

# The True Witness

AND  
CATHOLIC CHRONICLE,  
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At No. 663 Craig Street, by  
J. GILLIES.  
G. E. OLIER, Editor.

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MONTREAL, FRIDAY, MAY 14, 1869.

## ECCLIASTICAL CALENDAR.

MAY—1869.  
Friday, 14—Of the Fair.  
Saturday, 15—Fast. Vigil of Pentecost.  
Sunday, 16—Pentecost.  
Monday, 17—Of the Octave.  
Tuesday, 18—Of the Octave.  
Wednesday, 19—Ember Day. Of the Octave.  
Thursday, 20—Of the Octave.

## REMOVAL

The Office of this paper has removed to No. 663 Craig Street, one door off Bleury.

## NEWS OF THE WEEK.

The great enthusiasm manifested on the late celebration of the 50th anniversary of the consecration to the office of Priest of the present illustrious occupant of the Chair of St. Peter, has given a very severe blow to the revolutionary party. It has shown them how numerous, and how zealous is the *parti pretre*, and cannot but convince them that the overthrow of the Papacy will be no easy task—perhaps too difficult a task for all the powers of hell to accomplish. The throne of the robber king of Piedmont may soon be overturned; and everything seems to indicate that both the political and the mortal career of that unhappy man, are near their end; the Mazzinians are conspiring against the first; and the vile lusts to which Victor Emmanuel is the slave, and the abominable excesses in which he indulges, threaten speedily to cut short the other. Soon, like his late minister the unprincipled Cavour, he will be another instance of the sad fate of those who dare to lift sacrilegious hands against the Lord's anointed.

The Spanish question is, to all appearance, as far from its solution as ever. The revolutionary government has managed to involve the country over which for its sins it rules, in difficulties with foreign nations. The high handed dealings of the Spanish authorities at Cuba have naturally provoked the interference of the British government; and it is reported that Capt. Phillimore has received instructions to demand the immediate liberation of the rebels captured in British waters, as well as of the crews of the ships on board of which they were. If this be not done, and it full satisfaction for all the outrages upon British territory be not made, Capt. Phillimore has instructions to make reprisals. In the mean time filibustering expeditions on a large scale are reported to be fitting out from all the ports of the U. States, with men and munitions of war for the Cuban insurgents.

Mr. Howe is expected at Ottawa. We are glad to see that there are good prospects of the discharge of the Rev. Mr. McMahon from the Provincial Penitentiary where he is now confined for his participation in the Fenian raid of '66. His case has been warmly taken up by His Grace the Archbishop of Halifax, who is now in Ottawa, and who has had an interview on the subject with His Excellency the Governor General. The *Mitrevue*, a Ministerial organ, and generally well informed as to the designs of the Government, speaks in favor of the proposed extension of royal clemency to Mr. McMahon; and we may therefore expect to see him very shortly set at liberty. We see by our exchanges that the highly respected Warden of the Penitentiary Mr. McDonnell has resigned, and that the vacancy has been filled up by Mr. Ferris.

Emigrants from Europe are already beginning to flow into the Province: about 900 arrived in Toronto on Saturday evening last by car, but of these the great majority, about 800 proceeded West. Only about 100 remained in Canada. It is stated that the Messrs. Allan have contracted to bring over near 6,000 emigrants from Norway during the course of the season. The bulk of these will we suppose be for the United States.

A local paper, the St. John's *News*, assigns as one of the causes of the great and constant immigration of the Lower Canadian agricultural population, the monstrous usury of which they are made the victims, by the small money lenders, scattered about our country parishes. These rapacious gentry exact 20, 25, and even 30 per cent interest on loans by them advanced to the dis-

pressed agriculturalist, and at of course no farming, even under the most favorable conditions, can bear such a burden; the silly borrower soon finds himself a ruined man.

The snow has almost entirely disappeared, the ground is drying fast, agricultural operations have commenced, vegetation is slowly setting in, and everything announces the advent of the blessed Spring.

