

Y Co. LIMITED
St. James St., Montreal
08.

and Costumes
ional Brilliancy

es, made in good qua-
and black. The coat
nd cut away front, 3-4
inished and guaranteed
\$17.25

f fine quality fawn co-
front, trimmed with self
\$6.25

es All Records

some of our standard
leadership in Gloves, as

Lamb Glove, made in
black, white, tans,
\$1.75

quettaire Gloves, made
to 7-12. Price pair, 90c

Glove, made from fine,
ct from one of the best
me in two dome, with
points; in shades of
red and green; sizes
\$1.25

ery.
d crown, brim slightly
with two white fea-
\$15.75

MOHAIR, mushroom
ulle, black lace and jet
\$10.75

ing.
t Cloth, special make
\$10.00

own and fancy striped
\$6.95, \$8.75, \$12.00
ring Coats, faced with
extra fine quality.
\$12.50 and \$15.00

Y Co. LIMITED

are not your
FLORISTI
We Want to Be!

NO STORES
ennett's Theatre Bldg.
Phone Up 1451

scribers.
n \$1.50.
31.00.

TNESS, MONTREAL.

r..... months
I enclose \$.....
" here.....

wear
HOES FOR EASTER
s attractive as the
Tan and Choco-
e have some very
ear, combination of

LOWEST.
ros.
illez Square.

bruary 1st, 1908.
FIELD &
HANDFIELD,
orneys for Plaintiff.

The True



Witness

No. 42
Gardien de la Suite
de Lecteur
Feb 19 1908
Assemblée Legislative

MONTREAL, THURSDAY, APRIL 23, 1908

PRICE FIVE CENTS

A Curb on Divorces. Expected That New Marriage Law of Pope Pius X. Will Have That Effect—Does Away With Secret Unions and Strengthens Marital Tie.

(New York Times.)

By his proclamation of the law on the marriage tie for the whole Church Pius X. becomes the observed of many observers. As Catholics awake around the globe on this Easter morn their eyes will be opened to his statute, now first in force, by which a marriage of a Catholic without a priest and two witnesses is no marriage, whereas the same marriage, with the consent of the same parties in the same place and circumstances, might have been a valid marriage, a contract and sacrament valid before God and the Church, if it had been pronounced before the clock struck the hour of 12 at midnight. As he is the first Pope in all the centuries from the days of St. Peter to have made this a worldwide canon, not many Catholic observers of the times who love the Pope as the vicar of Christ, but others, too, who hate the Pope as anti-Christ, are startled and puzzled, if not angered by the law with which they are now brought face to face.

TO PREVENT DIVORCE.

To stop the quickening outward strides of the divorce monster which is knocking equally at the cottages of our poor and at the towers of our financial kings, of late many spokesmen of sects and states have met and talked and scattered and gone their ways and done nothing, or next to nothing. We Americans lead the world in the divorce evil. But to cure the evil we find ourselves the most impotent for action. Apart from our religious discord and separation of Church and State, our most youthful and progressive of great nations is for this holy cause the most cramped by constitutional technicalities, and our union of sovereign states is the least united of all states.

And the well-meaning workers who could not find any leader to give strength to their efforts now saw one feeble old man come forward on the stage of the world. He is the successor of the Fisherman of Galilee, who wears on his finger the Fisherman's ring. He is a former Italian peasant and a prisoner in his dwelling among those of his own blood, who are a menace to his life. His see is in old Rome, amid ruins of past grandeur. He is the head of the least modern Christian creed, which boasts it is ever the same—semper eadem—like the rock in the torrents of time. He has been held up as a butt of hate, as the arch foe of progress, and as the worst of Popes to keep the world back. And he is the anatomizer of modernism, as the system which so loves novelty as to hate the heritage of wisdom handed down by the human race, and which seeks a growth or life in faith which is the death of faith. And now where all others have failed this one feeble old man comes forward as the modern champion of the purity and peace of the family and home, and he merely makes one stroke of his pen, and behold the hundreds of thousands of Catholic pastors, and the hundreds of millions of Catholic people in all the dioceses and all the parish districts into which the map of the world is apportioned are one heart and one mind for action, and his word is their law.

