

The True Witness.

CATHOLIC CHRONICLE,

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GEORGE E. OLIER and JOHN GILLIES,
At No. 223, Notre Dame Street.

All communications to be addressed to the Editor,
G. E. OLIER.

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MONTREAL, FRIDAY, MARCH 5, 1860.

REGULATIONS FOR LENT.

All days in Lent, with the exception of Sundays, are Fast Days of obligation.

By a special indulgence the use of flesh meat is allowed on every Sunday in Lent, with the exception of Palm Sunday; as well as once a day on the Mondays, Tuesdays, and Thursdays, of the five first weeks in Lent; but its use is forbidden on Palm Sunday, and the six other days of Holy Week, as well as on Ash Wednesday and the three following days. On those week days when flesh meat is allowed, no fish is allowed at the same time.

NEWS OF THE WEEK.

The latest dates are by steamer *Jura*. A coalition between Austria and Russia was hinted at as in contemplation. From Italy there is nothing new. The last Pastoral of the Bishop of Orleans was exciting much sensation, and orders had been issued to the Prefects and Sub-prefects of Departments to interdict its publication; thus does the present French government assert the principles of civil and religious liberty, and approve itself the worthy ally of Mazzini, Garibaldi, Cavour & Co. The annexation of Savoy is now looked upon as *un fait accompli*.

THE MONTREAL GAZETTE AND THE POPE.—We promised in our last to notice our cotemporary's renewed tirade against the Pope and the Papal government. This promise we shall endeavor to redeem; though in our limited space it is impossible for us to take up, or even touch upon all the points presented in a formidable series of three long editorials, which the *Gazette* devotes to the subject.

One fundamental error underlies and vitiates all our cotemporary's arguments. He assumes the points at issue; and drawing upon his imagination for his facts, presents us with a conclusion in conformity, not with reason, but with those anti-Catholic passions or prejudices wherewith he is unfortunately animated. We do not accuse him of deliberate or wilful untruth; but we do tax him with allowing his prejudices to master his intelligence; and with an ignorance of the real state of the Government which he condemns, which is unpardonable, on the part of one who pretends to direct public opinion, and to whom so many sources of information on the subject of which he treats are open, if he would but avail himself of them.

The *Gazette's* argument against the Papal government, and in favor of the revolutionists, may be thus summed up:—

1. All people have the right to overthrow a despotism.
2. But the Papal government is a despotism.
3. Therefore the Roman people have the right to overthrow the Papal government.

We will, for the sake of argument, admit his major or first proposition; we deny his second or minor; and we reject, therefore, his conclusion. In fact, the very point at issue is this. Is the Papal government a despotism? The *Gazette* assumes that it is; and without an effort even at argument, without even an attempt to adduce a single proof, dogmatically answers the question in the affirmative. As who should say—I am Sir Oracle; and when I open my lips, let no dog bark.

Now we deny that the Papal government is a despotism; and though the *onus probandi* rests with him who asserts that it is, we will assign our reasons for our denial.

A despotism is a government in which the will of the ruler is the sole and supreme law; and wherein, according to that arbitrary will, justice is administered—no matter whether that will be the will of the monarch, or of a brute majority.

A constitutional, or non-despotic government, on the other hand, as distinguished from a despotism, is a government conducted according to established and publicly recognised law; and wherein justice is administered strictly in accordance with that fixed law, and not with the will of the ruler. The essential difference between a despotism and a constitutional government consists in this—that in the first, the will of the ruler governs; whilst in the second it is law that governs. This premised, and these definitions accepted, we will proceed to apply them to the Papal Government.

In that Government it is not the will of the Pope, or ruler, that governs, but the clearly defined and universally recognised law of the land; and no single instance can be adduced by its opponents wherein Pius IX. has manifested the slightest disposition to set himself above that law, or to control by his will the administration of justice by the legally constituted tribunals.—The people or laity of the Roman States have their municipal institutions, with complete control over their own local and secular affairs; in the matter of finance and taxation they are represented by delegates from their several municipalities; and they have a voice on all matters connected with the secular administration of the State. In fact they are governed by public laws; and the life and property of a subject of Pius IX. are no more at the mercy of the will

of the ruler, than are the lives and properties of the people of Great Britain and Ireland. To a State so governed, and wherein justice is so administered, it may be perfectly true that reforms or ameliorations are possible and desirable; but it is the height of injustice and absurdity to apply the term "despotism."

