

ROME AND MARRIAGE

A WARNING

By DUDLEY FLETCHER, B.D.

*Late Rector of Leighlin and Wells, Precentor of
St. Laserian's Cathedral, and Canon of
St. Canice's Cathedral*



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PRESENT DAY QUESTIONS—No. 1

MARRIAGE

MY CHOICE: WHAT SHALL IT BE?

By THE REV. T. C. HAMMOND, M.A.

PRESENT DAY QUESTION—No. 2

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PRESENT DAY QUESTIONS—No. 3

SHOULD I JOIN

THE CHURCH OF ROME?

By THE REV. F. H. KINCH, M.A.

PRESENT DAY QUESTIONS—No. 4

THE REPRESENTATIVE

OF THE

CHURCH OF ST. PATRICK

THE CHURCH OF IRELAND

or the

CHURCH OF ROME

IN IRELAND—WHICH?

By THE REV. W. J. CAMIER, B.D.

ROME AND MARRIAGE

A WARNING

CHAPTER I.

WE all fall in love some time or other, although as a rule we keep the fact a secret locked up in the inner chambers of the heart. I remember as a child of six, in the village church, worshipping the creature more than the Creator, in the form of a little girl of my own age, who sat in a pew on the opposite side of the aisle. I gazed at her each Sunday in wonder and admiration, and tried to imitate whatever she did. Then came the tragedy. Her father died suddenly, and her family returned to England whence they had come. On the Sunday before their departure, my mother stood in the church after the Service, holding me by the hand; the girl's grown-up sister held her by the hand as they bade a sorrowful good-bye to each other. We two children stood opposite each other, silently staring into each other's faces, as children do, and I thought as I looked at her—"It's the last time and it's the best."—And so it was. I never saw or heard of her again. Such feelings are purely psychical and are fundamental in human nature. In more mature years they are associated with the idea of Marriage, and the desire to have children and a home of one's own. The two fundamental principles in our nature are—that which urges us to preserve our individual life, and that which urges us to preserve and perpetuate the human race.

The marriage relation then is one of the most vital things in the world. That we are alive at all depends upon it. If there is any value in what is meant by the terms father, mother, brother, sister, husband, wife, friend; these relationships are all the outcome of marriage, and without marriage they would not exist.

Marriage is, therefore, a very sacred and precious thing, and one the meaning of which we all ought to study carefully.

It seems a natural right that each man and woman should be free to choose his or her own partner for life. Of course we ought to consider the wishes of our relatives and friends. Marriage introduces a new member into the family, and it is very important for the happiness of the family that the new member should be acceptable, yet in the last resort we must recognise the right of each individual to choose for himself and herself. This individual liberty is a fundamental principle underlying the marriage laws of the State.

Violently at variance with the civil law is the Canon Law of the Roman Church. That Church claims the sole right to legislate on marriage, and when we speak of the Roman "Church" in this respect, it means exclusively in the present day, a Roman Bishop and a Committee of Cardinals. The government of the Roman Church gradually and most effectively has been so centralized in the officials at Rome known as the Roman Curia or Court, that no one else, clergyman or layman, has any other duty than to obey and carry out orders from Rome.

The Roman theory is that Christ elevated marriage to the dignity of a sacrament. This claim has no foundation in fact. Christ accepted the ordinary laws of marriage as He found them among His own countrymen. He made no new law at the marriage in Cana of Galilee. He urged husbands and wives to be faithful to one another, and He condemned divorce. So far from making marriage a Christian sacrament, He pointed His disciples back to the meaning and obligations of marriage as involved in its institution at the Creation of Man. In the dark ages the clergy were able to get control over marriage and the home and the children. But so badly did they use their power that to-day in almost every country in the world, Roman Catholic as well as Protestant, the State has re-assumed its right to legislate on Marriage, and ignore ecclesiastical legislation.

It is a remarkable fact that "anti-clericalism" is a feature of the Roman Church, and hardly exists in Protestant Churches. There is hardly a country in the world in which the Roman Church was once dominant, where there has not been a violent uprising against that Church. The Eastern or

Greek Church has always protested against Rome's claim to dominate the rest of Christendom. In the sixteenth century the virile and independent nations of Northern Europe rose in protest.

