

The Catholic Record.

Published Weekly at 484 and 486 Richmond street, London, Ontario.

Price of subscription—\$2.00 per annum.

EDITORS: REV. GEORGE R. NORTHRUP, Author of "Mistakes of Modern Infidelity."

THOMAS COFFEY, Publisher and Proprietor, Thomas Coffey.

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LETTER OF RECOMMENDATION. UNIVERSITY OF OTTAWA. Ottawa, Canada, March 7th, 1904. To the Editor of THE CATHOLIC RECORD, London, Ont.

LONDON, SATURDAY, MAR. 26, 1904.

THE WINDSOR SCHOOLS.

HONORABLE JUSTICE STREET'S DECISION.

During the past few years so many extravagant things have been said and written about the Windsor schools that it may be well to recall a few of the events leading to the settlement in favor of the Catholic newspapers.

While paying an official visit to that Parish His Lordship the Bishop of London told the Catholics their schools were not satisfactory. He pointed out that the Catholics were following neither Public nor Separate school law; that they had no legal title to their share of the school property; that they had no power over their own children in school except by courtesy or toleration; and in a word, that their compromise system was lacking in permanency and was not according to the laws of the Catholic Church on the all important question of Catholic education.

In addition to the above we are also gratified to announce the appointment of Mr. F. A. Anglin, K. C., of Toronto, another Irish Catholic, to the position of High Court Judge. Mr. Anglin is a son of the Honorable Timothy Anglin, Speaker of the House of Commons under the McKenzie Administration.

The Hon. Charles Fitzpatrick, Minister of Justice, deserves the lasting gratitude of our people for the impartial manner in which he has distributed the patronage of the province. His purpose is to deal out even-handed justice to all. He would, however, find this a most difficult task did he not receive the support of his Ontario colleagues in the Cabinet.

MARRIAGE AND DIVORCE.

The Toronto Saturday Night of March 12 has an article on the comparative number of divorces in Canada and the United States. According to the statistics therein presented, in the thirty five years from 1867 to 1901, there were sixty nine divorces in Canada, whereas during the same time there were seven hundred thousand in the United States.

The population of the United States is over fourteen times that of Canada—the article in Saturday Night says twelve times—but the number of divorces is considerably over ten thousand to one in Canada! Since 1867, the average annual number in Canada was two, and on these facts a Detroit paper says:

"The Canadian people are not radically different in domestic customs and in temperament from ourselves. They are not aliens to us. They are very much the same kind of people as we are, living under free institutions similar to ours, speaking the same language, having practically the same laws, reading the same books, and holding substantially the same private and public standards. That two peoples of common descent, in the same climate, and divided only by a line upon the map should so radically differ in this prime essential of social morals, is a startling fact that ought to arouse us to our danger and our disgrace."

The difference between the two countries is undoubtedly startling, and statesmen, clergymen, and in fact all in the United States who have at heart the morality and social welfare of the

people, take in the object lesson that a nation can get along very well without a divorce factory in which families are broken up as readily as coffee can be ground in a hand-mill for use at the breakfast table.

The writer of the article in Saturday Night points out that Canada cannot plume herself unreservedly on the above figures which appear so favorable at first sight. In Dakota, it is said with truth, that "more Canadians obtain divorces than in Canada, and sometimes even married couples by agreement remove to the United States so that cheaply and without scandal they may dissolve the marriage tie. It is not uncommon for Canadians divorced across the border to remarry there and return to live here without the sanction of our law on the divorce and second union."

The article in question goes on to say that there is one ground deemed sufficient to justify divorce, and this is the only ground for divorce under the law of Canada, that is the infidelity of the husband or wife, and it complains that when this cause occurs it costs the appellant about \$1,000 to obtain a divorce by Act of Parliament.

The writer considers that whereas a specific reasonable cause for divorce is recognized, a cost on the proceeding so great that only the rich can incur it ought not to be imposed, and it is owing to the fact that this cost is so great that our small number of divorces during the past thirty-five years looks so well in print. He adds:

"Cases exist in plenty where the grounds of divorce are ample. The evidence is abundant, but the price that must be paid for justice is lacking. These people must live out their hopeless lives wearing a detestable yoke. Sometimes they quarrel and separate. Occasionally one of them reappears charged with bigamy. Now and then hatred and vice culminate in a shocking tragedy. I have discussed this subject more than once and my view is that as our laws recognize one ground for divorce—one condition of affairs that makes divorce morally desirable—divorces on that ground should not be made prohibitive by the costs imposed. There could be a reform in this respect without danger of following the sad course of our republican neighbors."

