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THE TRUE WITNESS AND CATHOLIC CHRONICLE.

MONTREAL, FRIDAY, MARCH 21, 1856.

The *Persia*, from Liverpool, the 8th inst., arrived at New York yesterday. The result of the Conferences is not known positively; but the peace prospects are considered good. Bread stuffs declined considerably. No news of the *Pacific*.

AN ACT TO PROVIDE FOR THE SUPPRESSION OF INTEMPERANCE.

"What a pretty thing man is, when he goes in his doublet and hose, and leaves off his wit!" What a queer thing a member of Parliament is, when he takes up the cant of Exeter Hall and leaves off common sense! He brings in Bills to suppress Intemperance. He might as well bring in a Bill to put down gluttony, immoderate waltzing, or unseasonably cold weather in March.

Is it possible—we asked ourselves, on reading the title of a Bill laid before the House on the 29th ult.—is it possible, after so many trials and so many total failures, that any man outside of a Lunatic Asylum can really bring himself to believe that an "Act of Parliament" can "suppress intemperance?" or a "Resolution" of the Legislature promote sobriety or chastity? Yet so it is; and undeterred by the numerous examples before their eyes of the injurious effects of all "Blue Laws," our Canadian Legislature seems determined to persevere in the silly attempt to effect a *moral* reform by *legislative* enactments. As well might the surgeon expect to set a broken leg, by clapping a mustard poultice on the back of his patient's head!

A good deal of course, in one sense, may be done by Legislation. A single "Act of Parliament" may, to-morrow, suppress the whole *licensed* traffic in wine, brandy, and the poor creature small beer. But that it, or fifty "Acts of Parliament" to boot, should have the slightest effect in diminishing the actual amount of intoxicating beverages consumed by the community, so long as the depraved appetite of that community calls for them, is a proposition too monstrous, too absurd to be seriously entertained by any one except an idiot; or a raving Temperance fanatic from the "Little Bethel." Legislation may indeed suppress the *legal* selling of spirituous liquors, by an exercise of arbitrary power; but the only result of such legislation must ever be to give an extraordinary stimulus to the sly-grog-selling business, and to put a premium upon smuggling. Very powerful for evil, all Temperance legislation is—and whilst human nature remains what it is, must be—impotent for good; and this because drunkenness, like every other vice, like gluttony, impurity, and all concupiscence, proceeds from causes over which human legislation can have no control.

Two systems of Temperance Legislation have, each their respective advocates. The one propose to suppress drunkenness by a total prohibition of the sale of intoxicating liquors; and treat the liquor traffic as something essentially and incurably evil. The others propose to effect the same object by what they call "*stringent*" license laws. They would not condemn the traffic as evil; but they would throw so many impediments in the way of the sale of liquor, and make the situation of the dealer so disreputable, and so precarious, as to deter all respectable men, all with any character or property to lose, from engaging in the hotel or tavern business. Of the two, we must confess that the plan advocated by the "Maine Liquor Law" men, whilst not more impracticable, is certainly more consistent, than that advocated by the friends of the "*stringent*" license system.

As we cannot get rid of the liquor traffic—as, so long as men want drink, there will always be lots of other men to sell it to them—it would seem that the wisest system to adopt would be that which should tend to make the trade of hotel or tavern keeper, as safe, and respectable as that of any other member of the community; and that the worst possible system must be that whose tendency is to place the whole business in the hands of a class of men of little reputation or standing in society, of little or no property, and who therefore having little or nothing to lose, are always ready to risk everything. This however is the system propounded by Mr. Felton's Bill, and advocated generally by the friends of the "*stringent*" license system.

