

The True Witness.

CATHOLIC CHRONICLE.

IS PRINTED AND PUBLISHED EVERY FRIDAY.

At No. 223, Notre-Dame Street, by

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G. E. OLBERG, Editor.

TERMS:

To all country subscribers, or subscribers receiving their papers through the post, or calling for them at the office, if paid in advance, Two Dollars; if not so paid, then Two Dollars and a-half.

To all subscribers whose papers are delivered by carriers, Two Dollars and a-half, if paid in advance, but if not paid in advance, then Three Dollars.

Single copies, price 3d, can be had at this Office; Pickup's News Depot, St. Francis Xavier Street; at T. Riddell's, (late from Mr. E. Pickup,) No. 22, Great St. James Street, opposite Messrs. Dawson & Son; and at W. Dalton's, corner of St. Lawrence and Craig Sts.

Also at Mr. Alexander's Bookstore, opposite the Post-Office, Quebec.

MONTREAL, FRIDAY, APRIL 10, 1863

NEWS OF THE WEEK.

The progress of the insurrection in Poland continues to be the chief topic of interest in the European journals. Hitherto the fortune of war has been on the side of the insurgents, and in several encounters with the Russian troops, the former have gained brilliant, if not important victories. The insurrection may now be said to be organized, having given to itself a head, or supremely able man, in the person of General Langiewicz, who has been named, and who has formally accepted the office of Dictator. The *Times*' correspondent represents the insurrectionary movement to be almost entirely confined to the *Slachta*, or landed gentry of the middle class.—“This numerous class which, according to Slavonian custom, includes every landed proprietor in the country, is the real soul and origin of the daring enterprise.” The majority of the wealthier portion of the high nobility, with the tragic events of 1831 yet fresh in their memories, rather stand aloof; the peasantry do not seem to take much interest on either side, and, for a consideration, are equally ready to give up the insurgents to the hands of the Russians, or to assist their countrymen in their struggle for national independence.

The Catholic clergy, however, whose influence is great, are said to be exercising that influence in behalf of the national cause. Under their guidance, the contest is assuming almost the aspect of a holy war, and the Poles are fighting against the enemies not of the country alone, but of their Church. Schismatic Russia is no doubt the great enemy of Catholicity at the present day, and the Poles are therefore justly entitled to the sympathies of the Catholic world; whilst, on the other hand, there can be no doubt that the feeling of the Protestant public of England would be far more warmly expressed in behalf of the Poles, were the latter endeavoring to subvert a legitimate Catholic Government, and if their political programme included the persecution of the Popish clergy and the confiscation of monastic property. The relative positions of the Catholic Polish insurgents as towards schismatic Russia, and that of the Neapolitan loyalists as towards the anti-Catholic Government of Piedmont, are almost identical; and as the cause for which the Poles are fighting—the cause of national independence and religious freedom—is the same as that in which the “brigands” of Naples are engaged as against the foreign mercenaries of Victor Emmanuel, so it cannot be expected that the Protestants of England who indignantly denounce the cause of the Catholic Neapolitans, should very warmly espouse that of the Catholic Poles. The Czar has as little right to rule in Poland as has Victor Emmanuel to rule in the Kingdom of Naples; the “brigands” of the latter, have as good a right to take up arms against the alien government lately forced upon them at the point of Piedmontese bayonets, as have the Poles to revolt against the more ancient tyranny of the Muscovite; and if the conscription which the Russian Government has imposed upon the youth of Poland, and which has provoked the present outbreak, may justly be held up to the execration of the civilized world, we see not why a similar measure applied by Victor Emmanuel to the youth of Naples should escape a similar condemnation from all who profess a respect for consistency. The sentiments of Protestants, generally, towards the Polish insurgents are well illustrated in the subjoined passage from the *Special Correspondence of the Montreal Witness* of the 6th inst. The writer says:—

“Lord Palmerston would rather see Poland in the control of the Greek hierarchy with a certain amount of liberty, than a separate and powerful Roman Catholic State. This latter event it is which engages all the sympathies of Austria, and France, and Rome, and of Roman Catholics in our own country—while to the views of English Protestants, with their strong adherence to that religion, the Poles offer no prospect of founding a national independence without being subjected to a tyranny nearly as despotic as the government of the Czar.”

