

he proposed marriage, and was accepted.

Willingsness to be married by a Protestant minister was probably interpreted as an evidence of his freedom from religious prejudices.

The pair had no difficulty in finding a minister to perform the ceremony. The husband rented a house, where they lived together, yet on the opposite side of the river, not three miles away, was his own home, where his wife and children resided, and he lived a double life for five or six weeks before he was found out. Now the life of that innocent woman has been blasted, and she has no redress. To see him convicted of bigamy was slender satisfaction for the girl he betrayed.

A hundred such cases are happening in Canada every year, and yet the Catholic Church is severely condemned because it surrounds the marriage ceremony with certain safeguards that tend to check bigamy and other hasty and ill-considered marriages, while its censors offer no suggestion for the abatement of the great social evil.

Had the Catholic rule been followed in the instance cited, which would have meant the publication of name and the presence of the man's parish priest, the existence of the first wife would have been discovered, and the bigamous marriage could not have taken place.

THE HEBERT CASE.

It is now three years since the decree *Ne Temere* was put in force in Canada, and yet during that time I am not aware that it can be charged with any of those grave calamities that were suggested at the various ecumenical councils that met at Toronto and elsewhere during the past summer. The Hebert case in the province of Quebec was decided under a law of that province that has been in force for over one hundred years. The much abused edict was not a factor in the case. The matter is governed in that province by a section of the Civil Code (see sections 127, 128, 129, under the heading "Matrimony," Quebec Civil Code), a Quebec statute, which the Quebec Legislature can alter at any time it thinks fit.

This phase of the question will be found admirably dealt with by Mr. J. S. Ewart, K. C., of Ottawa, in number 5 of his "Kingdom Papers," copies of which he sends gratis to all who apply for them. During these same three years that the decree has been in force hundreds of homes have been wrecked by the dissolution of the marriage tie, through divorce, bigamy, or desertion; the evil in many cases being due to free and easy marriages by Protestant clergymen with no questions asked, or to hasty and ill-considered unions, all or most of which might have been prevented by methods akin to those prescribed by the *Ne Temere*.

NEED OF SAFEGUARD.

Can there be more convincing evidence of the wisdom of the Catholic Church in surrounding the marriage ceremony with certain safeguards than that afforded by the latest criminal statistics relating to bigamy, which, as I have said, show forty indictments in Ontario against six in Quebec; three of the latter being in the city of Montreal, and one in the city of Quebec?

When the decree was proclaimed in the different countries it was made clear by the highest ecclesiastical

authorities that it could not affect the right of the state to regulate the marriage contract. But, notwithstanding these statements and the obvious facts it was asserted at the several Ecumenical Councils that the Catholic Church was over-riding the civil law relating to marriage.

Cardinal Logue, in an address at Maynooth, is reported to have said: "They admitted willingly that it was the province and right of the civil law to regulate the civil effects of marriage, but they held at the same time that the civil power had no right to interfere in marriage as far as it was a religious function. That was one of the instances in which it was necessary for them to be on their guard against beginnings. These things were introduced by degrees, and if not stopped in the beginning no one knew how far they would go. They knew by experience what ruin this secularization of marriage had brought to other countries in Europe, they know it had led to the ruin of that great institution matrimony, upon which was founded not only the welfare of the family, but the welfare of the state." In illustration, the cardinal quoted our Lord's answer to the Pharisees, "Render to Caesar the things that are Caesar's, and to God the things that are God's."

EXPLAINS DECREE.

The "Tablet," the official organ of the Catholic primacy of England, who has recently been made a cardinal, gave editorially the following explanation:

"The decree speaks only of canonical nullity or validity of marriages; that is, of the nullity or validity in the judgment of the Catholic Church and in the sight of God. The Catholic Church, though she does not acknowledge that the state has any right to determine what marriage shall be null or valid, has no power to change the civil law of marriage. Therefore, notwithstanding the recent decree, if two persons of any religion whatever, against whose marrying there is no legal impediment (that is, no civil impediment according to the law of England) marry each other in England according to the requirements of English law, their marriage is (and such marriage will continue to be) in English law, valid and binding, whether a priest or other minister of religion be present or not."

