each party expresses, externally as well as interiorly, consent to take the other as wife or husband for life. This much is ordained by the very nature of thiegs, but as the contract thus made is a social contract, having far-reaching social effects, like every other social contract, it comes under the control of the ruler of the society to which it belongs, and hence, as that society in the case of the Sacrament of Marriage is the Church Catholic, it appertains to the supreme ruler of the Catholic Church to impose regulations whereby the nature and object of this contract, as ordained by God, may be the better preserved.

(4) Of the legislation with this intent which the Catholic Church has originated and enforced two points only need occupy us at present, the legislation concerning clandestinity and the legislation concerning diriment impediments

concerning clandestinity and the legislation concerning diriment impediments in other words the legislation by which she has sought to secure (1) that the marriage of her children shall be performed only in presence of her own ministers, and in conformity with the ceremonial form she has herself sanctioned, and (2) that these marriages shall be between those only who are not precluded by impediments imposed by divine law, or by ecclesiastical laws which she herself has instituted to supplement it—as, for instance, by a previous marriage still subsisting, by a too close consanguinity or affinity or spiritual relationship, or by a pressure incompatible with freedom of consent inflicted by one person on the other.

tionship, or by a pressure incompatible with freedom of consent inflicted by one person on the other.

(5) As it is at this point that the conflict between Church and State arises in those countries where the State refuses to recognize the claims of the Church, we may notice here that the State, in such places makes exactly the same claims for herself as we have seen that the Church makes. It claims that, marriage being a contract with important social bearings, it belongs to the State to regulate it, and, in the discharge of this office, to suppress clandestinity and require the avoidance of certain prohibitions by its authority imposed, such as, in addition to some of those already mentioned, are the performance of the ceremony elsewhere than in the presence of its appointed officials, or without previous compliance with its rules of previous proclamation, or, if the parties be of royal blood, without the previous consent of the Sovereign; or, on the other hand, to regulate it by abolishing the divinely prescribed impediment of absolute indissolubility and sanctioning the re-marriage, after divorce, of those whose previous partners are still living. The re-marriage, after divorce, of those whose previous partners are still living. The Church, in regard to these counter-

re-marriage, after divores, of tabse whose previous partners are still living. The Church, in regard to these counterclaims of the State, by the necessity of her position makes a distinction. She cordially recognizes the right of the State to regulate the civil effects of matrimony, such as the descent of property, the acquirement of State rights or privileges, by exacting compliance with its forms. But she denies the right of the State to touch the essence of Christian marriage by making the attempt, which she knows to be in God's eye perfectly vain, to disregard impediments which the Church has imposed, or to impose impediments which the Church has not imposed. Thus a marriage duly celebrated before the Church's minister, but without the presence of the State official, though deemed invalid in some States, is, so the deemed invalid in some States, is, so the Church holds, valid in God's eyes, and whilst the re-marriage, with any one whatever, of a divorced person whose previous partner survives, is invalid in God's eyes, so that to adhere to it is to live in sin, however much it may have the sanction of a State ceremony. Still the sanction of a State ceremony. Still, whilst there can be these sharp antagonisms between the claims of the Church and those of the State, and in consequence between their respective legis-lations, the Church, while rigid in her adherence to the principles involved, ever tries to be conciliatory to the utmost, and though in some countries the direct and formal hostility of the State precipitates conflicts otherwise, State precipitates conflicts otherwise, avoidable, in countries like the British Isles and British Colonies, or the United States, the most amicable relations prevail between the two, the State using its powers in such wise as to meet the consciences of Catholics, as by providing a method in which the Church and the State ceremonies can be brought together in time and place, and the Church, studiously avoiding all such exercise of its undoubted powers as might bring the ecclesiastical and civil state of the available to the control of th

