

The True Witness

AND
CATHOLIC CHRONICLE,
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MONTREAL, FRIDAY, APRIL 21, 1871.

ECCLESIASTICAL CALENDAR.

APRIL—1871.

Friday, 21—St. Anselm, B. D.
Saturday, 22—SS. Soter and Gatus, P. M.
Sunday, 23—Second after Easter.
Monday, 24—St. Fidelis of Sigmaringa, M.
Tuesday, 25—St. Mark, Ev.
Wednesday, 26—SS. Cletus and Marcellinus, P. M.
Thursday, 27—St. Hermenegild, M.

CHANGE OF OFFICE.—The office of the TRUE WITNESS has been removed to No. 210, St. James Street.

NEWS OF THE WEEK.

No great progress towards the putting down of the insurrection in Paris, and bringing that City in subjection to the Versailles authorities, has been made during the past week. There has been much fighting, much blood has been shed, many shells have been thrown into Paris, but still the *Reds* hold possession, and seem resolved to fight to the last. One hopeful sign is that the other large cities in France do not seem to be ready to take up arms in behalf of Paris, or of the *Commune*; and unsupported, Paris must yield, if M. Thiers and his party will but put forth a little energy. Provisions, it is said, are again becoming scarce in the beleaguered City, and we may therefore reasonably hope that before another week is over, the *Red* insurrection will have been played out. The news of the ill-treatment of the Archbishop of Paris has not been confirmed.

The triumphal entry of the German troops into Berlin will, it is expected, take place next month.

The *Gazette* publishes a statement of the proceedings to be adopted by the High Joint Commission at Washington for the settlement of the *Alabama* question, but it does not vouch for its accuracy. The basis of the arrangement is that neutrals shall be held responsible for depredations committed by vessels fitted out and manned in their ports. This does not touch the *Alabama* case—for that vessel was not fitted out in an English port.

Questions of damages are to be submitted to a commission composed of five members—of whom Great Britain, the United States, the Emperor of Brazil, the President of the Republic of Switzerland, and the King of Italy, shall each name one. A strange silence is maintained as to the action to be taken with respect to the Canadian Fisheries.

REFUSING TO KISS THE PROTESTANT BIBLE.

—The Police Magistrate at London, Ont., has been making an exhibition of his ignorance of the law, and his want of good manners. In a suit brought before him, referring to a case of non-registration of marriage the Reverend Father White, a Catholic clergyman, was summoned as a witness. On being sworn, a Protestant copy of the Bible was presented to him; to which the witness objected, and claimed the right, if sworn at all, of being sworn on a book which he recognised as the Bible, or Word of God. The Police Magistrate got very angry with this, and ordered the reverend gentleman to take the oath on the Protestant bible, under penalty of being sent to prison for contempt of court. At the suggestion, however, of a lawyer present, the Police Magistrate referred the matter, to the Crown Attorney, by whom an opinion sustaining the Rev. Mr. White's objections was given in the annexed letter:—

LONDON, ONT., April 6, 1871.

To L. LAWSON, Esq., Police Magistrate, London:
DEAR SIR,—I find it laid down in "Taylor on Evidence," 5th edition, vol. 2, page 1206, "that all witnesses ought to be sworn according to the peculiar ceremonies of their own religion, or, in such manner as they deem binding on their consciences. In order to ascertain what form is so binding, the court should inquire of the witness himself, and the proper time for making this inquiry is before he is sworn." There are several cases cited. A Mohammedan is sworn upon the Koran—Morgan's case; a Chinese is sworn by the ceremony of his breaking a saucer previously to the administration of the oath. It is, I think, I have no doubt therefore that a Roman Catholic may

object to be sworn on the Protestant version of the Scriptures, and that he should be sworn in such a manner as he deems binding on his conscience, and of this, he himself is the proper judge. I would recommend you in all such cases to note that the witness requires to be sworn in a particular manner, and the reason he assigns for that demand.

Yours truly,

CHARLES HUTCHINSON,
County Crown Atty.

—London Advertiser, Tuesday April 11th, 1871.

Accordingly the next Court day, a Catholic version of the Bible was produced, on which the witness was sworn, and the case proceeded. We find the following remarks on this affair in one of the local journals, the London Advertiser:—

Some little excitement was created in our Police Court the other day by the Rev. Mr. White, a Catholic clergyman who was in the witness box, refusing to take the required oath on the Protestant version of the Bible; and by Police Magistrate Lawson refusing to let him swear on the Douay version. County-Attorney Hutchinson, who was called on for advice, did not seem to be any better posted on the law in the case than the Magistrate, and so the matter was deferred for four or five days to give him an opportunity to wade through the Statutes. We understand he has since discovered that the law supports Mr. White, and we presume the fact will be duly announced in the court.

