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THE TRUE WITNESS AND CATHOLIC CHRONICLE.

MONTREAL, FRIDAY, APRIL 1, 1853.

NEWS OF THE WEEK.

The Parliamentary news by the Asia is of little importance. There has been an interesting debate in the House of Lords, on the political refugees in England, during the course of which Lord Aberdeen declared that it was the intention of Her Majesty's Government to prosecute "any parties against whom a cause sufficient to justify legal proceedings should be made out." His Lordship very properly stigmatized the rascally tools of Mazzini at Milan as "assassins disguised as patriots." The report of Mazzini's escape from Genoa in a British frigate has not been confirmed; it is believed that he is skulking somewhere in Switzerland out of the way of the danger to which his silly dupes are exposed.—Lord Winchelsea has postponed his Maynooth motion until the 14th inst. In the Commons, Mr. Napier has given notice of his intention to stir up the Sismilebridge business. By the Franklin steamer we learn that the further consideration of the Canada Clergy Reserves Bill will be postponed until after Easter.

It is now confidently asserted that the Pope has consented to assist at the coronation of the Emperor Napoleon, which is expected to take place about the middle of next month. It is hinted also that there are prospects of the Empress presenting the nation with an heir to the Imperial throne. A great political demonstration, upon the occasion of the interment of Made. Raspail, wife of the notorious State prisoner, is said to have occurred in Paris on the 13th ult.; the military were on the alert, and no violation of the peace occurred. The accounts from Vienna represent the health of the young Emperor as perfectly restored; it is hinted, however, that his nervous system has received a severe shock, and that tears are entertained for his intellect. Gen. Haynau, the same who was mobbed by the rabble in London, has lately died at Vienna.

DR. ROLPH'S MARRIAGE BILL.

"Siquis dixerit, causas matrimoniales non spectare ad iudices ecclesiasticos; anathema sit."—*Conc. Trid. Sess. 24, Can. 22.*

It is far easier for Protestants to find fault with the details of this Bill, and to accuse its author of socialistic, and irreligious, designs, than to point out a remedy for the one, or to substantiate the charges against the other. That it contains provisions, that it recognises a principle, repugnant to the feelings of Catholics, and irreconcilable with the doctrines and discipline of the Church—that in practice it is likely to prove injurious, to society, to the Christian family, and therefore subversive of all morality, is most undoubtedly true. But it is not fair to hold Dr. Rolph individually responsible for all the evil consequences of a measure which, after all, is thoroughly Non-Catholic, or Protestant, in all its features; which is conceived in the genuine spirit of Protestantism; and whose provisions, repugnant to Catholics, are for that very reason, in the strictest harmony with the declared opinions of the great majority of the Non-Catholic, or Protestant, world. Evil though the measure may be, it is but the inevitable consequence of the great apostasy and rebellion of the XVI century; which, commencing with a Protest against the authority of the Church, Protested, in the XVII and XVIII centuries, against the authority both of Church and State, and now in the XIX century Protests against, the Church, the State, and the Family. For this, not Dr. Rolph, but Dr. Martin Luther is to blame; the former has but embodied in his Bill some of the least objectionable of the teachings of the latter; and if the Member for Norfolk proposes that, henceforward, marriage as a mere civil contract shall be valid in law," he has not, like the Monk of Wittenburg, and his evangelical colleagues, expressly sanctioned the practice of polygamy, or offended Canadian society by any of those obscenities, which the great Apostle of Protestantism was so fond of forcing upon the notice of his chaste German audience.