When Pope Pius IX was proclaimed to be infallible at the Vatican Council in 1870, together with all his predecessors and successors, there were violent protests throughout the world, and this claim exposes Rome to the most effective attacks of her opponents. Dr. Salmon's book on "The Infallibility of the Church" remains unanswered. How can you be infallibly certain that the Pope is infallible, unless you are infallible yourself? But the Pope's claim was resisted at the time because it made Roman Catholics intellectually the slaves of the Pope. You can't argue with a person whom you hold to be infallible, you must accept his decision without question. This attitude of mind was believed to be inconsistent with loyalty to the State. If the Pope's law clashes with the State's law, a Roman Catholic must obey the Pope in preference to the laws of his country.

In this century, Rome perpetrated a more serious act of aggression against the nations of the world by issuing the decree known as "Ne Temere," (from its opening words in Latin). It deals with the subject of Marriage, and lays down the law as to what marriages are valid, and what are null and void. It assumes that the Pope and a certain Committee of Cardinals have the supreme and sole right to decide this momentous question. The decree came into force in 1908 among all the nations of the world (with one or two notable exceptions), without consulting the rulers of the various countries, or taking any notice of their own national laws. It made marriages invalid which all parties hitherto had regarded as valid, and it made valid, marriages which Rome herself had treated as invalid.

To go into details. The decree "Ne Temere" permits Protestants to marry validly among themselves according to their own civil and religious laws. Where Roman Catholics are concerned—and this applies to a Mixed Marriage, where one party is a Roman Catholic—that marriage only is a valid and true marriage which is solemnised or witnessed by the

parish priest of the place where it is solemnised, or by a priest delegated by him, or by the Bishop of the Diocese, or some one delegated by him, together with two other witnesses. If a Roman Catholic marries without the consent of one man; *i.e.*, his parish priest, he is told that he is not married according to Christ's law; in other words, that he is not married at all. Instead of entering into the holy estate of matrimony, he is told he enters into a life of sinful and soul-destroying concubinage!

Protestants need early to be warned of the dangers involved in marriage with a Roman Catholic. For the Roman Catholic is not a free agent. He, or she, is bound and enslaved in a system. Behind them are the priest and the Church, and the Protestant man who marries a Roman Catholic, too often finds to his cost, that he has to take into his home her priest and Church as well.

By orders from Rome no priest is allowed to solemnise a marriage between a Protestant and a Roman Catholic without a Dispensation, and such a Dispensation will not be granted unless and until both parties to the marriage sign an undertaking in writing that any children of the marriage will be baptized and brought up as Roman Catholics; thus depriving the father, if he is a Protestant, of his natural and legal right as head of the family, to bring up his children as he thinks fit. The same restraint is imposed upon a Protestant mother. She may not teach her children the religion she herself believes in. If the parties refuse—as they often do—to be bound by a foreign law, which over-rides the law of their country, no priest of the Church of Rome will solemnise their marriage. If they get married by a Protestant clergyman, or in the civil registrar's office, the Roman Church publicly declares that they are not married at all; the ceremony recognised by the law of the land is declared to be null and void. They enter upon a life of mortal sin, and the Roman Catholic party is excommunicated, and their children deemed to be illegitimate. They are bound to separate and cease living together as husband and wife. The Church of Rome is in every country an *imperium in imperio*—a State within a State,—with the inevitable clash of authorities which is the cause of anti-

clericalism. And if either party obeys the law of the Roman Catholic Church against the law of the State, and acts as if their marriage were null and void, the State may prosecute him or her for desertion, and if either marries again, he or she may be prosecuted for bigamy, as has already happened in the Hunt case.

When this iniquitous decree first was published, it caused little comment, because few people read it, and fewer still understood its implications. When I first read it my head flushed and throbbed with indignation at the arrogance of its assumption and the wickedness of its principles. I made some attempt to call public attention to it at the time, but I found it better to wait until its meaning was made clear by its effect in some concrete case, and very soon such a case occurred in Belfast. This was the famous McCann Marriage, which soon attracted world-wide attention. This was in 1910, two years after "Ne Temere" decree came into force. As a new generation has grown up, many of which have not heard of it, or know little about it, it will be interesting and instructive to re-state the facts, which are the best commentary on the decree which was the cause of all the trouble and excitement at the time.

CHAPTER II.