(6) To come back to the character of (b) To come back to the character of the Church's marriage law, since it is the propriety of this, or rather of its newest revision, that has been challenged. The Church holds, as we have seen, (a) that the essence of the marriage conthat the essence of the marriage con-tract is in the mutual consent, extern-ally expressed, of the parties to take each other as man and wife, and (b) that—antecedently to any Church legisla-tion prescribing a special form and special circumstances, or prohibiting the contract to parties related to each other in certain ways—any man and other in certain ways—any man and woman who have attained the age of woman who have attained the age of puberty can validly enter into this con-tract, using for the purpose any form that expresses matrimonial consent, and using it when or where they please. But obviously such latitude of action is most undesirable to leave to the parties in a matter which, like marriage, is fraught with most serious consequences. Hence (to confine ourselves for the moment to the Church's legislation to prevent claudestinity) the first stage in consent shall always be given in presence of the Church's minister, and as part of a rite in which the Church's blessing is accorded to the parties. Of the beginnings of this practice there is evidence going back to the earliest Christian times. In the letter written by St. Ignatius of Antioch to St. Poly-carp it is declared to be becoming that bridegrooms and brides should enter on bridegrooms and brides should enter on their marriage with the sanction of the Bishop." Tertulian in one place wit-nesses to the custom when he praises the happiness of the marriage which the Church conjoins [conciliat], the obla-tion [of the Mass] confirms, the bene-diction seals, the angels proclaim, and the Father ratifies"; and in another where he says that "with us also secret unions, that is unions which have not first been declared in the Church, are

liable to be regarded as adultery and fornication." As time runs on and the Church's system unfolds, we trequently find evidence that the practice of being married before the Church's minister with use of the authorized service was regarded as prescribed under sin. An important advance in marriage legislation was taken by the Fourth Lateran Council (1215) held under Iunocent III. Experience showed that for want of sufficient previous inquiries persons were at times admitted to the celebration of this sacrament, even when performed in presence of the ipriest with the prescribed rite, who were within the forbidden degrees of kindred or otherwise incapacitated for marriage. To check this evil the Fourth Lateran Council, by its Canon LL, decreed that in future the public celebration of marriages should be preceded by the publication of banns, a sufficient interval being left to allow of inquiries being made and information taken as to the power and freedom to marry of the persons concerned. This canon also included a very formal prohibition of all marriages not celebrated in facie Ecclesiae.

(7) These provisions of the Church's law during the maintitive and medicare!

formal prohibition of all mariages not celebrated in facte Ecciesiae.

(7) These provisions of the Church's law during the primitive and medieval periods witness to her endeavor from the very first to check clandestine marriages by the stringency of her prohibitions. Still this evil went on, and the experiences of the Church Courts—in which the difficulty of obtaining clear proof of the validity or invalidity of marriages so contracted, when they came under judicial examination, was keenly felt—gave rise to a growing conviction that, if a successful remedy was to be found, it must be by going beyond mere prohibition of such marriages, and making celebration before the parish priest of one of the contracting parties to be a condition the contracting parties to be a condition essential to validity. At the time of the Council of Trent, when the abuses and shortcomings of the medieval discipline were being seriously considered, this question was inevitably brought forward. The famous Decree Tamesti, in which this further step was taken, was the outcome of the deliberations of the Council. We may transcribe the portion of this Decree which concerns

portion of this Decree which concerns us here.

Although (Tamesti) it is not to be doubted but that clandestine marriages entered upon with the free consent of the contracting parties, are valid and true marriages as long as the Church has not rendered them invalid.

nevertheless the holy Church of God has always datested such marriages for most has not rendered them invalid.

nevertheless the holy Church of God has always detested such marriages for most just reasons, and has prohibited them. Since, however, the holy Synod observes that these prohibitions through the disobedience of men do not now profit, and ponders over the grave sins which spring from these clandestine unions, especially in the case of those who abide in the state of damnation by leaving the former wife with whom they contracted secretly, and contracting openly with another and living with her in perpetual adultery—an evil which the Church, unable to judge of things hidden, cannot remove without employing some more efficacious remedy.

