



PASTORAL LETTER

(Continued from page 5)

The article is still in existence, it should be returned to him, less the value of any expenses incurred in keeping it during the time it was lost, or in endeavoring to discover the owner thereof. (3) Not fulfilling a lawful promise, for instance, to give something for some purpose or other. Some there are who promise freely to give to some religious, charitable, patriotic, or other worthy cause and then forget all about the matter, making an effort whatsoever to fulfill the promise they had made. By so doing they sin against Justice and they may not feel themselves free in conscience until the promise is fulfilled, or they have obtained a proper release therefrom. (4) Keeping goods which were received in good faith, but afterwards the possession of them is found to be illegitimate. Such a person did not sin in procuring the goods since this was done in good faith, but as soon as he realized that the goods are not his he sins in keeping them since he is obliged to return them to the owner, as will be shown when we treat of the rules of restitution.

Not paying debts.—The non-payment of debts is also a kind of stealing. One who contracts debts knowing that he will not be able to pay them, sins against Strict Justice from the first, and can in no way be excused. Many there are, however, who contract debts with the intention of paying them, but do not do so. For some the only reason is postponement through negligence, and they do not take into account the injury done to the one they owe. They are not to be excused in any way, and their conscience is loaded with the burden of their sinful negligence. Others use the pretext that they are unable to pay, but still are able to have many unnecessary luxuries in their lives, dress themselves and their children well and sometimes even extravagantly, have always sufficient money for amusements, concerts, plays, and so forth, can indulge quite frequently perhaps in the use of costly intoxicants, a word, have means for everything else except to pay their debts. Others there are who really have not the means to pay their debts, but the reason is that they do not make any effort to obtain them, either because they are too lazy to work, or too shiftless in their habits, or too careless of economy and thrift. All these are not to consider themselves exempt from payment. They are obliged in conscience to take the proper measures to obtain the required means, and if they do not do so, they remain in their sin against Justice. Delay in paying debts causes inconvenience and sometimes, even ruin to creditors, and may often bring ridicule and scorn on religion as when non-Catholics see Catholics delaying to pay their debts and yet, posing as good Catholics. It also frequently causes ill-feeling and even scandal, and the longer the delay, usually the greater the difficulty for debtor to pay, included in this point is the neglect to pay one's rent, nor does this obligation cease when the tenant leaves the rented house.

Various Other Ways of Wronging our Neighbor.—In addition to the ways already mentioned. We may recall to mind that various other ways exist of wronging one's neighbor and are forbidden by the seventh Commandment of God. "Thou shalt not steal." They wrong their neighbor (1) who undertake an office or profession for which they know themselves to be unqualified, as doctor, lawyer, teacher, etc., in which case they not only take fees without giving value therefor, but expose their neighbor to damage in property and even in life. (2) Begging under false pretenses to the detriment of deserving poor. Some there are who think they are justified in begging all day long, but they are not to live in laziness and idleness, and do not consider that by their spoken lies or lying imposition they are depriving the real deserving poor of what is rightly intended for them. (3) Engaging in unjust lawsuits, moved by vengeance, spite, avarice or stubbornness of will and thus inflicting unnecessary and unjust damage upon their neighbor. (4) Dishonest insurances, that is, using fraud in taking out policies, or in demanding the reparation of loss done by fire, or by death, or accident in cases of such insurance. (5) Firing property to obtain insurance, for they are not excused by the part that the property is their own, since the act is done in order to defraud the insurance company. (6) Cheating at play, which is depriving another of his goods by fraudulent means. (7) Defaming a neighbor to ruin his trade, perhaps by decrying his goods or questioning his honesty, and knowing at the same time that such a defamation is unjust and injurious. (8) Gambling when carried on beyond one's reasonable means. This sin is not only injurious to one's self but is co-operation in the injury to the individual character, spiritual and temporal, of one's neighbor. It is also injurious to the well-being of societies. It is a cause of intemperance and dishon-

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esty and of ruin to thousands. It also begets a greed for wealth without work, and excites a fever which is ever on the increase. The gambler inflicts injury on his own family if he loses, on the families of others, if he wins. (9) Unpaid strikes, that is made without sufficient reason or carried on in an illegitimate way, or on the other hand, illegitimate and injurious lockouts on the part of employers, are also unjust and injurious.