If again we examine the nature or quality of the laws by which the people of the Pontifical States are governed, we shall, perhaps, find much to suggest the possibility of a great amelioration in our vaunted British law; and though we by no means design to decry the latter, and are fully sensible of the many excellencies of the modes of procedure in our own Legal Tribunals, we can not shut our eyes to the fact that, in favor of the modes of procedure in the Papal Tribunals, there is as much to be said; and that justice, impartial even-handed justice, tempered with mercy, is in many respects better administered in Rome and its dominions, than in any part of the British Empire. In illustration of our meaning, we would direct the attention of our cotemporary to the following instance of British justice, as reported in our latest exchanges. The paper from which we copy is the *Express* of the 8th ult. A correspondent of the paper writes as under:—

"Whilst staying at St. Albans' early last week, I strayed into the Town Hall where the Quarter Sessions were being held, on Thursday the 8th. I then there heard a poor agricultural laborer, out of work for stealing a few sticks from a faggot stack during the inclement weather, sentenced by the Earl of Verulam, (Chairman) with the concurrence of the Bench, to three years' penal servitude. The poor fellow had a family of four young children; and his wife (whose distress in Court it was heart-rending to see) was daily expecting a fifth."

Now we do not cite this case of monstrous disproportion between an offence and its punishment as a fair or average specimen of British administration of justice; but as a proof that even in our own vaunted Courts of justice gross cruelty may be perpetrated in the name of law; and that certainly the Great Briton has no right to criticise very severely the criminal codes of his neighbors, and least of all those of the Papal States.

But as we said, the real question at issue is—"Is the government of the Papal States a despotism?" In other words—"Is the will of the Pope the sole law by which the people are governed, the Courts of Law controlled, and justice administered?" We contend that such is not the case; that the people are governed, and that all the proceedings of the Tribunals are regulated, by fixed law; whilst the fact that not one single person was capitally punished, or even subjected to imprisonment, for his share in the bloody rebellion of '48 is a proof that, if the administration of that law is obnoxious to any charge, it is to that of being too mildly, too leniently administered. The British Government at all events is not in the habit of dealing with those of its subjects who take up arms against its authority, and murder its officers, as the Papal Government deals with its political offenders. Let us come now to another question.

Has the present Pope attempted, or even manifested any disposition, to substitute his will for the laws of his dominions?—Has he, in other words, attempted, directly or indirectly, to set up a despotism or despotic form of Government in the Papal States? This question we at once meet in the negative. With no violation, or attempt even of a violation of the law, can Pius IX. be reproached. Every change that he has introduced—and he has introduced many changes—or attempted to introduce into the government of his States has had for its object to extend the political powers or privileges of his subjects, and to give them a greater and more direct control over the management of public affairs.—This has been his policy, no less after his return from, than before his exile to, Gaeta; and if this be the policy of a despot, it would be well for the world if it were generally governed by such despots.

We can understand, if we do not altogether approve, the acts of those who drove James II. from the throne. They felt themselves bound to adduce good reasons for their conduct; they felt that they were called upon to make out a case of despotism against their King, in order to justify their revolt; and they did so, not by dealing in vague generalities, but by citing particular instances, wherein James II. had violated the laws of England, and had attempted to substitute his will for those laws. But how is it with the revolted subjects of the Pope? Can they attribute to the latter any act analogous even, to the acts which caused James II. to forfeit the Crown of three Kingdoms, and which justified the Revolution of 1688? No, we reply; they cannot cite one; they cannot point to one instance wherein Pius IX. has violated the laws of his States—or in other words, has exercised an illegal and therefore despotic sway over his people.

