

Mr. Young tendered the book.

J. W. Johnston examined Mr. Ring as to the admission of the book—the practice was to elect as vacancies occurred, a new officer out of the body of the people—the record of the original constitution is in the book—the Wardens were elected from the body of electors—can't say who was Parish Priest—Father Laughlin was Vicar General—Bishop Walsh was Coadjutor Bishop—Bishop Fraser was actual Bishop of the Diocese—I am not personally acquainted with the original constitution of the electors—I was present at the meeting of wardens and electors when the power was transferred to the Bishop. I never read the constitution. I do not know that the wardens and electors had the right to divest themselves of the power with which they were invested.

Mr. Johnston objected to the admission of the book of record—it was received subject to the objection.

The minutes of the meeting—4th Nov. 1842, were read.

Mr. Ring—by Mr. Young. Since that meeting his Lordship has exercised full power over the temporalities of the Church. Dr. Walsh was Coadjutor Bishop at that time. I am not aware that his power was in any way limited by this. I considered he was a Bishop and recognized him as such.

Cross examined by Mr. Johnston. The wardens met four times a year, and if there were any vacancies we elected a person to fill the place—we elected the wardens from the electors, and the electors appointed a committee to examine the accounts. All the collections and pew rents were paid to the wardens—they had no control over the Easter and Christmas Offerings. The wardens laid out the money—paid for painting, &c., and then paid over the remaining portion to the Parish Priest. The pews were rented annually, but a pew holder held his pew without any molestation unless he did not pay his rent. When a pew holder died it was the practice for his widow to hold the pew without molestation upon paying the rent—the rents were payable at the wardens office—they were payable on the first of January, and so quarterly. If the rent was not paid, thirty days grace was allowed when the pews might be sold. They were let from year to year for an indefinite

term as long as the rent was paid. The wardens had no authority to turn a man out of his pew if he paid his rent. Since 1842 the temporalities have been managed under the direction of the Bishop. Mr. Donohoe was appointed Sexton by the wardens—I don't think the wardens could appoint a Sexton without the sanction of the Parish Priest—the rents are now collected by the Sexton—he is appointed by the Bishop. Very fortunately the parishioners have nothing to do with the management of their temporalities. Mr. D. Creamer at first refused to sign the resolution, but afterwards concluded to do so.

Hon. E. Kenny, sworn—Has been a member of St. Mary's congregation for a long period. Was warden in charge in 1838—was an elector in 1842. I was present at the meeting spoken of—that is my signature—by that Resolution I consented voluntarily to surrender the power I possessed into the hands of Bishop Walsh. Since 1842 the Bishop has had control and possession of the Chapel—I know of no other authority to affect the management of the Chapel besides the Bishop. There is no controlling power in the world over the Bishop, with the exception of the Pope. Since 1842 to the present time Bishop Walsh has exercised the same power which the wardens and electors theretofore exercised.

Cross examined—I have been more or less acquainted with the church for twenty-five years. I came here when the church was being built—it was built under the superintendance of the wardens and directors. The monies for building the church were collected from the Parishioners. After the church was completed the debts remaining on it were paid off by the monies arising from the pew rent. The building has been used as a place of worship for 21 years. The pews were put up to public competition when they were finished—the pews were set up, and he who paid the most rent obtained the pew. My brother got a pew at that time—has held it ever since,—but few of the original buyers now hold the same pews they first bought—the reason is that many have died—many gone away, or voluntarily changed their pews—and some have been dispossessed, in consequence of not paying up their arrears. Mr. Carten has held his pew since the first