## "BELGIAN FATHERLAND HAS NOT CEASED TO BE SOVEREIGN NATION"

"Still Independent," Cardinal Mercier Says, "and It Would Be Iniquitous to Treat It Like a Conquered Country"—"Sole Authority for Conscience Is

King Albert and His Government'

### Explanatory Comment

THE legal arguments advanced by Cardinal Mercier in the appended letter to Von Bissing were closely in

secord with the prevailing sentiments of the leading members of the Belgian bar.

Cord with the prevailing sentiments of the leading members of the Belgian bar.

Prominent among these patriotic spokesmen was the Batonnier Theodor, president of the Order of a Graea, who, waiting who, waiting all of a sudden—"

A BLANK-FACED, sinister-looking and from the blind face of a Graea, who, waiting all of a sudden—"

That's right, darling, tell Zett. Don't lettie. You was walking along and all of a sudden—"

The Zett. The control of the Corder of a Graea, who, waiting all of a sudden—"

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The Zett. The corder of a Graea, who was walking along and all of a sudden—" Advocates in Brussels. At a comparatively early date in the period of the German occupation Maitre Theodor addressed a courageous protest to the Governor General. It was typical of the Cardinal's viewpoint from the beginning.

"Regarding matters as a whole, without passion or partiality, the lawyer," insisted Theodor, "cannot fail to recognize that everything in the German judicial organization in Belgium is contrary to the principles \* \* It is justice without a check; the judge is committed to himself-that is to his impressions, his prejudices and his environment. The prisoner is abandoned in his distress to an unaided struggle with his all-powerful adversary.

This justice, which is controlled and, therefore, without guarantee, constitutes for us the most dangerous and oppressive illegality. We do not regard justice as a judicial or moral possibility without freedom of defense. Freedom of defense—that is to say, light shed upon all the elements of the trial; the public making itself heard in the heart of the practorium, the right to say everything in the most respectful manner, and also the courage to dare everything, placed at the service of misfortune, justice and the law. It is one of the conquests of our domestic history; it is the foundation stone of individual liberty.
"What are your sources of information?

in the heat of delivery and which cannot be taken

literally when it is a question of estimating the

general spirit of a social class, the preaching of the

clergy has not overstepped, in safeguarding patriot-

ism, the limits which I have just defined. A score of

times I have personally examined the sermons that

have been denounced by the civil authority or by the

military courts. I have always found that the ac-

cused preacher had simply affirmed, without affront

to the occupying power, that the Belgian fatherland is whole and united, that the sole legitimate authority

for the Belgian conscience is King Albert, his gov-

Von der Goltz's Promise

mentary truth of jurisprudence, the conflicts be-

had understood it. It is a rash thing for you to wish

to do violence to the noblest feeling of a people's

conscience. "I ask of no one," he said in a proclama-

tion issued at Brussels, September 2, 1914, "I ask of

no one to renounce his patriotic sentiments."

