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THE TRUE WITNESS
AND
CATHOLIC CHRONICLE.

MONTREAL, FRIDAY, APRIL 11, 1856.

No news of the *Cumbria* up to the time of going to press. It is probable that she will bring tidings of the signing of the definitive treaty of Peace at Paris; and with the European war, we may expect that the *mal-entendu* betwixt Great Britain and the United States will also speedily come to an end. Indeed, had it not been that the Government of the latter relied too much on the ability of Russia to prolong the contest, and thence concluded that it might safely adopt a bullying, blustering tone towards Great Britain—the whole of whose naval and military forces, it was anticipated, would be required in the Baltic and the Black Sea—there would have been no American difficulty, or "American Question" at all. The pacification of Europe will therefore be hailed with joy by all sensible men on both sides of the Atlantic, as a guarantee against the deplorable consequences which would result from a war betwixt Great Britain and the United States of America.

"HOW, *NOT* TO DO IT."

In his new story of "*Little Dorritt*," Dickens describes with much unction the machinery, and almost infinite resources of the "Circumlocution Office;" the great business of which is, whilst the whole country is trying "*To Do It*," to devise ways and means "*How Not To Do It*" itself, and how to prevent any one else from "DOING IT." Now Dicken's "Circumlocution Office" is supposed by the initiated to be in the vicinity of the Horse Guards, London, with a Branch Office at Somerset House.

Yet need we not here in Canada envy the Mother Country; for here too we have a "Circumlocution Office" of our own; as well organised, and fully as well versed in the mystery of "NOT DOING IT," as the parent society on the other side of the water. Of this Office, a certain Mr. Joseph Hinton—a Protestant Magistrate of the district in which the "Nepean Tragedy" occurred—appears to be the chief manager; and, to do him justice, a most efficient and exemplary servant of this valuable Office he seems to be.

Our readers will remember the particulars of this Nepean case. How a body of from thirty to forty Orangemen, returning home after an election—and, in charity we must suppose, in a state of great excitement consequent upon the beastly orgies in which these gentry usually indulge upon such occasions—valiantly attacked a house in which there were four aged Papists of from 60 to 70 years of age; gallantly destroyed the property, furniture, and everything upon which they could lay their hands; cruelly beat the defenceless inmates; concluding their glorious achievement by knocking out the brains of one old unarmed man—Tierney—with a bludgeon.

Now all these things being of public notoriety, evidently the thing "*To Do*"—with common people—was to bring the slayers of Tierney to justice; and, as the perpetrators of these atrocities were perfectly well known to all the country round, to issue warrants for their arrest, so that the affair might be investigated as quickly as possible by the legal tribunals of the country. And no doubt—but for the facts that the criminals are Protestants—and that the district where the burglary and killing occurred, is blessed with a thoroughly Protestant Magistracy, well skilled in the arts of the "Circumlocution Office," and all adepts in the great science of "*Not Doing It*,"—the thing would "HAVE BEEN DONE" long ago, in the most unbusiness like, and unofficial manner possible. Thanks however to Mr. Joseph Hinton, and his colleagues, this catastrophe, the bare mention of which should make every sound "Jack-in-Office" shudder, has been averted; and the problem "*How Not To Do It*," has been most successfully solved. The manner in which this has been effected, we learn from a note from the Manager of the "Circumlocution Office" himself; and as this note is not only creditable to the head and heart of the writer, but throws much light upon the process, and the machinery by which the noble art of "NOT DOING IT" is brought to perfection, we will let Mr. Hinton tell his own story.

Shortly after the outrage, Mr. Joseph Hinton tells us:—

"A certain man applied to me when in Ottawa, who told me his name was Burden, and that he occupied the house that was broken at the time that Tierney was beaten, and said he wanted a warrant from me."

