

(who died in 1261). It was unknown to Photius and the bitter Greek polemics of the ninth and tenth centuries, who would not have missed the opportunity to make use of it as an argument against the Papacy.

(2) The schools of Athens had died out as far back as the year 420, when Synesius wrote, and they had not been revived during the supposed student-life of Joan. (3) For many centuries (says Parsons, ii, p. 45) 'the custom had obtained of raising to the Papacy only a priest or deacon of the Roman Church'. In the circumstances, a stranger such as Joan is represented to be, would be about the last to be selected for that high dignity. (4) 'It is certain', says Parsons (vol. ii, pp. 45-6), on the authority of Onofrio Panvini, 'that the Popes did not commence to inhabit the Vatican before the reign of Boniface IX., who mounted the throne in 1389'. And finally, (5) to quote Schaff's 'History' again (vol. i, p. 266):—

'There is no gap in the election of the Popes between Leo and Benedict, who, according to contemporary historians, was canonically elected three days after the death of Leo IV. (which occurred July 17th, 855), or at all events in the same month, and consecrated two months after (Sept. 29th).'

This does not leave two years and a half—nor even (all things considered) two days and a half—for the fabled reign of the Popess Joan. In another work edited by the learned Protestant historian and divine last quoted, the Rev. G. Voigt, Ph.D., (Protestant) Professor of History in Leipzig, well describes the Pope Joan story as 'a fable which hardly anybody now believes' ('A Religious Encyclopaedia', vol. ii, p. 1183, art. 'Joan, Pope'). Here we may leave the myth of the female Pope—to keep company with the stories of Sindbad the Sailor and Ali Baba and the Forty Thieves.

An article containing a further investigation of 'Irish Outrages' is crowded out of this issue by the pressing demands upon our news columns.

CATHOLIC MARRIAGES

TRANSLATION OF IMPORTANT NEW DECREE

The following is a translation, by 'Rome,' of the important decree of the Congregation of the Council summarised in our last issue, which regards *sponsalia* (betrothals) and the valid and licit celebration of the Sacrament of Matrimony. This decree applies to the whole Church, and comes into force after next Easter:—

DECREE CONCERNING SPONSALIA AND MATRIMONY.

ISSUED BY THE SACRED CONGREGATION OF THE COUNCIL BY THE ORDER AND WITH THE AUTHORITY OF OUR HOLY FATHER POPE PIUS X.

The Council of Trent, *cap. I., Sess. XXIV., de reform. matrim.*, made prudent provision against the rash celebration of clandestine marriages, which the Church of God for most just reasons has always detested and forbidden, by decreeing: 'Those who otherwise than in the presence of the parish-priest himself or of another priest acting with the license of the parish-priest or of the Ordinary, and in the presence of two or three witnesses, shall attempt to contract matrimony, the Holy Synod renders them altogether incapable of contracting marriage thus, and decrees that contracts of this kind are null and void.'

But as the same Sacred Council prescribed that said Decree should be published in all the parishes and was not to have force except in those places in which it had been promulgated, it has happened that many places in which the publication has not been made have been deprived of the benefit of the Tridentine law, and are still without it, and continue to be subject to the doubts and inconveniences of the old discipline.

Nor has all difficulty been removed in those places where the new law has been in force. For often there has been

grave doubt in deciding as to the person of the parish-priest before whom a marriage is to be celebrated. The canonical discipline did indeed decide that he is to be regarded as the parish-priest in whose parish one or other of the contracting parties has his or her domicile or quasi-domicile. But as it is sometimes difficult to judge whether a quasi-domicile really exists in a specified case, not a few marriages were exposed to the danger of nullity; many, too, either owing to ignorance or fraud; have been found to be quite illegitimate and void.

These deplorable results have been seen to happen more frequently in our own time on account of the increased facility and celerity of intercommunication between the different countries, even those most widely separated. It has therefore seemed expedient to wise and learned men to introduce some change into the law regulating the form of the celebration of marriage, and a great many bishops in all parts of the world, but especially in the more populous states where the necessity appears more urgent, have petitioned the Holy See to this end.

It has been asked also by very many bishops in Europe, as well as by others in various regions, that provision should be made to prevent the inconveniences arising from *sponsalia*—that is, mutual promises of marriage, privately entered upon. For experience has sufficiently shown the many dangers of such *sponsalia*, first as being an incitement to sin and causing the deception of inexperienced girls, and afterwards giving rise to inextricable dissensions and disputes.

Influenced by these circumstances our Holy Father Pope Pius X., desiring, in the solicitude he bears for all the churches, to introduce some modifications with the object of removing these drawbacks and dangers, committed to the S. Congregation of the Council the task of examining into the matter and of proposing to himself the measures it should deem opportune.

He was pleased also to have the opinion of the commission appointed for the codification of Canon Law, as well as of the Eminent Cardinals chosen on this special commission for the preparation of the new code, by whom, as well as by the S. Congregation of the Council, frequent meetings have been held for this purpose. The opinions of all having been taken, His Holiness ordered the Sacred Congregation of the Council to issue a Decree containing the laws, approved by himself on sure knowledge and after mature deliberation, by which the discipline regarding *sponsalia* and marriage is to be regulated for the future, and the celebration of them carried out in a sure and orderly manner.

In execution, therefore, of the Apostolic mandate, the S. Congregation of the Council by these letters lays down and decrees what follows:

Concerning *Sponsalia*.

I. Only those are considered valid and produce canonical effects which have been contracted in writing signed by both the parties and by either the parish-priest or the Ordinary of the place, or at least by two witnesses.

In case one or both the parties be unable to write, this fact is to be noted in the document, and another witness is to be added who will sign the writing as above, with the parish-priest or the Ordinary of the place or the two witnesses.

II. Here and in the following articles, by parish-priest is to be understood not only a priest legitimately presiding over a parish canonically erected, but in regions where parishes are not canonically erected the priest to whom the care of souls has been legitimately entrusted in any specified district, and who is equivalent to a parish-priest; and in missions where the territory has not yet been perfectly divided, every priest generally deputed by the superior of the mission for the care of souls in any station.

Concerning Marriage.

III. Only those marriages are valid which are contracted before the parish-priest or the Ordinary of the place or a priest delegated by either of these, and at least two witnesses; according to the rules laid down in the following articles, and saving the exceptions mentioned under VII. and VIII.

IV. The parish-priest and the Ordinary of the place validly assist at a marriage:

i) only from the day they have taken possession of the benefice or entered upon their office, unless they have been by a public decree excommunicated by name or suspended from the office;

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