The *Montreal Gazette* publishes without a word of comment a piece of arrant nonsense from a London paper, *The Rock*, with reference to the origin of the property held by the Catholic Church in Canada. *The Rock* not content with asserting that in Canada the "Church of Rome hold in fee 1,522 square miles of the best settled portions of the Dominion;" and that it "draws an income double that of the Irish Church"—adds that the titles of the Catholic Church to this property "are identical with those of the Irish Church to hers;" and that the "French Canadian Church, with the bodies attached to it, got their grants from the monarchs of France."—That an English paper should make such mistakes as to the amount, and origin of the property held by the Catholic Church in Canada is not wonderful, for in England little is known of the actual state of affairs in the Colonies: but it is wonderful that a Canadian journal, and one for the most part so honest as is the *Gazette*, should reproduce such nonsense without a word of comment. Surely the *Gazette* must know that there is not the slightest analogy between the titles of the Catholic Church in Canada, to the property she therein holds, and those of the Irish Protestant Establishment to its property.

In the first place, in Ireland the greater part of that property, the Cathedrals, churches, and lands were taken from the religious bodies to which they originally belonged, and handed over to the Protestant Church which the State created. In Canada, no earlier Church was despoiled of its possessions for the benefit of the so called Romish Church.

In the second place it is not true that the property of the said "Romish Church" in Canada, was granted in the sense of given, by the monarchs of France. It, the property in question, was for the most part bought and paid for in hard cash, by the religious communities by whom it is now held; or was granted to them by private individuals, the then lawful owners of the said property.

The assertion that the income, or receipts from Catholic ecclesiastical property in Canada—that is to say Lower Canada, for in Upper Canada the Church is supported by the voluntary contributions of its members—is too absurd to require serious notice. At its lowest estimate the annual income of the Irish Protestant Establishment is about \$3 500 000; so that, according to the London *Rock*, as quoted by the *Montreal Gazette*, the annual income of the "Romish Church" in Lower Canada must be about \$7 000 000!!! We ask of the *Gazette* is it not pitiful that such rubbish should be published in Canada.

Noticing a recent debate in the House of Lords upon pauperism, and emigration as its cure, the London *Times* in a few words happily hits off the difficulty which will always attend this remedy for the social evil that afflicts the Mother Country. "There is no use," says the *Times*, "in binking the fact that it is our human rubbish we want to get rid of, while it is just this that the Colonies do not want to take. The Colonies would be glad enough to have our best people—the young, strong, healthy, men and women—but then we want to keep these ourselves, and they can generally get work at home. At any rate, they go quite fast enough, without being sent out by the rate-payers. How to employ, or what to do with, the weak shiftless class, the real 'dregs' of the population, is the problem for our statesmen."—*Times*.

The *Times* may be assured that the Colonies will never accept as a satisfactory solution thereof, the proposal of certain economists in England, to shoot their "human rubbish" on their shores. The Colonies do not want, and will protest against being burdened with the weak, the shiftless class, the real 'dregs' of the population," as the *Times* calls them. And if there is no other class which the mother country can spare, she must just be content to keep her paupers at home, and support them herself. The Colonists have no idea of undertaking to perform the neglected duties of the English rate payers. The strong, active and industrious they will hail gladly; but as for the "human rubbish" of which the *Times* speaks, England may keep it to herself, and utilize it as best she can, for we will have none of it. The stand so nobly taken some years ago by the Colonists of Australia with regard to the convicts whom England tried to vomit upon their shores, should furnish us in Canada with a precedent as to how we should meet all attempts to shoot "human rubbish" on our shores.

The *Montreal Daily News* seems to entertain fears lest in our acquisition of the Hudson Bay property, we have won an elephant. How

are we to keep open our communications all the year round, with the newly acquired territory? Is the great question that presents itself: and unless this problem can be solved immediately, and so solved as to furnish a constant means of communication between Canada and Red River, without our being driven to the humiliating necessity of depending upon the sufferance of foreigners, we shall have gained nothing by the increase of our territory, and therefore of our responsibilities. An application has, it seems, been already made to the Postmaster General to establish regular postal communication between Canada, and the Western part of the Dominion: but says the *Daily News* "the puzzle with him, as it was with the Hon. John Rose in February 1857, before the Hudson Bay Committee of the House of Commons, is to find out a route, available the year round. We are all well aware that during open water, mail matter can be sent to Thunder Bay, and thence forwarded over the Twelve Portage road to the Red River, but the difficulty is how to transport bulky mail matter when winter sets in, and we are driven to the North Shore of Lake Superior."—*Daily News*, 7th inst.

