

The Catholic Register.

"Truth is Catholic; proclaim it, ever, and God will effect the rest."—BALMEZ.

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TORONTO, THURSDAY, JANUARY 17, 1901.

PRICE FIVE CENTS.

CALENDAR FOR THE WEEK.

Thursday—St. Anthony, Abbot.
Friday—St. Peter's in Rome.
Saturday—St. Canute, Martyr.
Sunday—II. after Epiphany. The Most Holy Name.
Monday—St. Agnes, Virgin, Martyr.
Tuesday—St. Vincent and Anastasia, Martyrs.
Wednesday—Espousals of the Blessed Virgin.

Current Topics.

Mr. Blair, the Minister of Railways, has made the important announcement that he intends to present a bill to Parliament providing for the appointment of a permanent Railway Commission, to consist of three persons, with power to deal with all matters now dealt with by the Railway Committee of the Privy Council, and now decided by the Minister of Railways, as well as all matters relating to rates on railways.

His Grace the Archbishop of Quebec has given his judgment in the matter of the shoe trade trouble. It provides for a Board of Complaint and Conciliation, composed of employers, and finally a Board of Arbitration, composed of three members, one to represent the employers, one the workmen, and the third to be chosen by the board. The boards will be permanent, and shall be selected by the first day of February next. The awards shall be final. Regarding the Shoemakers' Union, his Grace says the right to organize is material, and will always exist. He adds: "I cannot approve the aforesaid constitution and regulations without their having undergone a certain number of modifications."

It is estimated that from 160,000 to 200,000 persons in New York city are ill with the grippe. According to the records of the Board of Health sixty persons have died of grippe in this city since January 1. Dr. Dillingham, of the Board of Health, says it is a more deadly disease than smallpox. During the year 1889, when grippe first became epidemic, 5,000 people in New York died of it. This was increased to 6,000 in 1891 and 1892, after which years the death rate from this cause decreased each year to 2,000 in 1898-99. The State health authorities then thought it had run out, and were surprised at its general prevalence in 1899-1900. In that year it caused nearly 23,000 deaths, starting in with 600 in December, 4,600 in January, 2,250 in February, 3,500 in April, 1,500 in May, 400 in June. Last year the epidemic of this disease was worse than ever.

His Honor the Lieutenant-Governor has been pleased to appoint the following gentlemen License Commissioners under the provisions of the liquor license act for the under-mentioned license districts:—
North Brant—Christopher Barker, Justus Vanderlip, Geo. V. Brown.
Cardwell—James Surberland, Donald Ferguson, Patrick Rouan.
West Durham—Robert Phillips, William Fallin, Wellington Foster.
Lanark—Albert Edward Paul, James Conrad Huffman, Henry Sidney Davy.
East Middlesex—John Kennedy, Joseph McDougall, Daniel McIntyre.
North Renfrew—Andrew McEwan, Isidore Martin, John Beaupre.
West Simcoe—John Brackenridge, Joseph Hood, Charles Livingston.
East Wellington—Donald McMurchy, Peter Dow, Malcolm S. McNeven.
North West—Robert Ferguson, John Burke, John K. Hopkins.

It is rumoured in London that Gen. Sir William Francis Butler, who commanded at Aldershot pending the resumption of that command by Gen. Redvers Buller, on his return from South Africa, will succeed Gen. Lord William Seymour as commander of the forces in Canada.

General Butler is not an entire stranger to Canada, having served in this country in 1870. He entered the 60th Regiment in 1858. He served in the Ashanti war in 1874, and in the Zulul campaign of 1878-79. He was in Egypt in 1882 and in 1884, and was in command of the troops at Alexandria, from 1890 to 1893. He was in command of the north-eastern district from 1893 to 1898. From December, 1898, to August, 1899, he held command in South Africa,

and conveyed valuable information regarding the plans and strength of the Boers to the War Office. He is an enthusiastic sportsman and explorer, and has contributed valuable additions to literature. He married Elizabeth Southerton Thompson, who ranks as one of the greatest painters of war scenes in world.

