

The True Witness

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MONTREAL, FRIDAY, MAY 24, 1872.

ECCLIASTICAL CALENDAR.

MAY—1872.

Friday, 31—St. Angela Merici, V. JEUNE—1872. Saturday, 1—Of the Octave. Sunday, 2—Sunday within the Octave of Corpus Christi. Monday, 3—Of the Octave. Tuesday, 4—St. Francis Carmicciolo, C. Wednesday, 5—Of the Octave. Thursday, 6—Octave of Corpus Christi.

PROCESSION.—On Sunday next within the Octave of Corpus Christi, the usual Procession in honour of the Blessed Sacrament will take place. It will gather at the usual hour in front of the Church of Notre Dame, and will follow the lines of Notre Dame, St. Joseph, Mountain, St. Antoine, Craig streets, across Place d'Armes to the place whence it started.

NEWS OF THE WEEK.

The past week has produced nothing of importance to note. The Senate of the United States has been debating the supplementary article to the Washington Treaty, and discussing the several amendments brought forward. The impression is that the said article will finally be adopted with the approbation of the required majority of the Senate.

The troops of the intrusive government of Spain continue gaining great, and final victories over the routed Carlists. Of the insurgents, some two-thirds have been slain outright we are told; another two-thirds of them or perhaps more, have been captured and the remainder have dispersed, and thrown away their arms, so that the number actually in the field must be small. Still, somehow or other, they continue to show fight, and to cause the government much uneasiness. There is no change in the state of affairs at Rome to report.

As will be seen in another column there has been a lively and important debate in our Canadian Parliament on the New Brunswick School Law. The state of the question, as it now stands before the House, is this—It is moved that since there are doubts amongst the lawyers, as to the constitutionality of the New Brunswick School Law of 1871, and of the duty of the Federal government to disallow it, because of the somewhat ambiguous wording of the section of the British North American Act relating to school legislation in the several Provinces—an address be laid before the Queen, praying for such amendments in the said Act, as shall remove these doubts, and secure to the New Brunswick Catholic minority, the religious liberty and freedom of education that they demand. This motion if carried in the Legislature of Canada—as we think it will be—since the Conservative party is strong, and if true to its principles must be in its favor; and if supported by the recommendations of the Federal Government as it certainly ought to be—will have the effect, no doubt, of giving our New Brunswick co-religionists the relief to which they are entitled. We await with anxiety the decision of the House on this great and to Catholics most interesting question. If this scheme does not answer however, some other must be tried.

Heavy rains have fallen since our last, refreshing the parched earth, and giving us reason to hope that, in spite of the long protracted dry season, a bountiful harvest may yet reward the toils of the farmer.

BAZAAR OF THE SISTERS OF PROVIDENCE.

Charity, externally manifested by alms and the relief of the poor is not only an exclusively christian virtue, unknown to the ancients, but by far the greatest of them all. It is the groundwork of our Holy Religion, the law and the prophets are one on this point. St. Charles Borromeo was wont to say to the faithful of his diocese that fasting without alms-deeds would be of no avail. Though to love God above all things be the first and greatest of all commandments, yet by a divine and unparalleled condescension it receives its fulfillment in the love of neighbor. Boundless its range since there is no wretchedness beyond the sphere of her love and multifarious its moods in alleviating the ills and woes of suffering humanity. At times her mite directly and unostentatiously glides into the bosom of the poor; at others like the waters of Jerusalem issuing from the upper fountain, she gathers as she passes on the streams of every charity into one fountain or institution purposely prepared thence to overflow on the wretched and needy.

Both ways are equally meritorious, but not equally useful to the poor. Charity that is not organized is oft the dupe of laziness and hypocrisy, whilst a charitable institution with its daily visits and knowledge of the subjects far more easily steers clear of those unpleasant shoals of but too common deception.

We have in our midst such an institution wherein organized charity stands on the best footing possible. In the immense district confided to their zeal, they go in quest of the unfortunate; the recipients of charity are individually known. They are visited in sickness; and from the dispensary which the establishment owes to the munificence of the Seminary, remedies are dealt out gratis to the sick and ailing poor.

