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LONDON, SATURDAY, JUNE 5, 1920

THE CATHOLIC CHURCH AND DIVORCE

"It is true that the Church of Rome, in the main is theoretically opposed to divorce; but it is also true, and this the bishop knows full well, that the Church has been able to discover laws in the marriage tie which answered exactly the same purpose in too many cases."—The Christian Guardian.

During the course of its rambling and evasive reply to Bishop Fallon's challenge to the Moral Reform organizations to say where they stood on the pending divorce legislation, The Christian Guardian rashly takes its clumsy calumny against the Catholic Church. It was common some few years ago when the exigencies of unscrupulous politics made it expedient to exploit the ignorant anti-Catholic prejudice of Ontario. From Orange platforms Mr. Hoeken, then Mayor of Toronto, in a manner more robust and less senuous than the Guardian's, thus stated the latter's charge:

"Marriage laws in Quebec are a disgrace to the Empire. Not a marriage of Roman Catholics but can be invalidated on some pretext. This Church is in itself a divorce court."

And much more of the same tenor. A widespread campaign of malicious lying must leave a certain proportion of dupes who are never unscathed. As a matter of fact the cases in Quebec where the Catholic Church has decreed the nullity of marriage are of such rare occurrence that they could be counted on the fingers. There have been more applications for divorce from the city of Toronto alone every year, for many years past, than there have been marriages declared null in the Province of Quebec in the three hundred years of her history.

No, the advocates of easy divorce know well that the Catholic Church is the great bulwark of Christian marriage. In the United States, where the divorce evil is rampant, this testimony is borne by serious thinkers and writers of all shades of religious belief, or of none. In Monsignor West's article, which we reproduce this week, is a quotation from a Methodist publication which recognizes this patent fact and deplors the wide departure of other Christian Churches from the Catholic doctrine of the indissolubility of marriage.

To say that the Catholic Church today "is able to discover flaws in the marriage tie which answered exactly the same purpose [as divorce]" is a calumny so clumsy that it falls to the ground of its own weight; it runs counter to the facts of the case, facts universally known, undisputed, and indisputable.

That in the Middle Ages such was the practice of the Church is a charge very often made. It was made by Henry VIII. in the preamble of an Act which he forced on his Parliament. It is made in the Augsburg Confession. It became a part of the Protestant tradition, and is consequently repeated by Protestant writers, and found 'its way into the Majority Report of the Royal Commission on Divorce which was published some seven years ago.

"The hardships which result from holding marriage indissoluble," says the Report, "were, however, [in the medieval period] mitigated by a system of effecting complete divorce by means of decrees of nullity, the grounds for which were numerous. Referring to the rules as to the forbidden degrees of consanguinity and affinity, Sir Lewis Dibdin says:

"These elaborate and highly artificial rules produced a system under which marriages theoretically indissoluble, if originally valid, could practically be got rid of by being declared null, *ab initio*, on account of the impediment of relationship. This relationship might consist in some remote or fanciful connection between the parties or their godparents, unknown to either of them until the desire to find a way out of an inksome union suggested minute search into pedigrees for obstacles—a search that seemed to have been generally successful."

The advocates of divorce evidently felt it necessary to quiet the Christian conscience of England by the assurance that "practically" there was divorce in pre-Reformation times.

Thus Professor Whitney, Professor of History in King's College, London, was examined by Lord Guthrie, who asked him if he was not aware that in the medieval Church "they had practically the power of getting rid of their wives just as the Protestant Church has since the Reformation?"

Professor Whitney replied: "I know the statement is very often made, but I think there are very few cases of the supposed subtleties; that is to say, that the medieval system worked with very much fewer cases than is supposed. I know of very few such cases."

Lord Guthrie pressed his point, assuming that medieval decrees of nullity were essentially based on subterfuge, and in reality were equivalent to modern divorce.

