

The True Witness

AND
CATHOLIC CHRONICLE,
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MONTREAL, FRIDAY, MAY 24, 1872.

ECCLIASTICAL CALENDAR.

MAY—1872.

Friday, 24—Ember Day. Of the Octave.
Saturday, 25—Ember Day. Of the Octave.
Sunday, 26—First after Pentecost.
Monday, 27—St. Mary Magdalen of Pazzi, V.
Tuesday, 28—Blessed Mary, Help of Christians. (May 24.)
Wednesday, 29—St. Venantius, M. (May 18.)
Thursday, 30—Corpus Christi, Orl.

NEWS OF THE WEEK.

A supplemental article to the Treaty of Washington, embodying the proposition which we reported in our last, for setting at rest the vexed question of indirect, or consequential damages has been laid by the President before the Senate, whose ratification is necessary. If it meet the approval of that body the arbitration will go on; but if as is possible, it reject it, Great Britain will withdraw altogether from the Geneva Conference.

The Carlist insurgents have been so often thoroughly crushed, or stamped out, that really it looks as if the chances for the rightful King of Spain were improving. Every telegram almost reports another final and conclusive victory for the intrusive government, to be followed next day by the account of yet another more final and decisive victory. So it goes on, till in time perhaps we may learn that the utterly routed, and discomfited insurgents are thundering at the gates of Madrid.

After a long, animated, and well conducted debate the Washington Treaty, in so far as Canadian interests referred by it to our Dominion Parliament are concerned, was ratified by a large majority in the House of Commons of the Dominion. This was the best thing perhaps that our representatives could do. The Treaty may be of course open to grave objections; the *Times* admits that Canadians have well founded grounds for serious complaints against it; still upon the principle that half a loaf is better than no bread, we think that our representatives have done well to accept the Treaty, even with all its admitted imperfections.

WOMAN'S RIGHTS.—Mr. Jacob Bright's Bill for giving the right of franchise to widows, and spinners has been rejected by a majority of 222 to 143 in the Imperial House of Commons.

Spain is about to increase her military forces, the Cortes having just passed a Bill to raise the number of troops to 80,000 men.—This is a valuable commentary upon the reported victories over the Carlists.

The subjoined communication on the New Brunswick School Question, and the action of the Dominion Legislature thereupon, with which we have been honored by Mr. Anglin, M.P., would have appeared in our last, had we received it but a few hours sooner. This, we trust, its accomplished and highly respected writer will accept as an apology for its non-appearance in last week's issue of the *TRUE WITNESS*:

To the Editor of the *True Witness*.

OTTAWA, May 13, 1872.

Sir,—I was sorry to learn from the article on the New Brunswick School Question, in the *True Witness* of the 10th inst., that you misapprehended the case presented to the House of Commons on behalf of the Catholics of that Province. The Canadian Parliament could not with propriety be asked to pass any opinion on what you describe as the "legal question"; that is to say the competency of the New Brunswick Legislature to legislate in the manner which both Sir John Macdonald and Sir George Cartier regretted. No vote or resolution of theirs could settle that question. It may be that on this point the opinion given by Sir John Macdonald to the Privy Council, and approved of by them, is correct; although I am by no means satisfied that it is; but this question although raised in the debate was not pressed upon the attention of the House of Commons.

It is quite competent and proper for the Commons of Canada to express their opinion of the manner in which the Dominion Government exercise the veto power. For the exercise of that power, or the refusal to exercise it in any case, the Government are responsible to Parliament. The Catholics of New Brunswick complain that it was not exercised in their behalf as they contend it should have been. The School Act of 1871, although according to the strictly legal interpretation of the Confederation Act, it may be within the competency of the N. Brunswick Legislature, does unquestionably violate the spirit of that Act in as much as it deprives the Catholics of the right long previously enjoyed of

