

The True Witness

AND CATHOLIC CHRONICLE.

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G. E. OLVER, Editor.

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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, FEBRUARY 3.

ECCLIASTICAL CALENDAR.

FEBRUARY—1865.

Friday, 3—St. Vincent and Anastasius, MM. Saturday, 3—St. Andrew Corsino, B. C. Sunday, 4—Fifth after Epiphany, St. Agatha, V. M. Monday, 6—St. Titus, B. C. Tuesday, 7—St. Romuald, Ab. Wednesday, 8—St. John of Matha, C. Thursday, 9—St. Raymond of Peñafort, C.

The "Forty Hours" Adoration of the Blessed Sacrament will commence as follows:— Friday, 3—St. Ignace, Coteau du Lac. Sunday, 6—St. Urbain. Tuesday, 7—Convent of Ste. Elizabeth. Thursday, 9—St. Scholastique.

NEWS OF THE WEEK

The Encyclical of the Holy Father has fallen like a shell into the midst of the revolutionary hordes; they may pretend to disregard it as a mere brutum fulmen, but in their heart of hearts they are frightened, and their ranks are in disorder. Of this the best evidence is the action of the French Government which has prohibited the Bishops and clergy of the Catholic Church in France from communicating, or expounding to their flocks the most important portions of the Letter—those wherein God's Vicar on earth singles out for condemnation the most prominent and most popular theological, social and political errors of the day.

A house that is built on sand will fall; a Constitution that reposes on error and heresy must be of short duration. This French official, this all the partisans of the Revolution of which Louis Napoleon is the crowned head, and Plon-Plon the prophet, keenly feel; and hence their consternation as the Holy Father deals his vigorous blows "to the principles on which the Constitution of the Empire reposes." Poor short-sighted mortals! they think to silence the voice of God, and of eternal truth by their theatrical thunder, and to arrest the arm of Omnipotence by their puny Imperial Edicts. The jesting couplet of the eighteenth century,

"De par le Roi, defense a Dieu De faire miracle en ce lieu," has become the serious policy of Imperial France in the nineteenth!

It is France however, not the Church, the Emperor, not the Pope, that will be the loser by this action. Heaven and earth shall pass away—"Jack in office" himself, dreadful to think, shall be brought low, so that his place shall know him no more. But God's Word spoken by the mouth of His Vicar on earth shall not pass away; and the truth shall yet live when "Jack," and his glories, and his gorgeous gold-laced breeches shall have become corruption, and foolishness, and a heap of obscene rags.

In this crisis it is a consolation to learn that the Bishops of France are true to themselves and to their Church. Contrary to the expectations and prophecies of the Liberal press, they have spoken out in the accents of freemen, and of the Pastors of God's flock. The old servile Gallican element has been burnt out of them by the retributory and purifying flames of the Revolution; and the French Clergy of to-day bear no resemblance to those fawning and courtier Prelates of 1682 who by their famous Declaration established that principle of the subordination of the Church to the State, which the Liberal statesman of 1789 only pushed to its logical conclusion. The Clergy of the last named epoch nobly expiated in the dungeon, in the stinking hold of the convict ship, and on the scaffold the servility of their predecessors; and the French Clergy of to-day, who have given to the Church so many glorious martyrs and confessors are not likely to relapse into the errors of the era of Louis Quatorze.

First we have the Archbishop of Cambrai, boldly remonstrating with the Minister of Justice on his Edict; the absurdity as well as the injustice of which are ably insisted upon by the courageous Prelate. The Encyclical, he points out, has already been made known to the public throughout the Empire; and every body, Jew,

Protestant and infidel, is at liberty to comment thereon, with one exception—the Priest. Ministers of all religious sects are at liberty to hold up the words of the Pope to the ridicule and execration of their respective congregations; but the Catholic Bishop must not read them to his flock; neither may he vindicate the head of his religion from the misrepresentations and calumnies of his enemies. This is religious liberty under the Empire. His Grace continues:—

"That the restrictive measure signified to me by your Excellency astonishes and saddens me, all the more that the diffusion of the most anti-Christian doctrines meets in our time with less obstacle. In our day everybody is at liberty, as much as as often as he pleases, to deny the existence of God Himself, and to propagate atheism in writings to which he may give all the publicity he desires. Is it too much to ask for the same latitude for Catholic teaching? The prohibition imposed by your Excellency with regard to the Encyclical and its annex is characterized by a gravity of an exceptional character, which escapes no one. It applies not merely to a matter of discipline, but to doctrinal instruction proceeding from the Supreme Pontiff. No doubt, in certain circumstances and in certain countries impediments may be offered to the communications of the Vicar of Jesus Christ with the faithful whom he has the mission to instruct and direct throughout the world; but nowhere, and in no case, should human Governments deprive his words of the power to bind the conscience, or release the Bishops from the obligation of transmitting, as much as in them lies, his instructions to the faithful of their dioceses."

