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AND
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The True Witness.
MONTREAL, FRIDAY, JULY 23, 1858.

NEWS OF THE WEEK.

The Trans-Atlantic Telegraph is over for this year apparently; for we learn by the *North Star*, that the *Niagara* and *Gorgon* had arrived at Queenstown on the 5th instant, with the news that the cable had parted on the evening of the 29th ult., on board the *Agamemnon*, when about 150 miles had been paid out. The *Niagara* was, at the time, about 1,000 miles from the coast of Ireland, and bore up at once for Queenstown.

The European news is of little interest. The weather had been favorable for the coming harvest, but, notwithstanding, an advance on all kinds of Breadstuffs was reported. From India there is nothing new.

In London the great topic of conversation is the filthy state of the Thames, the stench from which is fast becoming so abominable as to menace a pestilence, and to put a stop to business in Parliament, and the Courts of Law. The river is, in fact, a little better, or perhaps, a good deal worse, than an uncovered sewer of the worst description, into which all the filth of a population of between two and three millions is daily discharged, and is kept in a continual state of agitation by the action of the tides. It is estimated that the amount of sewerage daily discharged into the Thames, is about ninety millions of gallons; whilst the quantity of pure water which falls daily over the Teddington locks, does not exceed four hundred millions of gallons. It thus appears that, of the contents of the Thames a breast of London, one-fifth is supplied from the cess-pools, and other nameless sources of abomination. One case of Asiatic cholera had already occurred, and had terminated fatally; and serious apprehensions were entertained for the sanitary condition of the city during the months of August and September. In short a renewal of the Great Plague is by no means impossible, if active measures to correct the nuisance are not finally adopted.

EVANGELICAL FALSHOODS.

The second instance adduced by the *Christian Guardian* in support of his thesis, that it is a dogma of the Roman Catholic Church, "that no faith is to be kept with heretics," is thus stated by our cotemporary:—

"We proceed now to the Fourth, or great Lateran Council, which absolved from their Oath of Allegiance, the subjects of heretical princes." The third Canon, which absolves Polish subjects from their Oath of Allegiance to heretical princes—or in other words which commands them to keep no faith with Protestant or heretical princes—is as follows:—

The *Christian Guardian* here quotes the III. Canon, wherein the duty of princes to purge their dominions of the "heretical filth" with which the South of Europe was, owing to the rapid spread of Manichean principles sadly infected about the commencement of the thirteenth century, is asserted; and the vassals of Princes failing therein, after due admonition, are pronounced released from their duty of obedience. How far this was an ecclesiastical declaration of the duty of breaking faith with heretics, we will now proceed to show.

No one we think will deny that the Sovereign Princes of Europe had the right, either by their own mouths, or through their respective ambassadors, to declare their own vassals and feudatories absolved from their allegiance, if they—the Princes aforesaid—were to be guilty of certain specified acts. If A. contracts with B.—B. has certainly the right, if he pleases, to release A. from the obligation of observing his contract.

Now the Fourth Council of Lateran was not merely an ecclesiastical Synod, or Council of the Church, but it was also a Congress of the Great Powers of Europe; at which were present, besides the Fathers of the Church, the representatives of the chief Sovereigns of Christendom. After enumerating the Patriarchs, Primates, Archbishops and Bishops who were present, the Acts of the Council inform us that there were in attendance, the Legates of the King of Sicily, Emperor Elect, of the Emperor of Constantinople, of the Kings of France, England, Hungary, Jerusalem, Cyprus, Arragon—*necon et aliorum Principum, et Magnatum, Civitatum, aliorumque locorum ingens fuit multitudo.* The latter of course had, in their character of Legates of secular Princes, no voice in matters doctrinal. These were decided by ecclesiastical authorities alone, the Church reserving to herself the sole right to decide betwixt the true, and the false, in disputed articles of faith;

but here the jurisdiction of the Ecclesiastical Power ceased.

At this juncture the Secular Power interfered: and speaking by the mouth of its legates, pledged itself to give effect to the doctrinal decisions of the Church, by superadding to the spiritual thunders of the latter, its own material weapons. Amongst other things, it was agreed by the Secular Sovereigns of Europe that, if any of them failed of purging their dominions of the "heretical filth"—the *Bulgars*—they should thereby forfeit the allegiance of their vassals; who were to be released from their Oaths of Allegiance in case of their Liege Lords failing to redeem the pledges by them entered into with the Church at the Council of Lateran.

