THE LATE CUBAN CONSPIRACY.

The Last Moments and Execution of Don Ramon Pinto by the Garrote.

OUR HAVANA CORRESPONDENCE.

HAVANA, March 21, 1855.

This morning at an early hour it was generally rumored throughout the city that Don Ramon Pinto, who has been looked upon as the leader of the recent conspiracy to assassinate Concha, the Governor General of the Island of Cuba, would be *garroted* at the expiration of the current twenty four hours. During the forenoon this rumor was inceptively confirmed by the Don's removal from the Fuerte del Punta, at the mouth of the harbor, in which he had been confined, to the neighbouring prison, called the Carcel de Tacon. Shortly after his arrival there, this victim to misguided political enthusiasm occupied himself in drawing up his will, and as he anticipated numerous applications would be made to visit him, by friends interested in his fate, he had previously requested that none but the members of his family should be admitted to him. While engaged in arranging the last legal document pertaining to his rapidly closing hours, the prison authorities were simultaneously occupied in preparing their instrument—legal or illegal—which at to-morrow's dawn will remove from limited time to illimited eternity another political martyr—or traitor—according to the respective standards by which he may be judged.

Treason never prospers! What's the reason?
When it prospers, none dare call it treason!

The sight of the garrote in the courtyard of the prison, ever and anon the gates opened in answer to each external summons from Don Ramon Pinto's friends, must have acted as a painfully suggestive climax to their intellectual efforts to obtain permission to see him.

During the afternoon he was put in *capella*, as it is termed here—that is, he was removed from his cell to the chapel, where he will have to pass twelve hours of the remainder of that brief period which is to precede his execution, guarded by two soldiers, and consoled by a priest—consoled, if indeed this man of Catalonian origin can derive solace from that church of which he was once a member, but broke his priestly vows, married, came to Cuba, conspired, failed, and to-morrow dies!

Let us now turn from the prisoner, and observe what other aspects are presented by this "*dernier jour d'un condamné.*" Evening has stolen more rapidly than usual o'er this fair isle, where twilight is scarcely known; for although during many weeks past the sky has maintained its warm, southern clearness, at sundown heavy black clouds have spread thickly over the city, while the lightning, flashing at intervals, would seem to portend that nature had designed a stormy overture to the morrow's performance. In the palm shaded avenues that bound the public drives along the Prado, mixed groups of Cuban creoles and of Spaniards from the mother country, are discussing, with "bated breath," the fast approaching event. Their *sotto voce* tones render it difficult for one but slightly versed in their language to catch more than the general tenor of their arguments, which seems to be that the community will benefit by the expiation of the individual, and that a wise policy is shown in selecting the leader only for a victim, and in deporting his accomplices to the Philippines—a course which, it is said, will be adopted. Further, these swarthy sons of Spain speak of Estrampes, recently tried for smuggling arms into the Island, as soon to follow Pinto to the garrote, and from thence to the Campo Santa, where the remains of Lopez lie mouldering; and again, that Felix, who, fortunately for his vertebra, is now believed to be more of a thick-headed tool than a culpable accomplice, will be pardoned ultimately.

Quitting these groups of Cuban politicians, who had begun to discuss the long-talked of and almost worn out topic of filibustering expeditions to seize "the brightest jewel of Hispania's crown," I descended to the city, to the *Plaza de Armes*, fronting the Governor General's palace. It is now past eight o'clock, but although the band of the *Voluntarios* has already commenced its customary evening performances, there is an unusually limited number of persons assembled about the paved walks of the garden-decked *Plaza*. There are also but few of the many beauty laden volantes that nightly crowd the quadrangle at this hour, that the fair occupants may flirt and listen to the music by turns. Even these few appear to belong to suburban residents, who have possibly only learned on their arrival the direful deed to-morrow will dawn upon. The promenaders appear to be chiefly the visiters to the island, for here also the Panama-hatted and white-attired denizens of Havana are gathered together in small groups to discuss the all-absorbing topic. Scarcely has the illuminated clock which crowns General Concha's residence marked half past eight, when suddenly the groups converge towards the entrance to the palace. A rumor is quickly spread over the *Plaza* that Donna Ramon Pinto has just drove up to the portals. I was so fortunate as to see her alight from that rarity in this city, a four-wheeled carriage. The Donna, who is said to be a Spanish creole of New Orleans, is of the middle stature, and presents that appearance of *embonpoint* almost universally met with in her countrywomen on arriving at her age, which might be estimated at "some forty summers." It was easy to observe, by the strong light into which she descended on leaving the carriage, that over its natural dignity and composure, her countenance wore an unwonted air of sadness. She was accompanied by her daughter, a tall and gracefully formed young girl, apparently about eighteen years old, and whose features were impressed with a pensive air, ill fitting one in the prime of youth. Both were dressed in black, and though they wore the mantilla, they seemed not to care about concealing their countenances, and possibly they might have hoped the better to enlist the sympathies of the spectators by revealing themselves. They were accompanied by another lady, and a gentleman in a *volante*. When the latter had alighted, he conducted the Donna Ramon Pinto up to the entrance hall, her daughter and the other lady following them. As the spectators were kept back by the sentinels on duty, I can only surmise what passed. The gentleman held a parley of some ten minutes' duration with the Intendant and two or three other of the palace officials, but it was evident the Donna's application for an audience of General Concha was refused. She then handed to the gentleman a paper roll, doubtless her husband's petition for mercy. The Intendant appeared likewise to decline receiving this, for, as the party retraced their steps to get into the carriages, one of the ladies still held it in her hand.

