

Notes

Growing Old

Old Gualter well described idleness as the devil's cushion, 'his pillow and chief reposal.' The path to honored old age lies through toil. Justin McCarthy's recipe for growing old sweetly and gracefully is 'to keep up steady and regular work; have as much open air and physical exercise as possible, and think as little as may be about the advance of years.'

A Tasmanian Catholic Editor

At the request of the Archbishop of Hobart, the Holy Father has (we learn) conferred upon the Rev. John O'Mahony, of the Launceston *Monitor*, the title of Doctor of Divinity, *honoris causa*. This is the second of the well-merited honors which the Holy See has bestowed upon the brilliant and lovable priest who has done so much for the faith in Tasmania, for the late Pope Leo XIII. of happy memory decorated our esteemed confrère and friend with the Cross *pro Ecclesia et Pontifice*. For some twenty years Dr. O'Mahony has wielded an able and vigorous pen in the Catholic journalism of the 'tight little island.' His best known work has, however, been associated with our bright contemporary, the *Monitor*, which was founded in 1894 as an 'amalgam' of the *Catholic Standard* of Hobart and the *Morning Star* of Launceston. Since then his ready hand has turned to practically every detail of the production of a paper. Parochial duties and the perennial and wearing cares of manager and editor, have at times been varied by turns 'at case,' or at the lever of the printing press, or at the score of other operations connected with the mechanical side of journalism. In the face of a thousand difficulties and discouragements, Dr. O'Mahony raised the *Monitor* to a position of real influence in Tasmania, and, by the merit of its clear and crisp and virile writing, secured for it a place and a reputation even on the Australian mainland. Time does not wither the freshness, nor stale the versatility, of his pen; ingratitude for a perennial flow of benevolence has not soured the milk of human kindness in him, or diminished the irrepressible optimism of his faith in the reformability of the wayward; and the long years of toil and struggle have not alone failed to make the hard, rugged bark grow round his heart—they have left him the brightest, cheeriest, bravest, and altogether most lovable soul that is engaged in the work of weekly Catholic journalism in Australasia to-day. Dr. O'Mahony adorns his new title *Viva!*

A Missionary Failure

A non-Catholic writer in the London *Times* has been giving some refreshingly frank expressions of opinion as to the well-known futility of the efforts that are being made to 'vert' Spaniards to any of the manifold varieties of the Reformed creeds. 'He dismisses with disdain,' says the Liverpool *Catholic Times*, 'the supposition that the Church is losing ground before the Protestant attack. He even says that the heads of the Protestant missions agree that Spain is a most barren soil for their missionary labors. And then he remarks that some missionaries have come to the conclusion that all they do is to unsettle the Christian faith of their pupils, and that they are drawing back from the work. Testimony of this kind, from a writer who shows that he has no bias in favor of Catholicism, should suffice to tighten the purse strings of pious Protestants in these islands when missionary agencies appeal to them for funds to evangelise the benighted Catholic Spaniards. The fact is that Protestant efforts to convert Catholics from Catholicism result in a change, where such efforts result in any change at all, not to Protestantism, but to unbelief in religion of any kind. A man who has been a Catholic, believing a definite dogmatic creed, is not likely to desert it for the uncertainties, contradiction, and vagueness of Protestant doctrine. A Spaniard may be a bad Catholic, but he will never be a Protestant, good or bad. The memories of his own country's past are quite enough to keep him from the supreme folly of leaving the Church for a community that is as far from his religious ideals as war is from peace.'

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Nature. It is blessed and sanctified in such a manner as to become a means of conferring grace. Described in briefest terms, it is a natural contract between one man and one woman, which Christ has raised to the dignity of a Sacrament of the New Law. Every valid marriage of Christians (baptised persons) is a Sacrament, whether the parties to the contract intend to receive a Sacrament or not; whether they wish to receive a Sacrament or not; 'for,' as O'Reilly says in *The Relations of the Church to Society*, 'they intend a contract which—whether they know it or not, and whether they like it or not—is a Sacrament. If they don't intend to contract, they don't intend to marry, and they don't marry; if they do intend by all means to contract, they do receive a Sacrament.' In Catholic teaching, the Sacrament of matrimony is not something accessory to the contract and separable from it. On the contrary, between Christians (that is, between baptised persons) the marriage contract and the Sacrament are one and the same thing. Nothing but the death of one of the parties can dissolve the bond of a valid and complete Christian marriage; no power on earth, whether in Church or State, can set apart what God hath, in this matter, joined together.

Neither the Catholic juror, nor the Catholic lawyer, nor the Catholic judge need have a moment's hesitation in promoting, each in his own proper manner and degree, the fullest divorce of couples living in irregular, though legalised, unions which are not marriages according to the moral law and the canons of the Church. Nay, a lawyer who, in such circumstances, ostensibly seeks a divorce for his client may well be engaged in a laudable effort to free the latter from the civil effects of a union which the Church pronounces null and void from the beginning. Such, for instance, would be the case of a woman seeking a divorce from the bond of a legalised union with a second partner, while her first and truly wedded husband is still alive. The reader will find a list of other cases of invalid marriage on p. 116 of our publication, *Catholic Marriages*.

Various decrees of the Holy Office for England and elsewhere permit us to deduce that the Catholic jurymen, the Catholic lawyer, and the Catholic judge may safely deal with the question of a judicial separation between a truly wedded husband and wife. Even in an action for divorce in a civil court, the Catholic lawyer may defend the action against the plaintiff. For the Catholic advocate and judge, petitions for divorce from the bond of a true marriage present practical difficulties which it is not possible for us to treat in anything like an adequate way within the limits of the present editorial article. The juror's function has but an indirect bearing upon the decree legally dissolving the marriage bond; it has only a remote bearing upon the use of the legal privilege of subsequent re-marriage by the parties to the suit. The juror's co-operation in the decree is only indirect—he has merely to pronounce, with others, upon a question or questions of fact: whether there was or was not cruelty, or desertion, or such like faults or defaults on the part of the respondent. The jurymen is not directly responsible for the decree of full divorce, much less for the later use, by one or both of the parties to the suit, of the legal license to remarry. The jurymen is not a party to the suit that is brought to bar; his duty is simply to declare a fact, and not even to apply the law, to make pronouncement thereof, or to issue a decree. Provided that there is a just and sufficient reason for such co-operation as he gives in the case, his function appears not to conflict with the moral law and with his duty towards the Church. A just reason for acting in the case would, we think, be the fact that he was called and bound to serve upon the jury, under (say) the customary penalty for refusal to do so. As a matter of actual experience, however, Catholics need hardly ever appear as jurymen in cases of petitions for divorce from the bond of marriage. The plaintiffs' solicitors are bent upon obtaining a decree; they 'take no chances'; and (as our West Coast correspondent happily phrases it) they pay our co-religionists the compliment of believing in the strength of their respect for the sacred and inviolable tie of true wedlock, which is the bond of Christian society. Hence Catholics, when known to be such, are, in practice, invariably challenged. It is well that Catholics generally who may be exposed to service in such a capacity should make their dislike for such cases, and their conscientious scruples in regard to them, known in advance to the plaintiffs' side or to the court. But if, from legal necessity or from any other just cause, they find themselves among the twelve good men and true to decide, jointly with them, the question of fact, their contribution to the verdict should be dictated by a scrupulous regard for the sanctity of their oath and the merits of the issue or issues placed before them.

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