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THE TRUE WITNESS AND CATHOLIC CHRONICLE.

MONTREAL, FRIDAY, SEPT. 24, 1852.

NEWS OF THE WEEK.

It is reported that the first Session of the new Parliament will be opened by the Queen in person upon Her Majesty's return from her Highland tour, about the second week in November. The game of the present Ministry seems to be to put off the evil day—when they shall be called upon to give a full and explicit explanation of their financial policy—as long as possible; for this, the meeting of Parliament has been postponed from the third week in October till the middle of November; for this too, it is announced that the autumnal session will be but of short duration; and thus the worthy Chancellor of the Exchequer will be spared the painful task of opening his Budget until after Easter; by this dodge a six-months' continuance in office is secured to the present occupiers. But though the Derby Ministry may stave off for a time the dangers which threaten it from without, there are dangers from within which seriously menace its vitality; it is, if report may be believed, a house divided against itself, for there are in the cabinet men who cannot, like Mr. D'Israeli, swallow their own words, and violate all their pledges made when in opposition. There are a few "wrong-headed and strong-willed gentlemen," as the *Liverpool Albion* terms them, who are disposed to "still insist upon a literal fulfilment of the promise to return to Protection." These "wrong-headed men" cannot be brought to understand why they should formally give the lie to all their former professions of political faith, and to their oft-repeated, and solemnly-made, promises to the agriculturists, for the sake of keeping Lord Derby and Mr. D'Israeli in, and Sir James Graham and the leading Peelites out, of office. "Mr. D'Israeli," we are informed upon the authority of the *Liverpool Albion*, "strives to stem the torrent of their folly, and to evade their pertinacious madness; but it is supposed that the end will be the summary ejectment from office of these troublesome and obstinate adherents of the impossible." Clearly, men with these antiquated notions of honor, and with such a scrupulous regard for truth, are quite unfitted to be members of a Derby Government; what England wants in her rulers is a more than "forty parson power" power of hypocrisy, and a fifty evangelical power "of quibling, shuffling, and equivocating."

Hardly has the Fishery dispute been closed, ere another "speck of war is to be seen looming on the horizon." "Guano" and the "Lobos Islands" have taken the place of "Cod fish," and the "Bay of Fundy," and the British Government will soon be able to boast that it has been as false to its engagements with a friendly government on the shores of the South Pacific, as it has been recreant to the duties which it owes to its own subjects and colonists on those of the North Atlantic; we say this because we know that in the "Guano" as in the "Fishery" question, the Derby Ministry will tamely succumb to the demands of the American Government. The story of the present dispute is shortly this:

Off the coast of Peru, between the sixth and eighth degrees of South Latitude, and at a distance of from 15 to 40 miles, lie two barren, uninhabitable islands, called the "Hither," and "Further Lobos." Though destitute of vegetation, these islands are of immense value in a commercial point of view, from the enormous deposits of Guano which have been allowed to accumulate for ages on their barren surface. Peru claims these islands as her's, on the grounds of discovery, contiguity, long recognised dominion, and such occupancy as the nature of the case admits; Great Britain has, by allowing her merchant ships to be seized for trespass, and by official documents, formally recognised the claim of the Peruvian Government, actuated perhaps as much by the desire of obtaining a monopoly of the Guano trade, as by any regard to the merits of the case; the American Government for its part, desirous of securing for its merchant ships a share of the lucrative Guano traffic, disavows the pretensions of the Peruvian Government, and puts forward a claim on the part of the master of an American schooner to have been the discoverer of the "Lobos Islands" in the year 1833—though, as if to prove the unwarrantableness of this claim on the part of Brother Jonathan, these islands are to be found laid down, and under the names which they still bear, in Spanish charts made upwards of a century ago—and in spite of the fact that, at page 185 of Commodore Anson's voyage round the world in 1740-1-2-3-4, mention of these islands, by their Spanish names—"Lobos de la Mar," and "Lobos de Tierra"—is expressly made; facts which do seem to militate against the claims of the American shipmaster. However, the American Government feels the importance of obtaining the right for its citizens to ship the Guano without paying tribute to a weak government in South America, and will not allow itself to be baffled by any abstract ideas of right and wrong; what the Yankees want they must have, and the Derby Ministry are not the men to show a bold front in opposition to the demands of the powerful; hence fresh disputes, more negociations, and new triumphs for the Yankees, but additional humiliation to Great Britain.

