

The True Witness.

CATHOLIC CHRONICLE.
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We beg to remind our Correspondents that no letters will be taken out of the Post-Office, unless prepaid.

MONTREAL, FRIDAY, NOVEMBER 25.

NOTICE.

We request all our subscribers in Quebec and vicinity, who are in arrears, to hand in the amounts due to our agent, MR. JEREMIAH O'BRIEN, 18 BUADE STREET, Quebec.

ECOLESIASTICAL CALENDAR.

NOVEMBER—1864.

Friday, 25—St. Catherine, V.M.
Saturday, 26—Of Imm. Conception.
Sunday, 27—First Sunday in Advent.
Monday, 28—St. Irenaeus.
Tuesday, 29—Vig. of St. Andrew.
Wednesday, 30—FAST, St. Andrew.

DECEMBER—1864.

Thursday, 1—Of the Feria.

The "Forty Hours" Adoration of the Blessed Sacrament will commence as follows:—

Friday, 25—In all the Churches in which the "Forty Hours" have not been celebrated.
Sunday, 27—The Cathedral.
Tuesday, 29—Academy of Varennes.

DECEMBER—1864.

Thursday, 1—Rigaud College.

NEWS OF THE WEEK

In the absence of authentic news we have rumors; some of them very important, and which probably have a basis of truth to rest upon. It is rumored for instance that the idea of a European Congress has been revived, and that a general disarmament may be expected as the result. It is also rumored that France has tendered her good offices as mediator between the Federal and the Confederate Governments, and that to this may be attributed the expectations of peace which now seem to be gaining ground. In Europe the great difficulty will be to reconcile the antagonistic, indeed irreconcilable, pretensions of the King of Sardinia and the Sovereign Pontiff; on this Continent it seems to be almost equally impossible to reconcile the antagonistic pretensions of the two belligerents. Independence is the *ultimatum* of the one, submission that of the other; we see not as yet how a middle term between them is to be found.

No action has as yet been taken in the case of the *Florida* seized in Bahia harbor by a Federal cruiser. It is said that the Federal authorities will refuse to give her up, because the Brazilian forts fired upon their ship when engaged in cutting out the *Florida*, and because the Brazilians having thereby committed an act of war cannot seek redress by diplomacy. This is an artful dodge; but it seems to us that the Brazilians might well reply that in firing upon the *Wachusett* they were guilty of no hostile act towards the American flag, since the attack of the latter on the *Florida* occurred between sun-down and day-light during which time men of war do not show their colors; and at an hour when even if the Federal ship had had her ensign hoisted, it would have been impossible to have made out her nationality simply because it was dark. The Brazilians had therefore the legal right to presume that the vessel on which they fired was a pirate, and not a duly commissioned Federal man-of-war. This would dispose of the plea set up at Washington for refusing reparation to the Brazilian Government for an outrage upon its sovereignty.

From General Sherman we have nothing definite. All that we know of his movements amounts to this: that with a large force, amounting it is said to 60,000 men with rations for a month, he is moving either on Charleston or on Augusta, Savannah river. Atlanta is abandoned as a post of no military importance, though as an excuse for the harsh measure of driving out its entire population it was urged that it was a post of paramount military importance. The truth seems to be that Sherman felt himself unable to sustain himself there. Stirring news may however be looked for shortly.

Mr. McEvoy after a most successful visit to Montreal, is about to open his *Hibernian* and *Caledonian* in Quebec. We can sincerely recommend these exhibitions to our readers, as elegant works of art from which they will derive both instruction and amusement, and which we hope they will not fail to attend.

THE "GLOBE" AT ITS OLD TRICKS.—The *Toronto Globe* is playing a dangerous game; and a very wicked game. Here in Lower Canada Protestants and Catholics manage to get on very pleasantly together; and the writer who should attempt to provoke the one class of our citizens to acts of violence against the other, would be generally condemned by the press, as a common enemy.

It is far otherwise in Upper Canada. The most influential journal in that section of the Province, and the recognised organ of a Cabinet Minister, lets slip no opportunity of exciting Protestants against Catholics; and hesitates not to publish the most atrocious accusations against the latter, without regard either to truth or probability. As an instance we will cite a communication which appears in the columns of the *Globe* of the 19th instant.

