

THE CATHOLIC.

QUOD SEMPER, QUOD UBIQUE, QUOD AB OMNIBUS CREDITUM EST.—WHAT ALWAYS, AND EVERY WHERE, AND BY ALL IS BELIEVED.

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From the Catholic Advocate.

MARRIAGE.

We have been recently questioned, by two persons, concerning the following assertion of Blackstone, made in the first volume of his commentaries, marginal page 440:

"The intervention of a priest to solemnize this contract (marriage) is merely *juris positivi*, and not *juris naturalis aut divini*: it being said that Pope Innocent III. was the first to ordain the celebration of marriage in the church; (1) before which it was totally a civil contract."

The annotators of Blackstone are often compelled to point out his incorrect assertions, and to indicate his errors. In the present instance, whether from want of correct information, or from hostility to the Catholic church, he has made a most unfounded and unwarrantable assertion. We presume that he has been led into error by Moore, to whom he refers as authority. Moore himself, may have been led astray, by a misconception of the law regarding marriage, passed by the fourth council of Lateran, and approved by Innocent the Third, which did not, as Moore and Blackstone imagine, first introduce "the intervention of the priest," or altar marriage from a "totally civil" into a religious "contract," but concerned the "publication of bans." The following extract from "Chardon's history of the sacraments," may show the grounds of Blackstone's assertion:

"In the progress of time, the church having thought proper, under pain of nullity, to prohibit marriage to certain persons in the Latin church; a custom prevailed of announcing at the parochial mass, the future marriages of Christians, in order to discover if the parties were subject to any of the canonical prohibitions. This custom, which does not appear to have been ever in use in the Greek church, was received and observed in different provinces of Europe. Cujas (2) says that it was one of very common observance in England. Innocent the Third recognized (3) that it was thus practised in the diocese of Beauvais, in France. We find vestiges of it in the synodal ordinance of Eudes de St. Li, Bishop of Paris, towards the end of the twelfth century. This custom of France and England was found so wise; and so prudently established, that it was approved by Pope Innocent the Third, in the fourth Council of Lateran in 1215. (4) This Pope, by a general law, caused it to be extended to the whole Latin church, since which time all the faithful were obliged to observe it in the west. It was ordained in this assembly, that pastors should, in the church, publish the future marriages of their parishioners, but the days and number of times, for such publications, were not specified."

Such, we suppose, is the ground, upon which Blackstone makes his sweeping assertion, that the "entirely civil contract," was made a sacrament, and "the priest made to intervene," by Pope Innocent the Third. But marriage has been always held a sacrament in the church of Christ. From the earliest date, the faithful were accustomed to ask the benediction of the church upon this contract. Mr. de l'Aubespino, in his "Conferences de Paris," believes "that men applied to the

deacons, and the women, to the deaconesses, in order to propose their marriages to the Bishop and know if he would approve them." He also thinks that these are the mediators of marriage, called by Tertullian, *consiliarii nuptiarum*.

It is a matter of history, that the church, in the first ages, discouraged her children from entering into marriage with Pagans, Jews and Infidels.

St. Ignatius, a disciple of the Apostles, in writing to Polycarp, says, "It is proper for men and women who marry, to enter into this alliance according to the judgment of the Bishop, to the end that marriage may be according to the Lord, and may not proceed from the principle of cupidity."

On such occasions the Bishop or priest did not merely give his advice, but he prayed for the happiness of the parties, and gave them the nuptial benediction.

Tertullian, in the second book addressed to his wife, develops this discipline of the church, saying that the marriage was happy which was made by the mediation of the church. "*Felix connubium, quod Ecclesia conciliat, confirmat oblatio et obsignatum angeli renuntiant.*" According to this early Father, Christian marriages were therefore solemnized by the authority of the church, and with the intervention of the priest, long before the time of Innocent the Third. What does Tertullian mean by the *oblatio* and the *obsignatum angeli renuntiant*? Evidently, that the priest offered up the holy sacrifice, at which the parties contracting marriage, assisted, and made their offering with the faithful, and that their names were particularly mentioned.

This father even uses the following declaration, somewhat extravagant:—"Apud nos nuptiae non prius apud ecclesiam professae, de machia judicari periclitantur." He wished to express the special sanctity of Christian marriages, blessed by the Church, and to give warning to the faithful, how they contracted marriages, of which the Church did not approve.

