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THE TRUE WITNESS AND CATHOLIC CHRONICLE.

MONTREAL, FRIDAY, NOV. 5, 1852.

NEWS OF THE WEEK.

On the 12th ult., Her Majesty, the Royal Family, and Court, left Balmoral Castle for Windsor, where they arrived on the evening of the 14th. A Privy Council was held on the 16th, at which it was determined to summon Parliament for the despatch of business on the 4th inst. The funeral of the Duke of Wellington is to take place on the 17th. Amongst the political rumors of the day, the most important are, that it is the intention of the Opposition to test the strength of parties in the new House of Commons, by a direct motion on the subject of Free Trade; and that, by way of a sop to Cerberus, the Derby Ministry intends to introduce a measure for the extension of the franchise, by making all wages above 20s. a week subject to the Income Tax, and conferring the right of voting upon all payers of the tax.

Much fun may be looked for at the opening of the Session from the efforts that will be made by the State clergy to resuscitate Convocation. The *Morning Advertiser* says, but upon doubtful authority, that Lord Derby has at last consented to recommend Her Majesty to grant the humble prayer of the reverend petitioners:—"In that case," continues the *Morning Advertiser*, "Convocation will be in full session contemporaneously with the deliberation of Parliament, and in all probability such changes will be made in the Articles of the Church, before a fortnight has elapsed, as will enable the Tractarians to get rid of the 3,000 or 4,000 evangelical clergymen—by them called Goramites—now within the pale of the Establishment." Verily the Tractarians are very sanguine men. If Convocation be allowed to meet, changes, and very queer changes no doubt, will be made in the Articles of the State-Church, but in an opposite direction to what the Puseyites expect. The Protestantism of the English people is almost as hostile to what are called High Church Anglican principles, as it is to downright Catholicity, perhaps the mock turtle is more offensive than the real; it is far more likely to demand, the condemnation of the whole Sacramental system than to assert the doctrine of Baptismal Regeneration, far more inclined to insist upon the repeal of all creeds, than to tolerate the imposition of any. Out of doors the Low-Church party are in the ascendant, and in the House of Commons, which after all is the only competent, authoritative definer of doctrine in the Parliamentary Church of England, they are certain of a majority; the changes in the Liturgy and Articles of the Establishment, which are inevitable, because loudly demanded by the Protestantism of the nation, in order to bring the doctrines of the State-Church more in accordance with the wants and spirit of the age, will therefore in all probability have the effect of driving out from the pale of the Establishment, not the Goramites, but the unhappy Tractarians, such of them at least as prefer principle, to pudding and roast beef. A writer in the *Spectator* clearly shows what the views of the Low-Church party are, and what the nature of the reforms they desire to see introduced. First and foremost, the obnoxious doctrines of the Trinity—the Incarnation—and the Atonement—must be softened down, explained away, or at least, no longer held prominently before the public. For this purpose the writer in the *Spectator* recommends that the Athanasian Creed, that object of holy aversion to all evangelical men, should be "either much softened, or read only on Trinity Sunday," as a truth far too precious for every day belief, but which ought to be kept in reserve for some special occasion, along with the "go-to-meeting"—coat and breeches. We think it likely that some such plan will be adopted, and that if not totally abolished, the leading dogmas of Christianity will be only tolerated occasionally, at certain seasons of the year, like game and fish—oysters and salmon. Thus we may expect people to believe in the Incarnation, and to hanker after mince-pies, about mid-winter; in the spring, faith in the Atonement will come in along with salmon, and early asparagus; about the time of the gooseberries, the Trinity will be in season; gronse and Socinianism, partridges, pheasants, and Universalism, may be looked for during the remainder of the year, which will wind up pleasantly with Infidelity and oysters, at Advent. We should ourselves much like to see some such reform introduced into the Anglican ecclesiastical calendar.

Poor dear Dr. Philpotts, the Government Bishop of Exeter, is in hot water, and promises to afford