IN the town of Ballymena, Co. Antrim, there lived a carpenter Alexander McCann, a Roman Catholic; and close to the town a Presbyterian girl, Agnes Jane Barclay, whose people were small farmers. McCann fell in love with Miss Barclay, and she returned his affections. When it came to the question of marriage, the girl insisted on being married by her own minister, a well-known Presbyterian clergyman in Ballymena. To this McCann agreed and they were married by Miss Barclay's minister in a Presbyterian church. This was on 16th May, 1908. The decree "Ne Temere" came into force at 12 o'clock midnight on April 19, 1908, just one month earlier. If these two persons had been married under the very same circumstances on 16th April, the Roman Church would hold that they were husband and wife, united together

in the bond of Holy Matrimony, which only Death could dissolve. What did this "Holy, Catholic and Apostolic Roman Church" do by its decree "Ne Temere"? It turned Holy Matrimony into sinful fornication or concubinage by a stroke of the pen!

Well, they lived together happily for over two years. This can be proved by many letters from McCann to his wife, several of which I possess. Then the home-wrecker appeared in the person of a Roman Catholic curate. He told them that their marriage (which was according to the law of their country and of the Church to which the woman belonged) was no marriage at all, and that properly to be married they must be married by a Roman priest! I heard this from Mrs. McCann herself. When she was told that she must go through another form of marriage according to the Pope's law, and thus deny the validity of her country's laws, she exclaimed: "I am married, and I'll not be married twice to the one man." From that resolve to uphold the sanctity of her marriage according to the law of her country and her Church, against the wicked and shameful aggression of a foreign Power, nothing could turn her, although it cost her the desertion of her husband, the kidnapping of her babies, and the wreck of her home and life.

At the interview Alexander McCann remained silent, but he followed the priest outside the house, and entreated him not to raise trouble between himself and his wife, but to no purpose. He had to obey his Church.

If McCann had possessed a spark of manhood, he would have defended himself, his wife, and his home against the vile charge that they were living in sin, and would have shown the priest the door. But the Roman system breeds a sense of inferiority and a slave mind. McCann gradually came to believe the infamous suggestion as to the nature of the relationship between himself and his wife, and as she steadfastly refused to admit that she was an unmarried woman, McCann accused her of "dragging him down to hell." He was only repeating what his spiritual pastors and masters had taught him. According to "Ne Temere" decree any marriage, where a Roman Catholic is concerned, and where a Roman

priest has not officiated, is simply "filthy concubinage," as Pope Pius IX has elegantly described it. The Roman Catholic Church called upon these two decent citizens of the "United Kingdom of Great Britain and Ireland," so to describe their marriage—(a certificate of which I procured in the Office of the Register-General, Dublin)—and to bastardize their children. The Roman Catholic husband was cowed into obedience, but the whole power of Rome could not bend this Ulster Presbyterian girl to declare her lawful marriage to be a life of sin.

The visit of the priest turned the happy home life of the McCanns into a state of alienation and quarrelling beyond endurance. One day, when Mrs. McCann had gone out to shop, on her return, she found that her two babies—the youngest only six weeks old—had been stolen away during her absence, her husband being privy to it. He told his wife that they were in the care of "a kind woman" and would be restored to her if she would agree properly to be married. Mrs. McCann's reply was that she was already properly married, and would not be married over again by any priest of Rome. Shortly after this McCann himself disappeared. He took her a long walk through the streets of Belfast under the pretence of seeing the children, then suddenly he made a dash for a passing tramcar, leaving his wife standing on the footpath. When she returned to her home she found the door locked, and the house apparently empty. A neighbour told her that during her absence the furniture had been removed.

Here, then, is the result of the promulgation by the Pope in the British Dominions of the law of a foreign legislature—that a happy home is broken up; two children are kidnapped, a wife is deserted by her lawful husband, the door of her house is locked against her, and she is left penniless upon the streets of Belfast. All this is possible because the Roman Church is an *imperium in imperio*, a State within a State, with agents everywhere pledged to carry out its laws.

It is nearly forty years since these things happened. Since then Mrs. McCann has never seen or heard of either her husband or her children. Her life has been wrecked. Her babies,

to-day, if alive, are grown up, and perhaps have children of their own. They do not know their mother, and their mother would not recognise them as her children if she saw them. Her husband, who was considerably her senior, must be verging upon old age, if alive. Does he ever think of the young girl whose love and trust he won, and who discovered that she had married a slave and not a free man—whose solemn vows to her a foreign power had turned into an empty breath.

This case attracted world-wide attention at the time, and led to universal condemnation of the decree "Ne Temere," by the reason and conscience of all, except the slaves of the Roman system. I know of no instance where any Roman Catholic ventured to protest publicly in his own name against "Ne Temere."