Were you willing, Excellency, to grasp this ele-

Your predecessor, the late Baron von der Goltz,

Your Excellency has not disavowed this noble

It is in showing respect for our patriotic feelings

that the occupying power will find the most solid

guarantee for public order. The Belgian bishops an-

the agreement to which your letter alludes, they

wrote: The bishops have no intention to strike a blow

were in this regard forgetful of his duty, or if the

German authorities regarded him as such, we ask

before the bishop of the diocese to which this mem-

Hague convention and reminds us that Belgium was

a party thereto. We are aware of it. We make all

the articles of the convention our own and earnestly

demand their application. But this Article XLIII

precisely requires the occupying power to insure as

the case of absolute necessity, the laws in force in

Apply to us the Belgian constitution wherever it

far as possible public order "by respecting, except

refers to the liberty of religious preaching, bring be-

fore our ecclesiastical court doubtful cases. In this

way you will do what is most prudent and most just

to insure the order of public life, "by respecting,

save in absolute necessity, the laws in force in the

copate and followed by the clergy established its repu-

tation? Very soon two years will have elapsed since

our people have had to put up with the foreigner, his

requisitions, his domiciliary visits, his threats, his

condemnations; but not a single revolutionary blow

civil and military order, the other in the religious

and moral order, to work together for the public wel-

fare. As our point of departure let us take the law,

I mean the law both natural and international, which

recognizes the moral sovereignty of Belgium as a

beyond any danger of revolt, let this Christian pa-

triotism be maintained which, in a pastoral letter

long before the war, I did not hesitate to call a re-

when you close all avenues leading abroad, and you

arrest those of our fellow countrymen who attempt

to cross the frontiers; but do not treat as traitors

these heroic young fellows who, at the risk of their

liberty and their life, have the ambition to go and

enroll themselves in our armies. Tolerate no longer

the military courts that regard the purest civic vir-

having approved, or for not having disapproved, a

inflict imprisonment or fine for their failing to de-

nounce to the vengeance of your tribunals a pupil,

"Do Not Punish Charity"

furnish a morsel of bread, an alms, a temporary shel-

ter to the man of the people who tears himself away

from his fireside to fly to the defense of his father-

viting them to furnish or transmit correspondence

or uncensored documents to keep recruits and to be-

uselessly prolong his preventive detention. Grant

him counsel to sustain him and to defend him before

his judges He has that right; see to it that there

is some proportion between the crime and the pen-

alty. Stop the promiscuous awarding of penal servi-

tude, the pain of death, as deterrent to breaches of

pardon. We only want a genuine interpretation of

We claim for the clergy neither exceptional regulations nor a systematic application of the right of

Is it not astounding, in truth, that Belgians are

When the German army invaded our territory, the

Chancellor of the empire avowed in the face of the

world that Germany was violating our rights; he

promised to leave nothing undone to repair our

wrongs. It is not then the simple respect for justice

that we ought to look for at her hands but earnest

good-will, a spirit of reparation, an efficacious desire

to reduce for us to a minimum all the disagreeable

consequences of an occupation unjustifiable from its

(CONTINUED TOMORROW)

Receive, sir, the assurance of my sincere esteem.

D. J. CARDINAL MERCIER,

Archbishop of Malines.

No longer make it a crime for generous souls to

Do not set traps for noble young fellows by in-

When a wretched young fellow is arrested, do not

gitimate desire for the exercise of valor; do not

No longer condemn the teachers of youth for

I do not deny that you have your part to play

ligious virtue, i. e., "the piety of patriotism."

ountry. Without attacking the occupying power and

In my own turn, Baron, I confidently state my conclusions. We are bound both of us, one in the

has been struck. Not one of your soldiers b

Has not the method adopted by the Belgian epis-

ber of the clergy is found to belong."

the country occupied."

molested.

tue as treason.

the law.

very inception.

perhaps a spiritual son.

and. Do not punish charity.

tray companions in misfortune.

reduced to ask for strict justice?

at one thing, namely, that the case be brought

Your Excellency appeals to Article XLIII of The

at public order; and if ever a member of the clergy

cipated this respect when, on February 5, 1915, in

ernment, his magistracy and his army.

tween us would come to an end.

proclamation

"Apart from the judges of the court, they are the secret police and the informers."

### Cardinal Mercier's Story

Including his correspondence with the German authorities in Belgium during the war, 1914 to 1918, edited by Professor Fernand Mayence of Louvain University and translated by the Benedictine Monks of St. Augustine's, Ramsgate. England.

Government General of Belgium, Brusacls, June 5, 1916. TO His Eminence Cardinal Mercier, Archbishop of

Your Eminence will agree with me in regretting the breaches committed by pricets against the occupying power and the convictions that have been the inevitable result. From the petitions for pardon addressed to me I am bound to infer that a multitude of hardships arise from the fact that priests have to be torn from their ministry to go and suffer the penalties incurred. These convictions must beyond measure be regretted, since the respect and dignity belonging to the priestly state are thereby impaired Yet the people do not cease repeating that the fire of patriotism is a valid excuse for these priests. On the other hand, they try to find extenuating circumstances for them by saying that they are constrained to respond to the patriotic spirit of the population. even though they are aware that by acting in this manner they are transgressing my regulations.

