

FOREIGN INTELLIGENCE.

FRANCE.

The following are the terms of article 86 and 87 of the Penal Code, as given in the bill presented by the Government. These articles, as formerly worded, and which related to the pain of death in political matters, were abolished February 26, by a declaration of the Provisional Government, and by article 5 of the Constitution of Nov. 4, 1848. The new articles run thus:—

"Art. 86. Every attempt against the life or person of the Emperor is punished as the crime of parricide. Every attempt against the life or person of the members of the Imperial Family is punished with the pain of death. Every offence publicly committed against the person of the Emperor shall be punished with an imprisonment of from six months to five years, and with a fine of from 500fr. to 10,000fr. The guilty person may, in addition, be interdicted from the whole or a portion of his civic, civil, or family rights during a period equal to that of the imprisonment to which he shall have been condemned. That period shall run from the day on which the guilty party shall have undergone his punishment.

"Art. 87. Any attempt the object of which shall be either to destroy or to change the Government or the order of succession to the Throne, or to excite the citizens or inhabitants to take up arms against the Imperial authority, shall be punished with death."

This project of law has excited deep feelings of apprehension.

It is certain that the admission of capital punishment in the criminal code of France, from which it has now remained effaced for five years, will not be generally popular. The strong repugnance to the infliction of capital punishment which exists in France, for almost any crime, but particularly those of a political kind, and which even extends to murder, explains the otherwise unaccountable verdicts of juries in some of the most heinous cases, who find "extenuating circumstances" where the utmost ingenuity can discover nothing of a mitigating character. The privilege of tacking to their verdict so merciful a recommendation, which compels the judge to stop short of the last penalty, is, indeed, too often abused, but it is attributable to that repugnance which will not now be diminished by any severity on the part of the Legislature. It is true that the political offender of to-day may be the hero of the morrow, and of this there is no more striking example than the Emperor himself. A great deal has been said for and against, and no doubt men's minds are still divided; but if there be any class of offenders who are sure to meet with sympathy it is precisely that class which will be affected by the present bill should it pass into a law.

A decree is in course of preparation by the Emperor regulating the rank and title of the members of his family. Of the sons of his uncle, the Prince of Canino, the only one who will have the title of Highness, is Prince Louis Lucien Bonaparte, who is already member of the Senate. The health of the Empress is much improved.

HOLLAND.

The Papal Internuncio has addressed circulars to the Catholics, announcing the introduction of the ecclesiastical hierarchy. The Catholic journals state: "The ecclesiastical authority has passed into the hands of the Catholic Bishops, who were the cause of so much alarm. The Government has seen this, and has not attempted to interfere. It is in fact, done exactly what the preceding Ministry did. Under the Thorbecke Ministry the *Nederlander* said:—'The episcopal hierarchy is indeed an accomplished fact, but it is not a consummated fact.' Under the Ministry of Van Hall this hierarchy has become an accomplished fact."

AUSTRIA.

It is asserted in well-informed circles that the Austrian Court has positively refused to permit the remains of the Duke of Reichstadt to be transferred to Paris.

By a singular coincidence the *Trieste Zeitung* and the *Augsburg Gazette* state, that a belief was very current that another "dagger insurrection" would break out at Milan on Sunday, May 8. The same rumor was prevalent in Sardinia, and the Austrian troops were kept on the alert; but the day passed over quietly. The examination of the insurgents arrested at Milan, on February 6th, is now nearly over. It is given out that documents are in possession of the Austrians to prove that the daggers were supplied by Mazzini and Kossuth, as were also the muskets—all of which were of English or American manufacture.

SWITZERLAND.

Our Vienna correspondent informs us that the demand of Austria in respect to the fugitives has been rejected by the Swiss Government. The Federal Council reserves to itself the sole right of deciding on the treatment of the political exiles in the Swiss territories, but it announces a reform of the alien laws in Ticino. The removal of the military cordon and the renewal of the former good neighborly relations are positively insisted on. Baden makes common cause with Wurtemberg in requiring the expulsion of the fugitives.—*Cor. of Times.*

ITALY.

