

Documents connected with the Suspension of the Very Rev. Wm. J. O'Grady.

At a Meeting of the Roman Catholics of the Parish of York, U. C. held in the Chapel of Ease, on Sunday the 10th February, 1833, the Hon'ble Alexander McDonell was called to the Chair, and John King, Esq. M. D. appointed Secretary when the following Resolutions were unanimously adopted:—

1. Resolved—That this Meeting views with sorrow and regret the contumacious conduct of the late incumbent of this Parish, which seems to be the cause of the extensive schism that now exists in the Congregation, to the scandal of our holy religion, and the disgrace of Christianity.

2. Resolved—That obedience to the Episcopal authority is indispensable in church discipline, and that any resistance to it is contrary to the usage of the Roman Catholic Church, and never allowable under any circumstances.

3. Resolved—That a clergyman resisting such authority is unworthy the confidence and respect of a Catholic congregation.

4. Resolved—That it is the opinion of this Meeting that the late incumbent had forfeited the entire confidence of the most respectable portion of the congregation of York, previous to his suspension, inasmuch that they declined attending the Parish Church when he officiated.

5. Resolved—That the following document from the hand of our late incumbent, attempting to invest the "Ecclesiastical Supremacy" of the Roman Catholic Church of Upper Canada in the Protestant Representative of the King in this Province, is sufficient evidence of his denial of the "Ecclesiastical Supremacy" of the Pope, and of his resistance to the authority of the Church:—

"To His Excellency Sir John Colborne, K. C. B. Lt. Governor of the Province of Upper Canada, & Major Genl commanding His Majesty's Forces therein, &c. &c. &c.

"The Petition of Wm. J. O'Grady, B. D. Rector of York, Humbly sheweth,

"That your Petitioner aware of the many weighty and important concerns that press upon your Excellency's time and attention, would not willingly bring under your consideration, the subject of this Petition, had he not failed in his repeated efforts to induce his Lordship, Bishop McDonell to submit the unhappy differences now pending between them to the decision of the head of the Catholic Church, or to the adjudication of three Clergymen impartially selected from the Sulpician Seminary of Montreal.

"That his Lordship having declined to accede to a Proposition so reasonable your Petitioner has no other alternative left him to preserve his character from obliquity, and to defend himself against the most flagrant injustice, than an appeal to your Excellency, as the representative of his Majesty the King.

"That this appeal is made to your Excellency under the authority of the fourteenth and thirty first of George III, and coming from one of his Majesty's Lige subjects, will it is hoped receive mature deliberate and impartial Consideration.

"Your Petitioner humbly conceives that the right of appeal is also guaranteed to him by the Treaty of Quebec in as much as *His Majesty the King of France when these Provinces were under the French Dynasty always had and exercised over them ECCLESIASTICAL SUPREMACY, and in as much as this SUPREMACY was transferred at the period of the capitulation to our most gracious Sovereign* and in as much as his Majesty the King continues to exercise the right of Supremacy so transferred in nominating a Bishop to the see of Quebec [the only one in British America] whenever that Diocese becomes vacant.

"That if his Majesty, the King have not hitherto exercised his right of Supremacy beyond the nomination of Bishops, it is not because the right became extinct, the Royal Prerogative not being liable to extinction by disuse.

"That his Majesty of France enacted a Law in May 1679 declaring that Curets are no longer moveable at the will or caprice of a Bishop, but on the contrary that they cannot be deprived by them of their benefices, the observance of this Law is one of the privileges, which your Petitioner claims under the 14th of George III.

"That his Majesty of France also reserved to himself, by special Law, the exclusive Right of adjusting Ecclesiastical differences in these Provinces, without reference to any other Court, or tribunal whatever, and that he repeatedly exercised this right without any reclamation being made against it, and this too your Petitioner conceives is another of the privileges secured to his Majesty's faithful subjects, of the Roman Catholic Religion in Canada under George III.

