

On the 23rd of November, the widow presented a petition to the Superior Court setting out the facts and prayed that a mandamus might issue as above stated.

On the 24th, one of the Judges of the Superior Court ordered a writ of mandamus to issue; but it must be observed that the writ issued was a writ of summons calling upon the Defendants to appear and answer the demand which should be made against them by the Plaintiff, for the causes mentioned in the said petition thereto annexed. The proceeding was in substance the same as a rule to show cause why a writ of mandamus should not be issued. The Defendants appeared and filed a petition praying that the writ might be annulled for irregularity, upon the ground that it was a writ of summons and not a writ of mandamus, and also upon other technical objections. The Defendants, at the same time, filed a traverse of the Plaintiff's petition and three pleas. The first plea was to the same effect as the petition of the Defendants, and set up the same alleged grounds of irregularity, and pointed out the same defects as those mentioned in that petition.

The second plea in substance denied that the Respondents had refused to bury the deceased, and alleged that they were entitled to point out the place in the cemetery where he should be buried, and that they were ready to do so, and to give him such burial as he was entitled to.

The third plea averred that the service (*culte*) of the Roman Catholic religion in Canada is free, and the exercise of its religious ceremonies of whatever nature is independent of all civil interference or control; that, for the purpose of assuring the freedom of that religion, the law recognizes the Respondents as proprietors of the Roman Catholic parish church of Montreal, and of its parsonage, cemeteries, and other dependencies, which are all Roman Catholic property devoted to the exclusive use and exercise of religion, and subject to the exclusive control and management of the Respondents, and of the Superior Roman Catholic ecclesiastical authority; that the Respondents, in such capacity, had for more than ten years been proprietors and in possession of