

to Rome it would require some signature to authenticate it, I think the signature of the Bishop or Vicar General necessary in an ecclesiastical court—but it is not necessary to the validity of the document—a monition is necessary to an excommunication, I consider the first of these papers a monition and an excommunication both—still the monition precedes the excommunication. It is not necessary for the validity of the excommunication, that any other sentence should be pronounced, Some time is given between the monition and the excommunication for retraction. I hold that a Catholic Bishop can by assigning one reason from the altar, declare that unless a party come before his church before some future time, and repent of his contumacy, he is *nunc pro tunc* excommunicated—the sentence does not come into operation until the time shall have expired—no further sentence is required. Sentence can be declared without any further notice to the offending party. I was not present when either of these papers was read from the altar; it is a general rule that a promulgation should be made in all public excommunications. Theologians assign 7 consequences of an excommunication—one is exclusion from the church—no rites can be celebrated in the presence of the excommunicate—he can not be present at the sacrifice, and is deprived of the reception and administration of the Sacrament: he is cut off from communication with the faithful, which in Catholic countries has a different meaning from what it has in this. I have read of instances of secret excommunication. If the Bishop were to excommunicate a party and confine that to himself alone the party would not be deemed excommunicate—the party has no means of disproving the facts alleged against him before the monition takes place—the person must know that the excommunication is to take place—I believe that a civil tribunal has no right to judge as to who shall or shall not enter a Catholic Church, the Bishop requires motives and strong motives to excommunicate a party—the party is not required to be present before excommunication—the monition can be read from the Altar before any previous notice has been given to the delinquent.

Mr. Johnson objected to the reception of the document, it not having been pleaded.

It was received subject to all the objections—and read.

The second Document was tendered and refused.

Mr. Connolly's evidence continued—I left Halifax on the 5th April—I heard that the sentence of excommunication had passed while I was in New York—I attended the meeting in February at St. Mary's, and observed the irreverent conduct of Mr. Carten there—some excitement being manifested in the body of the Court and Gallery, the Judge adjourned the Court until 10 o'clock the following morning—threatening that were the same conduct persisted in, he would adjourn it *sine die*.

Mr. Connolly—On my return I found these proceedings had been taken against Mr. Carten—I was in Halifax from that time till the trespass took place. Mr. Carten came to Chapel surreptitiously on the 29th June—it was not known that he did so until the service was nearly over. If it had been known in time the service must have been stopped.—When it came to my knowledge I held a consultation with the Bishop, and we decided to allow the service to proceed, in order to prevent the scandal which would have occurred had we put a stop to the service, as it was then nearly over. I gave instructions to the Sexton—to be most particular not to touch Mr. Carten—to stand two or three feet within the church, and only to prevent his ingress if he attempted to force his way. Up to the first of July Mrs. Carten and her children came to the chapel, and would never have been disturbed had it not been for Mr. Carten's attempt at intrusion.

Mr. Young here tendered the record book of the Electors of St. Mary's. It was received and read.

Mr. Connolly—cross-examined—The office of Vicar General is co-ordinate with that of the Bishop in his jurisdiction—I could dismiss a priest—I could excommunicate. The Bishop could reverse my decision. Mr. Laughnan was Vicar General when I came here in 1842. When the Bishop came back Mr. Laughnan was not Vicar General of this Diocese. I performed duties higher than those belonging to an ordinary Priest—by order of the Bishop.—The Bishop can appoint a Priest to perform services other than those pertaining to his office. A Bishop has full control over all the temporalities of his diocese. In Catholic countries, and even in Ireland, the Parish Priest has certain rights independent of the Bishop. The Parish Priest keeps the keys, and has civil possession of the church. A Parish Priest canonically appointed can not be removed, unless