The writer, whose name of course is not given—commences his string of calumnies, by the assertion that "there is a great scarcity of men for the lumbering season," though "as high as \$2 a day has been offered and refused in many instances, and this, although the men [Irish Catholics] are seen walking about the streets without any visible means of support." These Irish Catholics when urged to accept the \$2 a day refuse, on the pretence that they have other and more important work in hand.

The writer asks "what is this important work?" and he goes on to tell us that the said Irish Catholics refuse to engage themselves as lumberers because they are waiting for orders from a General of the Federal army, and from the "Grand Centre of Fenianism," to rise in rebellion against the British Government in Canada; and that so soon as the ice takes, they will so rise, and slaughter the loyalists and Protestants of the Province. He tells us that "a second massacre of Bartholomew may be expected;" and as a clincher he adds the following harrowing particulars:—

"In the Roman Catholic churches the 'pikes' [of which we have heard so much in this city] guns, pistols, and ammunition, are stored in great quantities so as to be ready at the appointed time. These offensive weapons have been distributed through the connivance of Roman Catholic Custom-house officers, wherever these are placed, and they are sent to places where they could not be introduced by the assistance of the officers."

Finally, we are warned that:—
"The atrocities of the 'White Boys' are about to be re-enacted in Canada, and our hitherto peaceful country is to be devastated by similar horrors to those perpetrated by the midnight assassins in Ireland. Murder and arson will stalk through the land" &c., &c., &c.—*Globe*, November 19, 1864.

Such statements appearing in a journal so widely circulated and so influential as the *Globe*, in a journal which is well known to be the organ and mouth-piece of our precious ally, Mr. George Brown, the President of the Council—are calculated to do much injury; and are in all probability intended to provoke an attack upon the Catholic Churches of Toronto, in which it is positively asserted that arms and ammunition are stored in great quantities in view of a general massacre of the Protestants of Canada. We therefore deal with them with more seriousness than they would otherwise deserve to be treated; and we respectfully invite the co-operation of our Protestant contemporaries to frustrate the diabolical efforts of Mr. George Brown's organ to set Catholics and Protestants by the ears.

Let us reverse the case: let us suppose that an article had appeared in the *TRUE WITNESS* in which it was positively asserted that the Orangemen were about to rise and massacre the Catholics of Lower Canada: that for this purpose Protestant Custom-house officers had connived at the clandestine introduction of arms and ammunition into the Province: that "in the Protestant churches, pikes, guns, pistols and ammunition were stored in great quantities so as to be ready at the appointed time;" and that "murder and arson were about to stalk through the land"—what, under such circumstances, would be the judgment passed upon the *TRUE WITNESS* by the Protestant press? in what terms would our contemporaries denounce such a monstrous accusation against, not only the Orangemen, but against the Protestant clergy in a body, who had allowed their places of worship to be converted into arsenals in view of a general massacre of the Catholic population? Would not our Protestant contemporaries call upon the *TRUE WITNESS* to publish its authority for statements so deeply affecting the peace of the community, and the honor of their clergy? Would they not challenge us to make good our assertions, or else to retract them? and were we to refuse this challenge, would they not brand the editor of the *TRUE WITNESS*, and most justly, as a fire-brand, as a liar and a slanderer, as a mean pitiful sneak who under the shelter of a *pseudo-nyne* made charges against his neighbors which he could not substantiate, and which he would not retract; and as therefore a disgrace to the Catholic body whose cause he—the *TRUE WITNESS*—pretended to advocate? We say then to our Protestant contemporaries—deal with the organ of Mr. George Brown, President of the Council, as under analogous circumstances you would deal with the *TRUE WITNESS*.