The conduct of the jury in finding a verdict of "Wilful Murder" against the heroes of the Sixmilebridge masacre is criticised, and severely commented upon by the Protestant press. The *Catholic Standard* has an admirable article in reply, in which he argues that it was impossible for the jury, upon consideration of the evidence laid before them, to arrive at any other conclusion as to the nature of the crime. The essential difference between "Manslaughter" and "Murder" is deliberate malice: where this ingredient is wanting, to kill is but "Manslaughter," perhaps "Justifiable Homicide;" but where it is present there can be no doubt that "Wilful Murder" is the only designation which can fitly be applied to the taking the life of a fellow creature. Now, upon the inquest, the "deliberate malice" of the soldiers was clearly proven: it was sworn to by one witness, a most unwilling witness against the military, that, in conveying the voters from Limerick, he distinctly heard the soldiers saying, one to another, "that they hoped it would not be necessary for them to *draw* the charges from their muskets on their return to barracks," thus implying that they did hope that they might have the opportunity of discharging their muskets upon their fellow-subjects. This evidence was not contradicted; the counsel for the soldiers did not even attempt to shake it: how then could the jury reject it, and how, accepting it, could they find any verdict save that of "Wilful Murder," against the inhuman entertainers of such a brutal blood-thirsty hope? Much stress is also laid by the *Catholic Standard* upon the fact, as recorded in evidence, that the officer in command of the troops did his best to restrain his men from firing—thence he argues that there could have been no necessity for firing. "The key" says the *Standard* "to the violent temper manifested by the soldiery, may possibly be discovered in the events connected with the city of Limerick election, which *preceded* that of Clare, and at which the military received, most improperly, some rough usage." The *Spectator*, though endeavoring to find an excuse for the conduct of the soldiery in *re-loading*, and firing upon a fleeing mass, evidently condemns the calling out of the military at all: they had no business there; the employment of them was a great mistake. "According to accounts which seem likely enough, the men who were professedly under the *protection* of the soldiers were really in *custody*. Mr. Delmege, who appears to be a young man, and who called upon the military to aid him in the evolutions of the day, seems to have made them *an instrument for carrying voters to the poll against their will, and in accordance with his own.*" This is the true statement of the case. Like convicts, the "free and independent" were being driven by the soldiery to the polls, to vote against their consciences for the support of a grinding and loathsome system of landlord and ecclesiastical tyranny: the populace expressed their indignation in no very measured terms, and were doubtless guilty of violence against the escort, though not to any serious amount: the soldiers, smarting under the recollection of the ill-treatment received a few days before at the city of Limerick election, gladly availed themselves of the opportunity of wreaking their vengeance upon the excited crowd before them: without waiting for orders from their commanding officers—nay, in violation of his remonstrances—they fired—*re-loaded*, and *fired again* upon the now utterly discomfited, and fleeing mass of men, women, and children. It is this stopping to *re-load* and *firing again*, long after all danger of violence from the populace, or appearance of danger, was completely at an end, that constitutes the blackest feature in the affair; if the first discharge was in self-defence, the second was an act of brutal and cowardly murder—a disgrace to the discipline of the British army—and an outrage to humanity. But it was in the sacred cause of Protestant ascendancy; it will therefore go unpunished: the blood of the victims of the Sixmilebridge massacre will still continue to cry out to heaven for vengeance; and vengeance will, must, come at last, for the Lord sleepeth not, and His ears are open to hear the cry of the desolate and oppressed. His Lordship the Bishop of Killaloe, has caused a solemn High Mass to be offered up for the spiritual repose of the murdered men. Upwards of 4,000 persons are said to have been present, amongst whom were many of the Catholic Clergy of Ireland. This has still further increased the rage of the Protestant enemies of Catholic Erin.

The news of the harvest is favorable, and the potato crops are said to be turning out pretty well after all. Great complaints are made all over the United Kingdom of the want of labor, consequent upon the daily increasing rush to the Australian Ophir.

The progress of the cholera is creating much alarm in Europe. In Russian Poland the disease is raging fearfully. The population of Warsaw has been reduced from 164,000 to 160,000; the deaths are about 200 daily; upwards of one-half of the cases terminated fatally.

The Grand Jury of the United States District Court have found true *bills* for manslaughter against the owner, captain, and engineers of the steamboat *Henry Clay*, declaring that said persons, by their misconduct and neglect, had caused the deaths of divers persons on board the said steamboat.

The steamer *Africa* has arrived, but her budget of news is as barren as was that of her predecessor. Dispatches from the Cape of Good Hope up to the 3rd ult. have been received; their contents are unsatisfactory. The Kaffir chiefs continue to pillage the colonists under the very walls of Graham's Town. The Rifle Brigade shot 100 Kaffirs on the 24th July, and captured some powder and stores; and the Governor has rather sarcastically called upon the colonists to send him a deputation of *fighting* men, to give at least an appearance of sympathy with his operations.

THE MAINE LIQUOR LAW.