It is very probable that Chinese immigrants admitted to the courts, so as to decide the question of jurisdiction arising out of the Chinese and Japanese Immigration Act of the Province of British Columbia, which is modelled on the "Natal Act." It is generally conceded that the province cannot interfere with the Chinese, since the Dominion has already legislated on this subject, and in all cases where the Dominion and provinces have concurrent powers the latter cannot override the former. But as to the Japanese, that is another matter, since the Dominion has not acted. This is one of the subjects which Premier Dumsmit and Attorney-General Eberts, of British Columbia, who are now in Ottawa will discuss with the Premier and Minister of Justice. The granting of a charter to the Northern railway to reach the coal fields of the Crow's Nest pass, a direct line between the Kootenays and the Pacific coast, and the extension of the railway to the north end of Vancouver Island, and some scheme for joint action on the part of the Dominion and the province to develop the mineral resources, will also come up for consideration.

According to the annual license report of Ontario, the total number of liquor licenses issued last year was 3,009, as compared with 3,040 for the year previous, and 3,128 for 1898. The revenue derived by the province last year was \$392,819, an increase of \$48,206 over 1899. The amount paid to municipalities by license-holders was \$240,406, as against \$223,689 in the year previous. These figures do not include \$14,839 paid in fines for violations of the law. The amount of fines collected in this city was \$2,440, as against \$2,647 in 1899. The number of committals for drunkenness showed an increase of 486 over the previous year, numbering in all 2,377, as against 1,892 the year previous. In the matter of committals for drunkenness they were the most numerous since 1893. During the last five years, however, the average number of committals has been nearly 80 per cent. lower than the average for the previous five years. The committals to York County, for drunkenness last year were 1,031, as against 676 in 1898. There were 21 transfers of licenses in this city, and two renewals. The city paid to the province \$68,184 of the license fees, as against \$87,001 the year before.

The negotiations toward the formation of another American Iron and steel combination, which have been carried on recently in London, has reached a point where their culmination became practically assured. The companies intending to amalgamate are the Canadian Steel Company, the Lake Superior Power Company, the American Sheet Steel Company, the Otis Steel Company, the Pittsburg Steel Company, and the Wellman-Seaver Company of Cleveland. Combined with these, if the deal is completed, will be several English firms, which will take part in the enterprise financially and commercially. It is the intention of the projectors to erect plants at various places, with the Wolland canal as an outlet. The object is to minimize expenditures, and acting with the English co-operators to secure markets here and elsewhere. The project may be termed an English-American-Canadian combination to take advantage of existing opportunities. It is freely discussed in the English press. The reason for holding the meeting in London was that English capital and trade are desired. The capitalization has not yet been decided upon.

As the result of enquiries in authoritative quarters, the following statement is given:— "The Chinese plenipotentiaries have signed the joint note, thus concluding the preliminary stage of the negotiations." It was added that this important step was insignificant compared with the difficulties to be met with between the powers themselves, whose clashing interests will have full play in the coming discussions. The United States pro-

posals to shift the seat of the negotiations finds no favor in the European Chancery. It is considered a great mistake to transfer the negotiations from China, where all information is at hand respecting the situation and the feeling among the Chinese themselves, and more especially regarding the condition of trade and commerce with which the negotiations will be chiefly concerned. The feeling favors Shanghai, if any change is made, as it is pointed out that Shanghai is the most important trade centre in China, and moreover, that the southern Viceroys, who are favourable to foreigners, and anxious to further trade, could make their influence felt. Falling Shanghai, Beijing or Paris are likely to be chosen. The enormous British interests are in favour of the choice of London, but it is improbable that the other powers will agree to this. The Ministers of the powers will be assisted in the negotiations by commercial advisers, while Prince Ching and Li Hung-Chang will continue to act for the Chinese Government. There is no reason to suppose that Russian will withdraw from the joint negotiations. The treaty she has concluded with China concerns her special interests in regions contiguous to her territories, but she has great political interests to defend and further in the joint conferences, which will bristle with obstacles to a speedy settlement.

THE DELPIT CASE.