This Institution is the "House of Providence," which, by the object of its foundation, has become the true mother of the indigent.—Miseries unknown to, and unheeded by, the prosperous world are daily and hourly ferreted out and assuaged. When the solemn moment of death comes, and the souls of both rich and poor flutter over the yawning abyss of eternity, the gentle voices and delicate hands of those ministering angels whisper the consoling thought, and soothe the burning pillow. Disease, ever so loathsome and contagious, which causes even affectionate nature to recoil, finds them intrepid and undismayed.

Yet, how often is their zeal damped!—How often have they not to stand aghast with aching hearts, over indescribable miseries.—True; willing is the heart, and ingenious the hand to devise means of solace; but—like the fond mother singing her plaintive lullaby over the couch of her child, whose life is fast ebbing away, unable to unclinch the grasp of the fell destroyer from the throat of her darling—so repeatedly are the Sisters of Charity impotent to snatch the sufferer from his sad doom!—Why? No means. Blame not the Good Samaritan if he bind not up the bleeding gashes, or pick not up the prostrate frame.—There is no oil, no wine in his wallet. Charity has exhausted it. The founders of this institution have sown the grain of mustard-seed, and it has grown into a stately tree. In their confiding faith and undying love, they trusted that charity would continue to water it. Are they to be deceived? Why! in days gone by, the monks of St. Bernard were able to engraft charity on canine instinct, and this prodigy continues still. What then may they not expect from this boasted age of enlightenment and philanthropy? Let us then encourage their noble and sublime efforts. They have given their lives to the poor, the infirm, the decrepit, and the orphan. Will we refuse our mite? By giving your alms to the Providence, you pour them into the lap of the unfortunate, with the perfect security that they will not be squandered away, but that the truly poor and deserving will be comforted in your place. This Institution, unlike some others of this city, has neither gold or silver to back up her charities, but has entirely to trust to public generosity, and the God who clothes the lily of the field and feeds the birds of the air. Will not this, their appeal, find an echo in every christian heart? Bears it not the stamp of activity? Has not the long winter, with its long train of miseries exhausted their coffers? Has not the dire and loathsome plague, which has and is still ravaging our city, told on their means? For the last three months 26 of those Ladies, from breathing the foul and pestilential atmosphere of those haunts and hovels of sickness and wretchedness, have crowded the infirmary with impaired healths and broken down constitution, victims of their zeal. Who will dare say they have not a claim on public charity? Will not their calm and resigned sufferings mingling with the wail of the orphan rouse our hearts to deep and effective sympathy?

To the Bazaar, then, on the 3rd of June next, at the Orphan Asylum, corner of St. Denis and Mignonne Streets.

The Community, at the suggestion of the charitable ladies of the city, has decided on removing a nuisance which gave rise in past years to a most legitimate outcry. Free admittance to the Bazaar is to be done away with, as a means of excluding from the Hall roughs and rowdies who only add insult to nuisance. In consequence, an admittance fee of 25 cents will be collected at the door, for which the donor will receive a lottery ticket entitling him to a prize at the Lottery-Table. Remember, rich, the 3rd of June. Religion, clean and undefiled before God and the Father, is this: to visit the fatherless, and widows, in their tribulations.—Com.

THE NEW BRUNSWICK SCHOOL LAW.

What is meant by the words "by law"? The answer to this question determines the "constitutionality" of the unjust law which a tyrant Protestant majority in New Brunswick are trying to impose on their Catholic fellow-subjects.

By the British North America Act, sect. 93, it is expressly provided that the several Provincial Legislatures, exclusively, may make

their own laws in relation to education—but with this proviso:—

"Nothing in such law shall prejudicially affect any right or privilege with respect to denominational schools, which any class of persons have by LAW in the Province at the Union."

It may be true that at the Union, there was not on the N. B. Statute Book any law expressly, or by name recognising "denominational schools."

On the other hand, it is certainly true that, at the Union, the Catholics of New Brunswick had the power within the existing law, of setting up schools in which their children could receive a positive Catholic education.

Now to a layman it appears that what can be done legally, or within the law, is really done "by law." It was legal for Catholics in New Brunswick to demand and receive for the support of their particular schools a share in all monies raised by Government for educational purposes; this was their legal right, and of this right the new School Bill deprives them. It seems to us therefore that, to their injury, the letter, as well as the spirit of the Act of Union, has been violated. But for the two words we have italicised there would to-day be no question as to the unconstitutionality of the recent action of the New Brunswick Legislature.