"That under these circumstances your Petitioner respectfully submits, that he is possessed of the right of appeal to his Majesty against Ecclesiastical usurpation, and for the correction of Ecclesiastical abuses in as full and ample a manner as it was held and received under the French Dynasty.

"Your Petitioner humbly prays that your Excellency will be graciously pleased to take the Premises into your earliest consideration, and to communicate to your Petitioner such answer as to your Excellency's wisdom and impartiality may seem fit.

And your Petitioner will ever pray.

(Signed)

W. J. O'GRADY,

R. C. Rector of York."

York, 4th January, 1833.

6. Resolved—That the pretended Church-wardens, who have surreptitiously obtained the Keys of the Parish Church in this town, and who retain forcible possession of the same, depriving the Bishop of the Diocese and the respectable parishioners who erected the edifice, of their proper and legitimate accommodations for Divine Worship, are, in our opinion, guilty of a sacrilegious act of injustice in open violation of the common principles of Christianity.

7. Resolved—That in suspending the late incumbent, and interdicting the Church, under such circumstances, Bishop McDonell has shewn a sincere disposition to uphold, at any risk, the authority and discipline of the Roman Catholic Church, which entitles him to the respect and gratitude of every real member of our communion, and claims for him the sincere thanks of this meeting.

8. Resolved—That an Address be presented to His Lordship upon the present melancholy occasion, and that Doctor King, and Messrs. Alex. E. McDonell and Francis Collins, be a committee to draft and present the same.

9. Resolved—That these our resolutions together with the Address, be recorded in the Church Book by the Secretary, & published in the Canadian Freeman, the Patriot and Courier.

BISHOP M'DONNELL'S REPLY TO Mr. O'GRADY'S PETITION.

York, 8th January, 1833.

Sir,

I have the honour to acknowledge the receipt of your communication of the 5th inst. accompanying a Petition of the Rev. W. J. O'Grady to his Excellency the Lieutenant Governor, requesting my observations on the subject matter of that Petition.

I have to thank his Excellency for thus affording me an opportunity of answering to the grievances complained of by Mr. O'Grady in his Petition.

In the first place Mr. O'Grady should have informed his Excellency that all the Powers or faculties or spiritual Jurisdiction which I ever imparted to him, were revocable at pleasure (*ad nutum revocabiles*;) and as he accepted of them on those conditions, he cannot complain of any injustice being done him by me recalling them, when I found a sufficient and urgent reason for so doing.

Mr. O'Grady asserts in his Petition, that I declined to accede to the decision of the head of the Catholic Church in the difference which existed between him and me; this assertion is not founded in fact, for according to the Canons of the Catholic Church, and to the universal practice throughout the Catholic world, a Bishop has a right to suspend a Priest from the exercise of his Pastoral functions, and on the event of his contumacy, to excommunicate him; but on the other hand, a Priest has a right to appeal to the head of the Church to obtain justice if he think himself aggrieved, and the Bishop if found to be wrong, must abide the consequences.

If credit can be given to Mr. O'Grady's own assertion, he sent a representation to the Holy See as far back as July or August last. It would appear from what he told a Clergyman who is now in York, that he had lately received a communication from Rome, which had it been favourable to his cause, he would not have failed to make known.

Mr. O'Grady's quotations from French Ecclesiastical Laws are not applicable to his case, they refer to Parishes established and recognized by the laws of the country, and to Churches built by Taxes levied under the authority of Government upon the Inhabitants.

The congregation of York has not as yet been established, or acknowledged, as a Parish; and the Church has been built, not by a Tax levied on the Inhabitants, but partly by subscriptions from Protestants and the few Catholics that resided at the time in York, partly by the proceeds of a Lot of Land which I obtained from Government for the use of the Catholics of this Town, and partly by money advanced by the Hon. Mr. Baly, and Peter McDougall, the latter I have repaid out of my own pocket to the amount of £325 to stop a prosecution against the Church property.