Thus the Canons of that Council have a twofold character. Whilst some are purely ecclesiastical, the Third is partly ecclesiastical, and partly secular; and was the product of the Two Powers—the Council and the Congress. It commences with a purely spiritual condemnation of heresy; this was the act of the Council; it concludes with an injunction to the different secular authorities—"Secularibus Potestatibus Presentibus, aut eorum Ballivis"—to give effect to the spiritual censures of the Council, by purging their respective territories of the "heretical filth;" this was the act of the Congress. And these two distinct acts being embodied in one document, it is by superficial readers of history, somewhat hastily concluded, that the Council alone, or ecclesiastical authority, undertook of itself to declare the vassals of heretical Princes absolved from their Oath of Allegiance. We are not now called upon to vindicate the resolutions of the Congress which met at Rome in the XIII century; or to justify the agreement into which the Catholic Princes of Europe theret entered, to purge their dominions of the "heretical filth," though it would not be difficult to show that they had far better grounds for employing force against the Albigenses, than has the Protestant Government of the United States at the present day, to employ similar weapons against the Mormons. This, however, is not at present our object; which is to show that the Canon absolving subjects from allegiance to heretical princes, was the act of the Sovereigns of Europe themselves; and therefore, gives no countenance to the assertion of the *Christian Guardian* that the Church laid down as a dogma, or article of faith, in the Fourth Council of Lateran "that no faith is to be kept with heretics." We will now pass on to the third instance adduced by our cotemporary, of this being a "Romish dogma."

"Next in order," says the *Christian Guardian*, "we take up the Council of Constance. . . . We call attention to this Council, as that which expressly decreed that no faith was to be kept with heretics—and that which carried to practise that damnable doctrine, and ratified it in the blood of the celebrated John Huss. John Huss refused on a former occasion to appear before the Court of Rome. He, however, was induced to attend the Council of Constance through the persuasion of the Emperor Sigismund within whose dominions the Council was held. The Emperor having granted him a safe-conduct, Huss at once resolved to defend the articles of his faith. The safe conduct lies before us on our table, but it is rather long to be inserted here, and besides it is unnecessary as there is no possibility of denying the guilt of Sigismund, but especially of the treacherous Council of Constance. . . . And besides it would appear as if the Council had pledged itself to a safe-conduct of some description or another, since Dubraus, another writer of the Bohemian history of that period says 'that Huss repaired to Constance, relying on the public assurance given him by the Council—*de publica Conditio accepta.*' From all which it is evident that the Council deceived Huss, and that Sigismund was the unconscious instrument of the deception; and that, therefore, the attempt to explain away the perfidy of the Council, or the persecuting principles by which it was governed, is perfectly futile." The italics are our own.

"Liars," says the proverb, "should have good memories;" but unfortunately for the Holy Protestant Faith, of which he is the champion, the *Christian Guardian* has a very poor memory indeed. Thus, having assured us that "there is no possibility of denying the guilt of Sigismund," he himself, and in the same paragraph, does that which is impossible; and declares that "it is evident that Sigismund was the unconscious instrument of the deception," to which John Huss fell a victim. But if the "unconscious instrument," then clear of guilt; and if it be impossible to "deny his guilt," then not "the unconscious instrument." The *Christian Guardian* may take which horn of this dilemma he pleases: but on one or the other he must inevitably be impaled. Said we not rightly then that "liars should have good memories;" but that the *Christian Guardian* has a very poor memory indeed? But let us get back to our muttons.

Did the Council of Constance give John Huss a safe-conduct, or any assurance of any kind, that no bodily harm should befall him at Constance? Did John Huss on the strength of this safe-conduct, or this assurance, come to Constance? And did the Council, having him within its grasp, violate the pledge of safety that it had previously held out to him? These are the questions that we have to consider, in order that we may test the accuracy of the *Christian Guardian's* bold assertion that the Council of Constance "expressly decreed that no faith was to be kept with heretics"—and carried this damnable doctrine into practice. Now to these questions we reply as follows:—

1. The Council of Constance, never gave,

either directly or indirectly, any safe-conduct, or assurance of any kind to John Huss, to induce him to come to Constance.

