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 By HENRY CHAPMAN & Co.,
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 Montreal, February 9, 1854.

THE TRUE WITNESS AND CATHOLIC CHRONICLE,
 PUBLISHED EVERY FRIDAY AFTERNOON,
 At the Office, No. 4, Place d'Armes.
 TERMS:
 To Town Subscribers, . . . \$3 per annum.
 To Country do. . . . \$2 1/2 do.
 Payable Half-Yearly in Advance.

THE TRUE WITNESS
 AND
 CATHOLIC CHRONICLE.
 #MONTREAL, FRIDAY, DEC. 1, 1854.

NEWS OF THE WEEK.

We have plenty of rumors from the seat of war, but little reliable intelligence. What is certain, is, that, from the 25th October to the 5th ult., the Russians made repeated and desperate efforts to raise the siege, both by sallies from the garrison, and by attacks from their numerous forces in the field. These assaults have been as constantly repulsed with much loss to the Russians, but, it must be added, with heavy losses as well to the Allies; who, it must be remembered, have not the same facilities for repairing their losses, as have the enemy. The siege progresses, but very slowly. The besiegers have pushed their works close up to the enemies' lines, and a general assault, for which the Russians are, it is said, well prepared, was momentarily expected to be made. The garrison were beginning to slacken in their fire; their ammunition, it is said, was getting low, water was scarce, and the vast numbers of their unburied dead were generating sickness. Much of the town had been destroyed by fire, and four of their ships, including the "Twelve Apostles," had been sunk by the Allies' batteries. Reinforcements are on the way to join the Allies, and Prince Menschikoff; and the victory will, in all human probability, remain with the party which first receives them. Intense anxiety prevails at home; the public, if it does not despond, begins to doubt; and under the influence of the conflicting rumors, the public funds have declined to 94 1/2. The attitude of the German Powers is still undecided. Austria seems to be waiting for the result of the siege of Sebastopol ere openly committing herself, and Prussia is at heart Russian.

JAMES MOIR FERRES AND THE QUEBEC GAZETTE.

Our Quebec cotemporary makes a very feeble attempt to whitewash the character of the notorious J. M. Ferres, who, it may be remembered, was indicted by the Grand Jury of the Court of Quarter Sessions of Montreal, in the month of October last year, for that he, "being a person of wicked and depraved disposition," did advertise and expose to sale one of the most beastly and immoral works ever published in any language. The *Quebec Gazette* puts forward a lame defence for Mr. Ferres, upon the plea of his ignorance of the nature of the advertisement, and of the book to which it referred; as if ignorance could either legally or morally exonerate the publisher of a public journal, from his responsibility for every word that appears therein; as if it was not the duty of an editor to make himself acquainted with the nature, and moral tendencies of the information which he lays before the public! But was Mr. Ferres ignorant of the immoral character of the book for which he was doing his best to obtain a circulation amongst the youths of both sexes in Canada? As the *Quebec Gazette* seems to be but very imperfectly acquainted with the true state of the case, we shall endeavor to answer this question for him. Were the late lamented Dr. McCulloch yet alive, we might perhaps be spared some trouble.

In the first place then, we would remind the *Quebec Gazette* that it was not "the committee of Roman Catholic Irish," who "picked out" the advertisement in question—but a Protestant journal, and certainly the leading journal in Lower Canada—the *Montreal Herald*. It was the *Herald* that first called the attention of the public to the obscenities of Mr. Ferres' organ—the *Montreal Gazette*; and under these circumstances.

The *Gazette* had, it seems, by way of making a public profession of its high morality, taken the *Herald* to task for giving admission to the advertisements of a "Circus Company" exhibiting in Montreal. Disgusted with this puritanical hypocrisy—at this straining out of the gnat, whilst swallowing a camel—the *Herald* retorted, by calling attention to the fact, that the high-minded, conscientious *Gazette*, who would not insert a "Circus" advertisement—no not for the world—"no"—as Miss Miggs would say—"not for an annual gold mine, and found in tea and sugar"—was, and for some time had been, in the practice of inserting a long advertisement, introducing to the notice of our young men and young women, a book so fitly, so utterly abominable, that we cannot even pretend to give our readers any specimens of its contents; though the curious in such matters may find them no doubt amongst the records of the Court, where the indictment against J. M. Ferres is preserved. We may add too, that it was the *Montreal Herald*, and not the "Roman Catholic Irish," who suggested that the mercenary advertiser should be made a public example of, and that obscenity and bestiality should be rebuked in his person.

As little will the plea of "ignorance" avail Mr. Ferres. In the first place, we have the authority of the *Montreal Herald* for it, that its attention had been called to the publication of the advertisement in question.