Lawyers, however, with whom, on a question of pure law, we have not the presumption to enter the lists have given it as their opinion that the words "by law" must be interpreted strictly to signify, by positive Statute law.—This may be so; but still, it seems to us that that which the law allows to be done, is done "by law," in which case Catholics in New Brunswick had, before the Union, their separate schools "by law," and of these by an Act of their Legislature, passed since the Union they have been deprived.

Who is to determine the meaning of the words "by law"? Not the Provincial Legislature of New Brunswick; for it is an interested party, and therefore incompetent to discharge the functions of the judge, who must, above all things, be impartial, and disinterested. To remit the decision to the Dominion Government would be open to the same objections; for neither as a general rule can the latter be impartial and disinterested on questions that may arise out of the conflicting pretensions of the Federal, and Provincial governments; and as we argued in our last, the first named is, in the very nature of things, too amenable to political influences, to be able to discharge judicial functions. It is here that we see the necessity of a Supreme Court of Judicature—not a Court of Legislature—to hear, and determine these knotty and delicate questions.

A way out of the difficulty has been suggested by the Hon. M. Chauveau, which, if adopted—as we think it will be—will cut the knot, and give us all we want, without any infraction, or even straining of the Federal principle in our Government. He proposes that, since there do exist doubts as to the constitutionality of the N. B. School Bill, an address be presented to Her Majesty praying for such amendments in the Act of Confederation as shall bring the letter of the law into harmony with its spirit. This motion was to have been considered on Wednesday, 29th inst.

We give below an analysis of the debate which ensued on Mr. Costigan's motion bringing the N. B. School Law again before the notice of the House. There is no political subject on which Catholics can be more deeply interested than this, or to which we can more profitably devote our columns.

Col. Gray defended the action of the N. B. Legislature, for which he challenged the right to deal with the subject, and moved an amendment to Mr. Costigan's motion:—

"That it is essential to the peace and prosperity of the Dominion that the constitutional rights of the several Provinces shall in no way be impaired by the action of this Parliament; that the law passed by the Legislature of New Brunswick, respecting common schools is strictly within the limits of its constitutional powers, and is amenable to be repealed or altered by the local legislature, should it prove injurious or unsatisfactory in its operation, and that this House does not deem it proper to interfere with the advice that may be tendered to the Governor-General, respecting the New Brunswick school law."

Col. Gray also admitted that he feared that it was true, that the School board were carrying out the new School Act with a strictness not contemplated by the framers of the law, in which case things might be set right without the interference of the Dominion Parliament.

The Hon. M. Chauveau replied, and we have much pleasure in giving in full, as we find it in the Gazette, his powerful and temperate speech:—

Hon. Mr. Chauveau believed that much of what had been stated by the last speaker was worthy of consideration, and he would have preferred that the Catholics of New Brunswick had fought out the battle on their own battle ground. But the question was here and there were two points to be considered; whether the House had the power to deal with it, and whether it was just. He believed the matter should be settled according to the spirit as well as the letter of the law. The spirit of the constitution was to preserve the privileges of every religious denomination and to grant the fullest liberty to all. Reading it by that light, he believed that the minority in New Brunswick and Nova Scotia had a right to expect that if they gave nothing, they should lose nothing. He agreed that the constitu-

