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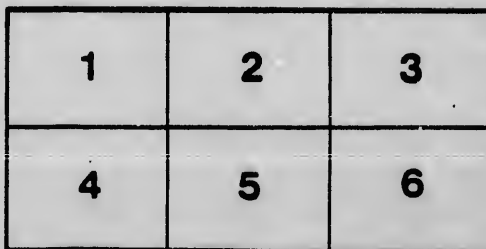
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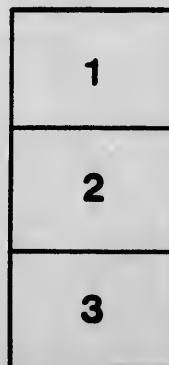
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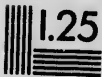
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Expulsion of Rev John Cushing of the Diocese of Denver
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Notice of Bishop Rogers.

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CENTRE D'ETUDES ACADIENNES
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In the name of the Father and of the Son and of the Holy Ghost:
and invoking the Patronage of the Blessed Virgin, Help of Christians,
and the protection of St. Michael and all the Angels. Amen.

JAMES ROGERS, by the Grace of God, and favor of the Holy Apostolic See, BISHOP OF CHATHAM, &c., &c.

To all his flock whom it may interest, Greeting in the Lord.

DEARLY BELOVED:

Though what we are about to say here may have more or less interest for other parts of our Diocese, yet to the members of St. Raphael's Congregation of Blackville in this County of Northumberland we address ourselves especially, on account of the report brought to us by our esteemed Vicar-General, Father Barry, of a meeting held in said church on Friday, Sept. 17th, of the principal members of that congregation, hurriedly called and presided over by him in order to ascertain their views, and the advice to be given by him to the Bishop in regard to the matter on which the Bishop had consulted him, viz: the following telegram received by the Bishop from the Rev. John H. Cushing, the priest in pastoral charge of said congregation since 21st August, 1896, and who had been verbally notified early in May by the Bishop on the occasion of his visit to him at Chatham, and on the 4th August by the Vicar-General, Father Barry, when both he and the Bishop visited Father Cushing on the church grounds at Blackville, intimating that as Father Crumley would finish his pastorate at Dalhousie on Sunday, the 5th Sept., immediately after which he would come to succeed Father Cushing, therefore, that Father Cushing should prepare to close up his charge in that mission about the same time—

i. e. about the 1st Sept.—his year of incumbency would have expired about a week before—on the 21st August.

The following is Father Cushing's telegram to me, which I copied and sent to Father Barry, Bathurst, asking his counsel; that same night also came in the train from Blackville, Father Crumley, stating that Father Cushing refused to give him charge of the mission, and that he left in the car on the side track his household furniture, until he would be advised where to put it.

COPY OF TELEGRAM.

BLACKVILLE, Sept 9th, 1897.—Father Crumley here. Is there any place for me? I will await reply from Archbishop, failing in which I will appeal to Rome. I want justice and eighteen hundred dollars, or an ecclesiastical trial, before I can give up my parish. J. H. CUSHING."

I advised Father Crumley to leave his goods in charge of the Railway authorities, on condition of his paying them rent or demurrage, for a time, until we could consult and decide what to do. The sudden death of the Hon. F. J. McManus at his home in Bathurst Village, and the obsequies in his parish church, at which Father Barry was invited by the Pastor, Father Varrily, to be the Celebrant of the Mass, delayed his visit to Blackville. On the morning following the obsequies, Father Barry accompanied by Father Crumley left Bathurst for Blackville, and on arriving in train that evening accepted Father Cushing's invitation to the hospitality of his residence. Meantime word was circulated in the neighborhood that the Vicar-General would like to meet and confer with the principal parishioners on the morrow morning after Mass, in the Church; which meeting took place, presided over by the Vicar-General, Father Barry, a report of which, signed by the Secretary, Mr. Fenton Brophy, was handed to me by Father Barry, on his return to Chatham, when he verbally explained to me that in first addressing said meeting he stated that he was not there to investigate any alleged fault on the part of Pastor or any other person, but to ask each one who would volunteer to do so, to state candidly what he thought best to do in the present crisis. Father Crumley, who had been appointed to succeed Father Cushing was here to undertake the duties of Pastor. But after his arrival, Father Cushing sent the aforementioned telegraphic message to the Bishop; and the Bishop, unwilling to act precipitately and without counsel, sent to confer with me. Now it is to know what counsel to give the Bishop that I seek your opinions.