This vast phenomenon, which is almost as noiseless as the radiation over the earth of the sun's light, warmth and life, arrests the attention of all observers. Some feel that the finger of God is here; that here is the fruit of Christ's prayer that His Church might be one that the world might believe that the Father had sent Him, and that there could not be such signal unity in such vast variety without the omnipotence of the Holy Spirit which dwells in Christ's One Holy Catholic Apostolic Church, as in its own body, and inspires filial loyalty towards the Holy Father into hundreds of millions of hearts. However, other observers here see only the greatest of the world's works of human policy, but all wish to study this phenomenon in the world's social history from the Catholic point of view, and to scrutinize it from inside the Catholic Church and the Catholic mind.

What, then, are the Pope's own grounds for the claims of power to make such a change in the law of marriage? In answering this question we go back to the Son of Man who is true God, with all power in heaven and on earth, and see Him before he visibly quits the earth founding a visible society or church in which and through which all creatures of all nations, of all ages, may have full means to save their souls. This society is not a self-created corporation which any one is free not to enter, but once in, is bound by fidelity to promise to obey president and judges, which may be all change-

ed by the association's whim. The Church's officials are not mere deputies, agents, ministers, made and unmade by king or people to do the will or teach the views of man, but Pope, bishop and priest, while bound to be in their spirit the servants of the servants of God, are anointed by God as pilots of His ship, shepherds of His flock, fathers of His household, and rulers of His kingdom. Although men, they have through God men at their command, and they are to one, "Go," and he goeth, and to another "Come," and he cometh, and to another "Do this," and he doeth it. They are to carry on the work started by Christ on earth, and for this they take His place as His authorized representatives. They have power and help from Him not only to teach and to baptize, and not only to teach what He commanded, but to command themselves and to bind and to loose obligations of conscience with the high commission and charter. "He that heareth you heareth Me, and he that despiseth you despiseth Me, and he that despiseth Me despiseth Him that sent Me, and he that heareth not the Church let him be to you as the heathen and the publican."

THE POPE'S LAW-MAKING POWER.

Ask the child that knows his catechism why idolatry, blasphemy, disobedience to parents, murder, adultery, theft, false witness, concupiscence and covetousness are bad, and he will answer: God forbade them because they were bad. And why was it a sin for Adam and Eve to eat a certain fruit? This was not bad in itself, but only because God forbade it.

And are we obliged by the fourth Commandment to obey only our father and mother? Not only them, but also our bishops, pastors, magistrates and masters.

And why is it a sin to eat meat on Friday, to miss Mass on Sunday? etc. Because these things are forbidden by the Church, are against the commandments and laws of the Church, and God who made us out of nothing and redeemed us when we were in sin or worse than nothing, told us to obey His Church in the things of our soul for the good of our soul.

And how can the Pope make a real law in things spiritual? Because all power is from God, and all things rightfully ordered are ordered by God, and he who resists such an order resists God and purchases damnation to himself, and God gave power to the Pope to make real laws in things spiritual.

Family, state and Church are alike in some points and unlike in others. In the family both the constitution and the persons who administer it are directly fixed by God without any consent of the governed, and they are so fixed by God as the author of our nature, and we see the family's fundamental law, "Honor thy father and thy mother" not only in the writing on the stone tablets of Moses, but also in the writing on our heart or natural reason, and that by one mere glance at the grouping by God of the child, the woman and the man; the child led by the mother's hand or reposing in the mother's arms and the mother leaning on the father's strength and prudence.

In the state the Constitution and the rulers may have been specified by the consent of the people, but it is God, the Creator, who makes our human nature essentially social and who commands us to have some government and some rulers, and that society that would do away with its government, which is as necessary to its life as eating is to the life of the individual body, would commit the sin of anarchy, which is a worse sin against God and His command to live than the individual sin of suicide by starvation.

In both the family and the state the authority in the Constitution and the officials is from God, the Author of nature. In the Church, the constitution is from God, as the Author of the supernatural, in an order above what we need or can do or know by our rational nature, and this constitution is from God for all time without provision for revolution, so that the Church can never have a new form of government up to the day of judgment. And the persons in whom the powers are vested may be designated by men, but the extent of their fundamental powers has been fixed by God directly. And one of these powers is to make laws in things spiritual. And these laws bind the consciences of the baptized members of the Church with the same divine authority which the rulings of the state or family bind subjects and children.

