

has given me a dirty nose!" There is another picture of a nun about to be delivered of a child, and praying that a miracle might be performed in her case. Preventives are advertised for sale. Upon receipt of the paper, I sent it on to the Crown Solicitor. His reply was that if the translations submitted were correct, he was of opinion that the paper in which the passages in question occurred was blasphemous, and that it could be treated as a blasphemous work or article, and therefore prohibited. I had the translations submitted to one of our own officers, who deals with all foreign correspondence, and his reply was: "I have checked the translations and find them correct." Upon this, I issued a prohibition order, and prevented the paper in question coming into Australia.'

The Postmaster-General then issued to Bro. Snowball the following direct challenge: 'Now, I am prepared to do this. If Mr. Snowball can persuade Archbishop Clarke, or the Moderator of the Presbyterian Assembly, or the President of the Methodist, Congregational, or Baptist Churches, or the Chief Commissioner of the Salvation Army, to call at my office and see the papers for themselves, see the caricatures, and if any one of those gentlemen will leave a note behind stating that in his opinion the paper is not blasphemous and ought not to be prohibited, I will remove the prohibition. On the other hand, I think it is fair to me, in view of the statements made by Mr. Snowball, that he should now definitely state whether he thinks *L'Asino* ought to have been prohibited, or whether it should be allowed to come into Australia. The paper to me is blasphemous and indecent. However, Mr. Snowball may, of course, have different ideas of blasphemy and indecency. I am anxious that Mr. Snowball should make the fullest and most complete investigation. I am prepared to assist him in every way, but I think I have the right to ask that he shall make these investigations, and, after having done so, say that he still thinks the paper ought not to have been prohibited, or, on the other hand, be manly enough to agree that my action in the matter was correct.'

Up to latest advices, Bro. Snowball had not gathered wind sufficiently to make any reply. Any little breath that might have been left in him was knocked out by the Melbourne *Argus*, which, on the top of the Postmaster-General's exposure, remarked that some of the features of the *Asino* were too vile to even indicate in print. The net result of Bro. Snowball's efforts will be to give a wide publicity to the indecency and general putridity of Podrecca's publication, and to strengthen the case for its absolute exclusion from every reasonably clean and self-respecting community.

### The Montreal Marriage Case

There is another 'marriage case'; and the anti-Catholic zealots have now got 'temeritis' with a vengeance. It is not a 'mixed marriage' this time, but a ceremony between two Catholics, and a matter, therefore, which might very reasonably have been regarded as concerning only the two individuals involved, and the Church to which they belong. But the opportunity for working up a little excitement was too good to be missed. The 'case' occurred in Montreal; and a week or two after the judge's decision had been made public the emotionalists began to effervesce. The first to let off steam was the Protestant Bishop of Montreal, Dr. Farthing, who on Easter Sunday made this marriage case the subject of a violent discourse. Methodist conferences took up the parable; the Orangemen, of course, chimed in; conferences of one kind and another in Australia have taken up the strain; and the very latest cable from the 'other side' is that our Protestant brethren do not intend to rest content with 'an emphatic protest' but are about to demand 'legislative prohibition' of the *Ne Temere* decree. For cool impudence this takes not only the biscuit, but the whole bakery.

The alleged facts in the Montreal case are thus quoted by the current Presbyterian *Outlook*, from a non-Catholic Canadian paper—'Montreal, March 24.—According to a judgment rendered yesterday by Mr. Justice Laurendeau, Miss Marie Emma Clouston, who thought she was the legal wife of Mr. Eugene Hebert, is still unmarried, and the husband is still an unmarried man. In 1908, Eugene Hebert and Marie Emma Clouston, who were both over twenty-one years of age, were married by the Rev. W. Timberlake, a Protestant minister, and a marriage certificate delivered. Both parties to the marriage were Catholics, and after a while the husband discovered that they were not legally married according to the regulations of his Church, as endorsed by the law of the country. Therefore he entered suit for annulment of marriage before the authorities of his Church, and won. Immediately after he made application before the civil courts for confirmation of the canonical decision, and judgment was rendered. In

his judgment, Mr. Justice Laurendeau says that, owing to the existing law, two Catholics can be married only by ministers of their own Church, and before the parish priest of one of the two contracting parties. The marriage of the present parties, therefore, who were both known as Catholics when their supposed marriage took place, was illegal, and therefore he confirmed the religious annulment of the marriage.'