In other words, Poland, if successful in establishing her national independence would be Catholic; her Church would throw off the fetters which Russian rule has imposed upon it; and the Protestant Great Britain, of whom Lord Palmerston is the type, would prefer to see Catho-

lic Poland prostrate at the feet of anti-Catholic Russia, to seeing her in the possession of national independence, if that independence should also extend the freedom, independence and influence of the Catholic Church. It is not because the Protestant Great Britain loves liberty, but because he hates Popery, that he advocates the rule of anti-Catholic Piedmont over the Italian peninsula; and it is because hatred of the Church of Christ is a much stronger passion with him than is his love of liberty and national independence, that he espouses the cause of the Jacobins of Italy against the Neapolitan “brigands,” and at the same time smiles almost benignantly at the efforts of the Russian Cossacks to extinguish the fire of Polish patriotism in torrents of blood. In this respect the present foreign policy of England bears a close resemblance to the domestic policy of the Convention of 1793. As the latter stigmatised the Catholic loyalists of La Vendee who then took up arms for their King and their religion, as “brigands,” so by the same opprobrious epithet English Protestantism essays to stigmatise the gallant Catholic patriots of Naples now fighting for their rightful King Francis II. and endeavoring to throw off the hated alien yoke of anti-Catholic Piedmont. Of course the same motives which prompt the Catholic to sympathise with Neapolitan “brigands,” enforce his sympathies for the insurgents of Poland.

Where the Protestant prejudices of the Great Britain are not aroused—his natural conservative and loyal principles assert their ascendancy: and thus it is that there exists amongst the more intelligent and liberty loving section of the people of Great Britain a strong feeling in favor of the Confederates and against Yankee Jacobinism. The contemptible cant that the present civil war is being waged for negro freedom on the one hand, and for the perpetuation of negro slavery, on the other, is scouted by them, as a palpable absurdity, as a falsehood too gross for acceptance by any one outside of bedlam. They see that contest as it really is—as a struggle betwixt “State Rights,” and the “Republic One and Indivisible,” of the Jacobins; and that natural love of justice, those loyal and conservative instincts which, in spite of their Protestantism still characterise the people of England, of course prompt them to side with the Southerners. The prevalence of this feeling in feeling in England is well known to the Yankees, and the latter are bitter against the British government accordingly. Unmindful of the fact, that they have drawn far more munitions of war from England during the present contest than have their opponents, they have the folly or rather impudence to reproach the British government for that it did not unconstitutionally, because without legal proof, interfere to prevent the sailing from its ports of the Confederate man of war *Alabama*; and in the reply of Lord Russell to remonstrances addressed to him, to the effect that vessels are even now fitting out in British ports which popular rumor asserts to be destined for the naval service of the Confederate States—these unreasonable Yankees pretend to discover an act of hostility towards themselves. Lord Russell tells the remonstrants that, as England is a free country, its Courts of Law cannot take action in the premises upon mere rumors, however widely spread, but only upon legal proofs duly laid before them, and properly attested upon oath. The *onus probandi* rests with the accuser; and it is therefore for the Yankee government to prove that the armaments by them complained of, have an illegal destination, and not for the persons fitting out those ships to prove their innocence. This has given rise to an angry correspondence, which may yet develop into still more angry deeds. Indeed the Washington Cabinet seems to be doing its best to get up a *casus belli* with the British Government.

We were startled on Monday by the report that Charleston had been captured, but by the following morning the rumor was contradicted, and it may yet be hoped that the gallant Southerners will be able to maintain their independence, and purge their soil of its Yankee invaders. Exciting news must however be expected—as the long talked of attack on Charleston cannot be much longer delayed, if it is ever to come off at all. In other quarters no important events have taken place during the past week. Vicksburgh has not yet fallen.

**THE POT AND THE KETTLE.**—A more amusing scene than that furnished by the squabble betwixt the Yankee Government, and the Mormons, upon the sanctity of the marriage tie, it is not easy to conceive; and much as we abominate Mormonism and its peculiar domestic arrangements, it is impossible for us to award our sympathies to the Yankees who are now loudly condemning these peculiar arrangements as an infraction of the moral code of Christianity, and endeavoring to suppress them by force of arms.