Neither Mr. O'Grady nor any of his adherents who now pretend to have a right to the Church, ever paid \$5 towards its erection or the liquidation of its debts.

Under these circumstances his Excellency will easily perceive that Mr. O'Grady has no right to appeal to the French Ecclesiastical Law in support of his cause.

Mr. O'Grady acknowledges that his Majesty the King has not hitherto exercised the right of supremacy over his Catholic subjects in the Canadas, beyond the nomination of Bishops, which right though not exercised (he says) still exists.

From this, it would appear that Mr. O'Grady wishes that his Excellency Sir John Colborne would now begin to exercise that supremacy over the Catholic Church in Canada, notwithstanding that his Britannic Majesty has abstained from that exercise, during the whole time that the Canadas have been annexed to the Crown of great Britain, even under the pressure of the penal laws against Catholics.

His Excellency knows very well that some of the best blood of England and Ireland has been shed upon the scaffold in defence of the supremacy of the Head of the Catholic Church; and that I would be considered a traitor to my Church and to my Religion, and my memory would be handed down with infamy to Posterity, if I refused to sacrifice the few remaining days of my life in defence of the same cause, were it necessary—although I have given, in one month, more substantial proofs of my loyalty to my King and Country than Mr. O'Grady has in all his lifetime.

To show his Excellency what a strenuous supporter Mr. O'Grady was of the laws and Canons of the Catholic Church, when those laws were applied by himself to others, I shall take the liberty to quote his own words in the letter he addressed to the Rev. Mr. — after having suspended that Clergyman from his Parochial functions in Sandwich, they are as follows:—

"You must be aware that no Bishop can suffer, the Divine authority with which he is invested, to be thus assailed and

trampled upon, and thus dictated to by a misguided Incumbent, and a rebellious mob, without asserting his just Prerogatives.

"To him it belongs, as you well know, to watch over the faith and morals of the people entrusted to his Charge; he was appointed by the Holy Ghost to govern this portion of the Church of God. He is the head, we are the members.—IT IS HIS DUTY TO GOVERN, OURS TO OBEY. Yet your friends seem to think differently, and under the guidance of a Priest, protest against his (the Bishop's) interference in the Ecclesiastical concerns of a Parish within his Diocese.—Would not such conduct fill the mind of any man with disgust, and would he not turn away in amazement at such extraordinary insensibility, did he [the Bishop] not feel that he was charged by God with the care of their souls."

So far Mr. O'Grady when enforcing the discipline of the Catholic Church in regard to others, but he seems to think that Ecclesiastical and Canon Laws lose their efficacy when applied to himself.

Although apprehensive of having already intruded too much on his Excellency's important time, I must beg to be indulged a few moments to state some of the reasons that compelled me to proceed as I have done against Mr. O'Grady.

On my way to Sandwich in 1831 several of his congregation made strong representations to me of Mr. O'Grady's haughty and supercilious behaviour towards them, and of other matters still more derogatory to the character of a Clergyman; and on my admonishing him in a private and friendly manner, he told me that he paid no regard to what the common people said, so long as he could keep on good terms with a few of the respectable members of the community.

On my return from Sandwich to this Town, the complaints which had been carried to me on my way forward in whispers, were now in general circulation, and become the table talk amongst Protestants and Catholics. I repeated my admonitions to Mr. O'Grady to separate himself from those persons at whom the Public took offence, and who became the cause of scandal however innocent they might be.

The separation, however, did not take place, although the greater part of the respectable members of the congregation were so much offended that they would not go to Church, when Mr. O'Grady officiated.

And I found myself at length compelled, in obedience to the Canons of Council of Trent to inflict on him the censure imposed by those Canons.

Finding me thus determined to proceed to extremities, he agreed to abide by the decision of two mutual friends, the result of which having been submitted already to his Excellency, it is unnecessary for me to dwell on it here.