This Professor Whitney pointed out to him:

"I think you are really assuming that the indirect methods there were invalid methods, that through some supposed view of nullity there was a way of evading the law. That is a description of medieval practice that I should differ from."

Sir Lewis Dibdin himself, in spite of the words to the contrary effect incorporated into the Majority Report, showed clearly that since he had written his "Notes on *Reformatio Legum*" he had come, to take exactly the same view as Professor Whitney. He was examining Professor Danney of Glasgow, who declared in the Statement he put in that in the Middle Ages "though there was no formal divorce there was in many cases a practical surrogate for it in the facility with which existing marriages could be declared null *ab initio*."

Sir Lewis Dibdin asked him as to this:

"Have your researches enabled you to say whether, in fact, marriages were very often put an end to in that way. . . . I mean was there a body of litigation of that kind, comparable, for instance, to the number of divorces in England now-a-days in a year? The reason I ask, is because I have had recently to look into that a great deal myself, and I cannot find in England any trace that there was a very large number of these cases?"

To which Professor Danney had nothing to reply except to refer to the Augsburg Confession and the Act of Henry VIII.

So into the widely read report went Sir Lewis Dibdin's repetition of the old Protestant calumny; but buried in Volume III, Question 38,786 of the ponderous tomes of the official minutes lies his subsequent admission that he could not find any trace of evidence to support the charge he had in ignorance repeated in his book.

A sense of humor ought to be enough to save anyone from citing Henry VIII. as an authority "that no marriage could be so surely knit or bounden, but it should lie in either party's power to prove a precontract, a kindred or alliance, to defeat the same." Henry found his own marriage so surely knit and bounden that not even the mighty influence of a powerful monarch could defeat the same. The lustful and bigamous king had an intelligible motive in desperately endeavoring the marriage laws of the Church. Luther's record in divorce shows that he had still greater reason than Henry.

But such are the sources of the Protestant tradition with regard to "practical divorce" in pre-Reformation times.

The Hocken oratory of a few years ago seems to be the source of the Christian Guardian's assertion that there is "practical divorce" in the Catholic Church today. And there are probably some of its readers who will believe that this evasive detraction is gospel truth.

But such are the sources of the Protestant tradition with regard to "practical divorce" in pre-Reformation times.

THE SOURCE OF IRISH LAWLESSNESS

The cable tells us that informal but real negotiations have been going on between the British Government and the Sinn Fein leaders with a view to reaching some basis of agreement and ending the present intolerable state of affairs in Ireland. And further, that Balfour has had a lengthy conference with the Pope on the matter.

The intermediary between the Government and Sinn Fein, we are told, was Mr. Justice O'Connor who enjoys the trust and confidence of both parties.

Two months ago, at the opening of the Cork assize, Judge O'Connor, like several other assize judges, referred to lawlessness in Ireland. But he went directly and honestly to the fountain and origin of the present troubles—the apothecism of rebellion and lawlessness in Ulster.

"Historically," said Judge O'Connor addressing the Grand Jury, "the divorce of so many of the Irish people from active cooperation with the Government, dated, as did the reign of violence itself, to that black day in Irish history six or seven years ago when mob law was allowed to prevail, and the doctrine of resistance to the law of the land by physical force was preached not alone with impunity but with success. I do not say that doctrine has not been preached before that, but this was the first time when it was openly preached without rebuke or punishment."

Openly preached without rebuke or punishment, and justified, glorified and financed by the very English gentlemen now in control of the British Parliament. The open defiance and insolent flouting of the authority of King and Parliament was followed by the "unparalleled outrage," as Asquith called it, of the Lurgan gun-running. These things are not so easily forgotten in Ireland as they apparently are in Canada. The Irish people can not be given the object lesson of mob law prevailing in Ulster, of resistance to the law of the land by physical force preached not alone with impunity—but with success, without learning something of "equal and even handed justice."

Especially when the leader and moving spirit of turbulent and rebellious Ulster was made chief executive law officer under the crown.

