

The True Witness

AND
CATHOLIC CHRONICLE,
PRINTED AND PUBLISHED EVERY FRIDAY
At No. 210, St. James Street, by
J. GILLIES.

G. E. CLERK, Editor.

TERMS YEARLY IN ADVANCE:

To all country Subscribers, Two Dollars. If the Subscription is not renewed at the expiration of the year, then, in case the paper be continued, the terms shall be Two Dollars and a half.
The True Witness can be had at the News Depots. Single copies, 5 cts.
To all Subscribers whose papers are delivered by carriers, Two Dollars and a half, in advance; and if not renewed at the end of the year, then, if we continue sending the paper, the Subscription shall be Three Dollars.

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MONTREAL, FRIDAY, DECEMBER 15, 1871.

ECCLESIASTICAL CALENDAR.

DECEMBER—1871.

Friday, 15—Fast. Octave of the Immaculate Conception.
Saturday, 16—St. Elizabeth, B. C.
Sunday, 17—Third of Advent.
Monday, 18—Expectation of the B. V. M.
Tuesday, 19—Of the Fera.
Wednesday, 20—Ember Day. Vigil. Of the Fera.
Thursday, 21—St. Thomas, Ap.

NEWS OF THE WEEK.

The hopes inspired by the more favorable reports as to the state of H. R. H. the Prince of Wales, which were in circulation last week, were suddenly dashed by the news which on Friday last reached us, to the effect that there had been a relapse, that the condition of the Prince was very precarious, and that in consequence his Royal Mother, and the other members of the family, had been hurriedly summoned to his bed side. This was on Friday; on Saturday prospects did not much improve, but hopes, faint indeed, of a favorable issue to the disease were still held out. On Monday morning the reports were not encouraging; great prostration still continued, the effect it was feared of hemorrhage from ulcers in the intestines, in which case a fatal termination of the case may, as in the case of the deceased Earl of Chesterfield, be anticipated. There is great excitement in England, and the funds have been effected. We will give any later tidings that may reach us before we put to press.

Affairs in France are becoming more and more complicated. The Orleans Princes were told, have consented to postpone for the moment their claims to take their seats in the Assembly. There are also rumors to the effect that M. Thiers does not feel himself strong enough for the place, and that he proposes in consequence to abandon the post of President in favor of the Duc d'Aumale. This is as yet however, mere rumor; but there can be no doubt that the existing government in France is merely provisional, and that it is wanting in all the elements of permanence.

From Italy we have nothing new to report. The intrusive government at Rome continues its high-handed acts of robbery and spoliation of Catholic property. A brutal and licentious soldiery breaks into the quiet shades of the virgins consecrated to God, and at the point of the bayonet drives the inmates into the streets. There will however be a reckoning for all these things before long; be it ours to pray, and possess our souls in patience.

The facts in the Cemetery expropriation case, about which so much has been said lately in the City papers, and which has been made the occasion for severely censuring the *Fabrique*—are simply these.

The *Fabrique*, feeling the necessity of extending the area of the Catholic Cemetery, proposes to acquire for that purpose some property belonging to a Protestant gentleman, a Mr. Tait, who resides at the back of the mountain. For this purpose it seeks to avail itself of the right of expropriation the property in question; a right which is by law conceded to the owners of the Protestant, or Mount Royal Cemetery. Now the law of expropriation provides that, for the purpose of determining the value of the property to be expropriated, commissioners be appointed, one by the *Fabrique*, a second by the owner of the property, and a third by a Judge of the Supreme Court. The law however makes no provision in case the owner of the property should fail or refuse to appoint a commissioner to represent his interests; and as in the case actually before us, Mr. Tait, the gentleman whose property it is proposed to expropriate, has so failed or refused, the *Fabrique* proposes to make application to the Legislature to supply the defect in the existing law, by providing

that, if after due notice served on him, the proprietor refuse to appoint an arbitrator or commissioner, the Court may be authorized to appoint one in his place. This is the amount of Legislative interference invoked by the *Fabrique*, which claims after all only the same powers as are by law accorded to the Trustees of the Protestant, or Mount Royal Cemetery.