Let us look at some of the clauses of this extraordinary specimen of Exeter Hall legislation; the main object of which seems to be to set so many traps for the unfortunate spirit dealer, to encompass the way of the tavern or hotel keeper with so many dangers, and so to strew his path with thorns, as effectually to deter any prudent or respectable person from embarking his capital, and endangering his reputation, in such a perilous line of business. For instance, it is provided by clause XLI., that:—

"Whenever any person shall have drunk in any licensed tavern, any spirituous liquors therein sold or provided for valuable consideration, and shall, while in a state of intoxication from the use thereof, come to his death by suicide, or by drowning or perishing from cold, or from any accident, the keeper of such tavern or place shall be held to be guilty of a misdemeanor."

Better at once to declare guilty of felony any person who, for any consideration, shall furnish another with a glass of wine or beer, than such monstrous legislation as this. A stranger, having already partaken of a glass of strong liquor, enters another tavern, and, being to all appearance still sober, is supplied with a glass of wine and water; the effect of which, combined with that of his first glass, suffices to make him a little giddy in his head, in consequence of which, on his way home, he is thrown from his horse, and breaks his neck. Will any man pretend that, under such circumstances, it would be just to punish both, or either of the hotel keepers, who furnished him with the liquor, as criminals? Again, the xxxi. clause provides that any tavern keeper who shall permit any drunken person to remain in his premises, shall be deemed guilty of a "contravention of this Act." Now suppose—not at all an improbable case—that a man should get drunk in a hotel where he was stopping in the winter time. How, in such a case, should the unfortunate hotel keeper act? If he allows the drunken man to remain on the premises, he will be guilty of a "contravention of the Act," and liable to be fined accordingly. If he turns him—the drunken guest—out, no other hotel keeper will dare to receive him. In all probability the unhappy man will therefore die of exposure to the cold; and the ends of justice be vindicated by visiting the hotel keeper, who turned him off his premises, with the penalties of a misdemeanor.

But what is drunkenness? Since hotel keepers are liable to be so severely dealt with for having a drunken man on their premises, the law which punishes, should strictly define, in clear and unmistakeable lines what drunkenness is. Drunkenness is, no doubt, an abnormal state produced by the use of alcoholic liquors; but is every such abnormal state, drunkenness? Is the young lady who takes a glass of champagne, after her first polka, to be considered drunk, because a slightly abnormal state of her system—owing in part to the polka, in part also to the champagne—is thereby produced? Is every excitement, or transient exhilaration, the effect of alcohol, drunkenness?

We ask these questions, because Mr. Felton's Bill professes to define "*when a man shall be held to be drunk;*" in which definition it deviates from some of the oldest and most respectable authorities. A sailor swears that no man is drunk who can lie on his back, and smoke his pipe; whilst there are many valuable members of society who hold that the man who takes his boots off before going to bed is to be considered perfectly sober. The "Act to Suppress Intemperance" is, upon this point, very vague and unsatisfactory:—

"Every person shall be considered drunk, who is so far intoxicated as to be unable to walk unsupported, to stagger or fall in walking, or to be unable to speak distinctly, or to be noisy and disorderly, or to be quarrelsome and brawling, or whose intellect is disordered by strong drink."—*c.* 46.

Argal, every one who can hold his tongue, and is not so far gone, but that he can walk straight, is to be held legally sober. We know many hard topers who will most joyfully accept this definition of drunkenness; and who, no doubt, will look upon themselves as Model Temperance men after all.

But it is perhaps invidious to single out one or two clauses as especially absurd, when they are all equally absurd; when the whole Bill is a mass of absurdities. Why don't you introduce a total prohibitory law at once? we ask of the friends of this measure. Because, would be the reply, such a law could not be enforced, as we know from the experience of those States that have tried it; because, in spite of our prohibitory legislation, liquor would still be sold in Canada—as every body knows is the case in Vermont, Maine, and the State of New York, where the "Maine Law" is part of the law of the land.—An excellent answer, and conclusive. But why—would we ask—do you expect that your "*stringent*" license laws will be a bit better obeyed than a prohibitory law? If you diminish—as no doubt you will—the number of *licensed* taverns, what reason have you to doubt that *unlicensed* grog-shops will spring up in every direction? You admit that your police would be insufficient to repress that illegal traffic, in violation of the provisions of the "Maine Law;" what reason have you for hoping that you shall be able, with the same police, to repress that same illegal traffic, carried on in violation of the provisions of Mr. Felton's Bill? Of this be assured, that, "Maine Law" or no "Maine Law"—"*stringent*" license laws, or no license laws"—the quantity of liquor consumed, will still remain the same; that the supply will still keep pace with the demand; and that the only result realized by your legislative efforts to "suppress intemperance," will be to give us "Drunkenness *plus* Smuggling," instead of Drunkenness.

