

3.4. MILITARY AND POLICE: BENITO JUÁREZ ORDERS THE ARREST OF A PRIEST WHO REFUSED LAST RITES TO A DEAD MAYOR

Liberal government officials and the Catholic Church hierarchy battled over the separation of secular and religious activities. The definition of these caused problems as the government took control of cemeteries, for example, made marriage a civil contract, and ordered the registration of births in civil offices. The church regarded these as sacraments and refused to extend them to individuals who accepted the new constitution—as the following document discusses.

Notification to the Bishop of a Priest imprisoned for refusing to administer the sacraments to the mayor, Oaxaca, June 22, 1857

Government of the State of Oaxaca

Most Illustrious Señor Bishop of this Diocese

Illustrious Señor:

The government having evidence that the parish priest of Zaachila, don Andrés Jiménez has denied the sacraments to the deceased mayor of Tavehua, not wanting that he receive them in burial, under the pretext that the said functionary did not retract the oath he made to the political constitution of the republic, and in virtue of the instructions that I have from the supreme government of the nation, I have seen fit to have the aforementioned Sr. Jiménez be taken prisoner in this city and be sent out of the state to a place that his Excellency the President determines.

The government cannot view with indifference actions that, alarming the consciences of the citizens, alter the public order and, deciding to impose obedience to the laws, it is not afraid to do what the good of society demands; if it views with appreciation and favor a priest, who carries out his holy mission of peace and morality, it does not hesitate an instant to punish the insubordinate whose actions preach hatefulness and disorder; because otherwise, it would abandon society to the destructive ravages of the one interested in its ruin.

Sr. Jiménez removed for such motive, I request that V.S.I. within a few days send to Zaachila another priest to take charge of the parish.

I declare to V.S.I. my appreciation and attentive consideration.

God and Liberty.

Oaxaca, June 22, 1857.

Benito Juárez⁴