

The True Witness.

AND
CATHOLIC CHRONICLE,
PRINTED AND PUBLISHED EVERY FRIDAY
At No. 663 Craig Street, by
J. GILLIES.
G. E. OLERE, Editor.

TERMS YEARLY IN ADVANCE:
To all country Subscribers Two Dollars. If the subscription is not renewed at the expiration of the year, then, in case the paper be continued, the terms shall be Two Dollars and a half.
The True Witness can be had at the News Depots. Single copies 3d.
To all subscribers whose papers are delivered by carriers, Two Dollars and a half, in advance; and if not renewed at the end of the year, then, if we continue sending the paper, the subscription shall be Three Dollars.
The figures after each Subscriber's Address every week shows the date to which he has paid up. Thus "John Jones, August '63," shows that he has paid up to August '63, and owes his subscription FROM THAT DATE.

MONTREAL, FRIDAY, MAY 13, 1870.

ECCLIASTICAL CALENDAR.

MAY—1870.

Friday, 13—Apparition of St. Michael the Archangel.
Saturday 14—St. Anselm, B. O. D.
Sunday, 15—Fourth after Easter.
Monday, 16—St. Urban, B. C.
Tuesday, 17—St. Paschal Baylon, C.
Wednesday, 18—St. Venantius, M.
Thursday, 19—St. Peter Celestine, P. G.

NEWS OF THE WEEK.

Better counsels on the Convent Investigation question have prevailed in the House of Commons. When Mr. Newdegate followed up his motion on the 28th ult., for the appointment of his Smelting Committee, it was opposed by Mr. Gladstone, who advocated a moderate policy; and finally Mr. Newdegate's motion was rejected by a majority of 110, whilst a motion by Mr. Gladstone for the appointment of a Committee to enquire into the tenure of monastic property was carried by a majority of 291.—This, though not so objectionable as Mr. Newdegate's motion, is nevertheless very unjust; for why, seeing that monastic institutions are not recognised, not protected by the law, and enjoy no peculiar advantages, should they be subjected to peculiar disadvantages? What has the State to do with the tenure of their property? Their very existence is, owing to the remnants of the old penal code still lingering, illegal in England. Is it then proposed to rob them of the free will offerings of the charitable? In the meantime the Catholic inmates of the religious and charitable asylums invidiously singled out for persecution, are reminded of the sound advice tendered some years ago by the late lamented Hon. Mr. Langdale. They are advised to oppose passive opposition to the unjust proceedings of the legislature. If summoned to attend before the Bar of the House, let them take no notice of the summons, until by brute force their bedrooms be broken into, and they be dragged before the iniquitous tribunal. When in its presence, let them refuse to answer any question that may be addressed to them, and suffer themselves to be dragged to prison as if they were felons. So shall England, glorious and free, acquire an unenviable notoriety amongst the civilised communities of Europe.

Though "agrarian outrages" are on the decline in Ireland, disaffection is as rife as ever. The Land Bill has, as yet, had no beneficial effects on the public mind: and it is evident that the British legislature will soon have to meet, and deal with as best it may, a general cry for repeal of the Union. On this question there is growing up a sympathy betwixt the Catholics and the Protestants; and a combination of the two may yet force the British Government seriously to consider whether it be expedient to force on Ireland a legislative union which its people detest.

It was on Sunday 8th inst., that the vote of the people or *Plebiscite* was to be taken in France. This *plebiscite* seems a strange policy, for it is tantamount to an avowal that the French people are not adequately represented by, are not capable of expressing their will through, their existing political organism. It is simply an appeal from France organised, to France disorganised; and by implication it ignores the Ministry, the Senate, the Legislature, and the entire political system as it now exists. As a means of establishing on a firm basis a Napoleonic dynasty it is an absurdity, for a "dynasty" appeals to hereditary right, and not to a vote of the people, or *plebiscite*. In short of two things one. Either the sovereign people of France can express their will through the organism with which their actual political constitution supplies them—or they cannot. If they can, then the *plebiscite* is a superfluous, unnecessary; if they cannot, then its existing political constitution essentially vicious, and nothing better than a sham. For the sake of order, and peace in Europe it is certainly to be hoped that the Emperor may be sustained, for at the present moment no other Government is possible: and the Catholic clergy of all ranks are it is said, and we believe truly, exercising their influence to stave off the horrors of the Revolution which the success of the ex-