The Donna's carriage, almost wholly surrounded by the crowd, drew up at the spot where I stood. As her daughter advanced to seat herself her head was bowed down, and what could be seen of her features wore an aspect of vacant despair. The mother's countenance still seemed firm, her lips were compressed, and her eyes flashed, as 'tis said, none can but a Spanish woman's. The gentleman, as he handed the Donna into her carriage, said something, of which I only caught the words *corage* and *esperanza*. She, however, to whom these words were addressed, seemed to know they were spoken vainly, for as she took her seat, big tear drops fell fast from her large black eyes. Not often have I witnessed the flow of tears that has caused such a shuddering thrill to pass over me as that I experienced from these shed by this devoted woman—though to me a stranger—when she found her last effort to save her husband had failed.

The vehicles drove off, and the military band, which by some fortuitous and delicate intervention, had stopped playing, again commenced its enlivening strains. As the rattling of the carriage wheels ceased to be heard, and long before Donna Ramon Pinto's tears could have ceased to flow, the *Plaza* resounded with one of Strauss's gayest waltzes! The company generally did not appear disposed to listen to this "mockery of human woe." Many retired to the Dominica and Diana *cafés*, where, towards 10 o'clock, it was rumored that after all the Lion would be pardoned at the place of execution. This is improbable; still, I was pleased to see the benefit of such a possibility given generally in his favor, and yet more so to find that the doubt did not constitute (as elsewhere it would have done) a medium for "laying odds" among the frequenters of the *cafés*.

THURSDAY, March 22, 1855.

The night has passed away in heavy, sultry weather, and with no nearer approximation to the threatened storm than occasional flashes of lightning. Last evening there appeared to exist much difference of opinion as to the hour at which the execution would take place. Some said it would be at sunrise; others, at 6 o'clock; and others again maintained it would be delayed until 7. I adopted the only course to be pursued under these conflicting opinions, and was on the spot before the earliest assigned hour. The *locale* of the public executions at Havana is that open space extending from just outside of the Puerta del Punta to the ocean, in its northerly direction, and which is bounded eastward by the fort of the Punta, and westward by the Tacon prison. I reached the spot as the first rays of the sun shot over the fortifications to the east of the Moro Castle and illumined the already erected instrument of death. Four soldiers only were there to guard the scaffold, on which the garrote was placed, from the invasion of the curious. Some few hundred persons were already assembled, and, formed into groups, were examining, discussing and explaining the operation of the machine.

As six o'clock struck, a company of mounted police rode upon the ground, and with drawn sabres, cleared the space around the garrote, and formed a circle of about one hundred yards in diameter, within which the spectators, now rapidly increasing in numbers, were kept from penetrating at the sword's point. Next came the executioner, with an escort of soldiers, to make his preliminary arrangements. He is a negro and a murderer, whose life was spared some time since upon condition of his accepting this repugnant vocation, and adding to his one, perhaps blind, impulsive crime, as many more murders, duly legalized "by authority," as he may be called upon to commit during the remainder of his days, or rather until his brute force shall fail him. When he had ascended the scaffold it was easy to observe that he is a strongly built negro of the Congo race. He was dressed in a dark blue jacket with scarlet cuffs and collar, light drab pantaloons and a round hat, ornamented with a broad gold lace band. But for a white embroidered ladder, extending almost entirely up the back of his jacket, he might have been taken for a very ugly black footman, attired in an equally vulgar livery. Having carefully oiled the machinery and tested the accuracy of its adjustment, by means of a plumb-line, he descended from the platform and was escorted back to the *Carcel de Tacon* by the guard of honor that had accompanied him to the scaffold; for he is considered too valuable a member of society ever to be permitted to remain at large. Meanwhile the military force had been augmented by the arrival of several companies of the foot *voluntarios*, and by a troop of cavalry—the latter armed with lances, from which floated those glaring striped pennons which suggest the Spanish colors as being eminently typical of yellow fever.