The regicides too, who cut off the head of James' father, they also felt themselves called upon to justify their extraordinary procedure in the eyes of the world; and they attempted to do so, by showing that Charles 1st had set aside the laws of England, and had attempted to reign despotically; that contrary to the well-known laws of the realm he had raised money of his own authority, had interfered with the Courts of Law, and had endeavored to impose his will upon the people of England. And could the revolted people of the Roman States, in like manner, show that Pius IX. had attempted to subvert their ancient system of Government; that he had perverted the legal tribunals into instruments of oppression; and that he had incessantly endeavored to curtail the power or political privileges of his subjects—we too should be prepared to discuss the question, whether it was not as lawful for the Pope's subjects to revolt against his authority, as it was for the people of England to cut off the head of Charles 1st.

By the almost universal consent of mankind a great distinction is drawn between the English regicides of the seventeenth century, and the French regicides of the eighteenth. The execution of Charles 1st is by many looked upon as a grand piece of wild justice; that of Louis XVI. is by all brave and honest men execrated as a cruel, cowardly, murder. Why this difference?

Because Charles I. had undoubtedly endeavored to destroy the political liberties which he found in existence on his accession to the throne, and which he was bound to defend; whilst poor Louis XVI., on the contrary, had done his best to extend and preserve those liberties: because, in short, one was a despot, or despotically inclined, and the other was not. Now we contend that there is all the difference between Pius IX. and a despot, that there was between Charles I. of England and Louis XVI. of France; and that, therefore, there is as much moral difference between the acts of a brave but oppressed people rising in arms to strike down a despot, and those of the insurgents of the Romagna,—as between the conduct of the Long Parliament and that of the Convention; as between the stern grandeur of the execution at Whitehall, and the dastardly murder of Louis XVI. of Marie Antoinette, and Madame Elizabeth. In the actors in the one tragedy we recognise men; much misguided men, perhaps—but still men, with brave generous hearts throbbing in their bosoms: in the actors in the other, we see nothing but brutes—filthy, blood-begrimed cowardly brutes.

And so with the revolted subjects of the Pope; until they shall have made out a case against Pius IX., analogous to that which the Paritans and the Whigs made out respectively against Charles I. and James II., we must look upon their revolt as unjustifiable, as without sufficient cause, and therefore as a sin. We know too what manner of men they are, by whom their revolt is chiefly encouraged: that they are the political children of the ruffians of '92: that they aim at the same objects, and employ the same means as did their predecessors; and that, therefore, every friend of order, liberty, and Christianity, is bound to pray for their speedy and total extermination. These points, and some others to which the *Gazette* alludes, but to which we have not space to reply at present, we will take up in our next.

THE UPPER CANADA PRESS ON DIVORCE.—From pressure upon our columns, we have been unable to notice the arguments of the *Globe*, the organ of the Protestant Reformers of Upper Canada, in favor of a relaxation of our marriage laws. The *Globe* thus lays down what he conceives to be the law upon the subject:—

"It is a matter of the first consequence that these laws (the marriage laws) should be based on right principles, that they should be easy of apprehension, that they should operate upon all classes alike, that they should be available to the poor as well as to the rich, that they should be consistent with one another, and that they should harmonise as far as possible with the laws of the empire, and with those of neighboring countries."—*Globe*, 10th Feb.

With one exception, which we have italicised, and to which we will refer presently, the law of marriage, as laid down by the Catholic Church, fulfills every one of the conditions required by the *Globe*. It is based on the law of God; it is short, concise, and easily intelligible; it operates on all classes, rich and poor, alike—for with the Church, as with her divine founder, there is no distinction of persons; and it is consistent with all her teachings upon the complicated relations existing between the sexes, and flowing from the creative act whereby, as we are told, "God created man in his own image, in the image of God created he him: male and female created he them."—Genesis, i. 27.

This law, we say, is perfect, concise, easily intelligible, universal, and invariable in its application. Thus it runs:—

"ONE WITH ONE, AND FOR EVER. WHOM GOD HATH JOINED TOGETHER, LET NO MAN PUT ASUNDER."

This is the law of Christian marriage; and all sexual unions of baptised persons contracted under conditions other than those prescribed by that law, are not marriages in the Christian sense of the word, but simply concubinage. A union which man upon any pretence whatsoever can lawfully sunder, is not a union made by God; and all sexual unions not made by God—that is, in which He Himself does not put together, or join the parties contracting—it is a prostitution of terms to qualify as Christian marriages; a title to which all such sexual unions have as little right, as have those unions which take place amongst the members of the brute creation—such as cattle, horses, swine, &c., &c.

