

The True Witness

AND CATHOLIC CHRONICLE,  
PRINTED AND PUBLISHED EVERY FRIDAY

At No. 210, St. James Street, by  
J. GILLIES.

G. E. CLERK, Editor.

TERMS YEARLY IN ADVANCE:

To all country Subscribers, Two Dollars. If the Subscription is not renewed at the expiration of the year, then, in case the paper be continued, the terms shall be Two Dollars and a half.

The True Witness can be had at the News Depots. Single copies, 5 cts.

The figures after each Subscriber's Address every week shows the date to which he has paid up. Thus "John Jones, Aug. '71," shows that he has paid up to August '71, and owes his Subscription from that date.

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To all Subscribers whose papers are delivered by carriers, Two Dollars and a half, in advance; and if not renewed at the end of the year, then, if we continue sending the paper, the Subscription shall be Three Dollars.

MONTREAL, FRIDAY, AUGUST 23, 1872.

ECCLESIASTICAL CALENDAR.

AUGUST—1872.

Friday, 23—Vigil. St. Philip Beniti, C.  
Saturday, 24—St. Bartholomew, Ap.  
Sunday, 25—Fourteenth after Pentecost.  
Monday, 26—SS. Nazarius, Celsus and Victor, MM.  
Tuesday, 27—St. Joseph Calasancius, C.  
Wednesday, 28—St. Augustine, B. C. D.  
Thursday, 29—Beheading of St. John Baptist.

NEWS OF THE WEEK.

LONDON, August 16.—The adoption of the party processions' Act was generally celebrated throughout Ireland on Thursday. In some places there was disorder. At Belfast while a procession was passing through the streets it was stoned by a large crowd of persons. The processionists returned the attack, and a scene of terrible excitement ensued. The rioters were finally dispersed by the police, not however, till one man had been shot. Slight disturbances occurred at Dublin and several persons were wounded. There was no disorder in Londonderry.

August 18.—Despatches from Belfast to noon to day state that disturbances there continued through Saturday night and into Sunday and are not yet ended. The populace are divided into hostile Protestant and Catholic mobs. Whenever they come into contact there is a fight. The police are using every effort to stop the rioting; they had been obliged to fire on the rioters on both sides, and many of the latter were wounded. Troops with fixed bayonets now occupy the principal streets and keep the mobs apart. The dragoons of the 40th Regiment have arrived at Belfast from Dublin, and constabulary were pouring into the city from all parts. No persons are reported killed, but the excitement is so great that it is impossible to get definite particulars.

August 19.—The riots in Belfast are not yet thoroughly suppressed. The Mayor and magistrates of the city have issued a proclamation warning the rioters to disperse under the severest penalties for the continuance of the disorder. Arrests thus far have been remarkably few. In the hospitals are many who have sword and bullet wounds.

A correspondent telegraphs from Belfast this morning that fighting continued last night, and that stones fell in the streets like hail.

LATER.—Despatches just received from Dublin dated to-day convey later news from Belfast. The rioting still goes on. Four persons were killed in the street this morning. The peaceably disposed citizens of Belfast are greatly dissatisfied with the want of vigor evinced by the authorities. Ruffians with pistols in their hands stalk about the city, and whole streets are given up to the rioters.

Latest telegram from Belfast says reports are current there that the city is about to be placed under martial law. The same telegram states that the military are now charging the rioters in the centre of the town.

The subscriptions to the fund to indemnify Captain Nolan for expenses incurred in maintaining his right to a seat in Parliament, closed on Thursday. The total amount subscribed is £14,000.

The report that the meeting of Crowned heads to be held soon, was for the purpose of sanctioning the present territorial position of the various countries is discredited.

The report that the Germans were fortifying Belfort is contradicted, the explanation now being that they are only completing the works begun by the French commander during the siege.

General Sheridan telegraphs to use force at once if required to quell the Indian disturbances. Further depredations are reported.

NEW YORK, Aug. 17th.—Wendell Phillips in his letter to the colored citizens of Boston, says that Mr. Sumner is the dupe of Northern Copperheads and Southern Secessionists, and Greeley their tool. The South has often announced, in the last instance by the lips of Jefferson Davis, that the cause was not lost and must be won by getting possession of the Government and leaving us in the opposition.

Such is the present plot that Mr. Greeley sees but it would never prevent his aiding it. That Mr. Sumner does not see it is to me a matter of profound astonishment at such a moment. The regular Republican party becomes again the accepted and only instrument of resistance and Grant represents loyalty as Lincoln did in 1861.