In treating this much vexed question we are sorely puzzled by the contradictory nature of the arguments put forward by its supporters. One man admires it because, in principle, it is new—another man, because it is old. One Horace Mann says—"the Maine Law is as great a discovery in morals as steam is in physics." Some other man assures us, that there is no new discovery in the matter at all; that it is but an extended application of the old principle involved in the present license system—that it prohibits entirely, instead of only partially, and that it is based upon the same principle as that on which all the existing laws, regulating and restricting the liquor traffic, are based. According to the latter, it is absurd to object to the "Maine Law" as an interference with the rights of property, when it differs in *degree* only, and not in *kind*, from the licensing laws, and proposes merely to do, thoroughly and effectually, what the other can at best do but partially and very imperfectly. Then again we are called upon to do honor to a new Yankee Messiah, called Neal Dow, or some such name, who has discovered a notable plan for redeeming man by Statute, and whose mission is destined quite to eclipse that of an obsolete Galilean reformer, once in high repute, but now far behind the requirements of an enlightened and progressive age, though well enough suited for the dark times in which he lived. Thus we have two set of arguments to deal with, and though, of course, one must be false, it strikes us as a singular fatality attending the "Maine Law" men, that in both their arguments they are perfectly wrong.

The principle of the "Maine Liquor Law" is not new in the sense in which Mr. Horace Mann intends—neither is it old in the sense of those who attempt to draw an analogy between the prohibitory clauses of the "Maine Liquor Law" and the restricting clauses of the license laws. It is not new—for the principle of sumptuary laws is as old as ignorance and barbarism. There is no country in which, at some period, sumptuary laws have not been enacted, soon however to be repealed, because not enforceable: they have ever been the favorite resource of ignorant, incompetent, and dishonest statesmen. Articles of dress, and articles of diet, long beards, and short breeches, have, in turn, been made the subjects of legislative interference. A King of England—"a most dread Sovereign"—launched his thunders against the pestilential fumes of the good creature tobacco. In our days the Chinese have enacted, and vainly attempted to put in force a "Maine Law" against the growth, importation or sale of opium—nay, the savages of Australia have a "Maine Law" of their own, which prohibits the use of Emu flesh, and of certain other luxuries, to women, and to young men before their front teeth are knocked out. In so far as the "Maine Liquor Law" is a sumptuary law—that is a law imposing restrictions upon the use of an article of luxury, not *malum per se*, for other than revenue purposes—it is but a feeble and clumsy imitation of the most feeble and clumsy legislative enactments of the most ignorant and barbarous ages. Neither is the principle of the "Maine Liquor Law" old, as recklessly assumed by those who attempt to argue from the right of the State to exact the payment of a license fee from the dealer in liquors, to the right of the State to prohibit the traffic altogether, and who assert that if the State has the right to place certain restrictions upon, it must needs have the right to prohibit altogether, the manufacture, importation and sale of alcoholic beverages.

These men, leaving out of sight the sole object of these restrictions, argue as if the right to manufacture, import, or sell liquor, were a right derived *from* the State, and that, consequently, the State has the same right to prohibit, as to impose restrictions upon, the liquor traffic. This is another false principle of the "Maineacs," which we hope we may be excused for alluding to at some length, as we find it often made use of by lecturers on the "Maine Liquor Law," both in, and out of, Parliament.

We contend that the right to manufacture, import or sell liquor, is not a right primarily derived from the State—that is, not a right of State creation, and which the State may therefore abrogate at its pleasure. Naturally a man has just as much right to manufacture, import or sell a cask of wine or beer, as he has to manufacture, import or sell a hogshead of sugar, a chest of tea, or any other article not *malum per se*. But the State has the right to raise a revenue upon all manufactured, imported, or merchantable commodities—whether they be sugar, tea, or spirituous liquors. Acting upon this universally recognised right, the State has, for revenue purposes, placed certain artificial restrictions upon the undoubted natural right of every man to make, import, or sell, that which is not *malum per se:* and these artificial restrictions, being of State creation, and of State imposition, the State has the right to enforce, relax, modify or remove altogether, as it sees best for the attainment of the sole object for which it has the right to impose them, viz.—the raising of a revenue from the imposition of a duty, or tax upon the manufacture, importation, or sale of articles not of primary necessity. But to attempt to argue from the right of the State to impose restrictions upon the liquor traffic for *financial* purposes, to the right of the State to prohibit the traffic altogether, for *moral* purposes, is pre-eminently absurd: it is an argument which convinces us only of the bad faith, or worse logic of those who employ it. As well might it be argued that the individual has no right to keep a horse, or drive a buggy, because the State exacts the payment of a tax from the owner of the horse and buggy; or that, because cab-drivers and carters in the streets of our city are compelled, by municipal regulations, to take out a license ere they can be allowed to ply for hire—the Corporation has the right to prohibit altogether the manufacture, importation, sale or hire of all cabs, carts, and other vehicles within the city. We do not overlook the fact that magistrates, in granting licenses for the sale of liquor, are, and ought to be, influenced by the moral fitness of the applicant for a liquor license, or that the holder of such a license is subjected to certain stringent police regulations, from which traders in other commodities are exempt. The same holds true of the licensed cab-driver and carter as well, whose conduct is strictly scrutinised, and whose fares even are regulated by laws, any violation of which exposes them to the loss of their license. This is quite proper, and is but a further confirmation of our proposition. Certain conditions are exacted from the licensed dealer in liquors, and from the licensed cab-driver or carter, from which other tradesmen are exempt, because a secondary effect of the financial system—which imposes upon all the community the obligation of paying a license fee ere they can sell liquors, or ply for hire—is, to make the condition of the licensed dealer, cab-driver, and carter, better than it would have been had no such financial system been in existence. Though intended solely for the purpose of raising a revenue—in operation, the license system acts as a protective duty, by securing to the licensed dealer, cab-driver, and carter, a monopoly in their traffic; the licensed dealer is thus benefitted by the system, not in that he is permitted to sell, but in that all others are prohibited from selling. Being thus specially privileged and benefitted by the indirect action of certain financial regulations, the State has the right to exact that the person so privileged and benefitted shall submit to certain police regulations, from which others not so privileged or benefitted are, of right, exempt. By bearing in mind then the fact that the sole reasons upon which the State can claim the right to impose restrictions upon the liquor traffic, or exact the payment of a license fee from the liquor seller, cab-driver, or carter, are reasons of financial policy, we see at once the absurdity of the pretensions of the "Maine Liquor Law" men—that their pet law is but a more extended application of the principle upon which the license system is based. In truth there is no analogy betwixt them.