establishing under the law, schools in which the Catholic Catechism was taught, Catholic Books were used, and Catholic devotions were practised; and of receiving not as a favour, but of right a fair share of the Provincial appropriation to aid in maintaining these schools. The Catholics of that Province are now in a much worse position than before Confederation. You say that Sir John A. Macdonald and Sir George E. Cartier, made no secret of their views as to the injustice and inexpediency of that measure; but because knowing it to be unjust and inexpedient they nevertheless resolved to leave it to its operation and to consign the Catholics of N. Brunswick to the tender mercies of a majority who by this very Act proved themselves so unjust and remorseless, the Dominion Government we say assumed a large share of the responsibility incurred by all who have taken part in the perpetration of this grievous injustice. It was not at all necessary to strain the law as you seem to suppose, nor was any question of State Rights or Provincial autonomy involved in the case. The Confederation Act expressly empowers the Dominion Government to veto any Act of any Local Legislature. The arbitrary unreasonable exercise of that power would be most impolitic and reprehensible; but as the Confederation Act makes the Dominion Government in an especial manner the guardian of the rights of the minorities in all that relates to education, even clothing it with extraordinary powers in order to render that guardianship more effectual, and as this school Act is admittedly unjust and inexpedient, it can not surely be held that its disallowance would have been an arbitrary or unwarrantable exercise of the veto power. Sir John A. Macdonald said that the policy of the Government is to disallow only those Acts which are unconstitutional, and those which seem injurious to the whole Dominion. Even on these grounds the N. Brunswick School Act should have been disallowed, as it can not but be regarded as injurious to the whole Dominion that such excitement, animosity, and discontent as now prevail in N. Brunswick should be excited in any one of the Provinces.

We did not ask for any diminution of State Rights, we did not seek to remove or weaken any safeguards by which the Provincial autonomy you value so highly is now protected, nor did we desire any "extension of the sphere of the Federal Government" or the assumption by that Government of "powers not expressly and clearly accorded to it by the Act of Parliament that made it." We merely sought from the Dominion Government the Justice which by the exercise of the powers expressly accorded to it by the British North American Act it might have afforded us; which indeed that Act—as I interpret it—makes it the duty of the Dominion Government to afford or to secure to the minorities in all the Provinces; and that justice has been denied to us.

You seem to attach much importance to what Sir John A. Macdonald and Sir George E. Cartier said of the injustice of our School Act—an Act which you very properly describe as "unjust, impolitic and more disgraceful to those who enacted it than onerous even to those who groan beneath it"; but you must pardon me if I regard all they said of the injustice of the Act, and all their professions of sympathy for the Catholics of N. Brunswick as but a skillfully woven veil designed to conceal the true character of their own conduct in refusing to do that justice which they had the power to do had they chosen. You call the leaders of the Federal Government eminent members of the legal profession, great lawyers, eminent jurists, consultants and statesmen, our best Dominion statesmen, etc., and you seem to place the most unbounded confidence in their honesty. It is not my purpose to question their right to all these titles, but when you say that you feel confident that if the law could without straining be so interpreted as to give the Catholics of New Brunswick that which they ask for, I feel it to be my duty to endeavour to correct the error into which you have fallen, and to show you that the prayer of the petitions of the Catholic Bishops, priests and people of N. Brunswick was disregarded, not because the law as interpreted by the Minister of Justice stood in the way; but because for reasons which probably seem good in its sight, the Dominion Government thought it inexpedient to do justice. I have the honor to remain, your obedient servant,

T. W. ANGLIN.

We fail to see from the perusal of the above, wherein there be any difference of opinion between its writer and the *TRUE WITNESS*: if such difference there should appear to be, it must be that we have expressed our meaning badly, and we regret it.

What we intended to convey was this:—That, though there can be no doubt that the late legislation of New Brunswick on the School question is in violation of the spirit of the Confederation Act, we do not presume to assert that it was so clearly in violation of the letter of that law, as either to compel, or even authorize the Dominion Government to veto it. To our private judgment it, the law in question, appears to be an infraction of the letter, as well as of the spirit, of the Confederation Act; but when men, by profession lawyers, which we are not, tell us that such is not the case, but that the letter of the law is against our Catholic friends, we find ourselves obliged to "shut up" "*Ne Sutor*" occurs to us;—and we confess our incompetence to argue a point of law with men whose profession it is to dissect, and analyze Acts of Parliament.

Our position here in Lower Canada is a most delicate one, and with regard to our brethren and co-religionists in New Brunswick a most painful one. Of all the Provinces of which the Dominion is made up, there is not one so deeply interested in restricting the power of the central government, or opposing its pretensions to interfere with Provincial legislation, as is the Province of Quebec; and we therefore naturally hesitate to lay down the principle that the said central government is to be supreme judge as to the justice of any particular Act passed by one of the local legislatures, and to disallow it, if in its eyes it seem unjust. This would be to establish a dangerous precedent, and one which might easily be made to work to the detriment of our autonomy in Lower Canada.