The law of the case is perfectly clear. An editor is not responsible for the opinions of his

correspondents; but he is responsible, morally as well as legally, for the truth of all facts by them anonymously asserted, especially when those facts gravely compromise the interests of the public and the reputation of private citizens. This is a rule which must commend itself to every honest and intelligent mind, and we only ask that it be applied to the *Globe*. We call then upon the latter to give the name of his authority for the serious charges that he has published against the Catholics of Toronto in general, and against the Catholic Bishop and clergy in particular—seeing that these have allowed their churches to be made arsenals of deadly weapons, collected for the purpose of a general Protestant massacre; and if the *Globe* will not comply with this reasonable request, we ask of our Protestant contemporaries—of the *Montreal Herald* and the *Montreal Gazette* for instance—if we can be held to be unreasonable, or uncharitable, if we apply to the organ of Mr. George Brown—colleague of M. Cartier though he be—the same terms of reproach as those which they in analogous circumstances would most justly apply to the *TRUE WITNESS*.

And we would respectfully invoke their co-operation to discountenance the wicked efforts of the *Globe* to stir up strife betwixt Her Majesty's Catholic and Protestant subjects in Canada. In years gone by we may all of us have said and done to one another, things which it would have been better to have left unsaid and undone. Shall we then for ever keep on harping on old grievances, and stirring up one another to strife? or shall we not rather agree mutually to forget past grievances, and burying the war-hatchet to seek only after those things which make for peace. We know not at what moment the common enemy may be thundering at our gates, and when all loyal subjects of our own dear Queen may be called upon to unite in defence of our laws and our free institutions. God forbid that when that moment comes, if come it should, we should be found so busy with our internal bickerings as to be incapable of hearty and united resistance to the external foe.

No compromise of principle is required. The Catholic and the Protestant may well live together on good terms, and as loyal subjects, though the one is called "ultramontane," and though the other assert his right of "private judgment." But if savage and brutal appeals to the worst passions of a swinish rabble, such as those in which Mr. George Brown's organ delights, be allowed to make their appearance without a hearty condemnation from the more respectable portion of the Protestant press, we well know what will be the consequences, and on whose heads the responsibility will rest.

THE ST. ALBAN RAIDERS.—The question as to whether the accused in this case should be given up in virtue of the Ashburton Treaty, to the Federal Government, irrespective of their status, or pretended status, as officers of the Confederate Government, is much agitated in the Canadian press. The question, no doubt, is one of the greatest importance to us in Canada, since by its solution our future relations with our neighbors must be affected. The latter of course will insist, and they have the right to insist, that Canada be not used as a place of arms against them, and that our government shall take care that hostile expeditions be not fitted out or organized under the shelter of the British flag.—Our authorities, on the other hand, must, no matter at what cost, assert the national dignity, the independence of British tribunals, and must in the matter at issue be guided by well established principles of international law. Having once recognised the belligerent capacity of the Confederate Government, they cannot now withdraw, or modify that recognition, or pretend to discriminate betwixt the rights of the Northerners and those of the Southerners—as if the latter were in a certain sense rebels, and not entitled to all the rights and privileges of ordinary belligerents.

From the fact that the prisoners have been remanded in order to give them time to communicate with their own Government, and to procure proofs that in their attack upon St. Alban's they were acting in the capacity of duly commissioned troops of a duly recognised belligerent Power—it would appear as if our Courts admitted the legal validity of the plea urged by the so-called raiders—if the latter can substantiate the facts upon which that plea is based. It would seem, we say, as if our Courts claimed the right to hear the defence as well as the accusation;—and the *quasi* assertion of this right has provoked a strong, but we think ill-grounded, censure from the *Montreal Herald*. Our contemporary argues that, as in the case of Muller whose extradition was demanded on the grounds that he had murdered Mr. Briggs, the American Courts would have had no right to entertain the plea of *alibi* set up by the accused in his defence, or to examine witnesses as to its validity—so our Courts have no right to entertain the plea set up by the St. Alban raiders, or to hear evidence as to its validity. The argument seems to us defective, because the two cases are not parallel.

In the case of Muller, the question at issue—

until a jury had pronounced on his guilt or innocence—was whether he had committed a certain specified act; but there was no question as to the criminality of the act itself. In the case of Muller, the question at issue was simply a question of fact, and in such a case the American Courts had of course no jurisdiction, no right to entertain evidence in refutation of the charge.