tionality of the bill should be kept in view, but if the bill was not unconstitutional, it was the next thing to it. He quoted the clauses respecting education in support of this argument. The act provided that once a liberal step was taken it could not be repealed. The New Brunswick law was that there should be no sectarian schools, which simply meant that schools should be established to which no Catholic parent could send children. He did not believe that unmitigated non-sectarian schools could be successful. In Ontario they had been mitigated. The same thing took place in Prussia, where there was a Protestant majority. Non-sectarian schools meant what Catholic schools would mean where there was a minority of Protestants. The teaching and educational atmosphere of these schools were just as obnoxious to Catholics as Catholic schools to Protestants. The clause in the New Brunswick school act that schools receiving Government aid should be non-sectarian, simply meant that Catholics should be taxed for schools which they could not use. He admitted that the objection that the law did not infringe the constitution, and must therefore be dealt with on its merits was weighty, but seeing the pressing nature of the case he felt that something must be done to meet the views of the minority, who never contemplated, on entering Confederation, that their consciences were to be assailed. He felt that their appeals ought to be listened to. If the constitution could be amended he did not see that danger would arise by granting what the majorities of Upper and Lower Canada had already granted.—Let the constitution be thus amended and that question would be done away with once and forever.—He moved in amendment that all words after "that" in the original resolution be struck out and the following substituted, namely:—"that an address be presented to Her Majesty, praying for an act amending the British North America Act [in the sense he believes to have been intended at the time of its passage] by providing that every religious denomination in New Brunswick and Nova Scotia shall continue to possess all rights, privileges and advantages with regard to their schools as such denominations enjoyed at the time of the passage of the act, to the same extent as if the rights, advantages and privileges had been then duly established by law."

Mr. Smith [Westmorland] asked the adjournment of the debate to allow time for consideration and consultation among the members from New Brunswick.

Mr. Connell also hoped that the debate would be adjourned.

Mr. Bolton also remarked that the question had been sprung upon the New Brunswick members and some time should be allowed to them for consultation.

Hon. Mr. Chauveau had no objection to assent to the request which he thought was a most reasonable one.

Mr. Costigan would not object to the adjournment of the debate if it would not put it out of the power of the House to deal with the matter.

With this the debate closed, to be resumed again on Wednesday, the 29th inst., when we anticipate a favorable issue. There can be no doubt that the feeling is general, that the spirit of the Union Act has been violated in New Brunswick; whilst it is a matter of doubt whether the letter of that law has not also been something more than strained. In a very able editorial of the Gazette of the 23rd inst., the editor of that Conservative and Ministerial paper discusses the question at length; and after enumerating the provisions made by the Act of Union for the protection of minorities in the matter of education, it thus sums up:—

But it is by no means so certain that the New Brunswick Legislature in passing the school law of 1871 have not infringed upon the first exception of the educational clause of the Union Act. So far as we have been able to gather from the debates, it appears that under the law as it existed at the time of any particular denomination or of mixed denominational opinion, could by law establish a school, and obtain thereby the right of local taxation for the maintenance of the school, and secure an annual grant from the Legislature, although it is not certain that they had this grant by any more fixed right than the annual will of Parliament. By the law now passed this right is taken away to this extent at least, that no school can receive any public money, unless it is absolutely non-sectarian in its teaching. That is the position of the law as we understand it from the discussions which have occurred; and the question arises, did the Act of 1871 "affect any right or privilege with respect to denominational schools which any class of persons had by law in the Province at the Union"? If it did, then the Legislature had clearly no right to pass it; if it did not, and there were admittedly neither separate nor dissentient schools by law established, then the Parliament of Canada has no right or power of interference, and the Governor in Council would have been guilty of a very serious attack upon the federal principle in our constitution had he disallowed the Act.—Gazette, 23rd inst.

But if "by law"—as the Gazette asserts they could—Catholics could, before the Union, "establish a school, and obtain thereby the right of local taxation for the maintenance of the school, and secure an annual grant from the Legislature;" and if, because of the School Law of 1871, Catholics are deprived of these privileges—which is certainly the case—have not "Rights and Privileges," which Catholics enjoyed "by law" at the Union, been "prejudicially affected?" in violation of the letter as well as of the evident spirit of the 93 sect. of the British North America Act.

However, if the action of the New Brunswick legislature be in harmony with the letter of the law, we must do what the Hon. M. Chauveau recommends, and address ourselves to the Imperial authorities to have the law so amended as to bring its letter in harmony with its spirit. The battle must be fought out to the last, and No Surrender.

We learn that M. Cuddihy, Esq., J.P., an old and respected citizen of Montreal, after making an ample fortune, has retired from business, and in company with his wife left here last Friday evening, per Steamer Prussia, on a visit to his friends in the old country. Mr. Cuddihy is accompanied in his trip by our respected townsmen, Mr. P. J. Duraok and Mr. R. Drake and his wife, who have also gone home to see their friends. We wish them a pleasant journey and hope they will arrive all safe at their destination and return in the enjoyment of improved health.

