

each party expresses, externally as well as internally, consent to take the other as wife or husband for life. This much is ordained by the very nature of things, 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 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 those marriages shall be between those only who are not prevented 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 indicated by one person on the other.

As it is in 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 the Church make. 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, 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 the rights 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 eyes 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, is deemed invalid in some States, i. e., so the Church holds, valid in God's eyes, and must be adhered to by the parties; 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, and in some States may be the sanction of a State offence. 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 legislations, 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 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 aspects of the marriage into avoidable conflict.

(6) 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 marriage contract is in the mutual consent, externally expressed, of the parties to take each other as man and wife, and (b) that—antecedently to any Church legislation prescribing a special form and special circumstances, or prohibiting the contract to parties related to each other in certain ways—any man and woman who have attained the age of puberty can validly enter into this contract, 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 so serious consequences. Hence (to confine ourselves for the moment to the Church's legislation to prevent clandestinity) the first stage in its development was to require under pain of grievous sin that the marriage consent should always be given in presence of the Church's minister, and that bridegroom and brides should enter into their marriage with the sanction of the Bishop. Tertullian in one place witnesses to the custom when he praises "the happiness of the marriage which the Church's conditions [concordat], the obligation [of the Mass] confirms, the benediction 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 frequently 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 Innocent 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 priest 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 LI, 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 Ecclesie*.

(7) These provisions of the Church's law during the primitive and medieval periods witness to her endeavor for the very first to check clandestine marriages by the stringency of her prohibitions. Still this evil went on, and the experience of the Church Courts—in which the difficulty of obtaining clear proof of the validity or invalidity of marriages 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 conditional and 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 Tametsi, 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 us here.

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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 Decree Tametsi had never been published. The consequence was that in those countries, 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 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 Temere has done. It must be acknowledged then, that it is to no small credit 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 sacrament and the checking of abuses among Catholics. Even the immediate preparation of the new legislation must have begun long before the present Pontiff came to the throne, for in the Acta 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 approximately to those which we have seen 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 Congregation, so that it is not surprising among them, and Pius X's part has been to give the final sanction to what had emerged from the deliberations of his consultants.

We trust that these explanations will suffice to vindicate the Ne Temere in the eyes of fair-minded readers, and, in this case, a brief word more is in its favor, and that is, that 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 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 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 is that, inasmuch as all Catholics are now under a law which invalidates their marriages when not celebrated before the parish priest and two witnesses—the same holds with those of them who marry non-Catholics. The Catholic marrying under these forbidden conditions marries invalidly, and as marriage is an act in which two persons concur, the non-Catholic party to such a contract marries invalidly also. How could the Holy See have ordered otherwise? To say to a Catholic inclined to be refractory, "if you marry a Catholic you must under pain of invalidity marry under Catholic conditions, but if you like to marry a non-Catholic you can do it validly where and how you like," would have been to offer a positive inducement to disobedience and apostasy, with fatal results to the Church's careful guardianship of this important sacrament. She has taken, in short, the easy course open to her in dealing with the case of mixed marriages, and besides, does her best to open to the transgressor a way of return, if he should ever repent of his sin and desire to make his marriage valid. He has but to apply to the Church's minister, manifesting his regrets and good intentions, and then, if the non-Catholic girl who still remains 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 if for the moment the Catholic girl's conscience has been overmastered by passion or sentiment, there will always be the liability of returning 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 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 her opponents, for the Irish race alone of all Europe has maintained a perfect integrity and has kept serene, without internal reactions and without their consequent disturbances, the soul of Europe which is the Catholic Church."—S. H. Review.

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hero, and so in the matter of faith, those weaklings constantly weigh arguments, and never consider Pascal's reasons of the heart, never achieve 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 priesthood were practically obliterated, the ancient hierarchy ending with James Beaton, Archbishop of Glasgow, who died at Paris, April 25, 1603, at the age of seventy-nine. Not until 1878 was the hierarchy re-established, the scattered Catholics during the centuries that intervened being governed by *Profectus Apostolicus*. Today there are more than 518,000 Catholics in Scotland, and the Church increases in strength and influence from year to year.

As in England, the present property of the Catholic Church is due in Scotland largely to the faithful Irish—the immigrants who, leaving their own country to better their lot economically, brought with them that lively 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 conversion 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 spring" in Great Britain.

A writer in an Irish paper tells of a venerable Irishman who in his youth had tramped through the eastern counties of England and into Scotland in search of work as a laborer. "I walked for days and weeks, and I never saw a chapel or a cross. I never met a Catholic in all my travels. But nowadays with the exception of those old and decayed towns which have been unaffected by the tide of progress and the growth of British trade and with the exception of the purely agricultural areas, the Irish have established themselves everywhere, and wherever they have gone they have brought with them their religion in a practical and concrete 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 pair 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 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. True, after a lapse of centuries, the font was restored to the Catholic Church—to a new church with a new title 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.

"The new church and the old ruin—in these were illustrated the history of Catholicity in Scotland. The religion which had been destroyed in the midst of medieval strife was restored amidst 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, particularly in that part of it where the Reformation was most successful in its work of rooting out and destroying almost all traces of the old faith. They should also ponder the unique part played by the Irish in the work of Catholicizing Great Britain. In bygone centuries Irish monks and learned men went into England and Scotland bearing the light of faith. In the nineteenth 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 Catholic Home 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 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 her opponents, for the Irish race alone of all Europe has maintained a perfect integrity and has kept serene, without internal reactions and without their consequent disturbances, the soul of Europe which is the Catholic Church."—S. H. Review.

The Catholic Herald (England) emphasises 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 least 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 literature the Cardinal says: "But censors are to avoid touching matters which are merely 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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