the Holy Synod makes those who attempt to contract matrimony otherwise than in the presence of the parish priest, or some other priest licensed by him, or by the Ordinary, as well as in the presence of two or three witnesses, to be altogether incapable of marrying; and it declares such contracts to be invalid and null, as such contracts to be invalid and null, as by this Decree it invalidates and an-

nuls them. . . This stricter legislation was undoubtedly calculated to reduce the number of abuses, but unfortunately at the time of its enactment a new element of difficulty had arisen which stood in the cuity had arisen which stood in the way of its universal introduction. The Catholic Church, knowing herself to be entrusted by God with the rule and charge? of all baptized persons, could never allow that revoit against her authority entitled the revolters to expension from the chilipation to keep her their allegiance to the Church, and these could not be expected to con-tract their marriages before the Catho-lic parish priest; and yet the Fathers of Trent did not wish to see their mar-riages invalidated wholesale by nonin the districts and countries where

Catholic districts and countries. Thus in the districts and countries where Protestantism was the prevailing religion, the previous law continue to hold, and marriages contracted otherwise than before the parish priest, though unlawful in the eyes of the Church, were still valid.

This did for the time, but gradually the religious conditions of the different localties altered, and, in places which had previously been predominantly Catholic, there came to be a considerable admixture of Protestants. This new difficulty was met by an arrangement which could only be regarded as provisional. In countries where the Decree Tametsi had been published, the marriages of non Catholics were withdrawn from the scope of this Decree, in other words these were recognized as free to marry validly, even in the eyes of the Catholic Church, in whatever way they chose, provided of course they gave that external expression to their mutual consent which the law of nature itself requires. The Papal Act by which non-Catholic marriages of baptized persons were thus withdrawn from the operation of the Tametsi was the Benedictine Declaration, so called because issued in this form by Benedict XIV. In the first instance it was a concession to Holland, but was afterwards extended to other countries where similar circumstances prevailed.

This Benedictine Declaration fore-

have introduced a simple and workable settlement in the countries to which it applied, but it left untouched countries like England and Scotland in which, as predominantly Protestant, the Debree Tametal had never been published. The consequence for such countries was, that in order to prevent Protestant marriages from coming under the invalidating clause of this Decree, Catholic marriages were likewise left free from its salutary operation, which meant that practically they could escape the Church's control altogether, and could be validly contracted without sacred rite or blessing or priest or even witnesses. If two persons came saying that they had contracted with one another on the top of a lonely mountain, the priest must take into account that if they spoke the truth they were truly married. Clearly this was a most unsatisfactory condition of things. It was also one which, in the present state of the world, could be remedied with comparative ease if the distinction between Catholic and Protestant marriages already sanctioned by the Benedictine Declaration in some countries, were applied to all, so that in all countries, by force of a general law, Catholic marriages might be brought under the invalidating clause of the Tametsi, and non-Catholic marriages be abandoned to the devices of those concerned. And it is just this that the Ne Temeri has done. It must be acknowledged then, that it is due to no audden thought of the present Pope, but is the logical termination of an age-long endeavor to make the Church's marriage law effectual for the protection of the logical termination of an age-long en-deavor to make the Church's marriage law effectual for the protection of the sacrament and the checking of abuses among Catholics. Even the immediate preparation of the new legislation must have begun long before the pres-ent Pontifi came to the throne, for in the Acta of the Vatican Council we find that the applicat was brought for in the Acts of the Vatican Council we find that the subject was brought forward in some of the postulata, and would doubtless have been considered, with results identical with or approximate to those embodied in the Ne Temere, had not the invasion of Rome by the Italians necessitated the sudden suspension of that Council. It is known too, that many of the subjects which the Vatican Council intended to examine and determine have ever since been engaging the attention of the Sacred Congregations, so that presumably this was among them, and Pius X's part has been to give the final sanction to what