One day, as I walked with Mrs. McCann through the streets of Belfast to the Northern Counties Railway Station, to pay a visit to her family at Ballymena whom she had not seen since her troubles began, every newspaper placard announced in the largest type, the debate in the House of Commons on the McCann case. John Dillon and Joseph Devlin undertook to explain the true nature of the controversy, and of the excitement which it produced. They had collected a lot of gossip about the domestic life of Mrs. McCann. They represented Mr. McCann as a quiet, easy-going Roman Catholic, who was pestered out of his life by a hymn-singing and aggressive Protestant wife. Not a word about the decree "Ne Temere," the visit of the priest, and the consequent breaking up of the home! Such *suppressio veri* and *suggestio falsi* raised my wrath and indignation to the highest pitch. As soon as I got home I spent the whole night carefully studying the reports in the leading Irish papers of the debate in the House of Commons. I then wrote the following letter, got it typed, and posted copies to some sixty papers in Great Britain and Ireland. I had no opportunity of knowing how many papers published it, but as it appeared in the *London Times*, and in a few other papers which I chanced to hear of, we may assume that it was generally published in papers which were not under Roman Catholic influence.

MIXED MARRIAGES.

THE CLAIMS OF ROME.

Marriage Vows Not Binding.

To the Editor of *The Times*.

SIR,

The Nationalist Party seems to imagine that we have heard the last of the McCann Mixed Marriage Case, and that Messrs. Devlin and Dillon in the debate in the House of Commons last Tuesday kicked a hole in the bucket, and proved the whole agitation to be a mere "political dodge." I confess that I am disappointed. During the last two or three months in which this case has been before the public the Nationalists were dumb. I hoped and believed that it was through shame at what their Church had done. I wondered if when the case was brought up in the House of Commons they would have the courage to denounce the infamous "Ne Temere" decree, and in the name of the Roman Catholics of Ireland demand its repeal, and thus show to their Protestant fellow-countrymen that they have not entirely surrendered their reason and conscience into the hands of the Roman Curia. If they had done this they would have removed the strongest objection to Home Rule. As it is they have strangled it. The time has come for plain speaking. I shall leave the defence of Mrs. McCann to abler hands than mine, who I believe are well able to do so. For argument's sake I will make Messrs. Devlin and Dillon a present of all they contended for and tried to prove with regard to the domestic life and Mr. and Mrs. McCann. Granted that Mrs. McCann was given to hymn-singing, and that she prepared meat for her husband on Friday, and put back the clock on Sunday

so as to make him late for Mass, all these things do not affect the following facts, which I challenge any Roman Catholic to deny, and which, (not any alleged family squabbles between Mr. and Mrs. McCann), have roused the indignation of Irish Protestantism:—

1. The Roman Church teaches through the Papal Decree “*Ne Temere*” that the marriage of Alexander McCann and Agnes Jane Barclay, solemnised on May 16, 1908, in the Second Presbyterian Church, Antrim, in the presence of the Rev. R. M. McC. Gilmour, B.D., and other witnesses, and recorded in the General Register Office, Dublin, a certificate of which lies before me as I write, was no marriage at all.

2. The Roman Church declares that the following solemn vow taken by Alexander McCann in the house of God does not bind him, and she has released him from its obligations:—“I, Alexander, take thee Agnes Jane, to be my lawfully wedded wife, and vow and covenant in the presence of God and these witnesses, to be to thee a loving and devoted husband, until God shall part us by death.” (The Rev. Mr. Gilmour has kindly supplied me with the above particulars, and states that he does not believe that Alexander McCann ever heard of the decree “*Ne Temere*” up to the time of his marriage).

3. The state into which this man and woman entered after the above ceremony was not that of holy matrimony, but of fornication or concubinage.

4. Their two children are illegitimate in the eyes of the Roman Church.

5. Any priest learning through the confessional or otherwise the circumstances of Alexander McCann’s marriage, was in duty bound to tell him that it was no marriage at all, and that he was living in the deadly sin of fornication in the eyes of his Church.

6. After learning this Alexander McCann was bound as a “good Catholic” either to force his so-called wife to be married in a Roman Catholic Church, or else to leave the woman and break up the home. As he could not do the former he was bound to do the latter.