Regarding this case the following observations may be made: (1) The law of Lower Canada requiring Catholic marriages to be solemnised in the presence of a Catholic priest is no new ordinance, but is part of the settled and ancient law of Quebec. The case under discussion, therefore, has nothing earthly to do with *Ne Temere*, and would have been so decided had the *Ne Temere* decree never been promulgated. (2) The Quebec code respects the marriage legislation, not only of the Catholic Church, but of all religious bodies. Article 127 of the Civil Code recognises the 'impediments admitted according to the different religious beliefs as resulting from consanguinity, or affinity, or from other causes under the rules hitherto followed in the different Churches or religious societies.' This means, for example, that if the Presbyterian Church in Canada had a regulation—as the Presbyterian Church in New Zealand had until very recent years—prohibiting marriage with a deceased wife's sister, and two members of that Church, standing in this relation to each other, went through a marriage ceremony, the Quebec courts would declare that there was no marriage, no matter how much either of the parties may have 'thought' that they were married. (3) The real party to be blamed for the Montreal occurrence was the minister who performed the ceremony. Either he knew the law on the subject or he did not. If he did, he deliberately performed a ceremony which he knew to be illegal, and wilfully misled the misguided couple who came to him. If he did not know the law, it can only be said that a minister who performed a marriage ceremony without troubling to acquaint himself with the settled law on the subject is grossly incompetent. The minister and the parties to this case are simply in the position of people who have attempted to celebrate a marriage in the face of the known and public law of the country. It is as if in New Zealand two persons were to go through the marriage ceremony in any church, or even at the Registry Office, without witnesses. If the defect were discovered, and appeal made to the courts, the marriage would be promptly declared no marriage, however sincerely the parties may have supposed that they were legally man and wife. In the Montreal case—as in all such cases—the hardship involved as the consequence of such a blunder may be simply remedied, so far as the law is concerned—all that is necessary being that the parties should go through the ceremony in accordance with the full requirements of the law. If one of the parties has changed his mind and refuses to go on with the ceremony, it may prove that that particular party is a poltroon, but it proves nothing whatever as against the law.

In respect to the outcry, generally, against the *Ne Temere* decree, we venture on two further comments. (a) There is ground for the strongest possible suspicion that the clerical agitation on the subject is motivated, not so much by considerations of high morality or of regard for the observance of sacred ties, as by a fear lest the Catholic marriage legislation may have the effect of bringing sundry Protestants, who are matrimonially bent, into the net of 'Rome.' Catholics themselves are by no means so sure that it will have any such effect; and they are very sure that no such object was intended by *Ne Temere* which—as has been so often explained—merely extends the application of legislation which dates back to the decrees of the Council of Trent. It is, moreover, a commonplace with Catholics that converts who become such on the occasion of getting married are—to put it mildly—of very varying value. In some cases they make splendid Catholics; in others, quite 'the reverse to the contrary' as Artemus Ward expresses it. (b) It is very certain that all the noise and bluster and beating of the drum theological will not produce one particle of practical result. The Catholic Church in no way interferes with the domestic legislation or regulations of any of the Protestant Churches; and she has a right to demand and to insist on freedom from any such interference from them. Her attitude on these great questions is based, not on shifting grounds of expediency, but on clear and fixed and definite principles; and it is not to be thought of that the Church of the ages should submit to dictation as to her domestic policy and legislation from sects which—whatever high personal qualities their members may possess—are but of yesterday.

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