

**The True Witness**  
AND  
**CATHOLIC CHRONICLE.**  
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At No. 225, Notre Dame Street, by  
J. GILLIES,  
G. E. CLERK, Editor.

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We beg to remind our Correspondents that no letters will be taken out of the Post-Office, unless prepaid.

**MONTREAL, FRIDAY, JANUARY 20.**  
ECCLESIASTICAL CALENDAR.

JANUARY—1865.  
Friday, 20—St. Fabien and Sebastian M.M.  
Saturday, 21—St. Agnes V. M.  
Sunday, 22—Third after Epiphany.  
Monday, 23—Espousal of B. M. MARY.  
Tuesday, 24—St. Timothy, B. M.  
Wednesday, 25—Conversion of St. Paul.  
Thursday, 26—St. Polycarp, B. M.  
The "Forty Hours" Adoration of the Blessed Sacrament will commence as follows:—  
Friday, 20—St. Andrews.  
Sunday, 22—Maternity Convent, Montreal.  
Tuesday, 24—St. Timothy.  
Thursday, 26—Conversion of St. Paul.

**NEWS OF THE WEEK**

The great event of the week, of the year, of the present century, has been the appearance of the long expected Encyclical of the Holy Father. At last it has been given to the world, and all Protestantism is aghast. Its press knows not what to make of it. The *Saturday Review* and the *Telegraph* have seen it, and seeing they have cursed and trembled. The *Times* has uttered its voice, lifting up its hands on high, in amazement at the audacity of the writer, and in deprecation of his out-spoken hostility to "progress, liberalism, and the spirit of the age"—for so runs the formula of the nineteenth century cant. A voice has indeed gone forth which will resound to the uttermost parts of the earth; which will irritate yet more the bell-born progeny of the revolution, but which speaks words of comfort to the children of the light, and inspires their hearts with fresh courage. Never since the days of Hildebrand of blessed and glorious memory, has Pope assumed a firmer tone towards the powers of darkness; never has the Holy See more plainly asserted its heaven-derived and inalienable authority over all peoples and over all princes, over all nations and over all thrones, than it has to-day, when to the eyes of impious men, it appears as if Pope and Papacy were tottering to their fall. No wonder then that the audacity of the Pontiff who thus speaks, not to sue for mercy but to command, not to deprecate the wrath of his enemies, and the enemies of his Divine Master, but to rebuke them, but to exhort them to repentance, is a moral phenomenon as offensive as it is incomprehensible to those who believe in the electric telegraph, and in the steam engine, and in guano, and in brute force generally; but who believe in nothing else in particular, unless it be in Turning Tables, and in household furniture miraculously, not to say devilishly, endowed with superhuman intelligence, and prophetic insight.

The chief event of political importance in the British Islands has been the great meeting in Dublin at the Rotunda, under the auspices of his Grace the Archbishop of Dublin, most of the Prelates of the Irish Church, and of a large and influential body of the laity. The object of the meeting was to organise a political association for the securing by constitutional means, a reform in the laws affecting the tenure of land, the abolition of the Parliamentary Church Establishment, and the recognition of freedom of education. All passed off quietly, in spite of an attempt by the Orangemen and the Fenians—a well matched pair, and both inspired with a bitter hatred of the Catholic Church—to create a row.

There is nothing new to report concerning military operations in the States. Peace rumors are again rife, and are acquiring a semblance of consistency. The ostensible terms are said to be these: The South to lay down its arms, and to be re-admitted to the Union upon its former footing—minus slavery. That the South, after its heroic efforts, and with its cause by no means desperate, will accept those conditions is doubtful. Yet stranger things have come to pass; and we should not be surprised to see North and South once more leagued together on a private understanding that the former shall annex the British North American Provinces, and shall then give its aid to the South to expel the French from Mexico, and to annex the latter to the Southern section of the great republic, as a set off to the increase of political influence in the Congress that the annexation of the British Provinces will confer upon the Northern section. The hostility of the Northern States to Great Britain is of

long standing; and late events, the monstrous partiality displayed by the British Government during the course of the war in favor of the North, which it has furnished with arms and materials of all kinds for the conquest of the South, has naturally aroused in the latter an intense hatred of, and contempt for England. This communitary of hatred may go a great way to induce the Southerners to accept a peace which will enable both North and South to indulge their common desire of vengeance upon a power which they regard as their common enemy.

