

The True Witness.

CATHOLIC CHRONICLE... PUBLISHED EVERY FRIDAY... J. GILLIES, Editor.

TERMS YEARLY IN ADVANCE: To all country subscribers, Two Dollars. If the subscription is not renewed at the expiration of the year then, a case the paper be continued, the terms shall be Two Dollars and a-half.

MONTREAL, FRIDAY, FEBRUARY 16.

ECCLIASTICAL CALENDAR.

FEBRUARY—1866. Friday, 16—Of the Crown of Thorns. Saturday, 17—Of the Feria. Sunday, 18—First of Lent.

REGULATIONS FOR LENT.—All days of Lent, Sundays excepted, from Ash Wednesday to Holy Saturday included, are days of fasting and abstinence.

The use of flesh meat at every meal is permitted on all the Sundays of Lent, with the exception of Palm Sunday.

The use of flesh meat is also by special indulgence allowed at the one repast on the Mondays, Tuesdays, and Thursdays of every week from the first Sunday after Lent, to Palm Sunday.

NEWS OF THE WEEK.

The burden of all the English journals in their columns of Irish news is to the effect that the Fenian trials still continue. One ray of light breaks in upon the darkness, in the shape of an announcement that the proclamation against keeping arms without a license is extended to Orangemen as well as Fenians.

One great danger that menaces the peace of that country proceeds from the temper of the Orangemen at the present moment. Many of them seem to wait but for the slightest semblance of encouragement from the authorities to renew the atrocities of the Yeomanry in '98; and it will need great prudence, and great firmness, on the part of the Government to check, or keep within bounds, the zeal of their very dangerous allies.

But in whatever spirit the suggestion of the Times may have been made, or in whatever spirit it may be accepted by the Irish Catholic Clergy, the fact of the strenuous opposition by the latter offered to Fenianism cannot be denied; and even Protestants, prejudiced by early education and false traditions, though they may be, are by the force of events compelled to admit that the Catholic Church is the uncompromising opponent of Jacobinism in every guise, and the firm, consistent supporter of the cause of social order.

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Church never yields to the current. She is stern, stubborn, and uncompromising towards popular errors, as towards the errors of the great. With the same voice as that with which she rebuked the vices of tyrant Kings and Emperors, launching against the crowned and purple-robed offenders the thunders of excommunication, does she, to-day, when democracy is in the ascendant, and menaces liberty, rebuke and excommunicate, the demagogue, the Socialist and the Fenian.

From the Continent of Europe we learn that the Spanish insurrection is for the present at an end, its chief, Prim, having been compelled to seek safety in Portugal. The news from Italy is cheering, as showing that the collapse of the so-called Italian Kingdom is at hand.

The Fenians in the U. States still keep up their threats against Canada. A meeting was held the other day in Chicago at which General Sweeney of the U. States army, appeared in uniform, and spoke out pretty strongly, hinting that with 50,000 men, he would soon be master of this country.

It is a wonder, however, that they do not perceive that their manifest contempt for the rights and liberties of others, can but have the effect of quenching any sympathy which unprejudiced men might be inclined to entertain for their pretended object, that of liberating Ireland.

The Reciprocity Treaty negotiations are at an end. Better that it should be so than that our Government should have made unworthy concessions.

His Excellency the Governor General arrived in town from England, on Tuesday evening.

THE AMERICAN REPUBLIC, ITS CONSTITUTION, TENDENCIES AND DESTINY.—By O. A. Brownson, L.L.D.; New York, P. O'Shea.

In some respects the title of this book seems to be a misnomer, since it professes to treat not only of the old Constitution of the United States, but of its tendencies, and its destiny. Now the Constitution of the United States is a thing of the past. It is defunct: and as dead, can have neither tendencies nor a destiny before it, since these, properly speaking, belong only to the living, and to the present, not to the dead and to the past.