Dr. Rolph's Bill, the blessings of which are for the present, to be restricted to Upper Canada, is intended as a measure of relief to the tender consciences of a great number of Protestants, who, looking upon marriage as merely a civil contract, complain of being compelled to solemnise their sexual unions with religious formalities. It recognises the validity, before the law, of marriage as a civil contract, such contract being entered into, in the presence of two witnesses, and before—"any Minister, Priest, Pastor, Religious Teacher, recognised by any Church, or Religious Denomination;" or before "a Mayor, or Alderman, of any City or Town—the Judge, or any County Court—Warden of any City Council, or Reeve of a Township." It imposes penalties, upon parties contracting who shall make false statements, and upon persons knowingly receiving, or registering, illegal contracts; but it neither enforces, nor prohibits, "any religious rites or ceremonies" which the contracting parties may deem requisite, provided the contract be made and registered in the manner, by the Act, prescribed. Such in substance, is Dr. Rolph's Marriage Bill.

Catholics cannot be expected to look favorably upon such a project of law. With Catholics, marriage is not, and no amount of human legislation can ever make it, a mere civil contract. They know, that Christian marriage—in which alone amongst baptised persons, the union of the sexes is chaste and holy—is a Sacramental union; that it is this that constitutes the essential difference betwixt a conjugal union, and mere sexual intercourse—betwixt the marriage bed, pure and undefiled, and the harlot's couch—betwixt the Holy State of Matrimony, and a state of beastly lust, and filthy concubinage. But though teaching that amongst baptised persons that union of the sexes only is true marriage, which is a Sacramental union, the Church does not teach that the presence of a Priest, or the performance by him of any sacred rites, is always, everywhere, and under all circumstances, indispensably requisite. Where, for instance, the decrees of the 24th Session of the Council of Trent have not been promulgated, a binding marriage may be contracted without the presence of the Catholic Priest, though clandestine unions are always held in abhorrence by the Catholic Church. Neither does the Church refuse to acknowledge the validity of the unions of any baptised persons, when no impediments exist, and whose mutual consent to the matrimonial union, is fully and in good faith, inwardly given, and outwardly, intelligibly expressed. Such unions—though contracted by Protestants,—the Church looks upon, as valid, and chaste unions, and therefore indissoluble—wanting, indeed, in many of those special graces which her prayers, and benedictions draw down upon the unions of her children, but still as valid marriages, so long as not wanting in the two essential conditions—the presence of the mutual consent of the contracting parties, and the absence of any impediments to their union; for where the former is not, or where the latter are, no true marriage can be contracted.

Now Dr. Rolph's Bill is objectionable in the eyes of Catholics, not in that it dispenses with the services of the Protestant minister, but because it professes to recognise in marriage merely a civil contract; thus placing the State in irreconcilable antagonism with the Church, upon a question of vital importance to society. For, if marriage be only a civil contract, then like all other mere civil contracts, it must be dissoluble by the mutual consent of the contracting parties: the State can have no right to compel the observance of a mere civil contract which the contracting parties are themselves willing to annul. It is only upon the hypothesis that, the marriage union of the sexes is from God, and by God, and therefore something more than a mere civil contract that the indissolubleness of that union can be asserted; where He is ignored, where marriage is not looked upon as from Him, and by Him, there may be sexual intercourse, regulated, and limited by Statute, but there can be no true Christian marriage, because no indissoluble union of the sexes; for, though man may not put asunder what God hath joined together, yet there can be no reason why man should not put asunder what man only hath joined together. One inevitable consequence therefore of recognising in marriage only a civil contract, must be the recognition of the unlimited right of divorce at the pleasure of the contracting parties; thus, no man capable of reasoning logically, can deny. Neither do we see how it is possible to assert that marriage, or the union of the sexes, is a "mere civil contract," without, by implication at least, asserting the right of polygamy. Polygamy can only be wrong upon the hypothesis that it is prohibited by Divine law; but if prohibited by Divine law, then is the union of the sexes a matter of Divine arrangement: a Divine, and not a mere human, institution, and therefore something more than a "mere civil contract." For the words "mere civil contract" are rather negative than positive; they do not so much assert anything, as deny something; and that which they deny is the divine institution of marriage, or that the union of the sexes is the subject of positive, divine, legislation.

