

stands many a saddened mother or wife or sister; for New York's "Fighting Sixty-Ninth," the Fighting Irish are going off to war just as their fellow countrymen of the old Sixty-Ninth had done in former days; and as they on their way to the front weeps as she bids farewell to her loved one. All this Donald sees as he takes his place with the remainder of the Rainbow Division and the hot tears moisten his cheeks.

In war-torn France, in the midst of destruction and desolation, the feast of the Prince of Peace had been celebrated by the Rainbow Division. Christmas with its joyousness and the memories of home and loved ones has come and gone, but still the cruel struggle wages fiercer and fiercer. Already these "Fighting Irish" had been in France long enough to learn all the minute details of warfare, and now, like so many thousands of their countrymen whose heroic blood has crimsoned every battlefield of this gigantic struggle, these sons of Ireland and Irishmen are in the front line trenches awaiting the word.

At last day came, scarcely brighter than the night; heavy, black storm clouds hung over the hills, while a chilling wind whistled through the spectres of trees that remained standing. Far off to the right could be heard the continuous booming of cannon, heralding the beginning of the drive. For several hours this barrage continued sweeping over our lines, causing us to seek shelter. Towards noon the snow began to fall, covering everything and hiding the hideousness of war's destruction, but still the artillery raged; shrapnel burst in all directions. Then our artillery began to belch forth its answer and soon our whole line was blazing away at the unseen foe. Finally the American artillery ceased, and the enemy, under cover of their own gun fire, were seen rapidly advancing over the broken ground, now rushing forward and dropping to the ground, then forward again, now appearing in a shell-hole only to reappear a moment later. It was frightful to watch them, dashing headlong into the very mouths of the cannon. All of a sudden the American gunners opened fire and gap holes are torn in the advancing ranks, but on, on they come, wave upon wave, fewer and fewer, as the American guns spit forth their fiery messengers. Finally the few stragglers fall mortally wounded before our trenches, the enemy artillery ceases. Then at last silence reigns, the silence of death.

All one endless stretch of dead and dying as far as the eye can see. Suddenly all is activity in the American trenches. The command is given, the waiting American troops leap like deer over the top. The machine guns hiss, the blazing rifles spit, and the enemy artillery breaks forth again. The awful gassy smoke rolls on in belching columns, racking the lungs, but on, on, our gallant lads drive; some fall, wounded or dead, but there is no pausing. Over that treeless, grassless expanse, carpeted with the scattered limbs of heroes and flushed crimson with their blood, they rush on.

The shades of evening are creeping slowly across the plains of death; the moon with its horrible spectral grin looks down upon the awful scene. The lifeless forms gaze with ghastly sightless eyes in their last dreamless sleep. The mighty cannon are speechless; the murderous rifles are silent. In and out amidst the ghastly heaps of dead a silent figure passes, seeking out the spark of life among the awful stillness of the frozen earth about. Side by side the cross of Christ and the cross of red move over the sad plain.

Suddenly the priest is amazed to see one of the American soldiers roll over painfully to the side of a wounded man; the American fumbles in his blouse, draws forth his crucifix, kisses it, then with weakening strength passes the cross of salvation to the other's lips. The priest hurries over. The American soldier, ah, he hears into the priest's face, a smile crosses his wounded features. "Brian, forgive me," and the cross falls between the dead heroes.

Those in New York who read the name "Donald O'Brien" in the casualty list, and who had known the lad, realized that he had given the supreme proof that no slacker blood had covered in his veins, and they breathed a silent prayer for this valiant knight.

At the little white fence the heroic Irish mother is standing, she sees the soldier-chaplain swing over the brow of the hill, her Brian; she waits, she prays. A loving kiss, an affectionate embrace and Brian places in her trembling hands the crucifix. She raises the Saviour to her lips and a warm tear falls on the Pierced Christ, a tear of joy, for she knows now that her darling Donald is home at last.

A MISTAKE IS NO SIN

Pere Monsabre, the celebrated Dominican preacher, may appropriately be called the Father Burke of France. He was as fond of a joke as was his famous Irish brother. A story of him is that one day as he was going to preach, a message came to him that a lady wanted to see him. She was worried about an affair of conscience; she felt she'd like to see him etc.

After much waste of time she came to the point. She was given up to vanity. That very morning she had looked in her looking glass and yielded to the temptation of thinking herself pretty.

Pere Monsabre looked at her and said quietly: "Is that all?"

"That's all." "Well, my child," he replied, "you can go away in peace, for to make a mistake is not a sin."

