

BISHOP MANNING'S STATEMENT OF MARLBOROUGH CASE BRINGS CONVINCING CATHOLIC ANSWER

St. Rev. John Dunn, Auxiliary to Cardinal Hayes, Vindicates Divine Right of Church Over Marriage—Episcopal Paper Concur.

New York, Nov. 26.—Further discussion and clarification of the Vanderbilt-Marlborough annulment case shared up here over Thanksgiving Day.

Bishop William T. Manning of the Episcopal Diocese of New York, speaking at the Cathedral of St. John the Divine, gave his previously announced statement on the subject, in which he attacked the Catholic Church's declaration that the marriage was null as "an unwarranted intrusion, a discredit to the Christian Church, and an injury to religion," and as an "impertinence."

In just as vigorous a reply, the Rt. Rev. John J. Dunn, Auxiliary Bishop of the Catholic Archdiocese of New York, asserted the right and duty of the Catholic Church to declare the marriage null; affirmed that in her action the Church did not depart a hair's breadth from her ancient mandate by God; and pointed out that the annulment safeguards, rather than attacks, the sanctity of marriage.

At the same time, Father John J. Wynne, S. J., editor of The Catholic Encyclopedia and Universal Knowledge, exploded the "impertinence" charge by the simple means of pointing out that the woman in the case herself asked that the validity of her marriage be passed upon, in the absence of any provision in her own church for such an inquiry.

Episcopal Paper Approves Annulment Criticism of the position assumed by Bishop Manning also came from the columns of The Churchman, an Episcopal publication of wide circulation. In an editorial published in The Churchman, the Rev. Dr. William James Cox, rector of St. Andrew's Episcopal Church in Philadelphia, commended the Catholic Church for its stand, and went so far as to propose that the Episcopal Church itself erect a body to give decisions in such cases.

Bishop Manning began his statement by saying that the action in the Vanderbilt-Marlborough case seems wholly at variance with the teaching of the Roman Church as to the sacredness of marriage. Then, after reviewing the facts of the marriage itself, he asked:

"What right has a Vatican court, sitting in Rome, to pass upon the validity of a marriage between members of another communion, solemnized in a Protestant Episcopal Church in New York, under the laws of the United States of America?"

From this question, he attempted to make the annulment an infringement on the rights of civil courts, evidently taking the position that the church action sought to vacate civil action. He called it "unwarranted intrusion," then went so far as to speak of danger to "religious liberty in this country" and adds "This incident is a sharp reminder to those who love freedom of the importance of maintaining complete separation of Church and State."

Questions Statement of Duchess He also attacked as untrue the evidence that the former Miss Vanderbilt was subjected to undue influence and was virtually forced to marry Marlborough. He was distressed over the "scandal" that a "woman of middle age" should be willing to swear that her parents sold her for worldly goods. He concluded by saying that all who wish to see the sacredness of marriage upheld and who "recognize the great moral and spiritual opportunity of the Roman Catholic Church" should openly condemn this action.

Bishop Dunn disposed promptly of Bishop Manning's charge of invasion of civil law by calling attention to the fact that the right of the Church to pass upon this matter "is far afield of any action which a civil court, whether in the United States or England, might take with regard to a marriage." "The Church is not legislating for civil effects," he reminded Bishop Manning, then turned the charge back to the latter himself by adding:

"We feel quite certain that Bishop Manning recognizes the distinction between the domain of the civil and the spiritual. His own protest against the divorce evil in this country, as sanctioned by civil law, shows that he himself is not prepared to accept in conscience the effects of civil legislation in this regard."

Decision Safeguards Marriage At the Church's action, Bishop Dunn declared, it is an impressive defense of the sanctity of marriage, rather than an attack upon it, since it is an insistence that marriage vows must be safeguarded from influences which make a farce of them. He scathingly denounced "buying and selling women in marriage." His statement follows:

"The belated statement of Bishop Manning with regard to the Marlborough-Vanderbilt marriage case leaves much of its meaning in view of the news dispatches from Rome published today.

"Whatever doubt one might have had with regard to the compelling force of the evidence submitted to the Rota is all dispelled in the amazing and shocking exposure contained in the news evidence given by those who counselled Vanderbilt, as published in today's papers—namely, that of her mother, Mrs. Jay and Mrs. Tiffany, as well as the Duke of Marlborough himself.

"It did seem that the days of making women captive and holding them captive for marriage had passed. History records show how the Church thundered against emperor, king, and prince to crush this evil. By her defense, no matter what its cost, of the freedom of the individuals who are the contracting parties to a marriage, she has always protested and will protest against the buying and selling of women in marriage.