The Federal Senate, by a large majority, has agreed to give the stipulated twelve months notice of the repeal of the Reciprocity Treaty. It seems that Great Britain, following in this the lead of the Northern States, is about to place a naval force on the Lakes, under the command of Capt. Sherrard Osborne.

Judge Smith has postponed till the 10th of next month the consideration of the case of the St. Alban Raiders, in order to give the latter time and opportunity to procure from Richmond proof of their alleged status as duly commissioned officers in the Army of the Confederate States.

The *Journal de Quebec* asks the question:—  
"Marriage and Divorce, ought they, *doivent ils*, to be the attributes of the federal parliament, or of the local legislature?"

We reply "of neither;" since the *Journal de Quebec* raises the question of right, "ought they to be?" By right, according to the strict idea of *devoir*, neither local nor central legislature can claim either marriage or divorce amongst its attributes; and if either of the above-named bodies legislate thereupon, it is *ipso facto* guilty of an act of usurpation against the Church, and a blasphemous assumption of the attributes of God Himself.

In so far as "divorce" is concerned, no tribunal upon earth has, or ever can have the right or power to grant a divorce; and though we, Catholics, being in a minority may not be able in our actual social and political condition to prevent the aggressions of the civil magistrate upon the law of Christ, yet should we be always most careful never, either directly or indirectly, to appear even as sanctioning those aggressions: never should we refrain from shouting in his ears "One with one, and for ever; whom God hath joined together, let not man put asunder."

With respect to "marriage" the Church has spoken by the Fathers of the great Tridentine Council. Marriage considered *per se* is the attribute of the Church, exclusively; the civil accidents that thence may accrue, but these alone, form the legitimate subject of civil legislation. To which then—to the central or to the local legislature—should the power of legislation upon these civil accidents, be accorded? This in its last analysis is the only question that Catholics can descend to discuss; and it is one on which we would respectfully offer a few remarks to the *Journal de Quebec*—remarks which we assure our contemporary are dictated by no captious spirit.

According to the programme of Union, agreed to by the Quebec Conference, "property and civil rights" are to be the legitimate attributes of the local governments, not of the central government.

But, as in his issue of the 12th, the *Journal de Quebec* eloquently and conclusively argues, marriage, on which depends the Family, is itself the "social formula"—(*la formule sociale*)—without which neither property, nor civil rights to property can exist:—

"It—marriage—is to property what form is to bodies; \* without the one, the other cannot exist."

If then "property, and civil rights to property," be so inseparably connected with marriage, that one cannot exist without the other; and if "property and civil rights" are indeed to be the attributes of the local, not of the central legislature, it follows as a logical consequence, that marriage—(or rather the civil accidents accruing from marriage, in so far as these belong to all to the domain of the civil magistrate)—must be classed amongst the peculiar attributes of the local legislature; otherwise "property and civil rights" would be made over to the central legislature as the attributes of the latter, since all property and civil rights have their basis in marriage, and are the civil accidents thence accruing.

We respectfully submit these our opinions to the *Journal de Quebec*, as opinions which to us seem to be in accord with the dogmatic teachings of the Church upon the questions of "Marriage and Divorce;" and to be the logical sequence of the principle laid down by the Quebec delegates, to wit—That "Property and Civil Rights" are to be amongst the subject matters of local legislation.

And in striking confirmation of our opinions, we find it stated in the *Courrier du Canada* of the 11th, that seven Catholic members of the Quebec Conference protested against the assumption of the Protestant delegates, to decree "statute" on this matter—*i.e.*, marriage: and the *Courrier* continues:—

"Convinced that to authorize divorce is to drag \* (For instance, the soul is the form of the man.)

society back to the morals of paganism; the Catholic delegates \* \* \* could not accord to the civil law, the right of ruling this matter. Upon this question, they could make no concession, for to have done so would, in principle, have been a recognition of the legitimacy of divorce."—*Courrier du Canada*.