Therefore, if a Catholic man marry a non-Catholic before any minister or official authorized by law to perform the marriage ceremony, the husband cannot escape all the consequences. He is legally bound to support his wife and children. If he desert his wife and marry again he can be convicted of bigamy, and the children by the first wife are legitimate.

SACRED CEREMONY.

That is the law in all the provinces of Canada, including Quebec, since the law under which the Hebert and other similar cases were decided is a Quebec statute. See as to this Mr. Ewart's paper already referred to. What more have those persons who regard marriage as a civil contract, the right to demand from the Catholic Church? Since the marriage at Cana in Galilee and the injunction of our Lord, "Those whom God has joined together let no man put asunder," matrimony has been in the eyes of the Catholic Church a sacrament.

The civil power does not recognize the sacred, indissoluble union of marriage. Then why should it insist on the Cath-

olic Church recognising the civil contract as the equivalent of the sacramental CEREMONY WHICH BINDS FOR LIFE AND WHICH CAN BE DISSOLVED ONLY BY DEATH? Circumstances may arise that justify a legal separation, but death alone dissolves the sacramental tie, while divorce may dissolve the civil contract.

It is a Christian maxim not to bear false witness against one's neighbor. Yet the four religious bodies which met at Toronto a few months ago persisted in placing a construction on the decree *Ne Temere* which it will not and is not claimed by Catholic authorities to bear.

And this notwithstanding that a delegate, Mr. Walter Mills, K.C., at one of the earlier gatherings read an exhaustive paper, proving from a lawyer's point of view that there was no justification for the interpretation sought to be placed on the decree by the Synod, nor for the attacks being made on the Catholic Church in that connection. Although the decree was proclaimed throughout the world, it was only in Toronto that it aroused any very strong prejudice.

In England, Mr. Birrell's explanation was accepted as satisfactory. In reply to a question in the House of Commons, Mr. Birrell, a member of the British Government, said: "The law knows nothing of papal marriage legislation. We believe that our Catholic fellow-men are not as free as we to marry and to divorce and marry again. Our courts will continue to administer our own law, and all who apply for its benefits shall have them. It has lost none of its efficacy since August 3, 1907."

ONLY TO CATHOLICS.

The *Ne Temere* decree applies only to Catholics. Paragraph III. of Section II. reads as follows: Non-Catholics, whether baptised or unbaptised, who contract among themselves are nowhere bound to observe the Catholic form of betrothal or marriage.

In proof that I have not exaggerated in making the charge of bearing false witness against one's neighbors, let me subjoin a few quotations from the report on the subject of the "*Ne Temere*" Decree adopted by the Ontario Synod of the Church of England:

"What free exercise of religion does not cover.—The claim of the Church of Rome is, that because religious toleration is granted to Roman Catholics, it has thereby been given the power to compel, in order to the supposed validity of certain marriages, the observance, not of what the law of the land lays down in respect thereof, but of the special regulations, antagonistic to these, which the Church of Rome chooses to enforce."

"What does Rome claim? "Rome can destroy matrimony." "Citizens must not be deprived of the freedom given by the law of the land." "The civil and religious liberty supposed to be awarded to every citizen of the Dominion as an inalienable and priceless heritage—our birth-right must not be taken away or impaired."

"What power is to settle our marriage laws? Are the people of Canada to be humiliated by dictation from any outside power, lay or ecclesiastical, upon the question of their marriage laws?"

OBJECT OF DECREE.

Although it was clearly pointed out, in the address by Mr. Mills, K.C., already referred to, that these statements were entirely erroneous, and that the effect of the *Ne Temere* was being grossly exaggerated, yet his legal opinion was brushed aside, and the report was adopted.