

The True Witness

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

G. E. CLERK, 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, 5 cts.

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, Aug. '63," shows that he has paid up to August '63, and owes his Subscription from THAT DATE.

S. M. PETERGILL & Co., 37 Park Row, and Geo. Rowell & Co., 40 Park Row, are our only authorized Advertising Agents in New York.

MONTREAL, FRIDAY, DECEMBER 9, 1870.

ECCLIESIASTICAL CALENDAR.

DECEMBER.—1870.

Friday, 9.—Fast. Of the Octave.
Saturday, 10.—Of the Octave.
Sunday, 11.—Third of Advent.
Monday, 22.—St. Damasus, P. C.
Tuesday, 13.—St. Lucy, V. M.
Wednesday, 14.—Ember Day. Of the Feria.
Thursday, 15.—Octave of the Immaculate Conception.

NEWS OF THE WEEK.

The victory claimed by the French for their army of the Loire seems indeed to have been a success for French arms; but beyond giving confidence to the raw troops—no trifling thing it must be allowed—the victory has had little results. More important are the sorties said to have been effected by General Trochu, with the troops under his command, but neither have these as yet materially affected the relative positions of the combatants. Paris is still blockaded, and within the walls provisions are becoming scarcer day by day; if it cannot be relieved by French forces acting from without, its fall would seem to involve a mere question of time. In the meantime, however, rumors of a cessation of hostilities are again rife; and in the stormy aspect of the horizon towards the East and South-east of Europe, may be found good reasons why at last Great Britain should actively interfere to bring about an end of the bloody war.

For the Eastern Question is beginning to look very dangerous; and if Russia persist, as she probably will, in her exorbitant pretensions, it is not easy to see how war can be avoided, without great loss of honor to Great Britain. Yet a war with Russia, allied as the latter would most likely be with Prussia, would be more than, single-handed, Great Britain could safely venture upon; yet where in Europe is she to look for an ally except in France, now bleeding at every pore, and exhausted by her disastrous contest with her German neighbor? War with Russia would of course bring a renewal, in their most extravagant and offensive form, of the Alabama claims; and by it no doubt a favorable opportunity for the renewal of the Irish difficulty would be offered to the disaffected in Ireland. The position in short is very grave.

We have nothing new from Italy and Rome. Victor Emmanuel has not yet dared to show his face in Rome, where his arrival was at first anxiously looked for by Revolutionists; to-day he would receive from them but a cold reception, so irritated are they with the long delay; to-morrow it is probable the Revolution will take the game in its own hands, and the unhappy man will not be allowed to enter Rome at all. According to a letter published in the London Times, the respectable citizens of Rome manifest no desire to avail themselves of those political privileges with which their annexation to Piedmont has invested them. This very significant fact is attributed by the writer in the Times to the belief, very prevalent, that ere long the invaders of Rome will be expelled, and the Pontifical States restored to their legitimate sovereign. Freed from the presence of the Piedmontese troops, and left free to shape their own destinies, there can be no doubt that the people of those States, as distinguished from the hordes of brigands, escaped galley-slaves, and villains of every description who followed in the wake of the invading army, would by an immense majority re-establish the Sovereign Pontiff in his ancient authority; backed however as they are by the foreign mercenaries of Piedmont, a handful of Revolutionists manage for the moment to rule the country.

The newly elected King of Spain seems to have a nice warm time in store for him should he attempt to take possession of the throne.

On one side he will have to encounter the Republican party who want no King to rule over them; on the other hand he will be opposed by the Carlist party which has never abandoned the hopes of restoring the crown of Spain to its legitimate owners—the heirs of Don Carlos.

A Tours correspondent telegraphs that the Government has advices from General d'Aurelle's headquarters to the 3rd, and from Paris to the night of the 2nd. The engagement in which the 14th and 16th corps participated on Friday, occurred with Stephen von Pappenheim's division of Von der Tann's corps, supported by Duke Albrecht and Stolberg's cavalry division, and Von Willich's 22nd infantry division.

