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"I would make any sacrifice, even to the parting of my ring, pectoral cross and rosary, in order to support a Catholic newspaper."—Pope Pius X.

With prudent counsel from men of good judgment, and of experience in business affairs, and with the approval of the Diocesan Board of Censors, we have constituted The Catholic Courier & Journal as the official Catholic newspaper for the Diocese of Rochester. We ask God's blessing on the undertaking, that it may serve to bring to our people timely information on religious instruction in the doctrines of the Catholic Faith, messages of an official nature from the authority of the Diocese, and we request that all to be numbered among its subscribers.

Editorials

Suffering can be of two kinds, one endured willingly for a cause; the other, inflicted without preference or willingness but comes about because of conditions over which the sufferer has no control. The latter is to be the lot of many during the coming winter it is predicted and all sides should be striving to endure the former, to lessen that of the latter.

Sunday, December 4, there will take place at Red Wing Stadium an event, the purpose of which is to relieve as far as possible the hardships and sufferings of the families and children of the unemployed at Christmas. This event will be a football game between the Oxford and Rouses and it is being sponsored by a group of our prominent men and women, supported by every civic organization in the city.

Those promoting the event will suffer mostly in the pocketbook and that will not be so intense for they will get for their money an excellent game of football played by Rochester's outstanding semi-pro teams. If the weather is cold, the players may not find it too comfortable, and those at the game will have to carry blankets and wear heavy clothing.

However, the little discomfort experienced will be as nothing compared to Christmas day in the homes of those whose family exchequers have been completely wiped out, if every one who can do so, does not purchase a ticket for this worthy event. A small sacrifice on the part of the more fortunate, added to the whole, will bring baskets of food for families in need, and toys for the children in an abundance sufficient to omit for one day at least, the keen suffering that otherwise would result.

Our attention has just been called to an item in a magazine dealing with movie stars and reporting the rumor that Charlie Chaplin is to be married again. The newshounds of the west coast, sending a possible secret marriage, the item states, were scouring the various places where secret marriages take place to discover the truth and release the "big news" to a palpitating world.

You cannot blame the reporters for putting effort and intelligence on assignments given them, nor can censor be placed upon the publishers, wholly, for it is the avid readers of such stuff that makes circulation and publishers' profit and reporters' pay. It is a sad commentary upon our American intelligence that the importance of a motion picture so-called celebrity's third marriage with two divorces behind should make news of anyone than two sticks in the secular paper.

The writer enjoys motion pictures as well as anyone when they are right and enjoys the capabilities of the "stars," but we cannot see any reason for delaying a person for being a success in the motion picture world. Neither can we see why there should be all this hubbub about Greta Garbo, for whom a hotel on the Pacific coast has made a "hallowed shrine" out of a room she stopped in. Of course, the hotel doesn't want the publicity that goes with it.

With the returning of people's minds to sanity and calm thinking due to the economic situation it is hoped that hysteria over the greatness of movie stars will pass. In the case of the thrice-marrying "celeb," that is his own business, but the example he gives to "his public" is something for which he undoubtedly will have to answer.

A German mathematician estimates that the World War resulted in casualties of 11,000,000 killed and 11,000,000 maimed, with an expenditure of more than \$100,000,000,000, a sufficient amount of money to buy 135,000 homes in a five-acre plot, with \$1250 worth of furniture for each and every family in the United States, Canada, Australia, England, Belgium, France, Russia and Germany, and in addition a hospital, university and schools, including the salaries of teachers, nurses, doctors and professors, for every group of 30,000 inhabitants.—The Ave Maria.

Now is created for this and for others and prayer is needed and here below and hereafter to enjoy His blessing as desired by St. Ignace Loyola.

Current Comment

Unemployment has imposed upon millions of men and women more leisure time. While we pray the scourge of unemployment be lifted, we cannot but fear that the lesser hours of labor for many will continue. The problem, therefore, of the use of leisure time becomes more and more acute. It is one of the gravest problems at present facing our country. The individual is easily demoralized by idleness and aimlessness. Yet the door to both is held open by circumstance to millions of our young and our adult.

Thus wrote the Bishops of the United States in a resolution adopted at the annual General Meeting in Washington the week before last. The resolution continues:

"The public entertainments are therefore more widely patronized. Commercialism, which our Holy Father has named as the root of modern evils, practically controls the theatre of today, the spoken drama and the screen. Apart from a very small number of worthy plays and moving pictures, the stage and the movie have abandoned all reserve, mocked every finer human feeling, every higher taste, and show themselves as the panders of this day and age.

