

The True Witness.

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MONTREAL, FRIDAY, MAY 3, 1861.

TO OUR DELINQUENT SUBSCRIBERS.—We are placing the accounts of all our delinquent subscribers into the hands of a lawyer for collection without delay. If we cannot get our due by friendly means, we will endeavor to obtain it by some other process; and at all events, we will no longer allow ourselves to be cheated with impunity.

NEWS OF THE WEEK.

LITTLE or no change has taken place in the affairs of Europe since our last. In Italy, the fighting has been carried on with the tongue, and the field of battle has been the Parliament.—Cavour and Garibaldi have been giving one another explanations, or in other words, abuse; which, if the old proverb that "when rogues fall out, honest men come by their own," is to be relied on, is of good augury to the Pope, and the exiled King of Naples. France manifests no disposition to recall her army of occupation from Syria, and at home is concentrating her forces on the Eastern frontier. Great commercial embarrassments are reported from Marseilles.

Order does not reign at Warsaw. On the contrary, excitement is on the increase, and bids fair soon to assume the portentous aspect of a revolution. The number killed, wounded, and arrested, during the late *emutes*, are estimated at one thousand, and the exasperation of the people is very great. Russian troops are being concentrated upon Warsaw.

There is nothing of interest from Great Britain to report. At a political banquet, given by the Lord Mayor, Lord Palmerston boasted of the resources of the country, but expressed a hope that peace might be maintained. Nevertheless, the general tone of the addresses was warlike, and the political atmosphere is tainted with the odor of gunpowder.

The details from the United States are so abundant and so contradictory, that it is morally impossible to make anything out of them. There have been such marchings and countermarchings, and such hoistings of "star-spangled" banners on the one side, and such counter-demonstrations of a similar nature on the other, that it is no easy matter to decide which party has the better of the strife. Washington is said to be now fully secured against an attack from the Confederates of the South; and the States in favor of the Union are certainly better provided with men, if not with arms and officers, than are their opponents. As yet, since the Fort Sumter affair, there has been no serious fighting; and on the whole, for a Civil War, the contest now raging has hitherto been conducted in the politest and un-bloodiest manner imaginable. A drunken row at Albany, in the course of which a waiter was thrown out of a window, and had his legs broken, is the most appalling catastrophe which the chronicler of the events of the past week has to record. Business however is at a stand still, credit is shaken, and the commercial crisis threatens to be very serious.

MR. M'GEE AND THE NUNS OF THE HOTEL DIEU.—We have often been obliged to reply to the calumnies of George Brown, of the *Montreal Witness*, and of the "Protestant Reformers" generally, upon our Clergy, upon our Religious, and our Charitable Institutions; to-day the more painful task is imposed on us of repelling the slanders insinuated, rather than directly asserted, by Mr. M'Gee, in the Legislative Assembly, against His Lordship the Bishop of Montreal, and the Ladies of the Hotel Dieu.—The nature of these slanders, is set forth in the following, which we copy from the Parliamentary correspondence of the *Montreal Gazette* of the 29th ulto:—

"Mr. M'Gee brought up the subject of the grant to the St. Patrick's Hospital, declaring that no such institution any longer existed, the building having been sold, and the Nuns formerly in charge of it, gone back to the Hotel Dieu."
"The Finance Minister said, separate application had been made, and separate accounts rendered."
"Mr. M'Gee said he would not assert positively that this was a ruse to obtain two grants for one institution, but the facts as stated to him wore an unpleasant aspect of that sort."
We are authorized to give the most direct and formal denial to the above malicious innuendoes made by Mr. M'Gee against the honor of His Lordship the Bishop of Montreal, and the Ladies of the Hotel Dieu. That venerable

Prelate is not the swindler, that Mr. M'Gee insinuates him to be; the Ladies of the Hotel Dieu are not guilty of forgery, or of an attempt to obtain money from the Legislature under false pretences.