I must declare that this opinion misconstrues completely the juridicial position of the population in the occupied territory toward the occupying power. For The Hague convention (Article XLIII), which imposes on me the duty of watching over the good order and well-being of the country, was ratified in 1910 by the representatives of Belgium.

It has thus the binding force of a law of the land, to which all the population, the clergy included,

are bound to submit.

Malines.

I should have to reproach myself with breaking the law if for special reasons I agree to make an exception in favor of the clergy. In the administration of justice, the law does not allow any distinction of persons. I should place myself in conflict with the prerogative of pardon if I consented to remit altogether in favor of the condemned the punishment inflicted on them, without, at the same time, taking into account that the case of certain culpable priests, who have been brought to trial, exclude every act of pardon. There is but one way for priests to avoid these condemnations; they must observe a calm attitude and not meddle in politics. And it is on that account that I appeal to your Eminence and beg of you to prevail on your subordinates, in the exercise of their ministry and in their general conduct, to abstain from all political activity, and still more not to render themselves guilty of grave breaches of regulations. I attach the utmost importance to this, that they keep from circulating clandestine publications, an offense of which latterly they have often been guilty.

May I implore your Eminence to inform me if I can count on your co-operation for this object? Morcover, I only ask for the observance of the pledges which the bishops have given for the correctness of the clergy's attitude.

I present to your Eminence the expression of my sincere esteem. BARON VON BISSING. (Signed)

Archbishop's House, Malines.

Lieutenant General.

June 23, 1916. To His Excellency Baron von Bissing, Governor General, Brussels Your Excellency kindly writes in your esteemed

letter of June 4 (No. 5139) that you deplore the penalties inflicted on our priests by the military tribunals. But, as to these penalties, you regard them as fully justified, because necessary for the maintenance of public order, of which The Hague convention intrusts to you the keeping.

The clergy, moreover, can lay no claim to a privilege that would withdraw them from justice, nor to a continuous application of a right to pardon. There is only one method by which the clergy can escape judicial penalties, namely, to abstain from political action. Your Excellency begs my co-operation for the attainment of this result; and you appeal to the understanding come to by the Belgian bishops, in the name of the clergy, with the occupying power.

Such is, I believe, a faithful summary of the dispatch of June 4 to which my ministerial engagements have to my regret hindered me from replying sooner.

Your Excellency has good reason to deplore the severe treatment which our priests have to suffer. I also render homage to the loftiness of this sentiment and I share it with you very heartily.

### Belgium Is Still Independent

With you I am concerned for the public order, but I do not agree with you as to the means of safeguarding it. The bishops and the clergy have a duty to be the foremost upholders of order. They know it, but they know also that Belgium, their country, is still, thank God, independent and that it would be iniquitous and rash to treat it like a conquered

Germany, which today occupies a very great portion of our provinces, but which the fortune of war may tomorrow drive back across our borders, is a belligerent nation. Belgium is also a belligerent nation. Neither of the two is victorious; neither has the right to enslave the other.

In spite of the military occupation of a great part of her provinces, our Belgian fatherland has not ceased to be of right an autonomous sovereign nation. Our respect and love for the soil and for our Belgian liberties are then for all of us an honor and a duty. To realize this honor and to preach this duty forms part of the clergy's social mission. In these troubled times in which we live each soul has the right to ask of his pastor: What is my duty? Who represents in my case authority? What have I to do to render to God the things that are of God and to Caesar the things that are Caesar's?