Archbishop Bruchesi's Pastoral Letter. The Delpit marriage case continues to arouse a great deal of interest in all circles of society. Mr. Delpit has entered a civil action for the annulment of his marriage, which the Church has already declared to be of no effect. In view of the discussion now going on in the press and elsewhere, the following pastoral letter from Archbishop Bruchesi upon the subject of Christian marriage was read in the Montreal Cathedral on Sunday morning:—
"With marriage are connected the interests of nature, of God, of the individual and of society. It is therefore very important to know the teachings of the Church relative to marriage, the nature of the rights which it possesses in this matter, and the obligations which flow from these rights, either for the faithful or for the civil power. The subject is all the more timely because within the past few weeks decisions of ecclesiastical authority inconsiderately made public have given rise to writings which contain grave errors and injurious accusations with regard to the Church. That is why it is our duty to expose to you to-day certain points of Catholic doctrine upon marriage, with their consequences, theoretical and practical."
MARRIAGE A SACRAMENT.
I.—Marriage a divine institution, which founds the family, and with the family the Christian nation is a thing holy in itself, especially since Jesus Christ has elevated it to the dignity of a sacrament by the new law. If anyone says that marriage is not truly and properly speaking, one of the sacraments of the Gospel law, instituted by our Saviour Jesus Christ, but that it is a human institution, and that it does not confer grace, let him be anathema. (Council of Trent, sess. xxiv., can. 1.) (The Holy Scriptures (Ephes. v.) inculcate clearly enough the dogmatic truth defined by the Holy Council of Trent, and Christian tradition as well as the constant practice of the church, eastern and western, place it above all doubt.)
CONTRACT AND SACRAMENT IDENTICAL.
"II.—In Christian marriage, the natural contract and the sacrament are one and the same thing. Whatever may be the opinion of certain theologians of the last centuries upon the subject of the distinction between the contract and the sacrament, it is certain that to-day such an opinion cannot be held for the Sovereign Pontiff Pius IX. and Leo XIII. In particular, the first in a letter dated September 10, 1870, of Pius IX. (Ephes. ad Rom. 1870), the second in his letter (dated June 1, 1870), against civil marriage, and in his encyclical letter Arcanum, question in the sense of a complete identity. It is, therefore, not permissible to distinguish between the contract and the sacrament in order to submit the former to the civil authority and to make only the sacrament amenable to ecclesiastical authority.

Another consequence, since marriage is nothing but a contract elevated to the dignity of sacrament, is that the contracting parties are themselves ministers of this sacrament; the priest appears there, in point of view of validity, only as a witness deputed and authorized by the Church in order to receive the consent of the parties. In such cases upon three things protect where the Council of Trent has been published: As to the countries where the decree of the Council concerning clandestine marriage is not in force, the marriage contracted clandestinely, that is to say, without the presence of the proper cure (clergyman) and of two witnesses, although illicit, is valid, and consequently there is a sacrament.

"III.—The marriage validly contracted and consummated between Christians is completely indissoluble. This is a dogma of faith.

CHURCH CAN PLACE IMPEDIMENTS

"IV.—The Church has the right to place impediments to marriage, either prohibitive or invalidating, that is to say, impediments which render it illicit or null. If anyone says that only the impediments of consanguinity and affinity mentioned in Leviticus can be an obstacle to the contracting of marriage, and that they alone can invalidate it once it is contracted, and that the Church cannot dispense with some of these impediments, let him be anathema." (Council of Trent, sess. xxiv., can. 3.) Not only does the Council of Trent affirm this right, which the church has received from its Divine founder, which universal tradition recognizes to it, and which it has enjoyed since its origin, but in this same 24th session it chose to exercise it in a solemn and fitting unexampled manner by declaring as null and clandestine marriage, that is to say, as we have just explained, marriages celebrated without the presence of the proper cure (clergyman) and two witnesses. Let it be remarked, in this establishing invalidating impediments to marriage, the church in no way infringes on the substance of a sacrament, which would surpass the limits of the authority with which Jesus Christ has invested it, for if marriage has become a sacrament, it has not ceased to be a contract, and, as we have said above, there is a sacrament only in so far as there is a contract. Now it is in the nature of contracts to be, for just reasons, submitted to the social authority, which can make the validity of them dependent upon certain conditions of positive law, demanded by the welfare of the community to which the individual welfare must be subordinated in a large number of cases at least.
"It is thus that the power of making one's will, which, according to the most authorized opinion, is a matter of natural law, can be, and in fact, is restrained in its exercise and subjected to outward formalities under pain of nullity. What the State does in the matter of a will, why should the church not do when it is a question of a marriage contract? Public order, good morals, the dignity of families, the spiritual welfare of souls, are they not all interested? The church, therefore, a complete society which has received from Jesus Christ all power for the government of its members, can, if it judges fit, subordinate the validity of marriage to certain conditions relative to the contracting parties or to certain outward formalities, and can consequently declare null every marriage contracted outside of these formalities. The legitimate contract remains always elevated to the dignity of sacrament, but the church has determined the conditions required for a legitimate contract, the persons who do not observe these conditions are by that very fact incompetent to contract legitimately, consequently incompetent to receive the sacrament."