We read in the *Parlamento* of Turin of the 11th inst:—

"The committee charged with examining the project of law relative to the sequestration of the estates of the naturalised Lombard refugees, has published its report. From which we extract the following:—The difference between Austria and Sardinia admits of no other solution than the pure

and simple removal of the sequestration. Every compromise or compact on the subject would be a sacrifice of the rights and honor of Piedmont.

TURKEY.

CONSTANTINOPLE, MAY 9.—Prince Menschikoff has given the Porte eight days to decide on his ultimatum. The French and English Ambassadors, on being appealed to for advice by the Divan, have despatched couriers to Paris and London.

The Turks firmly believe that the vital principle is still strong in their native country, but all letters from Constantinople agree in saying that the fate of the Empire must entirely depend on the policy of the great Western Powers and Austria. The opinion given on the subject by a well-known diplomatist and statesman is—"The question will eventually be settled sword in hand, and the conviction that this is the case makes all parties, excepting perhaps Russia, which is favored by its geographical position, so extremely desirous to compromise matters. A collective remonstrance from the two great Western Powers and Germany, would probably induce Russia to yield in the matter of the Patriarchate; but still little would be gained, as internal commotions would probably soon afford her an excuse for returning to the charge."

INDIA AND CHINA.

BURMESE WAR.—Great mortality from cholera and dysentery had prevailed among both troops and camp followers during the expedition. The camp followers had also suffered much from smallpox.

According to the latest accounts, Nankin still holds out, but the government exhibits the utmost anxiety lest the southern capital should fall into the hands of the rebels.

AUSTRALIA.

We have again advices from Melbourne, the last date being the 3rd of March. The news is highly satisfactory; the produce of the diggings continues undiminished. An enormous lump of gold, weighing no less than 134lbs 5ozs has been found by four laborers, about a couple of miles from Ballarat. The lucky finders have taken passage home in the *Sarah Sands*, which appears to have sailed on the 10th of February, and may be hourly expected. The Melbourne sailed on the 4th February. The most remarkable news is the rapid advance in the price of gold, which has brought the exchange on London to par, so that a sufficient quantity of gold coin appears to have arrived to meet the wants of the colony, and the transmission of gold from Europe will probably cease. The pressure of the continuous arrivals of emigrants from all quarters seem very great at Melbourne, and some cases of death from destitution have occurred. The newly arrived emigrants are directing their attention to other parts of the continent, and Western Australia will receive some of the overflow of beings who cannot find shelter in Melbourne.

DOCTOR WHATELY'S SLANDERS ON THE CONVENTS.

The Rev. James Maher, P.P., Carlow, Graigue, has addressed a letter to Dr. Whately on the subject of his virulent slanders against Catholic convents. We quote the subjoined extracts. After giving passages of Dr. Whately's speech, the Rev. gentleman says:—

"My Lord—I have not for a long time, either from the pulpit, the platform, or the press—been even the lowest and most fanatic conventicle of dissent—read or heard anything so mischievously calculated as the above extracts to arouse and call into furious action the worst passions of the people of England against their fellow-subjects professing the Catholic religion. The celebrated Darham letter was not half so malignant; and if the speech fail to set in motion as virulent and truculent a crusade against religion as the letter did, the failure must arise from the utter disgust and abhorrence with which just and moderate men still remember the bedlamite exhibitions of 1851, which made England the laughing-stock of Europe for twelve months.