We trust that these explanations will

We trust that these explanations will suffice to vindicate the Ne Temere in the eyes of fair-minded readers, an in this done, a brief word more is all that is required to vindicate the application of the Decree to the case of mixed marriages. It has been supposed by the newspaper critics and others that the Decree invalidates all mixed marriages, that is marriages between Catholics and Protestants. This is not the case. These marriages remain as they lics and Protestants. This is not the case. These marriages remain as they were before, except in one, doubtless important, particular. The Church has always been averse to mixed marriages, but has been accustomed, when her dispensation is sought and sufficient reasons are alleged, to permit them on condition that the non-Catholic party consents to have the ceremony in the consents to have the ceremony in the Catholic Church and there only, and to Catholic Church and there only, and to allow all the children of the marriage to be brought up Catholics. And this can still be done and often has been done even since the publication of the Ne Temere. What the Ne Temere does enact is that—inasmuch as all Catholics are now under a law which invalidates their marriages when not cele-brated before the parish priest and two witnesses—the same holds with those of them who marry non-Catholics. The Catholic marrying under these forbid-den conditions marries invalidly, and, charge of all baptized persons, could never allow that revoit against her authority entitled the revolters to excuption from the obligation to keep her laws. Whatever the revolters themselves might think, or other men agree with them in thinking, in the eyes of God they remained bound. Now, the success of the then recent outbreak of Protestantism had carried away the inhabitants of many whole districts from their allegiance to the Church, and there are the expected to each of the carried and the state of the carried and the carri positive inducement to disobedience and apostasy, with fatal results to the Church's careful guardianship of this lic parish priest; and yet the fathers of Trent did not wish to see their marriages invalidated wholesale by nonappliance with this condition. It was to avoid any such eventuality that the Council devised an unusual method of promulgation for its new marriage law. Instead of causing it to be promulgated once for all for the whole world, it prescribed that the should be published separately for each parish, and hold good only for the parishes where it had been published; and this with the intention, which was carried into effect, of restricting its publication to the Catholic districts and countries. Thus in the districts and countries where can be induced to come with him to renew matrimonial consent under the prescribed conditions, the Church will do her best for them. If, indeed, some matrimonial impediment already subsists between the two, and one incapable of being removed by dispensation, if, for instance, the non-Catholic party is tied by a previous marriage, the civil sentence of divorce by which he deems it to have been dissolved notwithstanding, there is no help for it, the Catholic party, if anxious to forsake sin and return to grace, must separate from him altogether. But, if there be no actual impediment between them, or only such as the Church's power can remove by dispensation, then probably only such as the Church's power can remove by dispensation, then probably the dispensation will be granted, and the possibility of validating the marriage be opened out. It is not, indeed, even then an entirely satisfactory solution for the Catholic party, if the woman can no longer exact those conditions for the Catholic education of the children which she might have secured had she shown herself faithful to the Church in the inception of her

secured has she shown herself tathful to the Church in the inception of her marital projects. But it is an improvement on cohabiting on the basis of an invalid marriage, and is the best that can be done under the circumstances. We have now explained the true nature of the Ne Temere, and, with this withdrawn from the operation of the Tametsi was the Benedictine Declaration, so called because issued in this form by Benedict XIV. In the first instance it was a concession to Holland, but was afterwards extended to other countries where similar circumstances prevailed.

This Benedictine Declaration fore-shadowed the general system towards the introduction of which all was tending. The Declaration was found to

ready contracted." If by "legal validity" he means the validity they hold in the eyes of the civil law, in accordance with whose prescriptions they have been performed, no one questions but that the mixed marriages which the Church's law now invalidates, are valid in this civil sense; and no one wishes to contest or disregard the purely civil effects which result from the mode of their celebration before the civil register, or the civilly recognized Protestant minister. These marriages will of course be treated as valid by the civil authorities in regard to the right to maintenance or alimony, valid by the civil authorities in regard to the right to maintenance or allmony, the descent of property, the custody of children, the liability to prosecution for bigsmy, should the Catholic party attempt to marry some other person. They will have these consequences, and the Catholic who is faced by them will attempt to marry some other person.
They will have these consequences, and the Catholic who is faced by them will be told by his spiritual advisers that he has himself to thank for them, and must submit to them unresistingly. His spiritual advisers will even go further, and tell him (to take the case of the man being the Catholic), that, having induced the women to go through the civil ceremony with him, and afterwards cohabit with him, he has contracted serious obligations towards her. If she will consent duly to go through If she will consent duly to go through the Catholic form of marriage with him, then he owes it to her to continue in the marriage on these continue in land largely to the faithful Irish—the then he owes it to her to continue in the marriage on these conditions, and even if she will not do that, he must consider that he has made himself re-sponsible for her support and must be faithful to it. The one thing which, if he is repentant of his sin and wishes to be faithful to his duties as a Catholic, he must not do is to cohabit with her apart from the Catholic revalidation of the marriage for to do that would be to the marriage, for to do that would be to live in sin.