Now how did Mr. Joseph Hinton act under these circumstances?—what answer did he give to this poor old man's application for a warrant against the ruffians who had cruelly beaten him, and killed his comrade? Mr. Joseph Hinton was a Magistrate; he knew from other sources that a case of housebreaking, attended with loss of life, had occurred; and that the perpetrators were still at large, boasting of the manner in which they had served the "*bloody Papists*." *Therefore*—the simple reader will conclude—Mr. Joseph Hinton granted this poor man Burden's petition for justice, and immediately issued his warrant for the apprehension of the accused. Not a bit of it. This would have been "DOING IT"; and both as a Protestant Magistrate, and as manager of the "Circumlocution Office," Mr. Joseph Hinton's mission was to find out "How NOT TO DO IT" himself, and "*How To Prevent Any One Else From Doing It.*" For mark; instead of there and then, issuing his warrant as requested by a "certain man which his name it was Burden":—

"I"—says Mr. Joseph Hinton—"told him I was ready—BUT HE MUST COME TO MY PLACE." (We quote from a letter published in a Protestant journal of the district, over Mr. Hinton's signatures.)

By this clever dodge Mr. Joseph Hinton contrived "*Not To Do It.*" "MY PLACE" to which he so modestly referred the applicant for justice was distant some twenty miles; and at that season of the year, it was no easy matter for a poor old man like Burden—suffering for aught we know to the contrary from the effects of the brutal treatment he had received from Mr. Joseph Hinton's friends and co-religionists—to travel an additional twenty miles for a warrant, which ought to have been granted to him on the spot. But we forget again. The complainant is an old man, a poor and friendless man, and a Papist.—Mr. Joseph Hinton is—we do not of course say a gentleman—but, a tolerably wealthy man, a staunch Protestant, and a proficient in the art of "NOT DOING IT." So, as Mr. Joseph Hinton himself tells us, instead of granting a warrant against the slayers of Tierney, he staved off the inconvenient complaints of a 'certain man who told me his name was Burden" by referring him to another day, and to another, and a distant place. Thus upon this occasion did our clever Protestant Magistrate contrive "*Not To Do It.*" He was as successful on a subsequent occasion.

Accustomed, we have no doubt, to denial of justice, and to all kinds of dishonesty from the hands of Protestant magistrates, this poor Burden meekly yielded to the imperious commands of Mr. Joseph Hinton "to *come to my place.*" For the letter from which we have already quoted goes on to say:—

"He"—*the certain man whose name was Burden*—"said he would come on the following Monday morning at 10 o'clock. I waited on him"—(only think of this condescension)—"I waited on him accordingly, until after 11 o'clock, and thinking he would not come, I went to attend the funeral of the late Mr. Foster of Ottawa. I heard afterwards that he came to Richmond some time that day; *but he never applied to me since.*"—*Mr. Joseph Hinton's letter.*

No! we should rather think not. Poor Burden must by this time have had enough of you, and your "*Justice's justice*," for the term of his natural life at least.

But jesting apart—is it thus that suitors for justice are to be treated? or, can it be tolerated that such fellows as this Hinton shall be longer allowed to disgrace and pollute the Bench of justice with their presence? It was the duty of this man, whom we blush to call a Magistrate—to have issued his warrant for the arrest of the slayers of Tierney without waiting to be called upon so to do. It was his duty to have taken the initiative in bringing the housebreakers and the shedders of innocent blood to justice. It was his bounden duty, when applied to by the poor old man Burden, to have *at once*, and *on the spot* complied with the request—which should never have been made, and which never would have been made, were there one honest fearless Magistrate on the Bench of the district where the blood stained ruffians who knocked out Tierney's brains, still triumph in their impunity, and glory in the imbecility and corruption of the *constituted authorities*. In every respect therefore did this Joseph Hinton neglect his duty. Though he knew that a foul crime had been committed, he must, forsooth, issue no warrant for the arrest of the suspected parties, take no steps to bring, murderers possibly, and burglars certainly, to justice unless applied to by the friends of the deceased, and his fellow sufferers. Even when applied to by these, so strong were his prejudices, so averse was he to doing justice to a Papist asking redress for wrongs inflicted by Protestants, that he had the impertinence—unparalleled in the annals of the "British Snobs"—to tell the petitioner that he "*must come to my place*," and dance attendance upon the High and Mighty Prince of Ottawa Snobbery!! And last of all, when after a long and toilsome journey through cold and snow, the poor suitor for justice against his adversary arrives at length at "my place," he again finds himself a victim of the "Circumlocution Office," and the wiles of Mr. Hinton; still as far as ever from the object of so much toil, and unjustly inflicted sufferings. Shame! shame upon the unjust magistrate—but tenfold shame upon our Government if, after this exposure, it does not mark its sense of Mr. Joseph Hinton's infamous treatment of this poor man Burden, by dismissing him with every mark of ignominy from the Bench to which he is a disgrace! If in this our rulers fail in their duty, Catholics in Upper Canada will have but too good reason to assert that for them their is no justice; and to treat the administration of law with loathing and contempt.

