

The Church Guardian

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Special Notice.

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CALENDAR FOR SEPTEMBER.

- SEPT. 4th—13th Sunday after Trinity.
 " 18th—14th Sunday after Trinity.
 " 18th—15th Sunday after Trinity. [Notice of St. Matthew and Ember Days.
 " 21st—ST. MATTHEW.
 " 21st }
 " 23rd } EMBER DAYS.
 " 24th }
 " 25th—16th Sunday after Trinity. [Notice of St. Michael and All Angels.
 " 29th—St. Michael and All Angels.

MARRIAGE OF DIVORCED PERSONS.

From the Journal of the 4th session of the Synod of the Diocese of Qu'Appelle (only just to hand), we take the following remarks of the Lord Bishop of that Diocese, (the Right Rev. and Right Honorable Dr. Anson), on this most important subject, commending it to the careful perusal of the Clergy and laity of this Ecclesiastical Province.

There was one subject, the consideration of which was postponed from last year by my casting vote, which I think it is right that I should say a few words to you upon it as it is a question of very grave importance, and our position with regard to it seems to be a little misunderstood. I mean the clause in the proposed Canon on Marriage relating to the re-marriage of divorced persons.

In the general discussion on the proposed Canon, last year, the question was raised, "If certain things are already the law of the Church, why is it necessary to reiterate such laws in our Canons?" The discussion itself, I think, amply proved the need. Even when laws exist they may not be as generally known as they ought to be, or they may be misunderstood. This is especially the case where Church law and order and civil ordinances relate to the same subjects, but do not coincide. There are many persons who seem to think that because the State makes laws with regard to Marriage, the Church is bound to accept those laws not only as the general laws of the country, which of course she does, but as laws for her own people. *This is to forget that marriage has a double aspect.* It may be regarded as a mere civil contract between man and woman, or as a religious bond. There was a time when in Christian countries, the Church, being practically coextensive with the State, the civil authority was content to receive its laws on a subject which it owned to belong chiefly to the province of the spiritual relationship of men, from the Church. But now that this is no longer the case, and since the State has to legislate for those who are not even Christians, it

may be necessary that the laws it makes relating to marriage should be wide enough to embrace those who regard it only as a civil contract. In so doing, however, the State does not, nor can it, presume to dictate to religious bodies, who regard marriage as more than a civil contract—a spiritual bond,—what is to determine the marriage laws of their members so long as such laws do not interfere with the general morality of the commonwealth. If the State should ever presume to attempt to impose on the Church, laws on the subject contrary to those which she believes she has received from God, it would be clearly the duty of those who are responsible for the execution of her laws to answer at all costs. "We must obey God rather than man." But the State has not attempted to do so. Whether when the civil power legalises marriage with a deceased wife's sister, or allows divorce so that the divorced may be re-marry, it goes beyond its province, I will not now discuss. I only maintain that in so doing it has not attempted to alter the law of the Church for her members on these subjects—it has simply dealt with marriage as a civil contract.

Has, then, the Church any definite law, independent of the civil power, on the subject of divorce, and what is that law? Undoubtedly the Church has a very clear and definite law on this subject, and it is contained in those words of our Lord, which are solemnly recited every time a marriage is celebrated, "Those whom God hath joined together, let no man" [no human authority] "put asunder." Marriage has always been regarded in the Christian Church as a holy ordinance, making, in a deep mystery, of twain one flesh—a union indissoluble except by death. "Wherefore they are no more twain—but one flesh." It might have been thought that our Lord's words, "Every one that putteth away his wife and marrieth another committeth adultery, and every one that marrieth a divorced woman committeth adultery," would have been sufficiently distinct to have settled the question for those who own Christ as their Master. But, it is asked, has not He himself expressly allowed of one exception in His words, as recorded in the 19th chapter of the Gospel according to St. Matthew, "I say unto you, that whosoever shall put away his wife, except for the cause of fornication, and shall marry another, committeth adultery." We must take these words in conjunction with what He said at another time, as recorded in the 5th chapter of the same Gospel, "Whosoever shall put away his wife, except for the cause of fornication, causeth her to commit adultery; and whosoever shall marry her that is divorced committeth adultery." Now, it is to be noted that our Lord, in both passages, uses two words "fornication," and "adultery," the former of which is strictly used of the sin of unmarried persons, and the latter of the infidelity of the married. It would seem, therefore, that the exceptions of which He spoke as rendering divorce allowable, was sin previous to marriage, which made the contract from the beginning null and void, rather than sin after marriage. But even if this were not so, it is absolutely clear from these very words that the re-marriage of a divorced woman was not to be allowed. "He who marries a divorced woman" [He admits no exception to this clause,] "commits adultery." And, mark, this clause extends to the innocent as well as to the guilty. Adultery, is having another's wife or husband while the other is still living; therefore, if he who marries a divorced woman is guilty of adultery, it must be because the divorce has not so absolutely separated them that they have ceased to be man and wife. But our Lord's words, as recorded in the 10th chapter of St. Mark, makes this still clearer: "Whosoever shall put away his wife and marry another, committeth adultery against her. And if a woman shall put away her husband, and be married to another, she committeth adultery." According to the law of Christ, then, there may be one cause making divorce permissible; but there is certainly no pretext whatever for saying that His