trême opposition party would inflict upon France. The Spanish revolutionary government is imitating closely the example set them by their cut-throat predecessor in France in 1792. As we learn from the correspondent of the London Times: "the Government is now preparing for open war with the priests," and a law is soon to be passed for driving out of the country without form of trial all of the clergy who refuse to take the oath of allegiance to the new revolutionary constitution. Thus was it in France in the last century; and our readers will remember that it was the refusal of the weak but honest-minded Louis XVI. to sanction a similar measure of persecution towards the non-juring clergy of his Kingdom, that led to the Tenth of August. The iniquity of such laws as those which are meditated in Spain must be obvious to the dullest intelligence. A citizen by taking Priests' Orders acquires no civil privileges or immunities in Spain, and should therefore be subjected to no Civil obligations from which other citizens are exempt. As Catholics we expect no exceptional legislation in favor of our Clergy, and can not therefore tolerate exceptional legislation against them.

We invite the attention of our readers to the extracts from the London Times we have given amongst our *Foreign News*, on the social, and financial condition of Italy under the revolutionary regime. The people of that Peninsula are crushed under a load of taxation of which they had no experience under their old legitimate rulers; and whatever may have been the shortcomings of these, the bloody anarchy which obtains under the new order must make every honest man regret the success of the perfidious policy of Cavour and the Italian revolutionists. The decision of the Council on the great question of Papal Infallibility is looked for immediately. It is silly for Catholics to profess any anxiety as to how the Council may decide: for if they believe that its deliberations are presided over, and its decisions inspired by the Holy Ghost, they must also believe that those decisions, whatever they may be, will be opportune, as well as infallibly true. Outsiders, or Protestants do not see this, and therefore foolishly fancy that the question of infallibility is a party question, to be determined, as are questions in purely secular assemblies, by a trial of strength. But if the Catholic religion be true, it is God not man who speaks through a General Council; and whatever He may decide upon, that the Catholic, no matter how contrary it may be to his preconceived opinions, will accept with unquestioning alacrity.

Our Fenian scare in Canada is for the present at an end, to be revived however at any moment that may seem convenient to the filibusters on the other side of the Lines. The Red River expedition is on the point of starting.—The Ministerial plan for settling the North West Territory seems a good one, and does credit to them. That it is harshly criticised by the *Witness* and other journals of that stamp, who desire to see the original French and Catholic settlers subjected to Ontario ascendancy, speaks strongly in its favor.

Manitobah is to be made a Province of with a legislature of its own, and a representation in the Dominion Parliament in proportion to its population. The majority of that population is French and Catholic, and this is what shocks our liberal critics, who fear that the Manitobahites will adopt a form of Government in harmony with their traditions as Catholics and French Canadians. There is however every reason for hoping that the Ministry will command a strong majority in favor of their Red River policy which has much to recommend it; and this especially that it is a policy of justice, and conciliation.

No action was adopted on Friday last in the Guibord case, it having been then formally announced that the *Fabrique* had appealed against the decision given by His Honor Judge Mondelet.

A municipal war has been raging in Quebec for some days, the cause of trouble arising from the new system of electing the Mayor and Corporation of that City. The difficulties seem to have been got over for the present, and we hope that an era of financial reform and prosperity is about to dawn on the ancient capital of British North America.

Spring is coming on well, field operations are progressing, but rain is already beginning to be wanted.

Latest telegrams announce the result of the *plebiscite* or appeal to the people in France, as giving a majority of about five millions in favor of the Emperor. Disturbances had taken place in Paris, in which barricades were thrown up. The troops however quickly restored order. Investigations into the late plots against the Emperor, are being pursued by the police, but the results are not yet given to the world.

sign his seat in the Cabinet is authoritatively contradicted. In Ireland Sir W. Mansfield is to succeed Lord Strathairn as Commander of the forces. The somewhat sudden death of Mr. George H. Moore, member for Mayo is a great loss to Ireland. He was an upright and talented patriot, and an enlightened lover of his native country.