Other members of the French Hierarchy, amongst others the Bishop of Montauban, have addressed the French officials on the same subject, thus practically retorting the insinuations of the London Times, and of the French Liberal press, to the effect that the Clergy of the present day are still tainted with the virus of Gallicanism.

European politics are devoid of interest, save that a quarrel betwixt Austria and Prussia seems to be brewing. Victor Emmanuel is daily growing in unpopularity, and on leaving the theatre lately he was, we are happy to see by the Times' Turin correspondence, loudly and generally hissed by the audience.

Nothing of importance in a military point of view has occurred since our last. Peace rumors gain strength, and Mr. Blair's mission is said to have been crowned with success. Meantime, Gold at New York stands at about 212.

We confess that we do not understand our contemporary the Courier du Canada on the question of Divorce. It seems to us that he defends the thesis: That it would be unlawful, immoral, and contrary to Catholic faith, to vote for attributing to the local legislatures of the proposed new government, the authority to legislate either on the question of Marriage, or that of Divorce, because the so doing would be a recognition of the right of a civil tribunal to legislate upon Marriage, and of the possible legitimacy of Divorce; but that it is not immoral, unlawful, or contrary to Catholic Faith to vote for giving to the central government—though also a mere civil tribunal—the right to legislate on these questions, Marriage and Divorce.

Having quoted the decrees of the Council of Trent on the subject, and established the principles, that the right to adjudicate on Matrimonial causes belongs to ecclesiastical judges exclusively; and that the authority to legislate or adjudicate upon, in the sense of legalising, Divorce, belongs and can of right belong to no tribunal on earth—the Courier du Canada thus continues his argument:—

"Therefore, all those who in the Confederation question have wished to claim for the legislature of Lower Canada, or the local legislatures, the attribute of taking cognizance of divorce questions, have committed a radical error in claiming for these Parliaments a right which no Parliaments may arrogate to themselves, and the usurpation of which entails the penalty of anathema; they are therefore bound to abandon that opinion as contrary to the Holy Canons."—Courier du Canada.

Excellently well argued; but the argument would be of exactly the same character, and of precisely the same force, if, for the words which we have ventured to italicise in the above paragraph, we were to substitute the words "central or federal legislature." Thus it would read:—

"Therefore all those who in the Confederation question have wished to claim for the central or federal legislature, the attribute of taking cognizance of divorce questions, have committed a radical error in claiming for that Parliament a right which no Parliament may arrogate to itself, and the usurpation of which entails the penalty of anathema; they are therefore bound to abandon that opinion as contrary to the Holy Canons."—True Witness.

If the argument of the Courier du Canada is good, that of the TRUE WITNESS is as good; if the first is conclusive as to the duty of the Catholic legislator, were he by his position called upon to vote "Yea or Nay" upon the question of according the attribute of taking cognizance of divorce questions to the local legislatures; so also the second is equally conclusive as to the duty of every honest and conscientious Catholic legislator who by his position may be called upon to vote either "Yea or Nay" upon the question of according the attribute of taking cognizance of divorce questions to the central legislature. The principle at issue in the one case is the same as the principle at issue in the other; to wit—That under no conceivable circumstances can it ever be lawful for a Catholic legislator directly or indirectly to accord to, or recognise in, any civil tribunal whatsoever, the right of taking cognizance of divorce questions. Not to save his country, not to save the universe, from destruction would it be lawful, or less than a

mean cowardly dereliction of principle, for a Catholic legislator to vote "Yea," or to abstain from voting, a loud and emphatic "Nay," upon such a question, should it come before him.

