

The True Witness.

CATHOLIC CHRONICLE.
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MONTREAL, FRIDAY, DECEMBER 1.

ECCLIASTICAL CALENDAR.

DECEMBER—1865.
 Friday, 1—Of the Feria.
 Saturday, 2—Sto. Bibiane, W.M.
 Sunday, 3—First Sunday of Advent.
 Monday, 4—St. Peter Chrysostomos, B.D.
 Tuesday, 5—St. Francis Xavier, C.
 Wednesday, 6—Fast and Abstinence. St. Nicholas,
 B. D.
 Thursday, 7—St. Ambrose, B.D.
 The "Forty Hours" Adoration of the Blessed
 Sacrament will commence as follows:—
 Friday, 1—All churches in the Diocese in which
 the *Quarante Heures* have not been held
 during the year.
 Sunday, 3—The Cathedral, Montreal.
 Tuesday, 5—St. Francis Xavier, Sault St. Louis.
 Thursday, 7—St. John.

NEWS OF THE WEEK.

The chief event of importance in the Irish
 news of the past week is the arrest of Mr.
 Stephens, the Fenian Head Centre for Ireland.
 A large reward had been offered by the Govern-
 ment for the capture of this gentleman, and great
 efforts, all ineffectual for a long time, were made
 by the Police to lay hands upon the leader of
 the projected insurrection. A strict look out
 was kept at all the ports, and passengers by
 vessels for America were closely watched. This
 vigilance was all in vain, for in the meantime
 Mr. Stephens, under the assumed name of Mr.
 Herbert, was living quietly in the suburbs of
 Dublin at a place called Fairfield House on the
 banks of the river Dadder. The mansion was
 sumptuously furnished with every luxury that the
 wit of man can devise, or the heart desire, and
 here for a long time leading a secluded life, Mr.
 Stephens baffled the researches of the Police.—
 At last, some information was received by Detec-
 tive Dawson, a very smart officer, on the strength
 of which a warrant was issued, and Fairfield
 House being carefully surrounded by a large
 force, an entrance was effected, and the long
 searched for Head Centre was arrested, together
 with three of his comrades—Messrs. Kick-
 ham, one of the conductors of the *Irish People*,
 Hugh Brophy, and Edward Duffly. The
 prisoners were brought up for examination, but
 were remanded at the request of the Crown
 Officers, who demanded time to bring forward
 their witnesses, Mr. Stephens making ostentatious
 proclamation of his resolve not to avail himself
 of the services of a lawyer for his defence. The
 description given of the style in which Mr.
 Stephens lived in Ireland shows that the office of
 "Head Centre" must be a very lucrative one
 indeed, and that few professions pay so well as
 that of a patriot. The gardens, the hot-houses,
 and other appendages seem to have been fitted
 out in a style of almost regal splendor, and utterly
 regardless of expence. We can understand
 therefore the philosophy of the large collections
 of money taken up by the Fenians from amongst
 the poor peasants of Ireland, and of the tax levied
 upon the wages of the industrious Irish servant
 girls of this Continent. The sums thus wrested
 from the pockets of the poor serve to keep up
 the splendor of the Head Centres who live at
 home at ease. The trials of the persons accused
 of participation in the conspiracy were to have
 commenced before a Special Commission on the
 27th ult.

There is nothing of importance in the news
 from the Continent of Europe. There is still
 much discussion as to the intentions of the French
 Emperor with regard to the withdrawal of his
 troops from Rome, but nothing on that head can
 as yet be predicated with certainty. The posi-
 tion of the Emperor seems to be this. As a
 sovereign, as one in authority himself, he would
 espouse the cause of sovereigns, and uphold
 the principle of authority: as given over soul and
 body to the secret societies of which before his
 elevation to his present dignity he was a member,
 he is bound under pain of assassination to do their
 bidding, to promote the cause of the Revolution
 to which the Pope and the Temporal Sovereignty
 are the great obstacles. He moves therefore,
 but moves reluctantly, doing as little as he possibly
 can to forward the designs of the *Carbonari*;
 who when they deem him too slack, send him a
 gentle hint in the shape of a pistol by the hands

of a Greco, or of a dagger in the hands of Orsini,
 to remind him of his engagements, and stimulate
 him to action. Meanwhile a class of simpletons
 who assume that the Papacy originated in 666
 and that therefore the mystic 1200 years are
 about to close—and who assume that the Pope
 exiled from Rome the Church would fall, are
 giving to the world their lucubrations in the shape
 of interpretations of the apocalyptic prophecies,
 and exulting over the approaching downfall of the
 Man of Sin.