His Grace the Archbishop of Quebec who has returned from Rome, arrived by steamer *Nestorian* early on Tuesday morning and was received with due honors by his Clergy and attached people, who escorted him to the Cathedral where solemn *Te Deum* was sung. His Grace we are happy to learn is in excellent health.

A public meeting was held at Charlesbourg, Quebec, on the 5th to protest against the lately imposed taxes on food and fuel.

We are happy to see it announced that Sir J. A. Macdonald is pronounced by his medical attendants to be out of danger.

THE COUNCIL.

(From the Vatican.)

On the 4th of April, the Fortieth General Congregation met. The weather was magnificent, and a greater crowd assembled in the Basilica to see the arrival and departure of the Fathers than for some weeks past. Mass was said by the Archbishop of New York. Mgr Gasser, Bishop of Brixen, then ascended the pulpit, and explained to the Council the views of the *Commission de fide* on the various amendments proposed in the first paragraph of the second chapter of the *schemata* on Dogma. The votes were then taken, and the propositions of the Commission were adopted almost unanimously by the Council. Each paragraph was then considered in succession, and the votes taken on the amendments, after the Bishop of Brixen had again spoken in the name of the Commission. During the Session, 34 or 35 different votes were thus recorded, and in every case the final decision was nearly unanimous. A few amendments are said to have been accepted, but the greater number were rejected. The forty-first General Congregation met on the 5th. On the 6th, the forty second General Congregation was held. The forty-third General Congregation met on the 7th. Mass of the Holy Ghost was said by a Greek Archbishop, according to the Greek rite, and occupied more than three quarters of an hour. After the Bishop of Paderborn had addressed the assembly on the amendments proposed, more than fifty separate votes were taken, and in every case the conclusions of the Commission were adopted by an overwhelming majority. The whole of the third chapter of the *schemata* was voted, with the exception of a single point, which was sent back to the Commission for further consideration. The forty-fourth General Congregation was held on the 8th; Mass was said by the Archbishop of Cambrai. A *postulatum*, signed by 506 Bishops, has been presented to the Council, praying that it would be pleased to address to all the people of Israel a paternal invitation, exhorting them to abandon their vain expectation of a Messiah, and to acknowledge our Lord Jesus Christ as the true Saviour promised by Abraham and announced by Moses. Among the signatures, are those of 140 Italian, 72 American, 71 French, 33 Spanish, and 21 British Bishops. The Holy Father has expressed his entire concurrence in the prayer of the *postulatum*, which is due to the pious efforts of the brothers Lehmann, converted Jews, and now priests of the diocese of Lyons. Meanwhile, it is impossible not to admire the patient and unwearied labour of these Chief Pastors of the Church, who have come from every region of the earth to confirm the faithful in their inheritance of eternal truth, and to heal the divisions and calamities which afflict the human associations external to the Church of Christ. No event so full of promise, both for Catholics and unbelievers, has occurred for more than three hundred years as the assembly of the Holy Council of the Vatican. We shall all taste its benefits, each in our own station, if we do not mar them by wilfulness, revolt, or indifference. The decrees of the Council, which will be decrees of the Holy Ghost, will affect all mankind, either for good or evil. They will be life to many, but to others death. When God speaks, as He is about to do by the assembly of Christian Bishops united to His Vicar, and confirmed in their decisions by His Supreme authority, it is a solemn hour for all to whom His message comes. Their acceptance of it will determine the fate of multitudes, not for time but for eternity.

MORAL UNANIMITY.

"The latest invention of the liberal school is that, when Bishops condemn false doctrine, they must do so with 'moral unanimity.' We have seen already, by the votes hitherto recorded, that this moral unanimity actually exists in the Vatican Council. A French contemporary gives however, the following examples of the want of it in earlier times. Four great heresies were condemned in the first ages of the Church: let us see if there was then a moral unanimity.