That's what is the matter. During the few weeks of the year when the navigation of Lake Superior is open, no doubt intercourse between Canada and what is called the Red River district, can be maintained. The distance is estimated at about 1,475 miles from Montreal; of which however 842 miles are by lake and navigable rivers. But during the long, almost incessant winter that prevails in the dreary region of Lake Superior, this route would be useless: and a route which would not be available all the year round would not be worth establishing at all. Now as the south shore of the Lake is in the hands of foreigners, we shall be compelled to trust to a railroad, running round Lakes Huron and Superior, and extending north far away towards the Arctic Circle. Whether such a road can be kept in good running order all the year round, in spite of ice, and snow, and storms is a question for engineers to determine: but if it can not, the lately acquired Hudson Bay property, though it may impose heavy burdens, and responsibilities upon us, will be of as little use to us, as would be an equal number of acres of territory in the moon.

The trial of young Mr. Chailoner for shooting Mr. Whittaker of the 53rd regiment, at Quebec on the 3rd of March last, commenced on Monday the 3rd inst. Nothing new was elicited. It was proved that the prisoner had purchased a pistol a few days before the tragedy took place: that he was present at the skating rink on the afternoon of Wednesday the 3rd March, and was apparently waiting for the appearance of the deceased officer: that when the latter showed himself, he walked up to him, and fired two shots, of which one inflicted the fatal wound. So far everything was clear. Of the fact that young Mr. Chailoner shot Mr. Whittaker, and shot him intentionally, there never was the slightest doubt.

The defence appealed to the sympathies of the jury: explained the purchase of the pistol by young Chailoner, as a measure of precaution taken by the latter against an apprehended attack from the deceased: and suggested the sudden and violent excitement amounting to temporary insanity, caused by the prisoner having learnt only a few minutes before the tragedy was consummated, of the cruel treatment of the prisoner's sister by deceased—as a palliative of the act: for which the young man was then on his trial.

The learned Judge summed up, and laid down the law of the case most clearly: telling the Jury that Manslaughter at the very least, was the mildest verdict they could render.

The Jury then returned to consider their verdict, and after having been locked up all night returned into Court to declare the prisoner "not guilty." This issue of the trial was hailed with great delight by all present.

We confess that we regret the verdict, as one not in accordance with the evidence. That young Chailoner was guilty of what the law calls murder no impartial person can doubt; that if only half that has been said about the antecedents which provoked him to the act be true, young Mr. Chailoner is entitled to our strong sympathies, is also true—for there are wrongs for which law gives no redress, which will drive wise men mad. But these extenuating circumstances should have had nothing to do with the verdict, and the Jury had no business to take them into consideration. Their plain duty was, a verdict to find, and deliver in accordance with the facts sworn to before them, and with the law, as laid down by the learned Judge on the Bench. This done, then their sympathies might have been allowed to come into full play. Earnestly they might have recommended the convicted prisoner to the mercy of the Court, to the consideration of the Executive: and that recommendation, backed as it would have been by the sympathies of the entire Canadian public would we are sure have been attended to. So might the rival claims of justice and of mercy have been harmonised: and so might the jury have gratified

their very natural and indeed perfectly legitimate sympathies for the prisoner, and against the law. As it is—deeply as we feel for the young gentleman and for his afflicted family, our judgment condemns the verdict: and though we rejoice at the prisoner's delivery, we cannot but deplore the manner in which that deliverance has been effected, as giving a serious blow to the administration of the law in Canada.

