

The True Witness

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MONTREAL, FRIDAY, MARCH 9.

ECCLIASTICAL CALENDAR.

MARCH—1866.

Friday, 9—Five Wounds of our Blessed Lord.
Saturday, 10—Holy Forty Martyrs.
Sunday, 11—Fourth of Lent.
Monday, 12—St. Gregory, P. D.
Tuesday, 13—St. Francis, W.
Wednesday, 14—Of the Feria.
Thursday, 15—Of the Feria.

NEWS OF THE WEEK.

Whatever hopes we might have entertained of the speedy and bloodless suppression of the revolutionary movement in Ireland, have been blasted by the news per late steamers. A Bill for suspending the Habeas Corpus act has been hurried through both Houses, and has received the Royal Assent, thus indicating that the Government has reason to dread an outbreak. Many arrests have since been made, amongst others of some officers of the Northern Army who had returned to Ireland. Blood too has been shed. A man named Clarke has been orally murdered, under circumstances which give but too good grounds for believing that the assassins were Fenians. Clarke himself was, it is said, an officer holder in that secret society: but he incurred the suspicion of having given the information which led to the late seizure by the Police of a quantity of arms, and materiel of war in Dublin. In this statement all the papers agree, and there is great excitement in Dublin.

The immediate cause of the suspension of the Habeas Corpus act is said to have been a report that a steamer, the Cuba, had sailed from New York with the intent of throwing men and arms on the Irish coast. On this side of the Atlantic this was known to be a canard, but it reached England, and there obtained credence. The search for Stephens is still pursued, but he baffles the police. According to a paragraph in the Dublin Irishman it would seem that the officers of the Northern Army lately sent over to Ireland, report unfavorably for a movement at the present time. It is added however as encouraging, that all the Protestants of the North of Ireland are Fenians, that nearly all the Freemasons are Fenians, that Stephens is a Freemason, and that most of the officers who come over from America are Freemasons. Nice allies these for Catholics!

His Grace the Primate of Ireland has published his Lenten Pastoral for the Diocese of Armagh. We extract the following paragraph:

"As for secret societies—societies condemned by the Church—the sinfulness of joining in those unholy associations is now so well known, that only such as are utterly blind to the truth of God, can be ignorant of it. Freemasonry has been so often struck by the anathemas of the Church of Christ, that all good Catholics recoil with horror from the least connexion with it. We rejoice to think that there is hardly one in this diocese, who pretends even to the name of Catholic, that would not shudder at the idea of becoming a member of that Society. The Fenian and Ribbon Societies, and all such societies, by whatever name they are called, are, like the Freemason society, ruinous to the spiritual interests of those who enter them. This truth we must continue to inculcate, no matter what offence, or doing so, may give to the misguided men, who imagine they can serve their country by trampling on the laws of God and his Church. We must not, for any consideration, suppress the truth, which it is the duty of the Minister of God to proclaim. Many indeed will be greatly displeased with us for proclaiming the truth; but we must remember the words of the Apostle: 'If I pleased men I should not be the servant of Christ.'—Galatians, i. 10."

In the House of Commons Sir George Grey has moved for leave to bring in a Bill for abolishing the existing Oaths taken by Members of Parliament, and which were very offensive to Catholics: and for substituting in lieu thereof the following, to be taken by all members, without distinction:—

"I, A. B., do swear I will bear true allegiance to Queen Victoria, and defend her to the utmost of my power from all conspiracies and treasons against her person, crown, and dignity."

After a speech from poor dear Mr. Newdegate, who felt much pained by the prospect of having to abandon the insulting oaths now in force, leave was given to bring in the Bill, which we hope may soon become law. The de-

bates have for the most part been confined to the discussion of the cattle disease and its mode of treatment. There was however an animated debate on the Jamaica business and Mr. Bright's personal attack upon Mr. Eyre.

THE BRITISH JURYMAN.—We have had another instance of the manner in which the British Juryman discharges his functions when his Protestant prejudices against Catholic institutions, are skillfully appealed to. As in the famous case of Achilli v. Newman, it has again been made, unhappily, but too plain that trial by jury affords but feeble protection to the Papist and to the Jesuit. And yet as a general rule, it would be false to affirm that the English are not lovers of truth and justice.