Protestant theology is a curiosity in its way, and must not be measured by the ordinary laws of hermeneutics. A Kingston Protestant divine thinks that "the world did not learn true Protestantism in a day. Indeed we have not learnt it in all its beauty and expansiveness wholly yet. But we are fairly started on our road and are travelling towards our goal," etc. 'This is rather a gloomy but curious view of Christianity withal. Christ, the Bible and Christianity, a total failure for sixteen hundred years! (until the divine Luther was born)—a partial failure for the remaining three hundred years! and not expected to be a decided success until some small point of time in the shadowy future (on the road to which however we are fairly started) when the goal Protestantism in all its beauty and expansiveness (whatever that means) shall at length have been fully attained! This theory, though decidedly desponding as to the past and present, has yet the redeeming feature of hopefulness in the future; but is nevertheless hardly in harmony with that infallible promise of Christ: Behold I am with you all times (second century as well as the first—fourteenth century as well as the second—in fact all centuries) even to the consummation of the world. This kind of a thing may do for Protestantism, which being a negation, may easily not be as yet fully developed; but will not do for the Church of Christ. Of the desirability of an expansive Christianity, we have grave doubts. Protestantism having well studied out its theory, must naturally have more confidence in it. We have always looked upon Christianity as having sprung like Minerva armed cap-a-pie from the brain of Christ; as perfect in the first moment of its conception as at any subsequent period. But ours is the theology doubtless of "a mediaeval serf." Christ and the Bible being a failure, Luther (himself a failure until carnal love enamoured him of a German Nun) became necessary to ensure a partial success. To whom is to be due, the decided success in the shadowy future which is here predicted and hoped for, it is not perhaps given to man yet to determine. This theory however is hardly respectful to Christ, putting Him as it does so decidedly below the unfrocked monk, and the future hero of the decided success; and should, one would think, appear even to its conceiters slightly derogatory to that Bible, which is supposed to enlighten all, who "it hear and read." But Protestantism in its theology does not stick at trifles.

The Methodist Recorder's estimate of a Christian Bishop's duty, is equally curious. Speaking of Dr. Temple's episcopal labours it says "So discreetly has he handled religious topics, that some leading laymen who protested against his elevation! are now proud of their popular genial laborious and Christian Bishop." It may be "en regle" for a Christian Bishop to be popular; (though we suspect St. Paul sought none of this;) it may be commendatory to be genial, but we suspect that this discreet handling of religious topics, has more of worldly wisdom about it, than Christian zeal and episcopal duty. We are inclined to believe, that every Christian Bishop has had handed down to him a sharply defined and uncompromising code of articles of faith (religious topics) which he is bound to promulgate and proclaim under pain of loss of his episcopal character. This may be a too strict view of an Anglican Bishop's mission, but it is our view of a Christian Bishop's duty, and if Dr. Temple by discreet handling has moulded his doctrines to his men, rather than his men to his doctrines, we cannot help thinking that Dr. Temple has been more of an Anglican than a Christian Bishop. It is just possible that these "leading laymen" protested against Dr. Temple's elevation on account of certain religious opinions held by him, and indeed the context would rather favour this interpretation. If so, this is a still more melancholy view of the case; because if Dr. Temple's "discreet handling of religious topics" is a euphuism for "a concealing of principles," it reduces him to the grade of the rankest hypocrist. Any way it is a curious picture of a Christian Bishop though popular and genial withal.—SACERDOTAL.

The Tichborne case has again made its appearance in the Civil Court. The discomfited claimant has been trying to renew his pretensions to the Tichborne property by means of civil process; but was met by a motion on the part of the heir's representatives calling on the plaintiff to pay the cost of the first action, amounting to from £70,000 to £100,000, before commencing another suit. After a lengthy argument before the Lord Chief Justice, and other Judges, the motion was sustained; and as it is not likely that the claimant will be able in the course of the next six months to raise the required amount, we may take it for granted that we have heard the last of the civil proceedings in the case. The criminal trial for perjury will not come off before the autumn, as the presence of witnesses from Australia, and Chili is required.