Seven o'clock had now sounded, and the spectators had increased from hundreds to thousands. The parapets of the Tacon prison, the fortress of the Punta, and the roofs of all the neighboring houses were densely crowded. At a quarter past seven the murmur of voices suddenly spread on all sides, and the cry of "Venel venel!" (he comes, he comes!) was confirmed by the sight of a high-borne and unfurled black flag, which headed the tardily advancing procession, and by the distant sounds of the drum's death roll. Not a voice was heard, not a breath disturbed the silence which reigned among those thousands of spectators as the *cortege* advanced in slow solemnity. When it had arrived at the foot of the scaffold, the executioner sprang upon the platform with a rapidity, and threw off his hat and coat with a levity more befitting some Molyneux at a sparring exhibition. This simile, since it has escaped the pen, may be carried yet further—the perfect coolness of the horrid black monster, and the self-satisfactory rolling of his prominent eyes, showed the confidence he felt of "having the best of his man." The negro now partially descended the steps to assist his victim in mounting the scaffold. The priest who had attended the prisoner *in capella* followed next.

Don Ramon Pinto, upon whom all eyes were now fixed, was clothed in a long white capuchine, the black-crossed hood of which was thrown back so as to expose his face clearly. He looked to be about fifty years old, strongly built, above the ordinary stature, and somewhat inclining to corpulency. His face had been closely shaved, which seemed to increase the expression of his prominently developed features. He appeared calm and resigned, so much so, indeed, that as he grasped the crucifix with both hands, while conversing for a few minutes with the priest, before he seated himself on the fatal stool, he looked as though he was joining the minister of the Romish church in some form of the popish ritual, rather than as a man whose existence was countable by seconds. He now sat down composedly, with his back towards the garrote, and while the executioner attached his ankles with cords to the framework of the stool, he turned his head round, and momentarily gazed on the life-destroying triumph of mechanical skill. Then, of himself, he adjusted his neck in position, and appeared to enter in earnest communication with the priest, who bent over him, the better to catch his last words. The black murderer now fixed the cross-bar into the sides of the iron yoke, and his victim's head was irrevocably secured. The negro quickly stepped to the back part of the machine, at the very instant the priest raised himself upwards from listening to the victim, gave the fatal lever two rapid turns, into the last of which all his strength appeared to be thrown, and Don Ramon Pinto, who now ceased to exist, had probably, before the executioner descended from the scaffold, learned a lesson far greater than any comprised in that political science to the promulgation of which he has paid the martyr's penalty. But, as Lamartine has said—

The murderer has his hour—the victim, all eternity!

The fatal act accomplished, the crowd were gradually permitted to approach the scaffold and gaze upon the dead. The features were in no manner distorted, for his death had been instantaneous, and without the least appearance of muscular struggle. It is customary to leave the body exposed to public gaze for a period of twelve hours; but as towards noon a storm swept over the city, and the rain fell in torrents, a departure from this rule was necessitated.

A week before the execution of Don Ramon Pinto took place, the Consul Generals of Great Britain, France and the United States attempted an intercession on his behalf. Joseph T. Crawford, her Britannic Majesty's representative here, was deputed to express the united sentiments of the consuls to the Governor General. It appears, however, his Excellency not only declined to receive Mr. Crawford, but would not permit his wife to have an interview with that gentleman. JOSE X.

MARCH 23.

P. S.—It is now rumored that the lady of the Governor General will most probably wear a widow's mourning, like the Donna Ramon de Pinto, within a month.

Another rumor, current to-day, is that the will of the Don, in directing the disposal of his property, states he was not married. The explanation offered on this point is, that the Don having once taken orders in the Church of Rome, no marriage could be valid; still, to satisfy the scruples of their family connections, the pseudo husband and wife went to church, and on returning home proclaimed themselves bound by the matrimonial ties. J.

ADDITIONAL.

EXCITEMENT IN REGARD TO THE EXECUTION OF PINTO—THE CASE OF ESTRAMPES AND FELIX, ETC.

BALTIMORE, March 30, 1855.

The steamship Isabel has arrived at Charleston, and brings advices from Havana to the 25th inst.

Much excitement prevailed at Havana on the morning of the 22d inst., in regard to the execution of Don Ramon Pinto. To such a pitch had the feeling on the subject reached, that the Captain-General had not been seen in public since the event. The body of the unfortunate Pinto, instead of being exposed the usual time, some twelve hours after execution, was removed from view within three—the indignation evinced by the populace rendering the measure peremptorily necessary. This state of affairs was brought about in consequence of the vindictive conduct of the Captain-General. Some informality having taken place on the trial, the Minister of War refused to countersign the death warrant, on the ground that the evidence convicting Pinto had not emanated from one whose character stood as clear as the sun at mid-day, but from one who had served two apprenticeships in the chain gang. The Captain-General thereupon convened a council of four, and after due deliberation, two of them declared themselves in favor of the death penalty, and two in favor of acquittal. The casting voice was then left with the Captain-General, who condemned his former Secretary and friend to the garrote—hence the indignation.

The trial of Estrampes and Felix was to have taken place early this week. Our Consul, Col. W. Robertson, had protested most energetically against their being brought to trial, and insisted upon their liberation. The result of his application, however, was not known when the Isabel sailed.

The French vessel Aregrupa, at Havana, had rescued the crew of the American brig "Catharine Mary," bound from New York to the West Indies, (probably the Catharine & Mary, Capt. Coombs, hence about the 10th ult. for Curacoa), she having been abandoned at sea in a sinking condition.