OBEEDIENCE OF CATHOLICS.

How is it then that the Pope can do things which are so new and high and deep and wide, and that Catholics of all conditions and races on all the continents take these things as an army takes an order from its great captain? And the answer is that the faithful know that the Pope shares God's majesty in things spiritual, as the heads of the family and state share the same majesty for things domestic and temporal, and our homage to the Pope is reasonable as being founded ultimately on our homage to God.

But, granting to the Church and to the Pope as its organ the power to make laws in things spiritual, is marriage a thing spiritual? Yes, if this marriage affects a party who is baptized and who thus by the law of God has been born a child and subject of the Church. "Quid mihi dei quibus sum iudicare." "What business of mine is it to judge of those who are outside?" This axiom of St. Paul is the axiom of canon law, and the Popes. Christ as God made His Church catholic and for all, and commands each one of His creatures of the human race to enter it, and the Pope is truly Christ's vicar on earth. But until the creature does enter it by baptism he is not placed by God within the Pope's spiritual forum or jurisdiction. But if he has been baptized he has been born a child of the Church and of the Pope, who is the father of the Christian family. He may be ignorant and faultlessly ignorant that the Pope is his father, but his ignorance does not change the fact, and the Pope may not urge his right over all who are baptized, but the right still exists.

But even though I am baptized and subject to the Pope in spirituals, how is marriage a thing spiritual? It is one of the seven sacraments, and as baptism, confirmation, Holy Eucharist, penance, extreme unction, and holy orders are things spiritual, so also is Christian matrimony. Some denominations calling themselves Christians teach there are no sacraments; others teach there are only two sacraments, baptism and the last supper, and their idea of a sacrament is of an outward sign instituted by our Lord Jesus Christ only to signify grace. But the Catholic idea makes this a far more sacred thing, which not only signifies but also truly contains and confers grace. And the Catholic Church teaches that these sacred signs are not only two but seven, and that matrimony is the seventh.

But the institution of marriage existed before Christ. How then is He said to have instituted this sacrament? He instituted marriage as a sacrament; as a sacred sign signifying and conferring grace. A man and woman who are not baptized are not sacraments, but as husband and wife, and although there is no sacrament, there is between them a true tie joined by God. This tie was instituted by God in paradise. It is a heaven-made ring of gold. Christ did not do away with this, but kept it and made it more perfect. He, so to say, took this divinely made ring of gold and covered it all over with heavenly made diamonds and wrought into it the image of Christ and the Church, of Christ loving the Church as His own body, and the Church obeying Christ as her heavenly spouse. As He took natural water to signify and produce the cleansing of the soul, He took the natural marital contract to signify and produce the spiritual graces which help husband and wife to be in their married life like Christ and the Church.

But marriage has many civil effects, and it is not therefore subject to the power of the State? Its civil effects are subject to the State, but it is manifestly absurd for the State to claim authority through its Supreme Courts or its Privy Councils to authoritatively and judicially interpret the Word of God in the Holy Scriptures or in the Divine Traditions on what is a true baptism, or a true confirmation, or a true communion, or a true mass, or a true absolution, or a true extreme unction. And it is equally absurd for the State to claim to interpret the Scriptures or Tradition about what is a true sacrament of matrimony. Its legislators have no business to legislate about the other sacraments and neither about this sacrament. The Lord of State and family and Church gave these powers to His Church and therefore the State cannot have them.

AUTHORITY OF THE CHURCH.
A State might be like Herod, who could not bear to hear that it was not right to have his living brother's wife, and therefore called for the head of John the Baptist on a dish. Or it might be like Henry VIII, who put away his wife, Catherine of Aragon, for Anne Boleyn

and other women, and who, because the Pope would not sanctify his lust, by brute force cut England off from the faith. Or it might be like Napoleon I, who attempted to coerce Pius VII. into declaring null the marriage celebrated at Baltimore by Archbishop Carroll between Jerome Bonaparte and Elizabeth Patterson, and who, shortly after the Pope answered, "This would be a sacrilegious abuse of power against that young American-Protestant girl," exited and imprisoned the Pope, took away his temporal kingdom, and did his utmost as conqueror of Europe to disrupt the Catholic Church.

