

BEQUESTS FOR MASSES

AN IMPORTANT JUDGMENT

According to a judgment given in Wellington last week, bequests for Masses for the repose of the soul of a deceased person are valid in New Zealand. The case over which the question arose occurred at Palmerston North, one Mary Sellars (deceased), in her will, directing her trustee to expend a certain sum in having Masses offered for her soul in the parish of Palmerston North. The question put to his Honor for decision was whether that trust and direction was valid.

In England, said his Honor, such a trust and direction would be void as a superstitious use, for a gift of property secured or appointed for and towards (*inter alia*) the maintenance of a priest or other man to pray for the soul of any dead man in a church or elsewhere or to maintain perpetual obits, lamps, torches, etc., to be used at certain times to save the souls of men out of purgatory had been by a long line of decisions of the English Courts of Chancery and common law held to be void and to be what was termed a 'superstitious use.' His Honor went on to deal exhaustively with the law of England on the subject. Such bequests were not only legal, but were enforceable before the Reformation and the illegality, and such uses therefore appeared to have arisen not from the common law of England, but from statute, and the original statute was 23 Henry VIII., C 10, the principal Act, however, being the Edward VI., C 14. Why such gifts were invalid in England was because of the statute, but that distinguished judge, Sir John Romilly, found it difficult to give a logical reason for continuing this prohibition. In the case of *in re Michels Trust 28, Beav. 39*, he said, speaking of *West v. Shuttleworth*: 'I have always felt this difficulty so far as relates to their places for religious worship and the property held therewith, that Roman Catholics and Jews are now placed in the same position as Protestant Dissenters, and if it be a part of the forms of their religion that their prayers should be said for the benefit of the souls of deceased persons it would be difficult to say that as a religious ceremony practised by a dissenting class of religionists it could be deemed superstitious in the legal sense in which these words were used prior to the passing of the statutes in question, which practically have authorised them. He added: 'In the time of Edward VI. and Elizabeth the ceremony of Mass was considered superstitious, and I do not know that the law made any distinction between Masses generally and Masses for souls or any distinction between those said for the general purpose and object of their religion in the worship of God, and those which are for more limited objects which were formerly considered, and which the court, now considering them in a Protestant point of view, still regard as superstitious.'

'Can it then be said,' asked his Honor, 'that a statute, the existence of which is, even in England, where there is a State church, an anomaly since the passing of the Acts of Toleration was applicable to the circumstances of New Zealand when the colony was founded, or is suitable to the Dominion now, or that its provisions ought to be applied here in the administration of justice. There is no State church here. The Anglican Church in New Zealand is in no sense a State church. It is one of the numerous religious denominations existing in the Dominion, and although no doubt it has a very large membership it stands legally on no higher ground than any of the other religious denominations in New Zealand. As was said by the Judicial Committee of the Privy Council in *Long v. the Bishop of Capetown*, the Church of England in places where there is no church established by law is in the same situation with any other religious body, in no better but in no worse position. The Roman Catholic Church is therefore in New Zealand in the same legal position as the Anglican Church or any other religious denomination. Its adherents have always been present in considerable numbers in New Zealand; it has its churches in every considerable town in the Dominion, and its forms of worship, its creed, and tenets are not in any way under the ban of the law. Bequests to and for the support of this Church ought to stand on the same footing as bequests to any other religious denomination recognised by law. If, as it appears to me is the case, the true ground upon which what is called a "superstitious use" is in England void is that such a bequest has for its object the propagation of a religion not tolerated by law then, as that reason originated in ancient English statute law passed under circumstances which could not have had any application save in England and under conditions which could never at any time arise in New Zealand, where one religious body can have no legal predominance over another religious body, such a statute can never have been reasonably applicable or suitable to the circumstances of New Zealand. The tenets of the Roman Catholic Church are not illegal, and the saying of Masses for the repose of the soul of a dead person cannot, in my opinion, be said to be against public policy or immoral.' His Honor held that the bequest was a good charitable use, and that it was a valid gift.

