enable them to strip the farm and reduce it to half its value.

Indeed, the Society carries all before it here ;[8] by means of Cardinals Pacca, Severoli, Castiglione, Galeffi, Guerrieri, Cavalchini, and a few other enthusiasts in power, who daily surround and lecture the Pope, it possesses great influence over the government itself ; and deters the Congregation [*of the Propaganda*] from doing straightforward justice where the interests of the Society are concerned. Cardinal Fesch has done all that it was in his power to do : nor have I neglected any opportunity of furthering the ends of speedy and more substantial justice to the See of Baltimore.

Quebec ; Montreal. The Pope's health and his system of government improving. The machine of government, which at first jolted awkwardly and astonished every body has taken a smoother and more peaceful track. The first obnoxious measures have been all abandoned, except the restoration of the Collegio Gregoriano [*the Roman College*] (which will be effected in autumn) to the Jesuits. *On the progress of the English College ; Wiseman's public act in the church of St. Ignatius. Gradwell* begs his compliments to Dr. Whitfield.

J. 1824, August 14.

Caprano, 14 Aug., 1824, to the General. The new decision of the Propaganda in the premises. Italian.

On July 26, the Propaganda considered the result of the conference held between the two Cardinals and Fortis (cf. supra, E–G) *; also the tenor of the letter sent by the General 1 July, to the Maryland Jesuits.*[9] *Decision of the Propaganda, (1) on the substitution of $1000 a year,* il pagamento di mille talleri da darsi all'Arcivescovo ; (*2*) *on the stability of the Brief and its provisions ; (3) on allowing a term of six months for the Maryland Jesuits to make representations. Cf.* No. 132, note 5.

[8] *Cf.* No. 215, B, *ad* note 11.

[9] *Cf.* Nos. 133, A, note 4 ; 207, C ; 210, C, Num. I. *A copy of this letter, dated 1 July, (1824), would seem to have been communicated to Marechal, no doubt by the Propaganda. Cf.* No. 210, C, Num. III. *Hence follows a discussion in November, 1824, between Dzierozynski and Marechal, on the payment of $1000 a year to the latter. See* No. 207, H, J. *To Marechal's receipt of the copy (the General, 1 July, to Dzierozynski) Beschter seems to refer, 5 Nov., 1824, when he writes to Dzierozynski, that news had been received by the archbishop from Rome (Md.-N. Y. Province Archives, 1824, Nov. 5) ; and again, in his letter of 14 Dec., 1824, to the same, where he reports the account given and the inference drawn by Mr. Whitfield from* the letter of our G[*enera*]l (*supra,* G, note 5).

K. 1824, August 17.

The General, 17 Aug., 1824, to Caprano. Italian.

Acknowledgments. On next Saturday, he will communicate to the Americans the contents of the Secretary's letter, and order them to execute everything most exactly, che tutto a puntino si eseguisca.

L. 1825, January 2.

Gradwell, Rome, 2 Jan., 1825, to Marechal, Baltimore. He has suggested that the Roman College funds be expropriated for the service of the Baltimore mensa.

Several letters of Marechal's have come to hand on divers matters during the last three weeks, and, above all, respecting the conduct of the Jesuits in Maryland. . . . But the matter of most importance is the turbulence of the Jesuits. I received your Lordship's letters on this subject including that of Mr. Brent, two days after the late Congregation of Propaganda. I communicated them all the same day they arrived to Card. Fesch, Card. Gregorio and Mgr. Caprano ; and, at their request, translated Mr. Brent's letter into Italian. They excited sentiments of pity and indignation. I do not make much account of what Card. Gregorio says at the moment, as his pettifogging Uditore's vote may change his sentiments to-morrow. But Card. Fesch and Mgr. Caprano think for themselves. Card. Fesch would have the refractory expelled the Order; he thinks your Grace is making too great sacrifices [10] for the sake of peace ; and is very discontent with the slow march of Propaganda in this business. He referred the whole matter in a good speech to the General Congregation of Propaganda, Dec. 23, in which he spoke feelingly of the ill usage which your Grace is receiving from these pretended religious who are making a traffic of religion ; and behaving as ill to the Pope as to their Archbishop. The Cardinal said : "Ces Messieurs n'ont ni foi ni loi ; et cependant ils ont ici leurs partisans." [11] I have also been with Cardinal Somaglia and the Pope to complain of the knavery of their application to Mr. Adams ; and to suggest the best means of meeting his letter. Father Marshall is not yet arrived.[12] I conceive he will be disappointed in his reception. Father Kohlman, who is now professor of divinity in the Roman College, has been presented to the Pope ; but I have not heard anything about the Atlas. After the delay of surrendering White Marsh, I conceive very well that it is designedly impoverished and delapidated, and that the sum which you consent to accept in lieu of it may be preferable. But, after what we have seen, I have no faith that those Jews will any more part with the money than with the land. I have suggested a plan very earnestly, which if accepted would prove effectual. The Pope gives 12,000 crowns a year to the General of the Jesuits, for the direction of

[10] *In offering to accept $1000 or $1200 a year.*
[11] *That is, among the other Cardinals.*
[12] *Cf.* No. 133, note 3.

the Roman College, etc. I would have his Holiness pay 6,000 of this sum to you, and charge the General to make his obedient children in Maryland reimburse it to him. I do not know what effect this suggestion may have.[13] Card. Pacca, Castiglione and Pedicini, though a little staggered, are blindly devoted to the Jesuits. . . .

Here Dr. Poynter adds his postscript to Gradwell's letter, and Dr. Marechal adds his endorsements.

M. 1825, March 9.

Marechal, 9 Mar., 1825, to Card. (Prefect of the Propaganda). He uses Gradwell's suggestion about the Roman College funds. Latin.

Ecclesiastical business. The election of Secretary Adams to the presidency

[13] *The character of the suggestion may be inferred from the following official data. On May 17, 1824, first year of the pontificate of Leo XII. (Della Genga), the Apostolic letters were issued, restoring the Roman College to the Society.* (*Cf.* Bullarii Romani Continuatio, *A. Barbéri, R. Secreti, Rome, 1853, t. xvi., No. 34,* Cum multa.) *The official acceptance of the College by the General, Father Fortis, at the "command" of his Holiness, is dated 7 Jan., 1824, and is addressed to Mgr. Giovanni Soglia at the Quirinal for the deputy-Cardinals who will submit the same to the Pope. The General undertakes to man the institution with Jesuits, from the beginning of Nov., 1824; to maintain public schools on the same plan, "although more ample," as that of 1773* (*year of the Suppression*),—*humane letters and the higher courses, with some additions proposed* (*all the tuition being, of course, gratuitous*). *He accepts the charge of the Congregations* (*Sodalities*) *mentioned, of the museums, observatory, library, and the two churches* (*Sant' Ignazio and the Caravita*).

Then, without date, but evidently a few days later, the answer to another communication follows in the form of a Specchio, *or Estimate of the subjects necessary for all the offices and charges assumed, on the plan of 1773; that the deputy-Cardinals may have the data for assigning means proportionate to the maintenance of said subjects. Seventy-six persons are required: officials, directors of museums, observatory, etc., 36 professors, ordinary and extraordinary, with prefects, 51 in all; temporal coadjutors for all the services in the College and community, 25 in all. The expense, necessary in actual circumstances, for the maintenance of each individual* (*from the Rector to the cook*), *is not less than 10 scudi a month* (*nominally $120 a year*). *Though the General does not make the computation, it is clear that the foregoing personnel requires an absolute provision of 9320 scudi a year, for 76 Jesuits. He adds that six seculars will be needed for certain duties; that the maintenance of the two churches and of the vast college has to be provided for, and all the incidentals of wear and tear in the schools, the furniture, printing, premiums, etc.*

In the last paragraph, the General alludes to the circumstance that, before the Suppression, the Society had possessed property which enabled it alone to maintain the entire establishment, without contributions from any one. Such resources are now wanting. (*General Archives S.J.*, Epist. R. P. N. Fortis, Lib. II. pars 1, 1824, *No. 217, pp. 469, 470, the General, 7 Jan., to Soglia. Ibid., No. 218, pp. 471-474, communication of a* Specchio dei soggetti necessarj al disimpegno degli uffizi e carichi annessi al Coll° Rom^no^, a norma del piano ch'era in attività l'anno 1773.)

As to the economical purpose, in an educational interest, of Gradwell's suggestion, that the entire maintenance (*6000 scudi*) *of fifty persons in this great college should be abstracted, and sent to furnish the mensa of Marechal, cf.* History, I. Appendix C, pp. 582, 583, *Father Campano's observations to King Stephen of Poland. Marechal's own form of demand that every year a 1000 scudi* (*dollars*) *should be subtracted and sent to him, meant the withdrawal of yearly support from at least eight professors. See* No. 135, A, Prop. 23, p. 557. *In using the Roman term scudo, Latin scutatum, as the nominal equivalent of a dollar, the writers never allude to the current difference in value between a gold scudo and a depreciated American dollar—a difference which appears sufficiently from the allowance per man in the foregoing Estimate.—Cf.* No. 135, A, note 46 (*where we said "twelve" professors instead of eight, and mentioned twenty-seven ordinary professors, not counting the extraordinary ones*).

of the United States; his tenure of office so insecure that there is no fear of his "lending his ears to the talk of the Jesuits, against the authority of the Sovereign Pontiff and mine." Marechal has received a letter in which it is said, that, to end his controversy with the Jesuits, the Propaganda intends to address the Pope,[14] *petitioning that what the American Fathers owe Marechal may be withdrawn from the funds of the Roman College, leaving the General to reimburse himself. This is certainly an efficacious and mild way of securing peace:* Recepi epistolam in qua dicitur, Sacram Congregationem, ad finem imponendum controversiae inter me et Jesuitas existentis, intendere suppliciter petere a Summo Pontifice ut retinere dignetur a summa, quam solvit Societati pro Collegii Romani regimine, quod juste mihi debetur a patribus Americanis; atque R. Patri Generali relinquere curam eamdem et aequalem summam obtinendi ab iisdem patribus sibi subditis. Nulla via pacis certe et efficacior simul et mitior excogitari potest.

Oro supplex D. O. M. ut Em. tuam suis benedictionibus cumulet. . . .

N. 1825, June 14.

Marechal, 14 June, 1825, to Gradwell, Rome. Effects of the controversy on his health.

Ecclesiastical business. As to the delay in settling the Jesuit affair, "there are days, when he is sad even unto death:" J'attends toujours, avec une sorte d'impatience, la décision finale de mes affaires avec les Jésuites. Le retard que j'éprouve me jette dans des difficultés extrêmes. Il y a des jours où mon ame est triste usque ad mortem. . . .[5]

O. 1825, July 14.

Marechal, Baltimore, 14 July, 1825, to Fesch.
Review of the situation. See No. 133, A.

P. 1825, August 4.

Caprano, 4 Aug., 1825, to the General. The term allowed for receiving information having long since expired, he makes inquiries.

He rehearses the correspondence (supra, J, K*) between himself and the General, according to which six months had been allowed as a term for the American Jesuits to appeal. A year having now passed, he asks in the name of the Propaganda (decree, 1 Aug., 1825), whether any information has been received.*

[14] *This statement does not appear in the letter of Gradwell, who has made the* suggestion (*supra*, L).

[15] *Five years had passed since he began the controversy. The factitious agitation which was being kept up in Rome, and which he was kept responding to, continued after this for two years and a half till he died.*

Q. 1825, August 16.

Memorial presented by the General, 16 Aug., 1825,[16] *to the Propaganda, in the name of the American Jesuits, but derived from matter supplied by Fathers Kohlmann and Vespre, then in Rome.*

It shows in a series of paragraphs that the Americans are unable to gratify Marechal either with an estate or a pension. It also contains the statement that, if they were constrained, and actually did pay a pension, their property would be forfeited to the Government. Cf. No. 133, A, note 4.

The Memorial is found in an English translation. See infra, S.

R. 1825, August 21.

Gradwell, Rome, 21 Aug., 1825, to Marechal. He returns to his project about the Roman College funds. Endorsed by Marechal: De Jesuitis.

All letters duly received. Zeal of Card. Fesch and of Mgr. Caprano. Nevertheless, stagnation in the Jesuit business, though there have been three congregations of the Propaganda within six weeks. In a letter just despatched, Card. Fesch has given Marechal the result of his having forced the matter on their notice last Tuesday. I could have wished that, instead of writing to enquire of your Grace, whether the Society be poor to pay its debts, and whether the government would take offence at their doing justice, they had consulted the letters and memorials which you have already written to Propaganda. His Emine[*nce*] gives the true reason of the business advancing so slowly. The vote of 1000 crowns[17] is some compensation for the delay in deciding; but nothing so effectual as the project [*against the Roman College*] which I recommended last year would have been; that of his Holiness stopping in the sum due to your Grace, and making F. Fortis levy it on his subjects. But the ennemi étoit trop fort et trop malin. . . . The Scotch students att[*end the*] lectures of F. Kohlmann at the Roman College; but they d[*o not?*] like the schools there, and wish to frequent those of S. Apol[*linare*] or of Propaganda. . . .

S. 1825, August 27.

The General, 27 Aug., 1825, to Dzierozynski. A letter, and a copy of the Memorial just presented to the Propaganda. The letter in Latin, signed by the General; a P.S. *in English; both letter and* P.S. *in the hand of Vespre. The Memorial, translated from Italian into English, written in another hand, possibly McSherry's.*

[16] *This, the date at which it was "to be presented" (see citation of source, infra,* p. 1088), *probably refers to the meeting of the Propaganda. In the printed* Sommario (*cf.* No. 210, C, Num. VI.), *8 Aug. is given, which may represent the date on the Memorial.*

[17] *Cf.* No. 135, A, p. 534. *This was an alms from the Propaganda. The view thus taken by the Sacred Congregation of the extreme poverty under which the Ordinary of Baltimore was labouring, and of the tax for a subsidy which must necessarily fall to some one's account, since the diocese of Baltimore was represented as unable to support its Ordinary, seems to have had much to do with the final settlement of Marechal's controversy with the Jesuits. Cf. infra,* No. 211, pp. 1090, 1091.

Business. Two observations on the copy of the Memorial, drawn from information supplied by Kohlmann and Vespre: 1. Verify the statements; 2. affairs have taken a favourable turn in the minds of the Cardinals, with respect to the Jesuits' case. *See* No. 132, note 5.

Vespre's own P.S.: *Dzierozynski is to forward a thoroughly authenticated copy of the Corporation's charter; also information regarding any laws, which will corroborate the statements of the Memorial.*[18]

English translation of the Memorial presented to the Sacred Cong[n] de Propaganda in the first days of August, 1825.[(a)]

General Archives S.J., Epist. R. P. N. Fortis, Lib. I. pars 1, *No. 197, the General, 7 Nov., 1823, to F. Neale. Ibid., No. 206, the same, 6 Dec., 1823, to Caprano, entered erroneously:* 6 Nov. *Ibid.*, Lib. II. pars 1, *No. 289, same to same, 12 June, 1824. Ibid., No. 296, 19 June, 1824, two Memorials for Cardinals Castiglione and De Gregorio. Ibid., No. 321, the General, 17 Aug., 1824, to Caprano. Ibid.*, Lib. III. pars 1, *No. 571, the same, 27 Aug., 1825, to Dzierozynski.—Ibid., Maryl. Epist., 6, ii., Caprano, 4 Dec., 1823, to the General; original, dated erroneously:* 4 Otte *Ibid., same to same, 20 Dec., 1823. Ibid., 6, iii., same to same, 9 June, 1824. Ibid., same to same, 14 Aug., 1824. Ibid., same to same, 4 Aug., 1825. Ibid., 6, iii., s.d., (19 June, 1824), a Rozaven draft of the two Memorials. Ibid., document P, original Italian draft, Italian copy, with two copies of an English translation, of the Memorial "to be presented" to the Sacred Congregation, 16 Aug., 1825.—English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, f. 154, Marechal, 9 Mar., 1825, to Card. (Prefect of the Propaganda); a copy. Ibid., f. 169, the same, 14 June, 1825, to Gradwell.—Baltimore Diocesan Archives, 17, F, Gradwell, Rome, 5 Aug., 1824, to Marechal; 3 pp. 4to. Ibid., 17, G, same to same, 2 Jan., 1825; 3 pp. 4to. Ibid., same to same, 21 Aug., 1825; 3 pp. 4to.—Georgetown College MSS. and Transcripts, Marechal Controversy, 1825, Aug. 27, the General to Dzierozynski; original, in Vespre's hand, signed by Fortis, enclosing English translation of Italian Memorial presented to the Propaganda, 16 Aug., 1825.*

No. 209. **1826.**

Marechal, Kohlmann: third and last Ponenza in the controversy.

In answer to the letters of Gradwell, to the formal demand of Card. Fesch,[1] *and to the Memorial which, on being presented by the Jesuits, was communicated in substance by the Propaganda,*[2] *Marechal drew up Twenty Three Propositions against the Society in America, and addressed them to the Prefect of the Sacred Congregation. Father Kohlmann had the charge of facing this new mass of matter. A third Ponenza or report, put in type and presented to the Propaganda by Card. Fesch, included among other papers this document of the Twenty Three Propositions.*[3]

(a) *The translator did not know the exact date. See supra*, Q, note 16.

[18] *Cf.* No. 207, N, *Ironside, 16 Dec., 1825, to the General, fulfilling at the request of Dzierozynski the commission of supplying the Acts, perfectly authenticated.*

[1] No. 134.

[2] *Cf.* Nos. 135, A, p. 534; 210, C, Num. VII.

[3] *Cf.* No. 210, C, Num. VIII.

A. 1826, January 15.

Marechal's Twenty Three Propositions. *See* No. 135, A.

B. 1826.

Kohlmann's papers on the situation, and rejoinder to the Twenty Three Propositions, when communicated.

1. Osservazioni da fare al Papa intorno alla lite col Archº di B.
2. *Draft of a Libellus supplex, or Petition, to the Pope.*
3. Osservazioni sopra la risposta di M. Marechal, etc.

See Nos. 135, A, *notes passim, for the substance of these papers;* 187, F, *on the claim derived from the Suppression of the Society.*

General Archives S.J., 6, iv., R, Osservazioni da fare, *etc.; a draft, 2 ff. Ibid., Libellus supplex; a draft, 4 ff. Ibid., S,* Osservazioni sopra la risposta, *etc.; a draft, 4 ff.*

No. 210. 1822–1826.

The documents printed for the Propaganda: three selections made by Card. Fesch. *The three printed* Sommarii, *or briefs, presented in the three formal reports to the Propaganda, at intervals of two years apart, contain the following documents.*

A. 1822.

Printed Sommario *of 1822.* *See* pp. 402, 403.

B. 1824.

Printed Sommario *of 1824.*

Num. I. *Brief of Pius VII., 23 July, 1822, in re White Marsh.* *Cf.* No. 205.

Num. II. *The General, 26 July, 1822, to C. Neale.* *Cf.* No. 122, B.

Num. III., *pp. 4–20. Kohlmann, 8 Dec., 1822, to the General.* *Cf.* No. 183, A.

Num. IV., *pp. 20–59.*[1] *The C. Neale-B. Fenwick Memorial, 22 Nov., 1822; translated from the original English, Rome, 21 Dec., 1823, by* Avv. Felice Ciccognani. *Cf.* No. 184, C.

Num. V. *Marechal, 27 Nov., 1822, to C. Neale, transmitting copy of the Brief, and also the article on jurisdiction.* *See* Nos. 123; 121, K.

Num. VI. *Marechal, 14 Dec., 1822, to C. Neale.* *See* No. 125.

Num. VII. *B. Fenwick, Georgetown, 12 Jan., 1823, to the General, containing C. Neale's Protest against the execution of the Brief.* *Cf.* No. 183, H.

Num. VIII. *Marechal, 27 Dec., 1822, to Card. Consalvi, giving the two letters received from C. Neale, 19 and 23 Dec., 1822, which he accompanies with his annotations.* *See* Nos. 123–126. (*End of* Sommario.)

[1] *Here is apparent the origin of Shea's misconception* (No. 187, A, *ad* note 10), *his mutilated copy beginning at p. 33.*

C. 1826.

Printed Sommario *of 1826.*

Num. I. *The General, 1 July, 1824, to the Maryland Superior. Cf.* No. 208, J.

Num. II. *Caprano, 14 Aug., 1824, to the General. Cf.* No. 208, J.

Num. III. *The Propaganda, 14 Aug., 1824, to Marechal. Cf.* No. 208, J, note 9.

Num. IV. *Marechal, 21 Dec., 1824, to the Propaganda. See* No. 132.

Num. V. *Marechal's petition to the Pope, 14 July, 1825. See* No. 133, B.

Num. VI. *Memorial presented to the Propaganda by the General, "8 Aug., 1825." Cf.* No. 208, Q.

Num. VII. *The Propaganda, 3 Sept., 1825, to Marechal, "in which the substance of the said Memorial is communicated." Cf.* No. 135, A, *ad* note 2.

Num. VIII. *Marechal's Twenty Three Propositions. See* No. 135, A.[2] (*End of* Sommario.)

The Archives passim, as quoted in the Nos. *just cited. In the Georgetown College MSS. and Transcripts, Marechal Controversy, there is a long transcript, done by Shea himself, 82 ff. 8vo, of the first* Sommario, *1822, with not a few blanks in the copy.*

From the selection made of documents in these three briefs, and from the printing of them, it is evident that nothing was omitted to consign the controversy, and the things written in it, ad perpetuam rei memoriam.

No. 211. **1826.**

Last session of the Propaganda: settlement of the controversy. *One important element contributing to the settlement has appeared in the alms of $1000, which the Propaganda itself sent over to*

[2] *Cf.* No. 135, A, note 25, p. 543, *where the following is cited:—Beschter, Baltimore, 17 Feb., 1823, to C. Neale, Superior, Mount Carmel.* . . . On the 30th ult. the Archbishop came to my house. . . . He then reproached me for having compared him to Palafox, even before his return from Rome. I answered that what [*I*] said to Mr. Whitfield I can say to him with equal truth. I said to Mr. Whitfield: "Palafox was never happy whilst he was persecuting the Jesuits, and the Jesuits were never happy under him." And, when Mr. Whitfield asked me in a passion, if I did compare our Archbishop to Palafox? I answered: "Let you not change my words; say what I have said and no more." I then repeated the same words. The Archbishop with a smile then said: "I wish I were as good as Palafox." And I replied: "I never shall wish you so great an evil as that." And then I informed him that Mr. Whitfield had said to me, that the exemption of religious orders from the diocesan Bishop, and their priviledges, are against the episcopal authority, and that all that would and should be done away [*with*]; that he has no doubt but the Archbishop has obtained that at Rome. The Archbishop said nothing to this, because he had said almost as much before he went to Rome. And, since his return, I heard him say that he heard Archbishop Carroll say, that [*the*] constitution of the Jesuits as made by St. Ignatius is good, but that Laynes and Aquaviva have spoiled it. (*Md.-N. Y. Province Archives, 1823, Feb. 17, Beschter, Baltimore, to C. Neale, Mount Carmel.*)

alleviate the poverty of the Baltimore prelate.[1] *Acknowledging the receipt of the alms, Marechal repeated that "at the present moment he had barely the annual sum of money for paying the expenses of the multitude of letters, which are directed to him from various parts of the world."* [2] *The funds of the Propaganda were not intended for regularly formed bishoprics or archbishoprics, like that of Baltimore. They were pre-engaged for the maintenance of vicariates apostolic and missions in Asia, Africa, Northern Europe, besides America. The subsidies afforded by the Sacred Congregation seldom reached such proportions as $1000 at a time.*[3] *Hence, if the Baltimore See was left so totally unprovided for by its flock, who, as Marechal affirmed, "could not," and, "if they could, would not," maintain it,*[4] *and if the said See was to become a tax upon Rome for its "preservation in the catalogue of the Sees of the Catholic world,"* [5] *the incidence of the tax became an interesting question. The applicant designated a quarter different from the Propaganda—first, the Roman College, and now the General of the Society. White Marsh and the Brief had disappeared entirely from the question, and the Maryland Jesuits also were disappearing.*

A. 1826, June 16.

Caprano, Secretary of the Propaganda, 16 June, 1826, to the General.

He announces that the Propaganda, at a general meeting, 29 May, 1826, had ordered a special conference to be held with his Paternity by a committee of Cardinals, Della Somaglia, Spina, Castiglione, Fesch, De Gregorio, and the Secretary, who have appointed June 20 for the said conference. The

[1] *Cf.* Nos. 135, A, p. 534; 208, R, note 17.

[2] *See* No. 135, A, Prop. 10, p. 547; *cf.* No. 137, p. 578. *In those times, letters were paid for by the recipients.*

[3] *In a note of such subsidies, belonging to a hundred years before, we find for the vicariates of England and Scotland a series of items, as follows: To the Scotch V. A. James Gordon, 1719, sc. 200 per ann. To his coadjutor, John Wallace, 1722, sc. 100 per ann. To the four VV. AA. of England, 1718, sc. 1000, divided equally among them, for poor superannuated missionaries, and for Catholics in danger of losing their faith through poverty. To one of these latter, Prichard, Mirinensis, 1719, sc. 100, for the missionaries in the remotest part of his district. To Gordon, 1720, sc. 500, chiefly for a certain portion of his missions, and the remainder for the rest. To Prichard, 1721, an extraordinary subsidy, sc. 300. To Stonor, Thespiensis, 1722, sc. 300. To Wallace, 1722, "for himself and the other Catholics imprisoned with him," sc. 60. To Giffard, Madaurensis, 1722, an extraordinary subsidy, sc. 250. To James Gordon and Wallace, 1722, sc. 300. To Giffard, 1722 (completing sc. 500), sc. 250. To Prichard, an extraordinary subsidy, sc. 200.* [*End of the Document.*] (*Propaganda Archives*, Anglia II., *f. 135*; Nota de' sussidii annui e particolari pagati dalla Sacra Congregazione de Propaganda Fide alli Vicarij d'Inghilterra e Scotia.)

[4] No. 121, A, His positis, 1°, p. 465.

[5] No. 135, A, *ad fin.*, p. 558.

Secretary herewith transmits a copy of the Ponenza just printed on the subject of the controversy.[6]

B. 1826, June 16.

The General, 16 June, 1826, to Caprano.