much innocent amusement to Her Majesty's lieges. The worthy Prelate has contracted such a habit of rapping his diocesan clergy over the head, and stirring the unorthodox amongst them up, with a long pole in the shape of a Pastoral Staff, that flesh and blood can't abide it, as Mrs. Gamp would say. The last feat of this kind, in which Henry of Exeter distinguished himself, was the snubbing he gave to some of his evangelical brethren who came to him with a long complaint about the enormities of a Rev. Mr. Plynne who, it seems, used to make little girls confess their naughtiness to him—not in the church, nor in a confessional, for that would have been Popish, so says Henry of Exeter—but quite in a snug way, in the vestry, or some other private room attached to his meeting-house. Dr. Philpotts received the reverend complainants most courteously, listened to and examined their complaints most patiently and impartially, and finished by dismissing them most cavalierly. Auricular confession, and priestly absolution, according to this exemplary Prelate, were expressly enjoined in the Book of Common Prayer by Law set forth, provided always that confessions were not heard, nor absolution given, in the church, but only "in vestries and private rooms." This decision has given much dissatisfaction, and the *Sunday Times* announces that the public may soon expect to hear "of proceedings which are about to be instituted ecclesiastically against the Bishop of Exeter. . . . The Archbishop of Canterbury is said to be in favor of the movement. . . . the High Church party have put themselves in a position of defence against this attack, and a large sum of money will be raised to carry the right reverend champion of their principles through the conflict." Why this will be more rare sport than the Hampden, or Gorham controversies; a regular set to in the ecclesiastical courts between Henry of Exeter, and Dr. Sumner, with Benjamin D'Israeli, or Cobden, to see fair play, will be the best bit of fun there has been for many a day. If the destruction of the Establishment could cause us any regrets, it would be because one very innocent source of amusement would be thereby done away with.

Louis Napoleon returned to Paris on the 15th; his entry was a perfect triumph. There were arches, and wreaths of flowers, and transparent eagles—processions of soldiers and citizens—inscriptions—devices—and a cloudless sky. At Bourdeaux—which we are told distinguished itself for the enthusiasm with which it received the Prince, just as, in 1814, it distinguished itself for the enthusiasm with which it hailed the restoration of the Bourbons—and as again in 1815, it distinguished itself for the enthusiasm with which it hailed the news of the flight of the same Bourbons, and the return from Elba—and just as it would distinguish itself to-morrow for the enthusiasm with which it would greet any other political change, if it had the chance—at Bourdeaux—the President returned a very significant reply to the address of the civic authorities; and if, when Emperor, he will but act up to the sentiments therein expressed, all Catholics will cordially unite in praying for him, that his reign may be long and prosperous. He disclaimed all ambitious projects, and thoughts of conquest, all hostile intentions against the other powers of Europe. "I wish to restore to religion, to morality, and to the people, that still numerous part of the population which, though in the bosom of the most fertile country in the world, can scarcely obtain the common necessities of life." Denouncing war, he professed his desire to achieve none but bloodless triumphs—to restore internal tranquillity, and to encourage peace at home and abroad, as the best means of developing the resources, and securing the future welfare, of the country. France desires peace, and a strong government above all things, and Louis Napoleon promises her both; no wonder he is popular, and deservedly popular, though it must be confessed that this popularity manifests itself occasionally in a highly reprehensible manner. The following address, in which the blasphemous mockery of the Lord's Prayer is only more disgusting than the bad taste which dictated it, and the fulsome adulation of the contents, was signed, and presented to Louis Napoleon by the Mayor of the Commune of Villeneuve in the department of L'Herault—

"Our Prince,
"Who art in power, by right of birth and the acclamation of the people; thy name is everywhere glorified; may thy reign come, and be perpetuated by the immediate acceptance of the Imperial Crown of the great Napoleon; thy firm and wise will be done, in France as abroad; give us this day our daily bread, by reducing progressively the customs duty, so as to permit the entry of articles which are necessary to us, as also the exportation of what is superfluous; pardon us our offenses, when thou shalt be certain of our repentance, and that we become better; permit us not to yield to temptation, of cupidity, and place-hunting; but deliver us from evil—that is to say, from secret societies, from vicious teaching, from the excesses of the press, from elections of every kind, and continue to make it more and more a matter of honor, the practice of morality, and religion, respect for authority, agriculture, and industry, the love of order, and of labor. Amen."

The best mark of his respect for the interests of morality and religion that the Prince could have given would have been to have sentenced the author of the above disgusting mockery of our Lord's blessed words, to a few hours in the pillory, or to have had him well flogged at the cart's tail. If the Prince values his own reputation, to say nothing of the honor and glory of his Creator, he will never allow another such disgusting address to be presented to him. One circumstance connected with the Prince's reception at Paris seems deserving of notice, and that is, that none of the foreign ministers took any part in the proceedings of the day. M. De Kessel, the Russian Minister, has left Paris, avowedly on leave of absence. It seems certain that the Great Northern Powers of Europe are inclined to look with a very jealous eye on the restoration of the Napoleonic dynasty. From the rest of Europe the news is of little importance: the cholera is decreasing in Prussia. The great event of the week on this continent has

been the interment of Daniel Webster, the ornament of the American Senate; conscious of their loss, the people of the United States have universally testified their respect for the memory of perhaps the greatest statesman that America has produced; he was buried on Friday last, and his remains were accompanied to the grave by a large concourse of his fellow-citizens, amongst whom the authorities of Boston, and the officials of Massachusetts, were conspicuous.

Gen. Pierce has been elected President of the United States by a most unexpected majority of votes.