No: the central government is too much subject to political influences to be competent to exercise the functions of an impartial judge.

What we want, that without which any Federation or Confederation of Provinces is incomplete, just as a fish would be incomplete without fins—is a Supreme Court of Judicature, competent to entertain, and adjudicate in last resort, on such questions as that which this New Brunswick School Law has just raised.

Such a body, because removed above all political or party influences—immunity from which can in the nature of things never be enjoyed by our Canadian Ministers or by any Ministers in the world—might be safely entrusted with the duty of sitting in judgment upon the intrinsic merits, or demerits of the Acts of the several local legislatures, and with the power of disallowing them if unjust: but we should be sorry, very sorry, to see such power placed in the hands of men who, however wise and honest hold nevertheless their positions as members of the Cabinet, subject to popular approbation of their acts, and their ratification by the legislature. To advise the Governor to veto a law passed by a Provincial legislature, *become unjust*, is virtually to assign to it a judicial function or function of a judge. Now, above all things, we require in all our judges complete disregard for popular approbation, and perfect independence of all political influences. It is the consideration of these things, that makes us hesitate about insisting on the duty, or even right,—(we believe they have the legal right)—of our Ministers to disallow the New Brunswick School Law, simply because, though not contrary to the letter of the law, it is in their opinion unjust.

Could the question at issue be brought in appeal, before the Judicial Committee of the Privy Council in England, we should be more willing to leave the decision in its hands, than in those of any Canadian Ministry, subject as the latter is to so many political influences, from which the first named tribunal is free. This we think might be done, were Catholics in New Brunswick to refuse to pay the school tax; and, on judgment against them being given in the New Brunswick Courts, to carry their case, by appeal, to the Privy Council. That body would then be called upon to decide first, the question in law, whether the New Brunswick School Law is constitutional, according to the terms of the British North America Act of 1867: and secondly, the question in equity; whether, if not in violation of its spirit, it be not in violation of its intent, and of the intention of those who drew it up, and of the Imperial Parliament that enacted it? These two questions might more safely be left in the hands of the Privy Council, than in those of men, who, however well disposed they may be, are subject to strong political pressure to extort from them a verdict adverse to Catholics. This course of action if practicable, would also leave Provincial autonomy intact, and might we think bring the New Brunswick School question to a favorable issue.

The *Montreal Witness* is sorely exercised over the sad fate of another victim to the aggressive Church of Rome, recorded in the columns of the *Nouveau Monde*. The victim in this case is a young lady of the name of Flood, who, though brought up as a member of the Protestant Episcopal Church, on the 7th inst., "made abjuration of the Protestant Faith, and was baptized into Rome." This sad event occurred at the Convent of Les Dames de la Presentation de Marie, in which the young lady had been placed to receive her education.

The *Witness* will permit us to make a remark or two. First, we look upon his sorrow as merely affected, as humbug, or cant—if he pretend that it is excited by spiritual motives. No Protestant will dare to deny salvation to Catholics, that is to those who believe all that the Catholic Church believes and teaches, and practice to the best of their abilities—aided of course by the Holy Ghost, without whose continual help we can do no good thing towards salvation, or think one holy thought—all she enjoins. Even the *Witness* will not in so many words dare to say that he fears for the salvation of one who holds and practices the religion of Fenelon, of St. Francis Xavier, of the thousands of men and women who in these our days labor, without earthly fee or reward, for the poor and sick in the fetid lanes and courts of our crowded cities; why then should he fear for the salvation of Miss Flood, because she has become in religion one with them? and if he fear not for her salvation, why should he mourn over her conversion to the Catholic Faith?

We would also point out to the *Witness* that in becoming a Catholic Miss Flood did not abjure the "Protestant faith"; for the simple reason that there is not, and in the nature of things cannot be, a "Protestant faith" to abjure—since, in so far as Protestants are Christians, or have any faith at all, it is solely in virtue of what of Romanism they retain. The term "Protestant faith" is just as absurd as would be the term "infidel faith."