From this it further appears how little ground there is for the other charge which the Archbishop states with moderation, but which the Queen's with moderation, but which the Queen's Hall people have hurled backwards and forwards in the most frenzied terms, the charge, namely, that the Decree introduces confusion into domestic life. How does it? His Grace would not, we presume, consider that, in a case which in his eyes was one of invalid marriage, it was introducing confusion into domestic life, for a relative or spiritual friend of the parties concerned to counsel separation at all events till the defective marriage was set right. Yet what else is it that those Irish priests are understood to have done in the exception of the purely agricultural are understood to have done in the McCann and the Moore cases? And what greater consideration for the security and happiness of domestic life could be shown than when, under the Decree, the priest strives to induce the parties to set their marriage right by the very simple process which the Decree sanctions, of renewing their consent before the lawful ecclesiastical

authorities? As for the Queen's Hall fanatics, perhaps it is hardly necessary to allude to them further. They are determined to them further. They are determined to "repudiate the pretensions of the Church of Rome to regulate the conditions determining the validity of marriage legally solemnized between British subjects in any part of His Majesty's dominions." Fine-sounding words, such as the British Philistine delights to utter defiantly, but what is it they mean to do, and how are they going to do it? Do they mean that they are going to force the Catholic authorities to admit to its sacraments those who have contracted legally solemnized, but not ecclesiastically recognized marriages? Or do they mean that they are going to force Catholics to withhold all counsels and exhortations addressed to those whom they deem to be living to those whom they deem to be living in sin, with the object of persuading them to abandon it. If so they have got a tough job before them, and, short of putting all Catholics in the British

of putting all Catholics in the British dominions to death, we do not see how they are to accomplish it. We fancy too, that this will be the feeling of the Prime Minister, when their proposed deputation reaches him.

If it were possible for the voice of reason to reach fanatics of this sort, we would suggest to them that there is just one way in which they can obviste the difficulties created for them and for us by the Ne temere, and fortunately it is one in regard to which we are to some extinct the smoke and clatter of modern industry."

Non-Catholics who speak and write as if the end of the Catholic Church was brought about by the Protestant Reformation, should ponder about the rehabilitation of Catholicity in Great Britain. in regard to which we are to some extent agreed, inasmuch as they profess themselves to be as adverse as we are to those irresponsible mixed marriages If a former Catholic, now a confirmed apostate, marries a Protestant, though the Catholic Church will regard their Protestant will result, as his partner is congregation applies to a Protestant clergyman to marry him to a Catholic girl who still regards herself as such, let him point out to the applicant the serious risk of domestic unhappiness he is running; let him warn him that, even is running; let him warn him that, even if for the moment the Catholic girl's conscience has been overmastered by passion or sentiment, there will always be the liability of its resuming its sway over her soul, and forbidding her to remain in a union which her Church judges to be invalid; and let him exhort the applicant, be it the man or the woman, to avoid a species of marriage in which the voice of conscience must inevitably be a seed of division

A THOUGHT FROM THE GOSPEL

The story of the healing of the ruler's son illustrates very touchingly the power of faith and the kindness of Christ, and one remark of our Lord recorded in the gospel has in this, our day, a very particular application—"unless you see signs and wonders, you believe tot." A great many men profess a a very particular application—"unless you see signs and wonders, you believe not." A great many men profess a powerlessness to believe that is pathetic and abject. They speak in a manner that seems to indicate a generous reluctance to pain-the legislator that imposes belief; the duty and expediency of belief never seems to strike them. And all the while it is no difficulty inherent in the subject matter of faith that keeps them from embracing it, but various passions the restraint of faith bids them subdue. In every great cause a certain plunge is required; a certain abandonment to impulse that is not the command or the result of reason. The soldier who constantly analyzes and sifts lacks the dash and resolve that makes the

hero, and so in the matter of faith, those weaklings constantly weigh arguments, and never consider Pascal's reasons of the heart, hever schieve the heroic, They are the material of the cynical pessimists, that rust and corrode the glad machinery of life.—Denver Register.