UNDUE INFLUENCE.—Our readers are aware that the Attorney-General has announced his intention of bringing to trial, on the charge of exercising "undue influence" at the late Galway election, one Bishop, and twenty-two priests, out of the long list of clerics denounced by Judge Keogh in his notorious judgment. This naturally raises the question, "what influence is undue?"

It is no doubt an undue influence to induce a man, by bribes, by appeals to his self-interest, or by threats, to vote against his conscientious convictions. The influence of the landlord, for instance, or of the employer of labor, who should, directly or indirectly menace his tenant or servant with the loss of his holding or of his place, should the latter vote contrary to the wishes of the said landlord or employer, would be most certainly an "undue influence" worthy of reprobation, even, though it might not fall within the power of law to punish it.

To persuade, or try to persuade, the voter to discard the threats and the blandishments of his landlord or his employer, and to give his vote according to the dictates of his conscience would not be an undue influence. The manner in which such influence was exercised might be coarse, violent and in bad taste; but the influence itself, if exercised solely with the view of determining the voter to vote according to the dictates of his conscience, and to discard all appeals to his self-interests, would not be "undue," or deserving of punishment, or even of very severe censure.

These principles laid down, and we fancy no one will impugn them, let us apply them to the Galway election. What were the facts in this case?

Two candidates presented themselves to the Catholic electors. One, the favorite of the landlords: the other the favorite of the Bishops and clergy; one believed to be strongly opposed to the demands of the Catholic Church for Freedom of Education; the other pledged to support these demands, should he be returned to the House of Commons.

To secure the return of the first of the two candidates—Captain Trench, a most excellent gentleman in private life we have no doubt, the landlords throughout the county put forth all their influence and strained every nerve. To counteract this very powerful influence, the Catholic Clergy exerted themselves warmly; and, if the evidence may be relied upon, in some cases, some of them forgot the dignity of their high office, and used language which grates harshly on the ear when coming from the lips of one who is a Minister of Our Lord Who, when reviled, reviled not again. The substance—we are not defending the manner—the substance of the priests' language was this. Addressing themselves to their respective flocks, they told them plainly, bluntly, coarsely if you will, "that if for fear of man, or what man could do unto them, they voted contrary to their conscientious convictions, they would be traitors to their Church and to God; and that the doom of such traitors was, in this life scorn and execration, and in the life to come, hell and damnation." This may appear very shocking; but after all it is not more shocking than the damnatory clauses of the Athanasian Creed.

Now here two questions present themselves. 1st. Is it true that he who from sordid motives votes contrary to the manner in which he conscientiously believes that he is bound to vote, by so doing exposes himself to the scorn of his fellow-men, and the wrath of God? 2nd. If true, were the Catholic clergy justified in insisting upon this truth, and appealing to it as a reason why their flocks should vote for Capt. Nolan, rather than for Capt. Trench?

No one will, we suppose, be hardy enough to answer the first question in the negative, or to deny the truth of the abstract proposition:—that he who from sordid motives votes contrary to his conscience is guilty of mortal sin, and that mortal sin means the penalty of damnation.

And if true, then considering the circumstances, we insist that, though in some instances their manner of so doing may have been intemperate and in bad taste, the Catholic clergy were bound to insist upon it, and to urge it upon the people committed to their charge, as the only means to them accessible, of counteracting the strong influences brought to bear upon the tenant electors by the landlords who warmly espoused the cause of the anti-Catholic candidate, Capt. Trench. No one who knows how ardently attached to their Church and their clergy are the Catholic Irish, can doubt that, if left uninterfered with by either side, the landlords or the priests, their votes would have been given to Capt. Nolan;

and that the landlord influence brought to bear upon them tended to make them vote contrary to their conscientious convictions, and therefore to commit mortal sin. Now it is not merely the right, but it is the duty of the priest to put forth all his power to prevent his parishioners committing such an act; and therefore it was the duty of the Galway priests to insist upon the obligation, under pain of mortal sin, under which lay all the Catholic electors, of voting in accordance with the dictates of conscience, and of discarding both the blandishments and the threats of their landlords, and wealthy employers.