"By a leading physician in this city, who stated that he had remonstrated with the publishers of the *Gazette*, but without effect, on the subject of their thus seeking to make—as they call it—a trifle of money—by aiding the circulation of this infamous corruptor of the youth of both sexes."—*Montreal Herald*, Sept. 8th, 1853.

Besides the testimony of "a leading physician" of Montreal, we have other reasons for rejecting the plea of ignorance put forward by the *Quebec Gazette* in behalf of Mr. J. M. Ferres. First, the book which he advertised was so notoriously of an abominable character that—according to the *Montreal Herald*—"many copies of it were seized at the Post Office as coming under the designation of immoral and lascivious publications." Secondly—even after the *Herald* had directed the attention of J. M. Ferres to the above-mentioned facts—the same abominable advertisements made their appearance as usual, as if the mercenary publisher were determined at all hazards to earn "his trifle of money," and to make good his title to the wages of his obscenity. The plea of "ignorance," as put forward by the *Quebec Gazette*, is evidently false, and in the eyes of all honest men must appear but as an aggravation of the original offence.

Considering, however, the nature of the advertisements that have occasionally appeared in the *Quebec Gazette* we do not wonder at his sympathy with J. M. Ferres; and as our cotemporary evidently writes with the view of prejudicing the public against the *Quebec Colonist*, who has been indicted for libelling! save the mark—libelling J. M. Ferres, we do not feel surprised that he should grossly misrepresent the circumstances of the case. But we should indeed be both surprised and grieved if a jury could be found vile enough to return a verdict of guilty against the *Colonist*, on account of its fearless and indignant denunciations of immorality and obscenity. We are well aware that in Canada the moral standard is not very high—that swindling, lying and cheating, fraudulent bankruptcies and perjury, are looked upon as very trifling peccadilloes, by no means barring a man's way into society, provided only that his pockets be well lined with the needful, and that he be a devout frequenter of the conventicle and the "Anniversary Meetings." We are well aware that in a country which sends such men as J. M. Ferres to Parliament as one of its representatives, we need not look for a very refined code of morals, or a very acute sense of honor, amongst the represented. But in spite of this, we cannot bring ourselves to believe that, even Sheriff Sewell, will be able to get together in the jury box, a dozen men who will find another guilty of libel, for denouncing, as "obscene," the publisher of immoral and beastly advertisements.

We know not how it may be in Canada, but—thank God—in England, public opinion is, upon this question of immoral advertisements, assuming a healthy and vigorous tone. As we showed by an extract from an English paper, which we inserted a few weeks ago—a Society has been formed in London and Manchester, called "The Union for Discouragement of Vicious Advertisements"—and for the prosecution of those newspaper editors who, like the *Gazette*, for the sake of the "Trifle of Money" give insertion to them, and whom our English cotemporary thus elegantly describes, in language fully as severe as that employed by the *Quebec Colonist* when speaking of J. M. Ferres.

"No work"—says our English cotemporary—"is too dirty or disreputable for some people to do; and their life is clung to so tenaciously, that a continued existence in a fœtid atmosphere of moral corruption is preferred by some degraded specimens of humanity to decent death and burial."—*Nottingham Journal*.

We are happy too to see that the *London Times* is taking up the cudgels on the same side. A writer therein boasts that "to its immortal honor a certain class of filthy advertisements are carefully excluded from the *Times*," though in other papers they still occupy a conspicuous place. The writer adds—

"That he is unable to imagine on what principle these filthy advertisements are thrust forward so prominently by the *Herald* and *Standard*. Motives of pecuniary advantages are out of the question in such sordid organs of pure Protestantism. Kindly feeling for the unfortunate, who are too happy to listen to a "Silent Friend," may possibly be alleged, but "to do evil that good may come" is a Jesuit maxim unworthy of Shoe Lane."—*Times*.

From these extracts it would appear that J. M. Ferres would meet with but little sympathy in any part of Her Majesty's dominions except Canada; and there only we suppose "as a pious organ of pure Protestantism."

The Secretary of the "Canadian Prohibitory Liquor-Law League" has been kind enough to send us three Essays—"each in its own way urging the necessity of a Prohibitory Liquor Law for Canada"—together with a circular, in which we are requested to bring the said Essays "before the public by a short notice in any way our judgment directs, intimating, at the same time, that they can be had from the Secretary of the League for distribution at five dollars a thousand." We cheerfully comply with the request.

Not but that it is painful to us to have to differ with gentlemen whose motives we respect, and whose objects are most praiseworthy—viz—the inculcation of the duty of temperance, and the discouragement of drunkenness. Yet we trust that it will be permitted to us, to differ from, and to give our opinions upon, the Essays before us—without giving personal offence—or being guilty of a breach of Christian charity.

