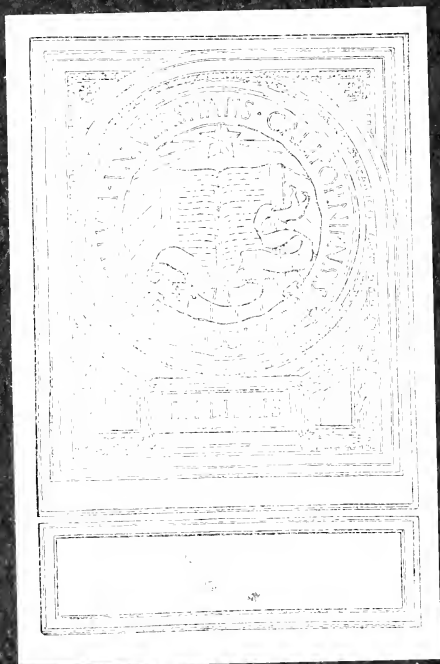


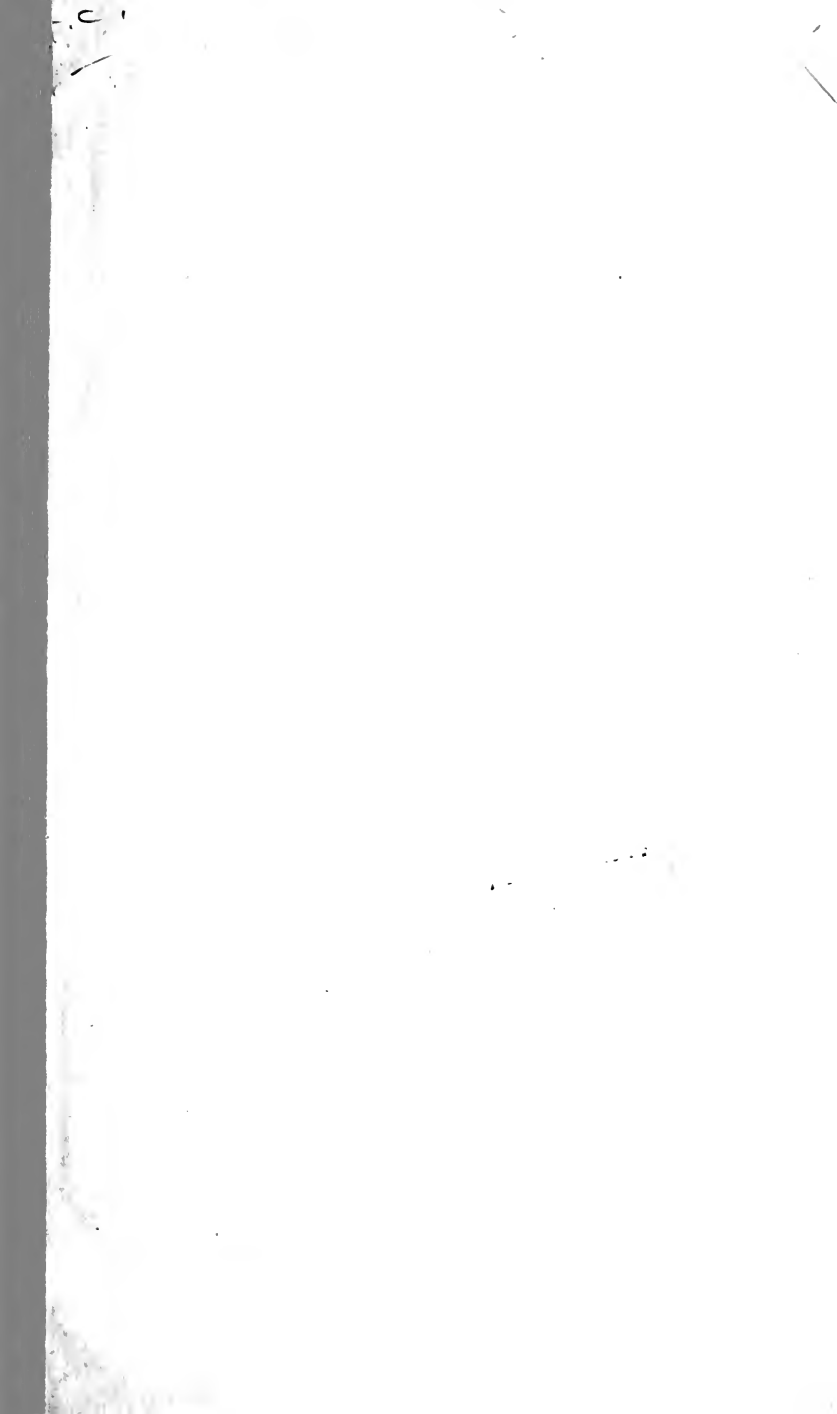
BX
1415
F6S3
Case B

UC-NRLF



9B 481 945





Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

STATUTES OF
FLORIDA

STATUTES RELATING TO FLORIDA.