"We know no reason"—says the *Ottawa Tribune*, commenting upon the facts of this case as admitted by Mr. Joseph Hinton himself—"why Mr. Hinton could not sit down and take a man's depositions, rather than oblige the poor man to travel twenty miles to wait on this Justice, who waits until 10 o'clock, and then leaves for Ottawa to attend a funeral! The witnesses are to wait for days, perhaps at expense, because our Magistrate thinks his attendance at a funeral twenty miles away, of more consequence than the punishment of felonious outrage, the victims of which were Catholics. *This Mr. Hinton's acknowledgement amply implies; and we call on the government to remove him from the Commission of the Peace.*"—*Ottawa Tribune.*

We say "*ditto* to Mr. Burke." We would recommend the Irish Catholics of the district to petition and agitate incessantly; and not to let the matter drop until their prayer be complied with, and their courts of justice purged of the foul stain brought upon them by Mr. Joseph Hinton.

We have read with much pleasure an admirable article in *Le Canadien* of the 2nd inst. on the School Question; not only because it puts forward the claims of the Catholic minority of the Upper Province in their proper light—but because it conveys to us the assurance that, in their struggle for "Freedom of Education," our Upper Canadian brethren will be supported by their co-religionists of Lower Canada. We thank then *Le Canadien* for his generous expression of sympathy with his fellow-citizens of another origin.

Le Canadien takes up, one by one, the objections urged by the "State-Schoolists" against Separate Schools, and shows their weakness. *The* argument, of course, on which the opponents of "Freedom of Education" rely, is—that to allow Catholics to support schools of which they do, and to exempt them from taxation for the support of schools of which they do not, conscientiously approve, is to sap the very foundation of the beautiful system of education of Upper Canada—or, in other words, is fatal to *the* "*Common*" School system. To this objection *Le Canadien* replies in almost the very words of, and precisely in the same sense as the TRUE WITNESS. "Granted"—he says—Granted that "*Separate*" Schools are incompatible with a "*Common*" School system, what then? This does not tend to show that the former should be abolished, but rather that the latter is unjust. And if of the two one must give way, why, then we must be content to relinquish our "Common" System. One common, uniform, system of education, however beautiful in theory, must be oppressive and unjust, either to Protestants or Catholics; because it is impossible so to frame it as that it shall be equally acceptable to both—or so to modify it, but what it shall still contain something to which either the Catholic or Protestant is conscientiously opposed; and because the State has no right, for the sake of beauty or uniformity, to do violence to the religious convictions of either. "What signifies"—asks *Le Canadien*—"the '*beauty*' of a system, which crushes beneath its tyranny an entire portion of the population?" Protestants are keen sighted enough to perceive the truth of these arguments, and hesitate not to employ them, when their own interests are at stake. In Lower Canada, they, being in a minority, demand, and justly, "Separate Schools" for themselves; and this demand is just, because, and *only* because, they are conscientiously opposed to the system of education of which the majority approve. Whether their conscientious scruples against the latter system are well or ill founded, reasonable or unreasonable, are questions with which the State has nothing whatever to do: for the simple reason, that the State has no jurisdiction in the domain of conscience, and is therefore incompetent to decide upon the validity of conscientious scruples. That the Protestant minority of Lower Canada are conscientiously opposed to the school system of the majority, is a fact, and the only fact of which the State can take cognizance; and in this fact alone, and in nothing else, can be found a full and unanswerable reason why the said Protestant minority should have their own Separate School system; and why they should be entirely exempted from all taxation for the support of any other.