The preponderance of the opinions expressed was that they esteemed Father Cushing; that if anything was due him he ought to be paid whenever there would be means to do so; but that first there should be a correct statement of all moneys received, whether at

bazaars, pic-nics, collections in church and camps, or from outsiders, &c., &c., to the credit of the Building Fund, and the balance due be shown. I felt thankful to Father Barry and so expressed myself, and was disposed to allow Father Cashing to remain longer, as he had asked, through Father Barry, if I could provide a suitable place, acceptable to Father Crumley. But after trying for two or three days, in this I failed. The priests whom I asked to exchange missions, while willing to obey, protested against such an undue concession to favor a stranger not incorporated into the Diocese, thereby making a victim of an obedient, exemplary, dutiful priest, who had most acceptably labored in various missions as well as Dalhousie, where he had done so much, and whose people had sent a petition begging the Bishop to not remove him from them. Such a concession to a priest having no other extraordinary claim than his own self-will and self-assertion, would be a bad precedent, would disorganize and paralyze the correct order of Diocesan administration, and should not be entertained for a moment.

Just here it may be well to explain the system and regulations by which church property is held and administered on behalf of the Roman Catholic people of New Brunswick.—

Formerly the titles of churches and church lands were vested in Lay Trustees; but when New Brunswick was separated from the diocese of Charlottetown, P. E. I., and erected into a distinct diocese, of which the Rt. Rev. Win. Dollard was appointed its first Bishop, an Act of the New Brunswick Legislature was passed (about the year 1843 or 4), incorporating the said Bishop Dollard, and authorising him as such corporation to hold and administer the real estate and other church property on behalf of the R. C. people of New Brunswick. Later, in 1860, New Brunswick was again sub-divided into the two dioceses of St. John and Chatham; and on the 23rd April, 1862, two Acts were sanctioned (amid many others) of the New Brunswick Legislature, superseding the aforesaid Act which incorporated Bishop Dollard, and duly incorporating the two new Bishops, viz., Bishop Sweeney, under the title of "The Roman Catholic Bishop of St. John" and Bishop Rogers, under the title of "The Roman Catholic Bishop of Chatham," and transferring to these respective corporations the church properties in their respective dioceses, formerly held by the aforesaid corporation of the Diocese of New Brunswick. (These two Acts are to be found in the vol. "Acts of the General Assembly," year 1862, pages 74-77.)

Thus the Civil Law (like the Canon Law) concentrates in the Bishop or Ordinary the right to hold and administer the church property of his diocese; and each pastor and the various committees or

wardens of each church or mission can have only the delegated or vicarial authority given him by virtue of the Bishop's appointment.

But does not this make the Bishop, as such diocesan corporation, liable and responsible for whatever financial obligations the pastor or committee of church wardens may have contracted for the benefit of the mission? By no means; for such responsibility or liability is limited by the Canon Law which regulates the relations between pastors and people,—between the Bishop as the Diocesan chief pastor and his clergy and people.

There is the general Canon Law applicable to all the church; and the particular or local Canon Law for each Diocese or Province. Now every society, whether in the Civil or Ecclesiastical order, must have its laws or constitution and rules which bind its members; if the society is to hold together its laws must be obeyed. This is true of institutions in both church and state.

The Civil Law regulates the relations between the principals or employers in each department of industry and the subordinates who work as the delegates or representatives of the principals who employ them. Thus, a clerk employed to aid his principal in his mercantile or other business, has his official rights and obligations as such subordinate official, distinct and apart from his own individual or personal rights, which, nevertheless, also exist. If in the name and authority of his principal he make a purchase of goods, or receives a payment on account of the business in which he is duly employed, his act is regarded as of the same value as if done by the principal; but if he should exceed his authority, his act would be repudiated by his principal, and he himself thus becomes individually responsible. So if a priest, or church warden undertake buildings without the due guarantees for payment, he does so on his own personal or individual responsibility and risk; the loss, if any, is his own: he may not disobey or commit any fault, but the responsibility of his work rests with himself.