When we apply to the Mount Royal Cemetery the term Protestant, we do so in virtue of sec. 3 of the Act 19 20, Vict., cap. 128, incorporating the Mount Royal Cemetery Company. This Act provides that, "before he shall be considered a shareholder," every subscriber of \$20 shall, after his name, enter in the said book, or books, "the religious denomination to which he belongs—that is to say, Church of England, Presbyterian, Methodist, Congregationalist, Baptist, or Unitarian. Every member of the Mount Royal Cemetery Company must belong, or profess to belong, to one or other of these several branches of the Protestant Church; and it is therefore strictly correct to say that the Mount Royal Cemetery is as exclusively and distinctively Protestant, as is the Cemetery held by the *Fabrique* exclusively and distinctively Catholic.

This fact, the distinctively Protestant character of the Mount Royal Cemetery, effectually disposes of the argument of the *Montreal Gazette* of the 1st inst. against the claims or pretensions of the *Fabrique*. Admitting that the plan which the *Fabrique* proposes for determining the value of the land it seeks to acquire from Mr. Tait, "is reasonable" if it, the *Fabrique*, have the right to expropriate at all, the *Gazette* denies it that right, on the grounds that its Cemetery is not, as it pretends is the Mount Royal Cemetery, a public, but is merely a private, Cemetery, the property of a particular religious denomination.

On another point the *Gazette* must permit us to correct him. It is not true, as our contemporary pretends, that Guibord "was refused a resting place within its"—the Catholic Cemetery's—"precincts." This assertion is utterly false, and shows how reckless of truth or how ignorant of facts, are even the most honest and best informed of our Protestant contemporaries when treating of the Guibord case. Internment, or simple civil burial, but without religious rites or ceremonies of any kind, though within the precincts of the Cemetery held by the *Fabrique*, was from the first, still is, freely tendered to the remains of the said Guibord. However, if that Cemetery, as the *Gazette* asserts is the case, is in no sense a public cemetery, and therefore a mere private cemetery, why in the name of common sense and common honesty should Protestants, who have no rights therein, interfere with its management? Or what pretence can the action of the State or the civil magistrate be invoked to compel the *Fabrique* to admit within the precincts of a private Cemetery the mortal remains of one who during his lifetime had openly set at defiance, the laws, rules and regulations of the religious body to which that Cemetery belongs? If the Cemetery of the *Fabrique* be in no sense public property, then in no sense can the State have any right to interfere with the way in which it is managed.

THE TITCHBORNE CASE.—This celebrated case, the hearing of which was resumed in the early part of last month, still drags its slow length along, and may occupy the Courts for many weeks yet. The evidence for the claimant is not closed; and we may expect a long and able defence from the eminent counsel employed on the other side.

Nothing has yet transpired to dispel the mystery in which this case is shrouded. Of the witnesses examined to identify the claimant with the Roger Titchborne who served in the Carabiniers, many are soldiers of that regiment and they have deposed stoutly in favor of the pretensions of the claimant. They recognised, or professed to recognise, him by his features, by a peculiar twitching of his eyebrows, by his accent, the tones of his voice, his style of walking, and the general expression both of his face, and of his lower extremities. The claimant, it must be remembered, is a man of colossal proportions, a veritable man mountain, a marvel of obesity, a second Daniel Lambert, an overgrown Faust; whereas Roger Titchborne was a very slightly built man. Nevertheless, in spite of this difference, as one witness testified, by a process of mental chiselling of the huge block, by chipping off the superincumbent mass of flesh with which heavy eating and heavy drinking, with which much beef and more brandy have overloaded the once delicate features of the claimant, the original lineaments of a Titchborne may be reproduced, and the veritable Roger be revealed to the mind's eye.

The most important evidence hitherto tendered in behalf of the claimant is that of a Catholic clergyman, the Rev. Mr. Meyrick; and that of a gentleman of the name of Hazeldine Sharpin, now a resident of York, England, but at one time engaged in business in Australia. The first knew the real Roger Titch-

borne when a boy; considered him to be very deficient in his schooling, and very ignorant of Latin; he believed the claimant to be the person whom as a boy he knew as Roger Titchborne.