"For those who are idle, the government, city, state or federal, has, unfortunately, small moral concern. Yet it is the duty of government to aid in the moral well-being of its citizens. Government often-times does not protect its idle citizens; it leaves them to be the prey of the theatre and movie house owner, who exhibits by virtue of government authority, by virtue of a government license. The nation is debauched through the sanction of government. That our citizens permit this is no encouraging sign for the future moral and mental stamina of the nation. Yet both will be required in abundance, if we are to weather the storm that no one now seems able to control.

"We earnestly appeal to the conscience of our country to rouse itself for the sake of the unemployed, for the sake of the entire nation, to a sense of, and to action on, this far-reaching public evil.

"Leisure time should be used only for wholesome enjoyment and entertainment, such as one may look back to with a good conscience and a satisfied heart. For our own people we appeal that they should further resolve to use part at least of their leisure time in attendance at daily Mass. In frequenting the other services of the Church and endeavoring to acquaint themselves with the meaning and the message to them of the liturgical year. To our Catholic organizations, particularly to our St. Vincent de Paul Councils, we earnestly recommend a personal service, personal contact with the individual unemployed. He may be facing the trials of his life. Personal encouragement, even when financial aid is impossible, is of the greatest value.

"In like manner, Catholics of professional training, such as doctors, nurses, might most worthily give of their free time in service to the sick poor. Such service is effectively done by orderly, local organization. "Spiritual help, personal companionship are the human chords by which we are sustained and helpfully bound one to another. To pastors, under the Ordinary of course, we recommend the holding of extra Church services that further opportunity be given to the unemployed to pass well their leisure time. Thus can we promote that Christian, Catholic consciousness which will help ourselves and our fellows over all barriers into the power and the victory of Christ and of His Church."

Across the river, in the very heart of New York's thriving life, The Commonweal is quietly celebrating today the completion of eight most successful years as a Catholic weekly. It charted in 1924 a course for reporting the literature, arts and public affairs of this and other English-speaking lands and it has consistently held that course. It devoted its pages to "the principles of Catholic Christianity," a fine distinction of thought in our days of too much loose thinking. While its sparkle of phrase and its welcome to men of ability with ideas of their own have given this magazine an attraction all its own, it has never debased its high talents to reach down "to the moron or the would-be smart." It has sought, received and held the attention of the "sober intelligent leaders of the press, business, professions and arts." It has done much more than even this big bit by taking over for pleasant engagement every week the hours of clergymen, Catholic and non-Catholic. The Commonweal may well find in its joy today a sense of good deeds well done.

That Catholic weekly by Catholic laymen for Catholics and their friends among the separated brethren begins another round of duty with the dark shadow of financial tribulations resting upon the editorial office. This sad plight has led in recent months to much desolating, but unannoying correspondence for funds. Many schemes have been brought under contribution and many tons of mail have been sent about. It is too bad that a paper given to thought must stop for a moment and give almost undivided attention to finances. But the Catholic magazine parallels fairly accurately the Catholic parish—it is the steady income that matters. While depression will keep all of us in the terrors of worry until the brighter day does come to pass, we hope that the years ahead will be for The Commonweal periods of peace as well as of continued success.—The Brooklyn Tablet.

It would be stressing the obvious to say that it is more difficult for Catholics to support their schools and churches in this crisis than it was in better times. Many parishioners have suffered reduction in income or salaries or wages.

Yet the parish exchequer, especially in new parishes, has suffered even more severely than the average man who still has an income or employment. The jobless in most instances can no longer contribute, and many of them were generous. Contributions from the other parishioners have declined considerably. Yet interest and running expense continue as before, and in some instances payments must be made on debts for new buildings. No wonder many pastors are getting grey hair from worrying over something that belongs more to the parishioners than to themselves.

In this crisis the practical Catholic will cooperate with his pastor to the fullest extent. He will stretch a point to help keep the work going at a time when it is most badly needed than any other time. And he will praise the widow for giving her mite to the temple will not fail to bless genuine devotion to His cause through the parish.—The Michigan Catholic (Detroit).