De Valera and the "Irish Republic" cannot be referred to now without the sneer of inverted commas; loyal Ulster could take the law into its own hands, organize a provisional government, yet the Ulster Unionist Council openly defying King and Parliament was always spoken of with respect.

A prominent English member of Parliament thus referred to it:

De Valera and the "Irish Republic" cannot be referred to now without the sneer of inverted commas; loyal Ulster could take the law into its own hands, organize a provisional government, yet the Ulster Unionist Council openly defying King and Parliament was always spoken of with respect.

"Speaking with a due sense of responsibility, and with the knowledge that what I say is shared by my Unionist colleagues in the resolute and unshakable determination of Ulster not to submit, they will have the full support not only of the Unionists of Ireland, but of the whole of the Unionist members of the House of Commons in all risks, at all hazards, and in every extremity."

This English gentleman is now Lord Birkenhead, Lord Chancellor of England.

Now, one of the "crimes" in Ireland is the possession or sale of a pamphlet, "The Grammar of Anarchy," made up of extracts from such speeches, without a single word of comment other than to give the place and date of the speech quoted from, and the name of the speaker.

At the rate of a thousand a week, raids on private homes which outrage all decency and sense of security are some of "the crimes in the name of the law" which get not a mention in that section of our Canadian press which is horrified at the "outrage" of cattle driving.

What may come of the reported negotiations no one can predict. But two considerations seem to point to their being serious. The choice of the intermediary is one. Justice O'Connor in going to the root of present conditions in Ireland says nothing that the world does not already fully realize. But where it is the fashion to denounce the effects and ignore or defend the cause, the Judge's outspoken words denote a courage and honesty that may be of great service to both parties in his difficult role of mediator. The other is that England is suffering enormous moral loss by her lawless oppression of Ireland, a course of action which it is utterly impossible even by the most expensive propaganda to square with her professions

during the War, or with the principles now accepted by the civilized world.

FREE CRITICISM

Gladstone once referred to "the bracing air of free criticism." The flabby press of Canada, which feels that loyalty to the Empire necessitates the defence of every thing said or done by the British Government or its representatives, has lost all faith in that free and intelligent criticism which Gladstone found more desirable than appreciation or praise.

In England, notwithstanding the strangling tentacles which the Northcliffe, the Beaverbrooks and others have stretched out in many directions, there are still great papers which cherish the traditions of courage and freedom in criticizing the Government, holding with Janus that true loyalty will neither advise nor submit to arbitrary measures.

While our papers without intelligent regard for the real interests of the Empire, or the United States, or international good will, were applauding every indiscrete or mischievous utterance of Sir Auckland Geddes when he reached the American shores, The London Daily News of March 6th had this outspoken and caustic criticism of the new Ambassador's first stupid mistake:

"If the report of a statement by Sir Auckland Geddes is true he seems to have spoilt his career as an Ambassador even before it has started. He has managed to live down many serious blunders, but a statement I understand he made to a party of English and American journalists that the Sinn Fein movement is practically a religious scheme, aimed at securing power for the Roman Catholic Church, confirms the worst fears of his critics. Americans, whether Irish or not, are critically watching every aspect of our attitude towards Ireland. They know as well as Sir Auckland that whatever may be the truth about Sinn Fein, this is not. If the journalists have misunderstood what he meant, a prompt correction may do something to ease the situation. But if Sir Auckland is going to America with that view of Ireland we may as well save the cost of his passage."

LIBERTY AND LICENSE NOT THE SAME

BY THE OBSERVER

A journalist announces as a principle of journalism that a paper is entitled to put before its readers the views of anyone, moral or immoral; not merely to publish a statement or summary of what the views are, but to open the columns to articles setting forth immoral views.