In the case to which we refer, the plaintiff was Mr. Justice Fitzgerald; the defendant was the Very Rev. President of St. Mary's College, Oscott. The action was brought nominally for damages for assault and false imprisonment against the person of the son of the plaintiff; but, as asserted by the latter, for the purpose of vindicating the character of his son who had been expelled for misconduct from Oscott College. The case was tried at the beginning of February, before the Lord Chief Justice, and a special jury, when the facts elicited were as follows.

Young Mr. Fitzgerald was a boarder at Oscott, finishing his studies preparatory to entering one of the Universities. He was often in scrapes. It was proved that on one occasion, having managed to obtain possession of the pass-key to the dormitories, he got an impression taken of it in wax: that he frequented taverns; that on one occasion he had introduced a bottle of spirits into the college, and had made one of his fellow-students drunk; these, with many other violations of College rules and good discipline were proved against him, but for none of these was he expelled. Kindly looking upon them as boyish indiscretions, not necessarily indicating a bad heart, Dr. Northcote, the Principal, contented himself with giving a very serious admonition to the thoughtless young man, but assured him that if he offended again, his offence could not be overlooked. Young Fitzgerald professed great penitence, and at his urgent request the Principal promised not to acquaint the Judge, his father, with the circumstances. These facts were all admitted by the young man himself in his cross examination, of which we subjoin an extract:—

"That Dr. Northcote had said to him on that occasion that if any serious offence were to occur again, he must expel him, as he had exhausted all the other means of punishment applicable to a youth in his position, and that he spoke of writing to his (witness's) father about it, and that Dr. Northcote had said something to the effect that unless he wrote his father might suspect he had acted harshly in sending him away afterwards, and that he asked him to give him his promise not to commit any further offence, which he did. The doctor adding, 'David, I am risking my character with your father for prudence and moderation in not writing to him, and the witness promised not to give any further trouble.'"

Dr. Northcote's evidence was that on this occasion Fitzgerald "Came to him, and asked him not to write to his father. Witness explained to him the necessity for so doing, as he had never up to that time written anything which was unfavourable to him, and that if he sent him home, as he should for his next offence, his father might justly complain, and think that he had lost his temper, and inflicted a harsh sentence for one offence when, in effect, it would be an accumulation of offences. The youth promised not to commit any other offence, and witness said, 'I risk my character with your father for justice, prudence and moderation against your word of honour; is that safe?' The youth said, 'It is, and your confidence shall not be abused, or words to that effect. Witness said, 'I take your word, David, and will not write to your father to-night.'"

The freaks of the young man were thus upon promise of amendment overlooked; but unfortunately graver matter soon came to light, which led to his expulsion.

Oscott College, besides the sons of wealthy parents, and members of the Catholic aristocracy, receives within its walls in a few instances the children of the humbler classes of society, to whom it gives a cheap education, and whom it trains up for Holy Orders. These young men are sent to the College, and are generally supported, by the Bishops of their respective dioceses. Now it seems that this young Mr. Fitzgerald had a spite against these "Church Students" as they are termed, to whom the ridiculous nick-name of "Bunkers" was also attached. In order to gratify his spite against them, he organized amongst some of the lads of his own age, and of social standing, a society to which he gave the name of "Anti-Bunkers;" and that he might be able to taunt the Church Students with their humble condition in life, he caused enquiries to be made as to their parentage—the answers to which he carefully noted down in a book kept by him for the purpose. Thus of one of the Church Students it was carefully noted down that "his uncle or brother kept a small grocery establishment;" of another that his relative was a Canal Inspector, or discharged some humble though honest functions, and so on. This book fell into the Principal's hands: Mr. Fitzgerald acknowledged himself the writer, and the organiser of the Anti-Bunker Society: and hereupon he was expelled. There were the facts of the case as proved before the Court.

