

From: Dr. Bernardo Gárate and Archbishop Pelagio Antonio de Labastida

To: Unknown

Date: September 9, 1863

[Page 1]

We, Doctor Bernardo Gárate, Dignified Teacher of this Holy Metropolitan Church, Bishop-Elect of Quéretaro and Governor of the same and the Most Excellent and Illustrious Archbishop Pelagio Antonio de Labastida

[The text that is covered up reads, "We, Doctor Lazaro de la Garza y Ballesteros, by the Grace of God and the Holy Apostolic See, Archbishop of Mexico, etc.]

We issue our license and faculty to the Jesuit priest Jose Maria Soler so that during our service he may celebrate the solemn sacrifice of mass, preach the holy Gospel, hear the confessions of men and women as well as those that may live in cloisters or practice a strict form of the faith throughout the Archbishopric, whom he may absolve of sins except those having to do with heresy and intimate complicity.

Based on the examination that has been carried out, it is evident that his ability is sufficient for purposes of this license, the tenor and form of which he will observe with exactitude, without going outside its parameters. With respect to those this priest may confess, he may absolve crimes and excesses, except those that fall under the purview of His Holiness or ours as a matter of law or those that may be hereafter mentioned in conformity with Papal Bull of Our Most Holy Father Clement X, which begins: "*Superna magni Patri familias; su data opud Sanctam Mariam Majorem*," dated 21 of June, 1670. This priest will keep in mind those propositions that are condemned by the Highest Pontificates, especially the old opinion rejected by His Holiness Paul V, Urban VIII and Clement X, which stated that secular and regular confessors approved by an Ecclesiastical Judge could hear confessions in another diocese without approval or licensure from the Ecclesiastical Judges within that particular diocese. The opinion is newly condemned by the Papal Bull issued by His Holiness Innocent XII, which begins: "*Cum sicut non sine gravi animi nostri dolore*," dated in Rome, "*Apud Sanctum Mariam Majorem*," on 19th of April, 1700 and published in said city on 28th of August of said year. This Papal Bull condemns the perverted interpretation of the clause contained in the Papal Bull of the Holy Crusade, the adherents of which take it to mean that the penitent may choose a confessor approved by any Ecclesiastical Judge, even though the confessor may have neither the approval of nor the licensure issued by the Ecclesiastical Judge of the territory wherein the confession will be heard. Therefore, His Holiness condemns this opinion as *false, temerarious, scandalous, pernicious, in praxi* and, therefore, He declares that the confessions heard in

adherence with this pretext and sinister interpretation are null and void because they violate the spirit of the Papal Bull of the Holy Crusade. Notwithstanding, any immunity, immemorial customs and privileges of whatever kind and form, that may have been conceded by the Holy Apostolic See to the regular clergy are expressly abolished by the aforementioned Papal Bulls. Also having before us the Brief *Sacramentum Penitentia* of Our Holy Father Benedict [Backside of Page 1] XIV, issued on 1st of June, 1741 to prohibit any confessor from absolving accomplices who have committed whatever dishonest sin in violation of the sixth precept so that neither Jubilee, nor the Holy Year, nor the Papal Bull of the Holy Crusade, nor any other privilege will be permitted because this constitution is *Speciali et positiva reprobation Confesarii complicitis, ut suum complicem non posit absolvere*, if it is not *in articulo vel periculo mortis, deficiente tunc quocumque alio Sacerdote, vel in casu quo scandalum et gravis infamia nec impediari nec vitari posit*. On the contrary, such a confessor will incur the greatest excommunication reserved for His Holiness. Therefore, we order that the priest should not hear confessions in private houses unless this results from necessity or illness and we request that he should determine whether the penitents are knowledgeable about the principal mysteries of our Catholic faith, before absolving penitents of their sins. If these penitents are found to be ignorant of the principal mysteries of our Catholic faith, then the priest will teach them these precepts, which will necessitate postponing absolution until a later time. The priest will also request that these penitents abstain from committing public and scandalous sins and that they avoid such situations by proceeding with complete attention and dedication as necessary because the narrow, valid and prudent administration of this sacrament depends on the leanings of one's conscience, the reformation of customs and the salvation of souls, so that the sacrament of confession should endure over time due to our will free from the prejudice of parochial right. Issued in [crossed out words] Mexico, on the 9th day of the month of September of eighteen-hundred and sixty-three.

Signed by Bernardo Gárate

By a mandate of his Lordship,
Signed by Ignacio Martinez y Rojas,
His Lordship

[Bottom of Backside of Page 1]

Rule Book 9, Folio 175