But whether or no this be the letter of the law, certainly the spirit of the law, as well as all ideas of justice should lead us to condemn the course of the magistrate. It is an admitted rule in our Courts to respect the religious scruples of a witness in respect to the oath. Some people, like the Quakers, refuse to swear at all, and the law accepts their solemn affirmation. A Jew would not swear on the New Testament though he would on the Old. A Protestant would doubtless be upheld in refusing to swear on the Douay version of the Bible; and we certainly cannot see either law or common sense in trying to make a Catholic swear on the Protestant version, which he considers in some respects false in translation. In the present case, the refusal of the witness to take the oath on the Protestant version would not have put the court to the least inconvenience, as he had a copy of the Douay version with him, which he produced and expressed his willingness to take the oath upon, and give his evidence without delay. It does appear to us that the conduct of the Police Magistrate had a greater tendency to delay the progress of business before the court, as well as bring the Bench into contempt, than to maintain the dignity of the law.

The Rev. Mr. White deserves our thanks for his resistance to the very improper, and illegal pretensions of the Police Magistrate; for though the kissing, or the non-kissing of a book can neither add to, nor detract from, the obligation of an oath, which consists essentially in the solemn invocation of the name of the Most High God, to the truth of what the deponent is about to depose—yet his kissing of the Bible implies that the book contains in his opinion, the Word of God; it is, in short, a sort of confession of faith in its purity and integrity. Now the Catholic does not look upon the Protestant version of the Bible as the pure Word of God, but as merely a corrupted and mutilated version of that Word; and the civil magistrate has therefore no more right to command him, by any outward act of worship, to profess a belief in, or respect for, that book, than he would have to order him to burn incense before an image of Caesar. This, too, is the law, which simply prescribes that every man called upon to testify in a Court of Justice, shall be sworn in the manner most binding on his conscience. It is astonishing that a man so ignorant of the law as this London Police Magistrate should be allowed to hold such a very important position; and it affords a melancholy proof that the stock from whence the Justice Shallows of Shakespeare's time proceeded, has its branches in North America in the days of Queen Victoria.

Our readers may remember that about two weeks ago we published a copy of an official document addressed to Mr. Jervois acting *charge d'affaires* at Rome, containing the protest of several British subjects against the outrages and indignities to which they and others of their fellow-countrymen had been subjected by revolutionary *ouille* at Rome, and the mercenaries of the Piedmontese intrusive government. The Montreal *Gazette* of the 12th inst., reproduces this important document, and appends thereto the following very excellent remarks:—

The signatures attached to this narrative place the authenticity of its statements beyond the region of suspicion. The name of Maziere Brady is of the highest standing, at all events among legal circles, in Ireland, having for many years quite recently been borne by the Lord Chancellor, created a baronet in 1869; while the stamp of the University of Oxford, and of Her Majesty's Indian and regular services vouches *prima facie* for two of his co-signatories. Nor will anybody suspect a Vansittart of Jexley Abbey, nearly related to the late Admiral Vansittart of Woodstock, Ont., as well as to Lord Jexley, of any undue leaning towards sympathy either with the temporal or the spiritual ascendancy of popery. And yet all these gentlemen write to testify to the brutal ferocity of the "patriotic" Roman mob, as well as to the sacrilegious ferocity of the Royal troops who desecrated a place of worship by acts of the cruellest and most cowardly barbarity. The millennium promised us by enthusiasts as to be immediately consequent upon the unification of Italy has evidently been indefinitely postponed. Perhaps, however, it only needs the return of Menotti and Ricciotti Garibaldi from their gallant exploits at Montmartre to bring about the reign of peace and good will so loudly prophesied by their party!—Montreal *Gazette*.