CLANDESTINE MARRIAGES.

"V.—Among the invalidating impediments of marriage established by the church, one of the most important is that of clandestinity, of which we have spoken above. In consequence of this impediment, in order that a marriage be valid between two Catholics in the places where the Council of Trent has been published, the presence of the proper cure (rector) and of two witnesses is necessary. Therefore, de jure is null the marriage of two Catholics contracted before a civil official or a Protestant minister, even if there are two witnesses, for evidently neither the civil official nor the Protestant minister is the cure (rector) suited to the contracting parties,

or one of them. Moreover, when the marriage was celebrated before a priest or two witnesses, if the priest is not the proper cure (clergyman) of one of the two contracting parties, or a priest deputed by the cure or ordinary, the marriage is null, and that also, for the same reason, because it was not celebrated according to the prescriptions of the Council of Trent. The bad faith or the good faith of the parties in this matter counts for nothing as regards the validity or the nullity of the marriage, validity or nullity, which depends solely on the accomplishment or the omission of the conditions set by the Holy Synod on the celebration of Christian marriage in the countries where the decree was promulgated. It is, therefore, a grave error to say, 'When a man has sworn love and fidelity to a woman, it matters not before a Catholic, Anglican, Greek or Mormon minister, the witness influences in no way the value of the contract. On the subject of clandestine marriages there are very important remarks to be made here, and one which will throw a light on the famous matrimonial case which has aroused so much regrettable discussion in certain Catholic and Protestant papers of Montreal. In consequence of the constitutions of the Sovereign Pontiff there are three countries—Quebec is one of them—where, in spite of promulgation of the Council of Trent, people hold as valid marriages celebrated clandestinely between two parties, of whom one is a Catholic and the other not baptized a Catholic. The marriage of a Catholic and of a baptized Protestant, or vice versa, celebrated before a Protestant minister, although gravely illicit and condemned by the censures of the church, is, however, a marriage validly contracted in the eyes of the church itself. Once consummated this marriage cannot be broken by any power on earth. Death alone will give liberty to the surviving party; but to judge if one of the parties is truly heretical, to declare when a Catholic, practically renouncing his faith, becomes heretical to the outward tribunal of the church, especially in that which concerns the sacrament of marriage, that belongs alone to the ecclesiastical tribunal, and the civil power cannot mix in this matter without surpassing the limits of its jurisdiction, and without usurping a right which Jesus Christ has confided only to His church.

OTHER INVALIDATED MARRIAGES.

"VI.—The church having the power of dispensing with invalidating impediments of natural law or of divine positive law, every marriage contracted in spite of one or other of these impediments is de jure null, and can never become valid.
"VII.—Every marriage contracted knowingly with an impediment prohibited by ecclesiastical law and without dispensation of ecclesiastical authority is illicit.
"VIII.—Every marriage contracted with an impediment invalidating by natural law, if the dispensation has not been obtained from competent religious authorities, is null from the beginning. The judgment which the church may render later on such a marriage is, therefore, a simple declaration of its nullity, that is to say, in the absence of a legitimate contract, not a judgment which breaks a marriage really existing. If such a marriage was contracted in good faith, no dishonor redounds on the parents or on the children the issue of such marriage. Beside, all the contracting parties have to do to make their position regular is to renew their consent, after having received a dispensation from the impediment in question, which the church never refuses under such circumstances. If, therefore, the parties do not wish to make valid again their marriage, they alone are responsible for the painful consequences which follow from such refusal either for themselves or for their children. As to the allowance for board, which for cases of separation rendered necessary in consequence of such refusal should be paid either to the wife or to the children, the civil tribunals can see to it, the ecclesiastical tribunals having practically no jurisdiction in this matter in the present state of our society. In short, it is one thing to say that there may be an obligation of justice and of charity for one of the contracting parties to renew consent in the case of a marriage which is null in consequence of an impediment invalidating by ecclesiastical law; it is another thing to pretend that this marriage can be null by reason of the unhappy consequences