This is obviously a false principle. There are limits to what the press is entitled to do; and its right to give publicity ends when an attempt is made to use its columns to propagate views that are clearly immoral. For instance, suppose that a burglar desired space in which to present an argument in favor of breaking and entering other people's houses: Would the press be justified in giving space to his argument?

There is not one editor in Canada who will answer "yes" to this argument. The rights of property have not yet come to be regarded as fair matter for discussion, pro and con. But when we come to the matter of sexual relations some editors seem to suppose that all views are entitled to publicity and propagation. Yet, even here, they have limits to their theory. We suppose it would be hard to find, in all Canada, an editor who would give space to letters or articles upholding Mormonism, or any other form of polygamy; but there are editors who seem to suppose that it is all right to give space to articles which advocate free lust under the slightly milder, but unmistakable, name of free love.

The truth is that liberty and license are two entirely different things; but the secular press, in general, is hopelessly confused between the two. Liberty is always bounded by right and wrong. There is no liberty to do what is wrong. Permission to do wrong is license; and is so different from liberty that only those who are in a state of moral confusion can mistake the one for the other.

It is worth remarking that it is almost wholly on the subject of the Commandment which forbids adultery and fornication that Canadian secular journalists show confusion of thought as to what may be published (and what ought not to be published). On the subject of property rights, there is little error amongst these journalists. The burglar has no chance of getting any editor to publish his views; but the advocate of free love has a clear field, only too often. They will not permit a man to advocate the destruction of his neighbor's real or personal property; but they will permit him to propagate in their columns, theories which are openly destructive of family life.

Why are the impressions of duty stronger and clearer in the one case than in the other? Because secular journalism is materialistic. Property and money are material things; and as such are appreciated and understood in minds which are filled with materialistic conceptions. Spiritual ideas are little understood, and little entertained, in the secular journalism of today.

Family life may be threatened by any sort of propaganda; and secular journalism will either be silent, or will join with the devil for the money that is in it. But let someone propose to raise taxes 25% and then watch the secular press. Let someone propose to impair the rights of landlords, or to impose a new business or profits tax, or to limit the right of stock-gambling, or to interfere in any one of a thousand ways with the little material things that worldly-minded people care about; and then watch the editorials in the secular press.

But spiritual rights and obligations may shift for themselves. Let someone propose to "recognize unions outside of marriage" for instance; and he can have all the space he wants.

SIR ARTHUR CURRIE

We like Arthur Currie. We like him for the virtues of vigor and energy which distinguished him among our soldiers as their Commander-in-Chief; we like him for his genuine and deep love of Canada; we like him for his bold and manly temper, his free and independent spirit and, above all, for his bluntly uncompromising determination to give both God and man their just due. Speaking last week before the Canadian Club of Orillia, Sir Arthur told in simple language of the part Christianity played through the War. He gave an incident:

The Canadians had their first experience of liquid fire at Hill 70. Only the stoutest hearts can stand up against liquid fire. The tension is very great when men are lined up and expecting a heavy shell fire. When in this position Captain Learmouth knelt down and prayed, and his example had a very steadying effect upon his men. Many men during the War learned to pray. When Captain Learmouth's company was subjected to liquid fire, he leaped up on the parapet and called out "men of the Second Battalion we hold this trench for Canada! Not a man left. The inevitable happened. Learmouth was wounded and carried back to the trench. He fainted and his men put him on a stretcher and carried him to the rear. When he came to be asked to see the colonel. He made his report to his superior officer, fainted again and died."

The General also gave a graphic and touching description of the impressiveness of death in a country where the good folk feel that the dead can be prayed for. He told "of the passage of the French troops returning from the War, under the Arc de Triump in Paris, when they were met by the soldiers' mothers, sisters, and wives with their floral offerings. The presence of the dead was felt by every one. Sir Arthur realized in that moment the greatness of the French nation which was shown in their reverence of their beloved dead. Every one felt that the souls of the dead looked into their eyes; as we in Canada should feel that the souls of 60,000 brave Canadians are looking into our eyes. God forbid that they should find anything selfish or dishonorable."