0000
00000000

BX1415
F653

CASE

B



STATUTES RELATING TO FLORIDA,

IN THE DIOCESAN SYNOD, HELD BY HIS MAJESTY'S COMMAND, BY THE RIGHT REV. DR. JOHN GARCIA DE PALACIOS, BISHOP OF CUBA, IN JUNE, 1684.

AFTER many instructions a Synod of the Diocese of Santiago de Cuba, then embracing Cuba, Jamaica, and Florida, was convened at Havana by Rt. Rev. Dr. John Garcia de Palacios. It met on Sunday, June 2, 1684, and Statutes were promulgated on Whitsunday, June 9th, and were formally signed on the following Sunday.

These Statutes have been adopted by subsequent Bishops of that diocese, as well as those of the diocese of St. Christopher of Havana, formed from it, and remain in force to this day. They were in force also in Florida till 1793, when the diocese of Louisiana and the Floridas was erected.

One title applied exclusively to Florida, and relates entirely to the Indian missions. It is now given as a curious part of the ecclesiastical law prevailing here.

TITLE FIFTH.

For the provinces of Florida and the newly converted Indians.

CONSTITUTION I.

That the Constitutions of this Holy Synod be observed and fulfilled in the parishes of Florida.

The care of correcting the sins of the inhabitants of this island is no less a part of our pastoral charge than the obligation imposed on us of seeking it in the inhabitants and recently converted Indians of the provinces of Florida, inasmuch as they are commended to us by the Apostolic See and the piety of our Catholic King and Lord, and belong to this dio-

cese: Wherefore, the Holy Synod approving, we command all beneficed parish priests, and priests in charge of Indian missions, and other faithful Catholics of said provinces, that each one, so far as concerns him, do observe and fulfil the constitutions of this holy Synod, as and according to what is expressed therein, under the pains and censures contained in them.

CONSTITUTION II.

That the Indians of the provinces of Florida must not play ball.

By the information which we have received from missionaries zealous for the service of God, and from Catholic persons anxious for the good of souls among the Indians of the Florida provinces, we have understood how superstitious and prejudicial to the spiritual and temporal well-being of the recently-converted Indians of Florida the diabolical game which they have played, and still play, with ball, is, in consequence of the abuses, superstitions, divinations, and abominations which result from it: Wherefore, this Holy Synod desiring to apply some remedy to obviate them, we command all priests in charge of missions in said provinces that they must, under no pretext, give consent to said Indians to play similar games; and we command other faithful Christians not to consent or aid them therein, under penalty of being chastised as co-operators and counsellors of superstition. And we beg and charge the Governors of said provinces, and other secular judges, not to give permission to the Indians to play said games, charging their consciences therewith, that in this matter they will be bound and held to render an account to God our Lord of all the sins, superstitions, and abominations which shall result from said games, if, by their consent and neglect, they are not prevented. And we forbid the Indians to play said game of ball, under any pretext of festival or amusement, under pain of being chastised by us and our successors and visitors; and we require and warn them, now that God our Lord, by His infinite goodness and mercy, has brought

them to the bosom of the Church, to keep the Catholic faith in all purity, and offer worship to the true God Almighty, our Creator and Redeemer, and not to the devil, covertly and implicitly, as is done in superstitious games and amusements.

CONSTITUTION III.