2. John Huss came to the Council well aware that he had no pledge, or promise of any kind from the Council, that no bodily harm should befall him.

3. The Council having given no promise, and held out no inducements of any kind to John Huss in order to allure him to Constance, could not, no matter what its treatment of that individual, have been guilty of breaking faith with him; and, therefore, could not, by its conduct towards John Huss, have "expressly decreed that no faith was to be kept with heretics"—or have reduced that "damnable doctrine" as the *Christian Guardian* well calls it, "to practice."

The plain truth of the matter is—that John Huss actually arrived in Constance, before the Council of Constance had met; and as it was impossible that the Council could do any act, or contract any engagement, whilst it was not as yet even in existence, so it is impossible that John Huss, who arrived in the city of Constance before the Council assembled, or was constituted, could have been induced to come to Constance by any act or promise, direct or indirect, of the Council. This shall be clear from a consideration of the following dates:—

1. According to L'Enfant, the Protestant historian of the Council of Constance, Huss arrived in Constance on Saturday, 3d of November, 1414, having left Prague with the intention of going to Constance on or about the 11th of October.

2. But the Council of Constance was only opened upon Monday, 5th November, 1414, and its first Session was held on Friday, 16th of the same month.

3. Now, as the Council could perform no Act of any kind before it was opened on the 5th of November—and as John Huss actually arrived in Constance before the opening of the Council—it is certain that he was not induced to come to Constance by any Act of, or promise from, the Council: and consequently, having never given him any promise, or held out any inducements to him to come to Constance, the Council cannot have been guilty of any breach of faith towards John Huss; for the simple reason that it never, directly, or indirectly, entered into any kind of contract or agreement with him.

That John Huss had no safe-conduct from the Council, is evident also from this—that no such document was ever cited, or asserted to be in existence, either by his friends, the Bohemian Lords, or by the early Protestant historians of the Council. The former pleaded that Huss had a passport, or safe-conduct, from the Emperor, Sigismund, but never insinuated that the Council itself had issued any such document; and even Hallam, in his "*Middle Ages*," acknowledges—that "Huss came to Constance with a safe-conduct of the Emperor, very loosely worded, and not directed to any individual"—and that this safe-conduct, such as it was—"was not binding on the Council, who possessed no temporal power, but had a right to decide upon the question of heresy."—*Cap. VII. note.*

Our object is not to vindicate the conduct of the Emperor; though it would be easy to show that, since Huss left Prague for Constance about the 11th of October, and the pretended safe-conduct was dated the 18th of the same month, it was not upon the strength of that document that Huss was induced to undertake the journey which terminated to him so fatally; and that the document itself was but an ordinary travelling passport, to protect the bearer from molestation on the road, either coming or going. Thus Hallam admits that he "cannot determine how far the Imperial safe-conduct was a legal protection within the city of Constance."—*Cap. VII. note.* We have, however, we think, clearly shown from well established dates, and the admissions of Protestant historians—that no safe-conduct was granted to Huss by the Council—and that it is, therefore, absurd to tax that body with having broken faith with this particular heretic. In our next we shall examine how far the Council is justly obnoxious to the reproach of having laid down the doctrine, that "no faith is to be kept with heretics," generally.

SPECIAL REPORT ON THE SEPARATE SCHOOLS OF UPPER CANADA. By the Chief Superintendent of Education.

With the Rev. Mr. Ryerson's vindication of his pecuniary transactions for furnishing the schools of the Upper Province with books, maps, globes, &c., and the Municipalities with libraries, we do not purpose to weary our readers. The Reverend man is, as has been already shown, a "smart business" man, and well knows on which side his bread is buttered. We will pass at once to his reply to the charge that "State-Schoolism" is an outrage upon the individual parent, to whom alone, and not to the State, belongs the right of educating the child. "This assertion," rejoins the Rev. Mr. Ryerson, "can only be regarded as a libel upon the Legislature and School system of Upper Canada."—p. 49. The following is the argument which the Rev. gentleman, whose moral sense is not very acute, adduces in defence of his beloved "State-Schoolism":—