The Courier du Canada is of a different opinion; and concludes that though upon principle the Catholic legislator is bound to vote against attributing to the local legislatures the cognizance of divorce questions, he is at liberty to vote for attributing the cognizance of divorce questions to the central legislature; provided only, that he speak against divorce, and write against divorce in general, and that he make declaration that he intends to uphold sound ecclesiastical principles, and always to vote in the central Parliament against the exercise by that body of the attribute which by his present vote he agrees to confer upon it. "Here Tommy," says Papa, "here's a drum for you; but mind you don't beat it, or make a noise with it, for if you do, I'll take it away from you." Such is the advice of the Courier du Canada to his co-religionists; but he forgets to add that when they shall have aided in creating this "central government," and when to this their creature they shall have once given the right of taking cognizance of divorce questions, it will be no longer in their power to take back, or even to restrict the use of, their dangerous gift. Our Parliamentary Tommy if you try to take his nice divorce drum from him, will prove restive, and kick your shins, so that you will be fain to submit to the hideous music. It would have been better for the peace of the house if Papa had refused to give Tommy the drum in the first instance.

That we be not accused or suspected of caricaturing or distorting either the logic or the ethics of our contemporary, we will let him speak for himself. The Courier du Canada puts, and answers the following question:—

"What then is the project of confederation which attributes this right—(that of legalising Divorce)—to the federal government?" "It is an usurpation on the part of the civil power imposed on a Catholic minority by a Protestant majority. It is an evil that we cannot prevent. No error then on the part of those who reluctantly suffer that ill."

Yes; but how would the case stand were Catholics by their votes, or by their silence formally to sanction a "project of confederation which attributes the right of legalising divorce to the federal government?" How would it be if the Catholic minority were to vote with the Protestant majority for giving to this yet to be created federal government, the right of taking cognizance of divorce questions? How, were the Catholic minority not to exert themselves to the utmost extent of their legal and constitutional rights to prevent the evil? In such a case there would be no "usurpation" on the part of the civil power imposed on a Catholic minority by a Protestant majority, because the former would have formally and explicitly assented thereto; and under such circumstances, the Catholic legislator would not be free from guilt, because he would not have done all in his power to prevent the evil.—The plea of the Courier is valid for those only who neither by their votes, nor by their equally culpable but far more cowardly silence, sanction or ratify the usurpation meditated by the civil power. The Courier continues his questions and answers:—

"It is asked again—But should we vote against the project of confederation because of that article? Are we obliged thereunto?"

"No: for in voting for the project, and that article, we would admit no false doctrine; we should simply authenticate (constater) the fact—[what fact?];" "at the same time it must be affirmed in the press, and in the debates by the voice of the leading Catholic orators, that we mean to reserve intact [reserve] the principle proclaimed by the Church, to wit—that ecclesiastical judges alone have the right to take cognizance of marriage questions [a vinculo]; and that moreover we intend always to vote in the Federal Government against the usurped right."

But how could Catholics, unless they wished to make Protestants laugh at them, dare to call that "usurped" which they, Catholics, themselves had voted for giving to, or conferring upon the yet to be created federal government? For—and herein lies the whole pith of the matter—there is in the case before us no question whatever of authenticating or of recognizing a fact, "qui on constate tout supplement le fait," as the Courier pretends. The federal legislature as yet is not, does not exist; and of that which does not exist, nothing, no facts, no attributes whatsoever, can be predicated.—The question is, not "what are," but "what shall be" the rights, functions and attributes of a civil tribunal not yet existing, but which with the aid of Catholic votes it is only proposed to call into existence; and it yet remains for the people of the several Provinces, for Catholics as well as Protestants, to determine, 1st., "whether such a tribunal ever shall be at all;"—and 2nd., "what shall be the nature and extent of its attributes." The measure for which Catholics are about to be called on to vote, and for which according to the Courier, they may in all integrity of conscience vote, is not a measure declaratory, but enactory; a measure which gives to a civil tribunal which it also proposes to create—and which as non-existing cannot be

\* The fact is that the attribute of taking cognizance of divorce questions is actually exercised by the existing local or Provincial legislatures, though Catholics have never recognised the right of those bodies so to act.

conceived of as "having as yet any functions whatsoever)—the legal right to adjudicate upon Marriage and to legalise Divorce; a measure therefore for which no legislator can vote without asserting, by implication, that to civil tribunals belongs the right to adjudicate upon Matrimonial causes, and that in certain cases a civil tribunal may grant a Divorce. Now these two propositions are both formally condemned by the Church: the first by the Council of Trent; the second in the late Encyclical of the Sovereign Pontiff, God's Vicar on earth.