CAPITAL PUNISHMENT:

If our correspondent *Observer* will favor us with his name and address, we will willingly give him a place in our columns, in which to advocate his peculiar views respecting the "Death Penalty," reserving of course to ourselves the right of making such remarks thereon as we may think fit; but, we repeat it, we will not insert, or pay any attention to, anonymous communications. If the writer cannot trust us, in perfect confidence, with his name and address, he must not complain if his communication remains unnoticed.

We are taxed with speaking harshly of the government, because we attributed to "moral cowardice," to a yielding to a senseless popular clamor, the non-execution of the sentence of death pronounced by the judges upon certain criminals convicted, upon the clearest testimony, of wilful and deliberate murder. We did not intend to allude especially to the cases of Cole and Therien, or to the present holders of office, as if they alone were culpable. What we complained of was, that for years past, although the death penalty has repeatedly been incurred, and pronounced, it has not, in one single instance, been enforced. But the *Quebec Gazette* comes forward as the apologist of government, and professes to give satisfactory reasons why the two men whose names are given above should have been spared the extreme penalty of the law. As we like to be just, and when we attack, to give an opportunity of defence, we will insert our cotemporary's explanation—

"The sentence of Cole, convicted at Sherbrook, was commuted on judicial recommendation. He struck his victim with a stick which the deceased had hastily taken up to use against Cole, but which he wrested from his hand.

"Not supposing he had seriously hurt the deceased, he left the spot where the conflict took place, but came back on hearing his blow had been heavier than he intended, took his late antagonist to his own house, and affectionately tended him to the moment of his death.

"In the Three Rivers case, the sanity of the convict was in question, and on the judicial report he was spared the extreme penalty."

The *Quebec Gazette* makes out a good reason for the non-execution of the sentence in the case of the man Cole, supposing the facts to be as he represents them. In this case, the executive are not to blame for relieving the convict; it is the jury, who must have been a more than ordinarily stupid jury, who are to blame for convicting him. Cole, according to the *Gazette's* account of the matter, was not guilty of murder, scarcely of manslaughter, and in convicting him of murder, the jury were guilty of bringing in a verdict totally at variance with the evidence. The executive did right in repairing the wrong inflicted by a blundering jury, and, apparently, a not over clear-headed judge—that is, if the statement of facts given by the *Quebec Gazette* be true—a point upon which we offer no opinion.

With regard to the other case, that of the convict Therien, the *Gazette's* explanation makes the matter a good deal worse for the executive than it was before. He says—"The sanity of the convict was in question," and assigns this as the reason why, on judicial report, the convict's sentence was commuted from "hanging by the neck" to imprisonment for life in the Penitentiary. If our cotemporary will reflect for one moment, he will see the absurdity of his apology; he might successfully have defended the government if it had allowed the sentence of death to be carried into execution; he might have defended the government if it had remitted the sentence altogether; but he cannot defend its conduct in remitting the "death-penalty," on the plea of insanity, and then punishing the insane convict by imprisonment for life. Either the man was sane, or he was not sane: in either case the conduct of the government is perfectly indefensible. If he was sane he was guilty of murder, and therefore the "death penalty" should have been inflicted: if he was not sane, he was not morally responsible for his actions—he was therefore guilty of no crime, and therefore no penalty should have been inflicted upon him at all; for as to relieving the murderer is gross dereliction of duty, so to punish the insane, for his actions, is gross injustice. The insane man is a fit subject for the doctor, and not for the judge or gaoler—for the hospital, and not for the cell of a felon—he should be sent to the asylum to be cured, and not to the penitentiary to be punished. Take which horn of the dilemma he will, our cotemporary will be fatally gored, and the best thing he can do is frankly to admit the absurdity of the defence he puts up for his friends. Indeed, no person in the community is silly enough to believe the story of non-sanity: every brute now-a-days who knocks his neighbor's brains out with an axe, or stamps his wife's bowels out with a pair of heavy heeled boots, is said to be insane; but we all know this plea of insanity is a humbug. In the case of Therien, the government which relieved him, on this ridiculous plea, fully admits its absurdity—by punishing him with imprisonment for life in the penitentiary: for the man who is sane enough to merit any punishment for his actions, deserves to undergo the full legal punishment, unless indeed a man can be sane, and not sane, at the same moment, or unless homicide committed by an insane man be only burglary, or petty larceny.

If we have wronged the government by accusing it of moral cowardice, and a silly truckling to the

whiz-zing sentimentalism of the day, we will, when it gives us the opportunity, be very happy to make all the amends in our power. That opportunity will soon present itself.