Again, a state might profess separation between Government and religion, or even hatred of all religion and of God, or it might be like the Turk, or the Mormon, or the Pagan. St. Paul was a good Roman citizen, yet he heard and tried many cases of marriage, cases of widows, cases of converts abandoned by their pagan consorts, cases of Christians who wished to yoke themselves with infidels, and the celebrated case of the incestuous Corinthian. And St. Paul in another matter appealed to Caesar, but vove to that early Christian who would have appealed in a marriage case to Caesar against Paul.

Our Lord taught to render unto Caesar the things that are Caesar's, but he made marriage a sacrament and a thing of God, and, therefore, not a thing of Caesar. How absurd to picture Him from whom all power descends telling us we must go for the interpretation or the application of His revealed word in Scripture and tradition on the sacrament of marriage to a Herod, a Henry VIII, a Napoleon I, of a Turk, or a Pagan or a Freemason, because, forsooth, they represent the State.

LIMITATIONS OF CHURCH POWER.

But, granting the Church's power over this sacrament, how can it go so far as to make a condition of its validity? It cannot do this for baptism.

It is true in general that the Church has no power to make a law changing the matter of form of a sacrament. These are elements of the constitution of the Church fixed finally at the death of the last of the Apostles, when the extraordinary powers given by God for founding the Church ceased, and the deposit of Divine truth and Divine law contained in the written and unwritten word of God was closed. Our Lord and the Holy Ghost inspiring the Apostles were our one constitutional convention which the Church has no power to call back. Our Lord not only made no provision for revolution in the Church but not even for an amendment to its constitution.

The Church has many powers to regulate the licit administration of the sacraments, which powers, however, do not extend to validity. In varying acres or places it could command or forbid baptism by aspersion, immersion, or dipping invalidly. But the sacraments have different natures, and the Church has more power over some than over others. Thus, in spite of the Pope's prohibition, any individual can validly baptize at any time or place, and any Bishop can validly confirm or ordain even outside of his diocese, and any priest can validly consecrate and anoint. But this is not true of the sacrament of penance. The absolution may be made invalid by a superior. Why so? Because penance was made by our Lord in the form of a judgment. A justice of the United States Superior Court, greater in dignity and power than any other judge of any other temporal tribunal of the earth. But even though one of the magistrates of this august tribunal would sit and decide on an appeal here in New York, if he came to this circuit without a special assignment by the Supreme Court, his sentence would be invalid. And likewise, although a priest, by the words "Receive the Holy Ghost, whose sins thou shalt forgive they are forgiven thee, and whose sins thou shalt retain they are retained to them," is a judge of a still more august rank, for the validity of his sentence he needs assignment to special subjects and his superiors can make his sentence invalid by refusing or withdrawing his jurisdiction.

As the sacrament of Penance, therefore, follows the nature of a judgment, so the sacrament of Marriage follows the nature of a contract. The family or the State may make conditions for the validity of certain contracts of their subjects. A sale by a minor may be made invalid, although the agreement was free and the consideration fair. And no contract affects the general good of society, and especially the spiritual society or Church is, therefore, competent to say in this or that circumstance that the consent of the parties not to be a legitimate consent, and as not being legitimate not actually causing the tie or bond or moral obligation which would be caused by this consent if my sovereign act here and now did not come in and hinder it.

As God could hinder the fire in the Babylonian furnace from its natural effect of burning the three Hebrew

No Better Place



In Montreal to
choose Spring
Shirts and Ties
--All new designs.

BRENNAN'S

Stores: 251 St. Catherine St. West
7 " " " East

children, so God or the Church can hinder the consent of the parties from producing its ordinary effect of the tie.

The full cause of this tie is not consent, but legitimate consent. God can cause the physical consent, not to be legitimate between parents and child, brother and sister, etc. And the Church can cause the consent not to be legitimate between other less near blood relations, between the baptized and the non-baptized, etc. And also between parties who express consent secretly, clandestinely, without the presence of the priest and two witnesses.

THE LAW OF IMPEDIMENTS.

The Church cannot dispense from impediments made by God, but she can dispense from impediments made by herself. She cannot dispense from the impediments between parent and child, but she can dispense from the impediments between first, second and third cousins; from the impediments between the baptized and the non-baptized, etc. without the Church's dispensation these marriages are invalid; with her dispensation they are valid. And this is known by all Catholics, and thus they see that the Church could make not only impediment-impediment, which renders marriage illicit, but also dispensation-impediment, which renders marriage invalid. And as it could make other impediments it could also make this one of clandestinity. It makes their consent not legitimate, and makes so invalid the rights and duties which usually follow from the consent of the parties.