We published last week a copy of a Bill intended so far to amend the existing School Laws of the Upper Province, as to exempt all *bona fide* supporters of Catholic schools from taxation for the benefit of Non-Catholic Schools and Libraries. The following is a copy of a "Resolution" to be moved by Mr. G. Brown on the same subject:—

"*Resolved*—That it is expedient to repeal all such sections of the Common School Acts of Upper Canada as authorise the establishment or continuance of Separate Schools; and to place all the National Common Schools under one uniform system of superintendence and instruction, *in which no violence shall be done to the religious feelings or opinions of any child, or the parent or guardian of any child.*"

We would call attention to the words which, in the above "Resolution," we have marked with Italics.

"It is expedient"—says Mr. Brown—so to construct the School system of Upper Canada, as "that no violence shall be done to the religious *feelings* of any child, or the parent or guardian of any child." It must therefore be *inexpedient* to establish any system in which violence is done to such religious *feelings* or *opinions*; of which fact, no one but the person whose feelings are outraged can take cognisance. Mr. Smith alone can say with authority whether his—Mr. Smith's—"feelings or opinions" are done violence to by certain conduct on the part of Mr. Jones. Mr. Jones, though an excellent judge of his own feelings, can know nothing whatever of those of his neighbor, Mr. Smith.

Herein lies the gist of the whole matter and of the whole controversy betwixt Catholics and Protestants on the subject of Separate or Denominational, and Common Schools. Without contesting the desirableness, if possible, of establishing one common uniform system of education, for all the children in the community, we, Catholics, in common with Mr. Brown, insist upon it as indispensable, that, in establishing any system of education whatsoever, "no violence shall be done" to any one's "religious feelings or opinions." And we further insist that this is of such paramount importance that, rather than do such violence, it is better to have no common uniform system at all; that, whatever may be the evils resulting from the want of such a system of education, those which must inevitably flow from a violation of the fundamental principle of all civil and religious liberty, would be greater still. It is not imperatively obligatory upon the State to establish one uniform system of education; but it is obligatory upon the State to abstain altogether from doing "violence to the religious feelings or opinions" of any, the humblest of its citizens. This, by implication, is fully admitted in Mr. Brown's "Resolution" copied above.

Admitting then these premises—and we defy any one to point out a fallacy therein—it follows that any educational system which does violence or outrage to the religious feelings or opinions of any Catholic, is inexpedient. But the system of education, patronised by Dr. Ryerson, approved of by, perhaps the majority of, the Protestants of the Upper Province, and advocated by Mr. George Brown, does "do violence to the religious feelings and opinions" of all sincere Catholics—that is, of all who fully believe all that the Church believes and teaches—and of many religiously disposed Protestants. Therefore it is inexpedient to repeal such sections of the Common School Acts of Upper Canada as authorise the establishment or continuance of Separate or Denominational schools—or to place *all* the Schools under one uniform system—until such time at least as a system shall have been devised which shall "do no violence to the religious feelings or opinions" of any member of the community. *When* such a system shall have been devised, we will advocate its adoption as heartily, and as loudly as Mr. George Brown.

THE NEPEAN TRAGEDY.