Cholera in one instance is said to have declared
 itself at New York. With the exception of the
 usual daily lists of murders, and other dreadful
 crimes with which the papers are full—there is
 nothing worthy of note in the journals from the
 U. States. The greater part of them denounce
 Fenianism as an impudent attempt to extort
 money upon false pretences.

AN IRISH GRIEVANCE.

Our Protestant contemporaries do well, as
 loyal subjects of Queen Victoria, to denounce
 Fenianism; but it is foolish on their part to
 overdo the thing, and to pretend that the Catho-
 lics of Ireland, that is to say the majority of the
 people, have nothing to complain of as against
 their Protestant rulers.

We speak not now of the laws relating to the
 tenure of land, we allude not to the Education
 question, nor even to what in the phraseology of
 the "penny a liner" is termed "Ireland's mon-
 ster grievance," the Established Church. We
 speak of the actually existing infamous Marriage
 Laws, imposed on Catholics by Protestant legis-
 lation; laws so infamous, so immoral, so insult-
 ing, so cruel and injurious to society, so well
 devised to keep alive animosity betwixt Catholic
 and Protestant, that even from the Bench, on a
 late trial, the Judge denounced them as infamous
 and as a disgrace to the Statute Book. It is
 nonsense to speak of the Penal Laws as things
 of the past, whilst this vile Law remains unre-
 pealed; and whilst condemning Fenianism, we
 should also be careful, as loyal subjects, to con-
 demn the acts of the Legislature which almost
 seem to excuse it.

According to the Law as it stands, any mar-
 riage celebrated by a Catholic priest betwixt
 two persons of whom though both profess to be
 Catholics, one has not been a professing Catho-
 lic for at least twelve months before the said
 celebration, is null and void. Availing himself
 of this Statute, a man named Finney, who some
 seven years ago, and as a Protestant, was mar-
 ried in England to a Protestant wife still living
 there, contracted a second marriage in Ireland,
 with a young Catholic girl, after a courtship of
 about six months. He professed himself a Catho-
 lic; the bans in the ordinary manner were
 published on three consecutive Sundays or
 holidays in the Catholic chapel; and all precau-
 tions, as it was supposed, having been taken, the
 wedding was duly celebrated.

Shortly afterwards a brother of the first wife
 appearing on the stage, brought to notice the
 fact that the said Finney had been previously
 married, and that his first wife was still living.—
 Finney was arrested, and tried for bigamy, but
 was defended on the plea that, as the twelve
 months prescribed by law, had not fully elapsed
 betwixt his profession of the Catholic religion,
 and his second marriage, the latter was null; no
 marriage at all, and that in consequence the
 crime of bigamy had not been by him committed.

It was on the same vile plea, and under the
 shelter of the same infamous Penal Law, that that
 shabby fellow, Major Yelverton, was enabled to
 cast off and repudiate his legitimate wife, whose
 case for many years occupied public attention.—
 Thus it will be seen that the Law is by no means
 a dead Law, but one which is still in force, and
 is applied by Protestants to the vilest of ends, to
 wit, to the seduction and dishonor of the Catho-
 lic daughters of Ireland. Who then can pre-
 sume to say that the Penal Laws are all re-
 pealed? or that as against the Protestant Govern-
 ment of Great Britain, which maintains those
 Penal Laws, the Catholics of Ireland have not
 strong and reasonable grounds for complaint?

We would ask of any reasonable Protestant
 what he should say if the case were his own? How,
 would he feel, as towards the Laws, and to-
 wards the Government under which he lived, if
 he were the subject of analogous legislation?—
 What would be his feelings, his language, his
 conduct, were his daughter or his sister to be en-
 trapped into a marriage before a Protestant
 minister, by a fellow professing himself a Protest-
 ant; and if the latter were by law enabled to re-
 pudiate that marriage on the grounds that when
 it took place, he had only been a Protestant for
 eleven months and twenty-seven days? Would
 not the Protestant father or brother, with his
 daughter or his sister thus repudiated, thus thrown
 back on his hands dishonored, deem that he had
 valid grounds for complaint against the Govern-
 ment under which such things were legal, nay,
 expressly provided for by Statute? Would he
 not deem that armed resistance to such a
 Government which had enacted such Statutes
 expressly for his degradation, was a mere ques-
 tion of prudence? Marriages before all manner of dissenting

Protestant ministers are valid in the eyes of the
 law—Marriages into which no religious cere-
 monies whatsoever enter are valid, and cannot
 be set aside on the plea of nullity. Marriages
 contracted in the presence of, and celebrated by,
 the Catholic priest in the House of God, before
 the public, and blessed with the most solemn
 rites of Christianity are alone subject to this
 legal disability; and yet Protestants have the im-
 pudence or dishonesty to assert that the wrongs
 of Ireland are all imaginary—that the Catholic
 population of that country have no real griev-
 ances to complain of! We should like to see
 the experiment tried upon some Protestant
 father; to hear how he would bemoan himself,
 how and in what terms he would denounce the
 wicked law which should authorise the hypocriti-
 cal profligate to seduce his daughter, and make of
 her a public mockery!