The performance of this duty was the head and front of the offending of the Galway priests. Of the manner in which in some instances this duty may have been performed we say nothing. First, because we know how unjust it would be to form an opinion from the extracts given by the papers, of certain portions of some of the clerical addresses. Divorced from the context many of these extracts seem in very bad taste; but if we had the whole address before us, we might find reasons for much modifying our opinion. In the second place our ears still tingle with the No-Popery discourses delivered at politico-religious meetings by reverend Protestant ministers; wherein Pope, Bishops, Priests and all who follow them, are assailed in terms in comparison with the language attributed to the much abused Galway priests appears tame; and which invariably the more provoke the loud and reiterated plaudits (*Kentish Fire*) of their enlightened Protestant audiences, the more ribald and obscene they are, the more fervently that they consign monk and nun to the pit that burns for ever with fire and brimstone. *Vide* Gavazzi's and Murphy's speeches.

We give below an extract from the London correspondence of the *Montreal Gazette*, wherein the Protestant writer expresses himself much to the same purpose. The interference of the priest was as he admits, provoked (and we add justified) by the interference of the landlords. These cried to the much bewildered elector: "Oh—b\*— you conscience; you vote as we bid you to vote for Capt. Trench, or your farm shall be taken from you." Hereupon the priest stepped up and cried out, "Vote according to your conscientious convictions; never mind your landlords' threats, but hearken rather to the voice of God, and to the dictates of the inward monitor He has given you. Do this, or you will be guilty of sin; and he who is a sinner will be damned."

And this it is that has so much provoked public feeling in Ireland. The Irish love justice, and fair play; they cannot see therefore why the priests should be marked out for prosecution by the Judge, and the Landlords let go scot free.

(From the Correspondence of the Montreal Gazette.)

"There was in fact a stand up fight between the priests, representing the people, and the landlords, representing themselves only, and the voters were mere pieces in the game. Such a state of things was, of course, intolerable, and the inquiry undertaken by Judge Keogh was only fitting and right. Unfortunately, he seems to be a man, unlike English judges, of strong political opinions, and to him nothing seems more natural, desirable, and right in itself, than that the people should vote under their landlords' 'legitimate influence,' to use an expression on which he dwells repeatedly in his judgment. The iniquities on one side came thus to be passed over by the judge, although one would think that enough landlord intimidation came out in the evidence to invalidate half-a-dozen elections. The priests, on the other hand, came in for the strongest censure, which they richly deserved, and against which even their own party would hardly think of protesting, were it not for the passionate and almost scurrilous language in which the judgment is expressed. A calm condemnation of the conduct of the priests, with even justice meted to the landlords, would have had the best possible effect, but Judge Keogh's censures naturally raised passions and party feelings through the length and breadth of the island which are destined to become matter of history.

This may be thought a sufficiently unfavourable account of the famous judgment, and it may be asked why, if the latter be so indefensible as I have presented it, should be so strongly supported by Parliament, and, with few exceptions, by the English press. The answer is that, excepting the Irish Catholic members, the House of Commons is intensely Protestant. The Tory party is so, both by tradition and by present party exigencies; the old Whig, and the steady going Liberals returned by middle class support, are the same; the dissenters are so, of course; and the Radicals, if not very Protestant, are at any rate anti-Catholic. Hence the House fully shared the judge's indignation against priestly interference and doing so, forgave his unjudicial tone. On the other hand his partisan applause of interference when exercised by landlords, raised him a hearty echo not only among the Tories but among the great majority of a House which is still largely aristocratic, and many even of the most radical members of which are drawn from the land-owning class. Another reason is that Englishmen, who have a traditional horror of priestly pretensions, are unable to realize a state of Catholic society in which priests and people are really in accord, and they cannot divest themselves of the idea that if the priests take an active lead in politics, and the people follow them, the latter must do so under compulsion alone. Hence a hopeless divergence between English and Irish views of this matter, and much hindrance, I greatly fear, to the cause of effective union between the two countries. The Englishman, sincerely anxious to do Ireland justice and promote his welfare, shows at every step his distrust of the priests, from whom he avows his wish to save his misguided brother. But if the latter wears a priestly yoke, he wears it not unwillingly, and a slight upon his priest is resented as an injury to himself. Hence the constant failure of the English Parliament to really conciliate the Irish and the strongest argument in favour of Home Rule.