The evidence of Mr. Sharpin is of still higher interest, as it at first sight appears to bear directly upon one of the strangest portions of the claimant's strange story. That story is, as our readers may probably recollect, to this effect: That he sailed from Rio in the *Bella* in the month of April 1854; that on the morning of the fourth day out the ship foundered; that the crew got away in two boats from the wreck; that the larger of the two was capsized; but that the smaller boat, in which he, with six of the crew, had taken refuge, was picked up by a vessel from the United States, which brought them to Melbourne in the month of July, 1854. In confirmation of this story the claimant had no evidence to adduce; though of course, if true, proof most convincing of its truth was to be obtained with the greatest facility. It would have been reported in the *Shipping Intelligence* of the Melbourne journals, for the month of July 1854; it would have been on record in the Custom House of that port; and most certainly it would not have escaped the notice of the Lloyd's Agent in Melbourne, who however heard nothing of it. At last however a witness, Mr. Sharpin, comes forward to testify that he was in Melbourne in 1854—he stumbled a little as to the month; that he, one day, was on board a small steamer, the *Comet*, which ran from Melbourne to Hobson's Bay; and that the steamer ran alongside of an American ship, which somebody said was the *Osprey*, from which vessel there came on board six men and a young gentleman, with whom he, the witness, exchanged a few words; whom he saw for about four or five minutes, and whom he professes to identify with the claimant, whom he saw accidentally at the York races. Strange to say he kept all this to himself till a few weeks ago, when he wrote to the claimant's men of business, tendering his evidence if it could be of any use. In this letter he makes the mistake as to the date when the event to which he deposes occurred, setting down the month as June, whereas, according to the claimant's story, it was in July that he reached Melbourne. Anyhow his evidence as it stands proves nothing for the plaintiff, until the young man whom he, the witness, met with on board the *Comet* be identified with the young Roger Titchborne who sailed, or who is said to have sailed, from Rio in the *Bella*. The defence is apparently based on the ground that the claimant is Arthur Orton, who it is well known was in Chili, and afterwards went to Australia, where he was implicated in some horse stealing business, from which he contrived to extricate himself. Now it may have been Orton whom the witness Sharpin fell in with on board the *Comet*. The mystery remains as impenetrable as ever.

During the examination of this witness there was some talk about the case of a man, Buckley, once famous in the felon annals of N. S. Wales, and who was adduced as an instance of a man who had forgotten his mother tongue. This man Buckley was one of a lot of convicts, who in the early days of N. S. Wales, managed with several others to escape, and had the luck to get away south to Port Phillip, then an uninhabited and quite unexplored portion of the Australian Continent. His companions were all killed by the blacks, but he was spared, and lived for about 17 years with his captors, adopting all their customs, and speaking their language. When the first explorers from Van Diemen's land to Port Phillip came across, they fell in with the tribe with whom Buckley was domiciled. He could not then, so it was said, speak a word of English, but we know not if he were unable to understand it. However, as the Government under the circumstances took no action to reclaim him as a runaway convict, he remained at liberty, and in a very short time regained the perfect use of his mother tongue; and when, many years ago, we saw the man he was, except in complexion, in every respect like the common run of European bushmen, tall and swartly. But the case of the claimant—to whom, if he be the veritable Roger, French was the mother tongue, and the only language he could speak fluently till the time he left his regiment, about 1852—has some very different features. He has never recovered the use of his mother tongue, though from 1856 till her death he was constantly in the company of Lady Titchborne, a Frenchwoman, and he cannot now translate a sentence in the language. This, if he be indeed Sir Roger Titchborne, is a phenomenon without a parallel. For the rest, there is no doubt that the claimant was in Australia; it is not pretended that he grew upon the gum trees, or that he is a native of the country; he must therefore have gone there, by sea, and in a ship; and even if he be the person whom the witness saw come out of the *Osprey* it no more follows that he is Sir Roger Titchborne, than it does that he is that baronet because he is not Arthur Orton,

whom certainly he at once represented himself to be. The question is if he be not Orton, what has become of him? This mystery will we suppose be solved in the defence.

The *Witness* justifies the action of the School authorities of New York in making Protestant religious exercises obligatory, under penalty of expulsion, on all the pupils of the Common Schools without distinction between Catholics and Protestants,—on the plea that Catholics are guilty of gross inconsistency in demanding freedom for themselves, in the matter of education. "For example," he says:—

"The Roman hierarchy and priesthood in Ireland are just now vigorously contending for the right to conduct the National Schools on Roman Catholic principles."