which follow such a null action. One may pity the sad lot of a woman and of children by the refusal to consent to a revivification of the marriage when such is possible, but the nullity or the validity of a contract ought not to be confounded with a question of sentiment. If there were such a thing it would be necessary to declare valid a marriage contracted in good faith between a brother and a sister, who, having never been acquainted, met each other, loved, and married; in consequence, from the point of view which we take, would be absolutely the same.

THE QUESTION OF ALMS.

"XIV.—The church cannot dispense with impediments invalidating by natural or Divine positive law, but it can dispense with its own impediments prohibiting or invalidating, as every Legislature can dispense with its own laws. The church uses this power only in exceptional cases and for grave reasons, of which it alone is the judge. The ordinaries of the dioceses, by meddling with the permission of Rome an alms on the occasion of dispensation of (marriage), in no way solve this dispensation, as it is sometimes said. It imposes this alms simply upon those who are in a condition to pay it as a penance or a commutation. Moreover, how many times the alms is not demanded because the contracting parties are too poor to give it; how many times a small portion of it only is demanded? That which proves that the alms counts for nothing in the concession of the dispensation is that if the reasons alleged are false, the dispensation is null."

CALVIN QUOTED.

"X.—Matrimonial cases are amenable only to ecclesiastical tribunals. This proposition is the necessary corollary of the Catholic teaching upon the elevation of marriage to the dignity of a sacrament, for the church alone can judge every case concerning the sacraments and their administration; that is what Calvin himself admits when he says: 'From the moment that Catholics have obtained the recognition of marriage as a sacrament they have appropriated to themselves the cognizance of marriage cases, for a spiritual thing cannot be brought before profane judges.' The Council of Trent also declares: 'Let him who says matrimonial cases belong not to ecclesiastical judges be anathema.' Having quoted at length from the letter of Pius VI. to the Bishop of Montevideo to the same effect, the circular says it is the teaching of universal history. Napoleon I. addressed himself to Pius XII. when he wished to break the marriage of his brother Jerome. The State cannot, therefore, establish impediments invalidating marriage at least between Christians, nor dispense with the impediments established by the church. Neither can it directly or indirectly strike a blow at the sacrament of marriage, and consequently cannot annul the natural contract without which there is no sacrament. Let no one object that rights of civil authority are unjustly diminished to the detriment of the order, which this authority has the mission of safeguarding. God is the supreme Master of society as of individuals. He can by His will diminish or enlarge the powers of which man in authority is only the depositary."

STATE AND CHURCH.

XII.—The temporal power can, therefore, decree only on the temporal side of marriage, and here, again, it is necessary to distinguish between the inseparable effects of the substance of the contract or of the sacrament and those which can be separated therefrom. As to the first effects, from the moment that we admit as legitimate the cause which produces them, logic demands that the effects themselves be considered as legitimate. Thus the State being obliged to hold as valid and legitimate a marriage which the church recognizes as such, ought to recognize as legitimate the children, the issue of such marriage, the substantial obligations of the parents towards their children and those of the children towards their parents. As to the other effects, for example, the amount of the dowry, rights of inheritance, etc., they come under the secular authorities."

FRENCH FATHERS RETRACT.

His Grace, in conclusion, prayed all to follow the teaching of the church. He announced that the two French Sunday morning papers which had erred in matters of faith regarding marriage had retracted their articles. They will, therefore, not be put under the ban.