

# Northwest Review

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SATURDAY, JUNE 3, 1905.

## Calendar for Next Week.

### JUNE

- 4—Sunday within the octave of the Ascension. St. Francis Carraciolo, Confessor.
- 5—Monday—St. Boniface, Bishop, Martyr.
- 6—Tuesday—St. Norbert, Bishop.
- 7—Wednesday—Of the Octave.
- 8—Thursday—Octave of the Ascension.
- 9—Friday—Ferial office. Commemoration of Saints Primus and Felicianus, Martyrs.
- 10—Saturday—Vigil of Pentecost. Commemoration of St. Margaret, Queen of Scotland Widow. Fast day.

## THE ANNULMENT OF MARRIAGE

The following cablegram was published recently in the press of Canada and the United States.

Rome, May 24.—Pope Pius X. has approved of the decision of the congregation of the Propaganda to annul the marriage of Marie Jennings Reid, of New Orleans and Washington, D.C. (who is now Princess Rosapigli) to Col. F. H. Parkhurst, of Bangor, Me. The decision of the Pope will now permit the Prince and Princess Rosapigli to contract a religious marriage.

In reference to this despatch we have received the following letter: "I have been under the impression that marriage under the canons of the Roman Catholic Church was indissoluble. True there is the precedent of Napoleon I.; but, if we are to believe the historians, it was a violent infraction. Still it was allowed and sanctioned by the then reigning Pope. How is this Rosapigli incident to be explained to those who inquire, especially to those Anglicans who, like the Roman Catholics, are absolutely opposed to divorce?"

The obvious explanation is that there is here no question of divorce in the commonly received meaning of that term, which is the dissolving of a valid marriage. As neither the Pope nor an Ecumenical Council has power to dissolve a valid and consummated marriage, there can be question here only of the declaration that a previous marriage, erroneously supposed to be valid, was null and void. What the reasons are in this particular case we know not, though we may learn them later on from the Rome correspondents of Catholic papers; but the very wording of the despatch shows that the marriage was annulled, that is to say, declared to be no marriage at all, not that two persons, once joined in ecclesiastically lawful wedlock, were divorced.

Even before the civil courts there are impediments which annul what was supposed to be a lawful union. One of these is perpetual impotence. Another is the discovery that both parties belong to the same immediate family, in other words, that they are brother and sister. This is said to have happened in the case of two children of Acadian exiles who met after many wanderings, were married and afterwards discovered that they had the same father and mother.

The Church having received the power of binding and loosing (Matth. 18, 18), has, for the welfare of society and the safeguarding of the sacrament of matrimony sanctioned no less than fifteen impediments, which, if not removed, annul marriage. This is not the place to enter upon an enumeration and description of all these diriment impediments; but we will specify some of the most ordinary. There are, first, the two mentioned above, the second of which blood relationship, extends to the fourth degree of consanguinity for instance, first, second and third cousins, if they have attempted marriage without the necessary dispensation, are not married at all. Then there is marriage with an unbaptized person, which requires a very special dispensation, without which the marriage is null and void. In many so-called Christian countries, for example, in the United States, this may very easily

occur, since vast multitudes of non-Catholics have never been baptized. Again, where divorce is very prevalent and is granted on the flimsiest pretexts one of the parties to a marriage with a Catholic may be divorced from a person still living, and, when this fact is discovered, the second marriage ought to be declared null and void. We need hardly point out how frequent is this case. For instance, the despatch which suggested this article mentions that Col. F. H. Parkhurst, Miss Reid's supposed husband, is from Maine; now in that state divorce may be decreed whenever the judge deems it reasonable and proper, conducive to domestic harmony, and consistent with the peace and morality of society. Finally, there is the impediment of clandestinity, which exists in certain dioceses of Canada and the United States, one of these being precisely New Orleans, to which Miss Reid is said to belong. This impediment nullifies the marriage of two Catholics, if it do not take place in the presence of the parish priest and two witnesses. These examples suffice to show that there may be many reasons that invalidate a presumed marriage.

Our correspondent's cocksureness about "the precedent of Napoleon I." is decidedly amusing. Neither the "then reigning Pope" nor any other Pope "allowed or sanctioned" Napoleon I.'s second marriage. The only body that did allow and bless that unlawful marriage was the ecclesiastical court established by Napoleon himself. Not only the Pope, who was not consulted, on the plea that he was then the Emperor's prisoner, did not approve it and always condemned it, but thirteen of the cardinals then in France refused to sanction it and were imprisoned therefore by the tyrant. The story of this farcical approbation by the despot's own tribunal is most humiliating for the clerics who took part in it.

In 1810 Napoleon made up his mind to repudiate the Empress Josephine and to marry the Archduchess Marie Louise in the hope of having issue. From the standpoint of the civil courts it was not difficult to annul a marriage contracted in 1796, under the then existing facilities for divorce, especially when the plaintiff was the Emperor. From the ecclesiastical standpoint it was still easier to reject a marriage performed without any religious ceremony in a country where the impediment of clandestinity was still in full force. But at midnight, on the eve of Napoleon's coronation, six years before, on December 2, 1804, Cardinal Fesch, by the Pope's express delegation, had solemnized, with all the rites of the Church, the marriage of Napoleon and Josephine. How was this difficulty to be got over? Napoleon conceived an ingenious plan for deferring his marriage to the ecclesiastical court (l'officialite) of Paris. The committee of courtier prelates, appointed by the Emperor to rule the French Church during the Pope's captivity, had declared, in order to reassure the Emperor, that recourse to the Pope being impossible (which was not true), the affair came under the jurisdiction of the diocesan court, with appeal first to the metropolitan court and finally to the primate court of Lyons. In point of fact there was nothing to prevent an appeal to the Pope except the ill will of the Emperor; the Holy Father was not consulted because he was known to be incapable of betraying the sacred rights of the injured Josephine. Not one of the three ecclesiastical courts just mentioned was yet in existence; the three were immediately created, and as the see of Paris was vacant, Cardinal Fesch, Napoleon's uncle, was appointed thereto. The uncle was to divorce the nephew, whose marriage he had solemnized before witnesses, with all dispensations from the Pope's own hand. Evidently, if any one else had been found willing to conduct this solemn farce, the poor Cardinal, who was not a vicious man, would not have consented to do the vile job. The richest feature of this performance is that the unfortunate Fesch was supreme judge in the three courts, as head of the diocesan court, as metropolitan of Paris and as Primate of Lyons. It would be difficult to find in all history an instance of more flagrant unfitness on the part of a judge. The most monstrous feature of it all is that the nephew had bestowed upon the uncle the powers that were to be so profitable to himself. But Cardinal Fesch's attempted annulment of the real marriage between Napoleon and Josephine establishes no precedent for the Pope who condemned this annulment as impossible.

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