Again, an essential condition of all "mere civil contracts" is, that the contracting parties alone shall determine upon the terms of the contract; the duty of the State being simply to compel the observance of those terms, until annulled by the mutual consent of the parties contracting. Jones and Smith enter into partnership in the dry goods line, draw up a mutual agreement, and commence business; by mutual consent they determine to take Brown into partnership, and modify their previous contract accordingly. This they have an undoubted right to do, because their partnership, or union, is a "mere civil contract," and nothing more. Now, if the contracting parties to a marriage union have not the same right, as had Smith and Jones, it must be because, somehow or other, their contract is not of the same nature as that of our enterprising dry-goods friends; but the contract of the latter was a "mere civil contract: the marriage contract must therefore, somehow or other, be essentially different from, and therefore, not the same as, a "mere civil contract;" unless indeed, of contraries, both may be, not only true, but identically the same: which can only hold good in Protestant logic. Thus the logical advocates of marriage as a "mere civil contract," must admit the right of divorce, and of polygamy, at the pleasure of the contracting parties; and thus it is that, of all Protestant sects, the Mormonites approve themselves the most consistent in practice, as they are the most logical in argument; they cite too the example of Abraham, and the Patriarchs, and that's Scripture, and no mistake.

But this Bill also threatens to put restrictions upon the Catholic Priest in the execution of his sacred functions, and to interfere with the discipline of the Catholic Church. We will suppose a case, by no means an improbable one. Mr. A. and Miss B. Catholics, resident in a parish in which the decrees of the Council of Trent have been promulgated, contract marriage in accordance with the

provisions of Dr. Rolph's Bill: in the eye of the law such a union would be valid, but in the eye of the Church it would be nothing but a sacrilegious concubinage: the State would enjoin the parties to live together—the Church would command them to separate immediately. Here again State and Church would be in direct opposition; and most assuredly the Church would not yield—no, not one inch. Still more serious would that opposition become should either Mr. A. or Miss B. submit to the Church, and separate, from his, or her, paramour. The Church, of course, would treat the ceremony gone through before the magistrate, or minister, as a nullity, and looking upon the parties as perfectly free to contract other, and legitimate unions, might, in the person of the Priest, solemnise the marriage, either of Mr. B. with another woman, or of Miss B. with another man. These unions the State would treat as bigamy; and the officiating Priest would be liable to the pains and penalties denounced against persons receiving illegal contracts. Dr. Rolph's Bill does not provide for this, by no means improbable, contingency; and yet Dr. Rolph ought to know enough of the past history of the Church, and of what is going on at the present day in Europe, to be aware that she will never allow the State to dictate to her, and that she will always treat the interference of human legislators with profound contempt. He had better therefore, if he wishes to avoid a collision betwixt the Catholic Church, and the Civil power, amend his Bill, and expressly declare that Catholics, Catholic ecclesiastics especially, shall not be supposed to be subject to those provisions, which impose penalties upon persons receiving illegal contracts. Dr. Rolph does well to remove all existing restrictions, in the way of Non-Catholics contracting legal sexual unions; but neither he, nor any human authority, has the right to threaten pains and penalties to a Catholic Priest for merely exercising his purely spiritual functions.