Law-makers, says the proverb, should not be law-breakers; and in our Courts of Law we expect that the plaintiff shall appear with clean hands. But in the case of the United States ver. the Mormons, the plaintiffs are, in so far as the Christian law of marriage is concerned, quite as culpable as are the defendants. The latter

practice polygamy; the former tolerate what they call divorce, and polygamy and divorce are alike at variance with the Christian code, and incompatible with the existence of Christian society. To every charge brought against them by their opponents, the Mormons can retort by a *tu quoque*; and to the accusation of practising polygamy, can reply by the countercharge of divorce as practised amongst their accusers.

Between divorce and open polygamy there is not morally a hair breadth's difference. Both are equally destructive of the fundamental principle of Christian marriage—which is, essentially, that of “one with one, and for ever, until death do them part.” Death only can sever a Christian marriage; and sexual unions which, upon any pretence whatsoever, may be dissolved whilst the parties thereto are still both alive, are not marriages, in the Christian sense of the word, but simply legalised concubinage. Such unions may be legalised, but their moral value cannot be affected by any legislative enactments, for they are repugnant to the positive law of God, as revealed through Christ—and in this respect they are not, morally, one whit more worthy of our respect, than are the sexual unions which obtain amongst the Mormons, and which the statutes of Joe Smith and Brigham Young sanction amongst the members of the Protestant sect known as “Latter Day Saints.” The Government of the United States cannot therefore plead the law of Christian morality in its favor, and as against the people of Utah; because it has violated and set at naught that law, and because it also is equally a transgressor, and openly sanctions a practice amongst its citizens which is subversive of the very basis of Christian morality, and Christian society. In that it authorises divorce, the Government of the United States is anti-Christian, and cannot therefore plead Christian precept in its favor against the Mormons. The pot has no right to reproach the kettle with the blackness of its nether extremities.

But if the Federal Government has by its own acts, incapacitated itself for pleading the law of Christianity, as against the polygamy of the Mormons, what other plea can it urge? what right has it to interfere with the domestic arrangements and sexual unions of the people of Utah? Those unions are either regulated by positive and immutable Christian law, or they are simply civil contracts. That they are the former, the Federal Government cannot pretend; for by its own acts it has done away with the essential principle of “one with one and for ever,” and cannot therefore assert the other clause of the Christian law of marriage “one with one.” It must therefore fall back upon the “civil contract” principle; and can have the right to interfere with the domestic arrangements of the Mormons only upon the grounds that those arrangements violate that principle in some essential particular. Is such the case?

The essence of all “civil contracts” is that the terms thereof be arranged by the mutual and intelligent consent of the contracting parties; and that the business of the civil magistrate is, not to dictate or prescribe those terms, but simply to enforce them. It is thus with civil contracts for the sale and delivery of pork, potash, flour, and all other commodities the legitimate subjects of civil contracts; and if the unions of the sexes be also the proper subject of such contracts, then it follows, as a strictly logical consequence, that the terms of those sexual unions should be regulated by the mutual consent of the contracting parties, as in the case of flour, molasses, pork, and raw-hides—due regard of course being had to the rights of others, or third parties, who directly or indirectly may be affected by, or interested in the results of the sexual unions aforesaid. If this be so—and upon the theory of marriage which obtains in the United States it must be so—men and women have, as against the State, the right to arrange the terms or conditions of their sexual unions as they please. They have the right to contract, or mutually to agree, to cohabit during a specified number of years, or during mutual good behavior. They have also the right to determine not only the number of years during which the contract of cohabitation shall remain in force, but the number of persons to whom it shall apply after their having freely consented to be bound thereby; so that if a dozen or so of women contract to cohabit with one man, and to make part of his household, they have as much right, as against the State, to do so, as they would have to contract severally for the delivery of so much prime mess pork, or so many bushels of wheat. Sexual unions entered into upon such conditions, and upon such terms, would of course be incompatible with Christian morality; but not one whit more so than are all sexual unions which upon any pretence whatsoever can be dissolved whilst the parties thereto have not been separated by death; that is to say, by God, Who alone can put asunder those whom He hath joined together in Christian matrimony.