Now as the "principle" at issue, *i.e.*, the legitimacy of divorce, whether we recognise the right of legislating upon the matter as residing in the central, or in the local legislature, is precisely the same; and as this is a question upon which "no concession" can be made by the Catholic, since by so doing he would, in principle, recognise the right of a civil tribunal—(either the central or the local legislature, in principle it matters not one straw which)—to legalise divorce, it follows logically that neither in the central nor in the local legislature, ought of right the attribute of legislating upon the matter of divorce to be recognised. If this were a question upon which we could make concessions, we might discuss it simply as a question of expediency. "Whether is it more expedient to assign the function of legislation upon divorce to the central or to the local legislature? But it is a question of principle, not of expediency; a question upon which as the *Courrier du Canada* well observes, "no concession, AUCUNE CONCESSION," can be made either to central, or to local government, as thereby Catholics would recognise, in principle the possible legitimacy of divorce; and in so far as this principle is concerned, it is quite as much violated by recognising divorce as one of the attributes of the central legislature, as it would be by recognising it as an attribute of the local legislatures. If principle bids us to refuse it to the one, principle, Catholic principle, no less bids us to refuse it stercorally, inexorably to the other; and therefore upon the principles laid down by the *Courrier du Canada*, we maintain that neither in central nor in local legislature should Catholics recognise, or even seem to recognise any right to legislate upon divorce.—

Their duty seems to us to be this: To place on record their unanimous, even if ineffectual, protest against the assumptions of a Protestant majority. Again we repeat it, *ad nauseam*, if you will—this is a question not of expediency upon which it is permitted to yield, but a question of principle upon which "no concession, AUCUNE CONCESSION," can be made; and it is quite as immoral, lully as base a denegation of principle, to recognise the right of the central legislature to legislate upon, and therefore legalise, divorce; as it would be to recognise a similar right as existing in any one of the local legislatures. The argument of the *Courrier du Canada* against any such recognition in either case, on the part of Catholics, is unanswerable, and absolutely conclusive.

The *Minerve* will we trust allow us to make a few comments upon a passage which appeared in its columns, the other day, and in which our contemporary spoke of us as opposed to Confederation. This is not strictly true. We are not opposed to Confederation, although we do not approve of the details of the plan of the Union of the B. N. A. Colonies, adopted by the Quebec delegates. If indeed we approved of the programme by them drawn up, we might well be said "to be opposed to Confederation,"—because in that programme from first to last, the idea, or fundamental principle of Confederation is ignored and set at naught. Our objection to it is this:—not that it contains a plan of Confederation, but in that it does not contain it, in that instead of a Confederation it proposes to us a system of Union the very opposite, or contradictory of Confederation. The very essence, the condition *sine qua non* of any conceivable Confederation is this:—That the States parties thereunto, are Sovereign and independent; and that the Central Government is their creature or agent exercising certain well defined powers by them especially delegated to it. Whether such a system of government is good or evil? is a question which we care not at present to discuss. This much may be said in its favor: that its adoption by the thirteen Colonies of North America enabled them to live together in peace and harmony for many years, and postponed the inevitable civil war now raging, for three quarters of a century; and that had they adopted a more highly centralised form of Union such as that which it is proposed to confer on the B. N. American Provinces, they would have been cutting one another's throats before the close of the first half century of their national existence. The longevity of the American Union was due entirely to its non-centralising or Federal character.

The *Minerve* seems also to mistake the extent as well as the object of our opposition to the Quebec scheme of Union. We see with sorrow the difficulty of our position. We recognise that during 1864 Lower Canada has lost ground fearfully, and that Mr. George Brown and his Clear Grit friends have got altogether the whip-hand of us. We are not where, or what we were, a year ago. The enemy is in possession of all the outworks, and threatens speedily to establish himself in the citadel itself. We have been worsted,—and Mr. George Brown is so far triumphant and our master, that prudence dictates to us the expediency of entering into negotiations with the enemy—and since we must