The fight lasted all day without decisive results, the French fighting with extraordinary courage and great skill. At nightfall the 15th Corps held Arthenay, and the Eight Corps positions extending northward along the Railway toward Paris.

A Paris despatch states that the advantages gained by Ducrot and Vinoy are highly important. Vinoy with two divisions of the Second Corps was perfectly successful in cutting his way out on the 29th as far south as Rungis and only retired in order to allow Ducrot to overcome the obstacles retarding his further advance.

LONDON, Dec. 4.—Dr. Manning, Archbishop of Westminster, has issued a powerful protest, which was read in all the Catholic churches to-day, against the invasion of Rome by the Italians, and the attempt to deprive the Pope of his Temporal Power. He denounces the act as sacrilege on the part of the King, treason on the part of the people, as a violation of national and political justice, and an offence against international law. He declares it subversive of religion and morality, and dangerous to the stability of governments and thrones.

THE BEST JOKE YET.—The *Institut Canadien* has protested through its lawyer, Mr. Dautre, against the Catholic Judges, as being, on account of their religion, incompetent to give an honest decision in the Guibord case, which is still before the Courts. Our readers will remember, we suppose, how, last year, a man named Guibord, member of the *Institut Canadien*, an anti-Catholic Society, membership with which excludes of course from communion with the Catholic Church, died rather suddenly; whereupon he was refused, *not burial*, but burial with the special religious rites which the Church accords to all those, but to those only, who die in her communion. The *Institut Canadien*, in the name of the widow of the deceased, took legal action to compel the performance of the refused religious ceremonies, and after a long and tedious litigation, a unanimous verdict in favor of the ecclesiastical authorities was given, in appeal, by a Bench composed of Protestants and Catholics. In fact it could not be otherwise, since the only questions at issue were these:—(1.) Have the Civil Courts in Canada the power to determine a person's spiritual status? and (2.) Can any person in Canada claim as a right to be enforced by the secular arm, the spiritual services of the Catholic Church? That the friends of Guibord had a legal right to demand that his body should be buried; i.e., that it should be put into a hole or grave, and covered over with earth, so that it might not be disturbed, or become a nuisance to the neighborhood, no one ever pretended to deny; and, therefore, burial within the ground belonging to the *Fabrique* of Montreal was freely offered to the body of the deceased Guibord; this did not content the *Institut Canadien*, which calls upon the Civil Tribunals to compel the Catholic Clergy not only to bury the body of Guibord, but to bury it with the same spiritual honors and ecclesiastical ceremonies, as those which she reserves for her spiritual children.

It is this monstrous claim, a claim incompatible with religious liberty—a claim which no Protestant sect however humble would recognize or condescend even to listen to, that the *Institut Canadien* seeks to enforce by appeals to the anti-Catholic prejudices of the vulgar, and to the tyrannical edicts of the days of absolute monarchy in France when the Parliament of Paris undertook to prescribe the administration of the Sacraments, and to determine the conditions on which the priest might refuse to admit to holy Communion. Of course, we say, the claims of the *Institut Canadien* could find no favor in the eyes of our Judges, whether Catholic or Protestant; and from a Bench on which both Protestant and Catholic Judges presided, these claims were, without a dissentient voice, pronounced to be utterly baseless.

Not content even with this the *Institut Canadien* though its advocate proceeds to recuse the Catholic portion of the Judges as incompetent to deliver an impartial or honest verdict. The decision of the Court on this act of recusation or protest was to have been delivered on Monday the 5th inst., and should it reach us in time will be announced in this week's issue of our paper. The issue is we think however source doubtful; and unless it be proposed that

all Catholics be henceforward excluded from the Bench, we cannot see how the absurd recusation of the *Institut Canadien* can for a moment be seriously entertained.

We give below, as we find it published in the *Montreal Herald* of the 5th inst., the first plea of the act of recusation against the sitting of Catholic judges in cases in which Catholic interests, and the rights of the plaintiffs are at issue.