The present struggle betwixt the Mormons

and the Federal Government does but illustrate the absurdities, the inconsistencies, and the pernicious moral results of all Protestant legislation on the subject of marriage. The law of Christ on the subject is clear and explicit, “One with one,” thus prohibiting polygamy—and “for ever” thus equally prohibiting divorce upon any pretext whatsoever. All Protestant communities have violated the second clause of the Christian marriage law; the Mormons alone of all existing Protestant sects, have gone one step further in the same direction, and have repealed the other or first clause of the same law, that of “one with one.” Morally, the legislation of the Mormons is no whit more open to censure than is that of other Protestant or non-Catholic communities; and for the latter to raise an outcry against the immoral practice of polygamy, whilst themselves legislating in favor of the equally immoral and anti-Christian practice of divorce, affords almost as amusing an instance of inconsistency, and rank hypocrisy, as any that the annals of Protestantism, fertile though these be in hypocrisy and inconsistency, have as yet afforded. There is no middle ground betwixt rigid adherence to the law of Christian marriage as defined by the Catholic Church, and promiscuous sexual intercourse logically tenable. If God has arranged the terms or conditions of the sexual unions of His creatures, man has no right to tamper with, or modify those conditions; if He has not done so, then every one has the moral right to arrange the terms of his sexual unions as he pleases, without let or hindrance from Jack-in-Office.

To the Catholic—though he can see but little difference betwixt the morality of the Mormons and that of their Yankee persecutors—the attempt of the Federal Government to suppress the peculiar tenets of Mormonism by force of arms, presents also an instructive spectacle, and furnishes him with a conclusive argument in defence of his Catholic ancestors of the Middle Ages, and of their conduct towards the *Bulgars*, or *Albigenses* in the beginning of the thirteenth century. The modern Protestant sect of Mormons stands to the other Protestant communities in the same relation that the *Albigenses*—the *Catharists*, *Picards*, *Paterins*, and the other members of the great family of Oriental heretics with whom Europe was infested in the twelfth century—stood towards the Catholic world; nor were the Manichean tenets of the older heretics, with their contempt, or rather hatred of marriage, and the unmentionable vices to which that hatred gave rise, less dangerous to the social order of medieval Europe, than are the polygamous practices of the Mormons to the social order of this Continent. If the State, as constituted in the latter, has the right to put down the Mormon heresy by force of arms as immoral and anti-social, so had the Catholic Governments of Europe the right to put down the *Bulgars* or *Albigenses* in the days of stout old Simon de Montfort; and the crusade which he led against the *Bulgars* was, to say the least, as legitimate and holy a war as that which the Federal Government is now waging against the Protestants of Utah. If it be right to use force against Mormonism, it must have been right to appeal to the sword against Manicheism; and that the *Albigenses* did hold the abominable tenets of the Manicheans, is now admitted by all intelligent and candid Protestant writers. Thus Hallam in his history of the Middle Ages, c. ix, not only protests against the “so prevalent a disposition among English divines to vindicate not only the morals and sincerity, but the orthodoxy of these *Albigenses*,” but he asserts also that “the proof of Manicheism among the heretics of the twelfth century is so strong, that I should never have thought of arguing the point, but for the confidence of some modern ecclesiastical writers.”—c. ix., note.

The Federal Government is in short acting towards the Mormons upon the same principle as that which dictated the crusade against the *Bulgars*; and it is impossible to justify its action without at the same time, and by the same process vindicating the action of the Catholic Governments of the Middle Ages towards the far more dangerous and immoral Protestant sects known under the common name of *Albigenses*.

The Catholics of Upper Canada should not allow themselves to be lulled into a false security by the success of Mr. Scott's Separate School Bill in the Legislative Assembly. They are not yet out of the wood, and it would therefore be premature for them to holla, or raise their shouts of triumph. Whilst aught still remains to be done they should still act as if nothing had been done; and they should bear in mind that perils many and great, still attend the Bill in its passage through the Legislative Council.