In the case of the St. Alban raiders however, the question at issue is one not of fact, but of law. There is here no question, as in the case of Muller, as to whether they on a specified day, at a specified place, did commit certain specified acts; for that they did there and then do all that is imputed to them, is not even contested. But the question is—granted that they did commit the acts imputed to them, were they legally justified in so doing?—were their acts criminal? This, a question of law, is the question at issue in the case of the St. Alban raiders, and upon this question our Courts have the right and are bound to adjudicate. They are called upon to pronounce whether the acts of duly commissioned officers of a belligerent Power, committed by order of that Power, come within the provisions of the Ashburton Treaty? But in the case of Muller it was not questioned that the act imputed to him was a criminal act, and did therefore fall within the provisions of that Treaty; and all therefore that the American Courts had the right to require was *prima facie* evidence that the prisoner had committed the particular criminal act imputed to him.

A slave breaks away from his master, and is pursued by the latter. To make good his escape the run-away turns round and kills his pursuer, and then takes refuge in Canada. Would not the British Courts of law, in case of the demand for the extradition of the runaway slave on a charge of murder coming before them, be justified in hearing evidence for the defence as to the status of the accused? and in entertaining the plea that the act laid to his charge, though murder by the municipal law of the States, was a justifiable homicide, was not criminal, and therefore did not fall within the provisions of the Ashburton Treaty? Precisely the same is the plea now brought forward by the St. Alban raiders. They do not contest the facts alleged against them—to wit that they committed certain acts of violence; but they contend that those acts were not criminal acts at all, and that it is only criminal acts which fall within the provisions of the Treaty by which the British and Federal governments have mutually bound themselves. We contend therefore that the legal question as to the legality or the criminality of the acts imputed to the St. Alban raiders, is one upon which our Courts of Law are bound to hear evidence and to adjudicate accordingly.

Garibaldi was doubtless according to all international and all municipal law, a brigand, a marauder, or cut-throat, in that without any authority or commission from any recognized belligerent Power, he committed upon the territory of the King of Naples, and against the subjects of the latter, acts precisely analogous to those committed by the commissioned officers of the Confederate Government (whose capacity as a belligerent we have recognized) against the Federal government and its citizens. Had Garibaldi's expedition failed, and had he taken refuge, say in Malta, or Corfu, how we should like to know would a demand from the Neapolitan government for his extradition as a marauder, thief and murderer have been treated by the British press and the people generally? They would have at once decided—and that irrespective of the existence of any Treaty betwixt Great Britain and Naples such as that which exists betwixt Great Britain and the United States, that Garibaldi should not be given up, because his acts were not criminal acts in the ordinary acceptance of the term, but political acts not contemplated in any Treaty for the mutual surrender of criminals. Apply the same principle, the same rule to the St. Alban raiders; forget the possible consequences to ourselves of the decision of our Law Courts—and then indeed we shall be able to repel the taunt of cowardice and inconsistency, of haughtiness towards the weak, and of abject humility towards the strong, which the enemies of Great Britain so often and not altogether without reason, urge against her.

A HIGH-HANDED PROCEEDING.—Justice's justice, as administered at Toronto, is a precious queer kind of commodity. We mentioned in our last that a domiciliary visit of the police to the house of a man named McGuire had been made by order of the Orange magistrates; that in the said McGuire's house, some pieces of iron fashioned as spears, or pike-heads, together with long sticks or handles had been found; and thereupon McGuire was himself arrested and imprisoned, the Orange magistrates refusing to accept bail in his case.

The next day McGuire was brought before the Police Magistrate. This official having heard the evidence of the policeman who had made the seizure of the iron spear-heads in the prisoner's house, called upon the latter for his defence, when the following strange scene occurred. Mr. O'Connor, who appeared on behalf of the

prisoner, quietly remarked to the Police Magistrate that he would feel obliged to him, if he (the Police Magistrate) would inform him what the offence was, and the following conversation ensued:—

Police Magistrate—Well, I do not know myself, exactly.

Mr. O'Connor—I suppose it is sought to bring the case within what is usually called Col. Prince's act; but that act certainly does not apply, and I know of no other law that does.

Police Magistrate—I do not think that Act does apply, and I am at a loss to know whether there is anything at common law that applies.