REQUESTS FOR MASSES

DECLARED LEGAL BY ENGLISH LAW

(By His Honour Mr. Robert E. Noble in Catholic Opinion) His Eminence Cardinal Bourne deserves to be heartily congratulated upon the triumph in our English Law Courts which has resulted from his steady and prolonged fight to secure a legal interpretation favourable to Catholics in regard to bequests for Masses for the dead. The case was carefully presented by Mr. Frank Russell, K. C., before three successive tribunals and the legal argument in favour of their validity has at length prevailed.

A tribute of appreciation is due also to the recently appointed Lord Chancellor of England on account of the vigorous judgment given without one taint of bias or bigotry which he delivered as to this important matter. Lord Birkenhead admitted in his able summing up that a duty devolved upon him as Supreme Judge of the Highest Appellate Court to overrule certain decisions which have been held binding for several generations and to declare his opinion that Roman Catholics should no longer be restricted in any way from practising the tenets of their faith or in the matter of bequests which concerned those religious tenets.

The long established view which had obtained in our English Law Courts was that offerings for Masses were to be regarded as "void" because they were tainted with superstition and for superstitious uses. Fortunately this is now a view of the past and it is consoled to reflect that our English Law has been thus brought into line with that of our Overseas Dominions abroad and of Ireland our Sister country. It is a fact that the English Common Law had never placed any veto upon such bequests which, anterior to the Reformation, were of constant occurrence, but the statutes of Uniformity in the years 1549 and 1559 which tried to abolish the Mass as an illegal rite with them the consequences that bequests for Masses were contrary to Law and unable to take effect.

In 1832, Roman Catholics emerged from penal times and were placed by Statute in a fairer and better position. They then received similar treatment in regard to their churches and schools to that of Protestant dissenting bodies in the land. It seemed only proper and right, therefore, that any bequests of Catholics for the purpose of Masses should have the full force of legal sanction. The duty, however, taken in the Law Courts that such bequests were void as "superstitious" and to change such a view it became a necessity of the case either that the Legislature should frame an Act or that a decision should be obtained from the House of Lords. Now at length, after many days' owing mainly to Cardinal Bourne's recent most fortunate action in the House of Lords this victory has been secured. In future Roman Catholics may without let or hindrance leave money for the spiritual purpose of securing a happy release for their souls from Purgatory by bequests for Masses to be celebrated with the desire to obtain God's mercy and a remission of punishment. Their intentions in this respect will no longer be set aside as "superstitious" and rendered abortive.

The Statutes which forbade the bequests of money for "obits" and bequests for the dead were of Tudor manufacture and belong to the Reformation period. A Statute (23 Henry VIII, Chap 10) passed in 1531 prohibited trusts of hereditaments to the use of Parish Churches and Chapels for the purpose of having "obits" or annual funeral services performed beyond a period of 20 years. The limitation in a point of time establishes the fact that apart from the Statute the trusts were legal and recognized. Subsequently a Statute (Edward VI, c. 14) known as the "Statute of Chantries" was passed in 1547 which effectually confiscated to the Crown monies left by testators to secure the saying of Masses for the dead.

effect of this Statute on bequests to superstitious uses the legal writer, Mr. Boyle says: "In truth, however, the illegality of this kind of bequest seems attributable not so much to the Statute in question as to the entire scheme of the Reformation." There was little difficulty in the tradition of such a view being perpetuated after the Statutes of Uniformity in 1549 and 1559 were passed; for these made the Mass an illegal thing and consequently gifts of money to be used for the purpose of Masses shared the same taint of illegality.

THE CHANGE IN 1832 IN FAVOR OF ROMAN CATHOLICS The long career of penalisation which followed the Reformation had made Catholics grow accustomed to suffer for their religious tenets and seeing that it was an offence even to be present at the Holy Sacrifice they could hardly expect that bequests for Masses would find in the eyes of the Law any sort of toleration. This lasted for a long period until a brighter era seemed to dawn for Catholics when the Act known as the Roman Catholic Act was passed in 1829. An Act for the better securing the charitable donations and bequests of His Majesty's subjects in Great Britain professing the Roman Catholic Religion.

The Statute was passed in 1832 and had for its object to place Catholics in the same position as Protestant Dissenters. No longer was Catholicism a proscribed religion. No longer was it deemed an offence for a considerable section of the English community that professed the Roman Catholic Religion to worship in accordance with their religious convictions. Holy Masses could be celebrated openly and Catholics possessed full power to act as they wished in regard to their buildings and churches. Their profession of Faith being no longer regarded as superstitious. Catholics had every reason to believe that the bequests for Masses for the dead (which so many were prepared to make in lifetime on their deathbeds) would receive due legal recognition.