This is the argument of the Protestant Dissenter from the Anglican Church Establishment. His conscientious objections to that system are of themselves sufficient reason why he should be exempted from all taxation for its support; nor can he, in justice, be called upon to prove, the reasonableness of those objections, or that there is any defect in the doctrines or discipline of the system to which he objects. The simple fact of his conscientiously objecting, without any reference whatsoever to the grounds upon which his objections are based, is the *one sufficient*, and unanswerable reason why his claims to be exempted from the burden of contributing, directly or indirectly, to the support of the State Establishment should be granted.

We have been thus particular, perhaps tedious, in dwelling upon these almost self-evident propositions, and in stating the reason why we, Catholics, claim as *of right*, Separate Schools for ourselves, and total exemption from all taxation for the support of the School system approved of by the majority in the Upper Province—because of a fallacy often put forward by our opponents, and urged with as much complacency by them as if it was a valid argument.—They argue, that the Protestant minority in Lower Canada have a right to "Separate Schools," because the other Schools are objectionable *per se*; because, as being positively Catholic Schools, in which a positive religious education is given, the objections of Protestants to these schools are reasonable; whilst, on the other hand, the objections of the Catholic minority in Upper Canada, to the school system of the Protestant majority are unreasonable, and therefore not to be entertained by the State as a valid reason for acceding to the demands of the former.—The fallacy of this argument consists in misstating the sole reason why the Protestant minority of the Lower Province have a *right* to Separate Schools. They are entitled to Separate Schools—not because their conscientious objections to the other schools *are reasonable*—but simply because they *are*; because Protestants entertain conscientious scruples which prevent them from availing themselves of the other schools.

Upon this simple reason do we rest our claims to "Separate Schools" for the Catholic minority of Upper Canada. As freemen, we would scorn to assign any other reason. We do not deem ourselves bound, we deny the right of the State to ask us, to prove the *reasonableness* of our conscientious scruples to the "Common" School system. We deny *in toto* the competence of the State to take cognizance of questions of conscience. We cannot therefore condescend to plead before its bar, as if it were a spiritual tribunal, authorised to sit in judgment, and pronounce upon the reasonableness of our conscientious convictions. That we entertain conscientious convictions against the "Common" School system is sufficient; and upon this, and this only, do we base our claims, for "Separate" Schools, and complete immunity from all taxation for the support of any other.

PROVINCIAL PARLIAMENT.

On the 3rd inst., after a motion from Mr. Dorion upon the subject of the Public Accounts, Mr. Hartman moved for a Committee of the Whole, to take into consideration the manufacture and sale of alcoholic liquors, with a view to the suppression of intemperance; insisting strongly upon the numerously signed petitions in favor of a Prohibitory Law. His object was to carry such a law for Upper Canada.

Mr. Spence hoped that the hon. member would so word his motion as to make it applicable to both sections of the Province. To which Mr. Hartman replied, that, as he understood it, the House had already decided to the contrary.

Mr. Sanborn remarked that the people of Upper Canada, being in favor of a Prohibitory Law, their wish should be complied with.

Mr. Gamble read to the House a communication from one of his constituents, stating that the signatures to the petitions in favor of such a law had been obtained, not from heads of families, but from children, and without the consent of their parents. The writer had himself refused to sign; but discovered to his surprise that his children—one a little girl of nine years old—had been induced to attach their signatures to a petition. The names of those who were unable to write, were signed by the children who could.

Mr. Christie moved in amendment that the following words be added to the original motion—"*By prohibiting the traffic in intoxicating liquors.*"

Mr. Conger spoke in favor of the motion, but condemned all mere sectional application of it.