Arrived at Key West, on the 22d, bark Magnolia, in charge of the wreckers, having been ashore on Los Key the previous day. Capt. Marsden settled with the salvers by giving his check for fifty-five hundred dollars. The vessel sailed on the 24th for Mobile.

It is confidently believed at Key West that the Magnolia had a cargo of munitions of war, designed for the use of the filibusters, who are said to be assembling near Mobile. The Magnolia had no clearance, and was fined by the Collector for the neglect.

Interesting from Honduras.

THIRD UNSUCCESSFUL INVASION BY GUATEMALA—PROSPECTS OF PEACE—DEATH OF GEN. CHOMORRO IN NICARAGUA.

By the Maria Burgess we have full advices from Honduras to the 1st inst.

It appears that the invasion of that State from Guatemala, in January, by a force under the refugees, Gens. Guardiola and Lopez, had proved a signal failure. The invaders penetrated nearly to the town of Santa Rosa, in the department of Gracias, when they were met by the troops of the government.

Gen. Lopez is reported killed; Guardiola was wounded and narrowly escaped being captured. His forces were entirely dispersed. At latest dates Gen. Cabanas, President of Honduras, was in Gracias, at the head of a force for the protection of the frontier, pending the result of negotiations for peace, which were proceeding through the mediation of San Salvador. It was reported in Omoa that a definitive treaty of peace had been signed between Honduras and Guatemala. The Legislature of the former State is now in session, and great preparations were making for the installation of the newly appointed bishop of the diocess of Comagagua.

The official *Gazette* announces the death of Don Fruto Chomorro, the reactionary dictator of Nicaragua, from fever. For the last eight months he had been besieged in the city of Granada, by the revolutionary republican forces of Don Francisco Castillon, who had been installed as Provisional President in Leon. It is a singular coincidence that Chomorro died just as he had compelled his besiegers to retire, and was about to take the offensive. His death will probably destroy the courage of his partisans, and result in the complete triumph of Castillon.

The *Gazette* regards the proclamation of Carrera as perpetual President of Guatamela, as dictated by Santa Anna, and as part of the reactionary movement to which he is committed, and of which he is the head. It remarks that Carrera has also assumed the old Spanish colonial title of Captain General, and argues that it is a significant indication of the end to which his ambition leads.

The *Gazette* contradicts the report of a sale of the Island of Tigre to the United States. It arose out of the purchase of some of the vacant lands on the island, by Mr. Sellin, agent of the Honduras Interoceanic Railroad Company, which circumstance the enemies of Honduras have sought to pervert to her discredit.

[From the Gazette of Honduras, Feb. 15, 1855.]

The affairs of the State, notwithstanding the disturbances occasioned by the attempts at revolution which have been made against it for three years past by Guatemala, proceed with the utmost regularity. All classes receive the protecting care of the government, and there is not a whisper of complaint that individual rights have not been, in the fullest degree, respected. Such is the result of an administration founded on principle, which even in times of commotion permits no relaxation of the social ties, nor any deviation from the strict lines of conduct marked out by the laws. The merchant, the planter, and the miner, in view of these facts, must feel inspired to lend to the government, whose protecting care they have experienced, every aid which its present circumstances may require. This done, we may look with confidence for a better future.

THE CHURCH PROPERTY QUESTION.

ARCHBISHOP HUGHES' LETTER,

IN RELATION TO THE

Petition of the Trustees of St. Louis Church, Buffalo, and to Mr. Putnam's Anti-Catholic Church Property Bill.

NEW YORK, March 28, 1855.

TO THE EDITOR OF THE NEW YORK FREEMAN'S JOURNAL.

Having arrived by the Atlantic yesterday, I have had barely time to read the foregoing strange documents. I proceed to make the following hasty observations in regard to them, inasmuch as Catholics, and others, perhaps, are anxious to know my opinions.

I do not think there is any real ground for the alarm and apprehension which I understand are now prevalent among the Catholics of this city, and no doubt of the entire State, as to the effects of a law, which is now under discussion in the Legislature in Albany, regarding ecclesiastical property. No doubt it is in its spirit and in its object an anti Catholic enactment, although it professes to embrace all denominations except the Society of Friends. Should it pass, it may reach other religious communities, and strike deeper into their ecclesiastical organizations than its framers would wish. On the other hand, they felt themselves obliged to give it the form and appearance of a general law, instead of calling it by its true title, "a penal enactment, requiring Roman Catholics of the State of New York to be governed, in the enjoyment and use of their own property set apart for ecclesiastical purposes, not by the discipline of the religion which they profess, but by the statute of the Legislature." This would be the true title of the bill as it has now passed the Senate. But even should it become a law, we can hardly think that our Protestant fellow citizens would take any pleasure in executing upon us the annoyances and injuries for the infliction of which it has so ingeniously provided. It would impose such intricate, onerous, and sometimes odious duties on the officers who should be appointed to see it executed, that unless ample fees were provided they would become disgusted with its requirements.