Well, sir, spart from some heated expressions which escape at times from even the most cautious,

### WOULD YOU?

Mrs. Yanci Rifkin sends her daughter. Lee, in her place as mannikin to a polo game on the day before her eighteenth weedling anniversary, to exhibit a suit made by Mr. Rifkin, a tailor. Yanci and Zettu, her sisterin-law, go for a walk, and Yanci, who is not feeling well, stops at the doctor's.



e a gang-

As she stood for a moment upon the topmost step, in her obvious blouse and the white flesh gleaming through, a prank of wind folloped up, eddying around her. She did not shiver; walked down the steps and southward five blocks until Second avenue meets Twelfth street. The red was so clearly five blocks until Second avenue meets. Twelfth street. The red was so clearly defined now that her cheeks spread from it stark white. At an apartment house entrance, banked on two sides by a confectioner's and a dyeing and cleaning establishment, she turned into a doorway filled with dusk. When she entered the front room of her apartment two flights up, the furniture sank into the half-darkness with the white keys of the upright piano grinning through that darkness, Miss Zetta Rifkin, in the kitchen scraping a knife against fish scales, sang as she scraped:

I love my love in the springtime.

I love my love in the springtime.

I love my love in the fall: Through all the changing seasons, Mmm-mm, mmm-um, mmm

Mrs. Riffin sat down on the edge of the first chair in the room. She was trembling now, and sitting there in the dinness a chill took hold of her and quick tremors ran up and down beneath

I love my love in the springtime, I love my love in the full! Her hat, crushed backward against the wall, fell to the floor and she scraped her chair forward to reach for it, but sat back again, hugging herself against nervous shudders.

"For the love of heaven, where you been keeping yourself?" She appeared suddenly in the door-ay, the yellow light from the kitchen r background, sparser and taller in a ng-sleeved apron and frankly redolent of herring. 'Ugh, I-I'm cold.'

"Then, what you sittin' ners in the dark for?" "Don't, don't! No light-Zett!"

With a quick forward step Miss Rif-kin grasped the hunched figure by the shoulders, shaking her. "Yanci, you sick? Yanci? "Lemme go, Take your hands off. Only!"

She jerked back from the close grasp and moved sideways into the bedroom, gardant and eyeing her warily.

Yanci, you gone crazy? 'You lemme alone!'' 'Yanci, let Zettle light the gus

What's got you, darling? Sunstroke? Hydrophobia? For God's sake, what?" The room sprang into yellow glar and a brass bedstead, heavily dressed in Brussels net over pink, and a dresser festioned with the same Brussels net and laid out in all the German silver articles of a woman's artifices. A German silver vase of pink flared against the mirror.

On the Brussels net spread, she saidown loosely with her back round and her eyes staring out ahead. She was

"Yanci, if you don't tell me what's

got you, I'll go crazy. You been run over, girl? Hit in the head? Doped?" She could not articulate but sat there, her two hands pressing against ber threat.

"Yanci, you been hit in the head, the is not feeling well, stops at the getter's.

There's your pocka-book, they didn't get that! Looks, Yanci, you're home safe. See, sitting on your own bed with look when closed, and from the look when closed, and from the

"Remember that time, darlin', you was riding around with that fat old geezer, Jerry Kessler, and I put a stop to it, showing you how he was riding you to hell in that little slick runabout of his. Remember the night Henry first asked you to walk out with him. you came runnin' to your old Zettie and-

"Oh, God, Zettis, I remember. I re member. Hold me tight, Zettie. Hold me tight."

Tears came so fast and flowed so scaldingly over her words that she was in a choking fremy, beating her small light fists and breathing in shudders drawn deep from the inners of her.

"1—I went in Zett, went in—you have just—just not thinkin." know just just not thinkin'.

'In where, Yanei?'

'He's such an old codge, always guyin' and kiddin', and I—I just wasn't

thinkin'.''
'Who, Yanci? Who!'

"I says to him, I says, when the girl let me in, I says, 'Hello grand old man, it's a line day for spring hats and spring fever,' Just like that—guyin'." ing fever. Just like that—guyin'.' Th-huh!' 'He—he kinda laughed and kept

pullin' at his beard, you—you know the way he does, Zett." 'Uh-huh!" ''And—and put me over in that kind

of dentist's chair next to the window and took off my hat hisself and kept smoothing down my hair and me never thinkin', and—and—oh, my God, it should have come over me then, the

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way be kept lookin' at me. At should have:

"What. Yanci?"

"But it didn't."

"What didn't!"