7. Agnes Jane "McCann" is not to-day the wife of Alexander McCann. She is merely in the position of his mistress or of a girl whom he had seduced.

Now sir, I ask for an opportunity through your columns to declare to the Nationalist Parliamentary Party, to the Protestant Non-conformists in England, Wales and Scotland, and to the British people generally, that it is the unutterable iniquity of this Papal decree "Ne Temere," which has raised the present agitation, and that the Protestants of Ireland will never consent to have their allegiance transferred from the free Parliament of the United Kingdom to a Parliament in Dublin, composed of men who have delivered up their reason and conscience to a Church which declares that the marriage vows of Alexander McCann do not bind him, and has released him from them, and left Agnes Jane Barclay to-day deserted by her husband, robbed of her children, with her home waste and desolate, and her heart broken.

If anyone wishes for proof of the statements which I have made he will find it in two sermons by the Very Rev. H. Caruth, C.P., Rector of the Passionists at Ardoyne, Belfast, as reported in the *Irish Catholic* for December 12 and 31, 1910.

Yours, etc.,

DUDLEY FLETCHER, B.D.,

Coolbanagher Rectory,

Portarlington,

Queen's County.

February 10, 1911.

The seven facts here enumerated have never been questioned, as far as I am aware. Every one of them can be substantiated from the spate of Roman Catholic literature which appeared at the time. In these seven facts the meaning of "Ne Temere" is clearly seen in all its hideous nakedness as a revelation of Roman tyranny.

CHAPTER III.

SO far I have thought it best to confine myself to facts which came within my own personal knowledge and experience. The great champion of Mrs. McCann, and the most powerful opponent of "No Temere," was the Rev. William Corkey, her own Pastor in Belfast, who at that time was Minister of Townsend Street Presbyterian Church. When Mrs. McCann found herself turned out of her home, and left penniless upon the streets of Belfast, she turned to him for help and advice, and she did no turn in vain. On the next Sunday Mr. Corkey told her story to his congregation, and asked them for a contribution for her support, until it would be seen what the Government would do to protect a loyal British subject against the aggression of a foreign Power.

When I heard of the McCann case I wrote to the Rev. William Corkey for fuller information. He very kindly invited me to visit him, and he introduced me to Mrs. McCann, from whose mouth I wrote all the particulars of her tragic story; she was particularly free and open. She concealed nothing, and offered a simple and natural explanation of the many stories which were reported about her and her husband. I gathered that he was a kind-hearted and tolerant man, very fond of his wife, until the agents of the Vatican poisoned his mind against her. How he ever could be persuaded that he and she were not properly married, in the sight of God and of their own conscience, passes my comprehension. The only explanation I can think of is that from a child he had been taught to believe that the voice of "the Church" (*i.e.*, the voice of a Roman Bishop and a Committee of Cardinals) is the voice of God. The result of such teaching is the perversion or atrophy of the individual reason and conscience.

Up to the issue of the decree "Ne Temere" we Protestants knew little and cared less of Rome's doctrines about marriage. It was enough for us that a man or woman fell in love with each other, and desired to marry. They then went through a certain ceremony in the presence of an official recognised by their Church and State for that purpose, and signed a record of their marriage in a Church and State Register. Then they

were lawfully and validly married, provided that neither of them "knew any impediment, why they should not be lawfully joined together in matrimony." It was not easy for us to meet in controversy men trained in all the subtleties of Roman Canon Law. But our reason and conscience were free and clear, and we had no difficulty in discerning between what was right and what was wrong, what was true and what was false, what was just and what was unjust; and we appealed with confidence to the moral sense of the ordinary man, and to a free and discerning public conscience, and our appeal was not in vain. No State to-day, as far as I know, is governed by Roman Canon Law—not even the "Catholic" Irish Free State. Its scandals are too many and too manifest. The height of scandal and absurdity was reached by the annulment at Rome a few years ago of the Marlborough-Vanderbilt marriage. These scandals and wrecking of homes will go on until the pressure of public opinion everywhere compels the Vatican to withdraw the decree "Ne Temere," or at least gives orders to its agents that it is not to be enforced. Rome once claimed and exercised the right to depose civil rulers, and to release their subjects from their allegiance. It was tried in England, but it was the Pope himself who was deposed in England. I do not know if this claim has ever been withdrawn, but it is never exercised to-day. So it will be with "Ne Temere."