Appeals To Natural Law "Bishop Manning has stressed very vehemently the claims of the civil law as well as of the ecclesiastical law from the fact that the marriage took place in the United States and was performed according to the rite of the Protestant Episcopal Church. He overlooks the higher and the more essential law—namely, the natural law, the law written into the very nature of things by God Himself, which neither civil nor ecclesiastical law can change.

"The natural law makes it absolutely essential in order to have a contract of marriage that both parties to the contract be free agents and that they exercise their freedom by giving the necessary and fundamental consent which is the very essence of marriage. The officiating clergyman in a religious ceremony or the official in a civil ceremony stands only as a witness to the marriage for the purpose of public knowledge and public record.

"If at the moment of the making of the contract either party is neither free to give, or is prevented from freely giving this essential consent, then there is no power in this world that can possibly supply or later heal the fundamental and essential thing defective in the contract. The only course is for a renewal of the ceremony, or a full communication to each other of mutual consent.

Church Protects Marriage Vows "The Catholic Church in this particular instance is simply defending the sanctity of marriage in its very essentials when it applies to the Marlborough marriage what it has applied from the dawn of Christianity in similar instances—namely, the principle 'What God has joined together, let no man put asunder,' but that at the moment of the union it be God and not Mammon that made the union.

"The venerable Tribunal of the Rota, with centuries of experience, fully conscious of its responsibility before God, and exceptionally qualified to pass upon evidence, must have had submitted to it overwhelming evidence as to facts and motives in this case.

"The right of the Catholic Church to pass judgment in this particular instance which Bishop Manning questions is far afield of any action which a civil court, whether in the United States or England, might take with regard to a marriage. The Church is not legislating for civil effects, but claims the right which she received from her Divine Founder to counsel the followers of Christ in matters of conscience. Why should any one appeal to the Catholic Church today unless a matter of conscience be involved.

"We feel quite certain that Bishop Manning recognizes the distinction between the domain of the civil and the spiritual. His own protest against the divorce evil in this country, as sanctioned by civil law, shows that he himself is not prepared to accept in conscience the effects of civil legislation in this regard.

Christ's Law Observed "The Catholic public fully realizes and the general public may be assured that the Catholic Church has not departed one hair's breadth from the law of Christ with regard to the sanctity and the indissolubility of marriage. All her legislation is intended to make the contracting parties to a marriage seriously pause and fully understand the nature and solemnity of the contract and the obligations it entails unto death itself."

Father Wynne, speaking of the "impertinence" charge, said in part: "The Vatican would not presume to pass on the validity of any marriage whatsoever unless one or other of the parties requested its decision. In the Vanderbilt-Marlborough case the woman made this request. She had already obtained a divorce in the civil courts. For reasons which she has not disclosed she saw fit to seek an ecclesiastical decision on the validity of her marriage.

"Unfortunately, in the Church in which the marriage was contracted there is no provision for an inquiry of this sort. The Protestant Episcopal Church in the United States, like the Church of England, on which it is patterned, accepts implicitly the decision of civil courts in regard to marriage. There was no other recourse for the lady in question, except to appeal to the only ecclesiastical court which provides for a review and decision on all questions concerning matrimony.

Church Discourages Annulments "No well-informed or calm-minded person can see any impertinence in this. On the contrary, it is a very great favor on the part of a diocesan court of the Catholic Church and of the Rota to examine into matters

of this kind. Indeed, the authorities of the Catholic Church invariably try to discourage annulment proceedings, but once invoked they feel that it is just as much their duty to pronounce when a marriage is not a marriage, as to decide when it is a marriage.

"Trust them not to give a decision without arguments that will stand the test of the strictest civil tribunal. One who says they would decide on a pretext speaks without knowledge."

"In a case with which I happen to be familiar a Protestant invited to give testimony, a lawyer of the highest standing, was so impressed by the examination that he said if all the members of his profession could have his experience their admiration for the Catholic Church would be unbounded. The effect on him was that he became a Catholic.

"Bishop Manning need not worry about the consequences of this case for the sanctity of marriage. It will only help to safeguard marriage and to inspire every one with proper awe and reverence for a contract which is so sacred. The scandal he should fear, if any, is not the declaration that parties to an invalid marriage were never really married, but that all concerned at the time of the ceremony were not more particular and conscientious about permitting it."

Episcopal Paper's Views The Rev. Dr. Cox, writing in The Churchman, severely criticized the Episcopal Church's position on the subject of annulment of marriages, and commended the Catholic position. He pointed out that the Episcopal Church provides no information regarding impediments to marriage, and said:

"A serious condition exists in our Church at the present. There is no instruction, no requirement, no impediment specially declared, no canonical statement of obstacles, nothing in the catechism or rubrics. Every minister is left to the direction of the State laws in everything that regards the civil contract. The matter is one of the most perplexing the clergy have to deal with. When one comes to cases, the superiority of the Roman (Catholic) system seems clear. There is more understanding of human nature and much more Christian tenderness in dealing with people."