Mr. Butt's speech was of unequal power. It raised practically, three points. First he attacked the vehemence of the Judge's language, and his apparently studied insults towards the Catholic priesthood in general. This charge, though proven in the mind of every impartial man, the Government parried,

saying that as they accepted, in the main, the soundness of the Judge's conclusions, they would not weaken their value by criticising the manner in which they were enunciated. The next point,—that the landlords had improperly been left off Scot free,—the Government evaded altogether, with the consent of an only too willing House. The last and weakest of Mr. Butt's points was that party spirit had led the Judge to include innocent men among the list of priests "guilty of undue influence." This being proved, he said, by the fact that out of 36 persons so reported, the Government could only find ground for prosecuting 23. This charge discredited an otherwise able speech, for even the speaker must have known the difference between the kind of evidence which would justify a name being included in the Judge's report to Parliament and the kind which would justify a cautious lawyer, anxious for a conviction, in prosecuting. An able speech than Mr. Butt's was that for the defence, by Mr. Henry James, who showing that utter ignorance of the real relation between the Irishman and his priest to which I have before alluded, and arguing accordingly, was thoroughly in accord with the House, and achieved one of the greatest triumphs of the session.

The views I have expressed of the merits both of the case and of the debate arising from it, are not those generally held in political circles, but they are held by those who look below the surface, and their justice will be acknowledged some day. They are those of more than one member of the Government, but the Administration, as a body, has preferred to win an easy victory by swimming with the stream. That plan answers for the time, but it may bear bitter fruit in Ireland by and by."

Should the Government persist in their determination to bring the Bishop of Clonfert and the priests to trial, the consequences will be serious. If acquitted, as they probably will be, the Government will be put in a very ignominious position. If convicted, it will be a serious thing to attempt to treat a Bishop and his clergy as malefactors.

And how will it be should the prisoners, as may very likely be the case, refuse to plead? If they refuse to recognise the competence of a civil tribunal to sit in judgment upon acts by them done as priests? If they ignore the jurisdiction of the lay court, and decline to render any account of their conduct to any other than an ecclesiastical tribunal? What then! A verdict of *Guilty* would in such a case of course be recorded; but the Government would be bold indeed that should attempt to carry the sentence into execution.

CLERICAL INTIMIDATION.—Since the days of good Judge Jeffery, the British Judiciary has never been brought into such serious contempt as by Judge Keogh's disgraceful conduct in the Galway election case. The administration of justice in Ireland has never been of the most impartial. Like Protestant toleration, it has too often been of the Orange stripe—all one sided—very blind and impartial indeed as often as the litigants were Orange, but when the Green was concerned, equally blind, but not so impartial. Catholic Ireland, governed by Protestant and English laws, is in itself an anomaly, as great indeed as would be Protestant England governed by Irish and Catholic laws. But notwithstanding this anomaly bringing, as it must naturally do, the administration of justice in Ireland into contempt; never in the annals of even the Irish Judiciary has a more disgraceful scene been witnessed than this Galway case. As an exhibition of personal spite, and constitutional irritability, that charge must stand alone, *fulcillime principis*. Pilot-engine Keogh will go down to the last syllable of recorded time, as a sample of the timber of which the Irish Priepus is made. But it is not with the miserable Castle hack, whose passions appear to be so little under control, that they must needs intrude themselves upon the Judicial Bench, that we have to do. It is with the law and logic of his decision we would join issue.

What is clerical intimidation? In what does it consist? In other words—where does clerical influence end, and where does clerical intimidation begin?

In the Galway elections it is in evidence that 38 priests appealed to their people from their altars for or against the candidates. That a priest has as much right as any other man to influence his fellow-men no sane man will deny. That he has a right to do so from the altar is equally clear. But we do not stop here; we go further, and say, that he has a greater right than any other man to influence his fellow-men, and that the most proper of all places to do so is the altar. *The exercise of the elective franchise is a religious duty.* To use it ill is a sin—to use it wisely and conscientiously is an act pleasing to God. Hence the sacred duty of the Priest to see that his parishioners fulfil this duty aright, and hence his duty to point out that duty from the pulpit, or, what in Irish parlance is the same thing, "from the Altar."

The evidences of intimidation are curious. Father Loftus is said to have declared that *any one who voted for Capt. Trench would go down to the grave with the brand of Cain upon him and his children after him; and that any one who would not vote for Capt. Nolan was an emissary of the devil.* A layman as far as election laws are concerned we cannot, we must confess, for the life of us, find out in this denunciation where the intimidation lies. Had a newspaper editor, or a protestant parson, or a landlord written it or spoken it, we strongly suspect it would have passed unchallenged. But Irish justice is unique, and was never

meant to protect "the mere Irish" and their friends and protectors the Priests.

