

tion, they repeatedly informed the said agents of such decree of the administrator of the diocese, and that in consequence thereof ecclesiastical burial could not be granted and was refused, but that they were ready as civil officers to bury the remains civilly, and authenticate the death according to law, which offer was never accepted by the Plaintiff or her agents, and that, having regard to the above facts, the Plaintiff could not claim from the Respondents for the remains of her late husband more than civil burial, and that under the conditions laid down by the ecclesiastical laws of the Roman Catholic Church, which the Respondents had never refused. The plea then concluded by saying that the Respondents had refused nothing but ecclesiastical burial, for the refusal of which they were responsible only before the religious and not before the civil authority.

The widow filed several answers to these pleas, some in the nature of demurrers, some of traverses of the facts alleged, and to the third plea also a special answer, setting out the facts with respect to the dispute between the Institute, the Bishop, and the Court of Rome,—which have been already mentioned.

The Respondents joined issue on these answers, and also, by leave of the Court, filed a special replication to the Petitioner's third answer to the Respondent's third plea; in which, after repeating that the Civil Courts were incompetent to question a decision of the ecclesiastical authorities on ecclesiastical matters, and could not inquire into the grounds upon which ecclesiastical burial had been refused to Guibord, they, nevertheless, cited the decrees of the Council of Trent with regard to the Index and the proceeding relating to the Institute, and concluded by an averment that, in consequence of the premises, Guibord at the time of his death must be considered as "un pécheur public," and, as such, obnoxious to the canonical penalties by the Roman Catholic ritual, among which was privation of sepulture.

That the members of the Institute having refused to obey the pastoral, and persisted in their refusal, "le jugement de l'Évêque imposant la peine canonique sus-mentionnée est demeuré en pleine force et effet."