Then, asking if Episcopal ministers have not the right to request that their Church formulate a statement on marriage requirements and if laymen have not the right to demand knowledge of what is expected of them in this vital matter, he makes the following proposal:

"Ought not a properly constituted Council of Bishops, with priests and laymen as assessors, be empowered to give decisions in such cases (referring to the cases that had come to his personal attention) and dispense in mercy and justice?"

Eleven In Detroit Family Have Taken Vows Of Religion

Detroit, Nov. 24.—Eight children of Ferdinand Kalt, 82 years old, a member of the Assumption of the Blessed Virgin Mary (Grotto) parish, here, have taken religious vows. This Detroit family's record is believed to be unique in this diocese. There were twelve children in all. Three grandchildren out of a family of six entered the sisterhood, and a fourth is preparing to do so.

Of the eight children of M. Kalt who received vows, three became nuns, one brother, and four became nuns. Father Robert Kalt, O.F.M., is at present located in Park View, New Mexico, and his brother, Father Cuthbert Kalt, O.F.M., is in San Fidel, N. M. Father Hubert Kalt, third oldest and a priest for eight years, died in Chicago in 1918.

Brother Adolph Kalt, of the Brothers of Mary, is engaged in teaching at Holy Redeemer high school, Detroit.

Of the four sisters who took the veil, Sister Roberta, of the Franciscan order, is teaching in Oldenburg, Ind.; Sister Amalda teaches at St. Bernard's School, St. Bernard's O.; Sister Hubert of the School Sisters of Notre Dame, has charge of a school in Milwaukee, and Sister Agnilda is teaching in Fort Wayne.

The four religious of the second generation are children of the daughter of Mr. Kalt, the late Mrs. John Bauer of Detroit. All four are members of the School Sisters of Notre Dame.

Sister Cuthbert and Sister Roberta are located in Milwaukee; Sister Alvina is in Huntington, Ind., and Miss Loretta Kalt, who is now in her second year of preparation for the sisterhood, is at the Notre Dame house in Chicago.

Veteran Servant Of Pope Retired

Rome, Nov. 15.—Teodolinda Banfi, better known in Vatican circles as Linda, personal servant of His Holiness, Pius XI, the only person entrusted with preparing his meals and maintaining his private apartment, has been granted her long deserved rest. The aged attendant entered the employ of Achille Rattino, Supreme Pontiff, forty years ago.

On Sunday she performed her last work. Today she enters a new home with the Daughters of Charity at Santa Maria.

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Catholic Theater Movement List Approves 5 Plays

New York, Nov. 26.—Only five of 47 plays reported on since July last have been placed on the "White List" in the bulletin of the Catholic Theatre Movement just published. The issue gives a current "White List" of 14 plays which includes the five recommended particularly in this issue.

The current list is composed of "Able's Irish Rose," "Ben Hur," "The Big Parade," "Beau Geste," "Cris Cross," "Castles in the Air," "Iolanthe," "Sunny," "What Every Woman Knows," "Sure Fire," "The Judge's Husband," "They All Want Something," "Autumn Fire" and "Potash and Perlmutter, Detectives." The last five are those reviewed in the current issue of the bulletin and recommended.

The issue of the bulletin is a special motion picture number. A front page message to the readers says:

"A very real sense of what has been described as 'The Menace of the Movies' prompts an appeal for your earnest consideration of the testimony offered in this issue of the Bulletin. That this testimony is damaging does not mean a wholesale condemnation of the 'movies.' Many of them are admirable. They appeal to the joy and interest and sympathy of young and old. Experience and observation, however, show that 'movies' can be and frequently are dangerous. After reading this testimony it will be hard to resist the conclusion that their danger constitutes a vital problem for Christian people. The question must then come home to you—how will you deal with that problem touching so closely the moral well being of yourself and of those near and dear to you."

The testimony carried in the issue is from Truth, The Catholic World, The Theatre Magazine, The Billboard, The Messenger of the Sacred Heart, and The Tablet. The testimony includes a statement made in The Catholic Theatre Movement Bulletin 10 years ago and reprinted in this issue. It says:

"No one, conversant with the situation in the 'Movie' world, is ignorant of the fact that there are unprincipled producers who are only too willing and too ready to pander to the lowest tastes. . . . An official censorship of the 'movies' that will represent true public opinion is very much needed."

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