That Indians, married men, of the missions in Florida, must not be kept in the city of St. Augustine or elsewhere, away from their wives.*

It is right that married persons cohabit in matrimony and live married life; and it is our pastoral office to oblige and compel them to do so; and as we are informed that many Spaniards, negroes, and mulattoes residing in St. Augustine, Florida, and other missions, with little fear of God and with grievous injury to their consciences, detain married Indian men in their houses, who have their wives in other places in said provinces, and who have gone to said city to work or dig, but who are detained when the work is done, and obliged to remain in their employers' houses, serving them: the Holy Synod approving, we exhort, admonish, and command all persons in said provinces, of whatever state, quality, or condition they may be, under penalty of greater excommunication and ten ducats of Castile, that they must, under no pretext whatever, detain said married Indian men or oblige them, after the work or matter for which they went to the said city of St. Augustine, in Florida, or other places, to remain in their houses or require them to serve them, nor consent thereto, but let them go freely to live in married life with their wives: and we command priests in charge of missions that on their side, as persons on whom this same obligation is incumbent, as missionaries, that they shall use all necessary diligence for the enforcement of this Constitution. And we beseech and charge the Governors, judges, and justices of his Majesty, that as by reason of their office they have this same obligation, that they shall not consent or permit said Indians

* Ch. 1 and 2 de coniug lapros.

to be detained in said city and other parts, but shall, with all the rigor of law, compel seculars to leave them at liberty to go and live with their wives; and that they fulfil what Holy Church commands in this matter, and what his Majesty has enjoined in many and repeated orders.

CONSTITUTION IV.

The Parish Priest and Vicar of the city of St. Augustine, Florida, is to compel Indians married in other parts to go and live with their wives.*

Whereas, we are informed that in the city of St. Augustine, Florida, many Indians reside who have married elsewhere, and act as hunters, carpenters, and the like, and on this account do not live with their wives, nor give them the necessary support; and that they may fulfil their obligations as Christians, we command the beneficed parish priest of that city to compel, with all the rigors of the law, the said married Indians to go and live with their wives, and, if necessary therefor, to implore the aid of the royal authorities; and, on our part, we ask and entreat all his Majesty's royal justices to do this service to God our Lord, that these Indians may fulfil their obligations, and sins and other mischiefs resulting from their not living together as man and wife may be prevented.

CONSTITUTION V.

That persons having Indians on their estates, even as hired laborers, must permit them to go and hear Mass, and not to allow them to work on holidays.

The wretched Indians, for being so, are none the less Christians, and so ought to observe the holidays: and whereas, in the said city of St. Augustine, in Florida, and other places therein, those who have Indians on their farms do not allow them to go and hear Mass on holidays of obligation for them, but make them work on such days, we ordain

* Cap. Literas de recit. spoliat.

that no person, of what state, quality, or condition soever, under pain of major excommunication, shall make said Indians work on days of obligation for them, nor prevent them going to hear Mass; and, on the other hand, we exhort, warn, and command that those having such Indians in their employ shall, as Catholic Christians, send them to the Convent of St. Francis, in said city, to hear Mass, so that they may be instructed in Christian doctrine; and that they do the same with the Indian children and heathen who are in their employ, in order that the Father, minister of doctrine in said convent, instruct and teach them said doctrine and take care of them; by so doing, they will fulfil their obligation and render a great service to God our Lord, and will exercise one of the works of mercy so pleasing to Him. And, that Spaniards as well as Indians may know the days on which Indians have the obligation to hear Mass and observe, we give the table of their holidays, which are the following:

All the Sundays of the year.

The feasts of Christmas, Easter, Pentecost.

The day of Epiphany.

The day of the Circumcision of the Lord.

The day of the Ascension of the Lord.

The day of Corpus Christi.

The day of the Purification of our Lady.

The day of the Annunciation of our Lady.

The day of the Assumption of our Lady.

The day of the Nativity of our Lady.

The day of the Apostles St. Peter and St. Paul.

The day of All Saints.

All which days Indians are under obligation to keep them, and hear Mass, and from other days they are exempted by Apostolic Bulls; but if they choose to keep others which are of obligation for Spaniards, this Holy Synod approving, we command that no obstacle be raised thereto, and that they shall not be obliged, by Spaniards, or by religious, or by any person, to work thereon, under the pretext that they are not

holidays of obligation for said Indians; and if said Indians attempt to work for any just reason on days of obligation for them, they may represent the case to our Vicar and Ecclesiastical Judge, in order that, on examination, he may decide therein and declare what is most becoming, and without his declaration let no Indian work.

And that, moreover, the said Indians may know on what days they are obliged to fast, we give the following table :

Fridays in Lent.

Holy Saturday.

The Vigil of the Holy Feast of Christmas.

CONSTITUTION VI.