Now, we contend, as we have always contended, that the sexual unions of Protestants—(by Protestants, of course we simply mean baptised non-Catholics)—are valid, honorable, Christian marriages. But if these unions are Christian marriages, then are they unions made by God Himself; and if made by God, then has man no power whatsoever over them. If Protestants, however, assure us that their unions can be dissolved by man; that an Act of Parliament can put asunder the parties to those unions—we must take their words for it; but the deduction thence is logical and inevitable—that their sexual unions are not made by God, and that therefore they are mere concubinage and not Christian marriage. For if man may sunder whom God hath joined, the converse holds true; and those whom man may sunder, God hath not joined together.

We take exception, we say to one proposition laid down by the *Globe*; to that wherein it asserts that Canadian law on the subject of marriage should be made to harmonise as far as possible with the laws of the empire and with those of neighboring countries." We contend, on the contrary, that, regardless of all such laws, the sole object of the Christian statesman should be to reduce the Statutes dealing with the question at issue, to harmony with the laws of God. Of two things one: either God has made the sexual unions of His creatures the subject of his perfect unalterable law—or He has not. If He has, the duty, the sole duty of the human legislator, is to make himself acquainted with those laws, and to submit himself unreservedly thereto. If, on the other hand, God has not legislated upon the subject, then is human legislation simply impertinent. The sexual unions of the citizens are but civil contracts, the terms of which are to be arranged by the persons contracting; the right of the State to interfere therewith limiting itself to this:—First to enforce the fulfillment of the terms of the contract; secondly, to see that pro-

vision be made therein for the maintenance and education of the children, the issue of such sexual contracts, in order that they become not a charge to the State, and a burden to society.—There is no middle ground logically tenable. If the divine law does not prohibit polygamy, then neither has man the right to prohibit it; if God has prohibited the severance of those whom in matrimony He has joined together, then has not man the right to sanction their separation.—Clearly then the first thing to be done is to ascertain whether marriage is a divine institution; and if it be a divine institution, to ascertain in the second place, what God has been pleased to determine thereon, and what restrictions, if any, He has placed upon the sexual unions of His creatures. All controversy then between Catholics and Protestants upon the questions of marriage and divorce must be weary, stale, flat, and unprofitable until it shall have been settled between them—whether God has legislated upon the subject—and if He has legislated, what He has been pleased to decree concerning it.

But if this controversy be unprofitable until these essential preliminaries be settled, the *Globe* raises in its article under review certain issues as to matters of fact, to which we deem it our duty to give a prompt and explicit rejoinder. Our opponent asserts, in substance—that the Roman Catholic Church has not always and under all circumstances maintained the indissolubility of marriage; he explicitly affirms "that divorces were never so frequent and for such trivial causes as previous to the Reformation;" and he quotes Protestant authority in support of this monstrous and unfounded assertion.

We reply that, whatever may have been the case with some Oriental schismatics, the Roman Catholic Church has always taught that marriage, validly contracted, is a sacramental union, and, therefore, *per se*, indissoluble *quoad vinculum*. We assert, without fear of contradiction, that not only is there not a single instance of a divorce *quoad vinculum* having been tolerated by the Roman Catholic Church, but that she has never even entertained, even for an instant, the proposition for such a separation of those whom God had united together in sacramental union.—Her interference has invariably limited itself to this. In all matrimonial causes pleaded before her tribunals, she has set herself to ascertain the simple fact whether the parties thereto had indeed been truly and validly married; and this, we say, is the *only* question that she ever allowed even to be raised in her courts. The fact of the marriage having been proved or disproved, she had but one sentence to pronounce on all—whether rich or poor, king or subject. If married, she declared her incompetency to annul the sacrament; but if unmarried, she commanded them to abstain from unlawful, unallowed intercourse. Thus with the father of the English Reformation, and his wife Catherine of Arragon; Rome never even entertained the question.—"Can Henry VIII., if married to the betrothed wife of his deceased brother, be so divorced therefrom as to be at liberty to contract another marriage?" and the sole point at issue was—"Could the King contract a Christian marriage—or what the Church means by the word marriage—with one who had previously been betrothed to his deceased brother, and betwixt whom a marriage contract had been passed, and the religious rites of matrimony duly solemnised?" In this question two others were involved; one of fact, with reference to the marriage betwixt Catherine and Arthur; another as to whether, according to the law of God, marriage with a deceased brother's widow were absolutely prohibited—and whether, if it were not, the dispensation of the Pope, was competent to absolve from the law of Moses upon certain points. But never, we repeat it deliberately, and we defy the *Globe* to refute us—never has the Roman Catholic Church in any single instance sanctioned a divorce—that is the separation of persons who had been validly married; never has she allowed the question to be raised before her tribunals.