He acknowledges the receipt of the foregoing, accompanied by "a long printed document," una lunga scrittura stampata. *The General himself not being sufficiently familiar with the topics, he should desire to depute Father Kohlmann for the preparation of the matter, and the answers to objections, in the sense of the information given last August.*[7] *But three days are not enough for all this.*

C. 1826, June 18.

Gradwell, Rome, 18 June, 1826, to Marechal.

His account of the general meeting and action of the Propaganda (29 May, 1826).

My Lord,

In my letter at Easter I informed your Grace of the arrival of your long and able defence[8] against the interminable replies and rejoinders of the Jesuits, and my conviction that that, if anything, would bring the dispute which has now lasted four years to a conclusion. Si Pergama dextra – – –.[9] The new Ponenza,[10] which was well drawn up and comprised nearly the whole of your Grace's long letter and authentic documents, in answer to Father Vespri's random assertions, was printed in April, to be discussed in the Congregation to be held in May. Cardinal Fesch was ponente, and was perfectly master of the subject. Pistelli, who had drawn up the Cardinal's voto with all the ability that could be desired, was also indefatigable in his endeavours to have the cause finally determined. I have read the voto. It gave the origin and history of the cause; shewed that your Grace had amply refuted every objection, and from the beginning had fortified every assertion by the production of authentic documents,[11] that your cause was clearly the cause of justice; that your adversaries had continually changed their ground; and had been driven successively from every ground which they had taken; that the honour of Propaganda, the authority of the Holy See, and the good order of all the missions were at stake, etc. His Eminence concluded his speech by moving, that all the reasons alleged by the

[6] *Cf.* No. 210, C.
[7] No. 208, Q.
[8] No. 135, A, *the Twenty Three Propositions.*
[9] *Virgil, Aeneid, ii. 291, 292:*

Si Pergama dextra
Defendi possent, etiam hac defensa fuissent,

—*a sigh at the loss of Troy.*
[10] No. 210, C.
[11] *An echo of Marechal,* No. 135, A, Prop. 22, *ad* note 45.

Fathers against the payment of 1,000 piastres a year esse rejiciendas ;[12] that all those who should refuse to submit to such a just decision should be ipso facto unfrocked[13] and subject to other censures. The whole assembly was in a manner struck dumb. No reply was made. But two or three Cardinals muttered an amendment: That the Fathers' rationes non esse sufficientes, and that a special Congregation should be held of four Cardinals, to hold a conference with Father Fortis, and report to the next general Congregation of Propaganda. The amendments were agreed to. The special board is to consist of Cardinals Fesch, Spina, Castiglione, and Gregorio ; and Cardinal Somaglia was to be invited to attend it. At the motion of Cardinal Fesch, Mgr. Caprano is also to attend as secretary and witness.

Cardinal Fesch was so little satisfied with the result that he went to the Pope, and complained of the manner in which this business was conducted, and of the treatment which your Grace received. The Pope told him that he would speak to Mgr. Caprano about it ; but up to the beginning of this week, though a fortnight had passed, he had not done so.

Father Vespri was this week making a jest of Cardinal Fesch's complaint to the Pope : and ridiculing what his Eminence repeated from one of your letters : that your Lordship had a remedy against all this persecution[14] by resigning your See, and that, if you consulted only your own peace and not the good of religion in the United States, you would have done so, and probably by the delay of Propaganda may be compelled to do so.

Unexpectedly Cardinal Somaglia has consented to attend at the special congregation. Of this I am glad ; because there will be a majority of votes. Without his presence the four others would be like duo pondera in equilibrio.[15] I have been to speak to Cardinal Somaglia about the business. He told me, the Bishop must be upheld. The meeting is to be held next Tuesday at Cardinal Somaglia's. The general Congregation of Propaganda will take place in July.

Cardinal Fesch is not at all in spirits as to the result. He says, the opponents know very well that they are supporting a bad cause, but still they support it. He seems to apprehend that they will only mince the matter, let the Jesuits have their way, and then apply to Propaganda to send your Grace a sum of money as some kind of compensation for not doing justice. I cannot prevail upon myself to be of this opinion. I believe that all that agency and advocacy can do has been done in your cause.[16]

[12] *No word of the Brief or White Marsh.*
[13] No. 135, A, Prop. 23 : Secundum medium. *Cf.* No. 201, J, note 10.
[14] *Cf.* No. 133, A, p. 529 : leurs poursuites.
[15] *That is, Castiglione and De Gregorio for the Jesuits, Fesch and Spina against.*
[16] *The sequence of ideas here is not clear. The writer seems to be preparing Marechal for the worst, and apologizing for his own failure.*

But I will wait previously to the next general Congregation on all the Cardinals of Propaganda who are not described as venduti ai Gesuiti.[17] Immediately after the Congregation I will write again; and I hope more satisfactorily than I can do at present.

Perhaps I should have said above, that the chief part of what Father Vespri had to put in, in reply to your Grace, was directed against what you stated only as a report,[18] that, while the Jesuits were complaining of poverty, they had made handsome provision for the new Bishop of Boston. . . .

D. 1827, January 25.

The General, Father Fortis, Rome, 25 Jan., 1827, to Dzierozynski, Maryland. The last session of the Propaganda on the Marechal controversy. Abstract and translation from the Latin.

About the five young American Jesuits, whom Dzierozynski is asking for. The General objects that, as the Roman Province has many thousands of dollars due to it from America for the maintenance of these young men during so many years, it is quite out of the question to expect that he will take the additional money out of the pocket of the Italian Fathers and defray the expenses of the young men's return. "But, secondly, there is a still graver reason. The condition of your affairs in relation to the Archbishop of Baltimore is quite different now. I presume you do not know of it; for I have not heard a word from your Reverence nor from any one else about this matter. So I will briefly tell you.

"Towards the close of June last year, there was held a general and full session of the Congregation de Propaganda Fide.[19] *The universal decision was in substance this: That, when you refused to give the sum of money otherwise decreed or a farm equivalent to it, according to the terms of the precept of holy obedience, conveyed by Pius VII. of holy memory in his Brief, and by me in my letter ordering the surrender to be made to the archbishop; and when you declined also to pay him in money, on the ground that your debts and the condition of your farms rendered you incapable of realizing enough money; in these premises, since the decree ought not to be changed but should stand, then let the Society in Italy be bound by pontifical authority to pay the archbishop, or let the General pay.*

"For the purpose of receiving the communication of this decision, I was called to the palace by the Secretary of State [Della Somaglia], who was at that time Pro-Prefect of the Congregation of the Propaganda. There were present four other Cardinals deputed for the purpose, as well as the Secretary of the Congregation; and the decree was to be read and announced pro forma.

[17] *"Sold to the Jesuits."*

[18] *Marechal does not state it as* a report, *but as "a fact:"* Unum factum hic adjiciam. *See* No. 135, Prop. 11.

[19] *It was on May 29* (*cf.* No. 212, C); *the General's own solution of the case followed at the end of June.*

I took Father Kohlmann with me as companion; he was one who had come recently [from America] and had written on the subject of the controversy. After hearing the decree I said a few words for you; and then permission was granted Father Kohlmann to speak. He enlarged not a little on your state of misery and your penury, having been himself a witness and known things by experience. But I saw and was convinced that the mind of one of the five Cardinals could in no wise be altered. On the other hand, I was alive to the fact that a continuance of this controversy would become a matter of public scandal, since men of authority and judgment were not at all brought round by your reasoning, even after your documents had reached us from America. Wherefore I came to the conclusion that there was no settling the case except by settling with the claim, casum solvi non posse nisi solvendo pecuniam, *and by paying the money which you said you had not.*

"*So, towards the close of the conference, I thought in the Lord that I should take on myself the burden of paying such a sum of money as I could afford. I merely asked for a few days' time to think over the best form of settlement. Some days later I wrote to the Secretary of the Sacred Congregation. I enclose a copy of the letter. It was read in the Congregation and was highly approved. Then the settlement was sanctioned in all its particulars by the Sovereign Pontiff. Since one of the articles was that the Archbishop of Baltimore should appoint by an authentic act some one to be his proctor in the business, and an answer has been received from him to the effect that he designated the Rector of the English College, Dr. Gradwell, for that purpose, the first tri-monthly instalment of two hundred dollars, for the present year, was paid him last week. And so we shall continue to pay as long as the same archbishop lives. . . .*"

General Archives S.J., Maryl. Epist., 6, iv., Caprano, 16 June, 1826, to the General. Ibid., Epist. R. P. N. Fortis, Lib. IV., pars 1, *No. 797, the General, 16 June, 1826, to Caprano. Ibid., the same, 25 Jan., 1827, to Dzierozynski; loose copy.—Baltimore Diocesan Archives, 17, G, Gradwell, Rome, 18 June, 1826, to Marechal; 4 pp. 4to.*

No. 212. **1826.**

Official documents: end of the controversy. *The General, 27 June, 1826, submitted a paper which, being approved by the Propaganda, was sanctioned by the Pope, and then became the one final document, to which all other official papers merely referred. "Provisionally," that is, as a provision in lieu of all claims advanced on behalf of Marechal, the General undertook to subsidize him with 800 Roman scudi a year, in quarterly instalments, during the said Marechal's natural life,* sua vita naturale durante; *and Marechal was to be informed hereof, that he might appoint a receiving agent in Rome. The acceptance of Marechal, communicated by the Propaganda to the General (24 Dec., 1826),*

without any notice being taken of qualifications or new lamentations from his side;[1] *the formal receipt given by Marechal's agent Gradwell, expressly in the terms of the General's paper (27 June, 1826); and finally the Propaganda's letter to the General (24 Dec., 1826) put an end to the controversy. The Sacred Congregation never touched the question again. In the new efforts made to extend the gift of the General to Marechal's successors, the plea of poverty disappeared. Documents to show that Marechal's "natural life" meant the perpetual life of all his successors in the See of Baltimore were vaguely referred to, but never cited.*[2] *The one plea advanced was that Marechal, deceased, had meant his allowance from the General to be enjoyed by his successors; just as Marechal had argued that Carroll, deceased, had meant his gratuity to pass to his successors.*[3] *For a summary of this claim in its initial stages, see* No. 133, C; *for the papers on the new claims, see infra,* Nos. 213–217.

A. 1826, June 27.

The General, 27 June, 1826, to the Secretary of the Propaganda. He undertakes to subsidize Marechal, "during the natural life" of the latter, with 800 Roman scudi per annum, to be paid in quarterly instalments to a duly appointed agent of Marechal in Rome.

ILL^MO R.^MO SIG.^R P.^NE COL.^MO

Dopo avere il Preposito Generale della Campagnia di Gesù rappresentato alla Sagra Congregazione di Propaganda Fide la impossibilità, in cui si trovano i suoi correligiosi Missionarii del Maryland, di prestarsi alle domande di Monsignor Marechal Arcivescovo di Baltimore, conoscendo che la lodata Congregazione brama efficacemente che lo stesso Monsignore riesca a conseguire il suo intento, si offre di secondar egli spontaneamente simili premure, con obbligarsi, anco a nome dei Prepositi Generali suoi successori, di somministrare provisoriamente all'anzidetto Monsignor Marechal, sua vita naturale durante, l'annua somma di scudi ottocento romani, da incominciare a decorrere dal primo giorno del prossimo futuro mese di Novembre; e da pagarsi in rate di scudi duecento per ogni trimestre; che è tutto quel più, che, dopo formati esatti calcoli, si ravvisa potersi estendere con sicurezza di soddisfarlo puntualmente.

Di questa sua determinazione il sottoscritto Preposito Generale communica a V.S. Ill.^ma e R.^ma la notizia col presente Foglio, da valere come se fosse un legale istromento, e La prega, non solo informarne la prelodata Congregazione, ma pur anco insinuare all'anzidetto Mons.^r Marechal, che

[1] *Cf.* Nos. 136–138.
[2] No. 214.
[3] *Cf.* Nos. 129, A, 5°; 180, P, p. 892; 111, pp. 364, 365.

deputi un suo procuratore quì in Roma autorizato a riscuotere di trimestre in trimestre l'assegnamento summentovato.

Spera lo scrivente, che una tale risoluzione sarà per incontrare il pieno gradimento non meno della sullodata Congregazione che di V.S. Ill^ma^, cui rinnova i sentimenti di distintissima stima nel confermarsi con costante rispetto.

Di V.S. Ill^ma^ e R^ma^ – – –

Dalla Casa Professa, li 27 Giugno 1826.

All'Ill^mo^ e R^mo^ Mons^re^: Mons^r^ Pietro Caprano Arciv^o^ d'Iconio Seg^rio^ della S. Cong^ne^ di Propaganda, etc.

B. 1826, August 2.

Caprano, Secretary of the Propaganda, 2 Aug., 1826, to the General. The foregoing approved by the Propaganda and the Pope, and now to be communicated to Marechal, for his direction in the premises.

Dalla Propaganda, 2 agosto, 1826.

L'Arcivescovo d'Iconio Segretario della Sagra Congregazione di Propaganda ha l'onore di partecipare a V^ra^ P^tà^ R^ma^, che la Santità di Nostro Signore nella Udienza del 2 di Luglio decorso si degnò di ammettere il progetto, che, relativamente alla nota controversia tra i PP. del Maryland e Mgr. Ambrogio Marechal Arcivescovo di Baltimore, V^ra^ P^tà^ R^ma^ istessa comunicò al sottoscritto col suo pregiatissimo biglietto del 27 Giugno, 1826.

Dopo che il sottoscritto nella Sagra Congregazione Generale tenuta ieri fece di tutto ciò, per ordine di Sua Santità, la relazione agli Em^i^ e R^mi^ Sig^ri^ Cardinali, gli restava a rendere nota a V^ra^ P^tà^ R^ma^ la mente di Sua Beatitudine sul presente affare.

Tanto egli ora adempie, prevenendola insieme che per parte della Sagra Congregazione si scriverà sabato prossimo a M^gr^ Arcivescovo di Baltimore per manifestargli il tenore del progetto indicato da V^ra^ P^tà^ R^ma^, l'accettazione che ne ha fatta Sua Beatitudine e la Sagra Congregazione, e come debba esso regolarsi per la esazione della somma che ora gli viene promessa.

Profittando quindi della opportunità colla più distinta ed ossequiosa stima si rassegna.

[*m.p.*] Devotis^o^ ed obbligatiss^o^ servit^e^

Pietro Caprano, Arciv^o^ d'Iconio, Segret^o^

R^mo^ P^re^ Luigi Fortis, Preposito Generale della Compagnia di Gesù.

C. 1826, Aug. 5.

Card. Della Somaglia, 5 Aug., 1826, to Marechal. Shea's abstract.

After a general meeting of the Propaganda on the 29th of May, and a special meeting of some members on the 20th of June, in reference to the dispute between Archbishop Marechal and the Jesuits, the General agreed, in

his own name and that of his successors, to pay to Dr. Marechal, during his natural life, the annual sum of 800 Roman crowns, to commence on the 1st of November of this year. The Pope and the S. Congregation consider that this offer should be accepted.[4]

D. 1826, December 24.

Caprano, Secretary of the Propaganda, 24 Dec., 1826, to the General. Marechal, having been notified of the General's arrangement, "in the express terms" of his Paternity's letter, dated 27 June, 1826, has replied that he accepts it "provisionally," and appoints Gradwell his receiving agent in Rome.

Dalla Propaganda, 24 Decembre, 1826.

Essendo stata comunicata a Monsignore Ambrogio Marechal Arcivescovo di Baltimore, nei termini espressi nel pregiatissimo foglio di V^ra^ P^tà^ R^ma^ del 27 Giugno, 1826, la determinazione presa da V^ra^ P^tà^ medesima, e sanzionata da Sua Santità, di pagargli in ogni anno scudi ottocento da esigersi a rate di trimestre in trimestre, l'Arcivescovo suddetto con sua lettera del 17 Ottobre decorso ha risposto che provisoriamente accetta questo assegnamento, e che deputa a farne in suo nome la riscossione il Signore D. Roberto Gradwell Rettore del Collegio Inglese, e suo procuratore in Roma.

Essendo già stata riferita alla Santità di Nostro Signore la risposta dell'Arcivescovo, si fa un dovere il sottoscritto Arcivescovo d'Iconio Segretario della Sagra Congregazione di Propaganda di parteciparla a V^ra^ P^tà^ R^ma^, a cui colla più distinta stima ed ossequiosa si rassegna,

[*m.p.*] Devotiss^o^ ed obbligatiss^o^ servitore,

Pietro Caprano, Arciv^o^ d'Iconio, Segret^o^ di Prop^a^

R^mo^ P^re^ Luigi Fortis,

Preposito Generale della Compagnia di Gesù.

E. 1827, January 5.

Gradwell's form of receipt, in Marechal's name, acknowledging the General's arrangement of 27 June, 1826, and the Propaganda's witness of Marechal's acceptance, as defining the nature of the settlement, to wit, a life annuity from the General to Marechal.

[4] *Marechal's correct understanding of the settlement imposed by the General, the Propaganda, and the Pope, is clear from his letters, 17, 18 Oct., 1826. See* Nos. 136–138. *The following letter, s.d. (Oct. ?, 1826), to Gradwell, conveys the same interpretation: "Neither my rights in their integrity, nor those of my successors are mentioned:"* . . . P.S. J'ai reçu une lettre dattée du 5 Août, par la quelle la Propagande m'informe que le Père Fortis a promis de me payer sc. 800 per an., pendant ma vie naturelle: Provisorie. J'attende [!] tous les jours une lettre de vous ou de S. E. Strada Julia [*Fesch*], pour me diriger relativement à cet acte de justice partielle. Car ni mes droits dans leur entier ni ceux de mes successeurs n'y sont mentionés. (*English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, f. 236.*) *In this accurate rehearsal of the settlement, the main elements that it was for his "natural life," that his successors had no place, and that the settlement was a "promise" of Father Fortis, were all correctly apprehended.*

Io sottoscritto nella qualifica di procuratore del R^mo^ M^gr^ Ambrogio Marechal Arciv^o^ di Baltimore ho ricevuto dal Molto Rev. Padre Luigi Fortis, Preposito Generale della Compagnia di Gesù, per le mani del Rev. P. Manucci Procuratore della medesima, scudi duecento Romani, e sono per un trimestre incominciato nel dì 1^o^ Nov., 1826, e da terminare nell' ultimo dì di Genn^o^, 1827, dell' assegnamento vitalizio annuo di scudi ottocento, in esecuzione in tutto e per tutto del foglio presentato dal detto M. R. P. alla S. Cong. di Propaganda Fide, ed approvato dalla medesima S. Congregazione; qual foglio la Santità di N^ro^ Signore, P.P. Leone XII. fel. regnante, si è degnata sanzionarlo, come risulta da lettera del 24 Decembre, 1826, esistente in Archivio della nominata Compagnia, del R^mo^ M^gr^ Caprano Arciv^o^ d'Iconio e Segretario della lodata S. Congregazione, alla quale, etc. In fede, etc.

Roma, 5 Genn^o^, 1827.

(Segnato): Roberto Gradwell.

General Archives S.J., Epist. R. P. N. Fortis, Lib. IV., pars 1, *No. 806, the General, 27 June, 1826, to Caprano. Ibid., Maryl. Epist., 6, iv., authentic copy of the same. Ibid., Caprano, 2 Aug., 1826, to the General. Ibid., same to same, 24 Dec., 1826.—English College Archives, Gradwell Collections, Baltimore and Quebec, f. 251, Gradwell's receipt, Rome, 5 Jan., 1827.—Baltimore Diocesan Archives, 17, F, Gradwell, 27 Feb., 1827, to Marechal, f. iv, copies of (1) the General's letter, 27 June, 1826, to Caprano; (2) Caprano, 24 Dec., 1826, to the General; (3) Gradwell's receipt, 5 Jan., 1827.—Georgetown College Transcripts, 1825-1830, Shea's abstracts, Della Somaglia, 5 Aug., 1826, to Marechal.*

An exact copy of this receipt was sent over to Baltimore by Gradwell. Another copy he left in the English College Archives at Rome. The fundamental document, on which everything else rested and to which the receipt referred, Father Fortis' original terms of June 27, 1826, was also sent over in copy to Baltimore; as well as a copy of the last note, sent by Caprano, Dec. 24, 1826, to the General.[5]

No. 213. **1827.**

The new claims: initial steps. *In the first place, Gradwell advanced the idea that the word "provisionally," which in the official documents signified the provision of a life annuity in lieu of all Marechal's claims, and was understood by Marechal in this sense,*[1]

[5] *See* No. 213, A, p. 1101, *Gradwell, 27 Feb., 1827, to Marechal.*

[1] No. 212, note 4. *There being only two meanings of* provisorie *according to Marechal* (No. 136, p. 576), *the first that, according to his own view, it should imply the recognition of some permanent right in himself and his successors (to the reversion of White Marsh?), the second that, in the mind of the General, Father Fortis, it meant,* habeatur ac censeatur, "*a complete abrogation of the provisions which are found in the Brief of Pius VII.,*" *it followed that since the formal statement of the General's mind, expressed in his offer of a mere life annuity for Marechal alone, was taken as the complete basis of the final transaction, was sanctioned as such by the Holy See* (*cf.* No. 137, p. 577), *and was accepted in Gradwell's official receipt* (No. 212, E), *the meaning of* provisorie *was that of the General, not that of Marechal. In fact, White*

conveyed some other meaning, to wit, not a life annuity, sua vita naturale durante, *but an annuity for his successors in perpetuity* (*infra,* A). *This was echoed back from Baltimore* (C). *Then Gradwell affirmed that Card. Capellari had said it was so; and the Jesuits understood it to be so* (D). *This affirmation was taken at Baltimore to be so satisfactory, that the letter* (D) *containing it was endorsed there:* Pension continued to my successor. *The letter, containing this affirmation, seems at a later stage to have been called* documents, *which were* better *than the official ones;*[2] *and to have been vaguely cited in a phrase, which Gradwell added in his "translation" of a letter from Whitfield:* all the documents which I have seen.[3]

A. 1827, February 27.

Gradwell, Rome, 27 Feb., 1827, to Marechal. Narrative. Apologies. Documents.

. . . In my letter of the 6th of January I gave your Lordship an account of my having received from Father Fortis 200 crowns, being the first quarterly payment commencing the 1st of Nov., 1826, and ending the first of Feb., 1827. I mentioned my expectation, which was also that of Mon^gr^ Caprano, that I should receive the second instalment for the second quarter, at the beginning of the present month. But when I called at the Gesù for it, on the 6th of Feb., I was told by the procurator, Father Manucci, that it was to be paid not at the beginning but at the end of the quarter, that is, on the 1st of May. Upon looking over the annexed copies of letters, I found that there had been an unintentional misunderstanding on this point, and acquiesced. It was perfectly understood by F. Fortis, by Mgr. Caprano's letter to him of 24th of last Dec., a copy of which furnished me by Father Manucci as my warrant I have sent herewith, that your Lordship's acceptance was provisional; and I declared the same to Fr. Manucci when I received the money. Though long and explicit enough in other respects, it did not contain the word provisionally, but only by reference to the papers sent herewith. I mentioned this circumstance to Fr. Manucci the next time I saw him. They laughed at me at Propaganda for the oversight,[4] after all the work

Marsh and the Brief had been entirely eliminated from the discussion in Rome. Cf. No. 211, C, *Gradwell's report of Card. Fesch's speech at the general session of the Propaganda.*

[2] No. 214, B, *ad* note 6.

[3] *Ibid.*, C, *ad fin.*

[4] The oversight *seems to have been that the word* provisionally *was not expressed in the receipt, though it was in the* warrant—*Caprano's letter* (*supra,* D),—*a copy of which was delivered to Gradwell by Manucci as a part of the transaction. Neither were other matters expressed in the said receipt, being left in the* warrant, *as, for instance, that the settlement was made and defined by Father Fortis himself, the sole*

I had made about the matter before. To account for it, the day was very wet and cold; I had waited half an hour in my wet clothes before Fr. Manucci came home. It was but five minutes before his dinner time. So that I read it over very hastily. But I have told him to draw it up differently the next time.

On the manner and times of sending him the Jesuit remittances through Dr. Poynter. On Father Badin. On the Sulpicians of Montreal and the British Government. Cardinal Fesch is recovered from his long indisposition. He has the greatest regard for your Grace and your interests; and, though he is not satisfied with the late determinations and told the Pope that the demands of justice were not satisfied, yet he thinks that, as it was impossible to do more, it is the best to acquiesce; the more so as much more has been done than for a length of time he thought possible to be accomplished. *On Ironside: no papers received at the Propaganda* that can cast any imputation *on him.*[5] The Irish College has been just re-established. Fr. Kohlmann and Fr. Vespri sometimes come to pay me a visit. Fr. K[*ohlmann*] is a respectable professor, but nothing brilliant. Fr. Vespri is Minister at the Gesù.

[*F. 1vo*] I. Copy of a Letter from Father Luigi Fortis, General of the Jesuits, to Mgr. Caprano, Secretary of the Propaganda.

Ill^mo^ e R^mo^ . . . Dopo avere il Preposito . . . 27 Giugno, 1826[6] . . .

II. Copy of a letter from Mgr. Caprano, Secretary of the Propaganda to Fr. Luigi Fortis.

. . . Essendo stata comunicata a Mgr. Ambrogio Marechal . . . a farne in suo nome la riscossione . . . Gradwell . . . Pietro Caprano, 24 Dec., 1826 . . .[7]

III. Copy. Io sottoscritto nella qualifica . . . alla quale, etc. In fede, etc. Roma, 5 Gen., 1827. (Signed): Roberto Gradwell.[8]

B. 1827, April 22.

Marechal, 22 Apr., 1827, to (Cardinal Fesch). Expression of gratitude, notwithstanding the ill success of the enterprise. Thanks to the Cardinal for the years of valiant fighting on behalf of Baltimore; as also for his having kept silence, when that unworthy judgment was passed, which allowed Marechal only 800 scudi a year. It was a just protest of his Eminence at the sight of such timidity on the part of the Propaganda.