The local Canon Law regulating the discipline of the Diocese of Chatham is the Decrees of the First Council of the Ecclesiastical Province of Halifax, held there in Sept. 1857, examined at Rome, and approved by Decree of the Sac. Cong. de Propaganda Fide, dated 13th July, 1858, and sent by Cardinal Barnabo, Prefect of said Propaganda, to the Archbishop of Halifax. But before their arrival the said Archbishop (Dr. Walsh) died on the 10th August and it was a couple of years before his successor, Archbishop Connolly, got clear of the administration of the Diocese of St. John (of which since 1852 he had been Bishop), and took up his residence in Halifax; so that it was only in 1860 that said Acta et Decreta of the said Council of Halifax were printed under the supervision of the Metropolitan, and distribut-

ed to the various suffragan Bishops of the said Ecel. Province of Halifax, and then promulgated by them to the clergy of their respective dioceses. It was on the 28th Oct., 1860, that by a circular letter written on the blanc fly-leaf at the beginning of said volume, that I promulgated them in the Diocese of Chatham, sending a copy of said book of Acta et Decreta with circular letter written as mentioned, to each one of the priests then in my diocese. Since then these Decrees have been our diocesan regulations of ecclesiastical discipline and church management.

In the Decrees of this Council almost every topic is treated relating to faith and morals, to the due administration of the sacraments, to the order and decorum to be observed in Divine worship,—in the churches, the cemeteries, but especially in the life and manners of the clergy. There is a chapter on churches from which we translate from the Latin the following Articles:—

3. Let no one, whether cleric or laic, begin to build a church or presbytery without consulting the Bishop, and obtaining his approbation, not only for the site and title (titular Patron), but also for the plan.
5. If any Missionary without the license of the Bishop build a house or edifice of any kind whatsoever on the lands belonging to the church, he shall do so at his own risk, and never will any compensation be given for them. As often as such license be given the Bishop ought to express whether any compensation is to be made or not.
6. And when we speak of licenses or faculties necessarily to be obtained from the Bishop, by the decrees of this Council, written licenses are always understood.

Thus, according to Canon Law, Father Cushing cannot claim the compensation he asks. Whatever may be the value in equity of what he expended on the buildings, he did it at his own risk (*periculo suo*). With regard to this while I do not admit his financial claim, yet I do not forbid the people to pay him what, after a fair balancing of receipts and expenditure, may be considered just, if they can make up the amount. As I repeatedly intimated to Father Barry, I want to wrong no one. I only wish to do my duty in guarding the church against wrong. *Pax et Benedictio Dei*. So far for the temporal side. Now for the spiritual administration of the mission: I hereby confirm my appointment of the Reverend Simon Crumley as Pastor of Black-

ville and its dependent missions, giving him full power and authority to succeed in that office, Father Cushing, and naming this first day of October as the time of commencing that office.

† JAMES ROGERS, Bishop of Chatham.

Chatham, N. B., October 1st, 1897.

CHATHAM, N. B., October 28, 1897.

REVEREND JOHN H. CUSHING,
Blackville, N. B.

REVEREND SIR:—

In reply to your telegram just received: "I demand the key of my church while I am here." I beg to say that your course in keeping the rightful Pastor from having free access to his church, especially to be able to attend the sick calls, is most reprehensible.