We admit that the reasoning of our contemporary is very plausible to the effect that if we once recognize the infidelity of one of the married parties as a legitimate cause for the dissolution of the marriage tie, it might be advisable to facilitate the granting of divorces by establishing a cheaper means of securing them than at present exists in Canada. The supposition that the Christian religion allows of divorce in the sense of dissolving marriages, arises out of a mistaken interpretation of St. Matthew v. 32, and xix. 9. These passages, indeed, allow the wife (and by similarity the husband) to be put away if she has been unfaithful, but that the marriage tie is not dissolved is clear from the clause: "Whosoever shall marry her that is put away committeth adultery." Separation is, therefore, permitted under such circumstances, but the marriage is not dissolved. This has always been the interpretation given by the Church of God on earth to these passages, and it is fully borne out by St. Mark x. 11. and St. Luke xvi. 18.

The words of Christ here referred to are in one instance a reply to the question put to Him whether it is lawful for a man to put away his wife for every cause. There are two cases involved: one is whether there can be any just cause for separation, the other whether in case of the existence of such cause, it is lawful for the parties thus separated to marry again. In the first case, Christ informs His questioners that for cause of adultery a man may separate from his wife. In the second case, he tells us that the wife thus put away cannot marry again, thus showing that the bond of marriage is not severed. As the question is one which comes under the divine law, in no case can it be decided by the civil courts, as they have no divine authority to sit in judgment on the laws of God.

Divorce is more injurious to the woman than to the man, and it is therefore repugnant to the equality of the marriage contract in regard to the two contracting parties. Here is what Pere Monsabre has said on this point:

"Man can withdraw from conjugal society with all the advantages of his strength and authority to enter upon new obligations. Woman cannot withdraw from it with all her dignity. She leaves behind her best properties, her virginal beauty and the charms of youth. Who shall look for this wretched plant whose freshness is gone, and who is cast out from the family she has begotten, when she can no longer hope to establish another?"

Divorce laws encourage ill assorted marriages. When it is understood that the marriage tie is dissoluble, comparatively little care will be taken in the selection of suitable consorts, but when the marriage is for life, naturally the parties to be married will look for permanent good qualities in the partners whom they select.

The happiness of the marriage state arises from the fact that marriage is intended by our Creator to be a state of permanent love and mutual affection.

Truly the divorce statistics of the United States show us in a striking manner the evil effects of laws which facilitate the granting of divorce decrees. From 1870 to 1880 the population increased 30 per cent., but the number of divorces increased 73.4 per cent., viz., from 10,962 to 19,963.

The position taken by the Catholic Church, under which a marriage once consummated is indissoluble, is the only position which can check the evil which threatens the destruction of permanent marriages, and which assures the stability of civilized society, which is based upon the sacredness of marriage and man's duties to his family. The Protestants of the United States who are convinced of the necessity of doing something towards checking the monstrous evil of divorce have for the most part asserted that what is required is a uniform divorce law for the whole country. We say that what is required is a uniform law which will make marriage what it is in the Catholic Church, an indissoluble contract; but it is very doubtful that such a law can be passed, nay, it is almost a certainty that it never will be passed unless the country itself be converted to the Catholic faith.

It is true that a certain number of the clergy of several denominations, especially of the Episcopal Church, have recently adopted the Catholic teaching on marriage; but in not one of the sects has this view of the case received the assent of the dominant majority, and there is no likelihood of its obtaining this whether in the near or distant future.

Notwithstanding the fact that many Canadians go to Dakota, Michigan, and other States to procure divorces, it is still true that the number of such cases is small to what it would be if we had a divorce court in Canada, which would put up for its signboard the motto "divorces made easy." That we have not such a court, and that divorces are so few in number in the Dominion is due to the fact that Catholics have a large share in framing the laws of this country. Catholic sentiment has its influence even on Protestants, and many Protestants are opposed to divorce because the example of the Catholic Church operates in the formation of their principles of action, even though they are not aware of the fact that they are so influenced; and when to those Protestants who are in Parliament and are thus unconsciously influenced, the large number of Catholic members is added who come from the Catholic Province of Quebec, there is a phalanx resolutely opposed to the creation of a divorce court. But if Protestantism, and especially Orangism, held undisputed sway, marriage would lose its sacred character in public estimation, and the evil of lax divorce laws would cease to be a menace, but would become a reality in the land. Both polygamy and divorce are the product of Protestantism. Polygamy was approved by Luther and the other leaders of Protestantism in Germany when they pronounced it lawful for Philip the Landgrave of Hesse, to have two wives at the same time, provided he made no show of the fact, and divorce became a principle of English Protestantism when it approved of Henry VIII's marriage to Anne Boleyn on his setting aside Queen Catharine of Aragon.