"Every line, nay, almost every word, in the above extracts contains a bitter and uncharitable accusation, instinct with an unchristian and unmanly spirit. The charges, too, are directed principally against ladies—against those who have, by solemn vows, devoted themselves to the service of their Creator. Rome, in Pagan times, scarcely ever produced a monster, to assail the character of her vestal virgins. The charges, again, are vague and undefined, but the more bitter and ungenerous on that account, and circulated everywhere by the leading journals of England, without affording the accused the slightest opportunity of being heard in their defence. The concoctors of the charges were, my Lord, fully aware of these advantages. They said, we may assail innocence, blacken the brightest names, assail character, and pour a flood of slander upon the ancient religion of the land; we may say and insinuate whatever we please against monastic institutions. The strong prejudices of the nation are with us; we may, therefore, defame them with perfect impunity. Our work will be done and over before the refutation comes; and, if it comes at all, we may depend upon the bigotry of the popular press to suppress it, or give it a very limited circulation.

"Now, my Lord, to meet all this, it may as well be said at once, and calmly, that no man would make such charges against religious communities, upon such grounds, who was not only entirely lost to every feeling of honor and generous sentiment, but who was one, moreover, in whom pride and infidelity had extinguished all sense of future responsibility.

"Neither your Lordship or any sane man in the empire believes, or can believe, that the liberty of the subject is endangered by our conventual establishments. It is a sham—a mere pretext affording an opportunity of arousing the prejudices and fanaticism of England against our religion, which the aristocracy and government of the country, in the days of our grandfathers, injured and robbed, and which, therefore, they never can forgive, although we sincerely forgive them.

"Your grace is reported to have said—'That for the credit of the institutions themselves, it was desirable that some legal inquiry should be established.' I utterly deny, my Lord, the right of government to inspect the houses of Nuns rather than those of any

other private families, in the empire. What do they owe the state, save obedience to the laws, which they always yield? What endowments, what public funds, what grants, what privileges has the state ever conferred upon them? They are simply allowed to live in their native land; but this does not seem to be in any way a peculiar boon. Your Grace, as Archbishop of Dublin, Primate of Ireland, Bishop of Glendalough, and Bishop of Kildare, has received from this poor country £200,000 for spiritual services—together with enormous patronage. Pray, what have the Nuns of Ireland, who spend their lives in unceasing works of mercy and piety, received, that government should investigate their accounts, and superintend their domestic arrangements. The repairing of the seehouse in Stephen's-green has cost the country more than all the Religious Orders in Ireland? Is the country thoroughly satisfied with your Grace's stewardship? The majority of the nation certainly deem it of no value; and your own flock, it is said, do not prize it very highly. If the government, therefore, were to audit your Lordship's accounts, and investigate the services you have rendered, it would, indeed, seem employed in its proper business.

"Admit official inspectors to convents, and they will carefully cater for the public taste, and supply the diseased appetite of the Protestant world with the most exquisite tales of horrors and tortured maniacs—of dungeons and skeleton remains—of racks and gibbets. Who has not heard of the forgeries and atrocious calumnies of Maria Monk? Her book, which exhausted twenty editions in a little time, would have fallen still-born from the press had she not seen the interior of a convent, having been admitted as a pauper into an hospital connected with such an establishment.

"The 'Narrative of six years' captivity and sufferings among the Monks of St. Bernard, at Charnwood Forest-Leicestershire,' by William F. Jeffreys, was nearly as successful, and from the same cause; the author having obtained by fraud and falsehood, hospitality for two days in the convent. He understood well, and consulted for the public taste, when he wrote in his book that the moment he entered the monastery gate he felt that he was a prisoner, 'like a bird shut up in a cage'; that he was baptised against his will, under the strange name of St. Cell; was allowed no communication with friends; was twice bled—had his body punctured with sharp instruments; that during his stay several made their escape; that some were overtaken and brought back, with mouths muffled and arms tied; but how they were afterwards disposed of he never could learn.

"The very existence of the abbey was endangered by these calumnies. It happened, however, that the vile conspiracy prematurely exploded; and the publishers of Jeffreys's book published subsequently its condemnation—the concluding passage of which is in the following words:—

"We, therefore, the undersigned, do hereby declare our deep and solemn conviction that the narrative of the said William F. Jeffreys is a tissue of the grossest and most unwarrantable falsehoods; and we feel it our bounden duty to publish this statement to the world, as some little reparation for the injury we have been the innocent means of inflicting on the Community of Mount St. Bernard.