Mon bien bon et cher Seigneur,

Si je cédois aux sentiments de respect et de reconnoissance que j'éprouve pour votre Grandeur, je vous importunerois souvent de mes

author: la determinazione presa da V^ra^ P^tà^ medesima. *Cf. supra*, note 1. *Hence it appears that essential conditions of the settlement were not of importance with Gradwell, but the word* provisionally *was.*

[5] *Cf.* No. 140, note 1.

[6] No. 212, A.

[7] *Ibid.*, D.

[8] *Ibid.*, E.

lettres ; mais après avoir défendu les droits de mon siège avec un courage si noble et si soutenu, je dois me tenir en garde contre l'indiscrétion qui me porteroit naturellement à m'addresser souvent à vous, comme un enfant gaté s'addresseroit à son père.

J'ai été enchanté que, dans la congrégation où il a été arrêté que mes adversaires me payeroient seulement 800 écus Romains, vous ayez gardé le silence. C'étoit ce que votre Grandeur pouvoit faire de mieux. Je regarde la fin de tant de démarches plutôt comme le résultat de timides négociations, qu'un jugement digne de Rome.

On getting back from Rome the six young Jesuits "belonging to his diocese,"[9] de mon diocèse.[10] *His health is failing. Question of a coadjutor.*

C. 1827, June 22.

Marechal, 22 June, 1827, to Gradwell. He re-echoes and defines the idea conveyed by Gradwell (supra, A), *on "provisional." Against the Dominicans of Ohio, the Bishop of Philadelphia, irremovable pastors (see* No. 135, U). *Directions concerning the late decision in the matter of the pension.*[11]

It will be necessary for you to keep look – – – at the conduct of my adversaries, otherwise they will lay aside all the conditions upon – – – receive the trifling sum they are to pay me, viz. 1º provisorie, id est, integre reman – – – successorum ulteriori jure ; 2º that this sum should be paid likewise to my – – – only durante mea vita.[12] My health is now a little better. Two months ago – – – and now day and night.

A thousand respects to good Card. Fesch. My best compliments to my friends and particularly to your seminarists. Tout à vous.

+ A. A. B.

D. 1827, September 4.

Gradwell, Rome, 4 Sept., 1827, to Marechal ; endorsed by the latter : Pension continued to my successor. . . .

. . . On the 18th of August I gave your Grace's letter to Cardinal Capellari. . . . I read to his Eminence that part of your Lordship's letter which charged me to make it well understood that you receive from Father Fortis the 800 crowns a year, only with a reserve of the right of your See, and of your successor ; and by no means as an annuity to expire

[9] *Cf.* No. 132, *ad* note 8.

[10] *There is no allusion in this letter to the new claims on behalf of successors ; nor in the letter, dated the next day, to Gradwell, whom he thanks for the settlement of the case, giving directions as to the future remittances every three months through Mgr. Poynter, Vicar Apostolic of London. (English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, f. 255, 23 Apr., 1827 ; original.)*

[11] *For the probable originator of the new claims, which now appear in this letter, cf.* No. 133, C, p. 532.

[12] *Cf.* No. 133, C.

with your Lordship.[13] The Cardinal said, this is perfectly understood on all hands. The Jesuits are perfectly aware of it. And you may tell the Archbishop that, if the Fathers should refuse to pay it to his successors, Propaganda will compel them to do so; on the same grounds as they do at present. I have now received three quarterly instalments. *Statement of accounts. Items about Mr. G. Errington and Dr. Wiseman.*

E. 1827, October 1.

Marechal, Baltimore, 1 Oct., 1827, to Card. Capellari, Prefect of the Propaganda.

On Philadelphia; on various bishops, especially Flaget. On Father Fortis, and the six young American Jesuits, natifs de mon diocèse, *who are kept in Italy.*[14] *Eligible successors to the See of Baltimore: James Whitfield, James* [!] *Eccleston, and Michael Wheeler. Whitfield is rather old, 57 years, but otherwise most eligible. The other two are rather young, about 26 or 27 years; after their studies in Baltimore seminary, and their ordination to the priesthood, Marechal sent them to the noviciate of St. Sulpice in Paris.*

F. (1827.)

Testamentary memorandum drawn up by Marechal: De mensa episcopali Praesulis Baltimorensis. *See* Nos. 140, B; 187, A, *ad* note 8.[15]

Baltimore Diocesan Archives 17, F, Gradwell, Rome, 27 Feb., 1827, to Marechal; 2 pp. large fol., the second page containing the copies of the three official documents named. Ibid., same to same, 4 Sept., 1827.—English College Archives, Rome, Gradwell Collections, Baltimore and Quebec, f. 253, Marechal, 22 Apr., 1827, to (Fesch); a copy. Ibid., f. 266, Marechal, 22 June, 1827, to Gradwell. Ibid., ff. 259-262, Marechal, 1 Oct., 1827, to Card. Capellari, Prefect of the Propaganda; a copy.—Propaganda Archives, America Centrale, *1827, 1828, vol. 9, Marechal, 1 Oct., 1827, to Capellari.—Georgetown College Transcripts, 1827, Oct. 1, Marechal to Capellari; a copy from* Scritture riferite nei congressi, *1827, 1828,* America, *vol. 9; 8 pp. 4to, a characteristic letter.*

[13] *The point of this passage seems to be in the reservation of a right (to White Marsh?); for the rest of the sentence, in the light of the documents transmitted by Gradwell (supra,* A), *and quoted exactly by Marechal,* only durante mea vita (C) *is a contradiction in terms—that a life annuity, limited to the person of the annuitant, should not* expire *with the same. However, as the essential limitation,* sua vita naturale durante, *has disappeared from Gradwell's statement, so it disappears from the entire conduct of the new campaign.*

[14] *Cf.* No. 132, *ad* note 8.

[15] *In an ordinary official letter, writing as a consultor of the Mission or councillor of the Superior, Father Beschter told the General in a letter, dated six days before the death of Mgr. Marechal, that he visited the sick prelate almost every day, and received his blessing; and the writer continues: "He [Marechal] has written not a few directions for his successor, and, when he was no longer able to write, the Rev. Mr. James Whitfield wrote at his dictation, and entertains the greatest hope of succeeding, and of following in his footsteps. The archbishop refuses to recognize the privileges of the Society, until he shall be authentically notified by the Holy See. This is what he himself said to me lately." On the back of this letter, among other points the General notes: "The deceased bishop should be commended to Ours." (General Archives S.J., Maryl. Epist., 3, i., Beschter, 23 Jan., 1828, to the General.) The "privileges" referred to by Beschter are, no doubt, those conveyed by Leo XII. (Della Genga) in the Brief,* Plura inter, *11 July, 1826 (cf.* No. 188, E, note 6). *The authentic notification of such acts is accomplished in Rome by official communication to the parties concerned.*

No. 214. **1828.**

Whitfield and Gradwell: the new claim for a pension from the General of the Jesuits on behalf of Marechal's successor. *The aspirant to the archiepiscopal See of Baltimore on the death of Marechal admitted to Gradwell that, if he were elected, not only was there no ground of poverty on which to claim a subsidy, but that he enjoyed a competency; however,* it would be a d[*uty*] as it was for the Archbishop [*deceased*] of providing for his successors, *and, whatever income he could accumulate, he could use it* (*infra*, B). *To the Superior of the Jesuits he mentioned "a rescript of Cardinal C. averring" that Marechal's life annuity from the General was an annuity in perpetuity for all successors;*[1] *otherwise Marechal would not have accepted it* (D). *He also said, that he had* better *documents*[2] *than the official ones* (B). *This letter to Gradwell contained some tactical errors, inasmuch as, first, the writer impeded his own succession by the air of ambition in the paper, and, secondly, he cut the ground from under all claim to a pension by mentioning not only the* official documents *of the Jesuit Superior, but also his own financial competency without a subsidy from any one. Gradwell, presenting to the Propaganda a* traduzione dall'inglese, *a "translation from the English," of Whitfield's letter, corrected these tactical errors, without saying a word about them, remoulded the whole text, and produced a different document. He signed it as authentic* (C). *In a subsequent letter, Whitfield, archbishop-elect, writing to Card. Capellari, Prefect of the Propaganda, made no mention of the alleged "rescript of Cardinal C.," but entreated him, in the matter of the Baltimore See's property "recovered" by Marechal from the Fathers of the Society of Jesus, "to deter" Father Fortis from all measures which "would injure religion and scandalize the faithful" by not "paying the money agreed on" with Marechal* (G). *At this stage of the proceedings, Gradwell himself became a bishop.*

A. 1828, February 4.

J. Tessier, Superior of the Baltimore Seminary and Vicar General, 4 Feb., 1828, to Card. Capellari, Prefect of the Propaganda.

Announcing the death of Archbishop Marechal; recommending as successor the Rev. Mr. Whitfield, who for many reasons is quite fit to conduct the

[1] *Cf.* No. 213, D.

[2] *Apparently* No. 213, D; *and possibly ibid.*, F.

diocese on the same lines of prosperous policy as Dr. Marechal: Omnino aptus est ad eandem administrationis formam prosequendam, quam R^mus^ D. Marechal cum tanta Ecclesiae prosperitate prosecutus est. . . .

B. 1828, February 5.

James Whitfield, Baltimore, 5 Feb., 1828, to Gradwell. A long account of the decease, funeral, etc., of the late Dr. Marechal. His disposal of property by will. The Jesuits. Whitfield's own policy, if appointed to succeed the late archbishop.

. . . The Rev. Dr. Tessier, in his letter inclosed, urges the Propaganda to concur in my appointment as successor to the Archbishop. I knew nothing of my name being proposed till the evening before my late beloved friend received the viaticum; who then informed me—I remarked with tears—that it was after a long deliberation, and not through his particular friendship for me, but because at present he saw no other, who was so likely as I to keep things in their present prosperous state and to go on improving. I answered that after his death I had intended to return to England; but he urged me to the contrary; and his request, joined to that of the numerous clergy of the Seminary, and the general wish (I am told) of the Congregation, would engage me to accept the appointment, if made.

The Archbishop was afraid the Jesuits might intrigue as to a nomination of their own.[3] I am sorry to say that the Superior here, and almost the whole of his small Society, are not friendly to the Archbishop's memory; and especially the Superior and a Mr. Beschter we have in Baltimore are continually tending, it would appear, to interpret in quite a wrong light the laudable things done by the deceased prelate. As they will be immediately writing to Rome, it may be proper to mention these facts. From the Sulpicians of Canada, from France and Italy, the Archbishop has, since a few years, received considerable sums; but, as he remarked a few days before his death, being given to him as a poor man, he would not make use of them for himself,[4] and had begun some time since to give a part towards extinguishing the 40,000 dollars due by the cathedral.

In his will he has not left a dollar but for religious and charitable purposes: $2,400 to the cathedral, $1,200 to the female, $1,200 to the boys', and $360 to another orphaline asylum; several other sums to different

[3] *Among various tints and shades put in the Italian translation by Gradwell on the text, this invidious remark is improved into a nomination of "one of their own members"; but* intrigue *is toned down to "desire":* desiderebbero di nominare uno de' Loro soggetti. *The sentence almost immediately following, which betrayed that the truth of the statement could be tested, is omitted:* As they will be immediately writing to Rome, *etc.*

[4] *The sequence of ideas here is not clear: he received sums, as being a poor man, and therefore made presents of them. Gradwell eliminates the non-sequence by inserting a conjunction, which gives a different sense:* benchè dategli come ad un povero, "*although given to him as a poor man, he would not use them for himself.*" *The sums noted here are, first, a contribution to the cathedral; secondly, $5160; thirdly,* several other sums. *Cf.* No. 211, p. 1091.

religious and charitable purposes. And his will has given to all good people the finishing stroke to his pious and charitable reputation.

Fr. Zorozinski [*Dzierozynski*] and Fr. B[*eschter*] may put their imaginations to work, and manifest in Rome, what they too plainly have manifested here, their uncordial feelings towards the deceased prelate. I may judge this from letters I have seen under the hand of the former and from conversations I have had with both, particularly two evenings ago, when they told me their mind and I opened mine to them as freely.[5] They are highly displeased that, during my administration, I shall act as I think the Archbishop would have done, that I praised those acts of his which they condemned ; that, so far from testifying any regret for his conduct towards them, he had not shown the least scruple, but firmly and piously persevered to the end in the provision he had obtained, not only for himself but for his successors.

Fr. Z. [*Dzierozynski*] said he had official documents to prove the $800 were only for his life. I said, I had better ones to show the provision was made in perpetuum.[6]

One replied that, if I [*Whitfield*] were Archbishop and received that salary, [*he*] would no longer be my friend—to which threat I made no answer. They were highly offended at my disclosing such sentiment and no doubt will inform their friends of what they may expect from me.— They may represent that I have considerable property of my own; and it is true ; while the States Bank pays 6 ℘. ct. as it does now, I may have 600 to 800 dollars a year ; but for two or three years it gave no dividend at all, and the same may happen again. Besides, if I were named, it would be a d[*uty ?*] as it was for the Archbishop of providing for his successors ; and, whatever income I might have altogether, it would certainly not be too much for the wants of the cathedral and the various religious institutions arising in the diocese.

I thought proper to mention this to put your Reverence on your guard. It is a pity that this is necessary. It is a pity that they, whose motto is Ad majorem Dei gloriam, should not have co-operated to the utmost of their power with the holy zeal of the Archbishop. His successor will probably have the same difficulties, especially [*as*] long as a Polish or Russian be at the head, who, according to Archbishop Carroll (a Jesuit) had strange notions regarding their privileges and exemptions.

I remain, Rev. and Dear Sir,

Yours most sincerely,

JAMES WHITFIELD.[7]

[5] *From this point Whitfield's text seems to have become unmanageable or incorrigible for Gradwell :* during my administration I shall act ; official documents ; *his own* considerable property ; *his duty to accumulate money for himself and successors, since he could use whatever he got. Gradwell reduces and recasts all this, as seen infra,* C. *It is to be noted that Whitfield's nomination as coadjutor to Marechal had already been made in Rome, when Gradwell presented his "translation."*

[6] *These two sentences are suppressed in Gradwell's "translation."*

[7] *On the tenor and style of this letter and of others infra, from the same pen, cf.* No. 135, P, note 49.

C. 1828, February 5.

Gradwell's "translation" of the foregoing, as presented to the Propaganda. Text of the latter portion on the issue with the Jesuits.

Traduzione, dall' Inglese, di una Lettera scritta da D. Giacomo Whitfield Vicario Generale di Baltimore (nominato Coadjutore) in data di Baltimore, 5 Febbraro, 1828 : a D. Roberto Gradwell.

. . . Nel suo testamento ha lasciato tutto, fino all'ultimo scudo, a qualche oggetto di religione o di carità ; cioè 2,400 alla Cattedrale, 1,200 alla casa delle zitelle, 1,200 alla scuola de'ragazzi, ed altre somme ad altri caritatevoli fini. Il suo testamento ha coronato nella stima di tutti i buoni la riputazione che godeva mai sempre di Prelato caritatevole.

Il P. Zorozinski, e talun altro di sua compagnia, nelle loro lettere, che io ho vedute, ed in conversazione con me, due giorni sono, si mostrano malcontenti tanto coll' Arcivescovo che con me, riguardo all'assegnamento di 800 scudi annui ordinato da pagarsi dal Generale de'Gesuiti all'Arcivescovo di questa Sede ;[8] con me, perchè io ho sempre approvato quelli atti dell'Arcivescovo, che loro condannano.[9] Uno di loro mi disse che, se io diventassi Arcivescovo, e ricevessi quell'appuntamento di 800 scudi, cesserebbe per sempre di essere il mio amico. Ad una tal minaccia non risposi nulla. Credevo di poter scrivere a voi queste osservazioni per vostra informazione. Io so per altro da tutti i documenti che ho veduti, che S. Santità aggiudicò quell' assegnamento annuo, non personalmente a Mgr. Marechal, ma all'Arcivescovo ; e non fu accettato de Mgr. Marechal, che con riserva dei diritti de'suoi successori : "*For the rest, I know by all the documents which I have seen, that his Holiness adjudged that allowance, not personally to Mgr. Marechal, but to the archbishop ; and it was not accepted by Mgr. Marechal save with a reserve of the rights of his successors.*" [10]

[*Signed in another hand and ink :*] Collegio Inglese, 21 Marzo, 1828.

ROBERTO GRADWELL.

[*Endorsements and superscription :*] America sett.

A Sua Eminenza R^ma^ Il Sig^r^ Card^le^ Cappellari, Prefetto della S. Cong^ne^ di Propaganda Fide.

5 feb. 1828. Si descrive la morte, ed il funerale dell' arciv. di Baltimora. ¶ Si parla del successore. ¶ Per il nominato Arci-Vescovo di Baltimora.

D. 1828, February 10.

Dzierozynski, 10 Feb., 1828, to the General. Account of his interview with Whitfield. Extract translated from the Latin.

[8] Ordinato . . . Sede : *this is Gradwell's own in the réchauffé of the rest.*

[9] *Here the two sentences about* documents *are left out. What follows is partly a patchwork of Whitfield's phrases picked out here and there, partly an original contribution of Gradwell's to his* traduzione.

[10] *As a "translation," this document of Gradwell's is not recognizable, with its suppressions, insertions, and transpositions. But, as a campaign document, eliminating what might compromise the case, and interpolating what might reinforce it, the substitution is an instructive performance.*

. . . " *He [Marechal] is said to have left many instructions to his successor, whoever he may be, that he may not depart from his own manner of governing the diocese; and the Rev. Mr. Whitfield, at least, candidly confessed to me that, in case he should succeed the deceased prelate, he would not depart from the method followed. He added too, that he had understood for certain from the Archbishop, now resting in the Lord, that the pension, which your V. Rev. Paternity undertook to pay for us, was to go to his successors in perpetuity; otherwise the deceased prelate would never have accepted it; and he says that he has seen a rescript of Cardinal C. . . . averring this. I did not want to contradict him; I merely answered that this was an affair which we do not decide, but Rome by whose decision we must abide.*" *The case of the church at Upper Marlborough.*[11] *Dzierozynski expects to see no remedy applied,* " *except by Rome, or by a successor who is imbued with other than Gallican principles.*" *Enumeration of bequests in Marechal's will;*[12] " *besides many hundreds of dollars to the hospital and other institutions, as I heard from the same Rev. Mr. Whitfield. . . .*"

E. 1828, February 11.

Beschter, Baltimore, 11 Feb., 1828, to Dzierozynski. Whitfield reasserts his position.

. . . Since your return, Mr. Whitfield came to tell you, that he examined the correspondence of the Archbishop with his agent in Rome (the prefect of the English College) and with the Propaganda, and saw the letter of the prefect of the Propaganda, saying it was understood that this pension is to be payed in perpetuum;[13] and therefore Mr. Whitfield said he has nothing to retract of what he said to you here. . . .

F. 1828, March 29.

Whitfield, Baltimore, 29 Mar., 1828, to Gradwell. Urgency in his claims. Altercation. Abstract from the Italian translation, submitted by the agent to the Propaganda, 17 May, 1828.

Receipt of Gradwell's letters, dated 19 Dec. and 19 Jan. Whitfield rehearses the substance of his letter, dated 4 Feb.,[14] *with some variations in the form of expression, as, for instance, that those two Jesuits were* " *prejudiced*" *against the deceased Archbishop,* " *because he had received from Rome an allowance awarded to him by two Sovereign Pontiffs,*" un assegnamento aggiudicatogli da due Sommi Pontefici.[15]

[11] No. 135, O, P.

[12] *Cf. supra*, B.

[13] *If Whitfield said this to Beschter, he did not repeat it to the Cardinal himself, in the presentation of his claim. See infra*, G.

[14] *Supra*, B.

[15] *See* No. 212, B, D. *What the Secretary of the Propaganda had defined as a* " *sum promised,*" *as a* " *resolution taken*" *by Father Fortis:* Somma . . . promessa, la determinazione presa da V^ra^ P^tà^ medesima, *has now in one year and a half developed into* " *an allowance adjudged to him* [Marechal] *by two Sovereign Pontiffs.*" *This description survives henceforth. See* No. 217, D, E, *the documents of S. Eccleston. Cf.* No. 212, C, note 4.

"*But that which gave the greatest pain to me and to all the fifteen Priests of Baltimore was the fact of F. Dzierozynski writing a letter, which F. Beschter showed me; saying therein that he was glad the Mgr. Archbishop had had time in his long illness to repent of what he had done against the Jesuits; St. Josaphat, Polish Bishop, having declared that 'no one who was an enemy of the Jesuits was in the number of the elect.' I know that the Archbishop did not want ever to receive the allowance of 800 crowns annually for himself alone; but it was to be without prejudice to his successors; and, in his last sickness, he spoke to me of this award*, mi parlò di questa aggiudicazione, *as regarding equally all his successors; and he directed me to collect the balance of what should be due to him in Rome at the time of his death.*

"*For myself, I want to act with the same prudence and charity towards them, but also with the same firmness, as the venerable deceased exemplified so nobly in himself. And I beg you to collect the instalments, and to send me 200 crowns every three months, as before.*"

Attested by the agent: Collegio Inglese, 17 Maggio, 1828.

Roberto Gradwell.

G. 1828, May 27.

Whitfield, Archbishop-elect of Baltimore, to Card. Capellari, Prefect of the Propaganda. He claims a pension from the General of the Society on the grounds represented to him by Mgr. Marechal; that the latter had "recovered" from the Jesuits the temporalities granted in perpetuity to the See of Baltimore, and that he had accepted the pension of 800 scudi per annum, on condition that the same should pass to his successors. Whitfield asks the Propaganda to "deter" the General from disputing the claim; and appoints Gradwell collector of the instalments. Extract.

Acknowledges the receipt of the Cardinal's letter, dated 19 Jan., 1828. The pallium. Then the pension:—Non ignorat Eminentia tua, Archiepiscopo Marechal multum laboris multumque temporis insumendum fuisse, ut bona temporalia, quibus antecessores sui fruebantur, et quae Sedi Baltimorensi erant in perpetuum concessa, a Patribus Societatis Jesu recuperaret; nec te latet illum 800 scudi Romani singulis annis sibi solvendos ea conditione accepisse ut, jure successorum salvo remanente, ipsis etiam eadem pecuniae summa ab praedictae Societatis Praeposito Generali in perpetuum solvenda esset. Rebus igitur, Sacra Congregatione statuente, ita compositis, causam Romae finitam esse ab Archiepiscopo Marechal saepe ipsemet audivi. Cum autem ex variis qui circumferuntur rumoribus collegerim, Patres Societatis Jesu controversiam redintegraturos et, ut jure suo Archiepiscopus Baltimorensis excludatur, operam navaturos, enixe Eminentiam tuam rogo atque obtestor, ut, te auctore, Sacra Congregatio ad Patrem Fortis hac de re scribat, eumque de obligatione pactam pecuniam solvendi admoneat, atque ab omnibus

consiliis, quae religioni injuriae ac fidelium pietati scandalo forent, deterreat. Coeterum Rev^do^ Doctori Gradwell auctoritatem dedi hosce annuales reditus statutis temporibus accipiendi, acceptosque, nomine meo, venerando Patri Fortis referendi. . . .

JACOBUS WHITFIELD,
Archiepiscopus Baltimorensis electus.

Baltimori die Mai 27, 1828.

Eminentissimo Cardinali Cappellari, Praefecto Sacrae Congregationis de Propaganda Fide.

H. (1828, July 2.)

William Matthews, administrator of the diocese of Philadelphia, (Washington, 2 July, 1828),[16] *to Kohlmann (Rome). On the anti-Jesuit animus of the new Archbishop, James Whitfield. Abstract from the Italian copy.*

The affair of Harold, Philadelphia, and his appeal to the Secretary of State, Mr. Clay. Clay sent Harold's letter by Mr. Brent to Matthews; and the latter gave complete satisfaction on the subject of the spiritual censures inflicted on Harold. The Archbishop of Baltimore has just given Confirmation in Matthews' church. "He is an enemy of the Jesuits, at least as much as his predecessor defunct. He should be admonished from Rome to free himself from this hatred for the Society, which is the hope of religion in these countries. He is also an enemy of Mount St. Mary's, Emmitsburg." L'Arcivescovo di Baltimore oggi ha cresimato nella nostra Chiesa. È nemico de'Gesuiti per lo meno quanto il suo predecessore defonto. È necessario che da Roma sia ammonito di deporre quest' odio della Compagnia, che è la speranza della religione in queste nostre contrade. È nemico egualmente del Seminario del Monte S. Maria a Emittsburg. Il R. Sig^r^ Egan lo [*la* ?] informerà di quest' affare. *Many particular items of ecclesiastical business. "The Archbishop of Baltimore is determined to reproduce the claims of his predecessor. I am told that a Visitor, with the character of Vicar Apostolic, is to be sent soon":* L'Arciv^o^ di Baltimore è determinato a riprodurre le pretese del suo predecessore. Mi vien detto, che sarà in breve spedito un Visitatore col carattere di Vic^o^ Ap^o^ *Etc.*[17]

[16] *This date is inferred from other letters adjoining.*

[17] *In a review by Gradwell of his long campaign against the English Jesuits, there is a passage which touches a point treated in the foregoing documents, the Severoli rescript; and, in another sketch of his labours, he adverts to his success in the affairs of Baltimore.*

Gradwell (Oct., 1824 ?) to Mgr. Caprano, Secretary of the Propaganda, submitting a copy of his printed Documenta ad missionem catholicam in Anglia spectantia. *Review of antecedents in the re-establishment of the English Jesuits. The Severoli rescript:* Soon after this [*9 Aug., 1813*], Mgr. Severoli, then Ap. Nuncio at Vienna, on the alledged authority of a petition from the English Catholic nobility and gentry, obtained leave from the Pope, then a prisoner at Fontainebleau, to authorize the association of Archipelagans, English and American ecclesiastics to the province and privileges of Russian Jesuits. The rescript, which is dated Vienna, 24 Dec., 1813, was kept a profound secret, and for very good reasons. It was in contradiction to the uniform instructions which had issued from the H. See to the English Vicars

Georgetown College Transcripts, 1828, Feb. 4, J. Tessier, Superior of the Seminary, and Vicar General, to Card. Capellari; a copy from the Propaganda Archives. Ibid., 1828, Feb. 5, Gradwell's Italian translation, 21 Mar., 1828, of Whitfield, Vicar General of Baltimore, 5 Feb., 1828, to Gradwell; a copy from the Propaganda Archives. Ibid., 1828, Mar. 29 (erroneously marked May 29), Gradwell's Italian translation, 17 May, 1828, of Whitfield, archbishop-elect, 29 Mar., 1828, to Gradwell; a copy from the Propaganda Archives. Ibid., 1828, May 27, Whitfield to Capellari; a copy from the Propaganda Archives.—English College Archives, Gradwell Collections, Baltimore and Quebec, ff. 269, 270, Whitfield, Baltimore, 5 Feb., 1828, to Gradwell.—Propaganda Archives, Scritture riferite nei congressi, America Centrale dal Canada all'Istmo di Panama, 1827, 1828, *vol. 9, Gradwell's Italian translation, 21 Mar., 1828, of Whitfield, 5 Feb., 1828, to Gradwell. Ibid., Gradwell's Italian translation, 17 May, 1828, of Whitfield, 29 Mar., 1828, to Gradwell. Ibid., Whitfield, 27 May, 1828, to Capellari.—Ibid., 1813–1825, vol. 5, Matthews, (Washington, 2 July, 1828), to Kohlmann, (Rome); a copy in Italian, loose sheet.—General Archives S.J., Maryl. Epist., 6, v., Dzierozynski, 10 Feb., 1828, to the General.—Md.-N. Y. Province Archives, 11 Feb., 1828, Beschter, Baltimore, to Dzierozynski.*

No. 215. **1828–1834.**

Whitfield and Wiseman: the new agency in Rome. *Nicholas Wiseman, whose name has often occurred in the correspondence of Gradwell with Marechal, took up the agency just where his predecessor had left it, and with the same policy. To an application made by him on behalf of the same patron, Whitfield, the General, Father Fortis, replied in the terms of the official documents (infra,* B).[1] *Wiseman, citing no documents or sources, informed Whitfield of his* having well assured *himself* that this assertion was incorrect (*ibid.*). *The rest of the new agent's*

Apostolic. It was granted on the grounds of a petition obscure and of very questionable authority. And such at this time was the prejudice of the English nation, such the jealousy of Parliament, and such the avowed aversion of the Brit^h Government to the restoration of the Order in that kingdom, that it would have been dangerous to the existence of Stonyhurst to have acted upon it. The existence of such a document was not known or even suspected by the English Vicars Apostolic, except perhaps Dr. Milner, till six years after; nor was it known to the Archbishop of Baltimore till within about ten weeks ago, when it was produced by the Superior of the Order as a pretext for resisting the execution of the Brief of 182–. ¶ II. This clandestine rescript which on its first appearance in 1819 was admitted to be of no authority, was succeeded by the publication of the Bull, Sollicitudo, 7 Aug., 1814. . . . *With this account compare the Marechal documents, supra,* No. 130, A, *and the correspondence of Card. Pacca, Secretary of State, with Severoli,* No. 178, N^2, note 79. *Cf.* No. 220, p. 1139.