capitulate, of endeavoring to obtain the best terms possible for ourselves and our institutions. We do not think that such "best" terms have been obtained. Low as we have fallen, disastrous as the last year's campaign has been to us, we still think that by a united and a vigorous effort, less ruinous conditions of capitulation might be obtained; and that though we must march out of the place, we should at least contend for the ordinary honors of war. This is the scope, or the extent of our opposition, for we scarce believe it possible for Lower Canada ever again to occupy the old vantage-ground which she last year abandoned. It is no use, as the proverb says, crying over spilt milk, and we must just try and make the best of a bad, of a very bad bargain. Owing to our own accursed internal divisions, to that greed of office which obtains amongst us, and to our lamentable deficiency in honest principle and negation of self, we have allowed the common enemy to effect an entrance within our defences: we cannot now, it is to be feared, cast him out or exorcise him; and we must therefore speak the foul fiend fair—and must endeavor by gentle means, and by such concessions as he may please to accept, to persuade him to take his departure before he has runned us utterly, soul and body.

The plain statement or explanation of the case is this. Lower Canada could never have held her own so long as she has, against Mr. G. Brown and the Clear-Grits, but for the co-operation of the British Conservative party; and so long as these remained true to us, our position was impregnable. For some time past our British Allies have manifested much uneasiness, and have displayed a design to join with our enemies; and it is to this desertion, or threatened desertion of our quondam allies that must be attributed our late reverses, and the consequent necessity imposed on us of capitulating, or coming to terms. Several years ago, and during the discussions on the Clergy Reserves Bill, the TRUE WITNESS clearly foresaw, and repeatedly foretold what would be the inevitable result of the impolitic, and anti-Catholic course pursued on the secularisation question by *soi-disant* Lower Canadian Conservatives. We told them that by supporting secularisation, they were alienating their best friends, the British Conservative party, without whom they could not expect long to uphold the autonomy of Lower Canada. At the same time, Mr. George Brown in the *Globe* used to congratulate his friends on the certainty that secularisation would soon be followed by the "cordial hearty and complete junction" of all the Protestants of Canada against Catholic Lower Canada. And yet, in spite of these warnings, and remonstrances, our precious Catholic legislators, as deficient in prudence, as in religious principle, for the sake of a temporary party advantage, consented to give deep and unardonable offence to their best, to their only faithful allies, the British Conservative party; and to place on our Canadian Statute Book, to their own indelible disgrace, the damnable proposition now formally condemned by the Sovereign Pontiff in his late Encyclical, that "It is desirable to remove all semblance of connection between Church and State."—18th Vict. C. 11.

If we contrast the above enunciation of principle by our so-called Catholic and Conservative legislators, with the proposition 55, just formally condemned by the Pope—to wit,—

"The Church ought to be separate from the State, and the State from the Church"

we shall see no reason for wondering at the difficulties of our present position. We are superstitious enough to believe that national crimes merit, and often bring down on the guilty nation, national punishments. We are sufficiently ultra-montane to believe on the word of the Successor of St. Peter, that in formally consenting to the principle that "it is desirable to remove all semblance of connection between Church and State," our Catholic legislators were deliberately guilty of a great national sin and of quasi national apostasy: and in the political embarrassments which have since overtaken us, in the desertion of our former British Conservative allies, and in the consequent necessity of submitting ourselves to the rule of Mr. George Brown, we distinguish its just, inevitable and most appropriate punishment—of which the end however has not yet arrived.

The question of Union is still the subject of lively discussion by the press of the Lower Provinces. In Nova Scotia if the hangers on of the Ministry, and expectant office-holders support the scheme, the wealthy and independent classes oppose it. Amongst its most talented supporters may be named the *Halifax Witness*; this paper applauds the scheme because if carried out, it will give us a purely legislative Union, such as obtains betwixt Great Britain and Ireland:—

"Some would prefer a Legislative union; but that having been found impracticable, the alternative now is a Federal union or none at all. It should be noted that the central government has paramount authority conceded to it, and that it will in effect be as strong in relation to the several Provinces as the Imperial Parliament is to the Kingdoms of Scotland and Ireland."

This is precisely what the TRUE WITNESS has said all along.