There are several other charges which might be brought forward against Mr. O'Grady such as,

Denying my authority over him as Bishop, and asserting boldly to several of his congregation that he holds his spiritual jurisdiction directly from the Pope, and independently of me.

Neglecting many essential parts of his Parochial duties, which obliges me to keep a Priest, and an Ecclesiastic at my own expense to supply the spiritual wants of the Catholic Congregation of this Town.

Extorting money for the administration of the sacraments contrary to my positive orders.

Attempting to sell (if not really selling) for his own use, some of the Church Ground without the knowledge or consent of the Trustees thereof.

Exciting the lower class of his countrymen to hatred and rancour against all those who do not join his faction.

And declaring from the altar as he has repeatedly done lately, that he would obey neither Bishop nor Pope, provided they (this faction) adhered to him.

Several however of those who were his most strenuous supporters, declared that they have been deceived by him, and that they will have nothing to do with him for the future.

He has had two or three hirelings running through the Town, for some days past, with some sort of Address, which many have been signing without knowing the nature or intention of it.

I deplore the necessity to which I have been thus driven to occupy so much of his Excellency's precious time, in matters with which he should not have been troubled, were it not from his own kind condescension, and friendly feelings.

I have the honour to be, Sir,

Your most obedient and very

Humble Servant

ALEXANDER McDONELL, Ep.

To Mr. Secretary Roan, &c. &c. &c.

ADDRESS.

To the Hon. & Rt. Rev. Alexander McDonnell, Bishop of Kingston, &c. &c. &c.

Rt. Rev. Sir,

We, the Roman Catholic inhabitants of York, feel it a duty we owe, to our holy church, and to your Lordship, its legitimate head, in this Province, to address you upon the lamentable circumstance of our holy religion being insulted and degraded, by the contumacious conduct of our late incumbent and his misguided followers.

We have had great reason to be grateful to the Almighty, viewing as we have done, the vast progress religion has made under your Lordship, in this happy Province; but alas! of late a cloud has overshadowed those bright prospects, and threatens the most disastrous consequences.

We have observed for some time with unfeigned sorrow the conduct of our late Rev. incumbent, Mr. O'Grady, and our grief is inexpressible at seeing a schism to such an extent existing in our congregation, (to the degradation and scandal of our holy religion) from his having the impious audacity to raise his contumacious voice against your Lordship and the authority of the church. This we could, by your pious example and salutary advice, bear with a christian forbearance, knowing that the evil would in time cure itself; but when we see this individual having the effrontery (unequalled in those days) to attempt to wrest from our holy father the Pope, the ecclesiastical supremacy of the Roman Catholic Church in this Province, and to place it in the hands of a protestant (the Lieut. Governor of Upper Canada as representative of his Majesty, the King of England) as appears from his own petition to his Excellency Sir John Colborne (a document fraught with misrepresentations and gross falsehoods) we can no longer suppress our feelings but hold him up to all good men as an object of contempt, disgust and indignation. We would be unworthy the name of Catholic, and would disgrace the memory of the illustrious martyrs, Fisher, and Moore, were we to allow such a daring and sacrilegious attempt at innovation in the Catholic Church to pass without our marked reprobation.

We are well aware what course Mr. O'Grady ought to have pursued had he been aggrieved. He should have sought for redress from the Holy See according to the practice of the Catholic Church, and not from the Lieutenant Governor. We know also had he done so, and had his cause been a good one, that he would have got that redress. We therefore fully approve of the steady, firm, unyielding conduct of your Lordship towards this schismatic Priest and his blinded followers, and also in taking legal steps to dislodge the mock Church-Wardens, from the possession of the Church property, in order to restore it to the legitimate proprietors.