Domestic

By MAUREEN

To Strengthen Table-cloths.

When table-cloths and sheets are new a piece of tape should always be sewn flat on the hem at each corner, so as to double the life of the article, and also to prevent it getting out of shape. Another good plan is occasionally to fold them widthways. This prevents the folds always being in the same place, and thus wearing into holes quickly.

To Remove Tar Stains.

One of the most undesirable stains to get on clothing is tar, and much patience must be exercised in removing it owing to the difficulty of doing so successfully. One of the best methods is to mix a small quantity of fuller's earth into a thick paste with spirits of turpentine and lay some on the stain. Leave it till dry, then remove with a clean hard brush. If the first application is not successful, the process must be repeated till effective. After carefully brushing out the paste with a clean brush, the mark should have disappeared.

Home-made Sherbet.

Sherbet is such a perennial favorite with the small members of the family that a recipe for manufacturing a very good quality of it will not be amiss in any household. Take one pound of caster sugar, half a pound of bicarbonate of soda, half a pound of tartaric acid, and one teaspoonful of essence of lemon. Place the soda and tartaric acid on a sheet of white paper, and, taking a knife with a broad blade, break all lumps and reduce to a fine powder. Then sieve in the caster sugar and mix thoroughly; lastly sprinkle over all the essence of lemon. Give one quick stir, and place in screw-stoppered bottles for use.

Bleaching the Hair.

The prevailing fashion of bleaching fair or auburn hair when it begins to lose its bright lights is a great mistake, as after a few applications the hair appears to grow lifeless, and shows signs of becoming brittle, while, in addition, most bleaching fluids injure the roots of the hair, unless very carefully applied. To keep the hair bright it should be shampooed often—almost once a fortnight—and the shampoo should be carefully chosen to suit the color of the individual hair under treatment. The rinsing off of the shampoo should also be carefully done and a little grease applied to the scalp after the hair has been thoroughly dried. Auburn or red-brown hair should have a little red oil, scented as preferred, while blonde or golden hair will look better for a little golden brillantine. A very little of either of these will suffice, and the oil or brillantine should be sprinkled upon the hair brush, and the hair thoroughly brushed. When this has been done, a clean brush should be taken and a few finishing strokes given.

To Guard Against Moths.

Prevention is certainly better than cure, and this is decidedly true in the case of the moth pests that make such havoc amongst clothing good, bad, or indifferent, unless precautions are taken to forestall them. Now is the time to look to the warmer garments which are being discarded with the advance of fine weather. When the articles are no longer required, they should be well shaken in the open air, and furs beaten carefully with a thin cane to remove dust, which favors grub development, and also to remove any moth eggs which may by chance have been deposited. It is not the moth itself that does the mischief, but the numerous tiny grubs which emerge from the eggs, deposited within the warm folds of blankets or among the hairs of furs long after the parent moth has gone. Therefore the only safe preventive is the adoption of measures for keeping the latter out. The safest plan, then, is to do them up in parcels, using either paper or linen wrappings, taking care that there is no opening through which moths may gain entrance. The ink used in printing newspapers is said to keep away moths, so that folded newspapers may be used, or good brown paper, fastened up with good paste or glue. Some people prefer to hang up their winter coats and clothes for summer, using a coat-hanger to preserve their shape and enveloping the whole in a calico bag, but in this case special precautions must be taken to tie the bag very securely and closely, as it is astonishing how often moths find a way in where there seems to be no opening available. Where woollen goods are kept hanging in cupboards or wardrobes during the summer months, certain precautions must be taken to secure immunity from moth ravages. All the woodwork must be washed with paraffin, and the cupboards kept perfectly clean, and any cracks should receive special attention. It is wise to apply the paraffin about once a fortnight during the summer months.

Maureen