We trust that some of our Protestant cotemporaries, who in the affair of Corrigan have manifested such zeal for the punishment of his slayers, will be at least equally zealous in calling for a public inquiry into the truth of the following statements of the *Ottawa Tribune* of the 14th inst.,—respecting the brutal and unprovoked slaughter of a man named Tierney, by a mob of Orange ruffians at Nepean—and the constant refusal of the Protestant magistrates of that district to take any steps to bring the offenders to justice, or to avenge the innocent blood shed upon the occasion alluded to. The following are the particulars, as we glean them from our cotemporary:—

"Four or five farmers are sitting in a road side inn smoking and conversing, about four miles from the scene of a Municipal Election which had closed that day; several double sleighs containing from thirty to forty Orangemen are passing the inn; a cheer is given by the cortege; it is answered by the Innkeeper standing outside his own door, who is supposed to be a Catholic; a halt is ordered, clubs are brought forth, and the whole body, rush into the house and assail its defenceless inmates unmercilesly. Tierney is felled to the ground, his scull shattered into fragments, three others are dangerously wounded. A few humane men throw themselves between the raging mob and their victims and save their lives; one of these is a local Magistrate. The majority of the assailants are belonging to other Townships, and had been at the polling place prepared expressly for violent ends. The house is wrecked; windows, doors, partitions, floors, furniture all torn up, cut up and destroyed.

"This is a plain statement of the case; and we call on the Coroner, Dr. Van Cortlandt, to correct us if any assertion here is unsupported by the evidence taken at the inquest. House breaking, riot, and at the least manslaughter are here committed by a body of Orangemen. Have the magistrates issued warrants? *No, they refuse to take information.* Have troops or policemen, been sent to apprehend the guilty parties? Has a royal proclamation been issued offering a reward for the discovery of Tierney's slayers? No; not a shadow of an investigation except a Coroner's inquest; and the Doctor who attended Tierney for the day he lived, *was absent from that inquest. The magistrate who was present and witnessed the whole proceedings was also absent.* For the well-being of society we have hoped that the Protestant magistracy of this country would have maintained the supremacy of the Law and have brought its violators to justice. There is now no recourse left but a petition to the Governor in Council to adopt the same zealous course of action which was successful in the St. Sylvester affair, in bringing the slayers of Corrigan to the bar of justice."

Now here is a plain story, the truth of which ought at once to be inquired into. Not only does it involve a most serious charge against the "thirty to forty Orangemen" who killed Tierney; but, if true, it convicts the Coroner and the magistrates of the district generally of the grossest dereliction of duty. With great forbearance, which it would be well if our Protestant cotemporaries would occasionally imitate, the *Ottawa Tribune* purposely refrains from applying the term "murder" to the slaying of Tierney—leaving it for the Court, before which we trust the accused will yet, and spite of the efforts of the Protestant agistrates of Nepean to shield them from justice, have to plead, to decide as to the nature of their crime. "We have abstained" says the *Tribune*:—

"We have abstained from using the term murder here because we hope to see the parties indicted for manslaughter, felonious assault, housebreaking and riot. While charged with murder, as Corrigan's slayers, were a legal acquittal might easily follow. We do not follow the wolfish example of the Protestant Press in howling out for blood; but deeply regret the atrocious violence which compels the State to seek atonement of individuals for shedding the blood of one of its members."

But whether murder or manslaughter, the death of Tierney must be inquired into. *If* the statements of the *Tribune* be true—*if* "the magistrates of the country have"—as the *Tribune* asserts—"*refused to take cognizance of the atrocious act*"—it is the duty of the Government, it is the duty of the Legislature, so anxious as it professes to be for the pure administration of justice, to institute a rigid inquiry into the behaviour of these men; and, if the charges be proven, to dismiss them from the Bench to which they are a disgrace. Protestants as well as Catholics are alike interested in having this matter sifted to the bottom. We trust therefore that the Protestant press of Lower Canada will not, like the Nepean Magistrates, endeavor to hush the matter up. But whatever the conduct of our cotemporaries in this matter, it is the duty of Catholics, as the *Tribune* says, to petition the Governor in Council to institute proceedings against the slayers of Tierney, and their accomplices in the bloody deed—the Protestant Magistrates of Nepean.