"We hold the challenges from the mighty line, God give us grace to give the counter-sig."

Wittfully will every Catholic heart yearn for the giving of that grace. Currie is made of the stuff that Foch is made of.

Last week a deputation waited on the General in Montreal regarding the building of a "Canadian Protestant Memorial Church" at a cost of \$500,000 in the city of Lens near Vimy Ridge. We wonder what Sir Arthur must have thought. Perhaps they were right enough from their own point of view and in their own narrow way, but the idea of actually erecting a giant Protestant Church in the little ruined Catholic town

of Lens (under auspices of people averse to prayer for the dead) would be about as absurd and offensive as the devil ever assisted the human mind to conceive. Sir Arthur Currie answered as we might expect the Canadian Commander-in-Chief to answer. He told them that if there were to be a national memorial for which subscriptions were to be invited from all over the Dominion, it must be undenominational.

We like Sir Arthur Currie; and we feel McGill University is to be congratulated on its new President.

M.

NOTES AND COMMENTS

"FUSION—NOT CONFUSION" is an East Indian contemporary way of putting the first great requisite of the League of Nations if it is to be of any service to humanity.

To a well-known Scots Bishop, long since gone to his reward, is attributed the saying that Catholics would never convert the Scots, but would eventually flood them out. What he meant was that by the twofold operation of the decay of faith in the supernatural on the part of Scotsmen of the Presbyterian and other sects, and the influx of Catholics from without, the Church would one day come into her own in that once so Catholic land. What is taken as pointing to fulfillment of that prophecy, is the rise of populous parishes where formerly no Catholics were to be found. One in particular is instanced where now stands one of the finest churches in Scotland, with a large school, parish halls, and 5,000 excellent Catholics, all of Irish stock.

ONE THING the Bishop in question may have had in mind when he used the words quoted was the practical depopulation in his day by soulless landowners of whole sections of Scotland where the Faith had been kept alive through penal times. It may then well have seemed to be doomed to total extinction in the isles, the highlands and the glens where it had sought seclusion from the iconoclast and the despoiler. Lands beyond seas, and Canada especially, profited by the enforced expatriation of those children of the mist to whom earthly possessions and life itself were cheap in comparison with the Faith of their fathers. But that the despoiler reckoned without his hour may be seen in the numerous flourishing communities of Scots Catholics, very many of them converts, who have taken up the task of restoring the Faith of St. Columba and St. Margaret. In this newer vision, the Bishop might have qualified his "prophecy" and cherished that "larger hope" which since his day has "budded fair" in the hearts of his Catholic fellow countrymen.

THE IMPROVED status of Scots Catholics within recent years is in no way better instanced than by the working of the new Education Bill and the provision made thereunder for voluntary schools. The methods of administration which are thorough and businesslike are described as in the main most satisfactory to Catholics. Every county has its own parliament, so to speak, various committees being formed for the carrying out of details, under which Catholics have fared admirably. The recent elections for representatives on these boards are described as being "most interesting." Catholics having headed the polls in nearly every locality, many of them with majorities running into the thousands. The result is that Catholics have now an adequate voice in all that concerns the education of their children—a consideration that must have its due influence in the formation of the national character in the years to come.

THE RELIGIOUS belief of Fleet Street's modern oracle Mr. Gilbert Chesterton, is, in the light of his many illuminative sayings in regard to things Catholic, not infrequently the theme of discussion among his admirers. To him has indeed been applied that saying of Pius IX.'s in regard to Dr. Pusey, that he resembled a church bell in that while he called many people into the Church he never got beyond the vestibule himself.