The *Globe* may rail at the restrictions imposed by the positive laws of the Church upon the matrimonial unions of first-cousins, and others closely related to one another by blood; but we do not feel ourselves called upon to vindicate the wisdom of the Catholic Church in this particular, seeing that the work has been fully done to our hands by several eminent Protestant physiologists. The subject is one besides, which is not quite suited for a newspaper discussion, and delicacy imposes upon us the obligation of silence; only this will we observe, appealing to Protestant statistics in confirmation of our assertion:—That one of the most prominent causes of insanity, and many other painful affections, mental and physical, is to be found in the frequent intermarriages of blood-relations; and though we do not pretend that such unions are necessarily sinful, or in contravention of the divine law, yet we think that most medical men will agree with us that, as a general rule, their results are highly prejudicial to the moral and material welfare of the human race. This is one reason then why the Church placed restrictions upon such unions; though she could not take upon herself absolutely and under all circumstances to prohibit them.

Our expectations of having the co-operation of a section of our Protestant fellow-citizens—a section more important by social position and moral influence, than by its numbers—in our opposition to the *Globe's* efforts to tamper with the marriage laws, are indeed sneered at by our *Clear-Grit* cotemporary; but that they are not altogether visionary, that they are based upon substantial facts, shall we think be apparent from the subjoined article on the subject from our Protestant cotemporary, the *Toronto Colonist*:—

MARRIAGE AND DIVORCE.—Our opinions on the subject of divorce have been so fully and so often expressed, that it is unnecessary for us again to enter into the general merits of the case; nor should we have alluded to it now had it not been for an article which recently appeared in the *Globe*, in which, to serve political ends, the question was treated as one between Protestants and Roman Catholics. It is nothing of the kind; and we protest against any such assumption as being entirely without foundation. Vast numbers of Protestants, and certainly members of the Church of England generally, are just as strongly opposed to granting divorces as any Catholic can be. They oppose the system on con-

siderations grounds, and it is therefore nothing to them what the views of others may be, whether for or against it. If, therefore, this question is to be discussed, let it be discussed fairly on its merits, and without dragging in political considerations which have no bearing upon it whatever. For our own part, and we believe that in this respect we state the opinions of a large majority of our readers, we are opposed most decidedly to any legislation which may tend, directly or indirectly, to weaken the sacredness of the marriage tie. We do not hold the doctrine that marriage is a purely civil contract, nor do we believe that it is conducive to the welfare of mankind that it should be so regarded. On the contrary we believe that every step taken towards giving a facility for divorce is a step in a dangerous direction, and in this opinion we believe that we are borne out by Divine teaching as well as by human experience. When our Saviour said that "whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery," He gave no sanction to the modern doctrine of divorce; the proposition here is purely negative; it gives no foundation for the argument which people seek to base upon it, and the concluding words of the verse directly militate against such an assumption. By no such sophism can we set aside the great command—"What God hath joined together let no man put asunder." It is true that there is a class of marriages so devoid of anything in accordance with what the Bible teaches upon the subject, that the rule is scarcely applicable. When people are joined together, simply as a matter of convenience or profit, making a contract as in ordinary business, and without any idea of religion in connection with it, the finger of God is not in their union. It is no marriage in the proper sense of the word, and as it has begun so it may end. We believe, however, that the people of Upper Canada, as a whole, do not so regard marriage. They do not want to see it reduced to a mere civil contract, which may be set aside at any moment to gratify idle caprice or sensual desire. They do not want to have here the lamentable scenes which daily occur under the laws existing in many States of the Union, which strike at the root of all social happiness, and are deadly foes to religion and morality; and we believe that they will set their faces against all legislation which may tend to bring about a similar state of things.