As long experience has taught us that the editor of the *Witness*, true to the grand fundamental doctrine of evangelical Protestantism, deems himself in virtue of his election, delivered from bondage to the law which forbids lying and slandering; and that he never fails to assert the glorious Gospel liberty which he in consequence enjoys—we scarce expect from him that he will correct what is false in the above statement. But that others may see and judge for themselves how grossly he has misrepresented the demands in the matter of education put forth in behalf of their people by the Catholic hierarchy and clergy of Ireland, we publish below those demands, as specified in their public address, signed by the Cardinal Archbishop of Dublin and all the Prelates of Ireland, and ordered to be read in all the churches of Ireland.

DEMANDS OF IRISH CATHOLICS.

As to primary education, therefore, we demand: 1st. For all schools which are exclusively Catholic, the removal of all restrictions upon religious instruction, so that the fullness of distinctive religious teaching may enter into the course of daily secular education, with full liberty for the use of Catholic books and religious emblems, and for the performance of religious exercises, and that the right be recognized of the lawful pastors of the children in such schools to have access to them, to regulate the whole business of religious instruction in them, and to remove objectionable books, if any. In such schools the teachers, the books, and the inspectors should all be Catholic.

2ndly. That the public money should never be used in the work of proselytism.

3rdly. That in Mixed Schools, where the children of any religion would be so few as not to be entitled to a grant for a separate school, stringent conscience clauses should be enforced so as to guard as far as possible against even the suspicion of proselytism.

4thly. That the existing Model Schools should be abolished.

5thly. That Catholic Training Schools, male and female, should be established, in which teachers would be educated, morally and religiously, as well as intellectually, and in accordance with Irish traditions and feelings, for the holy office of teaching the Catholic children of Ireland. The reasonableness of this demand is manifest from the fact, that of the entire number of teachers in Ireland—about 3,000—there are in schools connected with the National Board about 5,000 untrained.

As to Intermediate Education, we demand, that the large public endowments now monopolized by schools in which you and we have no confidence, and many of which are directly hostile to the Catholic religion, should be taken up by a Commission in which the Catholics of Ireland would have full confidence; that the Commission thus appointed should be merely for financial purposes, and should hold the endowments in question for the benefit of the whole nation, of all the Intermediate Schools in Ireland without religious distinction, and for the general advancement of middle class education; that the national fund thus held should be devoted to the encouragement of Intermediate Education by means of Exhibitions open to the competition of all youths under a certain age, and to payment by result to every Institution established for middle class education, the examinations being conducted in such a manner as to preclude the possibility of partiality or of interference with the religious principles of any competitor or of any school.

As regards higher education [we repeat the words of the resolutions adopted by the Archbishops and Bishops of Ireland in August, 1869], since the Protestants of this country have had a Protestant University with rich endowments for 300 years, and have it still, the Catholic people of Ireland clearly have a right to a Catholic University.

But should her Majesty's Government be unwilling to increase the number of Universities in this country, religious equality cannot be realized unless the Degrees, Endowments, and other privileges enjoyed by our fellow subjects of a different religion, be placed within the reach of Catholics in terms of perfect equality. The injustice of denying to us a participation in those advantages, except at the cost of principle and conscience, is aggravated by the consideration, that whilst we contribute our share to the public funds for the support of Educational Institutions from which conscience warns us away, we have moreover to tax ourselves for the education of our children in our own Colleges and Universities.

Should it please her Majesty's Government, therefore, to remove the many grievances to which Catholics are subjected by existing University arrangements, and to establish one National University in this Kingdom for examining candidates and conferring Degrees, the Catholic people of Ireland are entitled in justice to demand that in such University, or annexed to it,

(a) They shall have one or more Colleges, conducted upon purely Catholic principles, and at the same time fully participating in the privileges enjoyed by other Colleges of whatsoever denomination or character.

(b) That the University honors and emoluments be accessible to Catholics equally with their Protestant fellow subjects.

(c) That the Examinations and all other details of University arrangement be free from every influence hostile to the religious sentiments of Catholics, and that with this view the Catholic element be adequately represented upon the Senate, or other supreme University body, by persons enjoying the confidence of the Catholic Bishops, priests, and people of Ireland.