The Protestant Penal code has, it is true,
 been greatly relaxed in Ireland, but the old per-
 secuting spirit of Protestantism is far from being
 extinct, and would persecute almost as actively
 as ever, had it not learned a little prudence.—
 Of this the retention of the Irish Marriage Law
 in its present form on the Statute Book, in spite
 of its evident injustice and inexpediency, in spite
 of the abominable uses to which it is constantly
 applied by unprincipled scoundrels to the ruin of
 innocent and unsuspecting girls, in spite of its
 immorality and thoroughly anti-Christian char-
 acter, is a convincing proof. Framed indeed
 with the sole intention of insulting Catholics, and
 of placing them in a social position, inferior to
 that of Protestants, it works now for the sole
 benefit of the profligate, and of the libidinous se-
 ducer; and enables him, with impunity and un-
 der the sanction of the law—the law of a country
 which, with solemn mockery, calls itself Christian,
 and blasphemously boasts of its "open bible"—
 to gratify his vile lusts with impunity. And
 with this Law, this living Law staring them in
 the face, and daily asserting its odious presence,
 in cases such as that of Mrs. Theresa Yelverton,
 and the fellow Finney, to whom we have above
 alluded, Protestants have still the folly or the
 impudence to cry aloud that Irish Catholics have
 no real grievances to complain of!

In the last instanced case, the Jury, we are
 happy to say, found a verdict of Guilty in spite
 of the Law, and the Judge sentenced the prisoner
 to five years of penal servitude, intimating how-
 ever that it was possible that on appeal the
 prisoner might still evade the consequences of his
 crime. Perhaps, or at all events we hope that,
 the discussion which this case will provoke in the
 Protestant press, will induce our Legislators to
 revise their Irish Marriage Code, and thus from
 prudential, if from no higher motives, to erase
 from their Statute Book, this relic of their Pro-
 testant predecessors.

In this prayer every loyal subject should join,
 as it is the existence of these Penal Laws that
 gives a color of truth to the many bitter accusa-
 tions which Britain's enemies bring against her. It
 is indeed impossible whilst they exist, for the Brit-
 ish subject to reproach Russia with her conduct
 towards the Poles, without exposing herself to the
 retort that charity begins at home, and that
 dwellers in glass houses should not throw stones.

And although the Fenians care not for relig-
 ious grievances of any kind, though they are
 themselves the enemies of the Catholic Church,
 and not her champions, yet should we be careful
 not to leave them even the shadow of an excuse
 or pretence for their conspiracy, not the slightest
 apparent justification for their seditious. Griev-
 ances, real or imaginary, are what they live on,
 without which they would soon perish of inanition;
 what folly then, as well as wickedness on the
 part of those ultra-Protestant legislators
 whose hatred of Popery is such, that to gratify it
 they scruple not to tarnish the fair fame of their
 native land!

REPORT OF THE BOARD OF INSPECTORS OF
 ASYLUMS, PRISONS, &C., FOR THE YEAR
 1864.

This is a Blue Book containing statistics of
 the several Hospitals, Lunatic Asylums in the
 Province, together with those of the Provincial
 Penitentiary, and the Reformatory Prisons of
 Upper and Lower Canada.

The most interesting portion of this Report is
 in many respects, that devoted to the details of
 the Provincial Penitentiary, and the common
 gaols throughout the Province, as from thence
 we may deduce some conclusions as to the moral
 progress of the community. Thus we have the
 gratifying intelligence that the numbers of pro-
 fessional criminals in the Province must have
 much diminished of late, since the numbers of
 convicts annually sent to the Penitentiary have
 greatly decreased—as will be seen from the sub-
 joined extract:—

"It is satisfactory to have to record a marked
 reduction in the number of convicts sent to this insti-
 tution (the Provincial Penitentiary) during the past
 year (1864) as compared with former years. The total
 number admitted last year was 166; whereas the
 number of admissions during 1863 was 209. The
 smallest number in any of the eight years preceding
 the last was 211, and the annual average during that
 period was 256."—p. 15.