And who can deny that these facts justified the action of the Principal of the College? We will pass over as boyish follies, not to be punished too severely, the bottle of spirits, the drinking, and the first named offences; but what can be

urged in extenuation of the last and crowning offence? What more ungenerous, cowardly, ungentlemanly, more snobbish, in a word—than for a lad at college to reproach his comrades with the accidents of their birth, and the poverty of their parents? A real gentleman always makes it his duty to show especial deference in such cases to the poor with whom his lot may be cast, just as a gentleman will always display courtesy to a woman, and espouse the cause of the weak against the strong. Mr. Fitzgerald's first offences proceeded from an exuberance of animal spirits which it might be harsh to punish too severely in a boy: but his last offence showed that he had a bad heart, that he was deficient in the first great characteristic of a real gentleman, and therefore unfit to associate with the sons of gentlemen. So for this offence he was expelled; and hereupon his father brought his action against the Principal of the College, confiding in the prejudices which the "Intelligent British Juryman" naturally entertains against Papistical institutions.

Nor was this confidence misplaced. The Jury would hardly hear out even the case of the plaintiff so anxious were they to find a verdict in his favor. Before all his witnesses had been examined, the foreman of the Jury—a Quaker—started up, and declared aloud that there was no more need of witnesses—"as the jury had already heard enough, and wished to bring the case to a conclusion." The Protestant zeal of this good man, and "Intelligent Juryman," was rebuked, however, by the Lord Chief Justice, who sarcastically replied that, before delivering their verdict, "the Jury had better patiently hear both sides." So as a matter of form, for the verdict was from the first a foregone conclusion, the trial was continued, and resulted in a verdict for the Plaintiff—damages £5, and costs.

Again, as in the Achilli case, there seems to be a pretty general feeling amongst Protestants, that the Protestant zeal of the jury in the above reported trial, does not redound to the credit of British institutions. The Pall Mall Gazette devotes an editorial to the subject, in which the facts of the case as elicited before the Court having been fairly stated, the conclusion is arrived at, that—for offences such as those proved against the young Fitzgerald, "he would have been quietly sent away from any public school in England." This we believe; for those public schools, though deficient in the religious training of their frequenters, used to be, we believe still are, nurseries of gentlemen, in which snobbism, and such ungentlemanly conduct as that proved against the Oscott student in the case of the "Bunkers," is put down with a strong hand.

The above details may no doubt appear very trivial: but it is in connection with the trial that we record them, and as illustrative of the feebleness of the barrier that even trial by jury opposes to petty persecution, when it is assailed by the prejudices of Protestantism.

To the Editor of the True Witness.

Montreal, March 2nd, 1866.

DEAR SIR—The question has often been asked—"Of what have the Irish to complain, and why are they so dissatisfied?" Many well informed Protestants, and many Catholics, would be puzzled to answer this question. You, Sir, who are so well informed on Irish questions should give a programme of Irish grievances, and keep it before the public, in order to show to the world that there is just cause for the discontent which prevails in Ireland. By doing this you will satisfy a great majority of your readers, among whom, Sir, is,

Your obedient servant,

A SUBSCRIBER.

"Infandum renovare jubet dolorem;" you ask us to go over ground always painful to travel, and which we have already often traversed. Yet at "A Subscriber's" request we will again do our best to state the grievances of Ireland, as they present themselves to us. We do this with diffidence, however, for we remember the proverb that he only who wears the shoe, can tell where it pinches; and it may therefore well happen that, in enumerating the grievances of Ireland, we may, in the opinion of Irishmen better qualified to judge of these things than we can pretend to be, omit, or pass lightly over, matters of gravest import. Still, in the interests of Irishmen, we think that it is better to understate their case, than to aggravate it; and we believe that of the two, he who altogether denies the reasonableness of Irish complaints, does less injustice and injury to Ireland, than does he who by an indiscriminate abuse of all British institutions, and by imputing to the British Government faults for which it is not responsible, brings into suspicion the truth of those often well founded complaints which he urges against those institutions, and that Government. We would, if we must err, be better pleased to err on the side of moderation, than of exaggeration; and therefore we premise that, though we can see many things to condemn in the manner in which England still treats Ireland, we cannot make common cause with those who denounce everything English, and revile the government of Great Britain as the most cruel and tyrannical in the world. That Government we admit has many faults; as towards Ireland it has been guilty of many and grievous sins; but for all that, it may safely challenge comparison with any secular Government that ever existed, since there

is not one which has not been guilty of sins fully as great; since there are few, if any, that have so many good and redeeming qualities.