The priests in charge of missions and religious confessors must have the approbation of the ordinary, in order to hear confessions and administer the Sacraments.*

The Holy Council of Trent commands that the holy sacrament of penance shall not be administered without examination and approbation by the ordinary, and that otherwise all confessions made are null; and his Majesty, by different edicts, has commanded that, without said approbation and license, religious in charge of Indian missions cannot confess or administer the sacrament. And in order that the decisions of the Holy Council and decrees of his Majesty may be kept and observed in the said provinces of Florida, and for the greater security and validity of the Holy Sacraments, we command and establish, the Holy Synod approving, that no religious preach the word of the Holy Gospel, nor administer the holy Sacrament of penance, even though he be in charge of a mission, without having our approbation and license, or that of our predecessors or successors, under pain of suspension from office and others, at our discretion. And that no priest in charge of a mission administer said holy Sacrament, nor the others, without our permission, under the penalty of

* *Trid. ses. 23, de Reformat, c. 15. Cédulas of June 22, 1624, and August 11, 1637.*

nullity in their acts ; and that the possession of our license may appear to our Vicar and Ecclesiastical Judge in said provinces ; and that said religious, whether confessors or preachers and directors of missions, may not be prevented from acting under them, they must exhibit the faculties to him ; and in case they do not, he is to report, that we may provide a suitable remedy, reserving, as we hereby reserve, their right, in case they have any privilege from the Apostolic See, to administer said sacrament and direct missions without our license and approbation, they may exhibit them to us, with the orders they have received from his Majesty in regard thereto, which we are ready to observe and fulfil : and, moreover, if they have any privilege to dispense Indians, within prohibited degrees, to permit them to contract matrimony, they must exhibit it to us, for the security and validity of said marriages.

CONSTITUTION VII.

Indian missionaries in the provinces of Florida must not leave their missions for a longer period than the holy Council of Trent permits.*

The religious in charge of missions being parish priests and ministers, should observe the residence in their missions which the holy Council of Trent ordains ; and in their quality as missionaries they are subject to the ordinary's jurisdiction according to law and his Majesty's decree : Wherefore we command that no priest in charge of a mission in the provinces of Florida absent himself from his mission for more than two months, which said holy Council of Trent fixes, without our permission or that of the Reverend Father Provincial, whom we implore and entreat to give all his care to make said ministers reside in their missions, as we hope from his holy zeal and his attachment to religion ; and that there always remain in the mission a priest approved by us or by our predecessors or successors.

* Sess. 23, De reformat, c. 1.

CONSTITUTION VIII.

The priests in charge of Indian missions in Florida must teach the Indians Christian doctrine.*

One of the obligations of evangelical ministers is to teach the Christian doctrine to their parishioners, and preach the word of the holy Gospel to them; and the priests having charge of Indians are especially under this obligation, because their capacity is less: Wherefore we command priests having charge of Indians to teach them the Christian doctrine on Sundays and holidays of obligation throughout the year, and on Sundays in Advent and Lent to explain the holy Gospel to them, as becomes zealous ministers desirous of serving God; for we are greatly consoled and thankful for the apostolical zeal with which they administer them. And let them teach it to the boys every day, as they now do; and we beseech and charge them that they teach it in Spanish where they can, as his Majesty has commanded in a special edict, on account of the many benefits resulting from so doing.

CONSTITUTION IX.

That Communion is to be given to Indians knowing the Christian doctrine.†

Inasmuch as the Indians are Catholic Christians, the annual communion should be given to them; in consideration whereof we exhort and command priests in charge of their missions that, when they are intelligent and know what they receive, and know the Christian doctrine, according to their greater or less capacity, holy Communion is to be given to them at Easter (Pascua Florida), and at other times as may be deemed proper, that they may not be deprived of the many spiritual benefits as are obtained by holy Communion; and the sacrament of Extreme Unction is to be administered to the dying.

* Cedula of March 2, 1634.

† Conc. Later., c. 21; Trid. sess. 13, can. 9; Limens, lib. 1, tit. 5, c. 3; Syn. de la Paz, lib. 1, tit. 5, cap. 2.

CONSTITUTION X.

That the Indians are to be put under masters every year.

In order that it may be ascertained whether the Indians comply with the annual obligation of confession and communion, we command priests having charge of them to take a census of them during the Lenten season; and after Low Sunday to collect the certificates given them, and those who have not complied are to be obliged and compelled to do so; and they are to send us a report of having executed and fulfilled this, as soon as a ship sails.