"I just laid back and looked up sassy and says, "Well, grand old man. I says to him, I says, 'is it the tired-feeling ward for mine?' He didn't answer and kept lookin' at my card all the time, and he turned to me, Zett, and he says to me, he says, "Mrs. Rifkin,' he says, 'can your husband come here with you later in the afternoon?' All of a sudden Zett, when he said that, it—it was like somebody had took my heart in their hand like it was a bird. I—I got up out of the chair quiet like and I says, 'No. Doctor Stowoski; why?' Oh—oh—"

"In I in her old arms."

"In I in I in her old arms."

"That's right, darling, tell Zett. Don't let your jaws get stuck like that. Tell Zettie. You was walking along and all of a sudden—."

"No. No. No."

"Yanci, you been to the grand old man? Is—is it anything to do with the grand old man? Yanci."

"I—I'm gone, Zett."

"She fell to whimpering and lying forward with her face nearing her knees. "Gone You don't know it, but I'm gone, Zettie."

"You got something—something catching?"

"You got something—something catching."

"Yanci, you won't tell your Zettie?"

"What condition. Doctor." I says, grabbin' his arm. I hollered it, Zettie; I couldn't help it. Oh, my God, right away from his face something seemed to tell me something. I—I can't tell no more. Zett. Can't! I—I—just got it out of him, getting him where he—he couldn't—dassn't lie. He didn't wanna tell me. But I got it. Zettie—got it out of him."

"What Yanci."

"Yanci, you won't tell your Zettie?"

"Yanci, you won't tell your Zettie?"

"Yanci, you don't know it on there takes level level."

"Yanci, you won't tell your Zettie?"

"Yanci, you don't know it on with the grand old man? I says, grabbin' his arm. I hollered it, Zettie; away from his face something seemed to tell me something. I—I can't tell no more. Zett. Can't! I—I—just got it out of him, getting him where he—he couldn't—dassn't lie. He didn't wanna tell me. But I got it. Zettie—got it out of him."

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"Yanci, you won't tell your Zettie?"

"Yanci, you don't know it, but I'm gone, Zett. Can't in I—I—just got it out of him."

plank from day over into darkness. In the square of park, walks were suddenly clean of children. A wintry stare had set in.

She would only weave to and from the new coverlet.

"Yanci, you won't tell your Zettie? Your old Zettie you used to come to with all your troubles when you was nothing but a little whip stitcher in the shop. Yanci?"

"I got something so jaw-breaking the matter with ne, darling, you can't say with all your troubles when you was nothing but a little whip stitcher in the said, I knew it by heart. Funda set in.

"I no no."

"What Yanci?"

"I got something so jaw-breaking the matter with ne, darling, you can't say with all your troubles when you was nothing but a little whip stitcher in the shop. Yanci?"

"I no no." symptoms and all. Legiuska had, Zett.— "No. No. No.

"Per-pernicious anemia."
Yanci, my God. No. No.
"My blood's gone, Zett,
nny? Turning white. I

way he kept lookin' at me. It should have."

"What. Yanci?"

"But it didn't:"

"What didn't?"

"I just laid back and looked up sassy and says, 'Well, grand old man. I says to him. I says, 'is it the tired-feeling!

"I should have."

"And should have."

"Oh, my God!"

"Hold me, Zettie. Hold me tight."

fell forward, a huddle.

The minutes marched past, broken with the sobbing and the strangling and the weeping noises of two women. A cat with a bell on its neck anthe in humping its sleek sides along Miss Hifkin's outflung foot.

"He's lyin', Yanci."

"The grand old man don't lie. Can't (CONTINUED TOMORROW)

1920

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pause to look backward and forward, considering wherein we might have done better and wherein we shall do better in the year ahead of us.

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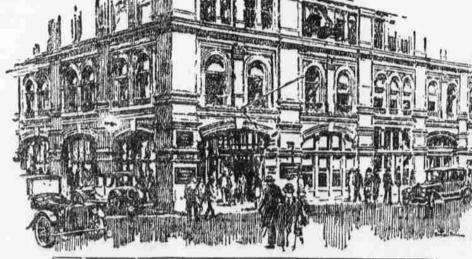
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