Covetousness and Avarice. The will and the desire of theft, as well as actual theft are also opposed to the virtue of strict justice and are forbidden by the tenth Commandment of God. "Thou shalt not covet thy neighbor's house, nor anything that is his." (Exod. XXII, 17). For the law of God applies principally to the soul and condemns all injustice of thought and desire, as well as of act. The desire of theft is generally founded upon either covetousness or avarice. By these vices are fostered in the soul an inordinate desire or love of money or other worldly goods, so that the pursuit of them becomes the principal one of life, and the covetous or avaricious man seeks his happiness in them.

By coveting our neighbor's goods we mean desiring them immoderately when they cannot lawfully be had, for bad ends or with the wish to deprive one's neighbor of them. It gives rise to envious thoughts of one's neighbor's property. "Envy not the man who prospereth in his way." (Ps. XXXVI, 7)—which thoughts are dangerous since they lead the envious to plan the destruction of his neighbor's goods, or how to possess himself of them. They are also displeasing to God as showing a want of resignation to His appointments. "Lift not up thine eyes to riches which thou canst not have." (Prov. XXXI, 5). "Nothing is more wicked than the covetous man." (Eccles. X, 9). Such are the thoughts of those who are continually hankering after the wealth of others, who wish for a famine or scarcity of food so as to sell their own stock, who desire calamities to others for their own advantage, seeking their own gain through a neighbor's loss. They may be directed toward a neighbor's land, houses or possessions, his rank, power or influence, his wealth or position in life, his glory fame or success, or the results of his means, interest, or industry.

Intimately connected with covetousness is the vice of avarice which is an inordinate craving for riches, and which makes a man not only strive after them, but so stultifies and blinds him as to make him hoard up his riches acquired by just or unjust means, causing himself to suffer want and to refuse the necessities of life to those under his charge. Of such a person the Wise Man speaks in the Holy Writ when he says: "There is another grievous evil which I have seen under the sun: riches kept to the heart of the owner. . . . All these days of his life he eateth in darkness, and in misery and in sorrow." (Eccles. V, 12-16). Avarice leads its victims to prefer the goods of this world to his God and the salvation of his soul, and makes applicable to him the words of the Gospel to the rich man: "Thou fool, this night do they require of thee thy soul, and whose shall those things be which thou hast provided." (Luke XII, 20). It also leads him to neglect his religious duties, omit prayer and the public worship of God on Sundays and Holydays, and to transgress with impunity any commandment of God when it interferes with his temporal interests. It sometimes will not permit him to part with the goods he so inordinately loves, to pay his lawful debts, to assist the poor and needy, and deserves for him the condemnation of the Word of God: "He that hath the substance of the world, and shall see his brother in need and shall shut up his bowels from him, how doth the charity of God reside in him?" (John III, 17). And St. Paul writes to Timothy: "The desire of money is the root of all evil; which some coveting have erred from the faith and have entangled themselves in many sorrows." (I Tim. VI, 10). Avarice was the cause of sacrilege for Heliodorus who came to rob the Temple. (I Mach. III.) of lying to the Holy Ghost in Ananias and Sapphira. (Acts V.) and of the traitorous betrayal of Our Lord by Judas.

Restitution How Much Must He Restore One who has stolen from another or done him injury, is obliged to restore the whole of the goods stolen, or to repair the entire injury done. He should give back the same goods, if possible, or if not, their equal value. He must further make good all loss resulting from the injustice, as for instance, loss of work resulting from a theft of tools, or all expenses incurred by the thief in injury. (Thus we have two parts of the restitution. He must make good the damage done, that is, all loss inflicted or occasioned by the theft

of another's goods requires therefor that they be returned when so taken. (2) On the Divine Law: "If any man steal an ox he shall restore five oxen for one ox." (Exod. XXIII, 4). "If any man hurt a field . . . he shall restore the best of whatsoever he hath in his own field." (Exod. XXII, 5). "Rejoice to Caesar the things that are Caesar's." (Math. XXII, 21). (3) By the Civil Code of nations, which everywhere, not only punishes theft, but also requires restitution and reparation.

The obligation, so based, is strictly binding and its omission has sent many thousands of souls to Hell. When the theft or injury was a mortal sin, neglect to restore or repair, is also a mortal sin, but when the theft or injury was only a venial sin, the obligation of restitution is also venial. Time does not destroy the obligation which remains in force until it is fulfilled and the greater the delay the greater the sin and the heavier is the burden upon the conscience, which cannot obtain peace until restitution be made, nor can the one refusing to restore obtain absolution, for, as St. Augustin says: "When there is no will to make restitution, there is no pardon." St. Thomas affirms that "in the order to obtain forgiveness we must observe the law of equity, and therefore we must restore if possible, that which we have unjustly taken."