words sanction the marriage of either man or woman to another while the wife or husband with whom they have once been made "one flesh" is still alive. It may be true that the question of the divorce of Christian persons, "for the cause of adultery," has never been absolutely forbidden by the Church universal, and that the question has been in the early and medieval Church variously resolved by different local Churches and doctors; but there can be no doubt whatever as to the mind and decision of our branch of the Church on the subject, especially since the Reformation. As a learned writer has lately well said, for the Church in any way to sanction or to condone the re-marriage of a divorced person would be "the first retrograde step in regard to Holy Matrimony taken by the Church of England since the Reformation."

Few realise how lately has even the State at least in England assumed the power to grant divorces. "Previous to the year 1857 no power to grant divorces, a vinculo matrimonii, so as to allow the subsequent re-marriage of the divorced parties was claimed or exercised either by the ecclesiastical or by the civil courts of England." [An articulus cleri of Convocation in 1886.] Lord Chancellor Cranworth in the debate in the House of Lords, in 1856, said, "A divorce properly so-called, such as would enable the parties to marry again, was entirely unknown to the law of England." This sufficiently shows what was and is the mind of the Church on the subject. In the Report of a Committee of the Convocation of Canterbury on the Marriage Laws, presented in 1883, it is said, "Not only does the Church in the Office for the Solemnization of Matrimony, and in the Canons of 1604 (cv. to cviii.), speak of matrimony, if legally contracted, as indissoluble, except by death; but, also (as Blackstone in his 'Commentaries' says, 'The Canon Law deems so highly and with such mysterious reverence of the nuptial tie that would not allow it to be unloosed for any cause that arose after the union is made.' It is true that Parliament claimed and exercised a power to override both the Canon and Common Law as early as 1551, but more especially since 1701; but, as Phillimore has well pointed out in his book on Ecclesiastical Law, 'The necessity of procuring an Act of Parliament for a divorce in each separate case proved that the Common Law of England, till very recently, did not allow persons to be divorced but treated the marriage bond as indissoluble.' And can it be said that the relaxation of that law that has taken place in various countries during the last thirty years has tended to increased morality or family happiness? Alas! there is a very terrible witness the other way. There is no country, I suppose, where divorce is more easily obtained than among our neighbors in the States, and what has been the result? In 1882, it was stated that the ratio of divorces to marriages, excluding Roman Catholics, had reached the awful proportion, in Massachusetts, of one to every fourteen; in Connecticut, of one to every eight. Let me quote the words of one who certainly cannot be said to have any ecclesiastical prejudices. Dr. Talmage, in a sermon preached last year, said, "New England, by many considered the most moral part of this country, has 2,000 divorces a year. Massachusetts, the headquarters of steady habits, has one divorce for every fourteen marriages. The State of Maine, by many considered to be very high in propriety, has 478 divorces in a year. In Connecticut, there are women who boast that they have been divorced three or four times." He adds, "Protestantism is worse in this respect, than Roman Catholicism. Protestantism has anything and everything as an excuse for divorce, while Catholicism has only the excuse that Christ admitted. In proportion as Protestants are numerous in a community, divorce is prominent. I have all these facts substantiated, and I ask you, with such a condition, does not Protestantism need toning up?" This is, indeed, a severe indictment against Protestantism by one of its chief leaders; but we may be