The fathers are found frequently to speak of the nuptial benediction. Pope Syricius, in his decretal to Himerius (cited by Chardon), uses these words,

"It is a sacrilegious among Christians, by any transgression to violate that benediction, which she, who marries, receives from the priest."

St. Ambrose, in his seventieth epistle, says that marriage ought to be sanctified by the sacerdotal benediction. The fourth council of Carthage makes regulations regarding marriage. Yves of Chartres, and Gratien refer to a decree of Pope Hormisdas forbidding secret marriages.

In a manuscript of the year 900, from the monastery of Gellonius, which contains the missal of Pope Gelasius, may be still seen the prayers usually said at the celebration of marriages.

The practice of solemnizing marriages in presence of the Church, so prevailed, as well in the Eastern as in the Western Church, that clandestine marriages contracted, without the sacerdotal benediction, were considered null. Leo the Philosopher, Alexis Comnenes, and Basil the Macedonian, all gave laws regarding the necessity, for those making this contract, to obtain the sacerdotal benediction. The same was also done by the kings of France.

Because of a sentence in the reply of Pope Nicholas the first, to the consultation of the Bulgarians, which is reported in Gratien, some took occasion to be more re-

miss with regard to the rites of marriage. The Pope, after speaking of and solemn rites used in the Roman Church, and specifying them, said:—"Peccatum autem esse, si haec cuncta in nuptiali federe non intervenciant non dicimus." Relying on this, some pretended, that "the consent of fathers and the sacerdotal benediction" were not necessary, and consequently, that clandestine marriages were valid. The fourth council of Lateran was desirous to repress this abuse of secret marriages, and passed the law to which reference has been made.

But as Pope Nicholas the first, died in 867, his is good testimony, to falsify Blackstone's assertion, that "the intervention of the priest" originated, *jure positivo*, in the time of Innocent the third.

It is not our purpose here to confute the false view taken of the words of Pope Nicholas, who, while not insisting that every matrimonial rite (*haec cuncta*) should be observed at the risk of sin, certainly did not intend to declare "the intervention of the priests" unnecessary for this sacrament. Our present aim is to set forth the falsehood of Blackstone's assertion.

Pope Nicholas I., in the aforementioned reply to the Bulgarians, thus speaks, concerning the parties to be married:

"They conduct them to the Church with the offerings which they are to make to the Lord, by the hands of the priest, and also they receive the benediction and the celestial veil. . . . After this, having gone out of the Church, they carry on their heads crowns, which it is the custom to reserve in the Church."

Ancient rituals might also be referred to, in proof that "the intervention of the priest" was of no late positive legislation, but of immemorial Christian observance.

The practice of asking the blessing of the Church on matrimonial contracts, is one of those venerated Apostolic traditions, which the Church so carefully and solicitously preserves.

QUOTING.—The Boston Olive Branch, a Methodist Protestant paper, quotes as ours a description of the London Bible Society, which is found in the review of Borrow's Bible in Spain, republished by us from the Dublin Review. It were fairer to point to its source, as an editor is not necessarily supposed to adopt every sentiment and expression of long articles which he may copy. However, although the language be strong, it is our own deep conviction that the Bible Society, whatever be the intentions of its authors and supporters, is virtually a league for the destruction of Christianity. To affirm that it is only by putting the Bible into the hands of every individual, Divine truth can be effectually communicated, and the human mind enlightened, is to libel the Divine Author of our Religion, who took no means to supply mankind with Bibles, and left the mass of men for at least seven centuries in the utter impossibility of having this requisite for salvation. The Bible Society, is actively employed in supplying the omission!—*C. Herald.*

PAT-RIOTISM.—W. E. Robinson Esq. in a speech recently delivered in Baltimore, said that even the ridicule cast upon Irishmen was sometimes the highest praise.—Thus the nickname *Pat* was a word of the very best signification. No word beginning with *Pat* in the English language, had a bad meaning. *Pat*-ent applied to something valuable; *Pat*-ernal, means fatherly or kind; *Pat*-riarch, the father or head of the family; *Pat*-rician, a nobleman; *Pat* riot a lover of his country; *Pat*-rol, one who guards the garrison; *Pat* son, a protector and guardian; *Pat*-tern a thing to be copied.

1. Moore 170.

2. In. com. ad. 1. fin. de cland. depons.

3. C. cum in tur.

4. Cap. cum. inhibitio, de cland. depons.