The first plea in fact contains the pith of the matter: to wit—that, as Roman Catholics, Roman Catholic judges are in an especial manner "protectors of the Roman Catholic Church, and of the body and community of Roman Catholics, of whom the defendant forms part." Therefore, by implication, since the plaintiffs profess to fear that, as protectors of the religious body of whom the defendants form part, the verdict of Catholic judges will be unfavorable to them, the plaintiffs—it is the logical conclusion that the said plaintiffs by this their plea, confess that they—to wit, the widow Guibord, and the members of *L'Institut Canadien*—do not form part of that body and community of which the Judges complained of are, as Roman Catholics, the protectors. But this, by logical implication, is a confession that the widow Guibord is not, that her deceased husband was not, that the members of the *Institut Canadien* are not, members of the Roman Catholic Church; for if the said deceased Guibord, at the time of his decease, was—if the widow Guibord is, a Roman Catholic; or if the real plaintiff, that is to say, if the members of the *Institut Canadien*, skulking beneath the petticoats of the said widow Guibord, were Roman Catholics—then, as Roman Catholics, the judges whom they protest against would be their protectors.

Now it is only on the false pretence that Guibord died a member of the religious body or community known as Roman Catholics, that Roman Catholic, or ecclesiastical as distinguished from mere civil, burial, can be claimed for his remains; and thus by virtually distinguishing or separating themselves from that body of which Roman Catholic judges are the "protectors," the plaintiffs in the Guibord case confess themselves not to be Roman Catholics, and so cut away the very ground from under their own feet. They reduce the whole case at issue to this simple question:—

"Can ecclesiastical burial according to the peculiar rites and ceremonies of the Roman Catholic Church be legally claimed for the remains of those who at the time of their decease avowedly formed no part of the Roman Catholic body or community?"

In short the plaintiffs have by their act of recusation placed themselves in this dilemma.

Either they form, or they do not form, part of the religious body and community of which the Roman Catholic Judge also form part, i.e. the Catholic laity, and of which body the said Judges are in an essential manner, the protectors.

If the plaintiffs do form part of that body, they have nothing to fear from those who are the protectors of that body.

If they do not form part of that religious body, to wit—the Roman Catholic Church, they have no shadow of a reason for claiming the religious services of the ministers of that body, for Guibord, or for any other members of the *Institut Canadien*.—Q. E. D.

Donoso Cortes begins his great work on *Catholicism* by a quotation from M. Proudhon who in his *Confessions of a Revolutionist* remarks,—that—"it is surprising to observe how constantly we find all our political questions complicated with theological questions." M. Donoso Cortes rejoins that—"there is nothing in this to cause surprise, except it be the surprise of M. Proudhon."

Nevertheless M. Proudhon is not the only one who notices and marvels at the continual mixing up of theological questions with political questions so-called. The Protestant press of Canada marks the phenomenon with anxious eyes, and is interested and curious to learn "how often, and to what extent the Papal opinion is invoked in our legislation." We reply:—That so often as a question in which the moral interests of the community are concerned, and the idea of "right" involved, so often must authority in the moral order, and in the theological order—since "right" comes from God alone—be invoked—Now to Catholics, the Church, personified in the Pope is the one authority to which alone Catholics, who enter largely into the composition of our legislative bodies, bow, and to which therefore they necessarily appeal. Every political question in which the idea of "right" is involved, involves a question of God—for all right is from God—and can therefore only be determined by appeals to an authority speaking in the name of God.

Now assuredly the question of Divorce is one in which the moral interests of the community are deeply interested; and one also which involves the idea of "right"—the "right" for instance of man, to determine the conditions under which man and woman shall live together as one flesh. Has God given man this

right? or has He Himself determined those conditions, so that man has but to obey them; and by his legislation to give effect to the divine decrees? These are questions surely which cannot be treated without the stirring of theological questions. In justice to the *Montreal Herald* one of our Protestant contemporaries, we may here add that, on the question of expediency certainly, and we think also on that of right, our able contemporary inclines to the Catholic, or we should say Christian view of marriage; that is the indissoluble union of one man with one woman; for he says "we are very much of Catholics in personal opinion on this one question of divorce." We are glad to hear it, and as with St. Paul to King Agrippa, we feel tempted to exclaim—"Would to God that in all other things he and his readers were altogether as are the Papists."