These Essays are three in number: of which the

first—which obtained the prize of £25 from "The Grand Division of the Sons of Temperance"—is from the pen of a Mr. William Smith, "*Author of Alazon, and other Poems*." To it we shall confine that notice for which we have been frankly asked, and which we will as frankly give.

Frankly then, we think that the author of the Prize Essay might—without any loss to the world, and without any injury to his reputation—have consigned his Essay to the same fate as that which hitherto seems to have befallen "*Alazon and other Poems*;" we think also that the "Grand Division" &c. &c., might have devoted their £25 to a more profitable purpose than the encouragement of tracts disseminating unsound principles of moral and political economy.—But this is a matter of taste.

The author of "*Alazon and other Poems*" lays down certain general principles, from which he concludes to the right and duty of the State to prohibit the sale of alcoholic liquors. By the soundness of these principles must the soundness of the conclusions be tested; if the former be false, so also must be the latter, in so far as they are logically deducible therefrom.

The Essayist, starts with the axiom that "drunkenness is a sin." He says:—

"There are two classes of sins which are obnoxious to the law of man; those which tend to the open and flagrant dishonor of God; and those which tend to injure the State in the persons of her subjects—in their peace, property, health, lives, or morals. . . . The two classes of crimes above mentioned the law is bound to punish and prevent."

Therefore, drunkenness being a sin, and as such tending—to the open and flagrant dishonor of God—and to injure the State in the persons of her subjects, the State is bound to punish and prevent the crime of drunkenness.

This we much doubt. The State, or Law, is bound to punish, and thus, in so far as it is able, to prevent, certain acts, the result of drunkenness: but we do not recognise in the State, or secular arm, any more inherent right to punish the crime of drunkenness *per se*, than it has to punish or prevent the crime of gluttony. Neither does the State pretend to have any such right.

Let us suppose a case—unfortunately by no means an uncommon one—of a man of easy or independent fortune, but a slave to the vice of drunkenness; an elderly bachelor we will presume him to be, living in his own house, or hired lodgings. Now this man—we will suppose—goes to bed drunk every night of his life; but he makes no noise, and inflicts no nuisance upon his neighbors, although his drunken habits are notorious, and have been repeatedly sworn to in the Police Court by hundreds. Now would the State have, in such a case, any right to interfere with this man, or to inflict any punishment upon him, though a habitual and notorious drunkard—and though witnesses were to testify in Court to his immoral habits? We think the answer would be—"No—so long as he makes a beast of himself in his own house, but goes to bed quietly, and creates no disturbance, the State has no right to interfere; the law is not bound to punish him, or prevent his getting drunk." If this answer—which the common sense of mankind would dictate—be correct, it is clear that it is the rioting, the disturbance, the accidents resulting from drunkenness, and not the crime of drunkenness itself, which the law is bound to punish.

We will suppose another case—also a very common one—that of a young man of steady orderly habits, but suddenly overcome by temptation, or by the evil example of bad companions. This young man, staggers a little in his walk—talks loud on his way home—is arrested by the Police—put in the station house—and, the next morning, is brought up before the magistrate; who, perhaps, as it is a first offence, inflicts a slight fine, and a serious remonstrance upon the offender. Now, as far as criminality is concerned, there can be no comparison betwixt the criminality of this young man's first and solitary act of drunkenness, and the criminality of the regular drunkard. Yet the law punishes—and not unjustly—the former, though it disclaims all right to interfere with the greater criminal. From these facts we conclude that it is not the crime of drunkenness that the law is bound to punish, but simply the infraction of certain police regulations, the accidental result of drunkenness. If this inference be correct, the argument of the Essayist, that the State is bound to punish the crime of drunkenness, as a crime against God and against the State, falls to the ground.

Let us test the Essayist's principle by another application. He says that "law is bound to punish and prevent crimes which tend to the open and flagrant dishonor of God." But Atheism, Pantheism—false doctrines, all false religions, and heresy, tend to the open and flagrant dishonor of God. Therefore, the "law is bound to punish and prevent" Atheism, Pantheism, the preaching of false doctrines, the public exercise of all false religions, and the open profession of heresy. Are our Protestant friends—is the "*Author of Alazon*"—prepared to admit this application of his principle? If he is not, then must he abandon it, and with it the conclusions which he thence deduces.

Again, there are certain sins of impurity—which decency prevents us from particularising—crimes which "tend to injure the State in the persons of her subjects—in their peace, property, health, lives and morals." Therefore the law is bound to punish and prevent them—according to the Prohibitory Liquor Law, theory; though in practice the law professes its incompetence to deal with them, even when brought before its tribunals. No doubt, unchastity is a sin against God, and deeply injurious to society; yet the law, or State, does not treat it as a crime—as something which it is bound to punish—or with which it has any right to interfere. Even in cases of seduction—without breach of promise of marriage—it is

only by means of a legal quibble, that punishment can be inflicted upon the seducer. But the crime itself, the crime of unchastity, the law does not attempt to meet. It is the supposed pecuniary injury inflicted, that it pretends to redress; regarding the crime of unchastity as altogether beyond its jurisdiction.