THE LATE MINISTERIAL CRISIS.—The storm which for a moment last week seemed to menace the Canadian Cabinet, has blown over in the most harmless manner possible; doing no damage to anything, unless it be to Mr. Cameron's reputation—*if*, he possessed such an article.

The object of the mover is—and was of course from the first—palpable to the dullest intelligence. Every body of course knew, Mr. Cameron knew, Mr. Ross knew—and every body knows that they knew—that Judge Duval never used the language imputed to him. They all knew that it was but an ordinary Protestant lie, like that got up by our "separated brethren," about a Satanic, and a diabolical, and a fiendish, and a Popish, and a Romish, and an Irish, attempt to upset the train in which were a party of soldiers; despatched to arrest the persons accused of the Corrigan murder. This ridiculous story, for which there was not a shadow of foundation, which with many a wry face, its authors, and promulgaters were at last obliged to retract, is but one specimen out of many, which we might adduce, of the "sanguinary perversions of truth"—not to use a harsher phrase—in which the Protestant press habitually indulge, and the Protestant public delight. Now, what pleases the public in the columns of a journal, is just as likely to please, in the mouth of a No Popery Legislator in the House of Assembly.

"*Hinc illæ lachrymæ;*" hence the amusing display of sound Protestant feeling on the debate on Mr. Cameron's motion. Besides, it must be remembered that in the rowdy city of Toronto, the debates are presided over, and controlled by the Orange *canaille*; to whom in an especial manner the speakers address themselves; whose applause is coveted, and whose wrath is deprecated upon every occasion. Mr. Cameron moved his motion to curry favor with this *canaille*. For a similar reason Mr.——seconded it, Mr.——spoke to it, and so many voted for it. No one of course believed the charge against the Judge to be true; no one was silly enough to think that Judge Duval would condescend to pay the slightest attention to their nonsenical motions.

Of the process by which the vote of the 10th inst. was got rid of, an account will be foundin the columns devoted to Parliamentary intelligence. Suffice it to say that the row has blown over—that its instigators look very silly, and that the Ministry seem more firmly seated than ever. One fact only of any consequence connected with it is worthy of record: and that is, that in Toronto, with its Orange Rowdies, and brawling Protestantism, there is neither freedom of opinion for Catholics, nor freedom of debate for the members of the Legislature. From which fact, we come to the conclusion, that Toronto is not a fit place for the Seat of Government, nor for the meeting of Parliament.

"Mr. Sadleir, whose astounding forgeries, peculations, and subsequent suicide, form a prominent topic of discussion in the British papers, was, it seems, the man chosen by the Irish priests as a kind of successor to O'Connell in the leadership of what has been termed 'the Pope's brass band' in Parliament."—*Montreal Witness*, 18th inst.

The above is a fair specimen of our cotemporary's extensive and accurate acquaintance with Irish and Catholic questions. We must however take the liberty of correcting him upon one or two points which are incorrect.

Mr. Sadleir, so far from being a leader of the Irish Catholic party in the House of Commons, has, for many years, been denounced as an apostate and a renegade from that party, by almost the entire Catholic press of Great Britain and Ireland. He did at one time, but for a very short time—during the excitement upon the Ecclesiastical Titles Bill—enjoy the confidence of the Catholic Clergy and people of Ireland. But this confidence he quickly, and forever, forfeited, by violating his pledges, by becoming a "*Government hack,*" and accepting office under Lord Aberdeen. From that moment to the present, living or dead, he has been the object of the unremitting hostility of those who once were silly enough to put trust in him, and listen to his fine professions of devotion to the Irish cause. Mr. Sadleir was