The Pope could not make a law by which a baptism with water and the words is invalid, but what if by adding wine he made that which was water not water? Again, the Pope could not make a law by which a mass with bread and wine and the words of the priest, "This is My body, this is My blood" would not be a mass. But what if he puts water into the wine and made that which was wine not wine? In these instances his act would have changed that which otherwise would have been valid matter of a sacrament of baptism of a sacrament of mass into something which is not valid matter. And similarly his making clandestinity an impediment of marriage makes the physical consent of the parties which otherwise would have been valid matter of the contract and sacrament, not the valid matter of the contract or sacrament. How so? He makes the persons disabled, incompetent to contract. He makes the consent incompetent, disabled to produce the tie. Here there is no physical change as in the supposition about the water and wine, but there is a moral change, and this change is enough for the case in point.

After all, is it infallibly certain that the Church and the Pope are not exceeding their powers, and acting ultra vires in making this direct impediment? The Catholic who accepts the infallibility of the Church and Pope must logically hold it as infallibly certain that there is no such excess. True, the Church or Pope is infallible only when teaching ex-cathedra or when defining a truth pertaining to faith or morals for the universal Church. And here there is a law and an act and not directly a teaching. But indirectly there is in this law or act a teaching that the Church or Pope has this power about the seventh sacrament, instituted by Christ about a thing pertaining closely to faith and morals, and this law was made by the Ecumenical Council of Trent and approved by the Pope and designed for the universal Church, and if there were abuse of power and clandestine marriages were valid in the face of this act of the Council and the Pope, the Council and the Pope would have stated, "I declare the consent of the parties not to be a legitimate consent, and as not being legitimate not actually causing the tie or bond or moral obligation which would be caused by this consent if my sovereign act here and now did not come in and hinder it."

As God could hinder the fire in the Babylonian furnace from its natural effect of burning the three Hebrew

The New
Dry Goods Store.

Grand Removal
Opening
April, 1908

Tel. East 3256.

James Cuddy & Co.

706 St. Denis Street, near Roy

Late of Notre Dame East.

Your Patronage Cordially Invited

New and Up-to-Date
Dry Goods and House Furnishing

James Cuddy & Co.

706 ST. DENIS, near Roy.

good reason could Pius the Tenth have for making this extreme use of them, to make this great change in the law of the Council of Trent, and for bringing it into places where no other Pope of the preceding three centuries had brought it?

The present Pope found the law making it impossible for the Catholic to get married except by the proper parish priest or bishop, or the delegate of either, and the proper priest and bishop are determined by that Catholic's domicile or quasi-domicile. Pius the Tenth changed the law so that any Catholic from any part of the world may be validly married by any parish priest or bishop, provided only that the celebrant officiate in his own territory. How much easier for the Catholic now to get married validly, and above all, how much easier for the bishop's court to know that he has been married validly, since all the former possible doubts founded on domicile or quasi-domicile are eliminated.

TO STOP SECRET MARRIAGES.
Pius the Tenth found the law of clandestinity promulgated only in certain sections, and it had no force except in a parish where it had been promulgated thirty days previously. Even at Rome there had been many doubts about where it had been promulgated or how it had been promulgated centuries before, and about whether it had fallen into disuse, and the simple faithful who now change residences so readily could not readily understand that there is a new law in a new land to which they come.

Moreover, Pius the Tenth found that where the law had been promulgated secret marriages, ever detected by the Church, were unknown. For these reasons and others he decided on simplicity and equality, and to have this law the same in all places. And now wherever the law is now the good Catholic finds he has little new to do which he did not do before, and moreover he sees his marriage, by many new safeguards, protected and guaranteed to be according to the laws of the Church and of God. But a bad Catholic, who would like to be married in secret, and thus keep a secret back door open to deny his marriage, and to desert his wife and children, and to live in sin in a new and pretended marriage, finds this secret back door to have sacrilegious teachers closed by Pius the Tenth in every part of the world.
H. C. SIMPSON, S.J.,
Moderator of the Theological Conferences of the Archdiocese of New York.