"Neque enim de spinis colligunt ficus, neque de rubo vindemiant uvam." Men do not gather figs from thorns, neither from the bramble bush can they pluck grapes. How then could they expect from a stock so foul, so corrupt as the Revolution, that aught good should spring. Theft and murder, lust and blood, perjury and sacrilege, are not generally deemed favorable to

the development either of the Christian or civic virtues, of liberty or order. How then can any have been so simple as to believe that the iniquitous attack upon Rome, and the momentary triumph of the escaped jail-birds, galley slaves, thieves, rogues, prostitutes, and all the obscene rabble of the Revolution who followed in the wake of the Piedmontese invading army, should have brought with them peace and liberty to that unhappy city? Is not Garibaldi *par excellence* the representative man of the Revolution in Italy? And is he not likewise together with the two blood thirsty cubs, his sons, the incarnation of that foul *Red* spirit in France, which distinguishes itself by murdering brave officers in cold blood, by pillaging churches, imprisoning priests and torturing the dignitaries of the Church? No not by the triumph of the Revolution will the reign of Christ on earth be inaugurated.

BLIGHTING EFFECTS OF POPERY.—*Romanism and Alligators*.—The Montreal *Witness* with his usual acumen detects, and holds up to public execration, the views of the Romish system, as manifested in the myriads of monkeys that haunt the forests, and of alligators that infest the rivers of the southern part of the Isthmus and Darien through which it is proposed to cut a canal connecting the Atlantic with the Pacific Ocean. Describing the physical aspect of this country, the *Witness* of the 12th inst. thus points out the pernicious influence of Romanism upon the fauna of the district:—

The general character of the country is favorable, being level and clayey. There is here and there a small town, but very few inhabitants in the country, the greater part of which is covered with the original forest, which is rendered vocal by the screeching of monkeys. The rivers are also well supplied with alligators; and this, by the way, is the condition of a country rich and fertile by nature, which has been for nearly three hundred years under the guidance and control of the Church of Rome, and until comparatively recently that intensely Catholic country, Spain.

A religion which encourages monkeys, and which tolerates alligators in a country rich and fertile by nature, must evidently be the "mystery of iniquity," alluded to in Holy Writ.

As in a measure connected with this subject, we may add that in a recent debate in the Lower House, Sir George Cartier stated that, of the convicts in the Provincial Penitentiary, one fourth only were from the Province of Quebec, the Romish section of the Dominion. Perhaps this comparative scarcity of criminals in Catholic Lower Canada, may to some appear a better illustration of the moral effects of Popery, than even the superabundance of alligators in the rivers of the Isthmus of Darien.

THE "PALL MALL GAZETTE," AND THE PAPAL SYLLABUS.—It is interesting to note how the Protestant press is continually, though unconsciously, doing justice to the Pope by endorsing the condemnations by him pronounced in his much abused *Syllabus*, on the popular errors, and fallacies of the day. For instance in an article which will be found in another column, under the caption, "*Cheating The Devil*," which we copy from the *Pall Mall Gazette*, that journal thus alludes to, and denounces the very popular error that "success makes right"—as for instance in the case of the late Piedmontese invasion of the Papal Territory. Quoth the *Pall Mall Gazette*:—

"To measure everything by its success, is to plunge into a morass of practical atheism, where there is no such foothold as abstract virtue, or the purity of a cause."

What is this but an amplification of the proposition condemned by art. 59 of the *Syllabus* in the following terms?—

"Jus in materiali facto consistit, et omnia humana officia sunt nomina inane, et omnia humana facta juris vni habent."

Right consists in the material fact; all human duties are but an empty name, and all human facts have the force of right.

The *Journal de Quebec* of the 12th inst. informs us that the petition to the Queen, in behalf of the rights of the Sovereign Pontiff, from the Catholics of the Diocese of Quebec, bearing the signatures of 29,011 men from amongst the clergy, the magistracy, the members of the liberal professions, and the leaders in the mercantile world—was to be forwarded that evening to Ottawa for transmission to Her Majesty. The names of the petitioners are ranged in four columns, and the petition is 244 feet in length.

The Catholics of New Brunswick with the Bishop of St. John's at their head are about to petition the local legislature of that Province to accord to them the same rights, and facilities for erecting Separate Schools as are enjoyed by the Protestant minority in the Province of Quebec, and by the Catholic minority in U. Canada.

The *Canadier du Canada* of the 10th inst. announces the death of the Reverend Mero Marie Anne Marcelle Mallet, the founder of the Sisters of Charity at Quebec. The deceased was in the 66th year of her age, and for 17 years had held the onerous position of Superior of the Community which she founded and which now numbers eight houses, with one hundred and twenty Sisters.—R.I.P.