What the Constitution of the United States was before Northern democracy destroyed it, matters little now, except to the historian, and to the archæologist. To them it may long afford matter for interesting study; just as we may study with curiosity and interest the ancient constitution of France. The name of the country, its geographical limits remain the same, or pretty nearly the same as they were in the days when periwigged courtiers, and noble dames, gorgeous in hoops and powder, disputed eagerly the right to assist at the morning toilet of the Grand Monarque; but even the old constitution of the France of Louis XIV, even the ancient régime is not more completely a thing of the

past, and irrevocable, than is the Constitution of the United States under which the learned author of the work before us lived in the days of his youth, and early manhood. A great deluge has passed over the land; a terrible cataclysm, that has for ever swept away every trace of the antediluvian world, and left to the existing generation only the tradition that such an order or system really once existed. We may rejoice ever this, or we may mourn over this, it matters not—for the fact remains unalterable, and can never be undone. The old Constitution of the United States was, in the words of the founders of the Republic, an experiment. It has been tried, and has failed signally; not because it was democratic, but because democracy could not bear the restraints that it imposed upon it.—Never, however, can it be restored, or brought to life again; for in politics every thing is possible except the past, and only that which once has been, can never again be. Out of the present chaos some form of a constitution will in process of time, must no doubt, evolve itself; but of what pattern we know not, except that it will in principle, and in every important particular, be the contradictory or direct opposite of the pre-existing Constitution of which Dr. Brownson treats.

Yet is his last work, as is everything which comes from his pen, interesting, instructive, worthy of careful study, and marked with the stamp of a keen and powerful mind. Even when we differ from Dr. Brownson, we do so without loss of our respect and affection for the man, for him who for so many years, so bravely, and so effectually fought the battle of Catholicity and of Conservatism. He has indeed changed many of his views, as he himself tells us, since then—honestly and in all sincerity we doubt not; and thus it has come to pass that there is often a great discrepancy betwixt the author, and some of those who some years ago were his most ardent admirers, and it may be said his disciples, content to sit at the feet of this new Gamaliel. But great as these discrepancies are, they are no greater than are the discrepancies which we find betwixt the views and opinions expressed by the author of Brownson's Review of some nine or ten years ago, and those which the learned Doctor has advocated of late years, now that he draws his inspiration from Pierre Leroux and the Abbate Gioberti, as well as from Suarez, St. Thomas, and St. Augustine.

But this is to be last of the Doctor's contributions to the literature of North America. It is the last song of the swan, to which we listen with attention; and it is also the last recantation or palinode with which a powerful though somewhat versatile thinker and writer intends to favor us. It contains as it were his last dying speech and political confession of faith, his last thoughts, his last views on politics, on society, and on government in general, but on the politics, society, and the government of the United States of North America in particular. It is in fact a judicial summing up of the case as betwixt North and South—or to speak more correctly, betwixt State Rights and Centralisation—which having been submitted to the arbitration of the sword, has unfortunately been decided against the former, and in favor of the latter.

Dr. Brownson, though a strong advocate of the victorious cause, is too intelligent a man, and too honest a man to describe the case as one betwixt "Slave Labor" and "Free Labor." He knows, as does every man not an idiot, and as every honest man admits, as Mr. Lincoln himself repeatedly and emphatically asserted, that the late war was not undertaken on the part of the Federal Government with any idea of enfranchising the negroes. That slavery was one of the side issues raised at a late stage of the conflict is very true; but in its inception, or formally, the war was a war betwixt "State Rights," and Centralisation as represented by the Federal Government. This is frankly admitted by our learned author:—

"There is no doubt that the question of Slavery had much to do with the rebellion but it was not its sole cause. The real cause must be sought in the progress that had been made, especially in the States themselves, in forming and administering their respective governments, as well as the General Government in accordance with political theories borrowed from European speculators on government, the so-called Liberals and Revolutionists, which have and can have no legitimate application in the United States. The tendency of American politics for the last thirty or forty years, has been within the general States themselves in the direction of centralised democracy."—p. p. 9, 10.

Again:— "This tendency to a centralised democracy had more to do with provoking secession and rebellion than the anti-slavery sentiments of the Northern Central, and Western States."—p. 11.