The St. Patrick's Hospital was established some ten years ago in consequence of the insults to which the Irish Catholic clergy of this city were exposed when visiting, and administering the sacraments to patients of their race and religion in the Protestant General Hospital in Dorchester Street. The great fire of 1852 having destroyed the first St. Patrick's Hospital in the Quebec suburbs, the patients were taken in charge by the Sisters of the Hotel Dieu; and the Bishop of Montreal becoming the purchaser of the large building in the St. Antoine suburb, originally designed we believe for a Baptist College, His Lordship devoted it for many years to the purposes of a St. Patrick's Hospital. Its internal arrangements were however in many respects defective, and the number of beds that could be made up for the reception of patients was in consequence limited. Here, however, the sick Irish were received for several years; and the Ladies of the Hotel Dieu, by whom it was conducted, and by whom its expenses were defrayed, received for three or four years a trifling grant from the Legislature; which was but just, seeing that the Protestant Hospital from which the Irish Catholic clergy had been driven by the obscene insults offered to them, received annually a large grant of the public money.

The St. Patrick's Hospital, in the St. Antoine suburbs, was, as we have said above, badly laid out for a hospital; and in consequence the Ladies of the Hotel Dieu, having already, at an enormous expense, partially completed their immense General Hospital at *Cote Barron*, deemed it more convenient to have all the sick under their charge, located under one roof. The patients were therefore transferred from the former building to the far more spacious and commodious edifice last named; in which however special accommodations—that is, special Wards, with special Irish Nuns, and an Irish Medical attendant—are set apart for the especial use of the Irish Catholic sick. Thus, to all intents and purposes, the St. Patrick's Hospital exists to-day, as much a special work or duty imposed upon the Ladies of the Hotel Dieu, as it did when located in the St. Antoine suburbs, and when the Irish sick were tended under a separate roof from that which covered the other patients in charge of the Sisters of St. Joseph; and existing as such special work, it is as much entitled as ever to pecuniary aid from the public purse, on account of the services it renders to the public by its gratuitous care of the indigent Irish sick.

When completed, the new building will contain as a St. Patrick's Hospital department, at least three spacious well ventilated wards, with forty beds in each ward—thus affording permanent accommodation to One hundred and twenty Irish patients. If circumstances shall require it, this accommodation will be increased.

Actually, the St. Patrick's Hospital side comprises two wards; one with twenty-five, the other with twenty-three beds, all full. These wards are presided over by Irish Nuns, and their inmates are visited by an Irish medical man.—There are moreover distributed throughout the other wards—from want of accommodation in the St. Patrick's wards—fifteen Irish patients—so that the actual state of the sick in the Hotel Dieu at the present moment is as under:

Irish,	63
Other origins.....	55
Total.....	118

From these figures it will be seen how large in spite of the imperfect arrangements consequent upon the, as yet, unfinished state of the building, is the number of Irish patients; and how ungenerous, not to say false and calumnious were Mr. M'Gee's insinuations in the Legislative Assembly. Of the truth of our figures, the latter can easily convince himself, by a visit to the institution in question; for we have no doubt but that the pious Ladies in whose charge it is, though they seek not to blazon their good deeds before the world, will cheerfully allow even Mr. M'Gee, and his friend, Geo. Brown, to convince themselves, by special inspection, of the injustice of their attacks, and that the St. Patrick's Hospital is to-day at all events a "fixed fact."

Nor is it the Nuns alone whom, by implication, Mr. M'Gee taxes with fraud and swindling. His Lordship the Bishop of Montreal is also aimed at, for His Lordship is morally and legally responsible for the truth of the statements whose honesty Mr. M'Gee impugned; and if "no such institution any longer exists," as that for which a Legislative grant was asked, and of which "separate accounts" were rendered, then must the applicant for the grant, and the signer of those accounts be an unscrupulous knave. Before insinuating even, such a grave charge against a venerable dignitary of the Church to which "it is his happiness to belong," Mr. M'Gee should at least have convinced himself of its truth; before attacking the Hotel Dieu which has furnished so many martyrs to Charity, on whose registers are inscribed the names of so

many devoted victims who have laid down their lives for the sake of the Irish immigrant (we call the typhus fever sheds of 1847 to witness)—Mr. M'Gee owed it to himself, to his Catholic constituents who sent him to Parliament to defend, not to revile, our religious institutions, to the venerable Prelate, and to the gentle Sisters whom he maligned in the presence of a fanatical and delighted Protestant audience—to make himself very sure that his data were correct, and his suspicions well founded. Protestant applause may be very precious in the ears of Mr. M'Gee, and he may look upon the friendship of George Brown as a pearl of great price; but that applause, but that pearl, may be purchased at too dear a rate, if the price exacted is that which in this instance Mr. M'Gee has shown himself willing to pay.