In 1835, only two years after the passing of this Act, the case of West v. Shutelesworth (2 My and K. 684) dealt a blow to this very natural supposition on their part. In this matter, Lord Cottenham delivered judgment. The case was concerned with a testator who had bequeathed certain sums for Masses for the repose of her soul and other monies for the spiritual propagation of the Catholic Faith amongst the poor people of her home district. The Lord Chancellor decided that the bequest for Masses was void; but allowed as legal the bequests for maintenance of a religion which he held to be beneficial. Our present Lord Chancellor, Lord Birkenhead, in alluding to this case has pointed out how inconsistent and paradoxical such a view seems at the present day to him. All the same Lord Cottenham's judgment has been followed and adopted as a precedent since 1838 in several important cases; though it has not escaped severe criticism at times. The Master of the Rolls (Lord Romilly) in the case of Re Michie (28 Be. p. 39) remarked: "I have always felt this difficult; so far as relates to these places of religious worship and the property held therewith, Roman Catholics and Jews are now placed in the same position as Protestant Dissenters; and if it be part of the forms of their religion that prayers should be said for the benefit of the souls of deceased persons it would be difficult to say that as a religious ceremony practised by a dissenting class of religionists it could be deemed superstitious in the legal sense in which those words were used prior to the passing of the Statute in question which practically have authorized them."

In view of all I have said it certainly argues well for the large-mindedness of the present Lord Chancellor that he should have had the manliness to courageously reverse his own decision over several generations. His actual words are worthy of quotation. "If his view was well founded (said Lord Birkenhead) citizens of this country had for generations mistakenly held themselves precluded from making these dispositions. He could not conceive that it was his function as a judge of the Supreme Appellate Court of this country to perpetuate error in a matter of this kind. The proposition crudely stated amounted to this, that because members of the Roman Catholic faith had wrongly supposed for a long period of time that a certain disposition of their property was unlawful and had abstained from making it their Lordships who were empowered and bound to declare the law, should refuse to other members of that Church the reassurance and the relief to which their view of the law entitled them. He could not and would not be a party to such a proposal. The conclusion therefore as far as he was concerned was that a gift for Masses for the souls of the dead ceased to be impressed with the stamp of superstitious use when Roman Catholicism was again permitted to be openly professed in this country and that henceforth it could not be deemed illegal."

A majority of the judges in the House of Lords uphold the view of the Lord Chancellor but Lord Wrenbury delivered a dissenting judgment. His argument amounted to a vain fear that to reverse Lord Cottenham would be to err against Public Policy, the House of Lords dislik-

WILSON'S FLY PADS

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ing to interfere with views which had prevailed for several generations. Such scruples may be set aside if as Lord Birkenhead advised his brother Judges they will give free scope to the legal maxim "Cessante ratione cessat lex." In the view of the Lord Chancellor the cumulative effect of the various Emancipation Acts was to remove from the doctrines of the Roman Catholic Faith every stigma of illegality. Gifts inter vivos or by will might now be made to build a Roman Catholic Church or to erect an altar. He was content that his decision should not involve their Lordships in the absurdity that a Roman Catholic citizen of this country might legally endow an altar for the Roman Catholic community; but might not provide funds for the administration of that Sacrament which was fundamental in the belief of Roman Catholics and without which the Church and the altar would alike be useless.

I may conclude by remarking that bequests for Masses were never prohibited in Ireland nor are they by the Laws of our overseas dominions, nor again by the United States Legislature. There is little doubt that they would never have been so in the Mother Country but for the prejudice against that ancient Faith which the Tudor sovereigns wrested from the people of England.

We Catholics may well rejoice that the days of bigotry seem to be numbered and it is a real source of gratification that this last remnant of bigotry in regard to bequests for Masses is no longer sanctioned by English Law.

Our thanks are primarily due to Cardinal Bourne who as head of our Catholic community in England was wise enough to seize the excellent opportunity afforded by certain substantial bequests for Masses left by the late Mr. Edward Egan in 1917 to raise the important question of their validity.

His Eminence has not appealed for justice in vain. A tribute of praise is also due to Mr. Frank Russell, K. C., the able advocate who placed our Catholic cause before the Judges on three different occasions with the skill and eloquence we might expect to find in the son of so illustrious a father as the late Lord Russell, of Killowen, our first Catholic Chief Justice of England since the Reformation.

THE SINGING SOLDIER

Catholic Sun

The following poem by Joyce Kilmer was written on the marching line and while it lacks the usual delicate trimming, it is typical of the spirit that kept the army in fine feeling. It was included in a letter which tells something of Joyce Kilmer's life in the army.

