

spiritual light, it would be the gravest description which could be committed by a Catholic. Any Roman Catholic clergyman who would have married, as suggested by the paragraph, would be shunned by all his co-religionists. Great importance is attached to the vow of celibacy taken by the holders of the priestly office. I would infer, from reading the local, that the person who wrote it had mistaken the Dominican Order for that of the Sisters of Mercy. Substituting the Order of St. Dominic for the Order of Sisters of Mercy, I would regard it as a direct attack upon the Order of St. Dominic, and infer that one of that Order had broken her vows by marrying.

To Mr. Howorth: The marriage of Father Hyacinthe gave considerable scandal to the Roman Catholic Church; but I do not think that the Protestant community looked upon it in the same light. I do not think Father Hyacinthe would be received into the greater part of what is understood as respectable society in England. I made use of no such word as spiritual perjury, but perjury in a spiritual light in reference to the next world. I cannot repeat the forms of the vows of celibacy. The substance of them is to abstain from matrimony. I am not aware that I ever saw the forms laid down.

John Joseph Connor deposed: I am a printer, and reside in Dunedin. I belong to the Roman Catholic Church. I read the local in the 'Evening Star' of the 3rd July. It produced the impression in my mind that a very great wrong had been done to the Catholic body of this Colony. As a matter of fact, I understood it to mean that one of our clergy residing in Dunedin had broken through his vows taken as a Catholic priest and married one of the nuns resident in Dunedin. All Catholics would regard such a priest as having fallen to the lowest depths to which a person could possibly fall. The local in the 'Star' has created a feeling of great wrong among the Catholic body in Dunedin.

To Mr. Howorth: I am prepared to say that the Dunedin public outside the members of the Catholic Church are very much concerned in regard to the publication of that paragraph. I am a printer, and an overseer in the office in which the TABLET is printed.

Mr. Howorth: Who is the proprietor of the TABLET?

Mr. Macassey: I submit that we have nothing to do with that. His Worship agreed with Mr. Macassey.

Mr. Howorth remarked that the Bench was very indulgent to his learned friend.

His Worship: I do not admit that.

Mr. Howorth submitted that the question should be put.

His Worship: I do not see the bearing of the question. If you wish to ascertain who is the proprietor you can do so by calling the Deputy-Registrar of the Supreme Court.

Mr. Howorth: The affidavit does not give us the information.

Mr. Macassey: Did you prepare it?

Mr. Howorth replied that he did not.

His Worship said that he would not decide the question finally then. If Mr. Howorth would refer to the matter in his defence he would then consider it.

Mr. Howorth: Did you see this article in last week's TABLET?

Mr. Macassey: The witness should be put on his guard before answering the question.

Mr. Howorth: I put it forward as a matter of contempt of Court. That question I will leave your Worship to deal with. I am not putting it forward as a matter of libel. Unless the witness feels that it contains libel he will answer the question. Did you print this article.

Mr. Macassey: I ask that your Worship will conduct one enquiry at a time. If Mr. Howorth wishes to bring it forward, we will be quite prepared to meet it at a proper time. But the question now before the Court is whether or not the paragraph in the 'Star' is of a defamatory character.

His Worship: I am clearly of opinion that the question is not admissible at this stage of the enquiry. If Mr. Howorth wishes to have it put in his defence, I will take the matter into careful consideration then. But I do not see how the article in the TABLET bears upon a libel published previously. You assume that I am trying the case, while I am not doing anything of the kind. The question before the Court being, is there a *prima facie* case to warrant a committal?

Mr. Howorth: That is the greater reason why you should go into these matters.

His Worship: I think you should confine your questions to what the witness stated in his examination in chief. That is my ruling.

Mr. Howorth: You rule that I am not at liberty to ask who the proprietors of the paper are, or to read any portion of the article which it contains?

His Worship: Not just now.

Mr. Howorth: I hope, before the case is over, your Worship will see the necessity of these questions.

His Worship: You cannot be in the slightest degree prejudiced by anything that I may do here to day.

Mr. Howorth: Is the NEW ZEALAND TABLET written in the interests of Roman Catholics of this diocese?

Question disallowed.

Mr. Howorth: I ask permission to read to the witness an extract from the TABLET of July 7th.

Permission refused.

Michael Fleming deposed: I am a produce dealer in Dunedin, and am a member of the Roman Catholic Church. I read the paragraph in the 'Evening Star' of July 3rd. I considered it a great wrong and insult to the Catholics of New Zealand. I would regard a priest who got married as a rotten branch of the Church. The paragraph in question has caused great feeling among the Roman Catholics.