Gradwell, 1 Jan., 1827, to Rev. R. Thompson, Chorley, Lancashire. Antecedents, during his ten years' residence in Rome. During the last five years, the English agency has been an amusement rather than a toil . . . But, during this latter period of tranquillity in the English agency, I have had a great deal of labour in the agency for Baltimore and Quebec, and some to assist B. Buckley and B. Macdonnel of Upper Canada, in putting their districts on a better footing. But all, or nearly all this labour is over, and crowned with success. As agent therefore, I am enjoying an interval of repose. The attempts of Mr. Brookes [*S.J.*] and his friends, for above a year past, to get the acts of Pius VII. rescinded, and the Society acknowledged in England quoad forum ecclesiasticum, though advocated by Father Fortis General of the Jts., and Dr. Weld, have proved abortive. *Gradwell proceeds to recount the measures by which he had succeeded in this campaign. Cf.* No. 220, C.

(*English College Archives, Rome, Gradwell Collections; loose drafts.*)

[1] No. 212.

account of his intentions and policy is clear enough. The General dying at this moment, practically all parties in Rome were new to the case—a Vicar General of the Society, Pavani; the Secretary of the Propaganda, Castracane, and the agent himself. Castracane stated to Pavani the terms of Whitfield's demand that the Society of Jesus should pay to him what it had paid to his predecessor, sc. 800 a year; and asked if there were any difficulty. Pavani answered that, the said subsidy to Marechal having been a mere life-annuity, he and his consultors could not interpret such a demand, coming through the Secretary of the Propaganda, except as an intimation of the Pope's will; he cited the official documents expressly; but he concluded that the Society was ready to execute the commands of his Holiness, if formally intimated (D). *Castracane then reported an audience had with the Holy Father, when the latter, "having regard to particular circumstances, thought that he should order the continuance of the annual pension of sc. 800, as the deceased archbishop has received it from the College of the Jesuits of Maryland." This latter phrase, "the College of the Jesuits in Maryland," paying an annual pension to Marechal, occurs twice in the same answer. It is entirely new and incorrect. Probably it came from the new agent. Certainly it made the demand look less odious than if the Italian Jesuits were still asked to subsidize Baltimore. The grounds, on which the Holy Father signified to the Secretary of the Propaganda his approval and command, were general and special. The general reason was a "regard for certain circumstances," which, as Gradwell had suppressed Whitfield's acknowledgment that Baltimore could advance no plea on the score of poverty,*[2] *was seemingly the old difficulty regarding the incidence of a necessary tax, to save that See from being "blotted out" of existence.*[3] *The choice of the preferable subject for paying such a tax lay between the Propaganda and the Jesuits, the latter needing only a Papal command for the purpose. The special reason was that "the deceased archbishop has received" the pension "from the College of Jesuits in Maryland." This reason in effect promised no end to the affair for all future claimants and agents; since each one could show that a predecessor had received something. Rights, documents, "a rescript of Cardinal C.,"*[4] *had all disappeared from*

[2] No. 214, B, p. 1106; C.
[3] No. 135, A, p. 558. *Cf.* No. 211, p. 1091.
[4] No. 214, D, E.

the claims. Twice there appeared a faint allusion to such things. The new agent, who failed to see the official documents which had closed the controversy, and of which copies were in his hands as well as at Baltimore, referred to the position (Sommario), *which was obsolete before the controversy was closed; and he seemed to imply that he was not aware of three such* Sommarii *having been printed, all of them obsolete at the end.*[5] *Again, Eccleston succeeding Whitfield, and knowing nothing whatever of the antecedents, made some remarkable allusions corresponding to the state of his knowledge, as will appear infra.*[6]

A. 1828, July 5.

The General, 5 July, 1828, to Dzierozynski, Superior in Maryland. A long letter on matters of business. The new archbishop and the pension. Abstract from the Latin.

The first three paragraphs enjoin the exhibition of all deference to the new archbishop on three different points: 1. his claim for a renewal in his own favour of the extinct pension; 2. the affair of the church at Marlborough;[7] *3. the admission of a secular priest, Rev. Mr. Lucas, into the Society. As to the first of these points, the General observes that the pension was given only for the lifetime of the late prelate; however, if it is granted also to the present one, then it is time for Maryland, and not Rome, to be subsidizing him. Temporal matters and losses are quite secondary considerations:*—Circa vero novum vestrae dioeceseos praesulem expectemus in pace id quod Summae Majestati placuerit decernere; hoc tantum diligentissime cavendo, ne ex parte nostrorum nec minimum affectus alieni, qui ut spero reapse non existit, signum detur. Ad singula autem descendamus. Et primum quod pecuniam illam annuam pro Archiepiscopo Baltimorensi spectat, licet defuncto Archiepiscopo expresse ad vitam concessa fuerit, attamen, cum controversiam dirimere nostrum minime futurum sit, cumque, si etiam successori concedatur eadem pensio, nos onus illam solvendi non amplius sustinere posse praevideamus, propterea oportet cogitetis de medio illud per vosmetipsos praestandi. Quam autem rei temporalis imminutionem ne pertimescamus. Enimvero non exinde nobis ruinae causa![8] Ostendant demum nostri id quod sentiunt, nimirum se hujus terrae bonis nullomodo alligari; imo potius ad omne temporale

[5] No. 210.
[6] No. 217.
[7] *Cf.* Nos. 135, O, P; 139, A, notes 3, 4.
[8] *Compare a similar sentiment of Father Fortis to Father Mossi, Genoa, 28 Aug., 1825, on preferring to suffer loss in temporal goods rather than pay for the preservation of rights by losing one's good name:* Per tali riflessi,conviene attenersi al minor male, cioè al danno della borsa, che non sarà di gran peso, nè irreparabile. Melius est nomen bonum quam divitiae multae. (*General Archives S.J.*, Epist. R. P. N. Fortis, Lib. III. pars 1, *under date.*)

commodum dimittendum paratissimos esse, ubi maxime ita a Christi Vicario praeceptum est, firmissima fide tenentes Deum nos aliunde luculenter remuneraturum.

Jam vero Ecclesiam in oppido Marlborough quod attinet. . . .

B. 1829, February 14.

Nicholas Wiseman, Rome, 14 Feb., 1829, to Whitfield. Account of his efforts to obtain the pension for Baltimore.

My dear Lord,

I should have long since written to your Grace, both to thank you in the sincerest manner for your having given me such a mark of confidence in entrusting me with the agency of your ecclesiastical affairs, and at the same time to detail their progress, had I not entertained hopes that I might earlier than this have been able to send a favorable report. The death of his Holiness Leo XII., which took place on Tuesday the 10th inst., has for the present delayed their termination, which I had every reason to hope would have been pleasing and satisfactory to your Grace. I commenced my business by an application to Padre Manucci, the Father who used to pay the pension to Dr. Gradwell, and was answered that I must treat with the General. I accordingly wrote a letter to him, couched in the most polite terms I could, informing him of your Grace's succession to the See of Baltimore, and that you had nominated me agent, desiring me to apply to him for the pension settled on his Grace the late Archbishop, as a compensation for property belonging to the Archiepiscopal Mensa, now in the hands of the Society,[9] dating from the last payment made to Dr. Marechal. After some delay I received an answer from F. Fortis, saying that it had been sufficiently understood, when the last arrangement was made, that the said pension was merely a life pension which ceased with the life of Dr. M[*arechal*], and that this view of it had been even then sanctioned by Supreme Authority.[10]

Upon this, having well assured myself that this assertion was incorrect, I drew up a memorial to the Congregation of Propaganda, stating briefly my application and the reply received to it, and throwing your Grace's cause and the interests of your See upon the justice and protection of the Sacred Congregation. As there is strong interest and influence on the other side, Cardinal Capellari was unwilling to trust it to a private decision, but determined to bring it before the general Congregation, which however was put off till late in this month, and in the mean time the lamentable event, which has just taken place, has caused a farther

[9] *This is an echo of Whitfield's assertion, which probably explains the agent's own assertion a few lines infra, about his* having well assured *himself. See* No. 214, G, *first paragraph, Whitfield, 27 May, 1828, to Capellari.*

[10] No. 212.

delay, till the Church shall have a new Pastor. In the mean time, it will be a satisfaction to learn that Cardinal Capellari entertained no doubt of the success of your just cause, and that the position [*ponenza*], as printed on the former occasion, containing all the documents, will save any trouble in going again over the ground, which our opponents contrived so much to perplex and encumber. The general feeling moreover [?] is that, whosoever may be elected, the Society will not be gainers; they have gone on too rapidly, and lost much favour; the majority of the Conclave are likely to prove Anti to their predominance over the seculars.[11] Your Grace will have probably heard that the death of F. Fortis preceded that of his Holiness by only a few days. . . .

C. 1829, June 10.

Mgr. Castracane, Secretary of the Propaganda, 10 June, 1829, to Father Pavani, Vicar General of the Society, in the interval between the generalship of Father Fortis and that of Father John Roothaan. He communicates the foregoing claim, to the effect that Mgr. James Whitfield has made repeated applications for an allowance of 800 crowns, such as "began to be paid" in the last years of Marechal. The Secretary, by commission from the Prefect, Card. Cappellari, passes on the information, for the purpose that, if there is no difficulty, the Mgr. may get what he wants, and, if there is, that his Paternity may be pleased to communicate the nature of it to the S. Congregation.

Dalla Propaganda, 10 Giugno, 1829.

Mgr. Giacomo Wietfield Arcivescovo di Baltimore ha fatto istanze alla Sagra Congregazione di Propaganda, acciò per parte della Compagnia di Gesù gli si paghi l'assegnamento di scudi ottocento annui, come negli ultimi anni si era incominciato a pagare a Mgr. Ambrogio Marechal suo immediato predecessore.

Il sottoscritto Segretario della Sagra Congregazione, per commissione avutane dall'Em.^o^ e R.^mo^ Signore Cardinale Cappellari Prefetto, si fa un dovere di rendere note a V.^ra^ P.^tà^ R.^ma^ le indicate istanze nella fiducia, che, non essendovi giuste difficoltà per parte della medesima Compagnia, otterranno il loro sollecito effetto, e qualora vi fossero prega V.^ra^ P.^tà^ R.^ma^ acciò nella nota sua gentilezza si compiaccia di comunicarle alla Sagra Congregazione.

Intanto pieno di stima e rispetto si rassegna,

[*m.p.*] Dev.^mo^ Obb.^mo^ Servitore,

C. Castracane, Seg.^rio^

R.^mo^ P.^re^ Pavani, Vicario Generale della Compagnia di Gesù.

[11] *Cf.* Nos. 201, H; 208, H, *ad* note 8.

D. (1829, June.)

Pavani, S.J. (*Rome, s.d., June, 1829*), *to Castracane, Secretary of the Propaganda. Statement of the facts of the case. He interprets the Secretary's communication as an intimation of the Pope's will. He desires a formal expression of the same; and the Society will consider itself under an obligation to obey. A draft.*

Eccellenza R^ma^

Il sottoscritto Vicario Generale della Compagnia di Gesù, ricevuto il veneratissimo foglio di V. E. R^ma^ del giorno 10 Giugno anno corrente, raunò immediatamente in consulta i suoi Assistenti, i quali persuasi, che la domanda esposta della continuazione del pagamento di sc. 800 annui, già provvisoriamente e di lui vita durante pagati al fù Mgr. Mareschal vescovo di Baltimora si continuassero [!] a pagare nel modo istesso a Mr. Vietfield—Persuasi i suddetti Padri, che tal domanda sia proveniente dalla volontà o desiderj espressi dalla Santità di Nostro Signore felic: regnante: ad onta della lusinga che avevano, che sarebbe cessato un tal aggravio alla Compagnia,[a][12] come parve cessato negli ultimi tempi del Pontificato della S. M. Leone XII., quando cioè se ne fecero le prime istanze dal lodato Mr. Vietfield; e ciò per la ragione che era stato assegno provvisorio, e vitalizio; come apparisce dalle lettere del R^mo^ Mgr. Caprano, Segretario della S. Cong. di Propaganda, al fù P. Luigi Fortis, Prep. Gen. della medesima Compagnia del 24 xbre. 1826, e dalla lettera del P. Luigi Fortis a Mr. Caprano datata 27 Guigno d^o^ anno, accettata ed approvata da Mgr. Mareschal in tutta l'estensione, come da detta lettera [*dette lettere?*] ricevute di Mr. Mareschal e da dette lettere [*risulta?*]. Nondimeno basterà un cenno de' desiderj di Sua Santità, come si degnò esprimerlo il prelodato defunto Sommo Pontefice, perchè la Compagnia si creda obbligata ad obbedire, autorizzata [b] ad effettuare nella quantità, tempi, modo e condizioni, i pagamenti da farsi al presente Mr. Vie[*t*]field, come furono eseguiti al defunto Mr. Mareschal. Tali pagamenti (ricevutone il cenno di S. Santità) saranno effettuati prontamente, abbenchè siano di non tenue aggravio alla Compagnia.[c]

E. 1829, July 28.

Castracane, Secretary of the Propaganda, 28 July, 1829, to the new General, John Roothaan.[13] *The command of His Holiness that the pension,*

(a) *Erased*: d'Italia.
(b) Obbligata ad obbedire, *written over the word* autorizzata.
(c) *The rest erased:* in Italia in questi momenti, che dee sostenere le spese per le congregazioni provinciale e generale per l'elezione del nuovo Preposito della Società.

[12] *Another draft, apparently that of the Procurator General, Father Manucci, reads,* . . . quantunque si fossero lusingati che . . . restassero sospesi gli effetti della petizione . . . per il motivo che l'assegno annuo conceduto al fù Mgr. Marechal fu conceduto provvisoriamente, come è espresso . . .; ed anzi sua vita naturale durante, come è notato. . .

[13] *Judging by the character of the new General, Father Roothaan, it does not seem likely that, if the former note of Castracane* (C) *had been left for him to consider, he*

paid to the late Mgr. Marechal by "the College of the Jesuit Fathers of Maryland," be continued for the present Archbishop of Baltimore; the general reason assigned being "a regard to particular circumstances."

Dalla Propaganda, 28 Luglio, 1829.

Il sottoscritto Segretario della Sagra Congregazione di Propaganda si fa un dovere di far conoscere alla P.tà V.ra R.ma, che a disimpegno del suo impiego ha riferito alla Santità di Nostro Signore le replicate istanze avvanzate a questa Sagra Congregazione dall' odierno Arcivescovo di Baltimore, Mgr. Giacomo Wiethfield, dirette a conseguire la pensione annua di scudi 800, che il Collegio de' PP. della Compagnia di Gesù di Maryland, per misura provvisoria approvata dal defunto Sommo Pontefice Leone XII., ha annualmente pagato al di lui antecessore, Mgr. Marechal. Nella stessa udienza ha in pari tempo sottoposto alla cognizione della Santità Sua i termini del biglietto, che il P.re Pavani, essendo Vicario Generale, ha diretto allo scrivente in risposta ad altro che in proposito delle istanze dell' Arcivescovo di Baltimore gli avea scritto. Il Santo Padre, mentre per riflesso a particolari circostanze ha creduto di dover ordinare che al presente Arcivescovo di Baltimore si continui a pagare l'annua pensione di scudi 800, siccome il defunto Arcivescovo l'ha ricevuta dal Collegio de' PP. Gesuiti di Maryland, si è nel tempo stesso mostrato vivamente penetrato e soddisfatto delle disposizioni, e proteste di pronta obbedienza a suoi ordini esternata in questa circostanza da codesta rispettabile Compagnia. Lo scrivente, Segretario di Propaganda, nel portare a notizia della P.tà V.ra R.ma la mente sovrana di Sua Santità, coglie questa opportunità per avere il vantaggio di rassegnarsi colla più ossequiosa stima.

[*m.p.*] Dev.mo Obb.mo Servitore,
C. Castracane, Segr.io

R.mo P.re Giovanni Roothaan, Preposito Generale della Compagnia di Gesù.

General Archives S.J., Epist. R. P. N. Fortis, Lib. VI. pars 3, No. (1268*a*), *the General, Fortis, 5 July, 1828, to Dzierozynski.—Ibid., Maryl. Epist., 6, v., Castracane, 10 June, 1829, to the Vicar General, Pavani. Ibid., Pavani (s.d., June, 1829), to Castracane; two drafts, one by the Procurator General, Father Manucci, for the Vicar General. Ibid., Castracane, 28 July, 1829, to the General, J. Roothaan.—Baltimore Diocesan Archives, 23, U, 3, Nicholas Wiseman, Rome, 14 Feb., 1829, to Whitfield, Baltimore.*

would have answered it in the rather shiftless way in which Pavani, the temporary Vicar General, had replied; who took a mere inquiry of the Secretary as an intimation "of the will and desires expressed by his Holiness," and then asked for a formal conveyance of such desire (D). *Nothing was easier to obtain and convey in the routine of business. This inexperienced benevolence had already compromised the affair for the new General.*

No. 216. **1834, 1835.**

Eccleston and Wiseman: end of the Anglo-Roman agency in the case. *During five years, 1829–1834, Wiseman came every quarter to collect sc. 200 from the procurator of the Jesuits in Rome, for the use of his patron in America. In Oct., 1834, Mgr. Whitfield died. The chronic case, ever becoming worse in point of historical affirmations, came on with a new access at the succession of Eccleston to the See of Baltimore. But one phase of the affair, which, as the Roman agent reported to his principal, was* an invidious case against the Society (*infra*, D), *and apparently against no one else, underwent an abrupt alteration. The agent was eliminated by the General, Father Roothaan, who remanded the whole business to America for settlement between the Provincial of the Society there and the claimant.*

A. 1835, May 8.

Wiseman, English College, Rome, 8 May, 1835, to the General of the Society of Jesus. The pension. Urgency pleaded on behalf of Archbishop Eccleston, successor to Whitfield in the See of Baltimore.

In the interview had already with the General, the writer had been desired to wait awhile until due consideration had been given to the matter of the "pension or indemnity, assigned by Pius VII. and Pius VIII. to the predecessors of the said archbishop [Eccleston], at the charge of the Society of Jesus, and payable in Rome." The agent desires the business to be concluded.

B. *1835, (May–July).*

A letter of consultation, addressed by the General (May–July, 1835) to a Cardinal, with a memorandum on the case. Drafts in Italian, probably by Manucci, the procurator, corrected by the General. Abstract.

Eminenza Reverendissima.

Mgr. Wiseman has already addressed him more than once on the subject of the pension, granted provisionally and as a life annuity to a couple of archbishops, etc. He has answered that he is waiting for word from America. In the mean time he hopes, by taking advice of his Eminence, to arrive at some resolution, and not to protract a business of its own nature very unpleasant, onde non protrarre in lungo un affare già di sua natura disgustoso. *The more so, as he knows what the answer will be from America; that, if a pension is to be paid, they are the persons who should pay it; but that they cannot.*

It is under this plea of being reimbursed from America that the burden is made to rest on the Society in Italy. But never has any reimbursement taken place during all these years. On the contrary, the Jesuits in America have always need of assistance.

Would his Eminence think fit to see his Holiness and inquire, whether things are to proceed as before, or whether there is some room for a variation? Baltimore is no longer in the condition in which it was, when of their own accord ex-Jesuit missionaries provided with an annual allowance the first prelate, their ex-Jesuit confrère; and the Society, whether in America or in Rome, is indeed very different from what it was, having increased so much in membership and corresponding burdens. So that, if only from a motive of equity, there would seem to be some room for a modification in this Baltimore business.

But, whatever conclusion is come to, his Eminence may be assured that it will be accepted with sincere veneration and cordial acquiescence.

Pro-Memoria.

In Mgr. Castracane's letter of July 28, 1829, twice was it said that the "College of the Fathers of the Society of Jesus in Maryland" paid the pension. The writer analyzes that notion in the light of facts, as seen in the procurator's office, Rome. And the answer from Maryland at present is sure to be in keeping with the past. There has been a total change of circumstances, since Carroll's time, when the ex-Jesuits, having no special burdens, provided spontaneously for him, their confrère. Now subjects have multiplied, there is a novitiate and a scholasticate, and the number of religious mounts to a hundred.[a]

They have large farms; but hardly the fourth part is cultivated for want of capital. The produce is in great part consumed by the ever-increasing number of slaves, who, by reason of conscientious obligations to them, cannot be sold, and cannot be set at liberty, because of the great dangers to soul and body which they would incur, if set free.

Meanwhile schools and churches are ever being erected, in proportion with the extension of Catholicity, which was originally planted there by the Society in 1633 and thereafter. And the Fathers have constant need of the financial help which is supplied from Europe, whether by the General or by other benefactors.

C. 1835, July 7.

The General, 7 July, 1835, to Father W. McSherry, Provincial, Maryland.

During several years past he has urged the Provincial, on various occasions, to relieve "this Roman Province" of the burden heretofore thrown upon it, in the matter of paying $800 to the Archbishop of Baltimore. But, while the said archbishop's agent never fails to be punctual in collecting, not a word has ever come from America, in answer to the foregoing recommendation. Hence by this same post he writes to the Archbishop of Baltimore, desiring him to confer with the Provincial. Let the latter give him a farm, or give him an annual payment from a farm. "The one thing I desire is, that this

(a) *Corrected here by (Roothaan?): "(at the beginning of the current year they were 98)."*

business be settled between you, by mutual consent and with satisfaction; and that the Society here in Rome have nothing more to do with it."

D. (1835), August 17.

Wiseman, Prior Park, near Bath, 17 Aug., (1835),[b] *to Dr. Eccleston.*

Mgr. Mai, Secretary of the Propaganda, desired Wiseman not to urge the matter, till the General received an answer, *as he expected, from America.* He added that, as it was an invidious case against the Society, to which he is very attached, he would not take any active steps, but simply bring my statements forward. *In the mean time, Wiseman has left Dr. Baggs as Vice-Rector in Rome.*

General Archives S.J., Maryl. Epist., 6, v., Wiseman, 8 May, 1835, to the General. Ibid., (May-July, 1835), letter of consultation from the General to a Cardinal, with a memorandum added; drafts, with corrections in the hand of the General.—Ibid., Miss. Amer. a die Aprilis, 1830: Prov. Maryl. a die 2 Feb., 1833 *(to 17 Sept., 1853), the General, 7 July, 1835, to McSherry, Provincial, Maryland.—Baltimore Diocesan Archives, 26, Q, N. Wiseman, Prior Park, near Bath, 17 Aug., (1835?), to Eccleston.*

Here ended the Anglo-Roman agency in the American affairs of the Society.