It would certainly inflict very great injury on us in our rights of conscience, and in our rights of property, and this without producing any benefit to any class of our fellow citizens. Still, should it pass, we shall not sink under it. We have borne up under weightier discouragements. I should not be surprised if its results would be beneficial, rather than otherwise, to the real interests of the Catholic Church and people. The very fact that we have been singled out and fettered in the enjoyment of religious immunities, by civil enactments, will, in all probability, excite that sympathy which is natural to the American breast in favor of those who suffer under the reality, or even under the appearance of persecution, whether that persecution be legal or not. It will have the effect to brace many who have hitherto been lukewarm Catholics, to a higher, a deeper, and a holier appreciation of that religion which is thought to require civil enactments for the crippling of its progress. It will withdraw many from the too ardent pursuit of political ends, and political objects, by which their minds were led away and wasted on mere transitory and temporal concerns. It will insinuate to Catholics that in the mind of their fellow-citizens they, because of their religion, are hardly qualified to take part in the political strifes by which the country is perpetually agitated. And the more they withdraw from such agitations, whether by their own choice or by such legislative rebukes as the enactment under consideration contemplates, the more their hearts and minds will turn to other considerations affecting their future being and the religion by means of which they are to secure ultimately the end of their creation. In this view it is propable that the law now before the Legislature at Albany, will prove in its results rather beneficial than otherwise to the Catholic body at large. The Legislature does not propose to confiscate their church property, but only to take the management of it out of their hands. It proposes to furnish them, and to force upon them, a wiser, juster, and therefore better code of ecclesiastical discipline for the management of their church property, than their Church has provided for them. But still it does not go the length of confiscation. It appears to be a foregone conclusion, in the minds of the framers, that the law will accomplish in practice the results which are outlined in its theory. This is not so certain. Professional gentlemen may discover some defect in the framing and wording of the enactment which will render it inapplicable. But even if this should not be the case, it will only produce in the minds of Catholics the very feelings and purposes which it aims to overthrow or prevent.

The Catholic laity, in my opinion, will reason with themselves thus:—"The Legislature wishes to prevent our doing with our own property what we think proper; it wishes us to give nothing by devise, conveyance, gift, or any other form of transfer, to our bishops and clergy, for the purpose of promoting or supporting our religion, except as it sees fit to direct. Now, in this it seems to meddle with our religious as well as civil rights, and we shall find twenty ways outside the intricate web of its prohibitions for doing, and doing more largely still, the very things which it wishes us not to do. In these matters, which invade our religious as well as civil rights, we shall take the liberty of doing what is right, in our own way."

It does not follow from all this that I should witness the passage of the act in question with pleasure or satisfaction; but I look upon it in anticipation of its worst consequences, and in order to allay the apprehensions which prevail, I point out its probable consequences.

Under any circumstances, we must maintain our confidence in the justice and wisdom of the State to which it is our pride to belong. If experience should make it apparent hereafter that the working out of this law is partial and oppressive upon one denomination, and only one, of the community, another future Legislature, better informed of the true state of the case, will either amend its defects, or repeal it altogether in case it should be found not amendable.

I have said that I could not, nor can any Catholic, approve of it, or witness its passing into a law with any feeling of pleasure or satisfaction. But, on the other hand, it is a matter of congratulation to the Catholics that they have not had recourse to anything like public meetings or remonstrances, such as are usually had recourse to, to prevent the passing of an iniquitous or injurious enactment. There have been times when it might have been their duty thus to meet, pass resolutions, and forward numerously signed remonstrances. But in an hour so pregnant with excitement, when it would be so easy to engender feelings that ought to be guarded against, they have acted wisely in leaving the matter entirely in the hands of those who are appointed legislators to represent the sovereign will of this sovereign State. No remonstrance shall go forth from me against the contemplated legislation, nor shall I encourage anything of the kind in others.

The matter is in the hands of the Senate and Assembly of New York. They are entirely or nearly all Protestants, and Protestants have always boasted that they were in favor of the most unbounded civil and religious liberty. If it be their good pleasure in this instance to refute their professions by their acts, be it so, but the glory or dishonor shall be theirs alone.

I think, however, that the chances for right legislation in this matter would be greater if the Legislature of New York were better informed of the true state of the case, of the facts, and their bearings, involved in the groundwork of the act of legislation to which we have referred. It is hardly possible that they should be acquainted, by personal knowledge, with the religious discipline peculiar to the various denominations of the community. So, also, in regard to the specific facts involved in the so-called ecclesiastical property question among Catholics. Their tutors appear to have been the lay trustees of St. Louis church in Buffalo. What these gentlemen have said, whether orally or in the form of petition, has been regarded as Catholic testimony, and consequently, the testimony of men who could not be suspected of wishing injury to that denomination to which they profess to belong. When one reads their petition, and the act now under deliberation, he is struck with how nicely they fit into each other. The petition of George Fisher, Michael Hoemer, Wm. B. Le Couteulx, George Landrack, and seventeen others, is the foundation—the bill before the House, the superstructure to be reared upon it. Now, wise legislation should rest upon a sound and solid basis. That which is presented to the Legislature by the gentlemen from Buffalo is neither sound nor solid, and with this part of the question I propose to deal at some length—the more so that they have introduced my name into their petition. I begin by declaring, as a man of honor and veracity, that the petition of the self-styled Catholics of St. Louis' church, so far as it alleges grievances to be redressed or provided against, is a compound of fiction in all its material parts, with a small sprinkling of truth in portions which are not material, from beginning to end. It begins with the following statement:—

Shortly after these events Bishop Hughes attempted to compel the trustees to convey the title of this church, (St. Louis') to him. The trustees resisted firmly.