On Monday evening, 10th inst., the *Union Catholique* celebrated its 13th anniversary by a public *seance* in the *Salle Academique* of the *Gens*. A splendid lecture on Baalbek, and its environs, was delivered by M. De Bellefeuille, chevalier of the Order of Pius IX.; and the Band of the College, at intervals, executed with much brilliancy several fine pieces of music from *Le Desert*.

On Friday last, a deputation of the congregation of the St. Patrick's Church, Quebec, waited upon Monseigneur the Archbishop, and in the name of their pastor, the Rev. M. M. McGauran, as well as in their own, expressed to His Grace the sentiments of respect and attachment with which they were inspired towards him. The Archbishop expressed himself much gratified by this deputation, to whom, together with the members of the congregation he gave his episcopal benediction.

THE MORMON FAITH.—The Toronto *Globe* is publishing a series of letters under the heading, "*Mr. Punshon's Expedition to the Pacific*." In one of these letters, No. 7, the writer describes his experiences of a Sunday at Utah, and gives the Mormon confession of faith, as he heard it expounded by one of the preachers. Really, with one exception, it does not seem to differ in any important particular from the "confession" of many of the other Protestant sects:—

"After prayer, a substantial-looking man arose leisurely, took off his overcoat, advanced to the rostrum and commenced his harangue. He took no text, but gave a lengthened exposition of the doctrines of the Church of Latter Day Saints established by Joe Smith. He dwelt upon the organization of the church, maintaining that it was the same as that which existed in the primitive church, viz: apostles, prophets, pastors, teachers, evangelists, &c. They recognized two orders in the priesthood—the Melchizedek and the Aaronic. The bishops who attend to the temporal wants of the people, the elders, the teachers, the deacons, the seventy, belong to the lower or Aaronic order. To the order of Melchizedek belong the presidency of the church—the prophet, President Brigham Young—and two vice-presidents, the twelve apostles, who are to travel and preach, and the council of the high priests. He maintained that the Lord took away the fulness of the priesthood when he established a law of eternal commandment under Aaron. This continued until Christ's coming. Even John the Baptist had not authority to lay on hands for the reception of the Holy Ghost. Christ gives this priesthood to the apostles. They had the keys of the kingdom of God. They had power to seal on earth and in heaven. This power the church lost, until it was re-delivered to Joseph Smith by the administration of a holy angel out of heaven in communication with him. The principles of the Mormon gospel, and the ordinances of the Mormon Church were four. 1st, Faith in the Lord Jesus Christ; 2nd, repentance of sins; 3rd, baptism by immersion for the remission of sins; laying on of hands for the gift of the Holy Ghost. They believed in the gift of tongues, prophecy, revelation, visions, healing, and interpretation of tongues. They believed the Bible to be the word of God, and also believed the Book of Mormon to be the word of God."

Except that they believe "the Book of Mormon to be the Word of God," which they have as much reason for believing as have those who reject the infallible authority of the Church for believing the Gospel of St. Luke, or the Epistle to the Hebrews to be the Word of God; and that they assign to Joe Smith a higher place as a Reformer, or restorer of the lost truth, than they do to Martin Luther—Protestants of the Mormon denomination differ but little in their faith from other Protestant evangelical sects. This—and this is the one important doctrine or article of faith in which Protestantism essentially consists and has its justification—and this we say is common to the Mormons and all other Protestant sects; to wit. That the Church as originally founded by Jesus Christ failed, lost its original endowments, and became incompetent to do the work assigned to it; and that in consequence it had to be reformed, by men especially raised up by God to restore the lost truths. Whether we look upon Martin Luther or Joe Smith as the reformer and restorer thus raised up, matters little. The principle is the same; and there is just as much reason for accepting Joe as the needed reformer, as there is for assigning that office to an amorous and lusty apostate German monk.

CORPORAL PUNISHMENT.—In the Senate, on the 8th inst., Mr. Christie moved for a return of all criminals who have undergone corporal punishment in the Dominion. He took occasion to denounce flogging criminals as a relic of barbarism which should be expunged from the Statute book.

Really we do not understand what the honorable gentleman means about flogging being a relic of barbarism. But granted that it be so. So also are the beastly crimes for the prevention of which it is resorted to; and therefore, in this case, the crime and the punishment are most admirably adapted to one another.