We would also commend to the *Globe's* careful perusal the following paragraph on this subject, clipped from a late number of the *London Times*:—

A NET FOR THE GLOBE TO CRACK.—In the course of a trial yesterday in the Irish Court of Queen's Bench, arising out of a case of wife-desertion, some opinions transpired not very favorable to the working of the Divorce Court. For instance:—"The Chief Justice—He (the defendant) might have gone into the Divorce Court and stated that he was tired of the marriage and tried to get rid of it in that way. Mr. Rolleston.—Fortunately the Divorce Court does not extend to Ireland. The Chief Baron.—Well, then, they might have gone to England, for I understand they have jurisdiction there over our Irish marriages. Mr. Sergeant O'Hagan.—We have not got a Divorce Court in Ireland yet. The Chief Justice.—And I hope we never will.—Mr. Sergeant O'Hagan.—It is the greatest sign of the decadence of public morals, and I say it with great deference to the Legislature which passed the Act and the judges who administer it." This is something like Irish unanimity, as remarkable as it is rare.—*Times* 9th inst.

ANOTHER PAPAL DEMONSTRATION.

The second great meeting of the Catholics of Canada to express their sympathy with the Sovereign Pontiff, was held pursuant to announcement in the Parish Church at 7 p.m. on Sunday last. The immense edifice was literally crammed, and the demonstration was in every respect most splendid.

His Lordship the Bishop of Montreal presided, as on the first Catholic meeting at St. Patrick's Church, and was attended on the platform by a large body of our most distinguished French Canadian citizens. Dr. Deaubien, the President of the St. Jean Baptiste Society, having been called to the Chair, explained to the audience the motive of the assembly, and the manner in which the proceedings were to be conducted.—M. Cherrier then rose and read the first paragraph of the intended Address to the Pope, supporting it by an eloquent and most argumentative discourse; he was seconded by Dr. Meilleur:—

"We, Catholics of the city of Montreal, having learned with profound grief of the serious attacks lately directed against the temporal Sovereignty of your Holiness, and the still more serious attacks with which it is menaced, would deem ourselves wanting in the duty imposed on us by the noble traditions bequeathed to us by our ancestors, by the benefits conferred upon us by Providence in the many trials to which we have been subjected, and by the fatherly solicitude which your Holiness and your predecessors have always shown to us, were we not to lay at this moment, at the feet of your Holiness, the expression of our most sincere attachment, and respectful devotion."

The next paragraph of the Address was moved by the Hon. M. Chauveau, seconded by M. Moreau:—

"The possession of the States belonging to your Holiness by titles as sacred as those of all the other Sovereigns of Europe being closely bound up with the free administration of ecclesiastical affairs throughout the Catholic world; and hatred of our Holy Religion being the chief cause of the efforts made to wrest from your Holiness a portion of your dominions; we have believed it to be our duty to join our voices, feeble though they be, to those which from all quarters are directed towards the throne of the successor of St. Peter."

M. Loranger, in a brilliant discourse, proposed the next paragraph, which was seconded by M. Trudeau:—

"With all our strength we pray the God of justice and mercy to keep you in possession of the heritage which ages have transmitted to the Church, and which you defend with so much courage and firmness; that He may render that possession so precious as to enable you to carry out the projects which you cherish, for the happiness of your people, and the honor of our holy religion; and that He will continue to endow your Holiness with those favors and graces which make manifest in the person of your Holiness, as in the persons of your predecessors, the most lovely sight that can be given to the world—that of material weakness, goodness and justice, supported by a great moral power, nobly contending with force, error, and hatred."

The Hon. M. Renaud, seconded by M. Pominville, proposed the next paragraph of the Address:—

"And whatever may be the trials reserved for the visible head of the Church, we hope that supported by divine Providence, our faith and our love shall in no wise be shaken; but, were it possible, that they may be increased—and to this end we pray of you to bestow on us those apostolic benedictions through which so many blessings are accorded to the faithful."

It was then proposed by M. Ouzimet, M.P.P., seconded by M. Valois, that:—

"All the Catholics of the rural parishes of the