The whole burden of the petition rests upon the accuracy or the inaccuracy of this statement, at least so far as Bishop Hughes is concerned. I proclaim in the face of the signers of the petition, and of the Legislature, and of the whole world, that in the extract just quoted, there is not a sentence, nor a word, nor a syllable, nor a letter of truth.

Having promised so much, it may be proper for me to give a brief history of the origin and nature of the difficulties between myself and the trustees of St. Louis' Church, in Buffalo. In order to make the matter more intelligible, it is necessary that I should revert to the bearings of the question, as it affected the Catholic people of the diocess of New York at the period referred to.

When the undersigned was appointed to the government of the diocess in 1839, he found every church therein under the management, so far as related to what was called temporalities, of lay trustees. He found the congregations of those churches generally divided among themselves into contending parties, having no mutual sympathies one with the other. He found them involved in debt, more than equal to the value of the property. In the city of New York there were at that period six Catholic churches. Of these, three were barely able to meet the interest on their debts as it became due, whilst the other three were involved apparently beyond any prospect of extrication. These three latter churches, or rather the trustees representing them, became bankrupt in their corporate capacity. The real and personal property passed into the hands of assignees, and was disposed of in the ordinary course of law, just the same as if they had been bankrupt theatres. The price which they brought would not have paid more than thirty cents on the dollar to their creditors. And, on the other hand, it would have been a stigma on the Catholic body at large, and not on the trustees as individuals, if their debts, whether recoverable by law, or acknowledged to be due in justice, should not be paid to the last farthing.

Now, here was a result that startled and alarmed the Catholics. From the time of their origin in the city of New York, they had been in the habit of contributing generously by voluntary subscription, as well as by high pew rents; and after a continuance of such contributions during a period of more than half a century, they made the melancholy discovery that the churches which they had built, and supposed themselves to own, were sunk in debt far more than they were worth, and belonged, both in law and equity, to their creditors. All the money they had contributed for religious purposes, over and above current expenses for the maintenance of divine worship, was gone—gone; and with it their honor as a trustworthy religious community. The present Archbishop of New York was the purchaser of those churches when they were sold respectively—that is, he was the highest bidder—and accordingly they passed into his hands for the time being, not in the form of a trust for him and his successors, but by a legal title in fee simple. From that moment the confidence and hopes of the Catholic people began to revive. They rallied around their bishop, and around the clergymen respectively appointed by him to take charge of those churches. By an effort which has continued for years, they paid off or provided for their debts, as determined by the legal price for which they were sold. But they did more than pay their legal debts. They retrieved their own honor as a religious denomination, by paying also those debts for the recovery of which there was no law. They wiped out every stigma which the bad management of lay trustees had brought upon their otherwise untarnished name.

I would not be understood here as imputing moral delinquency to the several boards of trustees then in existence, or to their predecessors. But experience has proved in our own country as well as elsewhere, that there is a subtle element of deceptiveness lurking and inherent in the nature of corporate bodies. The members of such bodies are seldom conscious of the presence of this element, which, as long as things go on well, philosophy has hitherto been baffled in her attempts to define or identify. It is only when the community is stunned by some explosion of mismanagement of public trusts by corporate bodies, that the fact iself becomes palpable and undeniable. But even then, except in some startling case of fraud, the astonishment settles down into that benevolent humanity which winds up a catastrophe on a railroad, with the considerate verdict that lame is not to be attached to any one in particular.

I have never known an instance of fraud or peculation among the lay trustees of the unfortunate churches to which I have referred. In other respects, they were not exempt from those self-illusions to which corporate bodies, even in seasons of apparent prosperity, are so frequently liable. This was proved by the result of their long labors. After an administration of the temporal affairs of the Catholics during a period of fifty years, they and the community were astonished at discovering that the church property under their management was still in debt, to an amount more than its entire value. Thus it was ascertained that, except in the mere use of the edifices for religious purposes, the condition of the Catholics of New York was worse than if they had never owned any church property whatever. It was not surprising, therefore, that the Catholic community, clergy and laity, under such circumstances, should turn away, as they did, in disgust, from a system which had wrought out such unexpected, and, for the honor of their fame as a religious community, such discreditable results.