So at least the question presents itself to us, for the reason above insisted upon, and especially because there is an essential moral difference betwixt submitting reluctantly to an evil which we have done our best, but have been unable, to prevent; and in taking an active part in creating that evil, or bringing it upon ourselves. Did this federal legislature exist actually; were it asserted of it that it did possess the attribute or right of taking cognizance of Divorce questions; and were this fact called in question—we could understand what the Courier means when he speaks of the Catholic legislator being only called upon to "recognize the fact—constater tout supplement le fait." But the federal legislature does not exist; and it is for our Catholic representatives to determine, not "what are," but "what shall be" the functions, rights, and legal attributes of the civil tribunal which they are asked to assist in creating or calling into being. Viewed through a Catholic achromatic telescope—one in which the rays of truth are not distorted by passing through a party, or vicious refracting medium—the question which we are now discussing with the Courier du Canada presents itself therefore in the following shape and color:—

"Can the Catholic legislator conscientiously vote for, or refrain from voting against, a measure which proposes to create or call into being a certain civil tribunal; and which explicitly gives to or confers upon that civil tribunal the right to adjudicate upon Matrimonial causes, and to legalise Divorce?" This, and no other, is the question at issue.

We read in the Gazette of the 27th ult. as under, with reference to the denial by us given to the assertion made by, or at all events made in the columns of our contemporary, respecting the origin and objects of the property held by the Seminary of Quebec and the Sulpicians of Montreal:—

"The very first moment we see the denial which he makes we reproduce it in our columns, in accordance with a principle which we have always held, lies at the basis of all honorable journalism."—Montreal Gazette, 27th ult.

Relying upon this pledge to reproduce our denial, the moment he sees it, and the good faith of the Gazette—we lay before his eyes our denial of the assertion that appeared in his columns to the effect that the estates held by the Seminary of Quebec, and by the Sulpicians of Montreal, were given or granted to those bodies by the French Government, out of the common property, for educational purposes:—

"The Sulpicians of Montreal—and the Seminary of Quebec never received any grants, or free gifts from the State: their property was acquired, either by donations from private individuals, or by purchase—that is to say in exchange for full money value by them given."

"The property of the Seminary of Quebec was a free and noble gift made to that body by the illustrious Mgr. de Montmorency, Laval."

"The property of the Sulpicians of Montreal was acquired, partly by purchase from 'The Company of The Hundred Associates' whose enormous debts and liabilities the Sulpicians charged themselves with; and partly by a bargain with the French Government, in which the Sulpicians, at an immense cost to themselves, undertook to remove a tribe of Indians then very troublesome to the public peace, to the Seigneurie of the Lake of the Two Mountains, to build a church, and to erect a fortress to defend the Colony."—True Witness, 13th ult.

This is all that we would ask of the Gazette to reproduce; and if the facts be not as by us stated, it will be very easy for him, or his correspondent to refute us. If this cannot be done, we trust that the "principle" which the Gazette has ever held as lying at the basis of all honorable journalism will prompt him to retract his assertions as publicly as he made them.

We would also direct the attention of the Gazette to a passage in the Fourth communicated article in his columns, on the subject of Protestant Education, which appears in his issue of Friday last, and which shows, conclusively, that in 1803, no public provision or endowment out of the common property had been made for educational purposes, either Catholic or Protestant. A Committee having at that time been named to consider the best means of obtaining an educational grant or endowment, reported as follows:—

"For nothing can be more certain than that the Province does not at present afford the means of giving even the rudiments of liberal education, unless one or two private undertakings limited in their plan, and uncertain in their duration may be considered as such."—Vide Gazette, 27th ult.

Had the Committee on Education of 1803 believed that the estates of the Seminary of Quebec, and of the Sulpicians of Montreal, were held as free grants of common property, made by the French Government to those bodies for educational purposes, it would certainly not have reported in the terms given above. It is certain, we say, that in 1803, when the origin and the objects of the property in question must have been well known to the British Government, the

line of argument now adopted in the Gazette for an exclusive Protestant educational endowment, as an equivalent for educational endowments already received by Catholic institutions, was unknown to the Committee of the Executive Council, or they would have availed themselves of it.

In the case of Burley at Toronto, the Judges have decided in favor of the extradition of the prisoner. An Alien Act of a very stringent character has been laid before the Provincial legislature. It is said that the seat of Government will be transferred to Ottawa during the course of the year. Judge Coursol has been suspended pending an investigation into his conduct with respect to the St. Alban Raiders. The publication of the Ottawa Tribune (Catholic) has been given up: cause non-payment of subscriptions. There has been almost a panic at Kingston and other cities about a rumored raid upon the banks.