Your Lordship must expect to suffer from the machinations of wicked and designing persons who, impelled by gross and sinister motives, would sap the very foundation of Religion; but while your Lordship may suffer persecution from the base and the degraded, it must be consoling to you, to know that you enjoy the confidence of the virtuous and the pious, who are willing to support your Lordship in the conscientious discharge of your ecclesiastical duties, even at the risk of their lives.

Recognising your Lordship, as the link in this province, by which only we can be connected with the great chain of Catholicity, and remain members of that Church which Christ

himself has founded; and holding in the highest possible estimation the exalted character which your Lordship has established by the true piety, ardent zeal, and the active exertions of half a century, on the mission, we humbly beseech the omnipotent Author of our holy religion, to grant you length of days, in health, to watch over the fold, and wisdom, to discover the wolves in sheep's clothing, and grace to lead the flock in the paths of virtue and salvation.

UPPER CANADA, } John P. De La Haye, Esq. of the
Home District, } Town of York, in the Home District,
to wit. } maketh oath and saith, that he heard
the Rev. Wm. J. O'Grady say words to this effect: that he, the said Rev. Wm. J. O'Grady had not been appointed in this Diocese by Bishop McDonnell, but had his jurisdiction independently of him from the See of Rome, and consequently, that he owed him (the Bishop) nothing but a dinner when on his visitation: and this deponent further saith, that the said Wm. J. O'Grady said that Bishop McDonnell had no power to remove him from the Parish of York.

Sworn before me, at York, in the }
Home District, this 31st May, 1833. } J. P. DE LA HAYE.

THO'S. H. TAYLOR,

A Commissioner of the King's Bench for taking Affidavits in the Home District.

Home District, } Personally appeared before me, William
to wit. } Bergin, of the town of York, merchant, (late
senior Church-warden of the Roman Catholic Church of the said town,) and voluntarily maketh oath and saith, that the late Incumbent of the Roman Catholic Church of said town, the Rev. Wm. J. O'Grady, has more than once told this deponent that he would not receive faculties, as Vicar General, from the Hon. & Rt. Rev. Bishop McDonnell, because it would be in his Lordship's power to withdraw them at pleasure, and further stated to this deponent that he had his faculties from the Holy See. This deponent further states, that the said Incumbent, Wm. J. O'Grady, declared at a public Meeting that he stood upon an equal footing with the Bishop, with the exception of His Lordship wearing the mitre, and having the power to administer the holy sacraments of Holy Orders and Confirmation.

Sworn before me, at my office in } W. BERGIN.
York, this 1st day of June, 1833. }

H. C. HEWARD,

Commissioner, &c. Home District.

Home District, } Whereas, Francis Collins, of the Town
to wit. } of York, Printer, personally appeared before me and made oath, that the Rev. Wm. J. O'Grady stated to him, (this deponent) that Bishop McDonnell had offered to confer upon him the faculty of Vicar General in this Diocese, but that he would not accept it at his hands, lest he should afterwards remove him—and that if he accepted the appointment at all, it would be from the Holy See, in which case the Bishop would not have the power to take it away. That some time afterwards, he, the said Wm. J. O'Grady, told this deponent that he had received the faculty of Vicar General directly from the Holy See, and read to this deponent a Latin document which, he said, was an answer from him to the Pope's Bull, which was directed to him as Vicar General, in consequence of his holding that appointment or faculty from the Holy See.

Sworn before me, at York, in the } FRA'S. COLLINS.
Home District, this 31st May, 1833. }

THO'S. H. TAYLOR,

Commissioner, &c. Home District.