"I. Arius. The day after the Council of Nicea, 97 Bishops assembled at Antioch pronounced in favour of the heresiarh, and a great multitude elsewhere. *Moral unanimity!*

"At Sardica, 80 Eusebian prelates were condemned by 200 Catholic. *Moral unanimity!*

"II. Macedonius. At the Council of Constantinople, there were 145 orthodox, and 36 opposing Bishops. *Moral unanimity!*

"III. Nestorius. S. Cyril, and 197 Bishops with him, anathematized Nestorius, in spite of the protests of 69 Fathers, and without waiting for John of Antioch and his 14 suffragans, who were all favourable to the heretic. *Moral unanimity!*

"IV. Eutyches. At Chalcedon, the decisions of the Council were so little agreeable to the whole Episcopate, that a few years later 500 Bishops burned its decrees, and absolved Eutyches from blame. *Moral unanimity!*

Many of our Montreal contemporaries, having published a letter wherein several Bishops of the United States, and the British dominions, respectfully supplicate the Holy Father, that the question of the infallibility of the Sovereign Pontiff be not brought before the Council, on the grounds principally of the peculiar circumstances in which they are placed as Bishops in countries where heresy is dominant; and our contemporaries having improperly qualified this action as a "protest of Anglican and American Prelates against infallibility"—Mgr. Pinsonneault has addressed to the editor of the *Minerve* a letter, of which we venture upon the following translation:—

"Sir—In yours of the 2nd inst., I find an article headed 'Protestation of Anglican and American prelates against the infallibility of the Pope.' Allow me to make a few remarks upon this heading, which in several respects is erroneous.

"1. The act of the Bishops signing the document is not a *protestation* but, to use the style of the Council, a *postulatum*, or petition addressed to the Sovereign Pontiff.

"2. This respectful petition is not the work of the 'English and American prelates,' but only of a small number of them, to wit—19 American, and 8 English—in all 27 Bishops; that is to say much less than the third of the Anglican and American prelates. Here let me remark that there is no Bishop of Chatham, U. Canada, as it is put down on your list.

"3. In this petition there is not even the shadow of a protest against the infallibility of the Pope. The signers limit themselves to the prayer that the question be not brought before the Council; they think, as do also a few other Bishops in France and Germany, that this definition is not opportune. This it was their right to do, and this right they have exercised in a convenient form, which it is inexact and unjust to qualify as a *protest*. It was the right also of the Six Hundred other Bishops of all nations, to think otherwise, and to sign another *postulatum*, praying the Pope to allow the question to be laid before the Council, because they believe that its definition has become very opportune, and will put an end to the troubles caused in the Church by Gallicanism, Josephism, and Liberalism.—Asking of you to publish this in your next issue, I have the honor to be, Sir, yours obediently in Jesus Christ.

† BISHOP OF BIRTHA.

Sault-au-Recollet, 3rd May, 1870.

THE GUIBORD CASE.—In our last we mentioned the fact that Judge Mondelet had given sentence for *L'Institut Canadien* against the *Fabrique*; ordering the latter to proceed with the ecclesiastical sepulture of the deceased—an order which it is to be supposed and hoped the ecclesiastical authorities will treat in the manner it deserves. We have not a word to say against the sentence of the Court. It is for the Judge to lay down the law, not to make the law; and we have no doubt that Judge Mondelet has conscientiously and to the best of his belief, applied the law as he supposes it to exist, to the case before him. Our remarks therefore are directed not against Judge Mondelet's application of the law, but against the law itself, which if it be what the Court has declared it to be, is an iniquitous law, a law subversive of all religious freedom, a law to which no Protestant sect in the Dominion would for one moment submit, a law therefore which Catholics are bound to protest against until it be repealed.

Unconsciously no doubt, the *Montreal Witness*, whilst expressing its satisfaction at the finding of the Court, condemns emphatically the very principle upon which that finding was based. We quote from the *Witness* of the 5th inst:—

"The *Aylmer Times* says the suit of Hyacinthe Ruby, a notary of St. Andre Avelin, against the Rev. Ousaint Guillems the Cure of the Parish for refusing to administer the Communion to him, on the 7th of April, 1868, at the Parish Church, has at length been brought to a close, and judgment rendered on the 23rd of March dismissing the plaintiff with costs."

"What intolerable nonsense all this is! What have our Courts to do with Sacraments?—Ed. *Witness*."