What is Divorce? What does a Divorce Act, or the sentence of a Divorce Court, really effect? Does it alter the nature of things? does it make that moral, and pleasing in the eyes of God, which, without it, would be sin? This no one will we think be silly enough to pretend. God has not given to the human legislator the power of binding and loosing; morality does not in any manner depend upon what an Act of Parliament may decree or prohibit; the status as before God of the married man, or the married woman, cannot be effected by aught that the Dominion Legislature may prescribe, or the Judge of a Divorce Court determine. If it be adultery, that is to say mortal sin, for a man once married to cohabit with a woman other than his wife, during the life time of the latter, without a special Act of Parliament, or the verdict of a Divorce Court in his favor—it is none the less adultery, none the less mortal sin which consigns the soul to hell, for him so to cohabit even with the sanction of such an Act, or with such a judicial sentence in his favor.

What then does such a sentence effect? It does this, and no more. It releases him who would otherwise be open to a criminal prosecution for bigamy, from the legal pains and penalties, which the human legislator, legislating when the idea of a Christian State still survived, saw fit to add to the spiritual pains and penalties which God has appointed for the adulterer. It repeals the legal, or man-created penalties assigned to the offence, and that is all. But the question arises, why in these days when the State is practically divorced from the Church—why should the laws against bigamy be maintained? Why should not, in so far as the law is concerned, every man and woman be left free to arrange the terms and conditions of their own sexual unions? Why should not these unions, by courtesy called marriage, be terminable at any time, by and with the consent of the contracting parties? due notice, in the interest of third, or possible third, parties being given in the shape of so many months previous notice in the *Official Gazette*, and local newspaper?

Bigamy too—though the name is bad, since bigamy is impossible—should, according to the spirit of the age, be treated simply as a breach of contract; and as an offence cognisable by the civil magistrate, then only when by false representations, as by representing himself as single when really married, a man induces another woman to cohabit with him as his wife. This is the idea of sexual unions, which the great organ of advanced Protestantism, the *Westminster Review*, advocates; and to this we have no doubt will it come at last, as modern society recedes more and more from the Catholic Church and her teachings on the duties and obligations of man and wife. But for the penalties which human legislation has attached to what it calls bigamy, there would be no need of application to Parliament for a Divorce Bill, or for the creation of Divorce Courts. But on the other hand, neither a Divorce Bill nor the sentence of a Divorce Court can in any manner add to, or take away from, the obligations of the divine law.

By simply repealing, therefore, all civil laws against bigamy, we should be spared the scandal of the pleadings in divorce cases, whilst the moral laws condemning adultery, and prohibiting bigamy, would remain in force the same as ever. Why then is not this short and easy method of getting rid of all these nasty cases which are often turning up, resorted to? Because our legislators have still some lingering Christian prejudices; because they hesitate to take the step which would entirely sever them from Christendom, although that step is the logical consequence of their own anti-Christian and immoral theories on marriage, as a mere civil contract, and the power of a human legislature to put asunder those whom God has joined together.

CHILD MURDER IN THE UNITED STATES.—The annexed paragraph from the *Toronto Globe*, of the 21st Nov., is significant:—

"Fully one-third of the whole population of Massachusetts is now composed of Irish children.—The baptisms of infants in the Catholic Church in that State amount to 30,000 per annum."

TO CORRESPONDENTS.—L. B. wishes to know if it be true, as asserted in the *Montreal Witness* of the 30th ult., that in the eyes of the Roman Catholic Church the marriages of all Protestants are invalid, and the issue of such unions, bastards?