Nor is it true that the convert was baptized into Rome. The Catholic Church, recognising the perfect validity of baptism, when administered by Protestants, only baptizes those whom she receives, when she is assured that they have never been baptized as Protestants. The *Witness* would do well to bear these little things in mind, and to endeavor to attach some definite meaning to the words it employs. For instance, he would do well when talking about

the abjuring of the Protestant faith, to try and ascertain wherein—as distinguished from the faith of the Roman Catholic Church—the first named consists; and what article or articles of that faith the convert from Protestantism to Catholicity abjures. It would be well for him if he could "abjure" vague generalities, and condescend to particulars.

The *London Times* of the 3rd inst., has an editorial on the Washington Treaty which is not without deep interest to us of Canada.—The writer admits in substance that, in spite of the energetic action of the Dominion, the Treaty of Washington sacrificed the interests of Canada for those of Great Britain. "That Treaty" says the *Times* "was conceived with a view of relieving England from pressing, and contingent liabilities. * * * It is true that one of the Commissioners was the Prime Minister of Canada, but against this circumstance must be set the facts that the other four approached their work from an English point of view, that the Commissioners as a body were instructed from day to day and, we may almost say, from hour to hour by the English Cabinet, and their work was done with an eye to the approval of the English people. It was inevitable that the results of their labors should not satisfy the inhabitants of the Dominion.—We are far from saying that the Commissioners did not do their best for Canadian interests, as they understood them, but it was not in human nature for them or their instructors to be to Canada what they are to England; and as the Treaty was conceived for the purpose of removing the present and contingent liabilities of England, it was agreed upon as soon as it was believed that these liabilities were settled."—*London Times*.

Thus, in very plain language indeed, the *Times* gives us to understand that in the negotiation of the Washington Treaty, the interests of Canada were thrown overboard, or held subordinate to those of England; that Canada's representative was impotent to prevent the sacrifice, there being four to one against him; and that the moment it was believed that Imperial interests had been secured, the Treaty was agreed upon. This statement in so far as it may be accepted as true, perfectly exonerates our government from all blame; but it certainly is not calculated to strengthen the hands of those who would preserve the ties that bind the Dominion to the British Empire.

The same article informs us that the Commissioners on the British side did put forward the Claims of Canada for indemnity for the outrages upon person and property perpetrated by citizens of the U. States styling themselves Fenians; but that, when they—the Commissioners—were given to understand that the negotiations would be dropped if these Claims were pressed, "they at once dropped them," and humiliating as is such a confession—we fear that it is only too true. By its vacillating policy during the great war between the Northern and Southern States, Great Britain skillfully managed to disgust both belligerents; whilst by refusing to adopt the wiser, and more honorable, as well as the more prudent line of policy proposed by France—and which had it been adopted would not have allowed the brave States of the South, gallantly struggling for their rights, to be crushed out—it assured to the Northern States such a preponderance on the North American Continent as to render it impossible for any other Power to refuse submission to their demands in the future, however extravagant. That this humiliation, and that the sacrifice of Canadian interests whenever it might please the dominant Northern States to call for such a sacrifice, would be the necessary, inevitable consequence of the triumph of the North over the South, every one, not a born fool, must have clearly seen from the moment the first shot was fired; and we must therefore suppose that all who sympathized with the North during the long war which, with so great odds against them, the gallant Southern States nobly waged—and that the British statesmen who allowed the latter to be crushed, not only anticipated what has come to pass, but actually courted it. It is an unpleasant subject to dwell upon; a sad thing to reflect that, after so long and brilliant a career the British Lion should now be compelled to crouch so much dirt; and should actually decline to press Claims which it believed to be so well founded as were the Claims of the Dominion for compensation from the U. States for injuries inflicted by their citizens upon British subjects settled in Canada. Alas! now-a-days the cry *civis sum Britannicus* is but a poor protection against outrage.