"There might be some truth in such an assertion in regard to the School system of the country"—(that it is an outrage upon the rights of the individual

parent, by compelling him to pay for the support of a school to which he has conscientious objections)—"where the Sovereign is a despot, and by his own absolute authority provides a revenue, establishes a school system, appoints teachers, prescribes the instruction to be given in the schools, disallows private schools, and requires all children of ages to be taught in the royal or imperial schools; but it is without a shadow of truth in respect to the Legislature, or School system of Upper Canada. Our Legislature imposes no school-tax, as do the Legislatures of New York, and other American States, but simply empowers the local Municipalities, to do so if they please, and encourages, to a certain amount, those who are disposed to help themselves in establishing and maintaining schools for the education of their children; but which schools the local parties themselves determine upon the manner of supporting, appoint and remove the teachers, each parent determining what his own children shall be taught in the public school, and there being no restriction whatever in the establishment of private schools. No, the 'sacred right and still more sacred duty, of educating his children in his own way,' is taken from the parent by those who impose upon him the punishment of 'mortal sin,' if he does not send his children to a certain kind of schools, or if he presumes to send them to the public schools."—p. 49.

In the above paragraph it is hard to say whether the author sins more against truth, or common sense. The complaint of the Catholic minority is, that they, being in a minority, are taxed against their consent by the Protestant majority, for the support of schools to which they are conscientiously opposed, and to which they cannot, and in the exercise of their sacred and inalienable rights as parents do not see fit to, send their children; and that, by being thus taxed, or rather robbed, for the support of schools of which they do not see fit to make use, their means for establishing and maintaining schools of which they do approve, and to which they would wish to send their children, are seriously diminished. This is the complaint of the Catholic minority; and if it be true that it is unjust to force any man to support a system of religion, or a system of education—a Church or a School—to which he is conscientiously opposed, then is their complaint most just, and most reasonable. How then does the Rev. Mr. Ryerson meet it?

He concedes that, for a despotic government—and we know of no despotism more oppressive, more degrading to those who are its victims, than the despotism of majorities—to tax its subjects, or to impose upon them a school system contrary to their wishes, would be an act of tyranny, an invasion of the sacred rights of the parent. He concedes too, that, for the Legislature to impose a school tax directly, as in New York, and other parts of the States, would be an act of oppression; but with strange inconsistency, or shall we say impudence, he argues that, for the Legislature to delegate to other State organizations that power which it possesses not itself, and which it could not assume without a tyrannical aggression upon the right of the individuals, is perfectly legitimate, and affords no reasonable grounds for complaint. This is indeed a strange doctrine, and would surprise us even in the mouth of a Methodist preacher, if, after the revelations as to the Rev. Mr. Ryerson's peculiar notions of honesty, anything could surprise us, coming from such a quarter.

Let us apply the Superintendent's reasoning to the "Church Question," which is in every particular the counterpart of the School Question, and see how his logic will bear the test. A tax imposed by the Imperial Government or the Provincial Legislature, for the support of any particular Church system, would, according to the Rev. Mr. Ryerson's principles, be a gross outrage upon the rights of individual Christians; but if the Legislature were merely to empower the local Municipalities to impose such a tax if they pleased, and were to enact laws to enforce compliance with the decrees of the said Municipalities, there would be no outrage, no violation of individual rights! A Presbyterian compelled to pay for the support of an Episcopal Church, in a Municipality where Episcopalians were in an overwhelming majority, would, under such circumstances, consider himself to be most justly dealt with, because the Church-tax had been imposed on him, not by the general Legislature, but by the local Municipality! and Protestants taxed for the support of a "Romish Mass-house" in a Municipality where Romanism was in the ascendant, would be perfectly content with the arrangement, so long as it was the Municipality, and neither the Imperial Government nor the Provincial Parliament, that imposed the tax; though, to be sure, if they hesitated about paying it, the whole machinery of the laws would be put in motion to enforce compliance with the decrees of the Municipality!

Such would be the result, if the Rev. Mr. Ryerson's theory as to the essential difference betwixt a tax imposed by the Legislature or central authority, and one imposed by the Municipality or local authority, be correct. But it is not correct, for the Legislature cannot delegate powers which it does not itself rightfully possess; nor can it, without making itself *particeps criminis*, authorise its creatures, bodies of its own creation, to do that which it could not itself do without perpetrating an injustice. But the Rev. Mr. Ryerson, by implication, admits that the Legislature or central authority would have no right to establish either a "common" School or a "common" Church system; it can have, therefore, no right to delegate that power to other bodies or State organizations, because that which it is wrong or unjust to do directly, it is

equally wrong to do by the intervention of an agent.