Here then are three reasons why Catholics must object to Dr. Rolph's Bill. 1st. It degrades marriage to the level of a mere civil contract, or human institution. 2nd. It professes to recognise, and to compel the Church to recognise, as lawful marriages, unions which the Church has long ago declared to be sacrilegious and infamous. 3rd. It thus threatens to lead to serious collision betwixt the Spiritual and Civil authorities, by imposing penalties upon the Priest who shall solemnise certain marriages which the State pronounces illegal, but which the supreme authority of the Church pronounces perfectly legitimate. To the other clauses of the Bill, in so far as they affect only Protestant marriages, or declare a union contracted before a Mayor or Alderman as valid as if contracted before the Presbyterian, Anglican, or Methodist Minister, the Catholic attaches no importance. A Protestant marriage derives its validity, not from any act of, or any ecclesiastical virtue residing in, the person before whom it is contracted, but solely from the mutual consent of the contracting parties, and the absence of any impediment to their union. As before the Catholic Church, Mayors and Aldermen, Anglican Bishops, and Justices of the Peace, Methodist Ministers and "Reeves of Townships," are all alike mere laymen, alike destitute of any ecclesiastical status or spiritual character, and are therefore all alike incapable of exercising any ecclesiastical or spiritual functions, or of imparting the slightest religious sanction, validity, or obligation to the union contracted in their presence. To the Catholic therefore it is a matter of perfect indifference, whether that union be contracted before a Bench of Magistrates, or a Synod of Presbyterian ministers—whether it be solemnised before a Dum-Bailiff, or a Protestant Archbishop of Canterbury: neither one nor the other can by their presence, or in virtue of any act by them performed, add one iota to the sanctity of the union so contracted: they may assist as good and respectable witnesses, but in no higher, or more sacred, capacity.

But, as we said at the commencement, it is far easier for Protestants to criticise, than to improve Dr. Rolph's Bill. We do not profess to be able to point out how it can be remedied, still it does seem to us a most glaring inconsistency that Protestants should presume to legislate upon the union of the sexes at all. If that union be a "mere civil contract," then has the State no more right to interfere with it, to regulate, or limit it, than it has to prescribe the terms of any other "mere civil contract," or to lay down conditions for, and place restrictions upon, contracts in lard or potash, superfine flour or molasses. The dealers in these commodities are left free to arrange the terms of their own contracts; and if the union of the sexes be but a contract of the same nature, it is a piece of ridiculous impertinence on the part of our little great men in office, to legislate upon it at all, beyond merely removing all existing impediments, or restrictions, in the way of making that contract. Had Dr. Rolph's Bill confined itself to this—did it only profess to relieve that numerous class of Non-Catholics, who look upon marriage as merely a civil contract, and who have conscientious scruples against employing a Priest, or Protestant minister at their weddings, from the necessity of celebrating their unions with religious ceremonies, we should have held our peace. But as we have shown, it does more; it it removes one burden from Non-Catholics, it imposes another burden upon Catholics—by compelling the Priests of the Church, under certain circumstances, to recognise as a valid marriage, a mere sacrilegious concubinage—threatening him with pains and penalties if he officiates at the marriage of parties, whom the Church looks upon as single, but whom, Dr. Rolph's Bill declares to be validly married. To this burden the Church will not submit: she will never recognise unions which she has once pronounced impure, and sacrilegious, as valid marriages; the contracting parties to such unions will always, as before her, be unmarried, and

therefore free to contract fresh unions; unions which she will, if she sees good, solemnise and bless, in spite of all the Bills that a Dr. Rolph may introduce, or any human legislature pass.

DO CATHOLICS EXPUNGE THE SECOND COMMANDMENT FROM THE DECALOGUE?

We feel that in replying to this question we owe an apology to our Catholic readers for stooping to notice such a silly charge, one so often refuted, and the falsity of which has been repeatedly admitted by all honest, and well-informed, Protestants. However, as a writer in the *Quebec Morning Chronicle*, signing himself "W. B. Clark,"—whose letter has also been reproduced in the *Montreal Witness*—has thought fit to reiterate the stale calumny; and as charity bids us believe that "W. B. Clark" has sinned, more through ignorance, than malice, we will offer him a word or two in explanation of the mare's nest that he fancies he has discovered in a little catechism for children, published in Ireland with the sanction of the Most Rev. Dr. Reilly.