By these remarks we design to cast no slur on the jury, who, we are ready to believe, acted conscientiously though erroneously. They evidently confounded two distinct questions—to one of which it was their sworn duty to give an answer: with the other of which, as jurymen they had no concern. Instead of considering simply whether the accused had been proved to have committed an act which the law calls murder, the question they really—though perhaps unconsciously—dealt with was this—Has the accused been guilty of an act for which he deserves to be hung? To this question their hearts as well as their heads answered "No. He has not been guilty of any such act." This we suspect was the mental process by which the jurymen, erroneously no doubt, but possibly in perfect good faith, arrived at their verdict of Not Guilty.

EMIGRATION.—It is reckoned that the number of French Canadians settled in the United States at the present moment is not less than 600,000, and that number is constantly increasing. "We believe," says the *Montreal Gazette*, noticing this melancholy fact, that "the character of the French Canadian young men who go to the United States becomes altogether changed." This, we fear, is certain; and this is why the Catholic clergy of Canada have so earnestly endeavored to check the exodus of their fellow-countrymen. But alas! what can they do? They cannot change the physical conditions of the country; they cannot lengthen our summers; shorten our terrible winters, or give to Canada the material conditions of the countries to the south and west of us. And until this be done, it is in vain to expect that the deplorable exodus from Lower Canada of so many thousands of her children, and the still more deplorable loss of so many immortal souls, can be to any sensible degree checked.

For seven months of the year the Canadian farmer is compelled to house his cattle, and to feed them on what he can raise during the short summer season. In consequence the Canadian farmer keeps as little live stock on his farm as possible. The result is that he makes too little manure; and in consequence he has no means of renovating his exhausted fields. Add to this, the continual division and sub-division of farms, and we have no cause to marvel that agriculture in Lower Canada languishes, and barely affords the scantiest returns to those engaged in it.—The climate, so it is said by those who have tried the experiment, is not favorable to the growth of root crops, especially of the Swedish turnip, which by enabling the British farmer to feed at a small cost his stock during the winter, has of itself effected a complete revolution in the agriculture of the British islands, and enabled them to support their teeming millions. Capital is scarce in Canada, and there are but few of our farmers who can afford to import or purchase the fertilizers of the soil, which modern science has brought to light; and so, in a kind of despair, the *habitant* quits a land whose dreadful climate, and ungrateful soil, barely furnishes to him the means of subsistence, and on which he feels assured that his children must starve altogether, in search of the more genial clime, and the virgin soil of a foreign land. Were the exodus the result of moral causes in any degree, the consequence of something that the legislature has done, or has left undone, we might hope to see it checked. But it is not so. In its moral conditions there is no country more highly favored than is Canada; nowhere is life and property more secure; nowhere are the rights of the citizen, and the Christian, better understood, and more scrupulously respected; and the exodus being therefore entirely independent of legislative control we entertain not the least hopes of any diminution of it in the future. At all events the remedy must be looked for in the discoveries of science; of a science which shall show how the disadvantages of such a fearful climate as ours can be counteracted; and how a soil covered for six or seven months of the year with snow can be rendered as productive, and as remunerative to the cultivator, as is that of lands whose winters are less rigorous, and what is of far more importance, of shorter duration; for it is the monstrous length, not the severity, of our Canadian winters, that kills us, and ruins the farmer.

There has been a lively debate in the Imperial Parliament on the vexed question of marriage with a deceased wife's sister. As much misapprehension as to the teachings of the Catholic Church on this matter obtains amongst non-Catholics, we publish the following letter on the subject from His Grace the Archbishop of Westminster, to Mr. Monsell, in which the Catholic doctrine is fully laid down:—

"8, York-place, W., April 9, 1869  
My dear Mr. Monsell, In the letter laid by the

Catholic Bishops of England before the Commission on the Marriage Law, many hardships to which Catholics are subject, by reason of the variance between our statute law and the law of the Catholic Church, are pointed out; and among others the case of marriage, by dispensation, to a deceased wife's sister.

A dispensation makes such marriage lawful and valid in the sight of the Church; but it remains unlawful and invalid by the civil law of England. This passage, which relates only to the hardship endured by Catholics in rare exceptional cases, has been used, by those who are now endeavoring to establish the legality of such marriages as an ordinary rule, for the purpose of showing that the Catholic Bishops in England are in favour of the movement. Such is not the fact. The law of England, which prohibits such marriages, is the old Catholic law still surviving from the time before the Reformation; and our civil law is, in this respect, in perfect harmony with the law of the Catholic Church throughout the world. The Catholic Bishops would be the last persons in this country to desire to see our public law placed at variance with the ancient Christian law of impediments.