No. 217. **1835-1838.**

Eccleston, McSherry, and Mulledy: end of the new claims. *For the first time, Lyons, London, and Lancashire had nothing more to do with the question; Americans had it in their own hands. If the logic of the situation was no better for the change, that may be excused, for no one of the three Americans seemed to have anything but hearsay for his guidance, although copies of the official documents lay in the archives of Mgr. Eccleston, Archbishop of Baltimore.*[1] *However, the amity and good humour all round underwent a decided improvement. If the merits of the question became more dilapidated than ever in the statements hazarded by all parties, the men are not unworthy of being listened to for their mutual comity and good intentions.*

On Jan. 28, 1837, the Provincial, William McSherry, wrote to Vespre in Rome, that the archbishop had not said a word about the pension since the spring of the preceding year, and apparently did not want to speak about it. "He had said then

(b) *The letter seems to read "1833" by mistake. In any case, Mgr. Mai became Secretary of Propaganda only on Aug. 16, 1833.*

[1] No. 212.

to me: If he were certain that the property possessed by us were not given for the missions,[2] *he would not make any further demands." McSherry had assured him that St. Inigoes, St. Thomas's, Newtown, Bohemia, and St. Joseph were not given for that object. He referred the archbishop to the public archives; but then he added a statement about Cecil, Lord Baltimore, which certainly could never have been found in the said archives, or anywhere else, though the equivalent, and more, might have been discovered in Marechal's papers.*[3] *As to White Marsh, the Provincial did not pretend to know anything about the title deeds; but, he observed to Eccleston, "I had heard it said, that it had been given by a certain Mr. Carroll, who had three sons in the Society; and that, if such were the case, he could not put forward any more claim to this than to any other property of ours."*[4] *A few months later, McSherry reported to the General that the archbishop had spoken to him recently about the pension, adding, however, that he had not been in want. The Provincial had replied that he could not pay in money; he was thinking of offering a tract of land, perhaps more than one thousand acres in extent, about twenty miles distant from Baltimore. But the archbishop seemed to intimate that land would be of very little use to him. Some short time afterwards, Eccleston had made a number of friendly observations: that the Jesuits should sell all their landed property and slaves, and devote the proceeds to purposes of education; that they should take over the Baltimore establishment of the Sulpician Fathers,*[5] *though the archbishop was not authorized to make any bargains for them; but the said Sulpicians would certainly not take lands in exchange; that it was a pity so much property should remain comparatively unproductive, seeing that a double advantage would accrue to religion by parting with it; at present the missionaries were largely occupied with temporal concerns, to obtain a meagre support for themselves and their slaves. McSherry confesses to the General that he was too*

[2] *This word, "the missions," is to be understood in Marechal's sense of an* Ecclesia Marylandiensis, *or "congregations." See* Nos. 181, J, note 34; 218, E.

[3] *"He would see likewise that Lord Baltimore paid a pension of so many pounds of tobacco for the support of the missionaries." Cf.* No. 119, [*r.*].

[4] *General Archives S.J., Maryl. Epist., 6, v., McSherry, 28 Jan., 1837, to Vespre, an Italian translation of this passage by the latter (the original of McSherry's letter not extant). Cf.* Nos. 62, 63; *James Carroll had no sons.—The passage just quoted begins with an observation about the happy settlement in Louisiana of slaves sold in 1835 by the Maryland Jesuits. The practice of their religion had been provided for and secured.*

[5] *Cf. supra,* No. 175, R–C², *St. Mary's (secular) College, Baltimore.*

much of the prelate's opinion to dispute what he said; but he evaded all the propositions, and remarked that he had no men to take charge of the Baltimore college.[6]

To the new Provincial, Father Thomas Mulledy, the archbishop complained (7 Feb., 1838) that he had received nothing as yet during three years; that, according to the tenor of the General's letter,[7] *he had expected at least something. He made two propositions: 1. the payment of the said arrears, and a reconsideration of the case in Rome, whither he was now going; 2. the extinction of the whole question for evermore, on the payment of $9000; but he did not want any farm. "Now," says the Provincial, "I was very anxious to announce the result of this miserable affair to your Paternity." Accordingly, having taken advice of his councillors, he agreed with them to pay Eccleston $9000, though he should have to sell a part of White Marsh.*[8] *Before the arrival of the answer (3 Apr., 1838), in which the General said with indifference that he had nothing to say against the proposal, Mulledy wrote again that the archbishop had abated his demand by $1000.*[9] *At least twice (23 June, 25 Aug., 1838) the General insisted: Get a good acquittance! Before either of these admonitions reached the Provincial, he had closed the affair, and he had not got a good acquittance. He wrote to the General, 9 Aug., 1838, that for forty-nine slaves already delivered to ex-Governor Johnson of Louisiana, now United States Senator, "I received $25,000; of these I gave eight [thousand] to the Archbishop of Baltimore; and received from him a full quittance of the duty of paying anything to him or his successors—for ever, unto everlasting."*[10] *Father Roothaan had insisted, and repeated, that papers should be sent over to Rome, and the matter be finished there with proper formalities, so as to shut off future claims. No papers came. He wrote to Vespre, now in America, on the same subject (31 Dec., 1839). Vespre replied with a slashing, yet incomplete, criticism of the whole transaction, which had left matters very*

[6] *General Archives S.J., Maryl. Epist., 5, ii., McSherry, 13 Mar., 1837, to the General.*

[7] *Cf.* No. 216, C.

[8] *General Archives S.J., Maryl. Epist., 7, i., Mulledy, 7 Feb., 1838, to the General. Just as he was putting an end to this letter, the first which he wrote as Provincial to the General, he was called to see the archbishop at the Georgetown Convent.*

[9] *Ibid., same to same, 1 May, 1838.*

[10] *Ibid., same to same, 9 Aug., 1838.*

much as they were, so that future claimants might begin all over again (*infra*, F, G).[11]

A. 1837, June 19.

Samuel Eccleston, Archbishop of Baltimore, Baltimore, 19 June, 1837, to William McSherry, Provincial in Maryland. He accepts an adjustment offered by McSherry.

Baltimore, June 19, 1837.

Very Rev^D. and Dear Sir,

I have reflected on your suggestion respecting the final adjustment of the business referred to you and myself by the Superior General of the Society.[12] You stated that you had thought of transferring to me property, for which $8000 had been offered. I did not consider it as a pledge on your part, but still, if that amount can be secured to me, I would under present circumstances be most happy to bring the matter to a close. In acceding to this arrangement, I should deem it my duty to strive, from my own little personal means or other resources, to leave my successors no cause for complaint.

V^y. cordially and respect^fly,
Yours in X^t,

V. R^d. W^m. McSherry. + Samuel, Abp. Balt.

[11] *The case was not without its comic side, chiefly in the contributions which the three parties made to history. Since each one of the three was labouring under the same ignorance as the other two, no one was in a position to dispute any statement made. Said McSherry to Eccleston, after referring the latter to the public archives: "He would see likewise that Lord Baltimore paid a pension of so many pounds of tobacco for the support of the missionaries." Again, when offering a tract of land to the archbishop, he had not yet discovered the nature of the Corporation, and its relation to the Representatives, without whom he, as chief of the Corporation, could not act. Mulledy was more ingenuous still; for, when reporting to the General that Eccleston had abated his demand for $9000 by $1000, he added: "and so he has made us a present of $1000." He proceeded to reassure the General that the debts of Georgetown College did not amount to $47,000. And then, after the pleasantry of accepting a receipt, which was to extinguish claims for successors, but which practically left the claims where they were, to be renewed at pleasure a fourth time, he exclaimed in the terms of high glee already reported—a quittance, he said, "for ever, unto everlasting!"*

Eccleston introduced various elements in the correspondence which follows, and in the receipt which he tendered. The erection of the Baltimore See, he said, had been effectuated only by an understanding that he [*the bishop*] was to receive a certain provision out of the estates belonging to the Clergy of Maryland. *A* decision, after solemn investigation, was twice or thrice given by the Holy See in his [*Marechal's*] favour; and he thenceforward received $800 a year. *He admitted that, as to the justice of the case, neither of the two Provincials agreed with him, for they did not consider the claim* to be founded in equity; *at the same time he implied that neither might his successors agree with him in his act of winding up the claim; so he gave a receipt with the clause,* as much as on me depends. *And, making the letter of the receipt depend on the* spirit of said letter *in which these statements were made, he spoke in the said receipt of* the principal and annual pensions due to me as Archbishop of Baltimore . . . and to my successors for ever. *Considering his* official obligations, *he would* indemnify *his successors for their loss by his acceptance of only $8000 as a principal; and this indemnity should come from his own private fortune. Not only was there no word of the original plea put forward by Marechal, the extreme poverty of himself and his See, but neither was there a word about the documents lying in Eccleston's archives—the Propaganda's official letter and Gradwell's copies of other official letters, stating distinctly the final settlement made with the sanction of the Holy See.* (Nos. 212; 213, A.)

[12] No. 216, C.

Addressed: To the Very Rev^d. W^m. MacSherry. To the care of R^d. F. McElroy, Frederick, Md.

B. 1837, June 29.

McSherry, Georgetown, 29 June, 1837, to Eccleston. He is not yet prepared to make the adjustment.

George Town College, June 29^th., 1837.

Most Rev^d. Sir,

I received yours of the 19^th. in Frederick, and find that the step or steps, I had hoped were made, were not so high or numerous as I had anticipated. It is not in my power to give at present a definitive answer, but I trust I may be able to do so when we meet next time, about the first of August. I do not think it necessary to state my [*any ?*] opinion of the justness of the claim, nor to mention any portions of our previous conversations on the subject.

My sentiments shall not prevent me from doing whatever may tend to settle the matters permanently.

Other business.

Very respectfully yours in X^t.,
W^M. McSherry.

Most Rev^d. S. Eccleston, Archbishop of Balt^e.

C. 1838, January 24.

Eccleston, Baltimore, 24 Jan., 1838, to Father Thomas Mulledy, Provincial, Georgetown. He reminds the new Provincial of an arrangement left suspended by McSherry. Proposals.

Balt., Jan. 24, 1838.

V. Rev^d. and Dear Sir,

Several points of business.

Allow me, My Dear Sir, to recal to your memory and recommend to your consideration the painful state of suspense, in which I am left in relation to the annual contribution paid by the Society to my predecessors. You are doubtless aware of all that has passed between F. McSherry and myself in regard to that delicate, though to me very important, business. Upwards of three years have now elapsed, and nothing have I received. Still the letter of the General inspired me with different hopes. Can no part of these arrears be paid?

Mr. McSherry, a considerable time since, proposed to give me a tract of land on White Marsh valued at $8000, in order to extinguish the claim. I told him that I would accept of that sum, but that I could not take the land at the risk of a still greater sacrifice. For, in contenting myself with that arrangement, I considered it as my duty to indemnify my successors for the diminution to which, in the spirit of peace and conciliation, I thought myself justified in acceding.

Hence, the very moment I should have received that principal, I

would have legally transferred to my successors an amount of property (which will revert to me on the demise of an ancient relative), sufficient to make up the deficiencies in the annual salary of $800.

I have not written to Rome on the subject. My veneration for the Society, my attachment to the individual members whom it employs in this province, my most earnest desire to settle this matter among ourselves, and my determination to do it at any sacrifice consistent with my resources on the one hand and my official obligations on the other, are so many urgent reasons that still bind me to the same mode of proceedings. Should you not wish to entertain the proposal of negotiating for the payment of the principal, let me request you to do what you can in relation to the arrears—which, in fact, is an affair independent of the adjustment of the other.

I hope to be at Georgetown on the 5th of Febr. Should it be more agreeable to you, we will wait until that time to talk about my business.

Wishing you every blessing, I am

Respectfully and affectly Yrs

+ Samuel, Abp. Balt.

Addressed: Very Revd Dr. Mulledy, College, Georgetown, D. C.
Endorsed by Mulledy: Received, Jan. 27th, Archbishop of Baltimore.

D. 1838, July 9.

Eccleston, Georgetown, D.C., 9 July, 1838: receipt handed to the Provincial, Thomas F. Mulledy, on receiving from the latter $8000 to extinguish all claims. The capitals in parentheses refer to Vespre's annotations subjoined.

Georgetown D.C., July 9, 1838. Received of the Very Rev. Thomas F. Mulledy, Provincial of the Society of Jesus in the Province of Maryland, eight thousand dollars in full, for the entire extinction of the principal and annual pensions due to me as Archbishop of Baltimore, in consequence of decisions of the Holy See, given at the instance of the Most Rev. Ambrose Marechal, and to my successors for ever (E)[13] as much as on me

[13] *Vespre's annotation* (E). *He has found in Father Fortis' letter, 25 Jan., 1827, to the Superior, Dzierozynski* (No. 211, D), *a copy of the same General's letter to the Propaganda, 27 June, 1826* (No. 212, A); *and of the offer made in this latter document the General said to Dzierozynski:* Lecta Congni ea fuit et probata plurimum, deinde conciliatio sancita est in omnibus suis articulis a Summo Pontifice (Nos. 211, D, p. 1095; 212, B, *Caprano's official letter stating this*). *Here, supposing that there was something official corresponding to the tenor of Eccleston's receipt, Vespre shows himself quite at a loss, and begins to argue on the improbability of the Propaganda having ever communicated a rescript in contradiction with its own official documents, and having declared that what the Pope had sanctioned as a life annuity for Marechal should be an annuity to his successors for ever. He asks, how could such an assertion have been allowed to pass in the receipt? "As no payment had ever been made here [in Maryland], there had been no reason to demand that such a rescript should be shown,* per domandare la esibizione di quel rescritto; *but, when it came to giving 8000 scudi, the first thing to do was to ask that the said rescript should be shown; and, if it says, during the natural life of Mgr. Marechal, I do not think the present archbishop would ever have appealed to Rome; and the 8000 scudi would have been saved. Of such a*

depends; and I hereby declare the Society of Jesus in the province of Maryland absolved from any and every obligation of contributing, in virtue of the above-mentioned decisions, to the support of the Archbishop of Baltimore. I however declare that I wish this receipt to be considered as a part of a letter of this same date, directed to the Very Rev. Thomas F. Mulledy, and to be interpreted according to the spirit of said letter.

(F)[14] Witness my hand and seal.

+Samuel Eccleston, Archbishop of Baltimore (seal).

E. (1838, July 9.)

Eccleston, Georgetown, (9 July, 1838), to Mulledy. Letter referred to in the receipt (D), *as interpreting the same by its* spirit, *and said to be of the* same date, *but not received till two days after the payment of the money* (*infra*, F, 7).

Very Rev.[D] and Dear Sir,

As I am about to put my hand and seal to an instrument, in which my successors will be equally interested with myself, I deem it proper to present a few remarks which may secure their approbation to the prudence as well as the motives of the course which I have pursued. It is possible that you may not entirely agree with my statements. I give them only on the responsibility of my personal convictions.

When the question of erecting Baltimore into an episcopal See was first in agitation, the difficulty of providing for the decent support of the Bishop presented an obstacle, which was removed only by an understanding that he was to receive a certain provision out of the estates belonging to the Clergy of Maryland (A).[15] This provision was enjoyed

document, which forms the original title of the pension [*here cancelled: 'whether by rescript, letter, etc.'*], che forma il titolo originale della pensione, *it would be very interesting to obtain a copy from Mgr. Secretary* [*of the Propaganda*], *with his signature and seal, to keep in the archives here* [*in Maryland*]; *such a rescript ought to bear a date, a little later than 27 June, 1826*" (No. 212, A).

These inquiries of Vespre's show: 1. that a complete set of copies of the official documents (No. 212) *had never been submitted to the Superior in Maryland, though Gradwell had communicated such to the Archbishop of Baltimore, including his own receipt conceived formally in the terms of the said official papers* (No. 213, A); *2. that the supposititious rescript, which had originated in affirmations of Gradwell* (No. 213, A, D), *which seems to have become* better documents *than the official ones* (No. 214, B), *and then to have evolved into "a rescript of Cardinal C. . . ."* (No. 214, D, E), *but which was not mentioned to Cardinal Capellari* (No. 214, G), *had now entered into Maryland affirmations and traditions as the one authentic element superseding all the rest.*

[14] (F) *Here a note of Vespre's to explain this legal formula, and place of the seal.*

[15] *Vespre's annotation* (A). *He explains what is meant by the "Corporation of the Catholic Clergy of Maryland," and continues: "a plan and ambiguous title suggested by Archbishop Carroll to the end that one day this property might lapse to the Archbishop of Baltimore, or that he might* [*here cancelled: 'at least on the death of the last ex-Jesuit'*] *be able the more easily to claim them, at least if the Society was not restored; and, after the restoration of the Society, we have seen and experienced what use Mgr. Marechal made of this in Rome."—Vespre is mistaken as to the title, which was:* Corporation of the Roman Catholic Clergymen. *The appendix:* of Maryland, *had merely crept in gradually, as we have seen it gradually intruding into the acts of the Corporation through the ignorance or inadvertence of the scribes. Cf.* No. 179, S, note 29, *and references there.*

by the first Archbishop and, with some modifications, by his immediate successor. A new arrangement having been made in behalf of Archbishop Maréchal, he did not find it satisfactory, and referred the matter to Rome. The decision after solemn investigation was twice or thrice given by the Holy See in his favour; and he thenceforward received $800 a year. The same pension, allthough with some hesitation on the part of the General of the Society of Jesus, was continued to his successor. When I had the misfortune to be charged with the administration of this diocess, I was notified by Father General Roothaan that I was not to receive my little salary through the usual channel, but was to look to the Rev. Fathers in my diocess for its payment. Four years have now elapsed and I have received no part of my pension (B).[16]

Had my individual rights only been at stake, I should have probably said little on the subject; but I was acting in an official character and for my successors. On making application to the Very Rev. Provincial (C),[17] who is ex-officio president of the Catholic Clergy of Maryland, I was given to understand, allthough in a kind and respectful manner, that the claim of the Archbishop of Baltimore was not considered to be founded in equity; but he still expressed a willingness to come to some settlement. Things remained in this state until very recently, when I renewed the negotiation with the Very Rev. Father Mulledy, Provincial, who entertained the same views with his predecessor as to the justice of the case. In a spirit of compromise and of peace, I consented either to receive a sum far below that to which I conceived myself entitled, or to submit the matter to the Holy See for a revision, by the result of which I promised to abide. The former part of the alternative was preferred; and I accepted the sum of $8,000, of which I have given a receipt of this date, releasing the Society of Jesus in this diocess from the obligation imposed by the above-mentioned decisions of Rome, of paying the pension to myself and my successors.

As the legal interest on $8,000 is but little more than half the pension awarded to the Archbishop of Baltimore, and, as it may in truth be said

[16] *Vespre's annotation* (B). "*The principal motive advanced by Mgr. Marechal for getting real estate from us, or at least a pension, was that he could not subsist without such aid. Though this was not true, it was believed, and he had the pension. It is well known that he had real estate left him by Archbishop Carroll, and conveyed in donations to him as archbishop; and, besides that, Mgr. Marechal left 15,000 crowns to his successor, who added thereto his own private estate, £4000 sterling, that is, 18,000 Roman crowns, which had remained for several years in the hands of Sign. Filicchi [of Leghorn], who paid him [the successor, Whitfield] the interest thereof. It is not surprising, then, that his successor [Eccleston] should have subsisted well nigh four years without exacting the pension. Besides, there is the Bishop's residence attached to the cathedral, and built by his [predecessor?], one of the finest houses in the city; and moreover, as archbishop, he has an allowance from the pew-rent of the cathedral.*"—*Whitfield, before beginning to study for the Church at Lyons, where he became acquainted with Marechal, had been a merchant operating at Leghorn. Vespre himself was of a conspicuous merchant family in Lyons, and had entered the Seminary at Baltimore, where he was a disciple of Marechal's. Cf.* No. 132, p. 525.

[17] *Vespre's annotation* (C): "*Father William McSherry in 1836.*"

that, while I am willing to make the sacrifice myself, I have no right to impose one on my successors, I wish it to be understood that, on the death of my mother, I or my legal representative (D)[18] will make up the deficiency out of my little patrimony.

This letter, Very Rev. and Dear Sir, you will have the kindness to deposit in your archives, as an authentic explanation of the arrangement which we are about to conclude; and which will, I doubt not, contribute to cement that cordial union, which should ever exist between the first Pastor and a Society, which he should be proud to cherish as one of the brightest ornaments and firmest props of his diocess.

I am respectfully and truly yours in Christ,

+Samuel Arch^{p} Balt.

Very Rev. Thomas F. Mulledy, Provincial S.J., Md.

F. 1840, May 5.

Francis Vespre, procurator of the Maryland Province, Georgetown College, 5 May, 1840, to the General. Abstract of the paragraph on the foregoing documents (D, E), *and on Vespre's own annotations* (notes 13–18).

Copie No. 23.

1–6. Various heads of business.

7. All things considered, and especially "the susceptibility of the archbishop," nothing can be done to rectify the transaction; not even a simple letter from him to the Propaganda could be hoped for; if asked to do so, he might have refused to authenticate the receipt and the letter (*supra*, D, E). "*All that I could do was to have a copy of these two documents authenticated by himself, and I enclose it, with an Italian and literal translation, accompanied by annotations, which are for the Curia Generalizia alone; for, if the annotation marked B,*[19]*—especially that,—came in any way to the knowledge of the archbishop, we should fall foul of him with a vengeance,*" cela nous feroit une fort mauvaise affaire avec lui. "*The extinction of the pension was very badly managed—paying 8000 dollars, and getting a receipt, which said expressly that it was to be interpreted by a letter of the same day, but not yet seen:* payant 8/m dollars sur un reçu qui contenoit expressément qu'il devoit s'interpréter par une lettre du même jour, et que l'on ne connoissoit pas. *Two days after the payment, this letter was received:* Deux jours après le payement, cette lettre fut reçue;[20] *it contains assertions very inexact, and against us. Nevertheless we seem to give them our approval; for no one can believe that we have paid 8000 dollars for a receipt so expressed, without having read the letter which is mentioned there. I believe however that it was written in sincerity, as far as it regards the renunciation*

[18] (D) *Vespre explains this term in Italian.*

[19] *Supra*, note 16.

[20] *This proceeding may be explained by supposing that, as the payment was made and the receipt given at Georgetown College, the prelate had no time there to finish his letter, which he then wrote out at Baltimore and forwarded to the Provincial.*

[*of claims*] *by the archbishop himself; but it was written with such assertions and reserves that, if his successors want, they can very easily call the whole transaction into question.*" [a] *Here Vespre suggests how the authenticated copy of the receipt and the letter might still receive, through the Propaganda, a final sanction from the Pope. If this were obtained, then what Vespre asks for in his annotation E*[21] *would no longer be in place; that is, to test the matter of the (suppositious) rescript, by asking for a copy from the Propaganda. The Procurator General, Father Manucci, would surely have obtained such a copy before paying the first quarter in November, 1826. If there is such a document, Vespre desires a transcript, authenticated by the Secretary of the Society; as also a similar certificate of the Papal sanction, if obtained, for the late transaction with Eccleston.*

8. Other business.

G. 1840, May 5.

Vespre's Note per la sola Curia Generalizia, *accompanying the foregoing letter: annotations* (E), (F), *on the receipt,* (A)–(D) *on the letter of Eccleston. See supra,* D, E, notes 13–18.

Georgetown College MSS. and Transcripts, Marechal Controversy, 1837, June 19, Eccleston, Baltimore, to McSherry. Ibid., 1837, June 29, McSherry, Georgetown, to Eccleston; a letter-press copy, 1 p. 4to. Ibid., 1838, Jan. 24, Eccleston, Baltimore, to Mulledy, Georgetown. Ibid., Eccleston, Georgetown, 1838, July 9, receipt delivered to Mulledy; autograph, 1 p. 4to. Ibid., same to same, letter said in the receipt to be of the same date, *and supposed to accompany the same; autograph, 2 pp. fol. Ibid., 1838-1840, Vespre's Italian translation of the foregoing receipt, and of the letter, referred to in the receipt; drafts of his own annotations thereupon, with directions for transcription; copy of Eccleston's authentication, that Vespre's copies of receipt and letter (9 July, 1838) are accurate:* Datum Georgiopoli, *29 Apr., 1840, with seal; note of Vespre's, that all the foregoing were sent to the General, 5 May, 1840; the whole series of his drafts and copies, 4 pp. fol. and 1 p. 4to. Ibid., his annotations,* Note per la sola Curia Generalizia.—*General Archives S.J., Maryl. Epist., 7, ii., Vespre, Georgetown, 5 May, 1840, to the General,* Copie N° 23.

Mgr. Eccleston said in the receipt (supra, D), *that he regarded the $8000 obtained from the Jesuits as a* principal *or fund. From this he and his successors would derive* little more than half *the annual income of $800,* (E); *which signified that the rate of interest then received was more than 5%; that is to say, it was probably 6%, which Whitfield said that he was receiving from the United States Bank for his own private fortune to the amount of* 600 to 800 dollars a year.[22] *Since neither of these two, as they admitted, had any need of an allowance for their subsistence, Whitfield in particular merely advancing the claim that,* whatever

(a) *The foregoing passage, here translated, is scored down the margin, apparently by the General.*

[21] *Supra,* note 13.
[22] No. 214, B, p. 1106.

income he might have altogether, *he could use it;*[23] *and since it is clear, from Whitfield's and Vespre's minute accounts of Marechal's charitable bequests and the fund which he left to his successors,*[24] *that neither had this prelate any need of a subsidy for his maintenance,—it is obvious that the subsidies received from the Jesuits may rightly be considered, according to Eccleston's conception, as a mere fund or foundation for the See of Baltimore.*

The sum-total received by these last three prelates: $1000 during a year and a quarter by the first; about $4800 in six years by the second; $8000 by the third,—altogether made a fund of about $13,800, which, at the annual interest of 6% established a perpetual annual income for the See of Baltimore of over $800. This was more than the sum ($800) which Gradwell had undertaken to obtain from the Jesuits as a perpetuity for the Archbishops of Baltimore;[25] *and it was considerably more than the whole estate of White Marsh was yielding about the same time.*[26]

So much the Jesuits contributed unwillingly. Prior to the succession of these three Ordinaries, they had done much willingly. From 1789 to 1797 they had supplied their confrère, Bishop Carroll, with $560 annually; and, from 1797 till 1806, with $800 per annum—a total of $11,680. During the years 1807–1814 they had given him the usufruct of an estate more than 1000 acres in extent,[27] *the proceeds of which were reckoned at $1000 a year, taking good and bad together; this was a sum-total of $8000.*[28] *He did not need this for his subsistence; seeing that, after more than a year of occupation, he had received so far only* one hog, *yet he merely noted the fact in a letter of excuse to the Superior, and made no complaint of his means being insufficient.*[29] *Similarly, his Coadjutor, L. Neale, received in that capacity $200 a year, from 1804 till 1813; which allowance was increased to $500 in 1813, 1814.*[30] *As Ordinary, from the beginning of 1815 till the middle of 1817, his annual subsidy was $1000.*[31] *Thus L. Neale received in all from his*

[23] Nos. 214, B, p. 1106; 217, p. 1121.
[24] Nos. 214, B, p. 1105; 217, note 16.
[25] No. 213, A, D.
[26] No. 114, D.
[27] No. 83, B.
[28] Nos. 116, C, note 8; 117, B, note 3.
[29] No. 117, B, note 3.
[30] Nos. 177, C, 8º; 179, S, 12º
[31] Nos. 178, Q, 1º; 180, E.

confrères' estates, not to mention special allowances and some annual household expenses,[32] *the sum-total of* $*5300.*

Hence the contributions to the See of Baltimore, from 1789 to 1817, had amounted to $*24,980. Had Mgr. Marechal's statement been correct, that the smallest pension ever paid to the Archbishop of Baltimore by the Jesuits was* $*1200,*[33] *this sum would have amounted to* $*33,600, which, with the addition of the subsidies to the Coadjutor, would have made* $*38,900.*

Besides all this, the Jesuits had made a free contribution of their property in Baltimore, Old St. Peter's, the ground of which was valued at $*20,000, while the church itself and house were estimated by Kohlmann to be worth another* $*20,000.*[34]

Therefore, prior to Marechal's time, the Jesuits had contributed with a good will to the See of Baltimore, $*64,980, with other gratuities added, occasional and annual.*[35] *From Marechal's time to Eccleston's, they had paid, not with a good will,* $*13,800. This, as a fund, according to Eccleston's conception, amounted to a total of* $*78,780, which, with the other gratuities added, was more than* $*80,000. According to the same estimate of Eccleston's, the annual legal interest of this at the time was* $*4800, the Jesuit contribution in perpetuity for the See of Baltimore.*

This outlay ended with the transaction described by Archbishop Eccleston above (D, E), *the Provincial of that Order, which during a century and three quarters had founded and maintained at its own expense the Catholic religion in British North America, agreeing with the Archbishop of Baltimore to buy off the latter and his successors for the sum of* $*8000.*[36] *Against*

[32] Nos. 176, F, 9º; 180, E, [*1º*].