One word to our Catholic cotemporaries. The slanderous insinuations of Mr. M'Gee against the honesty of the Bishop of Montreal, and of one of the most ancient and justly celebrated of our Religious Communities will be most probably greedily seized upon by the rabid anti-Catholic press of Upper Canada as an unanswerable argument against encouraging or fostering Romish institutions, and against Legislative grants of public money to Popery. To neutralise, as far as possible, the venom of our assailants, and to meet this argument, we respectfully request our Catholic cotemporaries to publish the substance of the above vindication of the Bishop of Montreal, and the Ladies of the Hotel Dieu; and to assure their readers that, notwithstanding what Mr. M'Gee has said to the contrary, the St. Patrick's Hospital still exists, and is to-day more flourishing, more useful than ever; that in applying to Parliament for a grant of Two Thousand Dollars in aid of the said St. Patrick's Hospital, neither the venerable Bishop nor the Nuns, were guilty of any "ruse" or attempt to obtain money under false pretences; and that if Mr. M'Gee had but taken as much trouble to assure himself of the actual state of the case, as he has taken to ingratiate himself with the incessant libellers of his race and creed, with the enemies of his religious, and the ribald calumniators of his Church, he would have seen therein no "unpleasant appearance" of any kind—at all events, nothing unpleasant in the eyes of a Catholic, and of a man of honor, though much that might probably offend those of his new found friends George Brown, and the Protestant Reformers.

CHECKS AND GUARANTEES.—There may be some who actually, and in good faith, believe that it is possible to secure, by means of legislative enactments, the peculiar institutions of Lower Canada, and the civil and religious liberties of the Catholics of the Province, against the hostile designs of a Legislature in which the Protestants of Upper Canada shall have, in virtue of Representation by Population, an overwhelming majority. These are to be reasoned, if possible, out of their folly, and their simplicity should excite, not our anger but our compassion. There are others again who merely profess to believe in the value of "checks and guarantees" against Protestant legislative oppression; but who must, from their position, from their acquaintance with constitutional history, and their full cognisance of the ultimate designs of the "Clear Grits," be well aware that such precautions would, in practise, be utterly worthless, and that in theory they involve an absurdity. These men it is the duty of the Catholic journalist to expose. To reason with them is useless; for their errors are errors of the heart not of the head, and are the natural products of personal ambition, party intrigue, and selfish place-hunting.

To expose the fallacy of "checks and guarantees," and to lay bare the dishonesty of those who prate about them, it is amply sufficient to lay down the constitutional axioms—that it is impossible for any one Parliament to make a law which any subsequent Parliament, with the assent of the Sovereign, may not repeal or amend at pleasure; and that no agreement entered into by the Sovereign with his subjects, or any portion of them, can bind him in his legislative capacity. Even the "Coronation Oath," the solemn pact which upon ascending the throne, the British Sovereign makes with his subjects, binds the former in his executive capacity alone, but is not, never was, designed to place any restrictions upon him as one of the three branches of the Legislature, of King, Lords, and Commons.

This premised, and the merest tyro in Constitutional History will not presume to call in question the truth of our premises, it follows as a logical necessity, that no act passed by a Canadian Legislature with the view of securing the ecclesiastical institutions of Lower Canada from subsequent legislative aggression could afford any, the slightest protection to these institutions against the hostile designs of any subsequent Legislature in which, through change in our representative system, Protestants might happen to be in a decided majority. What one Parliament can enact, another Parliament can with equal legal right annul; and the only practical effect which the existence of a fundamental law guaranteeing the rights, privileges, and ecclesiastical institu-

