

presiding Bishop may object but after he is once received he can not deprive him of his office. This change spoken of in 1842, was made with the sanction and approval of the Bishop of the Diocese. Since Dr. Walsh has been appointed Bishop he has in fact had the control, and been owner and possessor of the Cathedral of St. Mary's. Dr. Walsh receives the whole pew rents and revenues—he administers them, he appoints all officers—they hold their offices at his will as their ecclesiastical superior and may be dismissed at any time. There is no authority which can control the Bishop in the exercise of this power. There is an appeal to the sacred congregation at Rome. The Bishop has a right to shut up the Church at his pleasure by a local interdict. It has been the case throughout entire states. The whole City of Venice was at one time placed under such an interdict. The lawful possession to the Cathedral of Saint Mary's, is according to the laws of the Catholic Church at present vested in the Bishop of this Diocese. There is a power in the Church of excommunicating any member. The power belongs to the Bishop locally, to the Pope as head of the Universal Church, the Vicar General may exercise this power within the limits of the Diocese. The Bishop is obliged to assign at least one reason for such excommunication. The Bishop alone is judge of that reason—the laws of our Church intrust to our Bishop the sole and absolute authority to pronounce such sentence. I believe that the Bishop can excommunicate without assigning a reason in writing—but if there were an appeal to Rome it may be prejudicial to his cause if it were not in writing; there is no other power exercising these functions except those I have named. A sentence of expulsion is authenticated by the writing of him who commanded it. A Bishop is not obliged to consult his Vicar General before passing sentence of excommunication on any party—but it is generally done for his own safety. I knew the defendant, previous to July 1849, he held a pew in St. Mary's—there were some of the duties of a Catholic which he did not perform; according to a decree of the fourth Council of Latern it is made necessary for every Catholic to go once a year to confession and communion—the omission of these du-

ties is ground for excommunication.—Samuel Carten is not a Catholic now—I swear that he is not a member of the Congregation, nor is he a pew holder, nor recognised as such; he ceased to be a Catholic by the excommunication read from the Altar. I have seen that paper before, it is in Dr. Walsh's hand writing. I left Halifax for New York on the 5th April, and returned 19th May. I was present at a meeting in St. Mary's Cathedral, at which the Plaintiff was present—it was held the 25th Feby.

Mr. Young here asked the witness if there was anything in the demeanour of Mr. Carten at that meeting which attracted his (the witnesses) attention.

Mr. Ritchie objected to the question upon the ground that circumstances which took place several months before the excommunication could not be pleaded.

Mr. Young replied and Mr. Johnston was heard in answer.

His Lordship decided that the evidence of the expulsion should be admitted, subject to all the objections urged by the Counsel for the Plaintiff.

Mr. Connolly's examination proceeded with.—The paper is a sentence of excommunication according to the forms of the Catholic Church; there is far more in this paper than is required by Roman Catholic law to establish its validity; this paper is a sentence of excommunication by Catholic law; does not know a better form to authenticate a sentence of excommunication than that it should be under the Seal and in the hand writing of the Bishop; no other forms are required; the signature of no other person is necessary; all the forms necessary by the rules of the Church are observed in this document—its record is not required. If I were called upon to pass such a sentence I could not imagine a better form.

Mr. Young here tendered the document.

Mr. Connolly—examined as to the paper by Mr. Ritchie. I knew that this paper was to be executed when I went away, and I ascertained after I returned that it had been finished; I don't think the first paper has the Bishop's signature to it; I mean to say that Mr. Carten would have incurred excommunication had the last paper never been written—the first paper is dated the 15th April, and the next the 1st May. If this paper were sent