On this point we are, we always have been, at one with the Doctor; and we differ with him only as to the right of the Southern States to resist this tendency "to a centralised democracy" by force, and to assert with arms in their citizens' hands, their "Rights," autonomy, or sovereignty. This was the question at issue; and this question the Doctor, so it seems to us, unfairly begs, by applying to that resistance, and that armed assertion of the "State Rights" theory, the epithet of "rebellion." Of course, if "secession" and "rebellion" be one and the same thing, there is no room for further dispute; but this is the very question at issue, an answer

to which the Doctor at once assumes in his favor; though as he himself shows, its solution depends upon the solution of some very intricate historical problems. The question in short—revolves itself into this. Were the several States, or any of them, of which the political agglomeration now known as the United States was subsequently formed, ever, for one moment, either de jure, or de facto, sovereign and independent States? If they were, then their sovereignty is inherent in them still; after, as well before their political contract, or Union with the other States; therefore they had the right to secede, or withdraw from that alliance or Union; and therefore any means necessary to enforce that right were to them lawful, and therefore not "rebellion" which never can be lawful. This Dr. Brownson admits:—

"The question, then, whether the United States are a single sovereign State or nation, or a confederacy of independent sovereign States, depends on the question, whether the American people originally existed as one people, or as several independent States."—p. 195.

Mr. Jefferson, Mr. Calhoun, and Mr. Webster, Dr. Brownson tells us, names of no mean authority, all held and asserted, that originally, and before ratifying in 1787 the late constitution, the several States which voluntarily accepted and ratified that constitution, were sovereign and independent; and our author adds:—

"If the several States of the Union were severally sovereign States when they met in the convention, they are so now."—p. 196.

"But if the sovereignty persists in the States severally, any State, having its wish, may, whenever it chooses to do so, withdraw from the Union, and solve its subjects from all obligation to the Federal authorities, and make it treason in them to adhere to the Federal Government. Secession is, then, an incontestable right."—p. 196.

So that, according to Dr. Brownson, the question of the right of any one of the Southern States—say of Virginia—to secede, is incontestable, if at any one moment prior to her acceptance and ratification of the constitution of 1787, she were de jure or de facto, a sovereign and independent State. Surely it is scarcely just to brand as "rebels," as guilty therefore of a moral offence, men who upon such a nice or intricate point of law, and obscure historical question, erred—even admitting that they erred—in company with great statesmen like Jefferson, Calhoun and Webster, and we may add with Dr. Brownson himself, who, but a few years ago, held and powerfully defended the same error.—Rebellion, or the sin of rebellion, consists, not in an error as to the person to whom allegiance is due, but in resistance to authority whose "legal title" is not, and cannot be contested. In the case of two rival claimants for the throne, the subject who sides conscientiously even with him whose title is defective, provided the latter be in authority is, by the law of England, (c. II., Henry VII) wisely declared to be no rebel or traitor, and exempt from all the penalties of treason.—Now this was actually the case in the late terrible American war, which in many of its features more closely resembled the "Wars of the Roses" in England, than the later wars betwixt the Cavaliers and Roundheads. There were in the territory called the United States two rival claimants to sovereign power, both challenging the allegiance of the citizens. Not to be too precise in geographical details, it may suffice to say that, south of the Potomac "State Right" was de facto sovereign, and claimed to be so de jure as well. North of the Potomac, "Federal Right" was sovereign de facto; and it also claimed to be sovereign de jure south of the Potomac. The titles which these two rival claimants to sovereign power urged were, at least, as intricate as those urged by the adherents of the Houses of York and Lancaster, respectively, since their interpretation depended upon the right solution of the very intricate legal and historical problem above enunciated.—How then were men dwelling south of the Potomac to act? Whose banner were they to follow? That of the sovereign actually in possession, and who claimed also to be sovereign de jure? or that of him who claimed their allegiance only as sovereign by right, and who was not in possession? According to the wise and humane dispositions of the famous Statute of Henry the Seventh, still the law of England, the Southerners were perfectly justified, legally and morally, in giving their allegiance to the sovereign actually in possession, irrespective of the validity of his title; they were not therefore rebels, or amenable to the laws against rebels and traitors; and the term "rebellion" applied to their gigantic struggle, for King "State Rights" is as much a misnomer as it would be were it applied to the cruel war betwixt the Lancastrians and Yorkists, which from the field of St. Albans to that of Bosworth, made of all England for upwards of thirty years, an Acedama, or field of blood. As we understand the word "rebellion" it seems to us as silly and unjust to apply it to the "State Rights" men, as it would be to apply it to the armed followers of either the White Rose, or of the Red Rose.

And certainly it does not seem to us that Dr. Brownson has clearly made out the title of that party whose cause he to-day espouses with a versatility, if not with a success, remarkable as that of the old Earl of Warwick.