A MAN'S belief is of course the affair of his own soul and, as such, ground upon which it would be impertinent to enter. But that Chesterton through his writings has removed stumbling-blocks from the path to the Faith of many others is

a truth that is not open to question. One recent testimony to that effect appeared in a recent number of the Catholic World wherein Mr. Theodore Maynard, himself a poet of some reputation and a convert, attributes the happy issue to "Orthodoxy," one of Chesterton's best-known books, and one which has precipitated a like crisis in other minds. Let Mr. Maynard, however, speak for himself.

"THE EFFECT of Chesterton's 'Orthodoxy' has been enormously powerful upon the young men of this generation. For one of these young men I can speak. I was sliding, at the age of nineteen, from the Calvinist theology in which I had been brought up, into a vague humanitarian skepticism, when I read 'Orthodoxy,' and that book began in me a reaction which, by the grace of God, three years later carried me into the Catholic Church."

May it not be that to the man who has in a matter of so vital concern helped others, the finger-post still stands and that sooner or later it may direct his own steps into the paths of peace. That at least, it is quite legitimate and proper to hope for and to pray for.

THE GOLDEN JUBILEE OF ASSUMPTION

The Borders Cities Star, May 27

By offering up the sacrifice of the Mass in its grandest, highest, most solemn and most beautiful form the Basilian Fathers of Assumption College this morning fittingly opened the celebration of their golden jubilee. High dignitaries of the church, noble prelates, noted priests, famous pulpits orators, distinguished guests, notable visitors and some of the church's leading authorities were gathered there before the High Altar offering up the ancient sacrifice in thanks and gratitude to Him who had made such a day possible. Never before in the history of the Borders Cities has there been grouped together at a single service such a notable body of distinguished prelates.

CELEBRATES MASS

His Lordship Bishop Fallon, of London, celebrated Pontifical Mass in the presence of the following princes of the church: His Excellency, Most Rev. Mgr. Peter Di Marie, Apostolic Delegate to Canada and Newfoundland; His Grace, Archbishop McNeil, of Toronto; Bishop Ward, Kansas City; Bishop Gallagher, Detroit; Bishop Kelly, Grand Rapids; Bishop Schramm, Toledo; Mgr. West, St. Thomas; Mgr. Whelan, Toronto; Mgr. Aylward, Sarnia; Mgr. Van Antwerp, Detroit; Mgr. McKee, London; Mgr. O'Connor, V. G., London; Rev. J. F. Player, Toronto, head of the Basilian Order in Canada.

Scores, unable to gain admittance to the church, remained outside, listening to what they could hear of the service through the open doors and windows.

IMPOSING SCENE

At least three hundred priests, nearly a score of monks, nine or ten bishops, an archbishop and the Apostolic Delegate marched in the procession from the college to the church. It formed a magnificent spectacle.

The splendor of the scene inside the church baffles description. Its grandeur was beautiful, its solemnity impressive, its outward form imposing, its significance, the depth and age and inner meaning of Christianity.

Bishop Ward, of Kansas City, a member of the college alumnus, one who attended the institution forty years ago, preached an impressive and emphatic sermon.

FITTING TEXT

Taking as his text, "And God shall sanctify the fiftieth year because it is the year of jubilee," Mgr. Ward said in part:

"Fifty years ago a small band of priests came here to carry out the work of God. Today we are gathered here to celebrate the fiftieth anniversary of that event."

"That education is trust and greatest that instructs the man to fulfill the great end of creation. No man is truly great who neglects life's great end; no education can be truly great which does not consider the purposes for which God breathed life into man."

GRAVE NOT GOAL

"Our destiny is not accomplished here; the grave is not our final goal. The true end of man is the supernatural end. The true end of man here below is to love and serve God. The greatest man is he who has given his soul to Almighty God. No man is truly great without the love of God in his heart and that love will cause him to love his neighbor as himself."

"What is human respectability, worldly wealth, honors, learning? What are all those things which worldly people covet compared to the crown of everlasting life God gives those who love and serve Him?"

"What is wrong with modern secular education? We teach our children sharpness and keenness to outstrip their fellow men; we teach them that knowledge is power but