The Catholic Church, however, has power to dispense with that law whenever it is only of ecclesiastical creation. The prohibition, or impediment, in this case is a creation of the ecclesiastical law only. In England no such dispensing power exists, and the hardship pointed out by the Catholic Bishops thence arises.

But, in pointing out this rare and exceptional hardship, nothing is further from their minds than to desire to see that which is permitted only by dispensation of supreme authority, and that only for reasons of the highest and gravest moral necessity, established as an universal and unlimited freedom by law. They believe that the domestic life of the country would be thereby deprived of one of its sacred protections, and laid open to a multitude of dangers.

I should be glad if you would take occasion to give a public contradiction to the erroneous interpretation of our words.

Believe me, my dear Mr. Monsell, yours very faithfully,  
+ H. E. MANNING,  
Archbishop of Westminster.

It will thus be seen that if the Catholic Church prohibits marriage with a deceased wife's sister, she does so simply as a matter of expediency, and not because such marriages are prohibited by divine law. They are not so forbidden, for every one knows that neither General Council nor Pope can dispense with a divine law, or law of God.

ACT OF ATTAINDER.—We read in the columns of our English papers that the Attorney-General for Ireland has brought into the House a Bill for disqualifying Mr. Sullivan, the Mayor of Cork, from acting as a Magistrate. This seems a singular mode of proceeding in the nineteenth century, and reminds one of the Bills of attainder to which under the dark days of Tudor tyranny, the lives and liberties of Englishmen were subject. If the Mayor of Cork have been guilty of treasonable actions, or of uttering seditious speeches, he should be prosecuted, and dealt with according to existing law: but to make a new law for punishing him for acts which the law as it exists cannot reach, is but a revival of the old system of Attainder. In principle, if not in degree, it is the same thing as would be an act authorising the beheading or the hanging of the Mayor of Cork.

COPYRIGHT.—Petitions have been presented in the Legislature at Ottawa praying for such a change in the copyright law as shall allow the republication in these Colonies of British works, on the same conditions as allowed by the United States.

DIAGENES.—This is decidedly the best comic periodical that has appeared in Canada. The reading matter is first rate, and the cuts are excellent some of them worthy of *Punch*. What is more satisfactory is that the editor excludes all personalities, and is witty without being scurrilous, indecent, or personally offensive.

*Diogenes* must not think us captious, if we qualify these remarks with an expression of our regret at certain comments of his upon the constant and universal action of the Catholic Church with respect to "mixed marriages." These unions which she does not prohibit indeed, she nevertheless deprecates; but in her eyes they are valid, sacramental marriages, as much so as are unions wherein both contracting parties are Catholic. True, in the case of "mixed marriages" she does not celebrate, as she does in the case of the marriages of her own children, a special Mass, neither does she display the same pomp of ornament, and ritual; but how can Protestants complain of this? Or rather may we ask, should they not feel thankful that the Church does not make the attendance at a Mass, obligatory upon them. For if the Catholic Church be—as all consistent Protestants must, to justify their protest against her, insist she is—"the Mother of harlots" and the "mystery of iniquity;" if her service of the Mass be, as all real Protestants assert, damnable, soul killing idolatry—then indeed might they complain of lack of charity on her part, if she insisted, as a condition of sanctioning their marriages with her children, upon their assistance at her devilish rites. This she does not do. Mixed marriages are simply contracted, generally in the sacristy, in the presence of the priest who receives the mutual vows, or pledges of faith, of the contracting parties—in which, and not in any act of the priest, essentially consists the "sacrament of marriage." It is therefore a gross error on the part of *Diogenes* to assume that a marriage, not performed in a church is, in the eyes of Catholics, "only a civil marriage." Such a marriage, though deficient in certain accessories in which no Protestant could conscientiously take part, and from which Protestants are therefore