In conclusion the *Times* tells us that, Great Britain is—owing to the all overshadowing power of the U. States—unable any longer to protect the interests of Canada; and hints very strongly that the best thing we can do is to detach ourselves from the Empire, which, in other words means to allow ourselves quietly to be swallowed up by our Southern neighbor; for of course no one but an idiot dreams of Canadian Independence. When we cease to be a

British Dependency we shall become engulfed in the neighboring republic, and dwindle into a subject Province of the U. States. Here is what the *London Times* has to say to us on the nature of our future political relations:—

"We shall, of course, guarantee the loan of £2,500,000. It is the only reparation we can offer for having thrown overboard the Fenian Claims at Washington; though we believe the proposed guarantee of the projected Pacific Railway to be a very doubtful kindness. But the question provoked at every stage of the discussion is—how long are we to go on affecting to defend the interests of Canada, which in truth, we have neither the knowledge nor the ability to protect? Is there nothing in the precedent of Portugal and Brazil which might be considered with advantage in respect of Canada and England? We keep up the form of governing Canada from England; but, when ever it becomes a reality, Canada suffers, and the maintenance of the form has the effect of keeping the statesmen and people of Canada in a condition of dependence, if not of pupillage. When youths become men their fathers emancipate them, to the benefit of the world and in the interests of affectionate feeling between them both; and what is true of men in this respect is also true of nations."

CHOLERA.—We find in the *London Times* of the 22nd ult., the report of the proceedings at a meeting of *The Association of Medical Officers of Health*, to discuss the question as to the probabilities of an outbreak of Cholera in Europe, during the course of the coming summer. Of course if it appears in the Old World, it will also visit the New.

A paper on the "Prospects of Cholera" was read by Mr. Netter Radcliffe, who, after discussing the question at length, gave it as his opinion that it was extremely probable that Cholera would make its appearance in Europe in the course of the year. This opinion he had arrived at, by comparing the antecedents of other visitations of the epidemic, with the phenomena presented since 1869 by the disease. In this view of the case he was supported by Inspector General Murray, by Dr. De Renzy, the Sanitary Commissioner of the Punjab, and by Dr. Buchanan. "Dr. Murray had been led by his observations in India to believe that the epidemic of last year was only one of the stages of the ordinary progress of the disease from India to Europe." These opinions of medical men must be taken for what they are worth; to wit, the conclusions arrived at by scientific men, who however are far from being infallible.

For us in Montreal, who have so long suffered from an epidemic of small-pox, the most terrible and loathsome disease, except leprosy—if leprosy is to be excepted—which afflicts, or ever has afflicted the human race, an attack of Cholera can scarce be expected to have any terrors. We have lived so long amidst something so much more hideous than the Cholera, that we have become callous, so that on the latter we now feel inclined to look almost with indifference. Still, though but a trifle in comparison with the epidemic actually raging in this, the unhealthiest City in the world, Cholera is not an enemy to be despised, or one whose attack we can afford lightly to regard; it is however an enemy more under our power of control than is small-pox. We know now that with proper precautions, Cholera can be, if not stamped out entirely, rendered comparatively harmless.—Personal cleanliness, free and constant use of the bath, thorough ventilation, and effective drainage present obstacles to the progress of the disease which it is rarely able to surmount; and if to these be added attention to diet, strict temperance, the eschewing under all circumstances of all alcoholic liquors, and the free use of sound ripe fruit and vegetables in season, there is no great danger that Cholera will be able to make good its footing. Alas! how little has been done either for cleansing the City, or ameliorating its very defective system of drainage. We fear too, that the season is already so far advanced, that little can be done this year towards the carrying out of these most important reforms. What can be done however, what should be done immediately, can, if we be so minded, be done quickly and easily; and that is the furnishing the poorer classes of society with free baths, open to all comers, if not at all hours, certainly both in the morning and in the evening. The bath, which is only a luxury in winter, is in summer one of the necessities of life, and one with which the Corporation can easily if so minded, furnish all the citizens. All the drugs and soothing syrups in the world are, as prophylactic of Cholera, as naught compared with a good daily wash, and a clean skin. Let us then have Free Baths.

The City mortality for the week ending Saturday, the 18th inst., was 147, or at the rate of 7,644 per annum, out of a population of about 180,000. We may well ask our Corporation, and Health Officers what they think of that for high? and whether the chances are not that it will yet, as Shelley says of the Skylark, soar higher still and higher, as the heat increases, and as the stinks from garbage and our beastly drains become more deadly?

Sir J. A. Macdonald has introduced his Bill for assimilating the law in Canada with respect to Trades Union, to that of England. It recognises that such Unions are legal; but provides for the punishment of breach of contracts, and of intimidation.