THE APOSTOLIC RACE

In no country in Europe was the work of the Protestant Reformation of the sixteenth century more thoroughly accomplished than in Scotland. Churches abbeys, monasteries and convents were confiscated, and their inmates banished; the hierarchy and the Catholic priest-hood were practically obliterated, the ancient hierarchy ending with James I Betoun, Archbishop of Glascow, who died at Paris, April 25, 1603, at the age of seventy-nine. Not until 1878 was the heirarchy re-established, the scattered Catholics during the centuries that intervened being governed by Prefects Apostolic. To-day there are more than 518,669 Catholics in Scotland, and the Church increases in strength and influence from year to year.

faith and that devotion to the Church which have characterized them in every land where they have settled. Despised because of their nationality and their faith they were nevertheless true to both, and whatever may be said of the influence of conversions to the Church among the highly-placed and the educated, it is undeniable that the poor Irish working population had, by reason of their fidelity to the faith, a great deal to do with the Church's "second anxing" in Great Britain.

exception of the purely agricultural areas, the Irish have established them-selves everywhere, and wherever they have gone they have brought with them their religion in a practical and con-crete form.

"A few years ago," continues the writer, "I happened to find myself in a district in Scotland which had recently

been opened up as an industrial center Previously it had been agricultural and remote; now, thanks to the opening of mines, a town of red brick houses had been built, a pall of smoke hung over been built, a pall of smoke hung over the place, the hum of engines and the hiss of steam were to be heard on every side. The Irish had come there, a new Catholic church had been built, and a venerable Irish priest was the pastor. The silver haired priest took great pride in the fact that he had discovered an ancient baptismal font and placed it in his new church. That font dated from long before the Protestant Reformfrom long before the Protestant Reformation, and when found by the priest it was being used as a cattle trough by a Scottish farmer upon whose lands were also the ruins of an ancient abbey. Thus, after a lapse iof centuries, the font was restored to the Catholic Church-to a new church with new tiles and stone, and brickwork in the midst of which the ancient relic, with its time-worn Latin inscription, was all the more striking by the contrast it afforded.

ilitation of Catholicity in Great Britain. nitiation of Catholicity in Great Britain, particularly in that part of it where the Reformation was most successful in its work of rooting out and destroying almost all trace of the old faith. They should be compared to the contract of t should also ponder the unique part played by the Irish in the work of Catholicizing Great Britain. In by-gone centuries Irish monks and learned men went into England and Scotland pearing the light of faith. In the nine teenth and twentieth centuries the Irish missionaries of the faith in those countries have been, not learned men, but mainly poor Irish laborers seeking a home and a living denied them in their own land. Hilaire Belloc writing in the Catho-

Hilaire Belloc writing in the Catholic World declares that the failure of the Protestant Reformation in Ireland, the saving of Ireland to the Catholic faith when Britain went under, is susceptible of no historic explanation. "It seems to me," he says, "a phenomenon essentially miraculous in character, not generally attached (as are all historical phenomena) to the general and divine generally attached (as are all historical phenomens) to the general and divine purpose that governs our large political significance; but directly and specially attached. It is of enormous significance how enormous men, perhaps, will be able to see many years hence when another definite battle is joined between the forces of the Church and the appropriate for the Irish room. joined between the forces of the Church and her opponents, for the Irish race alone of all Europe has maintained a perfect integrity and has keptlserene, without internal reactions and without their consequent disturbances, the soul of Europe which is the Catholic Church."—S. H. Review.

Bishops in Politics The Catholic Herald (England) emphasises the attitude of Bishops in poli-

phasises the attitude of Bishops in politics as defined by Cardinal Merry del Val, representing the Pope:

"Let them (the Bishops) not intervene in Party contests except for grave reason. Let them not accord their blessing and support to political candidates lest these make improper use of the Bishops' approval, but in everything regarding political affairs let an honest liberty be fully allowed to Catholics saving the obedience due to the teaching and laws of the Church."

And as to liberty in the field of liter-ture the Cardfnal says :

"But censors are to avoid touching matters which are morely civil and political. On such subjects Catholic writers have the right of saying what

they like providing they respect justice and charity.'

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