tions of Catholic Lower Canada could have, would be that of entailing upon a Parliament designing the overthrow of those institutions, the necessity of adding a clause to its Bill for their destruction, repealing or annulling the guarantee itself; after which the Bill would proceed to make swift and sure demolition of the thing guaranteed. An Act of Parliament might of course, be a valuable "check" upon, or "guarantee" against the aggressions of a hostile Executive; but it is a moral impossibility for the Legislature to give any guarantee whatsoever against the hostile designs of an encroaching all-powerful anti-Catholic Legislature. No matter in what form such a guarantee might be drawn up, in what words couched, or with what solemnities proclaimed, it could never be of the slightest use as a curb on the hostile designs of Parliament, or on the Sovereign in his legislative capacity. Even the King cannot bind himself to withhold his assent to Legislative measures which have been approved of and passed by his Parliament; and no Parliament can bind its successor not to annul or amend its laws.

And when asked to give their consent to a measure intended greatly to augment the weight of the anti-Catholic, and anti-French Canadian element in the Legislature, the people of Lower Canada are, in interest, in duty, and in honor bound to take heed lest by so doing they imperil, not only their already existing religious and national institutions, but lest they put out of their power to develop and extend these institutions in the future. We require, before assenting to such a dangerous measure as "Representation by Population," that we shall be guaranteed, not only against all attacks upon our existing institutions, upon our ecclesiastical and educational system, upon our religious and charitable societies—but that no obstacles shall be placed in our way, when we desire still further to extend and apply that system, and to increase and develop those institutions. We demand in fine, guarantees, or assurances, that, by a Legislature in which Protestants, animated by the most intense hatred of Popery, would have an overwhelming majority, no obstructions should be offered to the passing of Acts incorporating such religious associations as we might deem beneficial to the interests of our Church—such as new St. Patrick's Orphan Asylums for instance, as well as that no attempts should be made to disturb the existing arrangements, or to confiscate the property now held by the Catholic Church, and our Religious Societies; we insist upon guarantees that no attempts shall be made to overthrow our religious and social system by the introduction of Divorce or Polygamy laws; and that from such a Parliament, no effort should proceed to impose upon our mixed population of Lower Canada one common or uniform system of national education. How it is possible that such guarantees could be given? Does not every one know, do not the Protestant Reformers boast, that one of the first effects of "Representation by Population" will be, in so far as Lower Canada is affected, to put a stop to the passing of new Bills of Incorporation?—or at all events to hamper all such Bills for the future with insulting and tyrannical restrictions analogous to those which a short time ago compelled the St. Patrick's Literary Association to spurn with contempt an Act passed for its Incorporation?

And what are those "checks and guarantees" which the advocates of "Representation by Population" hold out to us as a bait?—what are the terms upon which it is expected that French Canadians shall consent to the swamping of their nationality, and that the Catholics of Canada shall meekly bow beneath the degrading yoke of Protestant Ascendancy? We will state them as stated by one of the ablest and the most eloquent of the advocates of this anti-Catholic policy during the course of the recent debates; and analysing them, we shall see what they are worth. We quote from the speech of Mr. M'Gee, as reported in the *Toronto Globe*:—

"I will put a supposititious case to those gentlemen who deny the possibility of establishing any efficient checks against oppression in our circumstances. It is this:—Suppose you had guarantees for the fullest religious and civil freedom in your fundamental law, framed by yourselves, and ratified by Her Majesty for herself and her successors! Suppose you had a guarantee in the composition of the Upper House; suppose you had a power of final interpretation in cases of doubt arising under the constitution, composed of an equal number of the judges of Upper and Lower Canada; would all these guarantees, involving the good faith of the Sovereign and her representative, the good faith of the Upper House, and the high Judiciary; would all these content you?"

"No!" answered M. Cauchon for himself and his compatriots—"No, all these would not content us;" and for once we re-echo M. Cauchon's emphatic "No;" for all these, as guarantees against oppression from a Protestant Legislature would be worth no more than the parchment upon they were engrossed. As a protection to Catholics against the encroachments of a Protestant Executive, we admit their value; but it is not of the encroachments of the latter, but of the Legislature, that we have at present cause to be in dread. It is not from either the monarchical, or the aristocratic element in our Constitution that the danger to our institutions proceeds, but from the excess, from the absolute unrestricted

ed sway, of the democratic element. It is against this danger that we have to guard; and the problem to be solved is this—How to guarantee a Catholic minority against the legislative oppression of a Protestant majority, under a system of Parliamentary Government of which the fundamental or formal principle is that the "majority rules." The thing is both theoretically absurd, and practically impossible, as will be seen from the following analysis of Mr. M'Gee's "checks and guarantees." These may be arranged under three heads:—

I. A fundamental law, or legislative act, drawn up in our own terms, ratified by Her Majesty for herself and her successors.