*Letter from the Prefect of the Sacred College to
Bishop McDonell.*

Ill'me ac R'me Domine,

Epistolam accepi ab amplitudine tua, die 20 Aug. 1832, ad Rectorem Collegii Scotorum in Urbe (qui die 4 Januarii mortuus est) scriptam qua exponis quantopere audacter et tumultuose contra auctoritatem tuam Sacerdos Hibernicus D. Guillelmus O'Grady se gesserit. Equidem considerans omnino necesse esse ad regimen Ecclesiasticum in ista Diœcesi conservandum memorati Sacerdotis audaciam continere, primum declarandum prorsus esse judico falsum esse, eum a Sacra Congregatione facultates tales accepisse, ut quanquam in Diœcesi ista moretur, ab amplitudine tua tamen non dependeat. Hoc abhorret omnino a Sacra Cong'nis sapientia, quæ in concedendis facultatibus, Episcoporum auctoritatem semper sartam tectam esse debere constituit. Hæc autem cum ita sit, si vere D. Guillelmus O'Grady resipiscentiæ argumenta non dederit, jure poterit A. T. in eundem suspensione, et facultatum omnium revocatione animadvertere.—Erit vero opportunum hanc responsionem Sac. Cong'nis, inter Missionarios notam fieri, atque etiam ad illorum Laicorum notitiam perducere, quos in partes suas pertrahere, et contra observantiam tibi debitam excitare D. O'Grady conatus est.

Quod spectat ad facultates, quas in memorata epistola petebas, est mihi pergratum, certiore te facere posse, a ss'mo Domino nostro concessas fuisse, quemadmodum ex adjectis Decretis intelliges.

Sacra Congregatio denique vehementer laudat consilium a te susceptum, exarandi quemdam librum in quo referantur instituta omnia, quæ obtinent in ista Diœcesi ad Ecclesiastica et spiritualia negotia peragenda. Facies vero rem gratissimam illum librum Romam mittendo, ut a Sac. Cong'ne examini subjiciatur antequam in lucem prodeat; ad judicium vero instituendum utile certe erit, ut referas scriptorations propter quas evenire poterit, ut isthic obtineant instituta aliqua, quæ fortasse peculiarem S. C. considera-

tionem requirant. Precor Deum interea ut amplitudinem tuam diu sospitem ac felicem servet.

Amplitudinis tuæ,

Romæ ex aed. Sac. Cong'nis de Proda

Fide Die 19 Januarii, 1833,

uti Frater studiosissimus

C. M. Card'lis PÉDICINI Pref'us,

Fol. C.

C. CASTRACANE, Secre'tus.

R. P. D. Alexandro MacDonell,

Episcopo Regiopolitano

in Superiori Canada.

Extracts from Mr. O'Grady's Speech, delivered at a public Meeting of Methodists and other denominations of Protestants, together with his own schismatical adherents, held in the Roman Catholic Church of this town, April 26, 1833:

"If indeed the dark and cheerless spirit of infidelity brooded over this fine appendage of the British Crown, I might look in vain for your countenance and protection—but advanced as we are in civilization, in religion, and in science, you will not abandon that cause which men hold dear and nations holy. I repeat it again, it is not an isolated cause—it is one in which all classes of society should feel a deep and equal interest. * * * And I am greatly mistaken if there be not sufficient firmness and virtue in the people to resist every effort of despotism, and to uphold inviolate the religious as well as their civil liberties. (Great applause.) But in order that this spirit might be brought into useful and active operation, the people should all become determined and united—the power of the mightiest despot can never crush an united people. Union presents a front of brass before which the most ruthless tyrant must quail and tremble. Union is strength—union is power—then unite and be free, nor relinquish the boast for which our brave ancestors died. Look back to the records of former times, and you will perceive that it was only when the people were divided that they could possibly be enslaved. Remember the Irish volunteers, * * * We must still unite in defending our ecclesiastical privileges from a most unjust and unwarrantable invasion. This is a matter for your consideration, whatever your creed or your country may be, as well as for mine, the best interests of society are necessarily involved in it, and you will therefore come like independent men, to stand for your rights, determined to maintain them."

The above means—to support Mr. O'Grady in the contumacious discharge of his clerical duties, while under suspension, and in keeping forcible possession of the Parish Church, in opposition to his Bishop, and against the verdict of a jury in the Court of King's Bench, given upon an action of ejectment.