The Catholic Young Men's Society beg to acknowledge with thanks the receipt of a very valuable donation of books, and \$5 towards their Library Fund, from the Hon. Thos. Ryan.—And also four volumes of Rollin's Ancient History from Mr. Gregory Lindley.

EDUCATION.—Our friends in Upper Canada are up and stirring in the cause of Freedom of Education, incited thereunto no doubt in part by the action of the Protestant minority of Lower Canada. Certainly it is not for us to take the initiative in any such movement, or to dictate to the Catholics of Upper Canada how they should act; but it seems to us that we are bound to the best of our abilities to second their exertions, and to insist that our Parliamentary representatives shall interfere as actively on behalf of the Catholic minority of Upper Canada, as the representatives of that section of the Province will no doubt interfere on behalf of the Protestant minority of this section. With these remarks we lay before our readers the report of the steps taken in Toronto by the friends of the good cause, to whom and which we heartily bid God speed:—

A meeting of Catholics was held on the evening of the 19th of January, in the Richmond Street School House, for the purpose of taking into consideration the most speedy and effectual means of bringing before the Legislature the justice of their claim to the same privileges that may be granted to the Protestant minority of Lower Canada, in the event of Confederation.

Mr W J Macdonell occupied the Chair; Mr J G Moyle acted as Secretary. Among those present were the Very Rev J F Jamot, Rev P P Rooney, Messrs Shea, Guinane, Stock, Hayes, Doyle, O'Neill, Graham, Bonar, Wilson, Muldoon, Hyland, Gosgrove, Marvin, and others.

Mr M Hayes stated the object of the meeting to be that of taking into consideration the state of Catholic education in Upper Canada, with the view of procuring the same privileges as those at present enjoyed or which may be granted to the Protestant minority of Lower Canada.

The following resolution was proposed by Mr J Shea, seconded by Mr P Doyle:—

"Whereas, the educational privileges of the Catholic and Protestant minorities in Upper and Lower Canada are proposed to be guaranteed by the General Government, in view of Confederation, the Catholics of Upper Canada deem it just to themselves, to demand the same rights and privileges that may be accorded to the Protestants of Lower Canada; therefore, be it

"Resolved—That an Executive Committee, consisting of Very Rev J F Jamot, Rev P P Rooney, Messrs Hayes, Stock, Macdonnell, Moyle, Robertson, and O'Neill, with power to add to their number, be appointed to take the necessary steps to urge upon the Government the justice of equalizing the educational rights of the minorities in both sections of the Province."—Carried.

Mr A Muldoon, seconded by Mr Guinane, moved the following Resolution:—

"Whereas, the Protestants of Lower Canada enjoy many and important privileges, which the Catholics of Upper Canada are disallowed—viz., a University, Normal School, numerous endowed Academies and Grammar Schools; nearly four times the amount of money which is granted by the Legislature for the purpose of Catholic education in Upper Canada, therefore be it

"Resolved—That the Executive Committee be instructed to draw up a Memorial praying for the same privileges for the Catholic minority of Upper Canada; and that they take immediate steps to have the same submitted to and endorsed by the Catholics of Upper Canada."

Moved by Mr John Shea, and seconded by Mr Boner, "That the Committee draw up, at once, their memorial, and submit it to His Lordship Bishop Lynch for approval, and take measures for obtaining subsequently the signatures of the Catholics of Western Canada thereto."—Carried.

Mr John Shea, on motion, then took the Chair, when a vote of thanks was returned to the former Chairman.

Pursuant to the instructions given in a foregoing resolution, the Committee drafted the following Memorial of the Catholics of Upper Canada to the Executive and the two branches of the Legislature in Parliament assembled, respecting the Education of the Catholic minority.

HUMBLE SHewERS:—That important political changes being contemplated in the existing form of Government, your memorialists beg leave most respectfully to approach your august body, to ask for the Catholic minority of Upper Canada, the same privileges which may be granted by the General Government to the Protestant minority of Lower Canada in the event of a Confederation of the British North American Provinces.

Your memorialists, in submitting this claim to your Honorable body, are actuated by no other motives than those dictated by a sense of justice, and parental right. They are impressed with the conviction that, the Parliament of the country, having already recognised the right of Catholics to separate Schools—in deference to the necessity of combining religious instruction with secular education, and having also conceded the same rights to the Protestants of Lower Canada—will not deny them those advantages which would place them on an equality—as regards the education of their children—with their Protestant fellow subjects in Lower Canada. The grounds urged by the respective minorities in