Innumerable cases, similar to that of the McCann marriage have occurred in various countries throughout the world. Only those which have come into the Law Courts have come before the public. Most of the victims of "Ne Temere" have preferred to suffer in silence. But *ex uno disce omnes*. It is the duty of all who love the freedom and natural rights guaranteed to them by the laws of their country to warn young people against the consequences of this cruel "Ne Temere" decree, flung into our midst by a foreign Government, and enforced by its representatives in every country. As a concise and accurate statement of the meaning and effect of the decree, a statement drawn up by the Leighlin Diocesan Council is here appended. It will be found useful by many who realise the danger, but find it difficult to define it.

APPENDIX A.

MIXED MARRIAGES.

The Decree "Ne Temere."

Important changes in the marriage laws of the Roman Catholic Church were made by the Roman Congregation of the Council by a decree known as "Ne Temere," which, by order of Pope Pius X, came into force on Easter Sunday, April 19, 1908.

Meaning of the Decree.

By this decree no person who has been baptized in the Roman Catholic Church can contract a valid marriage except in the presence of the Roman Catholic parish priest of the place where the marriage takes place, or of the Bishop of the Diocese, or of a priest delegated by either, and of two witnesses.

Effect in a Mixed Marriage.

Should such a person—as in the case of a mixed marriage between a Protestant and a Roman Catholic—get married in a Protestant Church, or in the Civil Registrar's office, the decree "Ne Temere" declares the marriage to be null and void; that is, no marriage at all; the parties will be treated as living in open and notorious sin; the Roman Catholic will be excommunicated, and the children regarded as illegitimate.

A Dispensation must be obtained.

No Roman Catholic priest is permitted to celebrate a marriage between a Protestant and a Roman Catholic until a dispensation has been applied for and obtained from Rome, either directly, or through the Bishop of the Diocese.

Conditions for obtaining a Dispensation.

A dispensation will not be applied for until all means have been used to induce the Protestant to abjure his or her faith.

Even then it will be granted only for "grave reasons," such as the danger of greater evil. When applying for a dispensation, the following promises must be signed in writing by the parties:—

1. That the marriage ceremony is to take place in the Roman Catholic Church.
2. That it is not to be preceded or followed by any other religious ceremony.
3. That all children of the marriage are to be baptized and brought up as Roman Catholics.
4. That the Protestant will not interfere with the religious belief or religious duties of the Roman Catholic.

The Roman Catholic must be induced, if possible, to give at least a verbal promise to bring about the conversion of the Protestant.

Results of a Mixed Marriage in the Home.

Thus a Protestant man who marries a Roman Catholic wife, even with a dispensation, must renounce, in favour of the Roman Church, his natural and legal position as head of his own family. He is an outsider in his own home, forbidden to discuss religious subjects with his wife, or to teach his children his own religious faith, or to bring them to worship with him in the House of God. If the wife be a Protestant, she is debarred from the most sacred right and privilege of motherhood: to teach her children her own religious faith. She must yield her place to a stranger.

Be Warned in Time.

It is of the utmost importance that young people should know and ponder these facts before they take a step in life which, if they have any strong religious convictions, may lead to great unhappiness.

“ Ne Temere ” Not Recognised by the Civil Law in Ireland.

It should be known, finally, that the above Canon Laws of the Roman Church are not recognised by the Civil Law of Eire, or, indeed, of most modern States. In Ireland, according to Civil Law, a marriage duly celebrated in a Protestant Church, or in a Roman Catholic Church, or in the Civil Registrar's office, IS EQUALLY VALID. Under the Treaty of 1921, and under the Eire Constitution, the religion of the parties contracting marriage is not allowed to affect the validity of their marriage. Citizens who have the courage to take their stand upon the law of the land will be upheld against the interference of any foreign legislation.

Full information on the above subject can be obtained from the following standard books by Roman Catholic priests:—
“ The New Matrimonial Legislation,” by Rev. Charles J. Cronin, D.D.; “ The Law of Christian Marriage,” by Rev. Arthur Devine. A useful little book is published at one shilling—“ Christian Marriage,” by Rev. E. J. Mahoney, D.D. All three are published by Burns, Oates and Washburne, Pasternoster Row, London.

APPENDIX B.

A RECENT CASE.