"Do Catholics expunge the Second Commandment from the Decalogue?" To answer this question, we must first ascertain—which is the *Second* Commandment. That the Lord gave unto Moses on the Mount, "Ten Commandments," we know from *Deut. iv. 13*; we know also that these Commandments are contained in the xx. c. of Exodus, and in the v. c. of Deuteronomy. But neither in Exodus, nor in Deuteronomy, are we told how the "ten words" that He wrote in two tables of stone, should be divided; and we suppose we need hardly inform a Biblical scholar like "W. B. Clark," that the modern division of the sacred text into chapters and verses can throw no light upon the subject, that arrangement not having been introduced until many long centuries after the promulgation of the Law upon Mount Sinai. We have therefore, if we reject the authority of the Church, no means of distinguishing the first from the second, or the second from the third, Commandment, except by the meaning of the context. To this we must appeal; and "W. B. Clark" has no more right to assume that his method of dividing the precepts contained in the Decalogue is the proper method, than we have to assume the correctness of ours.

According to the Catholic division of the Decalogue, a distinct duty is enjoined, and a distinct sin is prohibited, in each one of its separate precepts.—By the first precept, extending from the commencement of the third, to the end of the sixth verse, the duty of worshipping the true God is enjoined, and the sin of idolatry—that is, of giving to any creature, the honor due only to Creator—is prohibited; by the second precept, the taking of the name of the Lord in vain is prohibited; by the third, the observance of the Sabbath is enjoined; and, as by the sixth and seventh, adultery and theft—two distinct crimes—are prohibited, so, by the ninth and tenth—listing after another man's wife, and dishonestly coveting another man's goods—two crimes as distinct from one another as adultery is from theft—are forbidden. This mode of division is also that which has always the most generally obtained. By the constant, and uniform tradition of the Jewish Church, before, and since, the Christian era, the whole passage from, Exodus xx. c. 3 v., to the end of the 6 v., is included under one head, as forming one Commandment only—against idolatry. And here we may mention a constant tradition amongst the Israelites which accounts for the sudden transition in the text, after the 6 v., from the first, to the third, person. The children of Israel in an agony of terror at the terrible accents of the Lord's voice, implored Him to speak to them through Moses, instead of addressing them directly; it is to this tradition that the Jews of the present day appeal in support of their mode of dividing the Decalogue. Not only the Jews, but almost all the ancient Fathers, and the whole of Christendom, have approved of the present Catholic division of the Decalogue, in so far as regards her arrangement of the first Commandment; even in the Church of England, for some time after its apostasy, the same method obtained. We have now before us a copy of the Anglican Catechism, as arranged by the heretic Crammer, and published by Gwalterus Lynne, A.D. 1548; in it we find the "Ten Commandments" thus set forth:—

"THE FIRST.—
"I am the Lord thy God, thou shalt have none other Goddes but me."

"THE SECOND.—
"Thou shalt not take the name," &c.

And the prohibition against lust, is made the subject of a separate Commandment, from that which prohibits the coveting another man's goods. The Catholic mode of division is therefore not only strictly in accordance with the meaning of the context, but it is also supported by the authority of the highest antiquity, and the practice of universal Christendom.

But, perhaps "W. B. Clark" will reply—"If Catholics don't expunge the second, they expunge a great part of the first, Commandment;" and he will cite Dr. Reilly's Catechism above-mentioned, in which the Ten Commandments are thus given:—

"I. I am the Lord thy God, thou shalt have no other God than Me.—II. Thou shalt not take the name of God in vain.—III. Remember thou keep holy the Sabbath day.—IV. Honor thy father and thy mother.—V. Thou shalt not kill.—VI. Thou shalt not commit adultery.—VII. Thou shalt not steal.—VIII. Thou shalt not bear false witness against thy neighbor.—IX. Thou shalt not covet thy neighbor's wife.—X. Thou shalt not covet thy neighbor's goods."

"Is not this evidence, of Popish mutilation of the Word of God?"

No, "W. B. Clark;" for in this Catechism it is not pretended that the words of the sacred text are recorded; it professes to give only a brief summary of the contents of the Decalogue. With equal jus-