It is unjust, we contend, to compel any man, under any circumstances, to pay for the support either of a Church or of a School to which he is conscientiously opposed. Hence our opposition, not to the details or accidents of State-Churchism and State-Schoolism, but to "State-Churchism" and "State-Schoolism" *in limine*. We will not waste time by entering into any examination of the materials whereof the system is composed; but we take exception to the system itself, as an outrage upon conscience and the sacred rights of the parent. What matters it to the Catholic whether his money be taken from him by Act of the Legislature, or Act of the Municipality, so long as it is taken from him, and for a purpose to which he has strong conscientious objections? What matters it to him whether he be robbed by a single despot, or by a many headed despot, called a majority? the most cruel, the most vile of despots. The question, how, by whom, and in whose company, his children shall be educated, is a question which appertains to the parent alone; and in which no one, no body of men, whether Parliaments or Municipalities has, or have any right, to interfere. To give, therefore, to a majority in the Municipality the power of overruling the decision of the individual parent is, to all intents and purposes, to rob him of his most "sacred right;" a right which he holds not from man, but directly from God; not as a citizen, or member of any political organization, but as a parent responsible with his soul, for the soul of his child. What monstrous tyranny, therefore, on the part of "Jack-in-Office," to interfere with the parent in the exercise of that "sacred right!" but what infernal impudence, on the part of "Jack," to assert that that interference is no tyranny.

All that we contend for—and with less we will never rest satisfied—is that no one be compelled to pay for the support either of a School or Church to which he is opposed. It is not to the compulsory feature of the present system that we object; for we are perfectly willing to pay our *quota* for the support of education and religion, provided only—and this is a *sine qua non*—provided that we be left perfectly free, each one for himself, to decide how that *quota* be applied. In this we will brook no interference from any one—from the Legislature or from the Municipality—for it is a question upon which each individual has alone the right to decide.

The Rev. Mr. Ryerson's assertion that under the present system of management "each parent" has the power or the recognised right of "determining what his own children shall be taught in the public schools," is a deliberate falsehood. A Catholic parent, compelled by the present tyrannical system to pay for the public schools, would not be allowed to determine the books his child should read therein, or what course of studies it should follow. These would be decided, not by the parent, who *alone* ought to have a voice in the matter, but by the majority in the Municipality: and in Upper Canada, the great majority of these bodies are Protestant, and violently anti-Catholic.

Neither is it true that there "is no restriction whatever in the establishment of private schools." *Totidem verbis* indeed there is no such restriction; but in practise, unless the Catholic parent is rich enough to support two schools—one for his Protestant neighbors, and to which he does not send his children—and another school for his own use—he is restricted from the enjoyment of a private school, by the iniquitous law which enables the Municipality to tax him for the support of a school of which he cannot in conscience avail himself.

The fundamental error of the Rev. Mr. Ryerson consists in this, that he will persist in confounding together things essentially distinct—as for instance, Municipalities and parents. The former have no parental responsibilities, and have therefore neither parental rights nor parental duties; they have no children to educate, and have therefore no right whatever to interfere in the question of education. And again, when he speaks of the School Law as giving the people the right and privilege to educate "their children in their own way," he talks arrant nonsense, for that right and privilege would exist in its integrity if all School Laws were abolished to-morrow.—What the law really gives is, the power to a majority to impose upon the minority an educational system to which the latter may be, and often are adverse; and therefore to the same extent it robs a portion of the people of their natural, and God-derived right, "to educate their children in their own way" without regard to the wishes or opinions of the majority.

"State-Schoolism," disguise it as you will, is but the American phase of Socialism. In Europe, and speaking by the mouth of a Prudhomme, its last word is, "*La propriete c'est le vol*;" in America, and finding utterance through the instrumentality of the Rev. Mr. Ryerson, it proclaims that the child belongs to the State rather than to the Parent—to the Municipality rather than to the "Family." In opposing "State-Schoolism" therefore, we are but opposing Socialism under one of its most loathsome and repulsive aspects.