In this second part of Our Letter we shall consider restitution under the following headings: (1) Who is obliged to restore; (2) To whom is he obliged; (3) How much must he restore; and (4) What reasons excuse from the obligation of making restitution.

Who is Obligated to Restore The first person who falls under the obligation of restitution is the one who stole the goods or caused the injury or the one who is in possession of the stolen goods. Should he have been aided by others in the theft or injury, and he refuse to make restitution, the obligation falls upon the other accomplices in proportion to their cooperation. If the stolen property has been divided among accomplices, each one is bound to give back to the owner the part he has received, and if any, or all the others, refuse to make restitution each individual is obliged to the remainder of the whole of restitution. The obligation falls upon the person who does the stealing, to see that the injured party be indemnified for his loss. Those who have it in their power to prevent theft or injury, those who know that such acts are being committed, and are silent on the subject, and take no means to prevent them, are all accomplices and fall under the obligation, proportionately, of restitution.

Any one who unwillingly has stolen goods in his possession is bound to give them up to the right, full owner as soon as he becomes aware that they were stolen. In this case we find persons, who in good faith have been given or have bought something which they did not know was stolen, or the heirs of an estate who had nothing to do with the stealing. In these cases, we may say, that it is usually advisable to consult one's confessor, to obtain direction as to the nature and extent of the obligation.

To Whom He is Obligated The first principal in deciding to whom restitution is to be made is that of always reverting to its owner and therefore restitution must be made to the owner, if it be possible, even though he be rich for his riches or poverty do not influence the obligation. The stolen goods belong to him and must simply be given back to him. By the owner we mean not only any one individual, but each collective co-operation as the Government, a railway company, a financial organization, or any other body of persons capable of ownership. "He shall make the loss good to the owner." (Exod. XXII, 12).

If the owner be dead restitution must be made to his heirs, or to his representatives and not to the poor or to the Church. In a word if the owner exist, in person, heirs, assignees or legal representatives, to such only must restitution be made, nor is the obligation fulfilled if the article or its equivalent has been given in alms or for religious purposes. A person in bad faith can not keep the goods which came into his possessions unjustly, but must deprive himself of them and when such is the case and no owner or his representatives can be found, then he should give the article or its equivalent to the poor or for pious purposes, for instance, for masses for his soul, if dead. He is not, however, obliged to do this if he is a possessor in good faith, that is, if he came into possession of the article justly, he or his heirs, afterwards that it is not his own. He must then seek the owner, but, failing by reasonable endeavors to find him, he is not obliged to deprive himself of the article unless the owner be later discovered.

How Much Must He Restore One who has stolen from another or done him injury, is obliged to restore the whole of the goods stolen, or to repair the entire injury done. He should give back the same goods, if possible, or if not, their equal value. He must further make good all loss resulting from the injustice, as for instance, loss of work resulting from a theft of tools, or all expenses incurred by the thief in injury. (Thus we have two parts of the restitution. He must make good the damage done, that is, all loss inflicted or occasioned by the theft

or injury, and the loss of profit that would have been obtained had the theft or injury not been committed. He should, in a word, place the owner in exactly the same position as he would have been had the unjust act never been perpetrated.

A possessor in good faith must give back the article and all the profits of its use, but not the article during his possession, that are not due to his own industry. If, however, while still in good faith he consumed the article, or a portion of it, he is obliged to restore only the remainder of it or whatever portion of it remains in equivalent, and he has the right in all such cases to deduct all lawful expenses.

What Reasons Excuse

(1) Physical Impossibility, that is real and extreme poverty may excuse one from the obligation of making restitution. Of course if the article stolen is still in the possession of the thief nothing outside of its need to avoid, say death by hunger, for instance, can allow the thief to keep it. He must restore it for it is not his own. Should he, on the other hand, owe restitution for some thing stolen but not now in his possession he must give its equivalent, and if absolutely unable to do so now, he is not obliged to make the restitution at present, but must be disposed to make it as soon as he is able. The fact, however, that he cannot make restitution now does not cause the obligation to cease so that if later on he procures the means to restore, he is obliged to do so.

(2) Moral Impossibility, when the restoration of the goods stolen would cause a greater evil, as for instance, restitution cannot possibly be made at present without certain loss of character and consequent suffering of family and friends, then he can delay the restitution until such time as he can discover a means of restoring without incurring this great evil for those dependent on him. This does not mean, however, that he can dispose of stolen goods by sale, donation, legacy, or in any other way than to the rightful owner.