Therefore, unless all existing theories of civil government be false—and unless in all Protestant countries the administration of justice be execrably defective—the law is not generally bound to punish or prevent all crimes; and there are crimes of the deepest dye, derogatory to God's honor, and deeply injurious to man's eternal and temporal interests, of which the State cannot take any cognizance.

The Essayist errs, as do so many of our modern reformers, from confounding together two things which are perfectly distinct—police and morals; and by assuming that the politician and the moralist view human acts from the same stand-point. It is not crimes, properly speaking, that the former punishes, but injuries; and generally with the limitation, which the moralist ignores—"volenti nulla fit injuria."

It is from the recognition of this principle by the lawyer, that acts, which the moralist must condemn as crimes of the deepest dye, oft remain "unwhipt of justice." For instance, there can be no doubt—that the seducer inflicts a far deeper injury upon his willing and consenting victim, than does the brutal ravisher—that the crime of the cool calculating villain who deliberately corrupts the soul of a pure and innocent girl, is of a far blacker dye than that of him who only assaults her body. Yet for the former, law has no punishment; whilst upon the latter, it inflicts, and not unjustly, its extreme penalty. Why this discrepancy?—whence this anomaly? Is it not because the State has no independent moral jurisdiction, properly so called, and that its jurisdiction is limited to the material order?

If this be so, if our deductions from our premises be correct, it follows that in dealing with the "Liquor traffic" the State must treat it as a question of political, and not of moral, economy; and as subject to the same principles that govern, regulate, and limit, every other kind of traffic. We are not arguing for, or against, the principles of "Free Trade;" we merely accept them, and demand that, if true, they be applied to one kind of traffic as well as another. If they will not stand this test, they cannot be true, and should therefore be abandoned. That the State has the right to augment its revenue by a tax on the consumption of alcoholic liquors, whether in the form of a direct duty upon the importer, or a tax upon the retailer, is, we think, incontestable. Whether the present License system be the best mode of imposing that tax, is another question, with which we have nothing further to do at present, than to notice a singular fallacy over which our Prohibitionists invariably stumble, when condemning the License system, as a license, or permission from the State, to do that, which, but for that permission or license, would never have been done at all. These men—we can hardly bring ourselves to believe that it is from ignorance of the facts—always argue against the Licensing system, upon the hypothesis, that, but for that system, there would be no traffic in alcoholic liquors; whereas the truth is, that, but for that system, every member of the community would have as much right to retail wine and spirituous liquors, as he has to deal in groceries or dry goods. It may seem almost superfluous to point out this absurdity in the reasoning of our well-meaning friends; but it is so often insisted upon, and is so constantly brought forward, that it is necessary, from time to time, to remind them, that, as the liquor traffic was in existence long before the Licensing system, so will that traffic long survive its discontinuance; and that the object of those who introduced that system was, not moral, but purely fiscal—to augment the revenue, and not to diminish drunkenness. It is therefore no argument against it, that it has failed in doing that which it was not primarily intended to do.

It was during the commotions of the reign of Charles I., that the present system of restricting the internal traffic in liquor seems to have originated, and with the view of making good the deficiency caused in the Royal exchequer by the abolition of military tenures, and the abandonment, on the part of the Crown, of certain sources of revenue accruing from the feudal system.—(*Hallam Const. History*, c. XL.) Since the Revolution, many attempts have indeed been made to make the Licensing system subsidiary to moral, as well as fiscal purposes; but every such attempt has hitherto turned out a failure. The plan now proposed, is, to prohibit the traffic altogether; but this, we fancy, will turn out equally abortive. It has been tried in the United States; and certainly its success there, has not been such as to encourage us to introduce it here. It has called into being a race of mercenary informers—a moral pest fully as bad as drunkards; and it has generated a general feeling of contempt for law, by showing how easily laws, the most carefully worded, may be violated with impunity, when the temptation to do so is great, and when it is universally felt that there is no moral obligation to obey them. But it has not abolished the traffic against which it was directed, and we have yet to learn that it has been the means of reforming a single drunkard. Since the commencement of the world there is no instance on record of a moral reformation effected by political or legislative enactments. These can deal only with evils which have their origin in defective political institutions; but to expect that they can have any beneficial effect over evils springing from moral causes, is about as reasonable as would be the attempt to set a broken leg with a bread poultice.

In fine, we may observe of this "Prohibitory" movement, that it is but a repetition of the old story of "Sloggin and Job Smith," so graphically given by Dickens in his "*Household Words*." Sloggin abuses, therefore Job Smith must not use; Sloggin