There can be no doubt that Mr. Scott's Bill is very unpalatable to the Protestant Reformers or Clear-Grits of Western Canada. There can be no doubt that even by those members of the Lower House who voted for its second and third reading, it has been found a very bitter pill to swallow, and that the Upper Canadian section of the Ministry have by their support of it, put themselves in a very unenviable position as to-

wards their several constituents. They supported Mr. Scott's Bill, not from a sense of its justice, but from party motives; and because by acting otherwise they would have imperilled their Ministerial existence, and placed their quarterly salaries in extreme jeopardy; and there can be, therefore, no doubt that they would be well pleased to see the Bill so mutilated, or emasculated in its passage through the Legislative Assembly, as to silence the indignant clamors of the Reform or Clear-Grit press of Upper Canada against their tergiversation, and abandonment of ancient principles.

For these reasons it may reasonably be feared that many Upper Canadians who voted for Mr. Scott's Bill in the Lower House would be well pleased to see it rejected by, or at all events unamously “amended” in, the Upper; as thereby they would save their credit with their respective constituents, and at the same time be able to claim credit from Catholics for their liberality on the School Question. To the latter they would gladly have it in their power to say “We voted for your Bill and carried it triumphantly through the Legislative Assembly;” and at the same time to be able to say to the reproaches of their Protestant constituents in the West—“but we took good care that a measure so distasteful to you should be rejected by, or destroyed in the Legislative Council.”

This is the danger that we fear for Mr. Scott's Separate School Bill. No doubt if the Ministry exert themselves in its favor, they can carry it through the Legislative Council as easily as they carried it through the other House—but the question presents itself, will they so exert themselves? will not the Lower Canadian section of the Ministry yield to the importunities, and exigencies of their Western colleagues? We are willing to give M. Scotte credit for the honesty of his intentions: and certainly we have no cause to complain of his conduct hitherto on the School question. But we may be permitted to doubt if he is strong enough to resist the adverse influence which may be brought to bear upon him from that section of the Ministry which more particularly represents Upper Canada; and whose members therefore have not only no interest in pushing Mr. Scott's Bill to a successful issue, but who with the fear of the next general election before their eyes are, and must be greatly interested in procuring its defeat, by indirect if not by direct means.

For these reasons, without any design of imputing duplicity to M. Scotte, we fear that the Separate School Bill—if not negatived by the Legislative Council, will yet, whilst under discussion in that Chamber, receive such treatment as shall deprive of it that which makes it most offensive in the eyes of the Protestant majority of Upper Canada, and for the same reason most precious in those of the Catholic minority of the same section of the Province. Without exposing themselves to the risk of breaking with their colleagues of Lower Canada, or of coming to an open rupture with their Catholic supporters, the Upper Canada members of the Legislative Assembly and of the Ministry may thus hope to regain the confidence of their Protestant constituents in Upper Canada, whose affections their recent votes on the School Question have much tended to alienate. Our fears may be, and we trust are, ill-founded: but it is well that Catholics should be on their guard, and should watch narrowly the behavior of public men during the session which is about to recommence. In a matter of so much importance, it is impossible to take too many precautions—and to be forewarned is, as the proverb says, to be forearmed.

**VICIOUS LEGISLATION.**—A Mr. Burwill has brought forward a Bill in the Legislative Assembly for making Justices of the Peace elective. It is to be hoped that the proposal will be rejected, for we know of no means better calculated to bring the administration of justice into well-merited suspicion and contempt, than that of making the magistracy elective. Appointments by the Crown may be, and often are bad; an elected magistracy must necessarily be so, and the Bench under the system proposed by Mr. Burwill would offer a seat to the most unworthy upon political grounds, whilst now, and under the actual arrangement, such is only occasionally the case; and the most violent partisans would, under the proposed popular system, be selected to perform those functions which for their honest discharge, require, above all things, an entire freedom from all political bias on the part of those to whom they are entrusted. To the taxing, and law-making portion of the State-machine, the elective principle may be applied with advantage to the community; but to the law-administering department, the application of the same principle would be attended with the most disastrous consequences. We would sooner see the appointment of Justices of the Peace confined to the most corrupt of Ministries than to a large body of electors, however intelligent and well disposed in the main. The members of the former being few in number must always feel a certain personal responsibility for their acts; but that feeling is lost altogether