This marked diminution in the number of com-
 mitments to the Provincial Penitentiary since
 1863 is, in another part of the Report, attributed
 to the fact that, during the war, the Federal

army attracted, and absorbed a great portion of
 Canada's criminal population; they enlisted as
 soldiers; to put down the South; and thus in-
 directly the war, and the Northern recruiting
 sergeant conferred a great moral benefit on Can-
 ada; the one like a thunder storm purifying our
 atmosphere; and the other officiating as a sort of
 moral scavenger, picking up and carrying off with
 him our long accumulating filth:—

"I can only account," says the Warden of the
 Provincial Penitentiary, "for this decrease in the
 number of male convicts from the fact that great
 numbers of the idle and marauding population have
 left this Province for the United States, being at-
 tracted there by the report of high wages for labour,
 and excessive bounties given for substitutes to serve
 in the Army of the Northern States."—p. 162.

If this explanation be correct, it is greatly to
 be feared that the disbanding of the Army of the
 Northern States will have the effect of inundat-
 ing this country with crime, and of raising the
 criminal statistics for 1865 to at least their usual
 level.

Of the convicts committed during the year to
 the Penitentiary there were furnished by,—

Upper Canada.	Lower Canada.	Total.
120	46	166
The several nationalities of the convicts are not given; but of the said 166 there were,—		
Non-Catholics.	Catholics.	Total
96	70	166

The actual number of convicts in the Peniten-
 tiary on the 31st of December, 1864, was 729.

The Report takes into consideration sugges-
 tions that have been made for improving the
 system of Penitentiary discipline. It discusses
 these suggestions as means "towards solving the
 difficult problem 'how shall we best reform our
 adult criminals?'"—and if indeed this were the
 great, or even the principal problem to solve, the
 question might more easily be disposed of. But
 we contend that the great question at issue, the
 problem which it is of transcendent interest to
 solve, is not "How shall we best reform our
 adult criminals?"—but "How shall we deal with
 them so as most effectually to deter or frighten
 other from repeating their offences against life
 and property? The first and paramount duty of
 Society or the State towards its non-peccant
 members is to protect them; the reformation of
 the criminal is a matter of very secondary impor-
 tance—a matter to which it is well to attend no
 doubt, especially in the case of very youthful
 offenders who are, perhaps, sometimes, and under
 very peculiar circumstances susceptible of a
 moral reformation; but the first duty of the
 State is to provide, not for the reformation of the
 criminal, but for the protection, in person and in
 property of the non-criminal, of the honest,
 peaceful and industrious citizen. How this can
 best be effected, is the great problem which the
 legislator is called upon to solve; and we do not
 think that that solution will ever be found, so long
 as the physical condition of the convicted criminal
 is better than, or equal to, that of the most
 wretched member of the non-criminal section of
 society; so long in short as the convict is better
 lodged, better clothed, better fed, better attended
 to in sickness, and not more hardly worked than
 is the very poorest of the honest laboring poor,
 who has not by theft or other crime qualified
 himself for a bed in the great Provincial car-
 vansera!

We are aware that there many who contend
 that crime—thief, or arson, or murder to wit—is
 a moral disease: a thing not to be punished, but
 to be cured or relieved by a judicious system of
 moral therapeutics. According to this theory
 a prison is not, or should not be, a Penitentiary
 at all, but simply a moral Hospital, to which the
 State sends the sick amongst its subjects to be
 carefully tended and cured; according to this
 theory it would be as silly and as cruel to punish
 the criminal, by way of making a deterrent ex-
 ample of him to others, as it would be so to treat
 a case of compound fracture, or of typhus fever:
 and if this be the true theory of crime, then, but
 then only, is the great problem of secondary pun-
 ishments correctly stated in the Report before us.

If on the other hand our theory be the true
 one: To wit, that the first duty of the State is
 towards its non-peccant subjects, and consists in
 protecting them in person and in property: then
 it follows of logical necessity that the first para-
 mount object of the State in its treatment of its
 criminals should be to deter not only them, but
 all others who might be tempted to follow their
 example, from wrong doing. It is true that the
 element of uncertainty which enters into all
 human affairs, that the chances of escaping con-
 viction will always to a certain degree counter-
 act the beneficial effects of the severest, best ju-
 dicially, most exemplary or deterrent system of se-
 condary punishments; but still the legislator
 should take heed that that system should be
 such as to strike terror into the breast of every
 one still hesitating betwixt the paths of crime
 and rectitude; such, so dreadful, so repulsive,
 that in comparison with it, the lot of the poorest
 honest beggar on the face of the earth should ap-
 pear enviable, even from a purely physical or
 material point of view.