We should never stop were we to attempt to refute, one by one, the arguments of our "Maineacal" friends; there is not an old exploded fallacy, not a single worn-out, and oft-refuted sophism which they have not furbished up to do service in their cause; we should but exhaust our paper, our ink, and, we fear, the patience of our readers, were we to deal with them in detail and *seriatim*. Ere we conclude, we must at least expose the fallacy of another of our opponent's arguments. We quote from an article, headed, "The way to put down all opposition to the Temperance cause"—from the pen of a Rev. Joel Fisk, formerly of Canada—and which we find in the *Montreal Witness*. After declaring "that *Legislative Enactments* must come in to give *authority*" to the Temperance cause—a statement which we utterly deny, as such *authority* can come only from God speaking through His Church, the writer continues—

"As believers in the Gospel have the protection of law and the aid of the civil arm in this enlightened land, in removing all hindrances to their worship, so let the friends of Temperance have like protection and aid."

Amen—say we heartily to this. Let them have *like* protection and aid from the civil arm, and *no more*. The duty of the State in Canada is simply the duty of non-interference—not to interfere itself, or to allow any one else to interfere, with any man's religious opinions. The civil arm protects every man in the free enjoyment of his religious opinions, leaving him free to worship God as he thinks fit, or free not to worship God at all if he likes that better; it prevents any man from enforcing his peculiar religious opinions upon his fellow-citizens, and whilst leaving all at liberty to make converts by moral suasion, if they can, it affords assistance, in the work of proselytising, to none—*like* protection and aid should be given by the civil arm to the Protestant Temperance men, and *no more*. No man should have it in his power to compel his brother to drink, or not to drink; and whilst every man should be left at full liberty to induce his fellow-citizen to take the Temperance pledge, the civil arm should afford assistance, in the work of proselytising, to none. But this would not satisfy Mr. Joel Fisk and his friends; it is not "*like protection and aid*" that they want; it is a legislative enactment to compel every man to adopt their peculiar views, and manner of living. Our author also cites the conduct of the Thersatha, or Persian Governor of Jerusalem, recorded 2 Esdras, 13 c., 21 v., who threatened to punish the merchants who exposed their wares for sale beneath the walls of the city on the Sabbath day; but our author must remember that in selling, or offering for sale at all, on the Sabbath day, without any reference to the quantity, or quality, of goods offered for sale, the merchants were violating the express commandment of God, and were therefore guilty of an act *malum per se;* unless he is prepared to maintain that the sale of alcohol-containing liquors is, always, and under all circumstances a breach of an express commandment of God, and therefore, without reference to the quantity or quality of the liquor sold, an act *malum per se*, we see not how he can find a precedent for his "Maine Liquor Law" in the conduct of Nehemiah. One more extract from Mr. Joel Fisk, and we must conclude. What will Catholics say to this?—

"Alcohol is a poison; the use of it as a beverage is injurious,—injurious to property—to health—to life; injurious to domestic peace—to public tranquillity—to all our best interests for time and eternity."

We admit that *adulterated* wine and *adulterated* brandy are highly injurious to the human system, in any quantities, but it is not in that they *are* wine and brandy, but in that they *are not* wine and brandy.—An objection valid against the *adulterated*, is worthless against the *unadulterated*, article, and furnishes us with an argument for severely punishing the fraudu-