[33] No. 137, *ad* note 1.

[34] Nos. 93, K, p. 322; 94, B.

[35] *Cf.* Nos. 173, G, 1º, $*160, for Carroll's extraordinary expenses at Philadelphia, 1797;* 176, F, 9º, 177, B, £*100 for expenses of the Coadjutor's consecration;* 180, E, *30 cords of wood annually for the Coadjutor (1816, 1817); besides the expenses for holy oils and Ordos to serve the whole clergy* (*see* No. 180, R, note 46).

[36] *Amid the involuntary contributions from the Jesuits to the See of Baltimore must be reckoned a portion of the old Jesuit Mission archives, nearly the whole of that historical part which the agent of the Chapter did not keep for his financial business* (*cf.* No. 150, N). *Marechal referred to these valuable papers of the Society as "original correspondence which I have in the archives of my archbishopric"* (No. 119, [*1.*], p. 448). *He was seemingly unaware that the said archives did not belong to his See; and that five years before, at the death of L. Neale, last ex-Jesuit archbishop, they should have been restored to the Order. Since then these Jesuit archives have been considered the most interesting section of historical documents lying in the archiepiscopal depository at Baltimore; although, what with the General Archives S.J., the Stonyhurst MSS., the transcripts by B. U. Campbell and Shea in the Georgetown archives, there is nothing of importance which we have not produced in* Section I., *or shall not have occasion to use in subsequent volumes of the Text. Some of the original*

this outlay, and as precisely corresponding to it, what the assets of the Order were in Maryland will be seen in the two following Numbers.

No. 218. **1829–1837.**

Temporalities and reputation: sequel of the claims for extended jurisdiction over regulars. *In no fewer than eight letters, written at the close of 1829, Father Stephen Dubuisson, on his return from Rome to America, wrote back to Rome about the impressions prevailing in different parts of Europe, with respect to the Jesuits in America. He says expressly that they were owing to the controversy with Mgr. Marechal. His journey, in company with young Father James Ryder, lay through Turin and Lyons towards Havre. One or two excerpts of these letters are here given.*

The old contention about jurisdiction continued in the direction of Marechal's policy,[1] *and much in the spirit of Card. Fesch's administration, as conducted through his Vicars General at Lyons.*[2] *The state of knowledge manifested in theology, canon*

historical papers were not comprised in the loan made to Carroll, Prefect Apostolic; and they are still in the Md.-N. Y. Province Archives (cf. supra, Nos. 12, 13):

Father Fidèle Grivel, White Marsh, 26 Jan., 1831, to the General, Father Roothaan (in French): "Really I do not see that, in addition to 800 dollars a year to Mgr. the Archbishop, and, besides the archiepiscopal library which Mgr. Carroll and Mgr. Neale borrowed from us, and, more than that, all the archives of our Missions in the United States, which Mgr. Carroll had with him as Superior of the Mission, after the death of Father John Lewis who was Superior in 1773, and perhaps up to the 24th of March, 1788, the date of his death—I do not see, I say, why the Society should abandon to the Sulpicians the nice little library of Father Vespre."

Grivel, White Marsh, 14 Feb., 1831, to Father Landes, Assistant of the General (in French): "The archives of the Mission are in the hands of the Archbishop of Baltimore [Whitfield], and it will be difficult to recover them. Nevertheless, I do not think he refuses to us the use of them at least, if we come to have any need of them."

Grivel, White Marsh, 13 Aug., 1831, to the General (in French): "The fine books of Father Vespre are at the College of Georgetown. The Sulpicians made not the least difficulty in giving them up."

A similar misunderstanding of the Sulpicians had been similarly rectified some twelve years before. Kohlmann, Georgetown, 24 Dec., 1819, to Grassi, Rome: Be pleased to inform C. Vespre [*then a novice*] that, in my late journey to Baltimore, R. M^r. Deluol rectified the mistake respecting the boxes forwarded by him [*Vespre*]. The gentlemen of the Seminary piously thought that the box containing V. Liguori's abridgements of moral divinity, with the author's life and the cathalogue of the Indulgences, with the paintings, was meant for the Seminary [*where Vespre had recently been a seminarian*], and of course – – – ; but, upon being better informed, they have restored the ab – – –, and will restore the rest, if it can be found. *On the courtesy of the Sulpicians.*

(*General Archives S.J., Maryl. Epist., 4, ii., Grivel, 26 Jan., 1831, to the General. Ibid., 4, i., same to same, 13 Aug., 1831. Ibid., Grivel, 14 Feb., 1831, to Landes. Ibid., 2, iii., Kohlmann, Georgetown, 24 Dec., 1819, to Grassi, Rome,* fav^d. by R. D^r. Taylor.)

[1] No. 135, B–Q.

[2] *Cf.* No. 202, D.

law, and Church history, if it did not correspond in apparent profundity to the learning of a school mentioned in another place,[3] *exhibited an array of conclusions identical with those of this foreign school, and seemed to augur for the Church in America the coming of an era, which subsequently more learning, less imported theology, and a strict dependence on Rome happily averted.*[4] *This agitation of the question on jurisdiction touched intimately the rights of property, in the sense that, where an Ordinary exercised his jurisdiction over the administration of Sacraments and preaching, there, it was held, he had a right to possess the property of regulars who, with his approbation, administered the Sacraments and preached. In this theology, the question of regulars' privileges was made to involve the elementary rights of property.*

A. 1829, October 5.

Dubuisson, Lyons, 5 Oct., 1829, to the General, Father Roothaan. The estimate formed in Europe of the Maryland Jesuits. Extract from the French.

"*. . . Here at Lyons, with regard to contributions, we have not met with much success: from M. Vespres, 100 francs, and from M. le Comte d'Herculais, 190 francs. . . . I was forced, Very Rev. Father, to give some explanations to M. d'Herculais. People here described the Mission of the United States as scarcely belonging any more to the Society, as almost separated and withdrawn from your authority, in consequence of the affair with Mgr. the Archbishop of Baltimore. Father Ryder observed to me this evening, that it was a stroke of providence which brought us here, in order to do away with more than one prejudice against us. Persons were not at ease: because, as children of St. Ignatius, they love us much. . . .*

"*We did the journey from Turin to Lyons, in company with M. le Marquis Pacca, nephew of the Cardinal of that name. And it was only here, when we found ourselves all together at the house of M. d'Herculais, that he knew positively that we belonged to the Society. He is a perfect gentleman, who showed all kinds of attention as well before as after the discovery. . . .*"

B. 1829, October 23.

Dubuisson, Havre, 23 Oct., 1829, to the General. Precautions taken with the association, Propagation de la Foi.

In dealing with the association for the Propagation of the Faith, Father

[3] *Cf.* History, I. 216, note 8.

[4] *Ryder, in a letter, 18 Feb., 1830, to the General, Father Roothaan, describes the inner workings of a party,* una fazionella, *composed of various elements.* (*General Archives S.J., Maryl. Epist., 3, iv.*)

Dubuisson judged it imperative to introduce the General as an intermediary in receiving alms for Maryland; thereby reassuring the charitable association of the Propagation de la Foi, that these Americans were true Jesuits.[5]

C. 1829, November 25.

Grassi, Turin, 25 Nov., 1829, to the General. Matters to be treated at the Baltimore Synod. Extract from the Italian.

"... *A letter has come to hand, written to me by our Father Beschter, under date of Sept. 27 [1829], from the United States of America.*" *Unofficial news had arrived of Father Roothaan's election as General.* "*He tells me that the Archbishop of Baltimore was to hold a Synod at the beginning of October; the bishops, theologians, etc., were invited, but not the Superior of ours there; and, among the other matters to be proposed, one was that regulars should be at the free disposal of bishops, as if they were seculars; [another was] whether the office of St. Gregory VII. [Hildebrand] should be recited;*[6] *etc. There was to be printed in Baltimore a translation of the Provincial Letters of Pascal, and this not without disapproval, etc., etc. So writes Father Beschter.*"[7]

D. 1830, May 21.

Dubuisson, 21 May, 1830, to the General. Claims of Whitfield to Jesuit churches. Extract from the French.

"... *We are at peace with the Archbishop. He shows himself very gracious. Nevertheless, you will have seen by the letters of Father Dzierozynski, what singular claims he makes. All our churches (those of the Society) belong to him by right, and ought to belong to him in fact. If we were to build one adjoining the college and upon our own ground, it would be necessary to make a present of the church to him, and of the ground on which it stood. It seems to be a thing unheard of. However,*

[5] *The Annals of the Association, Propagation de la Foi, to which Dubuisson here alludes, afford an illustration of the hold which Marechal's theory about Jesuit property obtained on the ecclesiastical mind in America. While the Marechal controversy was at its height (1824), Bishop England wrote for the said Annals a passage which implies that the Maryland Jesuits had appropriated lands not intended for them, and that the pension paid to the Baltimore prelates was an indemnification:* The sole exception was some property, which had originally been destined for the missions that were in early times served by the Jesuits, and a portion of which had by a variety of contrivances been preserved; and which had at this period been legally vested in the priests of Maryland who had been incorporated by the new Government; and which has since insensibly passed into the possession of the Jesuits of Georgetown College, Georgetown, in the District of Columbia, upon the condition of paying something towards the support of the archiepiscopal See of Baltimore. It was from this fund that the clergy then derived the principal means of support. (Bishop England's Works, *iii. 239.*)

[6] *The expunging of Pope St. Gregory VII. and his office from the breviary had been the proposal of the Gallican parliaments and Gallican bishops of France. Benedict XIII. condemned their action, 31 July, 1729. It had also been an object with Joseph II. of Austria, and the system called Josephism.*

[7] *Cf.* No. 130, C, *on this Synod's acts.*

that is all a sequel of the proceedings of Mgr. Marechal; and the presentiments of Father Dzierozynski are found to be fully verified, viz. that the archbishop looked towards possessing himself of all our churches."[8]

E. 1837, July 25.

Father Giovanni Stefano Gabaria, Georgetown, 25 July, 1837, to the General. Points similar to those in the preceding documents (C, D), *submitted for consideration at the Provincial Synod under Archbishop Eccleston. Extract from the Italian.*

. . . *Among the points to be discussed in the provincial council, and sent by the Bishops of the province, one was the following:* 11. De communitatibus regularibus et ecclesiasticis.—Quibusnam conditionibus subjici fas est missiones (congregationes) iis demandatas? Quaenam Episcopi jurisdictio et ratio agendi, ubi subditi hujusmodi communitatum praeficiendi sunt ecclesiis, quibus annexa est cura animarum? An iis in posterum permittendum sit ut terras et praedia quae a fidelibus offeruntur ad aedificandas ecclesias et sustentandos pastores nomine suae communitatis percipiant et possideant, nisi ubi agitur de fundis oblatis ad collegia, scholas et domos earum instituti erigendas et sustentandas? "*We suspected that this point came from the archbishop* [*Eccleston*]*; the more so as he had spoken in this very sense with some among us about the churches built by ours; as also about that of Frederickstown. But he assured us that it came from another source; and he desired to have an express declaration from Father Provincial that we do not want to have parishes; promising to prevent this matter from being treated in the council. . . .*"[9]

General Archives S.J., Maryl. Epist., 3, vii., 2, Dubuisson, Lyons, 5 Oct., 1829, to the General. Ibid., same to same, Havre, 23 Oct., 1829. Ibid., 3, i., same to same, (Maryland), 21 May, 1830. Ibid., 5, i., Gabaria, (Maryland), 25 July, 1837, to the General. Ibid., Roma, Epist., 11, ii., 90, Grassi, Turin, 25 Nov., 1829, to the General.

[8] *Cf.* Nos. 121, A, note 4; 135, B-P. *As to what Dubuisson says, that it was "all a sequel of the proceedings of Mgr. Marechal," he does not make allowance in the case for the antecedents of Mgr. Whitfield, who, having been a merchant in Italy till mature years, took up theology in France at the age of nearly forty years. Cf.* Nos. 171, A, note 5; 217, note 16.

[9] *See* No. 135, Q, 10mo, *the General, Father Fortis, 24 Apr., 1824, forecasting precisely this state of things. Before that, from another point of view, Father Kohlmann, master of novices at White Marsh, had touched the same subject. Urging Grassi to carry out his purpose of sending the scholastic members to Italy, as the only way to secure the prosecution of their studies and also to save their vocations, he considers that financial difficulties should not obstruct the project (6 Feb. 1817); and then he adds in a subsequent letter (20 Feb., 1817):* N.B. Let Trinity Church [*Georgetown*] be a parish, and be attended by the secular clergy; and let us keep our money for other more urgent and important purposes. (*General Archives S.J., Maryl. Epist., 1, iii., Kohlmann, 6 Feb., 1817, to Grassi; endorsed by the latter:* To Italy. *Ibid., 1, iv., same to same, 20 Feb., 1817.*)—*From the Egan project of secularizing Orders* (No. 192, A; *ibid.*, pp. 986, 987), *or the French tenets* (Nos. 135, A, note 40, p. 553; 210, note 2), *the draft of novel jurisprudence, as sketched above by Gabaria, might somehow be derived; but from the Church's canons a different set of conclusions proceed. Cf.* Nos. 121, A, note 4, *ad fin.*; 130, C; 135, V; 178, Q², note 87, p. 847, *the Vatican Council* Schema Constitutionis de regularibus.

No. 219. (1826.)

Anti-Corporation documents. *Enough has been given above*[1] *of the representations made to Rome against that eleemosynary institution, called the Corporation, which has now been fully revealed in its acts; as also against the Order which practically controlled that Board, and fostered the interests of religion during the long career of Bishop Carroll and the short term of his successor, L. Neale. These documents have been reproduced at sufficient length in their own language and terms, from sources oftentimes autograph, at other times copied or reproduced in print by responsible agents. One paper, however, addressed to the Propaganda, does not belong to the series given above. It is without date or signature; yet its authorship seems to be clear. The writer was acquainted with the west, New Orleans, St. Louis, the establishment of the Dames du Sacré Coeur (at Florissant, Missouri).*[2] *In an indirect way, he describes for the Sacred Congregation of the Propaganda that Maryland institution, the Corporation, or "a religious Order," which is comparatively so influential by its means and personnel, that the Baltimore diocese could not proceed without such auxiliaries. In his description, whether by direct statement or insinuation, he makes the following contributions to history.*

A. (1826?)

Memoir to the Propaganda, (Montauban, 1826?), on "The United States of America: Condition of the Catholic Church in those countries." The Corporation in Maryland, or "a religious Order" in the diocese, is described as an institution which blocks the administration of the diocese, cabals against the bishop, strips him of revenues which his predecessors enjoyed, shuts the door of his cathedral or other church in his face—a religious Order which has it all its own way against the secular clergy, le reste du clergé; *the bishop has his hands tied, so that he cannot proceed*

[1] Section III., *and passim.*

[2] *In Aug., 1826, Mgr. Dubourg had arrived at Bordeaux, and submitted to the Propaganda his resignation of the New Orleans See. (Georgetown College Transcripts, 1825–1830, Shea's abstracts: Card. Della Somaglia, 12 Aug., 1826, to Marechal.) From Montauban, his new See, he signified to the Propaganda, 1 May, 1827, his pleasure in being able to help Mgr. Rosati of St. Louis, by presenting accounts to Rome. (Ibid., 1827, May 1, copy from Propaganda Archives,* Scritture riferite nei congressi, America, *vol. 9, 1827, 1828; 3 pp. 4to.) Other reports in the Propaganda Archives about the same years seem to be his. The present Memoir (31 pp. 4to) speaks of America as at a distance; thus, f. 12 med°:* car dans ce pays là. *As to Dubourg's antecedent experiences with the Corporation, cf.* No. 135, A, note 6, *Grassi:* La Corporazione ringraziò Monsignor Dubourg, il quale partì non poco irritato contro que'della Corporazione; *and* No. 170, P, Q; *ibid.*, B², 13°, *Dubourg's Georgetown debts.*

except according to the views and interests of the Order; yet it may happen that the members of the latter are not equal to all the demands of the diocese; and, if the bishop calls in secular priests, what is the consequence? This religious Order, under one pretext or another, will pretend that it has not enough wherewith to maintain these secular priests, who, not being salaried by the same, will abandon their post and the bishop. The latter will then find himself incapable of providing for the salvation of souls. And nevertheless all this property was given "for that." The Order may become financially involved, and, to liquidate its debts, it may have to sell its property and churches. "All these difficulties are not a chimera" (that is to say, they are a fact). Then he propounds the general policy, that all property, on which churches are built for the use of the faithful, pour les besoins du peuple, *as well as all revenues proceeding thence, should belong to the Ordinary, who would be hampered,* gêné, *in the exercise of his spiritual power, if he did not possess also the temporalities of a regular Order, as far as it served the faithful in his diocese.*

États-Unis de l'Amérique Septentrionale. État de l'Église Catholique dans ces pays.

. . . [*F. 10*^{v}] [a] D'autres ont pensé de faire de tout le clergé une Corporation comme est celui de Maryland, pour le rendre possesseur de toutes les églises. Mais cela est impracticable ; car le gouvernement des autres états ne le permettroit pas. Mais je suppose qu'ils le permissent, je ne voudrois pas conseiller d'adopter un pareil plan. Car il peut arriver que la majorité du clergé [*incorporé?*] cabale contre l'évêque, et par un arrêté pris en forme l'empêche d'entrer dans sa cathédrale ou dans aucune autre église,[3] et le prive de la partie du revenu dont jouissait son prédécesseur. La chose est presque arrivée ainsi ; si dans ce diocèse ainsi constitué un ordre religieux l'emporte sur tout le reste du clergé,[4] l'évêque a les mains liées, il ne peut administrer son diocèse que selon les vues et les intérêts de l'ordre. Je suppose même qu'il y ait parfaite harmonie entre l'ordre et l'ordinaire ; il peut arriver que cet ordre a si peu de sujets qu'il ne peut pas subvenir aux besoins de tout le diocèse ; dans ce cas l'évêque se procure des prêtres séculiers par un moyen ou autre. Qu'en résulteroit-il ? Que cet ordre pretendra n'avoir pas trop de revenu

(a) *In a copy of 31 pp. 4to.*

[3] *This was the case of the Philadelphia, Norfolk, Charleston schismatical lay-trustees, or that of the priest Sedella in New Orleans. By implication, it is here made to be the case of the Jesuit missionaries in Maryland. Cf.* Nos. 121, A, note 4 ; 130, A, 2°, pp. 514, 515. *On the contrary, Marechal, Vicar General, with Archbishop L. Neale, had engaged Grassi, Superior of the Jesuits, to go and represent in Rome the interests of the Baltimore diocese as against the abuses of lay-trustees. Cf.* Nos. 180, p. 889, *ad* note 30 ; 184, A, note 2, *Marechal, 21 Apr., 1817, to Grassi.*

[4] *Here there seems to be a diocesan clergy present, over which, to use Wiseman's phrase, the regulars are predominant* (No. 215, B, p. 1115 ; *cf.* Nos. 135, K, p. 565 ; 190, p. 955). *A few lines below, the regulars seem to be seculars, bound to supply "the needs of the diocese"* (*cf.* No. 135, C). *In the line following, there seems to have been no secular or diocesan clergy at all, but the bishop thinks of "procuring" them.*

pour lui ; qu'il faut qu'il fasse ceci, cela ;[5] en un mot, il [*cet ordre*] fera que les prêtres séculiers, n'ayant pas de quoi vivre, abandonneront et leur poste et l'évêque ;[6] et que celui-ci se trouvera dans l'impossibilité de pourvoir au salut des ames. Et cependant ces propriétés ont été données pour cela.[7] Cet ordre peut s'endetter, et pour se tirer d'affaires il faudra qu'il vende et propriétés et églises.[8] Toutes ces difficultés ne sont pas de chimères.[9]

. . . [*F. 11v.*] Il est important pour les diocèses qui se forment, où il y a des ordres religieux, et où les moyens que j'ai proposés pourroient être adoptés, que la Propagande fasse bien attention que ces ordres ne regardent comme leur bien propre, que ce qu'ils auront eux-mêmes acheté, ou ce qui leur aura été donné en propre ; mais non pas les propriétés sur lesquelles seroient baties des églises pour les besoins du peuple, ainsi que les revenus qui en peuvent provenir.[10] Autrement il pourroit arriver que l'évêque seroit gêné dans l'administration de son diocèse, et que bien souvent il ne pourroit point remédier aux maux qui en résulteroient.

[*F. 15.*] *An extensive eulogy of the Dames du Sacré Coeur, with reference to St. Louis, etc.*

Georgetown College Transcripts, 1823–1826, États-Unis de l'Amérique Septentrionale, *etc.; a copy from the Propaganda Archives, as infra, 16 ff.— Propaganda Archives*, Scritture riferite nei congressi, *1823–1826*, America, *vol. 8.*

[5] *This seems to be the writer's rendering of Marechal's policy, regarded from that prelate's point of view. See* No. 135, B-P.

[6] *That is to say, not being salaried by regulars in the diocese of Baltimore, secular priests must go to Philadelphia, New York, Boston, etc., where there were no regulars nor estates to salary any seculars unto the discharge of diocesan duties.*

[7] Pour cela : "*for the salvation of souls?*" *The implication is that an Order using its estates in the service of souls, and manning over thirty stations or churches in a diocese at its own expense* (No. 135, K, p. 565), *has nothing to do with "the salvation of souls," unless it salaries the diocesan clergy. Marechal himself had claimed only a provision pro mensa episcopali. If he had meant what this writer implies, the explanation suggested for a certain antithesis noted above* (No. 200, E, note 10) *would have to be modified.*

[8] *On what circumstance this insinuation of people selling churches is based, does not appear, unless it be the fact, alluded to by Mgr. Marechal* (No. 135, A, Prop. 13, p. 549), *that Mgr. Dubourg's lay creditors sold the prelate's cathedral, house, and academy at St. Louis. Cf. J. G. Shea,* History of the Catholic Church in the U.S., *iii. 384. As to the Jesuits, the only church so far alienated was old St. Peter's, Baltimore, presented by them to the new cathedral as a gift necessary for completing it. See* Nos. 93, 94.

[9] *This is an attestation that the description given of Corporation proceedings is conformable to the facts. But, at the beginning of the passage, the writer expressly noted that all projects of incorporation were "impracticable." Hence the gratuitous description which follows of proceedings, imagined to result from an impracticable supposition, may be conformable to facts chimerical like the hypothesis. Posito absurdo sequitur quodlibet.*

[10] Pour les besoins du peuple. *Cf.* No. 218, D, E. *The policy advocated here was exemplified in the case of Upper Marlborough. See* Nos. 135, O, P ; 139, A, note 4.

APPENDIX

ANALOGIES

England, Ireland, and Canada have been referred to in the foregoing documents. We append a brief series of papers to explain the references, or to illustrate some of the salient points.

No. 220. 1814–1829.

England: the interposition of Government.[1] *The assumption that the consent of Government, of its bureaus or its ministers, though non-Catholic or anti-Catholic, must be obtained for the canonical re-establishment of the Jesuits as an ecclesiastical Order of the Catholic Church, was imported into America from England,*[2] *where the theory had been devised and put in operation with success. After many vicissitudes, with rescripts and decrees issuing from Rome in contrary senses, the Order was permanently set on its right ecclesiastical footing only in 1829, fifteen years after the Bull of universal restoration had been published; and even then the Papal declaration was put in the form of a mere permission granted the Vicars Apostolic to recognize the Jesuits in the ecclesiastical forum, for all spiritual purposes. The real issue had never been other than ecclesiastical.*[3] *But it had been made to wear a political aspect.*

During this long period of agitation, the English Jesuits looked repeatedly to America as a place of asylum, if the young men of the Order could neither obtain ordination in England, nor, when ordained in other countries, receive faculties for spiritual ministries in the districts of the Vicars Apostolic. Dr. John Milner of the Middle District was the only prelate who would recognize them. Thus the English Provincial, Father Nicholas Sewall, wrote, 7 July, 1823, to the provincial procurator, Father

[1] *Cf.* Nos. 187, A, note 12, *Tristram;* E, note 29; 214, H, note 17.
[2] *Cf.* No. 200, E.
[3] *Cf.* No. 214, H, note 17, *Gradwell's accounts; he says expressly that the case was one about acknowledging the Society in England,* quoad forum ecclesiasticum.