Diocesan Recordings

"Can't Keep a Good Man Down" was the title of the play presented by Our Lady of Perpetual Help Dramatic Club on the occasion of the fifteenth anniversary of the club's beginning which was appropriately celebrated last week. For this parish dramatic society to keep going successfully for fifteen years and to take in twelve new members as it begins its sixteenth year is to indicate that you "Can't Keep a Good Club Down." Founded as a strictly parish affair, this club has never gone outside the parish limits for players in its productions and those who have witnessed the variety of entertainments given by the O. L. P. H. Club say that there is much dramatic talent in the parish. The club has not only been a source of revenue for the parish, but has been a strong educational, recreational and social factor in the lives of the youth of the parish. May its excellent work continue.

Miss Iola Aab of the Public Health Nursing Association is conducting a course in American Red Cross First Aid on Friday evenings weekly for members of the three Girl Scout Troops of the Catholic Women's Club.

The part Nazareth College is playing in the advancement of scientific knowledge in the community will be demonstrated at the coming public lecture of Dr. W. F. G. Swann, Fellow of the Royal Society, in Columbus Civic Center Auditorium on Friday, December 3, at 8 o'clock. Under the auspices of the Albertus Magnus Science Club of the College, Dr. Swann is being brought to Rochester to give his lecture on "Cosmic Rays" and a popular demonstration of the latest discoveries in ray activity, stratosphere conditions and inter-stellar space phenomena.

Interesting letters are being received by the Rev. Leo C. Mooney, Diocesan director, Society for the Propagation of the Faith, from listeners-in to the Rochester Catholic Hour broadcast each Sunday at 1 o'clock over Station WHAM. Any who care to get copies of the talks given will find them reproduced the same week in the Catholic Courier and Journal. This week, Father Cusick's informative discourse on the North American Martyrs appeared. Back copies containing Father Ehmann's series of sermons may be had by writing to the Catholic Courier and Journal, 237 Andrews St.

Bearing the name of Max Ruster, who in life, was a veritable human dynamo of energy directed towards charity for others, the Russer football team on Sunday, December 4, will play in Red Wing Stadium for a Christmas charity fund against the Oxford, which team we understand had its beginning directed by a priest of the diocese who was interested in clean sports for young men.

Recently we noticed in the public press that we have a Charles Carroll school in Rochester. It is interesting to note that this school begins at a time when the centenary of the death of Charles Carroll of Carrollton, the last survivor and the only Catholic signer of the Declaration of Independence is being observed.

Organization secretaries, get in the habit of sending your notices to the Catholic Courier and Journal, early in the week.

Legal Effects of Ante-Nuptial Promises in Mixed Marriages

A Series of Articles Prepared by the Rev. Robert J. White of the Faculty of Law of the Catholic University of America

This is the first of a series of three articles giving in condensed form the contents of a recent study made by the Rev. Robert J. White, of the Faculty of Law of The Catholic University of America, on "The Legal Effect of Ante-Nuptial Promises in Mixed Marriages." The Catholic Bar of the country has hailed Father White's work as being of the utmost importance since it establishes a firm foundation for the Church's contention that the ante-nuptial contract is a valid contract which should be enforced in the courts of law contrary to public policy.

Father White is one of the outstanding Catholic lawyers of the country. Before deciding to enter the Catholic priesthood, he practiced successfully for many years in Boston. He is a member of the Bars of the United States Supreme Court, the Supreme Court of the District of Columbia, the United States Circuit Court of Appeals for the First District, the United States District Court for Massachusetts, and the Supreme Judicial Court of Massachusetts and was formerly Assistant District Attorney of Middlesex County, Massachusetts.

The study opens with a view of the historical attitude of the Church in the matter of mixed marriages which shows consistent proof that the Church has always unalterably opposed Catholics marrying non-Catholics. The reason is plain and practical. It was never better expressed than by Pope Leo XIII who said "When minds do not agree as to the observance of religion, it is scarcely possible to hope for agreement in other things. Other reasons also prove that persons should turn with dread from such marriages are chiefly . . . that they are a hindrance to the proper education of the children."

Pope Clement VIII, when granting the first recorded dispensation in 1604 for such a marriage, spoke of the novelty of such relaxation. Since that time, the discipline has been relaxed from the previous absolute prohibition but the granting of dispensations has always been restricted and allowed only for just and grave causes.