On the other hand, since the management of church property by lay trustees has been set aside, or, rather, has died out, their reputation has been retrieved and restored. They have seen paid off not only their legal debts, but the debts of honor bequeathed to them by the defunct system. They have seen those elder churches recovered from ruin, and new churches springing up on every side. They have seen an end put to divisions, bickerings and strifes in the several congregations of the diocess, and a spirit of union, harmony, and above all, charity, extending itself over their whole community.

With this experience fresh in their memory, nothing less than absolute coercion will induce them to return to a system, from the effects of which they have escaped at the expense of so many and such noble sacrifices.

I am, however, far from being satisfied with the mode in which church property is generally held at the present time. It has involved the bishop in many cares, anxieties, and responsibilities, which it would be for him a great and most desirable relief to be rid of. And I should hail with delight any legislative measure by which, on the one side, the dangers that have resulted from the former mismanagement of lay trustees might be securely guarded against, and, on the other side, the inconveniences of the present system remedied, the rights of the laity as well as of the clergy provided for; and the church property legally secured to the sacred ends and purposes for which it was created and intended.

In the petition which Mr. Putnam presented to the Legislature on behalf of the trustees of St. Louis church, it is insinuated, if not asserted, that the system of lay trustees was set aside by the improper exercise of episcopal authority in the diocess of New York. This is entirely untrue. When that system was set aside there was no Catholic Bishop in the State of New York, except myself, and I know that I never used my episcopal authority, whether properly or improperly, for the purpose of displacing lay trustees in any church in my diocese. It is quite true that when appealed to I have recommended, in a few instances, that they should resign, as the best means of putting an end to strifes among themselves, or of saving the church under their management from being sold for its debts. This, however, was always in the form of friendly advice; but in no case have I ever asked them to resign their office as an act of obedience to episcopal authority.

In no case have I asked them, or any of them, to make over the title of their church property to me. I never recognized in them the right of ownership, and I should as soon have thought of asking the corporation of Buffalo to make over to me their city property, as of asking the trustees of St. Louis to make over the title of their church. It was not their in such a sense, or for such a purpose. They could not do it, if they would; and if they did attempt it, it would be as faithless agents attempting to betray the confidence of their principals, in giving a worthless deed of property which was not theirs. Consequently, whilst the statement alluded to in the petition of the trustees and seventeen others, is utterly empty of truth, it is filled and overflowing with absurdity and nonsense.

The authority of a Bishop in the Catholic Church is a spiritual authority. It is the same in a church that has trustees as in one that has none. All Catholics acknowledge and are subject to that authority. I may add also what is indeed obvious, that that authority extends to outward things which are set apart and appropriated for purposes of religion; and that, consequently, when the faithful have contributed for the purposes of Catholic worship, it is of the jurisdiction, of the right, and duty of the Bishop, to see that property so contributed, and for such a purpose, shall not be misappropriated, squandered, or perverted from its use.

In the statutes of our Synod, held in 1842, certain rules were laid down by which lay trustees should be thenceforward guided in administering the ecclesiastical property which the Catholic people had contributed for the purpose of religion.

The following extract from our Pastoral Letter, published on that occasion, contains the only rules which could in the least trench on the prerogatives of lay trustees which had been so long enjoyed for ruin, with impunity:—

We have, therefore, directed and ordained, by the statutes of the Diocess, that, henceforward, no body of lay trustees, or lay persons, by whatever name called, shall be permitted to appoint, retain, or dismiss, any person connected with the church—such as sexton, organist, singers, teachers, or other persons employed in connection with religion or public worship, against the will of the pastor, subject to the ultimate decision of the ordinary. We have ordained likewise, that the expenses necessary for the maintenance of the pastors, and the support of religion, shall, in no case, be withheld or denied, if the congregation are able to afford them. It shall not be lawful for any Board of Trustees, or other lay persons, to make use of the church, chapel, basement, or other portions of ground, or edifices consecrated to religion, for any meeting, having a secular, or even an ecclesiastical object, without the approval, previously had, of the pastor, who shall be accountable to the Bishop for his decision. And, with a view to arrest the evils of the trustee system in expending inconsiderately, or otherwise, the property of the faithful, it has been ordained, as a statute of the Diocess, that no Board of Trustees shall be at liberty to vote, expend, or appropriate for contracts, or under any pretext, any portion of the property which they are appointed to administer (excepting the current expenses as above alluded to), without the express approval and approbation of the pastor, in every case. And it is further ordained, that even thus, the trustees of the churches, with the approbation of the pastor, shall not be at liberty to expend an amount larger than the sum of one hundred dollars in any one year, without the consent of the Bishop, approving or permitting the expenditure.

I am sure that no member of the Legislature, not even Mr. Putnam, will be able to discover, in these regulations, anything unjust, unwise, or oppressive. They took from the boards of trustees the power of contracting debts *ad libitum*, and bequeathing to their successors in office the less pleasant duty of making payment. They took from lay trustees the right of employing church property for the payment of persons connected with religion, against whose fitness or moral character the pastor of the church might have strong and well founded objections. In these regulations will be found the only grounds that ever existed for the resistance to episcopal authority which the trustees of St. Louis' church, Buffalo, were pleased to inaugurate.