"The poem which I inclose tells its own story and tells it vividly and truly. There was a four day march from Grans, to Longgan, Haute Marne, from December 26 to 29, 1917, that was hell. Many of the 165th (old 69th) had been in the snow. For two of the four days a blizzard raged. Travel could not have been more difficult. At the rest periods men would fall in their tracks and have to be lifted to their feet again when the word came to resume the march. The supply wagons and kitchens fell behind in the drifts, and a crust of bread and an cup of coffee might be the fare for an entire day of this sort of hiking.

way, Joyce became indignant. He'd stick it to the bitter end if it killed him. And never a complaint from him. One could see how tired he was as one never learned it from the man himself."

THE SINGING SOLDIER

Before we knew Ancerville, the Parroy Woods, or Rouge Bouquet, We took a little Winter walk, about a hundred miles; And when we all were frozen through, and hungry, sick, lame, and blue A man named Harvey used to sing to summon back our smiles.

"In the good old summertime—" How we yelled that ancient rhyme Marching through a blizzard with a mountain yet to climb The snow was up above our knees, and the wind, it was a crime, But we made the Vosges re-echo with "The Good Old Summertime."

We were a dismal sight to see, the day we marched to Semilly, And none of us desires to hike to Dancourt again. But we all sat, good-by to ease, when Harvey set "The Old Gray Mare" A-ringing down the column of five thousand marching men. We sang that Rabelaisian ballad cheerily. Nor marching wearily, "Oh, 'The Old Gray Mare'" it raised our spirits afeely.

When we sang it on the road to Longgan, So old man Harvey made us roar it out again, Give it with a shout again. Echoing about again. And "The Old Gray Mare" it made us brave and stout again

CHURCH'S TESTIMONY TO TRUTH

"What strikes one first is the magnificent testimony of the Church of Rome to the inviolability of Truth." That is the whole-hearted tribute paid us by the Rev. Mr. Robert Keable, a High Church chaplain who accompanied to France a regiment of black soldiers from Eastland, South Africa, and who has lately published a volume called "Standing By," which is one of the most notable books the War has produced. His liturgical predilections have of course made him a close scrutinizor of Catholic life and practices in the war-zone, and he thus sums up the impressions he received of the Church's uncompromising character.

"No tricker with heretics because of the holiness and undividedness of Truth—that is the attitude of the Catholic Church. And whatever else we say, let us express our enormous obligation for such testimony. Looking back over the last three centuries, how, if it had not been for Rome, should we still have had a voice amongst us to say that Truth and Purity are sisters? That if a doctrine is a revelation of the mind of Christ, neither death nor life, nor angel, nor principalities, nor things present, nor things to come, nor power, nor height, nor depth, nor any other creature, must be allowed to separate from it—this is her age-long witness. It is magnificent. It is almost incredible. It is all but a final proof of her Divine claim, for unquestionably it is a rock upon which one dashes one's self to pieces or by which one is ground to powder. . . . I wish we all admitted more freely that no one sets the true value on gold more resolutely and unflinchingly than Rome. No other community would sooner her children went unfed by ministries at all that be fed by other than her own."

Contrasting with the Church's unyielding attitude the chaotic state to which three centuries of compromises have brought the Establishment, the author quite despatches Anglicanism. "Lloyd George appointing Hensley Henson to the episcopal succession, and Dan Inge preaching the sermon, strikes me as one of the most comic things that could possibly happen," is an opinion that Mr. Keable shares, and as for the other Protestants he finds real Christianity preached in very few of them. From the testimony of such candid, observant men as the author of "Standing By" and from that of the chaplains, Catholic and Protestant—who have returned from the front, it would appear that

the religious world of tomorrow will be divided into two great camps, one composed of those who accept an undogmatic, social-service religion of which the Y. M. C. A. is the familiar type, and the other made up of those logical Christians who realize that only in the Church built on Peter have "Truth and Purity" always remained inviolable.—America.

Let us calmly, gracefully, sweetly, joyously go forth to fulfill our various offices; and in a subdued, peaceful and happy temper to encounter our trials. So shall largeness of mind, abhorrence of strife, clemency of criticism, absence of suspicion, tenderness of compassion and love of the brotherhood be to us a tower of strength and a fount of consolation now, in death, and in the day of eternity.—Cardinal Newman.

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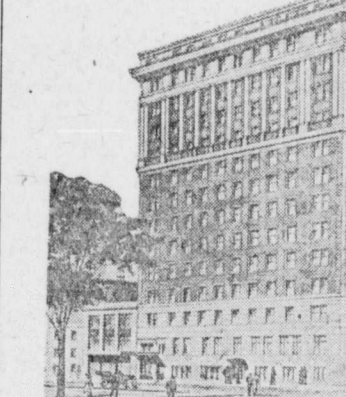
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