(3) Compensation, that is for instance, by extra work done for no remuneration to the extent of the damage done and loss of profit sustained. Care should be taken, however, not to include as compensation, work really demanded by the terms of contract or hire. If all cannot be restored now, whatever portion can be given back should be thus given and the restitution be taken to be economical as possible in order to be able to make greater restitution or restitution in full.

(4) Remission of the debt by the one to whom it is due. It must be remembered that no one can remit the debt except the one to whom it is due, not even a confessor who has no power to make any such remission. He can only declare according to his knowledge of the case and the laws of justice, whether the restitution should be made or not. He may judge of the reasons existing to excuse from restoring but he cannot grant any dispensation or remission of the debt, for this belongs to the creditor alone. Therefore should a case arise in which a confessor either through lack of explanation on the part of the penitent, fraud or error, declare restitution need not be made and the penitent become aware of the fraud or error, the declaration of the confessor does not excuse him and he is still obliged to restore.

In the matter of bribery in elections, that is, buying and selling of one's vote, the question may be asked whether restitution should be made.

For the buyers we may say that, receiving campaign funds to expend for the elections and appropriating part of the same for their own private use, there is no question of the absolute necessity of restoring the same, as this is a case of simple stealing.

Should the voter, on the other hand, receive money or something else in purchase of his vote and not record his vote as promised, he also is obliged to restore, since he obtained these goods by fraud and deceit.

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Should the voter receive the money, and vote according to the understanding arrived at, a more difficult question arises and there are two opinions about it among theologians. The first would oblige him to restore, and claim that he has no title to the amount and cannot keep it. They reason thus: If he has a title to the amount it must be either as a gift to him, or as the price of fulfilling a contract made with the buyer. It is evident, however, that he has not received the money as a gift, nor can it be said to be the price of what he did in the contract for casting one's vote is not a thing that can be estimated at a price since it is above all material price. Therefore, they conclude, having no title to the amount received, he is obliged to restore it.

The second opinion is that if he has received the amount he can keep it, and if not he can exact it, and they give as their reason that although to contract was sinful, it still obliges in the part that was not sinful and the mere giving of the amount was not sinful. St. Thomas favors this opinion and there is a decision of the Congregation of the Holy Penitentiaries which apparently sustains it. They add, moreover, that there are circumstances in the sin which are valuable at a certain price and the amount can be exacted for these.

Both opinions are probable, and therefore in a practical case the obligation of restoring if the money has been paid, or of paying it if it has not, is a doubtful one and not to be imposed upon anyone. Hence, if the amount has been already given the person having received it cannot be obliged to restore it; if not given he cannot exact it, since there is a probable opinion in favor of each and the one having the amount has possession also on his side.

Sometimes the following objection is made that not depriving a person of the amount thus required is against the moral good of the person and is an encouragement to sin again. On the other hand, is replied, restoration would have to be made to the briber, who is the seducer, and it is a greater evil against morals to favor the seducer or than the seduced. Thus the difficulty against morals exists on both sides. It would be much better for morals if neither could keep the money and the legislators could so enact as a pain or penal-

ty, but the Church has not as yet made any such legislation. Finally, Dearly Beloved, we must not forget that God will pardon sins of injustice only when there is true repentance and there can be no true repentance without a real and firm intention of making full restitution, or to the payment of lawful debts and go to confession with but a vague intention of paying them sometime or other if convenient, those who do not take the proper means to restore, those who are unwilling to make sacrifices, but indulge in every frivolous amusement, satisfy their appetite for drinks, gamble for money, dress their family extravagantly or in any other way waste their substance have not the firm resolution unless it includes the amendment or their life in these matters and the practice of strict economy until all lawful obligations are met, and are therefore not in the proper disposition for absolution.

We earnestly exhort all of you, Dearly Beloved, whose conscience is burdened with any obligation in justice to use every reasonable effort to redeem such obligations, confessing them freely and impartially to your confessors, and following strictly and faithfully the advice given you. We further exhort each and every one of you to be careful and honest in all your dealings with your fellow-men, having ever in view the rights of others as well as your own, and striving ever to please God in all your actions that the blessing of God upon the just man may be yours.

The Regulations for Lent are the same this year as last, and in virtue of an Indult received from the Holy See, the time for Easter duty is from Ash Wednesday until Trinity Sunday.

LOUIS J. O'LEARY, Bishop of Charlottetown, P. E. I., February 22, 1927. L. P. Callaghan, Secretary

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