Edward Scott, about some twenty young Jesuits who were preparing for the priesthood in France and Italy, some of whom, *he said,* we should be happy to send into his Lordship's (Dr. Baines') district; but, if faculties should be refused them, because they are Jesuits, we must place them in the middle district [*Dr. Milner's*], or send them to America, where they are much wanted and called for; *and Sewall desired Scott to see Dr. Baines on the subject.*[4] *This was just two months after B. Fenwick, writing from Portobacco, 6 May, 1823, had informed the General, that one motive for transferring the novitiate from Maryland to Missouri, had been* the obtaining in a new diocese an asylum where the Society . . . would experience no interruption, and where its members would have no other enemies to encounter but such as are equally enemies to God and His holy religion.[5] *Dr. Baines, at this time hostile, became himself the agent subsequently, in 1828–1829, for procuring the ecclesiastical recognition of the Order in England, notwithstanding the opposition of his colleagues in the episcopate.*

A. 1814, May 22.

C. Plowden, 22 May, 1814, to Father Tristram. The difference between one Government and another in the recognition of a Pontifical act.

In defending Stonyhurst against the attacks made in Parliament (prior to the general restoration of the Society, 8 Aug., 1814), special notice should be taken of Sir John Hippesley's [6] grounding a right to seize this property on a spiritual sentence of the H. See (the dissolution of the Society), though we all disclaim upon oath the very shadow of power or right in the Pope to meddle with temporal concerns, etc. His parity from Canada is futile. English and Irish Jes[ts] were never employed by Gov[t] to educate youth, to propagate Cath. religion, etc., as they were in Canada and in all Cath. countries.[7] The extinction of their body gave a pretext to those Gov[ts], which were arbitrary, to secure the property, which the public or the Govern[t] had furnished to them, for the persons who might succeed them. In England, the nation never gave them anything but dungeons and halters; they were merely private men, etc. . . .

English Province Archives, Letters of Fr. Plowden, *ii., f. 11v.*

[4] *English Province Archives,* Letters of Fr. Stone, Sewall, Connell, *f. 203.*

[5] No. 196, E.

[6] *In the letter of Kohlmann, 20 Dec., 1822, to the General (supra,* No. 183, C), *this gentleman is mentioned as meddling with the affair of the Brief, obtained and divulged by Mgr. Marechal. Cf.* No. 113, Q, p. 376, *Carroll's reference (1815) to the same gentleman.*

[7] *Cf.* No. 146, J, *ad* note 5, *T. Talbot and Grassi, on governments, meddlesome or otherwise.*

After the public and universal restoration of the Society (7 Aug., 1814), there issued from Rome, between 1815 and 1829, various rescripts or decrees, which were different, and often contradictory in their import. Card. Litta, Prefect of the Propaganda, recommended the Jesuit establishment of Stonyhurst to Bishop Poynter, but commended prudence in the face of the Government (2 Dec., 1815). He declared to Bishop Gibson that the English Jesuits were fully regulars, and entitled to receive ordination as such (14 Feb., 1818). Answering a remonstrance formulated by three of the four Vicars Apostolic, on the ground of political apprehensions, he cancelled the former letter which was to be considered as not having been written (3 May, 1818). Card. Della Somaglia, Pro-Prefect, answered a petition of the fourth Vicar Apostolic, Bishop Milner, by a decree of the Propaganda that the Jesuits of Stonyhurst[8] *could receive ordination as regulars from any Catholic bishop (14 Dec., 1818). The Vicars Apostolic in England and Scotland (exclusive of Dr. Milner) complained to the Pope of this last decree (cited in the two next documents here mentioned). To Dr. Poynter, who had seen Lord Sidmouth, Home Secretary, Card. Consalvi declared that the foregoing decree had been annulled by His Holiness, and he submitted an answer, for communication to the Minister, that the Society of Jesus was not held to be re-established in England, "since the Government objected to receiving and recalling it" (18 Apr., 1820).*[9] *A Papal Brief of the same purport was issued under the same date:* Non sine magno *(18 Apr., 1820).*[10] *On the basis of Consalvi's letter, three of the Vicars Apostolic declared that they could not recognize "the privileges of the Jesuits in England;" Bishop Baines, Coadjutor in the Western District, put his signature to the declaration, and Dr. Gradwell, Rector of the English College in Rome, took part in the meeting (1, 2 July, 1823). A petition of the English Provincial to the Propaganda was ineffectual with the Sacred Congregation (1 Oct., 1827). Bishops Baines, Coadjutor, and Collingridge, Vicar Apostolic of the Western District, petitioned Pope Leo XII. to grant the Vicars Apostolic liberty in recognizing the Jesuits as religious (14 Aug., 1828). Baines submitted with the Petition a Memorial, exhibiting the inner history of the foregoing transactions. Pope Leo XII. wrote an*

[8] *On the status of Stonyhurst earlier, cf.* No. 150, D², note 33; F², note 37.
[9] *Cf. F. C. Husenbeth,* Life of R. R. John Milner (*1862*), *p. 420.*
[10] *Cf.* Juris Pontificii de Propaganda Fide Pars Prima, *iv. 584, 585.*

autograph answer on the Petition of Baines, granting the request (1 Jan., 1829). A Papal Brief of the same purport was issued on the same day (1 Jan., 1829).

The only point which concerns us is that which was imported into America by Mgr. Marechal: the interposition of Government; the origin and meaning of it, as explained to the Pope by Bishop Baines.

B. 1820, April 18.

Card. Consalvi, Secretary of State, 18 Apr., 1820, to Dr. W. Poynter, Vicar Apostolic of the London District. Answer for communication to Lord Sidmouth, whom Poynter has seen on the exclusion of the Jesuits from recognition by the Government Executive (or King in Council).

Romae, 18 aprilis, 1820.

ILL^ME ET R^ME D^NE

Reverendus Dominus Robertus Gradwell, Collegii hujus Anglicani Rector, epistolam Amplitudinis Tuae, die 14 elapsi martii datam, reddidit mihi, in qua Amplitudo Tua notum mihi facit, Nobilissimum Dominum Sidmouth, Regis Secretarium primarium pro rebus domesticis Regni, ab ea enixe quaesisse, quid tandem factum esset de illo decreto, cujus ipse Minister accuratam notitiam habuit tribus mensibus antequam Episcopi Vicarii Apostolici in Anglia (excepto R. D. Milner) vel minimam ejusdem decreti suspicionem habuerint.[11] Addit Amplitudo Tua, sibi omnino necessarium esse, Regiis ministris aperte declarare, utrum decretum illud abrogatum fuit [!], et quo loco illi qui Institutum Societatis Jesu in Anglia amplecti volunt apud Sanctam Sedem habeantur, praesertim post declarationem illam authenticam mentis Magnae Britanniae Regis, Guberniique sui, circa existentiam Societatis Jesu in Imperio Britannico, quam Amplitudo Tua, mense Aprilis elapsi anni, ad me transmisit.

Quod decretum illud spectat de quo Amplitudo Tua, caeterique Vicarii Apostolici in Anglia et Scotia (excepto R. D. Milner) litteris ad Sanctissimum Dominum datis conquesti sunt, ex adjuncta Sanctitatis Suae responsione intelliget Amplitudo Tua supramemoratum decretum abrogatum plane fuisse. Non est ergo cur Amplitudinem Tuam longius hac de re morer, sed alteri quaestioni ab Eadem factae potius satisfaciam.

Declaratio illa quam Nobilissimus vir Sidmouth, Regis Secretarius primarius pro rebus domesticis Regni, Amplitudini Tuae die secunda aprilis proxime elapsi anni dedit, scilicet, "Regem (tunc temporis Principem Regentem) et Gubernium Britannicum, ob rationes insuperabiles Societati Jesuitarum in Anglia restituendae consentire non posse,"

[11] *The decree of the Propaganda,* Cum compertum fuerit, *14 Dec., 1818, obtained by Bishop Milner in favour of Stonyhurst, that the Jesuits might obtain ordination to the priesthood from any Catholic bishop.*

aperte evincit civilem in Anglia Potestatem Societati Jesu recipiendae aut revocandae minime consentire; authentica illa interpretatio Constitutionis Sanctissimi D. N. Papae, quae incipit "Sollicitudo omnium Ecclesiarum," quam Eminentissimus D. Card. Litta, Sacrae Congregationis de Propaganda Fide tunc Praefectus, Amplitudini Tuae per litteras 2 Decembris anni 1815 dedit, nempe memorata superius Constitutione "Societatem Jesu restitutam esse in universis Orbis provinciis, in quibus civiles Potestates illam recipere aut revocare consenserint," omnem plane dubitationem de medio tollit, atque ex ea palam fit, Amplitudinem Tuam jure compertum sibi esse affirmare, Societatem in Anglia nondum esse restitutam.

Review and explanation of antecedent acts.

Quare Amplitudo Tua Regiis ministris poterit declarare, Societatem Jesu in Anglia, cum civilis Potestas eidem recipiendae ac revocandae repugnet, nondum restitutam censeri, quamvis generatim ita restituta sit, ut, si Gubernium illam admittere vellet, opus non esset peculiari Apostolica concessione, ut eadem Societas in Anglia reciperetur.

Haec habui quae Sanctitatis Suae jussu manifestarem Amplitudini Tuae, cui fausta ac felicia omnia in Deo Optimo Maximo deprecor.

Amplitudinis Tuae

Addictissimus Servus,

H. Card. CONSALVI.

Ill^mo^ e[*t*] Rev. DD. Gulielmo Poynter, Episcopo Halien. et Vic. Ap. Londin.

C. 1828, August 14.

Bishop P. A. Baines, Coadjutor of the Vicar Apostolic Collingridge, in the Western District of England, Subiaco, 14 Aug., 1828: Memorial to the Pope, accompanying a Petition in his own name and that of Collingridge. A history, with reflections and arguments on the proceedings heretofore, regarding the English Jesuits.

Excuses, on account of his ill health, for not having availed himself earlier of the Pope's permission to submit an account of the Jesuit affair in England. The ancient hostility to the Jesuits, prior to the Suppression of the Order. The new era. Stonyhurst; various rescripts concerning the English Jesuits till 1814, and the general restoration.

The new phase of the opposition, turning on the clause of the Bull, Sollicitudo, *about the consent of the civil powers in admitting or recalling the Order:* Tuttavolta di tal determinazione della Santa Sede poco soddisfatto il R^mo^ Guglielmo Poynter, Vicario Apostolico del Distretto di Londra, indirizzò lettera alla Sagra Cong^ne^ di Propaganda Fide, di cui ignoro il contenuto, ma che sembra occuparsi delle solite obbiezioni, delle quali di continuo servivasi, della opposizione, cioè, del Governo Inglese contro i Gesuiti, degli ostacoli che potrà la loro esistenza frapporre alla

emancipazione de'Cattolici, ed altre di simil conio.[12] L'Em^o Cardinal Litta, Prefetto della S^a Cong^ne di Propaganda, in data dei 2. Dicembre 1815, indirizzò una risposta alla lettera suddetta, in cui fa sapere al Vescovo: "Societatem a Sanctissimo D^no N^ro restitutam fuisse in universis Orbis provinciis, in quibus Civiles potestates illam recipere ac revocare consenserint," esortando al tempo stesso di far tutto il possibile per procurare il ristabilimento in Inghilterra.

Questa lettera fu un trionfo per nemici dei Gesuiti, ai quali piacque per essa provare la non ripristinazione della loro Comp^a in Inghilterra per mancanza dell'adesione formale del Governo al di loro richiamo. Ond'è, che il R^mo Guglielmo Gibson nel suo settentrionale Distretto, ov'è situato il Coll^o di Stonyhurst, richiesto, rifiutò di ordinare ad titulum paupertatis alcuni giovani Professi della Comp^a tuttochè da Pio VII. quattro anni innanzi ripristinata.[13]

Card. Litta's notification, 14 Feb., 1818, to the said Bishop Gibson, that the Society in England was a legitimate regular body, and its members had the same right as those of other Orders to be ordained as regulars. Recall of this letter, three months later, on a remonstrance being forwarded by some of the bishops. The decree of the Propaganda, 14 Dec., 1818, making Stonyhurst a Pontifical College, so that its members can be ordained by any bishop, without dimissorials from the Vicar Apostolic in whose district it lay.[14] *Annulling of this decree by the Brief, 18 Apr., 1820, in answer to a protest from the bishops.*

The secret negotiations of Dr. Poynter with Lord Sidmouth, "a declared enemy of the Catholics;" and the letter of Card. Consalvi, written in consequence, as well as the Brief issued the same day (18 Apr., 1820): Ma, come che d^to Breve nonostante che il nome ven. portasse di Pio VII. niuna affatto relazione aveva con la Costituzione Sollicitudo, e persistendo i Gesuiti a considerarsi qual legittima Corporazione Religiosa, il R^mo Guglielmo Poynter, che per esperienza conosceva molto bene quale avesse a quel tempo influenza in Roma il nome del Governo Inglese, portossi segretamente dal Ministro di Stato, dichiarato nemico de' Cattolici, per da lui conoscere se egli e i suoi colleghi condisceso avrebbero al ristabilimento in Inghilterra della Comp^a di Gesù, dichiarandogli, che il semplice rifiuto sarebbe stato l'ostacolo pel tempo anche avvenire alla rid^ta ripristinazione.

[12] *Cf.* No. 178, X², *ad* note 116; *Carroll and Plowden on this traditional "coinage."*

[13] *Cf.* No. 170, K, note 22, *Carroll on the relations between Gibson and Stonyhurst.*

[14] *Father Thomas Glover explains the meaning of this measure:* It appears from Fr. C. Plowden's letters that about December, 1819, Cardinal Fontana proposed other difficulties. He thought it right that Ours should receive Holy Orders as Regulars, but not that our Superior at Stonyhurst should present alumni who are secular priests. In this the Cardinal was perfectly in order; and the answer given was that, if his Eminence would only engage the three Vicars Apostolic to ordain Ours titulo paupertatis, we should be content. But it was precisely the suspension of this right, by the revocation of Card. Litta's letter of 14 Feb., 1818, which had constrained us to revert to the ancient constitution of Stonyhurst as a Pontifical missionary seminary. (*Stonyhurst MSS., B, i., 15*, Fr. Glover's Collection, *etc., p. 190.*) *Cf.* No. 150, D², note 33.

La risposta non è da indovinarsi; ella fu quale doveva necessariamente attendersi, che, cioè, il Governo non potea acconsentirvi. La stessa sarebbe certam^te^, se si fosse richiesto lo stabilimento di Vicarj Ap^plici^.

Rimise tosto con ogni premura il Vescovo un tale informo all'Em^o^ Card. Consalvi, con aggiunger di più premure anche maggiori per sollecitare una risposta, che communicar potesse ai Regii Ministri. *Answer of Consalvi in the sense indicated.*[15]

Perplexity of the bishops who were not in the secret: Maraviglia non sia, se gli altri Vicarj Apostolici, i quali ignoravano il segreto maneggio del loro Collega, fossero tantora perplessi nel decidersi, come regolarsi fra tante e così opposte decisioni.

Meeting of the bishops (Milner excepted). Representations of Poynter and Gradwell, especially with respect to the binding force of Consalvi's letter on all the English Vicars Apostolic, who ought to form their judgment in accordance therewith. Declaration of all present that they could not "recognize the privileges of the Jesuits, until they received further authorizations from the Holy See."

The demand of some among the bishops for authentic copies of the documents on which the foregoing declaration was based. Gradwell commissioned to print such documents in Rome, and send copies to the bishops in England.[16] *Dr. Baines submits herewith a copy for his Holiness, adding some points and corrections with his pen. The suspicion which arose in the minds of some bishops on examining the said collection of "Documents," and their conviction that they had followed too blindly the lead of Dr. Poynter and Dr. Gradwell. The letter of Card. Consalvi did not concern the Vicars Apostolic in England, and that for a number of reasons:* Nell'esaminare cotesti Documenti (quali essi sono imperfetti e confusi) nacque in alcuni fra i Vescovi un qualche sospetto sulla verità e giustezza dei da loro già formati giudizi, e viddero chiaro di aver troppo presto fidati alle assertive del Vic^o^ Ap^plico^ di Londra, e del citato Rettore Gradwell. Pareva loro che la sucennata lettera dell'Em^o^ Consalvi considerarsi affatto non dovesse qual Rescritto della Santa Sede, che tutti obbligasse i Vicarj Ap^plici^ in Inghilterra, e ciò per le seguenti ragioni.

Four reasons expounded at length: 1. It was a personal letter to Poynter, for communication, not to the Vicars Apostolic, but to the Crown Ministers; 2. It was a "political note" from the Secretary of State, not a rescript from the Propaganda; 3. It related to "a civil and legal restoration," not to the spiritual and canonical re-establishment, clearly and expressly settled by the Bull, Sollicitudo; *and necessarily so, since otherwise religious professions made in virtue of the Bull would have to be considered as nullified by the secular English Government; and the Jesuits of France would not be Jesuits at all, for want of the civil power's consent; and the bishops of France and*

[15] *Supra*, B.

[16] *Cf.* No. 214, H, note 17, *Gradwell's* Documenta ad missionem catholicam in Anglia spectantia.

Ireland[17] *would have misunderstood the Bull*, Sollicitudo, *and would have given occasion to numerous acts of ecclesiastical irregularity and of invalidity in the exercise of jurisdiction.*

4. Finally, the error into which his Eminence the Cardinal Secretary of State had been led, by being made to suppose that the Executive in England was the Legislature. Now the Legislature by an Act of Parliament in 1777 had expressly recognized and exempted from the operation of some laws "(Catholic) Bishops, Priests, and Jesuits;" and again in 1790 had expressly declared that no one should be brought into court on the charge of "belonging to any ecclesiastical Order or Community of the Roman Church." Neither of these laws can the King or his Ministers infringe upon or abrogate. In fact, the Jesuits and their colleges exist publicly in England and in Ireland, and have been frequently mentioned in Parliament, "without the least intimation that their persons or establishments were forbidden by the laws, or could be disturbed by the Executive."

Conclusions: the letter of Consalvi was for Poynter alone; it did not touch the spiritual and canonical existence of the Jesuits in England, where "the Society is as fully re-established, in point of spiritual and canonical effects, as it is in France, in Ireland, and in the States of Your Holiness."

The policy now to be adopted by the Holy See. The suggestion is respectfully made that there be formulated no more decrees; but that the Vicars Apostolic of England be informed of their liberty "to recognize the privileges of the Jesuits in England." Advantages of this plan.

Hereunto is attached a formal Petition, which Dr. Baines presents to His Holiness, "in the name also" of the Vicar Apostolic, Collingridge, whose Coadjutor he is.

Ad majorem Dei gloriam,
D. PIETRO AGOSTINO BAINES,
Vescovo di Siga, Coadj. del Vicº Apˡᶜᵒ,
Distretto Occidentale d'Inghilterra.

Subiaco, li 14 Agosto, 1828

D. (1828, August 14.)

Bishops Baines and Collingridge (14 Aug., 1828): Petition to the Pope, in the sense of the suggestion at the close of the foregoing Memorial.

The request is made that the Bull, Sollicitudo, *be simply declared to be in force for England, as to its spiritual and canonical effects*, quoad omnes effectus spirituales et canonicos, ita ut singulis Vicariis Apostolicis liceat ejusdem Societatis alumnos in Anglia seu alibi professos ad ordines sacros titulo religiosae paupertatis promovere, caeterisque privilegiis spiritualibus et canonicis gaudere permittere, quibus reliqui ordines religiosi ibidem gaudent, supradictis litteris caeterisque quibuscumque non obstantibus.

Quare, etc. (*Seal.*)

[17] *The* Voto *of Card. Pacca* (*infra*, F) *adverts to the fact that "29 Irish bishops," besides Mgr. Milner in England, recognized the Jesuits.*

E. (1828.)

Opinion of Card. Castiglione[18] *(1828), on the foregoing Memorial and Petition. In a negative sense, against granting the Petition.*

A review of decrees or rescripts against recognizing "the privileges" of the Jesuits. Disapproval of the strictures passed in the Memorial on Dr. Poynter's proceedings. An urgent claim to bring the whole matter again before the Propaganda, with reference again to the English bishops.

F. (1828.)

Opinion of Card. Pacca[19] *(1828) on the foregoing document, regarding the Petition and Memorial of Bishop Baines.*

The want of acquaintance with the whole state of the question, as manifested in the Opinion under review. Rehearsal of the case on its merits. Rectification of the fundamental error, in supposing that "particular privileges" were at all in question. The right of religious to be ordained as religious (and not as secular priests) is not a particular privilege, but is an essential part of their state: ripetendo non potersi chiamare Privilegj l'ordinazione titulo paupertatis, poichè forma essa una parte essenziale del loro stato di Chierici Regolari. . . .

G. 1829, January 1.

Decision of Pope Leo XII., 1 Jan., 1829; a long formula written with his own hand, as an endorsement on the Petition of Baines and Collingridge. Granting the Petition, and declaring the meaning of the Constitution, Sollicitudo.

. . . Datum Romae ad Vaticanum.

LEO P. P. XII.

Die prima anni 1829.

Witness of the undersigned that the endorsement on the original is the Pope's autograph, and that the copy is faithful.

. . . (m.p.) C. Card. GUERRIERI GONZAGA.

Pro D. Pietro A. Baines, Epº Sigensi.

H. 1829, January 1.

Brief of Leo. XII., Intelleximus, Ven. Fratres, *1 Jan., 1829, to the Vicars Apostolic in England.*

The Pope declares to them that the Society of Jesus exists legitimately in England, quoad forum ecclesiasticum, according to the tenor of the Bull,

[18] *A* Voto *or opinion drawn up by an uditore, or some one else, and adopted by the Cardinal. Gradwell had just gone to England as Coadjutor to Bishop Bramston of the London District.*

[19] *Said to have been written by Father Thomas Glover, S.J., who had been sent to Rome from England for these affairs of the English Province; the Opinion being then adopted by Card. Pacca as his* Voto.

Sollicitudo; *and, as far as is necessary, herewith ratifies and publishes the same to them.*

General Archives S.J., Angl., 11, tom. 1, v. Consalvi, 18 Apr., 1820, to Poynter; a copy. Ibid., Angl., 12, iv., Baines' Memorial, Subiaco, 14 Aug., 1828; several copies. Ibid., Baines' Petition, (14 Aug., 1828); f. 2^{v}, the Pope's endorsement; a copy authenticated and sealed. Ibid., the Voto *of Card. Castiglione and that of Card. Pacca; several copies of each. Ibid., Papal Brief,* Intelleximus, Ven. Fratres, *1 Jan., 1829. — English Province Archives,* MSS., iii. Restoration, *etc., ff. 216^{v}, 217, Consalvi, 18 Apr., 1820, to Poynter; with Poynter's answer.—Cf. Stonyhurst MSS., B, i. 15,* Fr. Glover's Collection, *etc., p. 202 bis, seq.*

On the merits of this agitation, maintained in England by the appeal to Lord Sidmouth, "a declared enemy of the Catholics" as Bishop Baines described that Minister, a reflection of Mgr. Marechal on another matter is a sufficient commentary: Numquid licitum erit viris religiosis, qui in variis mundi partibus vivunt, antequam obediant sancto Pontifici, sententiam exquirere advocatorum, Turcarum imo infidelium ?[20]

As to the importation of such an issue into America, and the assumption that the United States Government, by consent or dissent, could interfere with the operation of the Bull, Sollicitudo, *which reinstated the Society of Jesus, it suffices to recite the opinion of Judge R. B. Taney, as forwarded by Mgr. Marechal to the Propaganda:*[21] His Holiness the Pope may, according to the laws of this country, exercise his spiritual power in the most ample and unreserved manner over the members of the Roman Catholic Church, who are citizens of this country.

No. 221. **1776–1816.**

Ireland: analogy with the Maryland property question. *At the moment of the Suppression,*[1] *the property of the ancient Jesuit Mission in Ireland consisted of funds, some of which, originally vested in France, were a residue saved from the general wreck of Jesuit property in that country, on the expulsion of the Order in 1762.*[2] *The last Superior, Father John Ward, dying 12 Oct.,*

[20] No. 124, C, p. 491.
[21] No. 207, O.

[1] *An authenticated copy of the Irish Jesuits' act of submission to the Brief, with ten names appended, was forwarded, 28 Apr., 1774, by John Carpenter, Archbishop of Dublin and Primate, to the Propaganda. He added the names of two others who had signed a similar declaration. In a note appended he speaks of these (twelve) as being the entire body.* (*Propaganda Archives,* Scritture risguardanti l'esecuzione del Breve di Soppressione, *etc., as infra,* p. 1154; *ff. 99, 104; authenticated copy and note, addressed:* To Mr. Thomas Maria Ghilini, Brussels.)

[2] *Father Alexander Crookshanks, S.J., secured this partial salvage from the wreck for Ireland. He belonged to the Scotch Mission. But certain letters of his to the General are endorsed:* Parisiis, 1760. P. Crookshanks, Proc. Prov. Angliae. (*General Archives S.J.,* Anglia, Historia, *vi. p. 784.*)

1775, made over the total assets in trust to Father John Fullam. The measures then taken to preserve the property for the Society at its revival, "Societas resurrectura," or else for the service of the Church in Ireland, are shown in the following sketch of documents.

Abstract of documents.

A. 1776–1807.

In 1776, a deputation representing some fifteen surviving ex-Jesuits passed a series of eight fundamental resolutions, with regard to the ultimate devolution of the property, the interest of which should be used to support the survivors of the ancient body. The capital should return to the hands of the Society when restored. But, if there appeared no immediate prospect of a restoration when the surviving members were reduced to three in number, the funds were then to be laid out in a manner most conducive to the spiritual advantage of the Church in Ireland. An ample proviso, N.B., *at the end of the resolutions declared* that, if any of the above articles should in any way clash with the spirit or the letter of the Brief whereby the late Society was suppressed, it be looked on as null and void; the said members seeking only to secure to themselves what said Brief allows, a sufficient annuity for life, which in the present state of things in this Kingdom could not be secured to them by any other means; nothing being otherwise more foreign to the hearts of said members than any disobedience to said Brief, or any other legal decree issuing from so great an authority.