But if flogging be a relic of barbarism and should therefore be abolished, so also are all physical punishments; and the argument, if good in the case of the first, is equally good against all other punishments; against the jail, against handcuffs, against black cells, against hard labor, and low diet, against all physical restraints, pains, and penalties whatsoever.—All these were resorted to in what Mr. Christie

stigmatises as "barbaric times," and should therefore be expunged from the Statute Book. Bill Sykes, when convicted of having garrotted and maimed for life his fellow-citizen, or of some nameless outrage upon a little girl, should according to the "maudlin philanthropy" theory of which Mr. Christie is the exponent, be let off with a gentle reprimand from the magistrate; and his better feelings, not his back, his high moral sentiments, not his cuticle, should be appealed to, to deter him from again offending in like manner, or giving free scope to his brute passions.

This, we say it with all due deference to Senatorial wisdom, is what the profane call "gammon." Brutes in the shape of men should be treated like brutes in the shape of dogs when they offend, as the only protection that society has against their brutality. That punishment, no matter whether it be barbaric or not, which most effectually deters criminals from indulging their brutality at the expense of others, is the best punishment that society can inflict upon them. Now always in the criminal classes, the more animal is the predominant element, indeed the only part of their organization which is acutely sensitive, and to which an appeal can be made, with any hopes of success. Of hanging and flogging, above all other punishments, they have an especial dread; and the gallows and the whipping-post are the objects of their especial detestation. Numbers of them are only restrained from actual crime by a wholesome dread of the "villainous" cat-of-nine-tails, and the scaffold; and to abolish these, though a boon to them, would be to let loose upon society brutes more dangerous, more irreclaimable than mad dogs, or the tigers who haunt Indian jungles.

However most heartily will we rejoice to see these punishments, these relics of barbarism expunged from our Statute Book, provided only that that expunging be preceded by the expunging of those other relics of barbarism, the crimes for the prevention of which punishments are inflicted. Let the criminals begin first this expunging process, and then will it be time for the law makers to follow their example. But so long as relics of barbarism in the shape of certain heinous crimes, are in vogue, so long also should other relics of barbarism in the shape of severe corporal punishment be kept on the Statute Book as a terror to evil doers. Perhaps if Mr. Christie had undergone the barbarous process of garrotting, or if some one near and dear to him had been treated as was the victim of the dirty scoundrel lately flogged, and deservedly flogged at Toronto, his views as to the efficacy of corporal punishment would be considerably modified.

In the Lower House a discussion on the Scott murder came up on the 10th inst., on a motion by Mr. Rymal to the effect that the House regretted that no steps had been taken to bring the agents in that business to justice. Sir George Cartier replied. He said:—

"That every member of this House must deplore the horrible murder of Scott. It had been said in the Province of Ontario that the Province of Quebec sympathized with this murder. There was great excitement undoubtedly in the Province of Quebec, but this arose from the fact that certain journals in Ontario had stated that all the priests and Roman Catholics in the country were sympathizers with the murder. It was an easy matter for the Government, to clear themselves from the accusations contained in the motion. When that Act which was complained of was committed the Government had no jurisdiction in Manitoba, nor did that Province come under the rule of the Dominion until the 15th July, 1870. When the union took place, Manitoba came under an Act which gave to the Government of that country the right to administer its own criminal. This being the case, the Dominion could not interfere. If these men were in the Province, it would be possible for the authorities to arrest them; but it was supposed that the guilty parties were in a foreign country. Now, as the act of murder was committed before the Dominion Government had any jurisdiction in the Province they could not ask for their extradition."

The motion was defeated by a large majority.

Typhus fever is said to have declared itself in a very malignant form at Rimouski. Three residents in the Seminary are reported as having fallen victims to the disease. As it may spread, it is well to bear in mind that in ninety-nine cases out of a hundred, typhus is caused by bad air, and impure water. People should therefore ventilate their dwellings freely, and constantly look well to the condition of the water which they drink, as it has been shown by recent investigations that typhus is almost always the consequence of using water into which the filth from drains or cess-pools has found its way.

The Montreal *Daily News* of the 14th has an article on the Cemetery question which would be good, but that the writer makes the extraordinary blunder of confounding the *Mabrique*, with the Seminary of St. Sulpice!!! the fact being that these two bodies constitute two essentially distinct and independent Corporations. What in the name of all that is absurd does the writer in the *Daily News* mean by saying that "they owned the old cemetery in mortmain as part of their seigniorial rights in virtue of undisturbed possession." Lord Sydenham in 1840, representing the Crown confirmed their seigniorial rights!!! Is this meant for a joke?