When on Sunday, 24th inst., you spontaneously expressed your entire willingness to leave Blackville and go to whatever mission might be assigned you, and that you would leave soon, after a few days to duly arrange your affairs, I expressed my joy and thankfulness—and then reconsidered what I had abandoned, viz:—my offer made to you in April last, to place you in Grand Anse, your native place, if acceptable—which offer I then, Sunday 24th, feast of St. Raphael, renewed and you accepted. I asked you if I might make that announcement to the people in church and you expressed your perfect consent. Accordingly at my Mass I did make the announcement. I accepted your resignation, installing Father Crumley who was assisting at my Mass, as your successor; but at the same time announcing that the few days which you required to get ready to leave was granted. From that moment Father Crumley was the real (incoming) Pastor, but the usual clerical etiquette and courtesy of leaving you free, and in authority to wind up your pastorate was most willingly conceded to you. During those days of transition both the outgoing and incoming pastors were free to have recourse to the church, vestry, &c., but the outgoing pastor has only the right and authority of courtesy allowed by the newly installed pastor, who has official right. Thus you had not the exclusive right to the use of the church and the things belonging to the church—especially to the extent of excluding the real pastor, and particularly if his ministry was required for the sick, as I understood it was during your absence.

As soon as Father Barry was free to be consulted after arriving

at Chatham on Tuesday, 26th, I sent a telegram to the reverend pastor at Grand Anse, telling him that you had been transferred from Blackville to Grand Anse, and that he begin immediately to prepare to leave Grand Anse for the mission of St. Paul's, Lower Caraqueet.

But your course at Blackville in impeding the pastor from having recourse to his church (while he did not impede you) makes me pause and hesitate before going further in the matter of your appointment to Grand Anse.

But with regard to Blackville, you now have only the permission and authority to remain the few days asked and granted to wind up your pastorate and prepare for leaving honorably and in a charitable and gentlemanly way. Father Crumley is installed pastor and has the right and obligation to take charge of the church and whatever belongs to it, and to see that nothing wrong or disedifying take place, as far as he the pastor in charge can fulfil that duty.

With regard to your destined pastorate at Grand Anse, the present outgoing pastor must have the time necessary to pack up his household effects and to duly prepare to leave, which cannot be done in less than two weeks from the time he received notice on the 26th Oct., and which will be about the 9th Nov. In regard to Blackville you know that Father Crumley has been there, ready to enter upon his pastoral work since the 9th of Sept. If there has been delay it was owing to your action, and the patient, charitable desire which all of us had to not overwhelm you with the effects of your unpriestly mode of acting, and to not dishonor religion in the person of one of her ministers. And, now, I hereby notify you that unless your future course at Grand Anse or wherever you may labor be in accord with the due obedience, decorum, and discipline of the Canon Law governing both clergy and people you will not be retained in the exercise of the holy ministry in this diocese, but will receive your "Exeat"—*i. e.* leave to go to the diocese to which you canonically belong. You have not been incorporated into the clergy of our diocese, but like several other worthy priests belonging to other dioceses who, with the permission of their Ordinaries, offered their professional services and were willingly employed in the usual way—the terms to last as long as would be mutually agreeable and convenient. But while I now appoint you to Grand Anse, it is because of the proximity of the Very Reverend Father Barry, Pastor at Bathurst, who is Vicar-General of the Diocese, and as such will see that you do your duty in a correct way.

Begging God to guide and bless you and all your future duties,

I am, Reverend Sir, faithfully yours in J. C.

(Signed) † JAMES ROGERS, Bishop of Chatham.

CHATHAM, N. B., Oct. 6, 1898,
(Octave of the Feast of St. Michael Archangel.)

REVEREND JOHN H. CUSHING,
Grand Anse, Gloucester Co., N. B.

REVEREND SIR:—

My telegram of the 3rd inst. withdrew from you the pastorate of Grand Anse, and notified you that your further clerical services in this diocese would not be required. Your telegram of yesterday replying in the spirit of contumacy, states that you refuse to leave unless you get \$1,800, claimed to be due you for expenditure on buildings at Blackville. This last telegram is evidence that you have not the due spirit of sacerdotal piety, and therefore I withdraw from you as far as the canons and discipline of the Church give me authority, all permission to officiate as a priest or celebrate in this diocese.