Fullam, receiving personal bequests and donations from friends, destined them for the reinforcement of the Jesuit trust funds; all together, at his death in 1793, amounting to £8650, and yielding an average interest of £324. As to his private property, which he left in trust with his sister, Miss Catherine Fullam, he limited the use of the interest to the service of the Jesuit novitiate in White Russia and of the English ex-Jesuits' Academy at Liège for the purpose of educating missionaries, natives of Ireland, and to be employed in this country. *After twenty years this private property should devolve to the executors of the Jesuit trust, who, if the Society were not reviving, should devote it to the education of ecclesiastics for Ireland. In the choice of beneficiaries, preference should be given to natives of those places, where old Jesuit residences had existed. As to the trustees for the Jesuit property, he named them in the persons of Fathers Richard Callaghan and Power.*

In 1793, the survivors, now only five in number, resolved that, as soon as only three of them remained, and there was still no proximate hope of the Society's restoration, they would consult some of the Irish bishops, and take competent legal advice, to determine in what manner they could best secure the reversion of the property after it had reached the last survivor, and settle it for the purpose of endowing or adding to the endowment of some school or college for the education of secular priests to serve on this Mission.

In 1796, Miss Catherine Fullam died, transferring to Richard Callaghan the private property intended for the ex-Jesuits, and also what her brother had left to herself; this latter bequest, says Callaghan, more than doubled the funds. The total assets must then have been over £17,000.

In 1800, only three of the ex-Jesuits survived. But, 7 Mar., 1801, the Holy See officially recognized the Society of Jesus in Russia. On June 6 of the same year, O'Callaghan, sole trustee of the property, placed in the episcopal seminary of Carlow the first Irish candidates for the Society now reviving. These were Peter Kenney, subsequently known in Maryland, Kavanagh, Yore, Ferley. Other aspirants were added later. On Jan. 1, 1803, Father William Strickland, English procurator in London, reported to Father Marmaduke Stone, president of Stonyhurst, the name of Richard Callaghan in a list of twelve applicants for aggregation to the Russian Province: Ric. Callaghan, natus 1728, admis. 1753, prof. 1771. *On May 19, 1803, Father Marmaduke Stone entered on the office of Provincial for the internal government of the new English Province, which as yet was only privately restored, in foro interno. The young Irish candidates for the Society, Kenney, Ryan, Considine, Kavanagh, Yore, commenced their novitiate under Father Charles Plowden at Hodder, Stonyhurst; and, under the heading,* Rev. M[*r.*] Callaghan's Elèves *or* Irish Juniors, *an old Stonyhurst ledger contains the fragments of accounts, 1804–1807, for some of those mentioned already, and for others.*

By the will of Callaghan who died 15 June, 1807, leaving only one survivor, Father Thomas Betagh, of the ancient Irish Mission, all the property for the use of the Irish Jesuits in the revived Society was vested in the name of Stone, president of Stonyhurst. Owing to the fall of lives, *as well as to the fidelity and economy of the survivors, the trust had mounted to £32,450.*

Irish Province Archives S.J., Memoirs of the Suppression and Restoration of the Society of Jesus in Ireland (*containing the resolutions, etc., of the ex-Jesuits*), *by Father Patrick Bracken, S.J.* (*ob. 1867*)*; copy of Rev. E. Hogan, S.J. Ibid., the same published with additional observations in* Memorials of the Irish Province S.J., *i. 133–150, 187–204.—English Province Archives,* Fr. Strickland's Letters, *ff. 122, 123, Strickland, 1 Jan., 1803, to Stone.—Stonyhurst College MSS., MS. B, iii., 15, No. 71, J. Mattingley, Dublin, 10 July, 1805, to T. Wright and Co., London; D. La Touche & Co., Dublin, 11 July, 1805, receipt. Ibid., No. 81, C. Wright, Stonyhurst, 20 June, 1807, to T. Wright, London, on the Callaghan trust, on La Touche, etc.; C. Wright, 2 Aug., 1807, to T. Wright & Co.; T. Wright & Co., 4 Aug., 1807, to C. Wright, declaration of trust. Ibid., unmarked ledger, an old Shireburn account-book:* The Booke of Contracts with Tenants, from May Day, An: D^{ni}., 1690, *used as a Stonyhurst College ledger; ff. 450, 451: 1806, 1807,* Rev^{d} M. Callaghan's Elèves; *farther on:* Irish Juniors, 1804, Nov. 24, *seq.*

Bishop Carroll, in a document quoted above[3] *and in several others which have not entered into this series, discussed with Fathers C. Plowden and Strickland the interposition of Dr. Troy, Archbishop of Dublin, in the affair of Callaghan's bequest to Stone. In other*

[3] No. 178, V.

documents, Father Thomas Betagh, the sole survivor of the ancient Irish Mission, appeared to manifest but little sympathy with the English Fathers, and apparently no satisfaction at the English investment of the trust, as made by the late Father Callaghan. As to Dr. Troy, his correspondence with the Propaganda on the subject begins in the archives, 23 Mar., 1807; and a series of documents which follows is not exhausted till 29 Apr., 1810. There was a misconception at the origin; and this, as the documents proceed from different hands, develops into a quantity of errors on the ex-Jesuit proceedings; until the first letter, which is also the last from the other party, Marmaduke Stone, president of Stonyhurst, sets the question on its original basis, corrects some of the principal assumptions without going into any minute history of the past, and closes the incident.

Abstract of documents and correspondence.

B. 1807–1816.

Dr. Troy, who has no copy of the original resolutions passed by the ex-Jesuits in 1776, infers from the action taken in 1793, that, in the event of the Society not being restored, three or four Irish bishops, himself among them, should have been named "fiduciary heirs," as soon as the number of ex-Jesuit survivors was reduced to three. Card. Borgia, Prefect of the Propaganda, had informed Troy himself, 24 Feb., 1804, that the Society was not restored outside of Russia.[4] *He begs the intervention of the Propaganda, to secure by effective spiritual measures, the proper devolution of the trust to the Irish bishops, and to prevent its being diverted to the use of "Russian Jesuits or others." But the matter should not be made public by recourse to any forensic acts; or the property would be lost to all purposes of religion. A letter of the Propaganda to Father Stone makes no mention of spiritual measures to be taken, but demands an explanation. Some correspondence here followed between Troy and Stone, with no other result, as the archbishop informs the Propaganda, than that Stone expressed his surprise at the negotiations which were thus broached. In a letter to Father Concanen, for the latter to lay before the Sacred Congregation, Troy makes the statement that the sum of money left by Callaghan "belonged exclusively to the same Irish ex-Jesuits; and no part of the said funds pertained to any college or any other person;" and, though he has no document on the subject, Dr. Carpenter, his predecessor in the See of Dublin, intimated to the Jesuits at the moment of the Suppression, that he expected the reversion of all their funds for the benefit of Ireland, if the Society were not "canonically" restored in that*

[4] *See supra*, No. 178, note 6, *the very different complexion of the Society's revival with the power of aggregation, as explained by Card. Consalvi, Secretary of State, 2 July, 1802*

country at the death of the last survivor. The foregoing documents and correspondence belong to the year 1807 and the early part of 1808.[5]

In the latter part of the same year, 1808, the chief documents on the affair of the Irish fund are letters and drafts for the use of the Propaganda, drawn up by Concanen at Florence, and by the Abbate Lorenzo Agostini. The only point of interest is that the character of the transaction between Callaghan and Stone undergoes such modifications in these attempts to treat it, that it can no longer be recognized. The case has assumed peremptorily, and in unmeasured terms, the aspect of ill-gotten goods abstracted from the use of the rightful owners, the bishops in Ireland.

At last, 29 Apr., 1810, Stone answers promptly the first letter which has come to his hands from the Propaganda, as directed to himself. He expresses to the Prefect, Card. Di Pietro, his astonishment that Dr. Troy should have had recourse to the spiritual authority of Rome, without having first communicated with himself; and that his Eminence should have peremptorily declared Callaghan's testament to be invalid, without having heard himself. Neither one nor other would have acted so, if they had been fully informed on the merits of the case. Yet he is now inhibited by the oath, which every English priest takes in virtue of the Act of Parliament, 1791, from submitting a civil case to any foreign tribunal whether spiritual or civil, outside of the kingdom. Catholic lawyers of the first rank have informed him that, in case the measures intimated to him were ever directly conveyed by his Eminence, and he acknowledged the authority to be competent in a matter so absolutely civic, he would incur the penalties of premunire,[6] *and expose the Catholic cause to the gravest risks. If his Grace, the claimant, will adduce any document capable of breaking the formal will of the deceased and of the antecedent trustees, it shall be recognized. As it is, there are various documents of*

[5] *In the same year, 1807, the General, Father Brzozowski, writing from Russia, treats of the Irish difficulty in three letters to the Provincial Pignatelli, Rome, to Stone and Strickland, England (30 Oct., 3 Nov.). From the information afforded by Stone he conveys to Pignatelli several points: 1. By a personal visit to Dublin, the English Provincial had saved the property from drifting into the hands of Callaghan's natural heirs; 2. that the Society was exposed to trouble on account of the Irish, English, and Scotch property, owing to ancient English law (premunire?), and the oath taken by bishops and priests—which seems to imply that Stone feared precisely what was attempted, the interposition of Rome; 3. that the Sovereign Pontiff himself was exposed to molestation—which, from the reference made immediately after to the question being before the Propaganda, appears to indicate the currents in Rome itself, running counter to the Pope's policy in restoring the Society:* P. Provincialis [*Stone*] tamen multum timet, ne haec eadem bona et alia ad Societ^{tem} tum in Anglia tum in Scotia pertinentia magnam et nobis et S. Pontifici suscitent molestiam ob leges antiquas Angliae, et ob juramentum quo se tum Ep^{pi} tum Patres obstrinxerunt. Res est delicata. "*It appears certain that the Bishops and Vicars Apostolic have written to Rome, to find out from the Sacred Congregation whether the Sovereign Pontiff has really given his assent to the aggregation by the General of the Society in Russia of members in countries Catholic as well as non-Catholic.*" *The General desires Pignatelli to inform His Holiness accurately of the matter, and to beg that a remedy be applied.* (*General Archives S.J.*, Epist. Vic. Gen. in Russia: 1802–8; *to Pignatelli, Rome, 30 Oct., N.S., 1807; to Stone, London, and to Strickland, London, 3 Nov., N.S., 1807.*) *Documents in the Vatican Archives illustrate point 3 above.*

[6] *Cf.* No. 150, S.

decisive import dating from 1773 to 1793; wherein there is ever one principal intention formed and kept in view, and there is another alternative measure, conditional and eventual, for adoption if the principal object could not be attained. Callaghan, seeing no necessity for the use of the alternative measure, took the means to secure the principal intent. And it only remains for the Holy Father to be set at liberty [from Savona] to see if this purpose shall be finally effectuated.

All the property is destined for the benefit of Ireland. "*Your Eminence supposes throughout that this property is ecclesiastical in its nature;*[7] *and yet you acknowledge in the ex-Jesuits of Ireland a right to dispose of it. I have already observed to your Eminence, that they never gave it, and never left it by will, to prelates; and here I must add, that the property is not ecclesiastical in its nature, but is purely private.*"[8]

In due time, the whole trust was conveyed in proper form to Father Peter Kenney, Superior of the reconstituted Irish Mission.

Propaganda Archives, Scritture riferite nei congressi, Irlanda, 1802–10, *18, f. 422, 23 Aug., 1793, receipt of the Jesuit trust from J. Fullam deceased, by R. Callaghan and Paul Power; ibid., ff. 422ᵛ, 423, 23 Aug. 1793, resolutions of the ex-Jesuits; copies authenticated by Troy, Dublin, 14 Apr., 1808. Ibid., ff. 378, 379, Troy, Dublin, 23 Mar., 1807, to Card. Di Pietro, Prefect of the Propaganda; endorsed:* ... L' Emº Prefetto ne ha anche parlato col P. Pignatelli Provinciale. *Ibid., ff. 406, 407, Petition of Troy (after June, 1807), to Di Pietro; endorsed:* Ibernia, 1808. Scritto al P. Stone, 23 Gennº, 1808, ed a Monsig. Troy. Si è parlato dall' Emº Prefetto al P. Pignatelli Provinciale de'Gesuiti. *Ibid., ff. 412, 413, the Propaganda, 23 Jan., 1808, to Stone; endorsed:* . . . Si parla dell'applicazione de'beni ecclesiastici. *Ibid., ff. 414, 415, Troy, Dublin, 7 Mar., 1808, to Di Pietro. Ibid., f. 424, extract (in Italian) of a letter in English from Troy, 14 Apr., 1808, to Concanen; authenticated:* Concordat cum originali. Fr. Richardus Lucas Concanen Episcopus Neo-Eboracensis. *Ibid., f. 425, Concanen, Florence, 20 Aug., 1808, to* Sig. Ab. D. Lorenzo Agostini a Propaganda, Roma. *Ibid., f. 426, summary of the case, in Italian (by Agostini or Concanen), for Di Pietro. Ibid., ff. 427, 428, draft by (Concanen), 19 May (1808? 1809?), for Agostini to put in form, as a letter from the Propaganda to Stone; with a paragraph of commentary by Concanen to Agostini. Ibid., f. 470, Troy, Dublin, 17 Dec., 1808, to Di Pietro. Ibid., ff. 522, 523, Stone, Stonyhurst, 29 Apr., 1810, to Di Pietro.—English Province Archives*, MSS., iii., Ex-Jesuits, *etc., ff. 150, 151, Troy, 4 Apr., 1808, to Stone, conveying the reply, 23 Jan., 1808, of Di Pietro to two Queries*, proposed to the H. See by the Prelates of this kingdom; *copy by Strickland. Ibid., ff. 148, 149, C. Butler (lawyer), 20 Apr., 1808, to Strickland (see supra*, No. 150, S).—*Stonyhurst College MSS., MS. B, iii., 16, No. 15, Kenney, Clongowes, 16 Feb., 1816, to C. Wright, Stonyhurst, partly on the Irish funds.*

No. 222. 1773–(1816).

Scotland: the property of the Scotch Mission S.J., after the Suppression. *A certain capital served for the maintenance of the ten Scotch ex-Jesuits who were labouring in that country. This they designed for the general use of the missions, in case the Society was not restored before the last of them died. Two of them were*

[7] *Cf.* No. 197.

[8] *There is no semblance of Father Stone's style in this letter. It looks like Father C. Plowden's composition.*

still alive when the Bull reconstituting the Order was promulgated (7 Aug., 1814). At this date the papers which gave control over the capital were in the hands of a Vicar Apostolic. In (1816), Father Marmaduke Stone, Provincial of the English Province, presented a memorial to the Cardinal Prefect of the Propaganda, petitioning for the recovery, not only of the property near Rome belonging to the English Jesuits, but of the funds pertaining to the Scotch members of the Order.

The documents in the Propaganda archives exhibit the negotiations and claims of the Vicars Apostolic in Scotland, as well with regard to the funds of the recently suppressed Mission, as with respect to the recovery for home service of the Scotch ex-Jesuits who were then working on the Continent. These latter were conducting at Dinant, in the principality of Liège, a national Scotch college, with 140 students in attendance; and the Prince Bishop was contemplating another college for them with room for 40 students. The Nuncio at Brussels considered it inexpedient to interfere with so useful a ministry.

Propaganda Archives, Scritture risguardanti l'esecuzione del Breve di Soppressione de PP. Gesuiti ne' luoghi di Missioni. 774. Missioni. Miscellan. T. v.; *ff. 43–197, passim, 14 Oct., 1773—18 July, 1774; the correspondents being the Scotch Vicars Apostolic, Card. Corsini, and the Nuncio at Brussels. Ibid.*, Scritture riferite nei congressi, 1801–1817, Anglia, 6, *pp. 1177–1180, Stone, Memorial to the Prefect of the Propaganda (1816).*

No. 223. **1887.**

Canada: act of incorporation for the Society of Jesus. *A document illustrating by comparison the Maryland act of incorporation.*[1]

A. 1887.

Acte incorporant la Compagnie de Jésus.

Attendu que les Révérends Pères de la Compagnie de Jésus ont demandé d'être constitués en corporation, et attendu qu'il est à propos de constituer cette communauté religieuse en corps public, comme les autres communautés de cette Province; à ces causes, Sa Majesté, par et de l'avis et du consentement de la Législature de Québec, décrète ce qui suit:

1. "La Compagnie de Jésus" sera une corporation composée des révérends Pères Henri Hudon, Adrien Turgeon, Léonard Lemire, Georges Kenny, Arthur Jones et de toutes les personnes qui font et qui feront à l'avenir partie de cette Compagnie, conformément à ses règles, statuts et règlements.

Elle aura, sous le nom ci-dessus donné, succession perpétuelle.

[1] No. 164.

Elle aura droit d'avoir un sceau commun, altérable à sa volonté, et d'ester en justice de la même manière que toute personne peut le faire.

Elle pourra posséder, accepter et acquérir par tout titre légal, des propriétés mobilières et immobilières qu'elle pourra vendre, aliéner, hypothéquer, céder, louer, transporter, échanger, ou dont elle pourra disposer autrement à quelque titre que ce soit, pourvu toutefois que le revenu annuel des immeubles possédés par la Compagnie pour des fins de revenu dans aucun diocèse n'excède pas trente mille piastres.

2. La corporation n'aura pas le pouvoir de posséder et maintenir, en vertu du présent acte, des établissements d'éducation ailleurs que dans les archidiocèses de Montréal et d'Ottawa, et dans le diocèse des Trois-Rivières.

3. Cette corporation sera gouvernée selon ses règles de communauté, et elle aura le droit de faire et passer des règles et règlements concernant l'administration des biens, la direction, la régie interne, l'élection, le nombre et le pouvoir des officiers et des directeurs, l'admission et la sortie des membres, et généralement tous règlements en rapport avec les fins de la corporation.

4. Le siège corporatif de la corporation sera en la cité de Montréal.

Un autre endroit de cette Province, dans les limites actuelles des archidiocèses de Montréal et d'Ottawa et du diocèse des Trois-Rivières, pourra être choisi plus tard par règlement de cette corporation.

5. Cette corporation pourra nommer des officiers, procureurs et administrateurs, et définir leurs pouvoirs.

Les signatures du Supérieur de la Compagnie en cette Province ou du procureur de son établissement principal suffiront pour toutes les affaires légales.

6. Le présent acte viendra en force le jour de sa sanction.

Réponse au Second Mémoire de Monseigneur Hamel, Protonotaire Apostolique, Vicaire Général, etc., sur les principaux télégrammes échangés entre Québec et Rome, dans l'affaire du Bill des Jésuites; [*Montréal*], Juillet, 1887; *8vo, pp. 55; containing the original bill of incorporation, and the above Act as passed in the Lower House; pp. 3-6.*

No. 224. **1836.**

The Suppression of the Society: recognized historically, ignored juridically. *As this* Part II. *began with a brief sketch of the recognition loyally extended by the Jesuits to the Brief of Suppression, and further on showed cases, in which persons averse to the Society would fain extend the effects of Suppression to the expropriation of the Order after restoration, and even to the denial of the canonical restoration itself, the volume may aptly close with a specimen of Roman jurisprudence prevailing in 1836, which exhibits the ecclesiastical authorities of the Catholic*

Church as admitting historically the fact of Suppression, yet completely ignoring the legal, juridical, and moral effects of it, even for the time when the Suppression was in operation, and consequently recognizing the right of the Society to its property for the period when the Order was supposed to be, and for countries where it certainly was, non-existent. In the following sentence of the Sacred Congregation of Bishops and Regulars, delivered 23 Sept., 1836, an ancient annual levy of 2500 scudi enjoyed by the Society, at the charge of a property belonging to a community in Sicily, is adjudicated to the Order as not only due for the time current, 22 years after the term of Suppression was ended, but as due also in its arrears for the time past, i frutti arretrati e correnti, *without any limitation from the moment when the annual remittance had last been paid by the debtors. This last payment had been made to the Camera Apostolic in 1782. Hence for the 32 years which elapsed before the Suppression was terminated (1782–1814), the Order non-existent is legally taken to have been in existence; or the arrears could not be the subject of a "right," which by the sentence is declared to subsist.*

PANORMITANA SEU ROMANA.

Census.

Ex instrumento diei 17 Augusti 1733 Societas Jesu apostolicis facultatibus instructa censum imposuit scutator. 2500 super aliquibus bonis ad Congregationem Olivetanorum S. Spiritus Panormi pertinentibus, servatis conditionibus a Piana Constitutione praescriptis. Patres Olivetani depactum fructum persolverunt memoratae Societati, donec ea stetit; ipsaque abolita, Camerae Spoliorum usque ad annum 1782.

Ex hoc tempore fructuum solutio interrupta est; non autem ejus memoria. Nam in quibusdam publicis actis tum anni 1796, tum 1818, ac 1823, iidem Olivetani hujusce census mentionem, data occasione, facere non omiserunt.

Societas Jesu vix restituta hujusce crediti solutionem ab Olivetanis petere non retardavit. Sed, cum conatus amicabiles in irritum cessissent, ad Sacram Congregationem Episcoporum et Regularium suam petitionem exhibuit.

Multas Olivetani exceptiones opponebant, quas inter ea, quae majus pondus obtineret, plurimorum annorum erat praescriptio. Haec autem vim etiam mutuabatur ex legibus Neapolitanae ditionis, quae trigenerium ad reales ac personales actiones praescribendas satis esse constituunt.

Sed, praeterquam quod ad ipsarum legum civilium tramitem aliquid contra praescriptionem replicari posset, obstabat in casu Cap. 20. de

Praesc., quod praescriptionem omnem absque bona fide condemnat, ac reprobat, cum praescribentem in nulla temporis parte conscientiam rei alienae habere oporteat. Id autem eo magis in casu attendendum erat, quandoquidem agebatur de partibus, quae ambae personis religiosis constabat.

Itaque, in plenario conventu diei 23 Septembris 1836, duo dubia Em^is^ Patribus exhibita sunt, nempe:

1. Se il Censo imposto nel 1733 dalla Congregazione Olivetana a favore della Compagnia di Gesù fu vero e legittimo e tuttora vigente in favore della Compagnia?

Et quatenus affirmative:

2. Se la Compagnia di Gesù ha diritto di esigere i frutti arretrati e correnti?

Em^i^ Patres rescripserunt ad Primum Affirmative.—Ad 2. Affirmative.

23 Septembris 1836.

Collectanea in usum Secretariae Sacrae Congregationis Episcoporum et Regularium, cura A. Bizarri Archiepiscopi Philippensis Secretarii edita, Romae, 1885; *p. 426.*

To ascertain historical truth and that finality, without which thankless labour does but carry water to the sea, the inedited matter produced here has been exhausted in several directions, and has been set together so that documents confront one another, reducing their respective statements to the proportions of truth. Cross references have been profusely supplied, enabling papers under review to be tested by remoter gauges of accuracy. On the score of omission or commission, not to overdo and to leave nothing undone, all pains have been taken to disarm just criticism by arming it and using it beforehand, with a sufficiency of documents to ensure completeness, and with the reinforcement of collateral papers to arrive at exactness. The texts have been reproduced as found; and they have been accepted or discounted for the precise value which understanding and testing could discern in them. As to any other opinions or traditions not discerned there, these have been left to their native region of taste with its likes and dislikes, which may prefer to disagree and be disagreed with, but are still only matters of taste, not of intelligence, logic, or science.

There is a literary assumption, which in circumstances may acquire the force of a superstition, that, if a document which so far has lain inedited comes to see the light, it must in its bald and unchallenged

loneliness bear a character of truth which is sacrosanct. Certainly, if produced separately without its connections and the realistic setting of its lights and shades, the statements, implications, and insinuations which belong to it are, to the extent of their detachment from supplementary facts, serenely independent as well of control, as possibly of truth. In matter which is already known we see how the spirit of enterprise not unfrequently makes a half-phrase sally out of its context, and stands at right angles to the very line of truth, which, as written, it was meant to confirm, but which, as wrenched, it is made to deny. If independence of connection or of verification ensured historical accuracy, the falsest pieces which ever merited burial might become veracious because they are exhumed. Though the odour of dissolution dates with them from more than four days past, they acquire the respectability of appearing in print, and the franchise of imposing on the world; and their case may become as hopeless as that of the published matter which passes for history, or as that of the baseless traditions which live and thrive, and become more and more true, because people multiply who rehearse and believe them. "Custom without truth," says Milton, "is but the agedness of error."

A moderate acquaintance with inedited matter, though signed, sealed, and qualified with any accession of dignity, places the critic in the habitual attitude of taking a chance document on its own merits to be no less probably incorrect than correct; and, if contentious in its matter, or still worse, if immoderate in its tone, to be more probably false than true. It will just be true to its origin. Divines know of pieces absolutely perfect in their logic, symmetry, conclusions, and tone, which nevertheless happen to be untrue, because of a flaw in the remoter antecedents; and it would be heresy to endorse them to-day. Much more in the administration of practical affairs, the best of men, finding themselves in new and altered circumstances for which no provision has been made, can easily differ with one another and fail to catch the bearings of the case. Their attainments to face the situation with judgment and propriety may be too limited; or their minds may be warped.

But, as in the conduct of life there is nothing fair and gracious which a sincere mind cannot attain to and practise, so there is nothing dubious or insincere ever perpetrated by one man, which another may not perpetrate; and no qualification of name or station affords

of itself a guarantee that a writer is not truer to his inner self and habits than to his outer garb and name. Every chapter of history, both sacred and profane, shows the nature and habits of men more persistent than their best intentions; and, in the life of the Church, lays bare the fundamental truth that nothing short of the Providence of God could have preserved His institution from the last consequences of men's disregard for sincerity in doing justice to others, and for veracity in doing honour to themselves. A divine voice has said this of all men: Omnis homo; *but not of His own institution which, in spite of them, is divine.*

We now resume the thread of history suspended in the volumes of Text.

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[Arabic numbers designate the pages; italic numbers, the notes.

The pages after 600 are in Part II.

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For a rearrangement of documents used piecemeal, *v. Proceedings*. Similar entries are substituted for the Bibliographical Index, mentioned in Part I., pp. xv, xvi.]

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