"(Signed)

"W. S. NAYLOR,
"THOMAS BAGE."

"The author—the reviler of Monks and Nuns for the gratification of Protestant taste—was committed as a rogue and a vagabond to Stafford gaol for three months, with hard labor, the 30th of June, 1849.

"We can, my Lord, as Christians, forgive our revilers, and seeking to copy the Divine model set before us, we do so sincerely; but we owe it, notwithstanding, to our dearest kindred—to our nearest relations—to ourselves, to our country, and our creed, indignantly to repel unmerited obloquy."

79, Upper Dorset street, Dublin,
May 14th, 1853.

My Lord—The importance of the matter with which I venture to trouble your Grace's consideration will be, I am sure, my best apology, and will save my plain statement of it from all appearance of a want of proper respect and courtesy.

Your Grace is reported in the newspapers of Tuesday last, seen, however, by me only yesterday, as having in your place in the House of Lords made a speech upon the subject of the inspection of convents, in which you bring forward several grave accusations affecting the character of certain persons in communion with the See of Rome, and hint rather broadly suspicions of even a worse nature than what you are pleased to assert.

With one of these cases I am induced to believe that I have a direct concern, and it will not, therefore, be thought impertinent if I press for further information.

You mention a case of a lady in Dublin whose relatives were Catholics, but who for some time had been a member of the Establishment, and whose children were brought up by her as Protestants. You speak of her as assailed by her friends with offers of a pecuniary nature to induce her to return to the religion she had left—you state that her Protestant friends procured for her a situation in England in order to protect her from molestation, and that a passage in some vessel was procured for her; but at that very time you say that she disappeared from her friends—that they had never seen her since—that with much difficulty her residence was discovered, but that her friends could only obtain a message and a letter, which, you say, was not believed to be in her own handwriting, stating that she had returned to the Catholic Faith, and desired no further communication with her former Protestant acquaintances.

Upon the strength of your belief in the truth of this case, although you are candid enough to say that you are totally unable to prove that any unfair means were used, you are pleased to make certain reflections, and to have called for some legislative measures to meet the evils you depicted.

Now, my Lord, the whole case, as I have given it from the newspaper reports of your Grace's speech, is so precisely similar in its leading facts to one with which I am much interested, and the color given to these facts save so much of the spirit of certain persons who may very probably have been your Grace's informants, that I have no doubt on my mind that the case you describe is the one that concerns me; and as this belief of mine is shared in by the lady herself who is the subject of it, and by every one who has had to do with it, I have determined upon writing at once to your Grace and asking you very plainly whether the story you narrate is that of Mrs. —, or whether I am wrong in my idea that it is so.

For your Grace's further information, I beg to let you know that I am the Clergyman who reconciled her to the Holy See a few months ago, and being in full possession of all the facts and circumstances of the case with which I had so much to do, I feel it to be my duty thus to have troubled you to solicit most respectfully an answer to my question before I make any attempt to set your Grace right about the matter.

If, however, I am wrong in my surmise, and this lady, Mrs. —, be not the person to whom you alluded, I beg to tender my most humble and ample apologies for the trouble I have given, with an assurance that they will be accepted, and to subscribe myself, my Lord, most respectfully yours,

H. I. MARSHALL.

Most Rev. Dr. Whately,
Archbishop of Dublin.

Palace, May 18th, 1853.

Rev. Sir—In reply to your letter of May 14th, I am directed by the Archbishop to say that his Grace expressly disclaimed in his speech all intention of imputing anything wrong to any institution or class of persons. He brought no charge against any one, except the individuals—whenever they were—who tortured the poor boy to whom he referred, and were keeping him imprisoned till his parents brought a police force to rescue him. His Grace went on the ground that it is manifestly a possible thing, as the law now stands, for a person to be secretly confined, and perhaps removed to the Continent, without a chance of discovery such as to lead to a release. And he added that, since suspicions, in some cases ill-founded, must be expected to exist against institutions and establishments whose proceedings are not open to inspection, it would be a thing that ought to be welcomed gladly by all who really are doing what is fair to have such proof of it brought forward as will clear their character.