Where dispensation has been granted guarantees have been required to safeguard the Catholic religious membership and education of all the children born of the marriage. The question concerning the binding force of these promises often arises. In this country there are no statutes which directly cover the situation. No statute directly forbids and there is only one statute which might be construed as lending affirmatively to uphold such agreements. The legal effect of the promises will be determined by the common law of contracts and the principles of equity which may apply to this form of agreement. The influence of civil law in this regard suggested the advisability of this enquiry into the present legal status of ante-nuptial promises given in mixed marriages.

At the very outset of any such enquiry the objection is apt to be raised that legal precedent has already decided against the enforcement of such promises. This line of argument asserts that courts are found to follow prior judicial decisions concerning the same legal question and proceeds

further to claim that many such decisions now stand collectively as a barrier to future recognition or enforcement of ante-nuptial promises in these mixed marriage agreements. This argument can be met squarely by the accumulation of precedents which rest on the absolute study. It will be found that those precedents fall to justify the broad conclusions drawn from them, and the barrier is found to be apparent rather than real.

It is necessary to examine the English cases with special care, for the American courts, in considering ante-nuptial promises, have taken into account the discriminating attitude of an English authority in passing upon questions of this nature.

Brutal laws extracted from the religious life in England. The conduct of a school by a Catholic or the assuming of the religious education of a child was a crime punishable with life imprisonment. Courts often deprived even parents of the custody of their children if it appeared that there might be any possibility of being brought up in the Catholic religion.

In the presence of such penal laws, no Catholic dared to invoke the aid of the courts to secure any right to control the religious education of his child. The development of legal doctrine relating to ante-nuptial promises occurred principally in England in the period between 1852 and 1878. In 1852, a high court stated that it was not aware of any prior cases seeking to enforce the agreement. In 1878 the Vice Chancellor emphatically declared that the law had become thoroughly settled on the question and the promises were not enforceable.

The reasons advanced by the courts in deciding these cases were various. In many supposed precedents against the legal enforceability of such agreements—a critical examination of the court records and opinions reveal that there was no agreement in fact, that it was not executed by the parties, or that its terminology was doubtful. In some cases the Court declared that the Catholic party had lost whatever rights he had by failure to assert his rights over a long period of time; or had lost his rights by misconduct. In other cases the court decided that any rights under the agreement were waived by the party permitting the child to be openly introduced to a communion directly opposed to his parent's alleged religious belief. In another case, the court found that the petitioner was a "nominal Catholic" who had allowed his child to be brought up in another religion until it had acquired contrary settled religious convictions.

English courts have also declared themselves as aware of the custom of making ante-nuptial contracts but have stated that they were too difficult to enforce because of such problems as determining custody. Great emphasis was also placed upon the difficulty of securing funds or property with which to secure religious training.

It takes only a brief investigation to show that many English cases are not valid precedents against the enforceability of ante-nuptial promises. The body of supposedly contrary precedent is very greatly reduced by the elimination of cases in which the

court failed to find an ante-nuptial contract existed. From the remainder of it is only fair to exclude all those which were decided on grounds other than the agreement, such as misconduct. The balance can be reduced to a minimum by eliminating all those that rest on the absolute study. It will be found that the father is an absolute and ruler possessed of an undeniable right to control the religious upbringing of his children. This leaves out, and unimpressive the supposed accumulation of hostile precedent. In truth the barrier appears more apparent than real.

American courts have cited with out discrimination the supposed English precedents and they have also erred seriously in the use of American precedents. In citing the latter, courts have cited many cases as precedents against enforceability in which the parent was unmarried, or both parents were dead, a statute controlled the decision, or the court was without jurisdiction to pass on the question.

It is significant that the Supreme Court has not passed upon the question of legal enforceability of these contracts nor have the Supreme Courts of most of the states. Courts which have considered the matter have usually been lower courts which have carefully avoided the religious question and rested their decisions on every other possible ground.

It can be truthfully said that there is an absence in American decisions of any body of precedent against the legal enforcement of the ante-nuptial agreement. It is like an English case only an apparent barrier raised by the careless citation of supposed precedents and oft-repeated dicta. Both English and American cases are of illusory power only. The paucity of legal decisions is apparent. With judgments based upon such mis-taken precedents removed, the courts may proceed to consider the true nature and effect of the ante-nuptial agreement, and their proper legal status in American law.

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