Mr. Young regretted being obliged to confess that a Prohibitory Law was more needed in Upper than in Lower Canad. In the former there were 112 distilleries; in Lower Canada, only 90. Upper Canada distilled annually some 1,933,000 gallons; Lower Canada only 668,604.—Into the Upper Province there were besides imported 512,000 gallons yearly, whilst the annual importation of spirits for the Lower Province was only 190,578 gallons.—Thus the consumption of spirits in Upper Canada was 20 pints per year per man, against a consumption of only 7 pints per year per man in Lower Canada.

Mr. Robinson opposed the law, as an experiment that had failed in the United States. Mr, Scatchard thought that the law, even if impracticable for the Lower, was called for for the Upper Province. Mr. Terril was opposed to sectional legislation. Mr. Ferres disapproved of coercion, but would punish the inebriate. M. Dufresne opposed the law as an infringement upon civil liberty. Mr. Smith (Solicitor General) thought men got drunk because liquor was cheap, and was therefore in favor of putting down distilleries. But the distilleries would have the right to demand indemnity. Whatever plan was adopted should, in his opinion, apply to all Canada. Mr. Felton would give the people of Canada a Prohibitory Law; but *he did* not think that the people of the whole Province were in favor of it. M. Dorion said that many in Lower Canada were in favor of such a law; and moved an amendment to the effect, that instructions be given to the Committee to make it applicable to the whole Province. This motion was ruled out of "Order" by the Speaker; the amendment proposed having been already negatived by the House.

Mr. Brown had always voted for Prohibitory laws, but was opposed to sectional legislation. Mr. Mackenzie could see no objection to a sectional law; seeing that it was required in Upper Canada, where the people consumed three times as much liquor as the people of Lower Canada. As Upper Canada had ten stills, for one in Lower Canada, we should have the law for Upper Canada, where it was so much more needed than in Lower Canada.

Mr. Bowes argued that the people of Lower Canada were now convinced that the "Maine Law" was a failure; and that in private, every member admitted that it would be a dead letter here also. Mr. Patrick was in favor of prohibition; and would accept it for Upper Canada, even if Lower Canada rejected it.

Mr. Lyons cautioned the House against stamping the people of Upper Canada as a nation of drunkards; and could see no reason for enacting a law to punish the temperate and intemperate alike. He would inculcate morality in Church, and support it by the precepts of religion; but, as a friend of temperance, was opposed to the tyrannical measure which they were called upon to sanction. M. Chapais spoke in favor of the law, as did Mr. De Witt.—Attorney General Drummond thought the law would prove a failure in Canada, as it had in the United States, and cautioned the House against sanctioning it. After a few more speeches, the House ultimately went into Committee, but rose without reporting.

Mr. Cameron moved for a new writ for the county of Argenteuil, in the room of S. Bellingham, Esq.. This was negatived on a division by a vote of 64 to 24, and the further consideration of the question was postponed till the 14th inst.

On Friday the 4th, M. Cartier moved that the House do resolve itself into Committee of the Whole, to consider his Resolutions on the subject of superior education for Lower Canada. M. Dorion objected to giving the control of the Funds to the Superintendent of Education, and complained that too little was being done for the cause of primary education. Mr. Felton showed by statistics, that, comparing one year with another, the increase in school attendance was nearly twice as rapid in Lower Canada as in the Upper Province. After a long and somwhat desultory debate, M. Cartier's motion was carried.

On Monday, M. Dorion moved the reading the Journals of the House of the 10th ult., containing an address to His Excellency for a copy of Judge Duval's charge to the Jury in the Corrigan trial; and also for the reading of the Journal of the 14th, containing the reply of His Excellency thereunto—with the view of basing thereon a subsequent Resolution, to the effect, that, Ministers in advising His Excellency not to comply with the prayer of the address, gave advice calculated to interfere with the undoubted prerogative of the House, and to disturb that good understanding betwixt the representative of Her Majesty and the Members of the House, which it was of the highest importance to support and maintain.

Mr. Solicitor General Smith, in opposing the motion, said that he accepted it, and that he trusted the House

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* Edited by "Thackery."