Within the last decade some important illustrations of the evil results of the "Ne Temere" decree in this country have come to light. Some years ago a Protestant man married a Roman Catholic in a Marriage Registrar's Office in England. Husband and wife lived together for a few years in Ireland, and then separated. The husband subsequently formed an acquaintance with another Roman Catholic woman, with whom he lived for some time, and having been received into the Roman Catholic Church, and informed by his Roman Catholic ecclesiastical advisers that his marriage celebrated in the Registrar's Office in England was invalid, according to the Canon Law of the Church of Rome, as it did not conform to the conditions laid down in the "Ne Temere" decree, he went through a form of marriage with the Roman Catholic woman then living with him, this "marriage" being celebrated by the Roman Catholic parish priest concerned, and thus under the provisions of the "Ne Temere" decree this new adherent to Roman Catholicism not only forsook his lawful wife and children, but went through a form of marriage with a woman who had been living with him, being informed by his Roman Catholic ecclesiastical advisers that this second "marriage" was the only lawful one he had contracted according to Roman Canon Law. Thus, under the provisions of the "Ne Temere" decree this man's lawful wife was rejected, and a woman installed in her place as his wife, who cannot be so regarded by the law of this country, as at present constituted.

This case, in which a man was encouraged to break the law of the land, and form a bigamous union with a woman whom he was told by his ecclesiastical advisers was now his lawful wife, should, in addition to other similar cases, be a warning to all Protestant young men and women. In effect, such cases

mean that, under Roman Canon Law, a Roman Catholic man can marry a Protestant girl in a Marriage Registrar's Office, or even in a Protestant Church, and having lived with her a few years, if he so desires, can leave her, and form a new union with another woman under the provisions of the "Ne Temere" decree, and will be informed that this latter union is the valid marriage, and that his first marriage (in the Protestant Church or Registrar's Office) is no marriage, and that he is not bound to abide thereby, and that he has no responsibility—in Roman Canon Law—for the upkeep of that wife.

APPENDIX C.

THE TILSON CASE.

Some years ago Edward Tilson, a Protestant, in order to marry a Roman Catholic girl (who was aged about 16 years), consented to do so under the provisions of the "Ne Temere" decree, and gave the promise extracted under that decree, that all the children of the marriage would be brought up in the Roman Catholic religion. Tilson's wife subsequently left him with three small children to care, and these he placed in Mrs. Smyly's Homes. Following his action the mother opened a *habeas corpus* action in the High Court with the object of obtaining the custody of the three children to bring them up in the Roman Catholic religion. Prior to the hearing of this case in the High Court of Justice of this Republic, the pre-nuptial promise to have the children of a Mixed Marriage brought up as Roman Catholics was held to be *ultra vires*, and not to be enforced in law.

In the Tilson case, however, the High Court Judge decided that the pre-nuptial promise made under the terms of the "Ne Temere" decree, was now binding in law and must be enforced, and he accordingly made an order giving the three Tilson children to the custody of the mother, so that they might be brought up in the Roman Catholic religion,—in opposition to the wishes of the father, Edward Tilson. This decision of the High Court was confirmed by the Supreme Court of this Republic on appeal.

Thus, for the first time in this Republic, the provision of the Canon Law of the Church of Rome, as regards the pre-nuptial promise to have the children of a Mixed Marriage brought up as Roman Catholics, is now to be enforced by the civil Law Courts of this Republic,—even in opposition to the wishes of the Protestant father. This important change in the civil law

here should be fully known to every Protestant man and woman in this land, who may be contemplating a Mixed Marriage.

In effect this decision means that in such cases the Protestant father will no longer be master in his own home, and must allow his Roman Catholic wife full control in the religious upbringing of their children, and he must stand by and say nothing while his children are being educated in a religion in which he does not believe. In this respect the statement of a Bishop is very relevant. He says: "It is a weak and sinful act for a potential parent to promise that his (or her) children shall be brought up in a religion which he (or she) believes to be not wholly true. A promise, under duress (for that in practice is the case), to commit a sin cannot be defended on moral grounds, and when, as constantly happens, the young man or woman in calmer moments realises the grave offence which under the strain of a great emotion he (or she) has committed, the lesser of two evils is to refuse to fulfil an unholy bargain of this kind." (Extract from an article by the Bishop of Chelmsford.)

While it still is possible in England for the Protestant father of a Mixed Marriage to refuse to carry out the pre-nuptial promise made under the "Ne Temere" decree, it is no longer possible in this Republic of Eire, where, as already pointed out, the pre-nuptial promise made by the Protestant party to a Mixed Marriage is now enforceable under civil law.

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