All this can, we believe, be attained by modifying the constitution of the University of Dublin, so as to admit the establishment of a second college within it, in every respect equal to Trinity College, and conducted on purely Catholic principles, in which your Bishops shall have full control in all things regarding faith and morals, securing thereby the spiritual interests of your children, placing at the same time Catholics on a footing of perfect equality with Protestants, as to degrees, emoluments, and all other advantages.

From the above it will be seen that so far

from demanding any exclusive privileges for themselves, the Catholic Bishops of Ireland ask only that their people—the majority of the population—be put on a footing of perfect legal equality with the Protestant minority; that in schools "exclusively Catholic," an education exclusively Catholic be given; but that in "mixed schools where the children of any religion would be so few as not to be entitled to a grant for a separate school, stringent conscience clauses should be enforced so as to guard as far as possible against even the suspicion of proselytism."

If this be illiberal, the Catholics of the U. States would be too glad to be treated in the same illiberal manner by the Protestant majority of that country; if in the Address given above there be aught inconsistent with the pretensions of the Catholic minority in America, or their indignant protests against the treatment which their co-religionists are experiencing at the hands of the school authorities of New York, we should be well pleased if the *Witness* would take the trouble to point it out.

Much as it may be permitted to deplore the disturbed state of Ireland, and to groan over the agrarian, and other quasi political crimes, often of a very dark color, with which the statistics of that country present us,—it is well to bear in mind, that, exception made of those offences which directly spring from the peculiar political and social condition of Ireland—that condition being the result of unjust laws, and iniquitous misgovernment—serious crime is less common in Ireland than in any other part of the British Empire; and that the moral condition of Ireland contrasts most favorably with that of England, and Scotland. This is admitted even by one so little prejudiced in favor of the Irish as is the *London Times*, which in an editorial on the recent trial of Kelly in Dublin for the murder of Talbot, and the verdict of the jury in that case, quotes the Returns just compiled by Dr. Hancock to show the rarity—with the one exception above alluded to—of serious crime in Ireland; and editorially remarks that, "it"—Ireland—"compares favorably with England under all heads of criminal statistics except one." Wife murder, child murder, baby farming, sins against chastity so rife in England and Scotland, wholesale swindling, &c., &c., which swell the criminal statistics of Great Britain, are comparatively unknown in Ireland; and even the "one" crime—the black spot on the reputation of the latter to which the *Times* alludes—will we have every reason to hope and to believe disappear together with the unjust laws which have provoked it. Let us unite in denouncing that crime, for the law written by the finger of God "thou shalt not kill" admits of no exception: but let us also at the same time ask ourselves how would it be with England and Scotland to-day with respect to that crime, if they had been governed as till within the memory of living men Ireland has been governed? if their soil had been confiscated and handed over to aliens, as has been the case with the soil of Ireland? if their religion had been proscribed and persecuted, as for long generations was the religion of the Irish?—These things would not justify murder, or excuse assassination, a foul crime at all times, and under all circumstances; but should at all events tend to temper the judgment we would otherwise pronounce on the offenders.

Another thing which swells the list of Irish offenders is, according to Dr. Hancock's statistical tables the strength of the police force in Ireland. As thus:—

"A comparison of criminal statistics in England and Ireland," says this document—"show favorably for the latter, being 33 per cent. less in serious crimes, and unfavorably in the minor offences. This is partly explained by the larger number of police in Ireland in proportion to population—(25.5 among 10,000, or more than twice as many as in England) and the consequent number of offenders brought to justice."

PROTESTANT RELIGIOUS EXERCISES IN THE COMMON SCHOOLS OF THE UNITED STATES.

—There is something inexpressibly amusing in the comments of the New York *Times* upon the resistance offered by Catholics to the carrying into execution of the law which makes these religious exercises obligatory in the so-called Common Schools. The *Times* affects liberality, and recognises that "logically and legally there is something to say from their—Catholics—side of the matter;" but it adds, "it does seem incredible in the nineteenth century that the Catholics cannot try this question calmly and dispassionately in the Courts of law."

Why what nonsense is this! The Courts of law do not make, but can only administer law. Now no one denies that, as it stands, the law does make Protestant religious exercises obligatory in the Common Schools, so that children who refuse to take part therein, are debarred from the educational advantages of institutions for the support of which their parents are taxed. What remedy could a "court of law,"