THE ANTI-JESUIT LAWS OF GERMANY. By the latest despatches it appears that the law which has passed both the Reichstag and Bundesrath, repealing the last of the Falk laws against the Jesuits, does not repeal the entire law, but keeps in force the first clause by which the Jesuits as an organization are excluded from the German Empire. Members of the order as individuals will therefore be permitted to return to any part of Germany and to do all kinds of priestly work as well as to open colleges and universities, though they will not be permitted to organize themselves into religious communities. As the restriction is more nominal than real, we infer that the clause prohibiting the order to establish itself as an organization was reserved chiefly for the purpose of concealing the fact that the Government has completed its journey to Canossa. The restriction reminds us of the ostrich which when pursued by hunters on the deserts of Africa, hides its head in the sand, thinking that it will thus escape from its pursuers. Under the repealing law, the Jesuits will find it quite easy to perform all the work they were able to do before the Falk laws were passed. Thus the persecution inaugurated by Bismarck has at last completely collapsed, and we may rest assured that before long even the anti-organization clause will also be swept away. Herr Von Buelow declared, when announcing the passage of the law of repeal, that it was an act of grace on the part of the

Government to repeal the law, and not the result of any agreement with the Centre Party that the latter should support the general policy of the Government. However, as it was the substance which was demanded by the Centre Party and not the shadow, we judge that as a matter of fact that party will the more cordially support the Government on account of the repealing enactment, as they are irreconcilably opposed to the anarchical principles of the Socialists, who are the party most opposed to the Government's policy.

THE KENNEDY TRIAL.

In connection with the trial of the man Kennedy for murder, which took place recently in Brantford, we regret to notice that fault was found with the management of the case by Mr. James E. Day, Crown Attorney. Inquiry was made in Parliament by Dr. Pyne in regard to the circumstances. We do not know what prompted this adverse criticism of Mr. Day's management of the case, but that it is undeserved is admitted on all hands.

Mr. Day is a rising young barrister and we have no hesitation in saying that we believe his future at the bar will be a brilliant one. We give below the report of the inquiry made in the Legislature:

ENQUIRY BY DR. PYNE. 1.—Where does Mr. Day, Crown Prosecutor of the late case at Brantford reside? 2.—In what year was he called to the bar? 3.—Had he any previous experience as Crown Prosecutor, and if so to what extent? 4.—By whom was he recommended as Crown Prosecutor?

5.—Has the Government abandoned the policy of retaining in office those in the service of members of the bar in the front rank of the profession? 6.—Has the Government abandoned the policy of retaining in office those in the service of members of the bar in the front rank of the profession?

ATTORNEY GENERAL'S ANSWER. 1.—Mr. James E. Day resides at Guelph. 2.—He was called to the bar in 1892. 3.—He has acted as crown counsel at each assize court since the autumn of 1899, having been assigned to Milton twice, Chatham, Woodstock and Wainfleet once, and Hamilton three times prior to the present year. 4.—I cannot say by whom he was recommended as crown prosecutor.

5.—The policy of the government as regards all criminal trials, murder as well as others, has been steadily to employ crown counsel of competent standing. Mr. Justice Street says that he has doubts that Mr. Day brought out all the facts most thoroughly and left nothing undone which he could properly have done to bring home the crime to the prisoner.

GREAT BRITAIN AND FRANCE.

It is highly satisfactory to learn that an agreement has been reached between Great Britain and France in regard to the differences which had arisen between these two powers concerning Newfoundland, Morocco, Egypt and Siam. The French Shere dispute is said to be completely settled to the satisfaction of both parties. All the rights of the French to the Newfoundland shore have been ceded in consideration of an indemnity to be paid to the French fishermen, while they will retain actual fishing rights at sea. Thus there will be no more disputes to prevent the Legislature of Newfoundland from passing such legislation as it may deem advisable concerning the affairs of the entire island.

In regard to the other affairs mentioned above, though the negotiations have not been completed, it is understood that a basis of settlement has been arrived at. France will have a free hand in North Western Africa, and may as she deems proper develop and extend its colonial empire from Algeria westward toward Morocco. In view of the Franco-Russian alliance on the one hand, and the Anglo-Japanese on the other, there was a well-grounded fear that Great Britain and France might be forced by circumstances to join in the war between the Russians and Japanese, and the upshot of any such embroilment would probably be the embroilment of all Europe. But now that France and England are sure not to take sides with the powers at war, the peace of Europe is certain not to be disturbed, though there was at one time great danger that the clash of interests between Britain and France might readily bring about a collision between them.

All lovers of peace, and both the English and French people who are truly loyal to their countries respectively, will be delighted to learn that the two Governments have found a means for the removal of all cause for dispute between them.

THE DISMISSAL OF MISS DUNN.

Miss Dunn, the only Catholic teacher employed in the Collegiate Institutes of Toronto, has been dismissed from her position on the plea that she cannot preserve order. Otherwise, Miss Dunn's qualifications are fully recognized. The vote by which her dismissal was effected was 8 to 4. She has obtained an injunction from the court forbidding the dismissal until the Board of Education shall have established the charge brought against her. Notwithstanding this she has not been permitted to resume her teaching. Her defence is that the principal of the school refused constantly to discipline those of her pupils whom she sent to him to be punished for insubordination.

