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MESSAGE OF POPE LEO XIII. TO THE N.Z. TABLET.

Pergant Directores et Scriptores New Zealand Tablet, Apostolica Benedictione confortati, Religionis et Justitiæ causam promovere per vias Veritatis et Pacis.
Die 4 Aprilis, 1900.

LEO XIII., P.M.

TRANSLATION.—Fortified by the Apostolic Blessing, let the Directors and Writers of the New Zealand Tablet continue to promote the cause of Religion and Justice by the ways of Truth and Peace.
April 4, 1900.

LEO XIII., Pope.

Current Topics

AT HOME AND ABROAD.

THE CATHOLIC NEWSPAPER. A WORD to the wise. The following resolution, which was unanimously passed at the recent Catholic Congress in Sydney, is placed on record in the great memorial volume of its *Proceedings* just issued from the press: 'That, in order to diffuse the advantages of a sound Catholic Press as widely as possible, the faithful be exhorted to extend a generous support to the Catholic newspapers of their respective districts; and that it is most desirable that a Catholic newspaper be taken in every Catholic home.'

CONCERNING JURIES. TRIAL by jury has been frequently described as 'the palladium of British liberty.' The phrase is a bit of overdrawn panegyric. But then, jury-worship has become a sort of superstition under the British flag. Trial by jury is, when at its best, a reasonably reliable, though by no means ideal, system of determining causes—that is to say, when the 'twelve good men and true' who sit in judgment are free from all political, social, religious, and personal prejudices that might affect their purview of the case; and when they are gifted, moreover, with the intelligence requisite for a proper sifting of the evidence, and sufficient honesty to give a verdict in accordance with it. Ideal judges are happily sufficiently plentiful. Ideal juries are, we fear, not much more abundant than Mantell's notornis or great coot. Perhaps this is the reason why innocent men accused of grave charges are said to display so commonly a preference for trial by a judge. We do not now contemplate such a very possible case as that to which Angelo refers in *Measure for Measure*, when he says to Escalus:

I not deny
The jury, passing on the prisoner's life,
May, in the sworn twelve, have a thief or two
Guiltier than him they try.

But the appeal to a jury is, in practically every instance, an appeal to a lower order of intelligence than that which is usually seated on the judicial bench. Mr. Sergeant Wilkins, for instance, used to drink sundry bottles of stout in the middle of the day in order 'to fuddle his brain to the standard of a British jury.' Very few jurymen are accustomed to weigh evidence. Despite the corrective charge or summing-up of the judge, their minds are likely to be captured by the smart sophistries of the special pleader, or to be influenced by those emotional appeals which are even still considered almost as good 'practice' as they were in the days when Dickens satirised them so unmercifully in the person of Sergeant Buzfuz. Hence the satirical definition of a jury as 'a body of men organised for the purpose of deciding which side has the smartest lawyer.'

Trial by jury gravely endangers the cause of justice in cases which arouse political, racial, or religious hate; or in connection with which popular feeling is deeply stirred. In many such cases Catholics, despite certain fictions of the law, are placed at a grave and perilous disadvantage in these colonies. Referring to cases over which sectarian passion runs a 'banker'

—as in that which has lately been engrossing so much of public attention in New South Wales—a writer in the *Austral Light* says: 'The minority is always more or less at the mercy of the majority, and it is impossible for a Catholic on trial to have any but an entirely Protestant jury if such is desired by his opponent.' 'Happily,' says the same writer, 'the principle of British fair-play, though it may be over-boasted, does, in these matters, as a rule, prove its existence.' Nevertheless, jurors, 'misled by sectarian fanatics and evil-disposed persons,' may occasionally depart from the principle that 'no man shall be persecuted on account of his religion.' The fair administration of justice demands that, in all cases around which there circles a devil's dance of sectarian or popular passion, the parties to the trial shall have the right, on *ex-parte* application, to have the issue or issues determined by a bench of three or five judges.

THAT PAPAL
'PARDON.'

IT is tolerably save to prophecy when you know. In our last issue we ventured to foretell what would be the real issue of the foolish story told in the *Nineteenth Century* for November, to the effect that the Holy Father had granted to Josef Mayr—who represented the part of Christ with such dignity and pathos at the Passion Play of Oberammergau in 1890—a pardon not only for all his own sins, past, present, and future, but also, with a truly lavish generosity, for those of all his children.' We denounced the story as 'wholly untrue and calumnious,' and added: 'The imaginative writer in the *Nineteenth Century* is probably attempting to describe the customary papal blessing, with plenary indulgence at the hour of death, which the Holy Father frequently bestows upon devout Catholics, sometimes *proprio motu*, but far more frequently in response to a request or *supplica*.' The editor of the *London Catholic Times* anticipated our intention by writing to Oberammergau for a copy of the document received by Josef Mayr. He received in reply a letter which completely sustains our anticipated explanation of the alleged 'pardon' on which the writer in the *Nineteenth Century* builds up so gross a fairy tale. The letter, which was in German, is Englished as follows:

'Oberammergau, November 21, 1900.

'Dear Sir,—As regards the matter in question, the secretary of the Lord Bishop of Mullingar, Ireland [the Bishop of Meath, who resides at Mullingar], has also already written to me. The affair is very simple. The Princess Altieri in Rome, whose late husband had been a general in the Papal Noble Guards, was here for the Passion Play in 1890, and stayed with her daughter in the house of Mr. Mayr. Full of enthusiasm for the talents of this performer, who took the part of Christ, she procured for him and his family from the Holy Father a plenary indulgence for the hour of death. What that means, you, as a Catholic, must know.

'The indulgence for the hour of death, or rather the form for granting the same, is to be found in the *Rituale Romanum*, and the distinction conferred consists only in this, that the Holy Father personally granted the indulgence to Mayr by a written document. As a matter of fact, for instance, in my diocese any priest may grant this "indulgence in articulo mortis." There is, therefore, no question of forgiveness of sins. Of such a thing only ignorance and malevolence could speak.'

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