II. The composition of the Upper House.

III. The composition of the Bench, or Judiciary.

The first guarantee would not be worth a straw, as a protection to the Catholic interests of Lower Canada against the hostile designs of a Protestant Parliamentary majority; because, no matter how, or in what terms couched, it would always be in the power of the Protestant majority of the Legislature so to amend it, as to enable them to deal at pleasure with those interests which it was intended to protect; and because no agreement entered into by Her Majesty for herself and her successors, would or could have the effect of binding her and them in her and their Legislative capacities. By such a ratification of the Sovereign would be pledged, indeed, in his Executive capacity to obtain from all encroachments upon his Catholic Canadian subjects; but no obstacle would be placed in the way of his assenting, as a co-ordinate branch of the Legislature, to any Acts oppressing Catholics, which his Canadian Parliament might please to enact. In other words, it is impossible for one Parliament to pass a "fundamental law" which another Parliament cannot legally repeal.

The second guarantee is in theory worth more than the first, but in practise would be as ineffectual against the hostility of a powerful Protestant Lower House. Even if we had in British North America the constituent elements of an Upper House; if we had an hereditary landed aristocracy, influential by their wealth, social position, and historical prestige, such a body might for a season check, but could not form a permanent barrier against, the encroachments of the more democratic branch of the Legislature. Witness the fate of all contests in modern times, betwixt the House of Commons and the House of Lords; and see how, ultimately, the latter, although into the composition of its opponent the aristocratic element enters largely, has had to yield and give way. What effectual resistance then could an Upper House of Legislature, formed out of such materials as we in Canada have at our command, offer to the anti-Catholic legislation of the Lower House, composed as this would be, were Representation by Population *un fait accompli*, of an overwhelming Protestant majority, and itself the immediate representative and organ of the popular will? Mrs. Partington trying to sweep back the waves of the angry Atlantic with a birch broom would be a meet emblem of a Canadian Upper House striving to arrest the onward tide of democratic encroachments, and "No-Popery" Legislation.

If the first guarantee proposed by Mr. M'Gee would be a nullity, and the second but little better, the third is simply an absurdity. The functions of the Judiciary, no matter how that body may be composed, are not to make law, but to interpret and administer law. The Judges, as Judges, have, and can have, no legislative functions; have no power therefore to oppose or facilitate the passing of an obnoxious law; and could therefore in no sense form a barrier against those legislative assaults upon our Catholic institutions which would inevitably follow close upon the heels of Representation by Population. As a protection, check, or guarantee, against a corrupt tyrannical Executive, nothing can be conceived more perfect than a strong and honest Judiciary; but as against the iniquitous legislation of an unprincipled anti-Catholic Legislature, the wisdom and the integrity of the Judges would alike be unavailing. An honest Judiciary is a guarantee that existing law shall be honestly interpreted and applied, but can give no guarantee whatsoever against the passing of unjust and oppressive laws.

That Mr. M'Gee is a clever man, and one of the most brilliant speakers in our Provincial Parliament no one will deny; and if we are, as Catholic journalists, compelled to criticise his public acts, we do so more in sorrow than in anger; because we regret to see such fine talents so ignobly prostituted, and grieve that the divine gift of eloquence, which had its possessor been but honest and disinterested, might have been profitably and honorably employed in the cause of the Church, has been disloyally turned against her. Mr. M'Gee knows—no one knows better—that the idea of "checks" and "guarantees" to a Parliamentary minority, against the encroachments of a hostile Parliamentary majority, are to say the least an absurdity, to use an old proverb, a "tub thrown to the whale," or dust cast into the eyes of his constituents in order to blind them, as to his violation of his pledges, his breach