"You do not, probably, think that people in general are fit to be entrusted with an uncontrolled and irresponsible power over their fellow-creatures. And if a Roman Catholic friend of yours had long received and resisted (though in extreme poverty) solicitations and offers of pecuniary aid to induce her to become a nominal Protestant, and had then suddenly disappeared from her Roman Catholic friends; and if inquiries after her had been met by building excuses, and at last only by messages and letters professing to come from her, but of doubtful authenticity, is it not more than probable that you would say—'This is a suspicious case. All that is alleged may be quite true, but the production of the person, to say so with her own mouth, would be a decisive proof, and the only decisive one, and such as would effectually clear away suspicions of foul play?'"

"Therefore, to have this readily attainable by law is what I myself and all really honest people ought to be glad of."

"His Grace did not proceed upon the assumption that such and such cases of foul play had occurred, and could be proved; because that would rather have gone to show that the existing law is sufficient. But it is precisely because (as the law stands) such cases evidently may occur, without a possibility of such proof as the law requires. Hence it was that his Grace considered a law to be called for; and if the law did no more than prove that all is right and fair, this would surely be a great gain—I have the honor to be, Rev. Sir, your obedient servant."

"W. Fitzgerald, Domestic Chaplain,
to the Archbishop of Dublin."

"Rev. H. I. Marshall,"

79, Upper Dorset street, Dublin,
May 18th, 1853.

"My Lord—I have received from the Rev. W. Fitzgerald a letter, which pretends to convey an answer to a very plain and simple question which I asked in my communication of the 11th, relative to a lady whom I named, and whom I received back again into the fold of Christ's Church."

"This gentleman in his reply, made in your name, commences with some observations about a poor boy, with whom I have nothing to do, and about whom I have asked no question, and then goes on to make some explanations of the matter with which I am concerned."

"With regard to the statement made about the poor lad's persecution, it rests upon your authority alone, and will receive credit whereas ever you are believed; and as to Mr. Fitzgerald's reasoning, I can only say it seems to me as fallacious as your facts are fictitious."

"There is, however, no reply to the one only question that I proposed; but, though I am deprived of what common honesty should have given, and courtesy expected, your silence and your secretary's apology leave me quite clear in my assumption that the lady named by me, and concerning whom I made my inquiry, is the one to whom you did allude in your place in parliament."

"You did not assert, I am now told, that all your story was the certain truth, but then it might be so; and in your manly warfare against women, you could only summon just enough of courage to insinuate; and, as a very master in the art of begin, you would prove the power of one who knew that to suggest a falsehood, and to suppress a truth, would work more mischief than to make plain assertions, which might meet with equally bold denials."

"I should have thought a married man might have had more respect for the sex he has chosen to insult, and that one whom the law has made a peer of barons might have feigned at least a nobler spirit."

"Let me however, speak more plainly than you have done, and since the clove that shows now more clearly from beneath your frock, let me tell you and all who heard and read your most malicious speech, that from first to last, your statement is a falsehood, and that your insinuations are the very reverse of truth."

"I deny, then, that any offer was made at any time of a pecuniary nature to induce this lady to return and make her peace with God."

"I deny also that any attempt was made to conceal her or her place of residence."

"I deny further, that any message or letter was sent by any one, except by herself, or that she acted in any other way than freely."

"And I beg to state that this same lady came to me of her own accord—that she ascribed her recovery to grace, to the prayers of faithful people during the Exposition of the Blessed Sacrament in the churches of this city last year—that I received her back to the true fold in the presence of witnesses at the high altar of St. Catherine's parish church—that she made a most plain recantation of Protestantism and a solemn profession of the Catholic Faith in the words of the Creed of Pope Pius—that she herself took her children to the convent school, where they now are, with the daugh-