This premise, we would distribute the wrongs of Ireland in two divisions—Organic and Functional; the first comprising those which proceed from a vicious organisation; the other those proceeding from a vicious or defective working of laws or institutions good in themselves, and still capable of being restored to a healthy action.

We would also subdivide the organic wrongs or grievances of Ireland into three classes—"National, Religious, and Social"—and under these heads we will endeavor, to the best of our abilities, to reply to the question addressed to us by "A Subscriber."

The great "National" grievance of Ireland is its Legislative Union with Great Britain—a Union imposed on the people of Ireland by very bad means, and contrary to the wishes of the great majority of the Irish people. To this grievance it is no answer to reply that the Union is really beneficial to Ireland, so long as the people of Ireland, the party mainly interested, are of a contrary opinion. So too, no doubt, it was argued with reference to the enforced union of Belgium and Holland; so too, no doubt, many an Austrian will argue in favor of a Union incorporating Hungary with the rest of the Empire. But if the Belgians, if the Hungarians do not like such a Union, it is bad policy, inexpedient, as well as unjust to enforce it. This has been recognised in the case of Belgium; the Emperor of Austria seems to be about to recognise it in the case of Hungary; perhaps, some day, British statesmen may recognise it in the case of Ireland. Whilst therefore we think that it is much to be regretted that the people of the last named country are generally averse to a legislative union with England, we cannot deny the justice of their claims to an independent government: and the same motives which enforced our sympathies with the Southern States in their great and heroic struggle for national independence; for Naples protesting against incorporation with Piedmont; and for Lower Canada asserting her right to self-government as against Upper Canada—compel us to admit that the Irish, in insisting upon a repeal of the existing legislative union, have right and justice on their side: and that therefore the refusal to grant that demand is a wrong, a "National" wrong inflicted upon Ireland.

The "Religious" grievances are so glaring, that it is scarce necessary to insist upon them. Only let us ask ourselves, what would be the state of feeling in Scotland towards England, if Charles the First and Laud had succeeded in permanently imposing Episcopacy upon the latter, its people still remaining intensely Presbyterian! And yet there is no such vital difference betwixt Protestant Episcopalianism, and Protestant Presbyterianism, as there is betwixt Catholicity, and Protestantism in any guise. We will admit, that the wrong done to the Catholic people of Ireland by the Established Church, if expressed in terms of pounds, shillings and pence, may not be so great as some pretend; but the said Establishment is more, far more, than an injury; it is an insult; and to a high-minded sensitive people like the Irish, the sense of insult is more galling than the sense of pecuniary injury, however heavy the latter. It is also no light wrong to the majority of the people of Ireland that an educational system is imposed upon them to which they are averse, and that their earnest and oft reiterated complaints for redress have hitherto been left unanswered. But upon these, the "Religious" grievances of Ireland, we will not insist, for fear of falling into commonplace. Every body feels that, in demanding to be relieved from the incubus of a Protestant Church Establishment, and a system of Education which their Church and their conscience condemn, the Catholic majority of Ireland are but insisting upon that which under analogous circumstances, the Protestant people of Scotland would long ago have insisted with arms in their hands; every body who can discriminate betwixt right and wrong, must, without reference to his opinions as to the expedience of an Established Church in the abstract, admit that the Irish have right and justice on their side: and that therefore to persist in imposing on them religious and educational organisations which as Catholics they repudiate, is to inflict wrong, gross "Religious" wrong upon Ireland.

The "Social" wrongs or grievances of Ireland are summed up in the two words of dire import, the "Land Question;" and this grievance has this peculiarity about it:—That, whilst the "National" and "Religious" wrongs of Ireland, are directly amenable to Parliamentary treatment, and may be eradicated by legislative applications, the Land Question has its roots deeper down, and at best can only be indirectly reached by the political scalpel. Here lies the difficulty: That whilst every body admits that "property has its duties, as well as its rights," the latter can be pleaded, and enforced in, and by the ordinary tribunals, or Courts of Law; whereas the "duties" of property are consigned almost exclusively to the domain or tribunal of conscience. The Land Question

therefore resolves itself into this grave and difficult question: How to transfer cognisance of cases involving the "duties of property," from the tribunal of the landlord's conscience, where they can but too rarely obtain a fair hearing, to the ordinary or external tribunals, which also take cognisance of, and enforce the "rights of property."