We feel as if we almost owed an apology to our readers for replying to such a question, but it is as well to speak out frankly. The *Witness*, in the passage alluded to by our correspondent, has lied either through ignorance or through malice, probably through the latter cause. The marriages of Protestants are in the eyes of the Roman Catholic Church, valid, honorable, chaste, and indissoluble unions, and the children issue of such unions are legitimate. This is why Catholic writers inveigh so strongly against the infamous Divorce Laws in operation in Great Britain and the United States, and which it is to be feared may in time be extended to Canada. If Protestant marriages were not valid in the eyes of the Catholic Church there would be no reason for the opposition offered by our Catholic members of the Legislature to the Bills occasionally brought into Parliament for the dissolution of those unions; it is because, and only because, in the eyes of the Church such unions are truly Christian marriages, and therefore in their essence indissoluble, that her statesmen so strongly evince their horror of the Divorce Bills from time to time laid before them; it is because the Catholic Church looks upon Protestant marriages as chaste and honorable, that she, without hesitation, confers the Sacrament of Orders upon the issue of such marriages; it is because she recognizes those unions as truly indissoluble marriages, that she refuses to confer the same Sacrament upon those who, married as Protestants, return to her bosom. Being married they cannot become Priests.

These facts, patent to all the world, suffice to show how maliciously false are the allegations of the *Witness*. The object of the unprincipled editor of that journal seems to be that of stirring ill-blood betwixt Her Majesty's Protestant and Catholic subject in Canada, now living together as good brethren should live, in peace and amity. It should be the object then of every man, whether Catholic or Protestant, to try and frustrate the malice of the *Witness*.

A BAD ILLUSTRATION.—The *Montreal Witness* speculating on the probable consequences of the abandonment of the Papal Territory to the attacks of Italian Fenians and revolutionaries, instances the case of the poor creature called the Patriarch of Constantinople, who "can exercise full power over the Greek Church without any temporal sovereignty"—as a proof that the Temporal Power of the Pope is not necessary to enable him to exercise the full authority which pertains to him by virtue of his high spiritual office.

No doubt the *Witness*, and the sect to which it belongs, would be glad to see the Pope degraded to the level of the Patriarch at Constantinople, who is a mere tool or puppet in the hands of the Turkish Government; its creature, its thing or chattel, bound to do its behests, and incapable of one single free act.

No! Rather than see the Pope reduced to the creature of the Civil Power, we would see him in the catacombs. There are but two kinds of independence; the independence of Sovereignty, and the independence of Persecution. We do not invite the latter; but if it be God's will, we are prepared to accept it, trusting in Him for strength to bear, and grace to profit by it. The Pope may be robbed of his legal Sovereignty, but never will he submit to the degradation of being the subject of any human sovereign.

Here is an account, which we clip from the *Montreal Gazette*, of Catholic missions, and missionaries to the Indians, in the Arctic regions. The Catholic priest will have it all to himself there; no Protestant missionaries with their wives and little ones, and their domestic comforts will ever penetrate to those dreary and inhospitable regions we may be pretty sure.—They prefer "Home Missions" to Papists, or "Foreign Missions" to genial climes, where there is good eating and drinking, and some thing better than an occasional turnip for Sundays, or other Feasts, on which, as we learn, our Romish priests, with their corrupt faith, make merry on gala days. No, we may rest assured that the Catholic Arctic Missions will never be interfered with by Protestant missionaries and missionaries. These have "no call" for such work as awaits them in such rigorous climes:—

JOLIET, Ill., March 1870.—I propose to conduct your readers, in spirit, to the mission of Divine Providence, which is situated within the Arctic Circle. Imagine to yourself that you are present at a missionary residence some 800 or 900 miles from any other white man's dwelling. Here there are two missionaries. One of them is going on a journey; it will take some three or four months. The preparations are soon made. Here is the list of the missionary's baggage; and remember that my list is no fictitious one, it is a stern reality: two blankets, one half buffalo robe, twelve pounds of pemican, that is grease and buffalo flesh mixed; a small trunk