Dr. Moran deposed: I hold the office of Roman Catholic Bishop of Dunedin, and arrived in Dunedin on the 18th February, 1871; but was appointed in 1869. I was previously Bishop in Grahamstown, Cape of Good Hope. During the whole of my life, I have been connected with the Catholic Church, and have been a Bishop for twenty years. I read a local in the 'Star' of July 3,

I observe a reference in it to Père Hyacinthe, I understand that this paragraph charges one of the Catholic clergymen of Dunedin with having broken his vow of celibacy, and thrown off his obligation of obedience to the Church and Bishop, and married a wife. Supposing that a priest had done what is stated, or insinuated here as being true, he would have incurred the penalty of suspension, excommunication, and deposition also. In the event of a nun marrying a priest, she would be subjected to excommunication, and, according to the law of the Church, to perpetual imprisonment and penance. I understand the allusion to Père Hyacinthe to mean that he broke his vow of chastity, disobeyed the Church, and married wife. When this occurrence took place it gave the most grievous scandal, and the most intense pain to all Catholics. Judging from what I know to have occurred already in this Province, and from my knowledge of the effect produced by similar reports elsewhere—

Mr. Howorth: You are going beyond your knowledge.

The witness: You have no right to make such an observation. It is open to you to disprove what I am saying. I am on my oath. In my opinion the effect of that paragraph will be most injurious to the character of the priests here. I do not think that the evil can ever be rectified fully. I have three clergymen in Dunedin, and I have been resident here ever since my arrival in this Colony, with the exception of a short absence at Wellington. I am personally acquainted with all the priests who have ever been resident in Dunedin since I came here. They have always resided in my house. The three clergymen who resided with me at the time of the publication of the local in the 'Star' had been staying with me since the beginning of the year. There is not the slightest foundation for saying that one of them has cast off the trammels of the Church, and taken a wife. There is no such Order here as the Sisters of Mercy, but there is one of the Order of Saint Dominic. There is not the slightest truth in the suggestion that a nun has been married to a priest, or anyone else.

To Mr. Howorth: I did not say anything to Mr. Bell before laying the criminal information. It was his business to know that it was not true before publishing it. I have serious doubts as to whether he would have published a refutation of it, even if I did tell him that it was not true. I observe that the paragraph commences by stating that the 'Tuapeka Times' gives currency to the report. I have given instructions for proceedings to be instituted against the 'Tuapeka Times', but I have not yet sworn the information. I made no enquiries whatever as to the circumstances under which the 'Evening Star' published the paragraph. I take proceedings against Mr. Bell because he is the proprietor of the paper. It has nothing to do with the case whether Mr. Bell was personally concerned in the publication or not. I did not know that he was personally concerned in it or otherwise. I have seen the same paragraph in other papers, but I have not as yet commenced proceedings against any of them. The paragraph also appeared in the NEW ZEALAND TABLET, which is the organ of the Roman Catholics of Dunedin. I saw the article which was published in the TABLET of July the 7th.

His Worship: I do not think that I can load the depositions with anything which took place before the publication of the alleged libel.

Mr. Howorth: The Bishop has stated that the TABLET defends the views of the Catholics of Dunedin. In the article of which I am speaking this very paragraph is re-published.

His Worship: Do you mean to say that it is put in without any remark?

Mr. Howorth: Other papers are copying the TABLET article.

His Worship: That does not affect the alleged libel, published previously. The paragraph did not appear in the TABLET the same as in the 'Star.'

In reply to a further remark from Mr. Howorth,

The Witness said: You do not know what action I may take against the TABLET.—(Laughter.)

His Worship said that if Mr. Howorth would keep in mind what he had previously stated, it would save this discussion.

Mr. Howorth said that he wished when he would come to the defence, to put the article which appeared in the TABLET in as evidence.

His Worship: As you have mentioned it now, I may as well say that I will not allow you to do so.

Mr. Howorth: I wish to show the way the Catholics treated the thing in their own organ.

His Worship: No more remarks must be made on this point. We must keep some sort of order.

Mr. Howorth (to witness): What is a vow of celibacy?

The Witness: A vow to abstain from matrimony, and all sins against chastity.

Mr. Howorth: Marriage, then, is not unchastity?

The Witness: I am astonished that you ask me such a question in a Christian Court. I do not wish to be disrespectful to the Bench; but I never heard such a monstrous question.

Mr. Howorth: I do not see anything objectionable in the question.

The Witness: Then I pity you.

Mr. Howorth: Did priests marry in the early ages of the Church?

The Witness: The present case refers to clergymen who had taken the vow of celibacy. If we go into the historical question we will never be done.

Mr. Howorth: I submit that is a question that should be answered. I do not see why Bishop Moran should suppose himself above other witnesses. I ask his Lordship if he knows how long the vow of celibacy has prevailed in the Roman Catholic Church.

The Witness: I have no difficulty in answering the question, but if you enter into it you will never be done. If your Worship says that I am to answer the question I will do so, but not otherwise.

His Worship: I say no.

(Concluded on page 12.)