In England, and in Scotland, there is a tribunal, the tribunal of public opinion, which for the most part accomplishes the object we have in view—that of enforcing the "duties of property;" and no English or Scotch landlord would dare, in the presence of such a tribunal, to treat his tenants as but too often Irish landlords deal with Irish tenants. The Irishman therefore, who is unquestionably often the victim of landlord tyranny, to which he is the more obnoxious, because his creed is often an object of abhorrence to his landlord—invokes the aid of the legislature, to secure him against arbitrary evictions, often accompanied with something little better than robbery; as for instance, when an industrious, intelligent, and improving tenant is packed off the land, without a penny of compensation for the labor and capital he may have expended on his farm, and whereby he has increased its value. Here the wrong is palpable, even if the remedy be not so obvious; yet we believe that a Tenant Right Bill might be so framed, as indirectly to enforce the "duties of property," without encroaching on the "rights of property."

Under the old Feudal system this might have been easily accomplished; for Feudalism was as powerful to enforce upon landholders the observance of their "duties," as to maintain their "rights." But the Feudal system has passed away, and has been succeeded by the Commercial system, under which land is held upon the same tenure as cotton, or dry goods, of which the owner is at liberty to make the most he can. The principle which underlies this system is this: That the State cannot interfere to dictate the terms or conditions of any contract; but that its sole function is to enforce their observance upon both parties thereto. This is the essence of the entire landlord legislation of Ireland, of that as it is of England, and of Scotland, and of the United States—where the laws respecting the relative obligations of landlord and tenant differ in no essential particular from the landlord laws of Ireland. If a tenant at will in New York or Boston offend his landlord, he is as much in the latter's power as is the Irish tenant in Donegal, or Connemara; he is liable to be, and often is, evicted bag and baggage, without ceremony; and if they be not grossly belied, Yankee landlords when they desire to raise their rents, "put the screw on," just as tightly and remorselessly as do the worst of Irish landlords. Still this does not effect the facts:—That the Irish tenant is often subjected to harsh—(to use the mildest phrase)—treatment by his landlord; that he is often pitilessly robbed of the fruits of many years' labor and industry; and that this harsh and often dishonest treatment have made him disaffected towards the Government under which such things are done. "A Subscriber" will bear in mind that he asks us to state the grievances of which Irishmen complain, and not to suggest a remedy for them.

So much for what we term the Organic wrongs of Ireland; we will say but one word on what we would call her Functional wrongs.

These proceed from the vicious manner in which good laws are often administered, and a good organ, or good political institution is perverted to a bad purpose. Chief amongst these we would signal the defective administration of justice, as betwixt Her Majesty's Catholic, and Protestant subjects in Ireland; and defective or vicious, because too often entrusted to partisan or Orange magistrates. We mean not to imply that the latter are all rogues and scoundrels; for much as we detest Orangism, we can readily believe that amongst Orangemen there are many good, kind-hearted men, who would not willingly commit injustice. But they are, and must be, prejudiced; they, in any case that may come before them in their magisterial capacity, involving matters betwixt Catholic and Protestant, cannot but have a strong bias in favor of the latter; and even the natural suspicion that they have such a bias tends, and most naturally, to generate suspicion amongst those whom such a bias would injuriously affect, and therefore tends to bring the administration of justice by the legal tribunals into disrepute. Justice therefore, and sound policy, indicate the propriety of withdrawing the administration of the laws from the hands of known partisans; from the hands of all members of secret politico-religious societies without distinction.

We cannot, from want of space, do more than indicate what we mean by the Functional grievances of Ireland, or wrongs having their origin in the morbid working of good institutions. We leave these remarks to the perusal of "A Subscriber," as an answer, or partial answer to his question, for we pretend not to have exhausted the subject. We humbly hope that in treating it, we have done so in a loyal, and at the same time truthful spirit, nothing exaggerating, nothing setting down in malice. We do not believe, in