Father Quin is medically inclined, but is not we think intimidatory. He thought and avowed it, that *any man who voted for Capt. Trench should be stung as if he had small pox or typhus fever.* On the hypothesis—which Pilot Engine Keogh appears heartily to disprove of—that voting at elections is a sacred duty, Father Quin is right. The abuser of a sacred duty, is worse than small pox or a pestilence. Were Father Quin is intimidatory in this avowal, history saith not.

Another priest was, if possible even more eloquent. "*The finger of scorn,*" he said, "should be pointed at any elector who voted for Capt. Trench; he should not be counted worthy of associating with his fellow parishioners: *voce be to those persons in his parish who dared to give him their votes:* those who voted for Capt. Trench would be helping the enemies of the Catholics to keep their feet on their necks, and Catholics who did that would be sacrificing their eternal salvation." In this denunciation we have the first approach to anything, that can be termed intimidatory, and even that may equally well be interpreted as merely denunciatory. If by the expression, "*Voce to those persons, &c.,*" the Revd. Gentleman meant to imply, that if they did, he would take his horse whip to them, or held out any other threat of personal violence, in that case and in that case only could it be deemed intimidatory. But all this is not proved, so that in *English law* (when not administered in Ireland) we are bound to give the Rev. Gentleman the benefit of the doubt. Another priest said that any renegade Catholic who voted for Trench would be a disgrace to his Church, to God, and to his country, and would go to Hell. Much more of the same kind is in evidence, for the Rev. Gentlemen appear to be singularly unanimous in their opinion of Capt. Trench; and appear to have appealed to their parishioners solely from a religious standpoint. Now we fearlessly aver, that had any newspaper editor, or even any drunken bully duly equipped with bludgeon and steel-knuckles used these denunciatory expressions, even in the teeth of the voters going to the polls, we should have heard not one word from Pilot Engine Keogh on the score of intimidation; and if a bludgeon man or an editor is allowed such influence why not a Priest?

But the most curious part of this most curious of curious decisions is, the distinction (without a difference) on which it is professed to be founded. Mr. Justice Fitzgerald another *Katholic* in the Longford case thus curiously lays down this curious law. After acknowledging the principle that the Priest may use all his influence by counsel, advice, recommendation, and entreaty, he goes on to say "but he may not appeal to the fears or terrors or superstitions of those he addresses."

"He must not hold out hopes of reward here or hereafter, and he must not use threats of temporal injury or of disadvantage, or of punishment hereafter. He must not, for instance, threaten to excommunicate or to withhold the sacraments, or to expose the party to any other religious disability, or denounce the voting for any particular candidate as a sin, or as an offence involving punishment here or hereafter. If he does so with a view to influence a voter, or to affect an election, the law considers him guilty of undue influence. As priestly influence is so great, we must regard its exercise with extreme jealousy, and seek by the utmost vigilance to keep it within due and proper bounds."

Now this may be *law*; and for the matter of that, it may be *Irish law*; but it is not *common sense*. In the first part of his charge Judge (Irish) Fitzgerald (and we wish it distinctly to be understood that he is an Irishman, because his decision is a species of Irish Bull) admits the principle that a Priest must have an influence peculiarly his own. *His sacred character* amongst other things, he says, must give it him. Having admitted this, in fifteen lines of a preamble, he immediately denies it again, or what is the same thing, denies him the exercise of it. He must not hold out threats of punishment hereafter (*i.e. eternal*). He must not denounce any particular voting as a sin—in other words, for it amounts to this, he must not use any sacred influence whatever. Now here is the absurdity of this decision. The only influence which a Priest has, which is peculiar to himself, is his *sacred influence*, that is, the influence which the *law of God* and the *religious consciousness* of his parishioners gives him. All other influences—superior education, identity of influence, &c.—he holds in common with others. These he may use, but his sacred influence—the influence peculiar to himself he may not. Such according to Judge Fitzgerald is the law and a very Irish law it is. A man has a right to be a Priest—but he must not use his influence as a Priest. As a Priest he has and must have an influence peculiarly his own, this influence he is allowed by law to possess but not to use. It would almost appear that Judges Fitzgerald and Keogh were joking.

But how does it happen that such an absurd law can so soberly be maintained by learned Judges? Behold the secret. It is an English and Protestant law for an Irish and Catholic kingdom. The spirit of the law is *Protestant*