Your financial claim for reimbursement of expenditure in erecting pastoral residence at Blackville, was duly considered and treated of in my Decretal Letter dated Oct. 1st, 1897, which was communicated to you and others concerned, at the time. It was there shown that according to the ecclesiastical regulations in this diocese, whatever expenditure a priest makes without the written authorization of the Ordinary, he does at his own risk and cannot claim from the Bishop or from the diocese compensation for the same. I also explained that if the people were willing and funds available, I would not prevent the pastor and committee or church wardens from paying whatever might be considered just in equity, for the buildings or property procured in the mission and now used for the benefit thereof; and in referring to the meeting called by the Vicar-General, Father Barry, over which he presided, it was stated in the official report thereof, that one of those present, expressed what was acquiesced in by all, that if anything was due Father Cushing, he ought to be paid: but that first, a full and correct statement of monies received by him from whatever source on account of said expenditure be made, and balance be duly shown. But this statement of detailed receipts and expenditure was never up to the present furnished to the pastor and people of Blackville, who had it been duly furnished, were fully disposed to give it the most favorable consideration: this I know from the remarks made by the Reverend Father Crumley on different occasions, when I met him during the past year. But this matter of financial claim is a distinct question which can be duly adjudicated on its own merits in justice and equity. The building as far as completed, is there, and the contractor, and the recognition of various payments made to him and others, on the one side; and on the other the consciousness among

the people of various sums contributed towards meeting the said expenditure, made up of collections in church, and offerings by individuals, receipts at bazaars and pic-nics, but the totals not known.

That financial question is one thing; another thing is the matter of Church discipline—for the regulation of the clergy, defining their duties, rights, obligations, relations with others—superiors, inferiors, and confreres—and with the laity their parishoners, their fellow-citizens, &c. What is called Canon Law (Church legislation as distinguished from Civil Law) treats of the jurisprudence regulating the discipline of the Church.

Our Lord in the Gospel says: "If thy brother shall offend against thee, go and rebuke him between thee and him alone . . . if he will not hear thee, take with thee two or three more; . . . if he will not hear them tell the Church . . . and if he will not hear the Church let him be to thee as the heathen and publican" (St. Matt. XVIII. 15, 17.) For the Church is the one fold, of which Christ is the Good Shepherd. He says: "I have other sheep, which are not of this fold: them also I must bring and they shall hear My Voice, and there shall be one fold and one Shepherd" (St. John X. 17.) This Church is also His Spouse, a pure Church, a holy Church without spot or wrinkle or any such thing—the pillar and ground of truth, so kept and preserved by the Holy Ghost, who is the soul of that body, the Church of which Christ is the head.—To that Church, against which the gates of hell cannot prevail, He has committed His infallible Word. "The words which I have put into thy mouth, shall not depart out of thy mouth, nor out of the mouth of thy seed, nor out of the mouth of thy seed's seed from henceforth and forever" (Isaiah LIX. 21.) Thus He preserves Her in Her corporate capacity, as His infallible agent and instrument to make known His will to men: "Whatsoever thou shalt bind on earth shall be bound in heaven." Through her various officials she thus acts and commands in His name.

But though composed of men who enjoy their free will, which they sometimes abuse as individuals and get lost, like Judas, yet their individual prevarications and getting lopped off as decayed branches from the church does not affect or mar her beauty and solidity. In establishing His church, He appointed men to be its pastors; its priests to offer sacrifice, to preach His word and administer His sacraments to their fellow-men. The angels are employed in their own special department to guard men and nations: but it is from among the human beings composing His flock and His brethren that He chose and constituted the pastors to rule His flock on earth, or offer daily the clean oblation, to announce His law and administer His sacraments. Those men being human with free will are liable to all the vicissitudes of

humanity as individuals. Though members of an infallible church yet they are individually liable to fall into temptation. They must watch and pray. St. Peter, though destined to become the chief visible Head of the Church, failed to watch and pray, and consequently fell into the grievous sin of denying His Divine Master in the moment of temptation; but he repented and obtained forgiveness; Judas betrayed His Lord, failed to repent and died in his sins! Thus, in the very beginning of His church, from the disciples whom He had chosen and whom He instructed and ordained to the priesthood and apostleship, the above mentioned failures occurred; thus preparing His followers to not expect perfection in men, no matter what rank or office they might occupy, and to not become scandalized by the many future prevarications which might take place. He foretold scandal: "It needs must be that scandals come (owing to human weakness abusing free will) but woe to him by whom the scandal cometh." Further on in the history of the early church, the Apostle St. John in the second and third chapters of his Apocalypse or Revelations, addresses admonitions to the respective angels (Bishops) of the seven churches or dioceses in his special patriarchate by which we see that they had, in different ways and degrees, fallen back from their earlier perfection though still good and faithful in general.