Under our actual system a criminal is sup-
 posed, or said to be reformed when he subsides
 into what is called a "good" prisoner: that is
 to say a quiet prisoner, who listens with apparent
 attention and unction to the Chaplain, who keeps

his cell in order, his plate and drinking can clean,
 and who generally observes the rules for the in-
 terior discipline of the prison, giving little or no
 trouble to the Warden and jailers. It is true
 that the "best prisoner" is almost always the
 "worst man;" that it is your most hopeless
 scoundrels, and most abandoned ruffians who the
 easiest and the soonest "drop down to their
 luck" as the phrase is, and manifest these out-
 ward signs of reformation: whilst, on the other
 hand, the prisoner who frets, who like the captive
 bird madly dashes himself against the walls of
 his cage, and who is thus a source of constant
 trouble and annoyance to his keepers, is one in
 whose bosom every spark of good has not been
 utterly quenched. Nevertheless so long as the
 present abominable system of secondary punish-
 ments is upheld, we must be content with this,
 for the fault lies with the system itself, and not
 with those by whom it is administered. They
 do their duty, and do but faithfully carry out the
 spirit of the system, when they make it their first
 and most prominent object to transmute the crim-
 inal into a "good prisoner." Indeed we be-
 lieve that in no part of the British Empire is the
 system itself better and more ably administered
 than it is by our very excellent Warden of the
 Provincial Penitentiary; and therefore it must
 not be supposed that in our remarks we have any
 design of imputing to the officers charged with
 the discipline and internal economy of our prisons,
 the evils which are inherent in our actual
 system of secondary punishments. We shall
 return to this subject, and the Report before us
 in our next.

THE NEGRO MASSACRES AT JAMAICA.

There are many points of resemblance betwixt
 the Sepoy Mutiny in India, and the late sangui-
 nary outbreak of the Jamaica negroes, and as
 in the case of the Sepoys, it is not an easy mat-
 ter to determine the provoking cause. The mutiny
 of the former was commonly, perhaps errone-
 ously attributed to the greased cartridges; that
 of the negroes is inexplicable, seeing that they
 had no grievance real or imaginary, to complain
 of. The thirst for blood which seems inherent,
 and ineradicable in the African negro, which dis-
 plays itself in the "grand customs" of Dahomey
 and all over the African Continent inhabited by
 the true negro race, can alone account for it,
 and for the fiendish cruelties exercised by the insur-
 gents towards the whites, without discrimination
 of age, sex, or condition. The object of the
 Jamaica murderers, if definite object beyond
 blood and plunder they had, like that of the mu-
 tineers in India is enveloped in obscurity: but in
 the case of the former, the chief inciters to the
 diabolical work, and the most prominent actors
 therein were Protestant preachers of the Bap-
 tist sect—and some of them seem to have been
 men with a smattering of education. It is a
 consolation to know that many of these sangui-
 nary wretches have already met their deserts on
 the gallows; whilst the minor fry, a number
 have received salutary admonition to behave
 themselves from a vigorous application of the
 cat-o-nine-tails. The Jamaica authorities have
 acted with much vigor and sound discretion; it
 is to be hoped that terrified by the examples
 set them, the negroes of that Island will return to
 their ordinary avocations; but it will be no easy
 matter to re-establish anything like confidence
 betwixt the two races.

By our latest advices the Bishop of Montreal
 was still at Rome. His Lordship's health was
 good, but it is yet unknown when he will return
 to his diocese.

The Church of the Gesu erected by the Rev.
 Fathers of the Society of Jesus in De Bleury
 Street, is now nearly completed, and will be
 opened for worship on Sunday next.

A collection, that realised the sum of \$500,
 was taken up in St. Patrick's Church on Sunday
 the 19th ult., by the Rev. M. Mullen, G. V. of
 the Diocese of Portland, for the benefit of the
 Sisters of the Congregation of the same diocese.

The Kidnappers have been admitted to bail by
 Mr. Judge Badgley. Of course if enlarged we
 shall never hear of them again, and thus through
 the dishonesty, and deliberate perjury of jurors a
 gang of scoundrels guilty of an attempt to commit
 crime not less atrocious than murder, will have
 been enabled to get off scot free. At the same time
 if the law was on their side, and if they were
 legally entitled to bail, we can find consolation in
 the reflection that here in this free country law
 is supreme, and that the despotism of the United
 States is impossible. Better that a hundred
 criminals should escape, than that the law should
 be strained, or its majesty violated.

SINGULAR CAUSE OF DEATH.—We read in
 the Montreal Herald of Saturday last an ac-
 count of the death of Patrick Costello at Belle-
 ville. "Being infirm from age," he walked into
 the water, and was unable to extricate himself."
 We confess that we do not clearly understand
 why the deceased should have walked into the
 water because he was infirm from age.