**THE TWO MEASURES.**—It is always instructive to note how different is the measure with which Protestants mete out to Papists, from that with which they measure out to themselves. They have two distinct, and contradictory laws of right and wrong; so that those things which are praiseworthy and to be encouraged when they tell for the benefit of Protestant institutions, are blame worthy and to be suppressed by the strong arm of the law, when profitable to mere Papists.

Our readers will remember how a few years ago a Bill was brought forward in the Provincial Legislature for discouraging all bequests to Catholic charitable institutions, by making all such bequests, if made within less than six months of the death of the testator, null and void. Had this liberal measure become law a few years ago—as no doubt it will within a few years after the accomplishment of the proposed Union of the B. N. American Provinces—any bequests made to the St. Patrick's Orphan Asylum would have been forfeited by that noble institution, in case of any fatal accident happening to the testator within less than six months after the signing of his will. The principle, as applied to Catholic institutions is, that all such bequests are bad, and should be discouraged as much as possible. This too is the burden of all the most popular anti-Catholic literature of the present day; and some late French novels, said to be the work of an apostate and degraded priest, have for their chief object the inculcating of the moral that it is essentially vicious for a dying person to devote his property to purposes of religion or of charity.

Very different, and far more in consonance with the fundamental principles of civil and religious liberty as well as of Christianity, are the laws with regard to the obligations of property, that Protestants lay down in their own behalf, and in behalf of their own institutions.—These, it appears, it is the right and indeed the duty, of the dying man to remember in his last testament; and the little ones of Christ's fold—(provided they be not Papists of course)—have an especial claim upon the rich man, and on the good things of this world wherewith the Lord has blessed him. We have as we write, before our eyes, the "Annual Report of the Protestant Orphan Asylum," wherein this principle is broadly laid down:—

"It is the bounden duty of every man to the best of his ability to make provision for those near and dear to him, when he shall be called away to account for the talents committed to his charge on earth."

"This is generally done by his last will and testament. When apportioning his worldly goods amongst his loved ones—will he not also consider and reckon amongst them those 'little ones' whom Christ cherished, and for whose care He hath offered so many blessings? The legitimate heirs of the man who does so, will never be the poorer, either in this world or in the next for sharing a small part of their inheritance with their orphan brethren."

"The endowment of charitable institutions is the pride and ambition of the Briton. From day to day we hear of bright examples of princely donations to that effect. It is the only way of perpetuating such institutions. In this comparatively new country, and where princely fortunes are not so abundant, we have hitherto depended mainly on annual and other precarious resources, not only for endowment, but for our daily sustenance. But we also have some 'Merchant Princes' in our happy Provinces. May we not hope that the bright examples given us at home may be followed here, and this humble charity be some day placed in a fair way to be beyond the necessity of annual solicitations?"

Far be it from us to call in question the principle here laid down, as to the duty which property imposes upon its possessors; far from us be the design of sneering at the amiable and well meaning Ladies by whom the Protestant Orphan Asylum is managed, because our faith is not their faith; but we do claim the right to point out, and to insist upon the glaring inconsistency between the principle which these Ladies lay down, and that which dictated the Bill for making invalid all bequests to Catholic religious and charitable institutions, if made less than six months before the death of the testator; thus defrauding the orphans of their rightful inheritance, and preventing the rich man from doing what Protestants declare to be his duty.

**LOOK OUT FOR HIM AT THE ANNIVERSARIES.**—A writer in the *Montreal Gazette* tells a sad story of the disappearance of an Elder, a man of great professional piety, with the funds of a society of which he was Secretary and Treasurer. Thus "vessel" had, it seems, taken the precaution of mortgaging his property "for more than thrice its value;" and it is added that the saintly man is much regretted by the widows and orphans of the district, whose funds he had in his keeping. "The poorest of the poor," says the *Gazette*, "widows, and orphans bereft of both parents are among those whom he has left lamenting." We scarce know what advice to give in the premises; but it is very probable that the missing Elder being a pious man, may turn up at the approaching Anniversary Meetings, with a benevolent project for converting those poor blinded Papists from the errors of their way. He is at all events just the stuff out of which your evangelic Swaddlers are for the most part made; and he may very probably be detected moving or seconding a motion at the Annual Soiree of the French Canadian Missionary Society. It is then and there that birds of his feather usually congregate.