Mr. O'Connor—Well, your Worship, I am at no loss about it. The prisoner had better be discharged.

Police Magistrate—I'll defer judgment until tomorrow, and will take bail for the prisoner's appearance.

Mayor Medcalf (in an under growl to the Police Magistrate)—Try him for walking at night.

Mr. O'Connor—Yes, your Worship, put the city on trial.

Police Magistrate (turning with an impatient scowl at the Mayor)—Nonsense!

McGuire gave the required bail, and departed.

On the second day afterwards, the Police Magistrate gave his decision. He said it was quite clear there was no law to prevent a man's having arms in his house; therefore, he would have to dismiss the case, but he would 'pound the pikes.'

Mr. O'Connor here arose, and asked his Worship if he (Mr. O'Connor) rightly understood him to intimate that, with or without law, he would withhold McGuire's property.

Police Magistrate—Yes, with or without law! You can bring an action of trover, if you wish.

Mr. O'Connor—I am instructed to say that will be done.

Police Magistrate—Then I wish you luck with the Jury.

Mr. McMichael (a lawyer and preacher of the Gospel, it is said)—Yes, let them try with a jury, and see what they'll make of it.—*Toronto Freeman*.

If the above report, which we copy from the *Toronto Freeman*, be correct, the Toronto Dogberys merit the reprobation of every loyal subject of Queen Victoria in Canada. They are playing the game of the disaffected, and the revolutionists, if any such there be in the Province; they are furnishing the best of reasons for the perpetuation of those dangerous, even if not illegal proceedings, of which on the night of the 5th inst., the streets of Toronto were witness. Granted for the sake of argument that this man McGuire is a Fenian—which is not proved; that the pikes or spear-heads found in his house were procured with a guilty design—which however does not appear in evidence; yet as the Police Magistrate admitted "there was no law" infringed, therefore the only legal course open to the Court was to have discharged the accused, and to have restored to him his property. As it is, our sapient Orange magistrates have made a *quasi* martyr of him, and enlisted a portion of public sympathy in his behalf, as for one unjustly treated. This is worse than a crime; it is a blunder, and a blunder which we fear will yet be taken advantage of.

No one can suspect the *TRUE WITNESS* of sympathising with the Fenians, or with any set of men who upon any pretext whatsoever meditate hostile or disloyal designs against the Government under which we in Canada have the happiness of living. Here, thank God, no matter what may be the case elsewhere, the Catholic has no just cause of complaint against the British Government; and we should approve ourselves unworthy of the blessings of civil and religious freedom were we not in word and deed sincerely and zealously loyal to the Government under which those blessings are secured to us.—There is no reason, there can be no possible excuse in this country for disaffection towards the British Government; and we protest against the theory that Ireland's wrongs are to be righted on Canadian soil. The Irishman who leaves his native land has all the world before him. He is free to select either Canada or the United States as his future home; but his selection once made, he is bound to conduct himself as a loyal citizen of the country which he deliberately adopts as his own. If, as is very natural, the memory of what his country, his forefathers, and his Church have suffered from British misrule, and Protestant oppression, rankles in his bosom, and forbids him to entertain feelings of loyalty towards the British Government, the U. States are open to him, and there he may indulge his feelings to their utmost extent, and no one can blame him; for, alas! that it should be so—Ireland has suffered many things at the hands of Protestant England—things which it is not easy to forgive or to forget. But; if on the other hand, the Irishman of his own free choice, selects Canada as his future home, and voluntarily places himself a second time beneath the shelter of the British flag, he virtually condones all offences of which Ireland may have to complain, and forfeits all moral right to vengeance against the offender, no matter how rankly the latter may have offended.

There is therefore, there can be no excuse for Fenianism in Canada, or for any organisation on account of British injustice towards Ireland, is formed with anti-British objects; and we would fain believe that no such society as that of the *Fenians* extends its ramifications into this country. The *Globe* indeed, and some of our contemporaries, do pretend to identify the Toronto *Hibernians* with the *Fenians*; but they assign no grounds for so doing; and we therefore, in the absence of proof to the contrary, must hold the former to be an organisation as legal, at least, as the Orange so-