All the other boards of trustees in the diocess acquiesced in them, and the Catholics at large saw in them a prudent measure and a wise precaution. The only exception was the trustees of St. Louis' church. They would be Catholics after their own fashion, and they have reaped the consequences. Not understanding the English language well, they caused the pastoral to be translated into German. Then in their corporate capacity as lay trustees they took it into "mature and respectful" consideration, and reviewed it paragraph by paragraph. They were kind enough to approve of some parts, whilst in the most polite language, which a French gentleman knows so well how to employ, they signified to me that other portions of the document did not meet their approbation. Their objections were chiefly, I may say exclusively, against the regulations contained in the above extract from the Pastoral Letter. They would not allow either bishop or priest to examine their church books, or their treasurer's accounts. They would not allow the pastor to have anything to do with the approval or disapproval of persons whom they might think fit to employ in connection with the services of the church. Thus, by implication, they would reserve to themselves the right to employ an infidel to teach catechism to the children of the congregation—the right to employ a Jew to serve the priest at mass, and a scoffer at all religion to play the organ on Sunday, or chant the praises of God in his holy temple. Their refusal to acquiesce in the above regulations of the pastoral letter was communicated to me accompanied by polite expressions of profound respect for episcopal authority. In reply, I expressed to them briefly my regret at the course which they thought proper to adopt, intimated that the duties of my office required that I should be the bishop, and that in the government of the diocess they should be content with their condition as laymen—that under no circumstances would I quarrel or have any controversy with them—that if they thought proper to persevere in their resolutions, we should part company in peace—that bishops and priests, and religion itself, were quite as free in this country as were lay trustees.

In the pastoral letter it had been made known that at the period of six months from its promulgation, the priest should be withdrawn from every church whose trustees should refuse to comply with the above regulations. The trustees of St. Louis' church alone persevered in their refusal. The priest, however, was not withdrawn by me, but was actually compelled by the ill treatment he received from the trustees and their adherents to quit his post and return to his native country. From the time he left I did not send another priest, nor was another priest permitted to officiate in their church. But as the Catholic people whose interests these men had so mismanaged, whose peace they had destroyed, whom they had deprived of religious consolation so far as depended on them, were still a precious portion of my Catholic flock, I sent two other priests, not indeed to be under the ignorant tyranny of lay trustees in St. Louis' church, but to be free ministers of God, freely discharging their duties towards all the people.

The Almighty gave a blessing to their ministry and labors. A new temple was soon commenced, and this church of St. Louis remained, an altar-less pile, which its owners might have disposed of as they thought proper. On my second episcopal visitation, one or two years afterwards, the trustees then in office addressed me a note, soliciting me to receive them for the purpose of an interview in regard to its condition. I informed them in reply that unless they were prepared to acquiesce in the requirements of the Pastoral Letter, and thus come back to the starting point of their schism, an interview would be useless, and could not be granted. They came, notwithstanding, at the hour which they indicated in their note. They asked me to explain the meaning of certain passages in the extracts of the Pastoral as quoted above. This was readily given, and at its close they alleged as an apology for their schismatical course up to that time, that they were unacquainted with the value of English words, that Mr. Wm. B. Le Couteulx had been their interpreter—and that he had always assured them that the Bishop was endeavoring to get possession of their church property, in order to give it to the Irish! In short, they stated (that is, some of them stated, and the rest remained silent,) that if my interpretation of the Pastoral Letter was correct, Mr. Le Couteulx had been deceiving them from the beginning, and that now they were prepared to submit in all things to the general discipline of the diocess as set forth in the pastoral letter. Their submission was complete and unconditional—it was spontaneous, for I neither argued with them nor suffered them to argue with me. I congratulated them, intimating at the same time that their acknowledged and causeless obstinacy had given great scandal, which, as good Christians, they were bound to repair as far as possible. This they admitted, and were prepared to ask pardon of God and of their Bishop for the scandals they had given. They besought the Bishop, however, to open their church and preach in it on the following day, which was Sunday. I replied that before I opened their church they should make the *amende honorable* to their fellow Catholics of the diocess and of the world, which they did in the afternoon papers by a public expression of their regret for the course which they had hitherto pursued. Here the matter ended, as between the Bishop of New York and the trustees of St. Louis' church. A new pastor was appointed, and things went on peacefully till the diocess was divided.

With the details of the subsequent history of this controversy I am unacquainted, but I am quite persuaded that the trustees of St. Louis' church have had as little reason to complain of their present zealous and devoted Bishop as they had to complain of me.

Whether in view of the foregoing facts the Legislature can do anything to relieve those gentlemen from the laws of the religious denomination to which they profess to belong, it will remain for Mr. Putnam and his colleagues to determine.

The petition states as follows, viz.:—

The trustees sent one of their number, Wm. B. Le Couteulx, Esq., to Europe for the purpose of preventing this arbitrary, and as was claimed, this illegal action of the Bishop, through the intervention of Cardinal Fornari, the Popes Nuncio in