Aye! what indeed have the Civil Courts to do with Sacraments? with ecclesiastical ceremonies, or religious rites of any kind? Here is the whole question in a nutshell: herein is the pith of the arguments urged by the advocates for the defence in the Guibord case, and in behalf of the *Fabrique*, pursued before the civil

tribunals for refusing to bury the body of the deceased Guibord with religious rites and ecclesiastical ceremonies: for refusing to perform any spiritual functions whatsoever, either over his grave, or his dead body. With all the civil requirements of the law they were, they are, ready to comply. They are prepared to inter the corpse within the cemetery, and where it shall rest secure from disturbance; but the priest who is *ex officio* a member of the *Fabrique*, refuses to degrade himself, his sacred office, and the religion of which he is a minister, by the performance of any religious functions either at the grave, or in the church.

"What have our Courts to do with Sacraments?" asks the *Witness*. By right they should have nothing to do therewith; but the *Witness* seems not to be aware that the laws, that the Gallican customs, and French Parliamentary traditions, to which the advocates for the prosecution appealed in behalf of their action against the *Fabrique*, assume, and are based on the assumption, that the Civil magistrate has the right, and that it is his duty, to order and enforce the administration of Sacraments, and other religious rites which the Church has refused.—Thus in the month of December 1750, one of the priests of a parish in Paris, the Rev. P. Bouettin, was by sentence of the Parliament committed to prison as a felon for refusing the sacraments to one of his parishioners: and it was the custom of the crypto-Jansenists when refused participation in the sacraments, to appeal to the civil magistrate against the priest; whilst the former always asserted his right and duty to enforce the administration of the said sacraments, and at the point of the bayonet if necessary. This contest betwixt the civil and spiritual tribunals forms the chief feature of the ecclesiastical history of France in the 18th century; and our Canadian lawyers unfortunately, having drawn their legal lore from the writings of the great juriconsults of that epoch, are for the most part imbued with the slavish principles of Gallicanism, which these great men in their zeal for the Parliaments upheld. Were the editor of the *Witness* a little posted up in ecclesiastical history he would see that the Guibord case is but the counterpart of a case instituted before the Parliament of Paris in 1749, in behalf of a defunct M. Coffin against the parish priest, for having refused to administer the last Sacraments to the dying man without a previous submission on the part of the said M. Coffin to the disciplinary laws of the Church; and were the editor of the *Witness* able to reason correctly and impartially, he would see that the principles appealed to by the advocates of *L'Institut Canadien*, and affirmed as law by Judge Mondelet must, if logically carried out, make the administration of the Sacraments a matter with which our Courts have to do, and must deal. In principle there is no difference whatsoever. If the Civil Court have the right to enjoin the presence of a priest at the interment of one who died under the censures of the Church, and to compel the priest to perform at the grave, and over the corpse, the same rites, religious ceremonies, and acts of worship as those which he performs over the bodies of her children who die in peace with her, then has it the right to order that Mass, or Masses shall be sung for the repose of Guibord's soul, and to enforce under civil pains and penalties the administration of the Sacraments to those from whom the Church orders them to be withheld. Unfortunately the very limited acquaintance of the editor of the *Witness* with ecclesiastical history, and his prejudices, make him incapable of seeing either whither the principles, which in the Guibord case he applauds, lead; or the incompatibility of the pretensions of the Civil Courts—that to them it belongs to enjoin the performance of spiritual acts and religious rites and ceremonies—with the maintenance of civil and religious liberty. We admit that the Civil Magistrate has the right to enjoin that the body of the deceased Guibord be buried; and so buried that his remains shall be secure against all risk of disturbance, and in ground set apart for burial purposes. This he has the right to enjoin in the interests of public decency, and the public health. We deny his right to demand that the Catholic priest perform any religious rites, or ecclesiastical ceremonies of any kind whatsoever on the occasion: because—in the words of the *Witness*—"What have our Courts to do with Sacraments?" or with religious rites or ecclesiastical ceremonies of any kind?

If the editor of the *Witness* will but carry out the principle by him laid down in the St. Andre-Avelin notary case, to the Guibord case, he will see that the interference of the civil magistrate with prayers, and benedictions of graves, with ecclesiastical ceremonies, and religious rites, is "intolerable nonsense," and an "intolerable tyranny," to which, no matter what the consequences, the Catholic Church never will submit. We are sure also that no Protestant community would submit to it; that no Protestant minister in Montreal would say a prayer—or perform any religious act, at the mere bidding of the civil magistrate. Now all that we claim for the Catholic priest is this—Equality with the Protestant minister as before the law; that as the law