As the matter is now under litigation, we have no desire to prejudge the case, but we must say that from what has been said in the case so far, it would appear that the young lady has

been harshly dealt with because she is a Catholic. Should this prove to be the case, it will be a strong reason why Catholics should demand that Catholic High schools should be established, and if they are not granted at once, in the meantime such schools should be established outside of the Provincial School System.

We are already aware that the Orange Press of Toronto urged that the election of the School Trustees should be carried out in an anti-Catholic spirit, and it is very possible that it is in this spirit that Miss Dunn has been dismissed by the Board. A careful investigation should be made to discover the facts in the case. Catholics pay their taxes for the maintenance of the High Schools and Collegiate Institutes of the Province, and it would be a great injustice if Catholic teachers were refused employment on account of their religion. It is very easy for an anti-Catholic principal to create insubordination among the pupils against a Catholic teacher, by refusing to discipline them; and if this has been done in the case of Miss Dunn, the principal should be punished cordially, and not the teacher who has been unfairly treated.

DR. DE COSTA ON THE IMMACULATE CONCEPTION.

New York Freeman's Journal. It is interesting to note how joyfully and completely a cultured Christian mind, conversant with the Scriptures, accepted the doctrine of the Immaculate Conception when first presented for his belief. Dr. De Costa, in his work, "From Canterbury to Rome," gives logical reasons for his faith in this most ancient doctrine of the Universal Church. He says:

"The Protestant reader will possibly feel some surprise on being told that, in approaching the subject of the Immaculate Conception, little difficulty was experienced, and that the great truth was at last joyfully received. Indeed, there came to be a feeling of wonder that what was perfectly reasonable should so long have been hidden from my eyes, which was all the more noticeable from the fact, that like all the teachings of the Catholic Church, this is in accordance with the whole tenor of Holy Scripture and is moreover plainly indicated in the New Testament. For example, it was argued, if John the Baptist needed sanctification from his birth to become a herald of the Saviour, how much more necessary was immaculate purity on the part of one appointed to be the Mother of the World's Redeemer, and whose flesh and blood was to be His own very flesh and blood. Again our Blessed Lord declared that His flesh and blood were the true Manna, while St. Paul said that all these things were figures of things to come. Turning therefore to the Old Testament, it was found that the Manna appointed to be reserved was placed in an ark of incorruptible wood, being specially contained in a vase of pure gold previously refined. The conclusion seemed irresistible. This pointed to the Immaculate Conception.

"Still further, in the Revelation of St. John, was seen the woman clothed with the sun, about to give birth to a child who was to rule the nations and whom the dragon was vainly waiting to devour. Here, again, seemed to be an illustration of that immaculate virgin purity taught by God's Angel when he saluted the Blessed Virgin as 'Full of Grace' (gratia plena). Jerome's translation of the perfect particle (kekalimatomena). It was evident that the King James translator in attempting to pervert the authority of Jerome, by rendering the Greek as 'highly favored' followed the example set in a thousand other renderings that form deliberate mutilations of God's Word in the interest of Protestantism.

"It was at last seen that the truth of the Immaculate Conception was one of the most ancient known in the world's religious thought; and it was impossible to suppose that the Church, founded and endowed with all teaching and disciplinary power, had made a tremendous mistake on a point so deep and vital.

"The rejection of the Immaculate Conception, therefore, forms a complete rejection of the Church of Christ.

"A non-Catholic might refer to the Magnificat as disfavoring my line of thought, but such persons, it seemed to me, overlooked the fact, that while, in this sublime song, the Blessed Virgin praises God her Saviour because He has saved her from sin, there is nothing in her exultant language to indicate how this salvation was accomplished.

"The assumption which holds that the Magnificat forms a confession of sin is purely gratuitous. The manner in which her salvation from sin had been effected was doubtless clear to the Virgin's mind, yet it is not expressed. Besides the present Catholic interpretation of the Magnificat prevailed unquestioned for fifteen hundred years and is in harmony with the beautiful truth of the Immaculate Conception.

"In the face of this record, it appeared simply an impertinence to scholars and theologians, to offer the Magnificat as a confession of sin, since it is in perfect accord with the fact that the Blessed Virgin was conceived free from all sin, original and actual."

Rt. Rev. Dr. Chisholm, Bishop of Aberdeen, Scotland, has registered his armorial bearings in the official headquarters of Scottish heraldry, being the first Catholic prelate to do so since the Reformation. The only prelate that had recorded hitherto in the Lyon Register is that of the illustrious Cardinal David Beaton. A representation of the same was inserted in one of the windows of the House of Falkland by the late Marquis of Eute.