These and other points of discipline, well known to all intelligent Christians, are referred to in order to show that if the one placed in authority as official superior has to act in reprehending or reproofing others, it is as the official to whom is delegated that duty by the chief Government, (whether ecclesiastical or civil), and not in the spirit of superciliously condemning others and, like the proud Pharisee of the Gospel, arrogating to himself perfection, thanking God that he is not like the rest of men, especially like this Publican beside him, who humbly begged of God to be merciful to him a sinner! Our Lord declared that the Publican went away from the Temple justified rather than the Pharisee because his humble acknowledgement of fault and prayer for mercy obtained his pardon.— In the Old Testament we read of the punishment inflicted on the Priest Heli, who was himself a good venerable priest, but neglected to correct his two sons who exercised the priestly office in an unworthy manner. (I Kings III, 12-14.) The one occasion on which it is related that Our Lord was so angry that He used physical violence in scourging and driving out of the temple the money-changers saying: "It is written, My House shall be called a House of prayer, but you have made it a den of thieves." (John II, 14-17.) His zeal for the sanctity of His Father's House had eaten Him up.—These are object lessons for those who are placed in charge of God's sanctuary, and models for them to imitate in laboring

to prevent the sanctity of holy places, things and persons from being dishonored.

On the one hand we see that God appointed, not angels, but men with all their natural human characteristics to be the pastors, priests and spiritual guides of His people; that while he gave them due authority to act as His delegates, promising to confirm in heaven what they in exercising their ministry should do in His name on earth; that in regard to their own personal, individual state of soul and body, they were not impeccable nor infallible, but should work out their salvation in fear and trembling, like St. Paul who chastised and mortified his flesh, lest that while he preached to others he himself might become a castaway; they should watch and pray for grace and strength to overcome the enemy: "For your adversary, the devil goes about like a roaring lion seeking whom he may devour, whom resist ye strong in faith." (I Peter, V. 8-9.) He promised to help them: "My grace will be sufficient for thee." But while he would respect and not coerce their free-will, he would give them the just retribution of their free choice; Heaven, if they would choose to love and obey Him; but if they would choose to disobey and oppose His will, their fate would be that of Lucifer and Judas! Hence His severity against those who by their avarice and self-seeking turned the temple of God into a den of thieves.

Now, the Bishops and Pastors in high authority, in their various Dioceses are especially bound to labor for the honor of God and the sanctification of their flocks. If they culpably tolerate serious faults in the clergy under them, if any of those clergy become wolves to destroy the sheep, like Judas to betray instead of loving their Redeemer, such Bishops instead of "Good Shepherds," imitate the hirelings who, fleeing to seek their own safety and convenience, leave the sheep to be destroyed.

In order not to be guilty of this pastoral delinquency and incur God's anger, I am forced to withdraw from you, Reverend Sir, all permission to celebrate or perform the Sacred Ministry in this Diocese. Although a native of our Diocese, happily you do not belong to its clergy. You are only a temporary sojourner in it, and the experience of your past makes your further ministry in it not at all desirable. When before your ordination, you wrote to me for your "Exeat" in order to become the subject of the Bishop of Denver, I wrote out in due canonical form and sent you the "Exeat," as requested. Thus, as you are not my subject, I wish to continue no longer the tolerance, which in the spirit of charity I have exercised in your behalf during

the past couple of years and which I now find you have so grossly abused.

Humbly and earnestly praying Our Divine Lord the "Good Shepherd" to seek and save the strayed sheep, yourself and all of us through the merciful love of His Sacred Heart.

I remain, Reverend Sir,

Your humble, devoted Servant in J. C.

† JAMES ROGERS, Bishop of Chatham.