For, if prior to their acceptance, and ratification of the constitution or Union of 1787, the States were not, severally, independent and sovereign, why was it submitted to their several acceptance and ratification, instead of being imposed upon them by their common sovereign, the people of the United States collectively? What, we would ask, would have been the result, if one of the States had absolutely and finally refused to accept or ratify the constitution which all the other States had accepted? Would the recalcitrant State have been coerced into acceptance? or would it not rather have been allowed to remain out in the cold, sovereign and independent? But if sovereign and independent then, therefore sovereign and independent before; since its simple refusal to accept or ratify the terms of the Union proposed to it, could not have conferred on it, that to which it had no inherent right. The very act of submitting the Constitution of 1787, to the States severally, for acceptance, implied the right of any one of them to reject it absolutely; and was therefore a felt though implicit recognition of State sovereignty and independence; unless indeed it be pretended, either that the States accepting the Union would have had the right to impose it upon a single recalcitrant State; or that because of the refusal of one, all the other States would have had to forego a Union for which they were strongly in favor. Besides, historically, what shall we say of Texas? Was not Texas once recognised even by the Government of the United States as a sovereign and independent State? and yet according to Dr. Brownson, if once sovereign and independent, the State of Texas is so still, ever must be; and "secession" is, and ever will be to Texas, "an incontestable right."

But it is idle to talk of "right" now, in connection with the Government and policy of the United States; and Dr. Brownson's book is as the French would say but as "mustard after dinner." A clever book no doubt, and valuable to the student for the erudition which it displays, and the fruits of deep and earnest thinking, which it bears in great profusion. For all these it is valuable; but as any index to the future, whatever may be its value as to the past, it is naught. All that we can say is this. The tendency of the United States long has been towards "centralised democracy," as Dr. Brownson himself admits. Certainly late events, and the triumph of democracy have not operated as a check to that tendency, but have rather given to it a violent forward impetus; and without any affectation, therefore, of the possession of prophetic gifts, we may logically conclude from the experience of the past, that this tendency or movement will proceed with an ever accelerating velocity, until it find its legitimate consummation in unbridled despotism. Unless indeed it so happen, in the interests of liberty, and of progress in the right direction, that the old battle flag of "State Rights," now all bloody, torn and trampled in the dust though it be, be again reared triumphantly aloft by some bold and vigorous hands.

* At page 389 the author shirks the question, for he dare not face it.

DEATH OF THE REV. M. GRANET, SUPERIOR OF THE SEMINARY OF ST. SULPICE, MONTREAL.—After a long and painful illness, supported with Christian heroism, the late Superior of the Seminary, the Reverend M. Dominique Granet expired on the afternoon of Friday the 9th inst.—R.I.P.

The reverend deceased was born in France at Espalen, in the year 1810. Raised to the Priesthood in 1835, he arrived in Canada the 4th of September 1843, where he filled the post of Professor of Dogmatic Theology for about thirteen years, when upon the retirement, on account of failing health, of the Reverend M. Billaudele, he was elected to the important charge of Superior of the Seminary, the arduous duties of which he discharged to nearly the day of his death. As our readers are aware, the post, if highly honorable, is also most responsible, and taxes to the utmost the energies and the administrative abilities of him who fills it.—Struggling, however, with ill health, nobly and faithfully did the deceased for long years discharge all its duties, and now like the good steward, has gone to give an account of his stewardship to His Lord and Master.

To the City of Montreal, as well as to the Seminary of St Sulpice the loss of the late Superior is a great calamity. He was universally beloved and respected; a theologian of the highest order, his advice was eagerly sought for in all occasions of difficulty, and in him the poor and afflicted ever found the friend, and spiritual comforter. Yet he delighted in doing good in secret; and the treasures therefore which he accumulated on earth, he has carried with him to that world where even the cup of cold water given in the name of Christ shall by no means fail in its reward.

The last obsequies of the reverend deceased were to be celebrated on Thursday the 15th instant, by a Solemn Requiem Mass in the Parish Church. It is expected that from all parts of the Province the ecclesiastical dignitaries will be represented on this sad occasion; and certainly in this City of Montreal, where the Rev. M. Granet so long labored, where he was so well known, and therefore so sincerely loved, there will be offered many a hearty prayer to the Throne of Grace for the spiritual repose of this respected and lamented Pastor.