CONSTITUTION XI.

That the books herein prescribed are to be kept at the Indian missions.

That the sacraments of baptism and matrimony be duly administered, and record made of those who die, we command priests having charge of Indian missions to observe the tenor of Constitution VI., in the title, *De officio Vicarii seu Rectoris*.

CONSTITUTION XII.

The ministers of the Indians are to administer the sacraments in the form herein contained.*

We command priests having charge of Indians to observe, in the administration of the holy sacraments, the ritual of Paul V., and always reading therein the form of the sacraments and that of baptism and matrimony; never administer them in their houses, but in the church, unless there be necessity or sickness. And where any are baptized at home from necessity, they are to be taken to church within a week to receive the holy oils. Where any have been baptized, and there is any probable doubt whether all the words of the form were said or not, let them be baptized *sub conditione*. Those who have not been baptized must be baptized within

* Conc. Prsv., fol. 25 B.

two weeks. None are to act as sponsors who do not know the Christian doctrine and have not been baptized: and to avoid the frequent impediment of spiritual relationship between Indians, let them endeavor to have some old men of good life and manners to act for all, and stand also for them in the sacrament of confirmation. Most special care is to be taken to administer the holy sacrament of penance to the dying, lest by neglect the salvation of a soul be imperilled; and let them administer it to the well, whenever they ask it with their accustomed religious and apostolical charity.

CONSTITUTION XIII.

Religious having charge of Indian missions are not to administer the sacraments to any who are not Indians, except in cases herein provided.*

As the priests in charge of the Indian missions in Florida are appointed for Indians only, we command them not to administer the holy sacraments as parish priests to Spaniards, mulattoes, or negroes, especially the sacraments of baptism and matrimony; and we permit only those to hear their confessions who have had our permission or that of our predecessors and successors; and, in particular, to enable them to fulfil the annual precept of confession and communion, when they happen to be at the mission in time of Lent, and Extreme Unction in case of necessity; and that they can, under no pretext, take part in the holy sacrament of Matrimony, nor give nuptial benediction to those who contract it, being Spaniards, negroes, or mulattoes, unless with the license of the benefited parish priest of St. Augustine, Florida, and paying him his fees, and reporting the facts, that he may enter them in the Registry of Marriages; and those who have fulfilled the annual precept of confession and communion, in order that this may appear, and they escape excommunication, as provided under the penalty which the holy

* Sin. de la Paz, lib. 1, tit. 5. Cap. 15 et lib. 4, tit. de sponsalibus, cap. 2.

Council of Trent imposes on those who marry persons belonging to another parish.

CONSTITUTION XIV.

That priests in charge of Indian missions are not to appoint ensigns for the Indian festivals, nor collect fees or debts due in churches and cemeteries.*

By a decree of his Majesty, it is enjoined on us not to consent that ensigns should be appointed in the festivals celebrated by the Indians, to carry the standard in the processions, and make a contribution to the parish priests of wine, meat, and other fruit; and that we should not consent that on holidays, when Indians go to Mass, any person should go to ascertain whether they owe them anything, and collect it, on any ground or in any manner whatever; and, obeying the royal orders, we exhort and require the said priests having charge of missions not, under any pretext, to consent to the election of such ensigns in the Confraternities of Indians, nor that any one go to said churches to ascertain whether any Indian is indebted to them, nor to collect from them what they have furnished in money, merchandise, or otherwise, nor permit them to be annoyed, vexed, or arrested on this ground; but that they shall be allowed to go freely to hear Mass, and learn the Christian doctrine, and perform other pious works. And in obedience to another royal decree of May 21, 1678, wherein his Majesty, with his Catholic piety, enjoins on us that we should, on our part, watch with all attention and care over the relief and good treatment of the Indians, we most affectionately warn the said priests in charge of Indian missions to treat the Indians well and charitably, and not consent that any one, ecclesiastic or secular, ill-treat them in word or deed, using in all things the exertion due a matter which so concerns the service of God and his Majesty, as we here charge them in conscience to do.

* Cedula issued in Madrid, June 1, 1672; Cedula issued in Madrid, August 2, 1678.



GAYLAMOUNT
PAMPHLET BINDER

Manufactured by
GAYLORD BROS. Inc.
Syracuse, N. Y.
Solely in Calif.

1371 6 11

THE UNIVERSITY OF CALIFORNIA LIBRARY