We see by the Upper Canada papers that two colored persons—man and wife—of the name of Robertson, have just been convicted of one of the most deliberate and cold-blooded murders we ever heard of. The particulars, as detailed in evidence on the trial, are as follows:—An Indian, who unfortunately had some money—a few pieces of copper—about him, came to the house of these Robertsons, and lighting his pipe, asked for a drink of water. The woman refused, but she plied him with whisky 'till her victim was tolerably stupefied: during these operations, says the witness, the jingling of the money in the Indian's pocket was distinctly audible. The remainder of the evidence we give in the words of the witness, who was the son of the prisoners at the bar:—

"The Indian then lay down on the floor on the bed. He was told to go home as well as he came, he said he would not till he got some sleep. He was told he must not sleep there—but he did and closed his eyes. Heard his father and mother whisper about the Indian, does not know what was said. His father and mother then rose, and his mother went out and brought in the axe. His father said that if the Indian rose and ran round the stove he would slay him. His mother then took the axe and struck the Indian on the head. The Indian jumped up three times, and his father clenched him and threw him down outside, he then held him with one hand and struck him on the head with the other. His mother then took the axe and hacked him. Thinks that they killed him for his money. After the Indian was killed his pockets were searched and only four coppers found. His father then said, 'damn the Indian it was not worth while killing him for all we got.'"

After his father threw the Indian down outside, the Indian said "if the Indians don't kill you the white people will hang you." His father struggled with the Indian before he got him outside. When the Indian was lying on the ground dead, his father got a stride of him, and took the Indian's knife out of his pocket, with which he stabbed him in the side once; he saw blood come out of the Indian's body; he then shut the knife up. After the Indian was dead his mother said he could go home, and his father said he could go to hell. They afterwards took the Indian on Saturday morning and carried him away towards where the Indian had been getting splints, they took the splints and axe belonging to the Indian and left them with him. After the Indian was struck in the house he lay on the floor, and his mother scrubbed it out with water and ashes. His mother and father put chips on the blood outside the door and burnt them; they also put ashes on the spots of blood.

The jury were satisfied with this evidence, and brought in a verdict of "Wilful Murder." It remains to be seen whether the government, in defiance of popular clamor, will do its duty; whether the demands of justice, or the importunities of a few maulin philanthropists will be the stronger. We await the result with some anxiety, for if these murderers be not hanged, never, never hereafter, will the executive dare to allow the sentence of death to be carried into execution, no matter how heinous the offence; to relieve the Robertsons, and to hang any other murderer, would be conduct so grossly inconsistent, that no ministry would dare be guilty of it. We may remark, in conclusion, that already the cry for the reprieve of the sentence justly passed upon the cold-blooded murderers of the poor Indian, has been raised; the same silly plea of insanity has been set up, and with the usual inconsistency, it is recommended that the convicts should not be hung, but sent to the Penitentiary for life! Insanity indeed!—there was no insanity when the woman took the precaution to wash out the marks of the blood of her victim with water and ashes: she knew well what she was about, and what were the consequences of her crime. The husband too was sane enough when rifling the murdered man's pockets he d—d him for being so poor: both man and wife were sane enough to endeavor to conceal all traces of their crime by burning chips, and sprinkling ashes on the spots stained by their victim's blood—that blood which cries aloud to heaven for vengeance. We shall wait to see if, in this case, the government will, for once, do its duty.

It may be objected to us that we would limit the glorious prerogative of mercy: we content ourselves with replying, that with mercy, properly so called, the executive has nothing whatever to do when deliberating upon what punishment shall be inflicted on the criminal: Mercy, strictly speaking, consists in forbearing from insisting upon the exercise of a right; but where no right exists, there can be no room for mercy. Thus, God is merciful, because, having the right to execute vengeance upon all His rebellious creatures, He forbears from the exercise of that right: had He not the right to execute vengeance, His forbearance would not merit the name of mercy. The wicked servant mentioned in the Gospel, St. Matt. xviii, was wanting in mercy towards his fellow servant, because, having the right to insist upon the payment of the hundred pence, he would not forbear from the exercise of that right; but, if no debt had been owing, it would have been no act of mercy for him simply to have abstained from insisting upon the payment of a sum to which he had no right; thus the idea of mercy pre-supposes right, on the part of him who shows mercy, and where there is no right, there can be no room for mercy, in the strict sense of the word. It follows, therefore, that mercy, as the opposite of vengeance, can be the prerogative of Him only to whom belongeth the right of executing vengeance. "Vengeance is mine" saith the Lord—to the Lord also, and to Him alone, belongs the prerogative of mercy. But man having no right to exercise vengeance, can have no opportunity to exercise mercy.

Were the object of human punishments vindictive, were they inflicted with the view of inflicting so much pain, for so much crime, then indeed we might call upon the executive to be merciful. But human punishments have no such object; there should be no idea of vengeance connected with the punishment which society inflicts upon its peccant members, for society has no more right, than has any one individual, of which society is composed, to exercise vengeance: it can have therefore no opportunity to exercise mercy. But society has the right to protect itself; it has therefore the right to do every thing which is necessary for its self-protection: the exercise of that