

excluded, was the only answer he obtained, and when he quietly attempted to enter he was jostled, seized by the collar, and by main force borne into the middle of the street, and was obliged to return home, his clothes disordered and torn. The reasons for Mr C's. exclusion were studiously kept from him, but we have every reason to infer that there was some lurking, latent reason, which has not yet been brought to light, and it was determined that revenge should be taken in this instance, for old scores. Happy is it for my client that he lives in a country where the rights of all men are equally respected—where the rich and poor, the exalted and the humble, find equal justice from a Jury of their countrymen.

[The learned Counsel was here about to enter into an explanation of the newspaper controversy which had taken place, when he was interrupted by the Counsel for the defendant, Mr. W. Young, who objected upon legal grounds to the introduction of that portion of the subject into the trial.—Mr. Johnston followed in answer, and His Lordship Mr. Justice Haliburton ruled, that no evidence which rightly belonged to a trial for libel could be introduced in an action of trespass—and therefore the learned Counsel could not advert to the articles which had appeared, on either side, in the newspapers.]

Mr Ritchie, continued.—He said the case had not been entered into hastily by his Client; in proof of which he referred to several letters to Bishop Walsh and one from himself as counsel for Mr Carten to his Lordship enclosing amount of money as Mr Carten's pew rent,—to none of which letters had any written answer been returned—the money for the pew rent having been sent back without a reply. Mr C. felt it due to his family and himself, that this matter should be brought under your consideration, and he was obliged to come before you. Now, under all these circumstances I shall close, feeling that I have occupied a long portion of your time. The assault is an aggravated one, committed on the Sabbath day and in the face of a whole congregation, and he and his family have from that time to this been deprived of the benefit of his Church. This is an action brought by a Roman Catholic against his Bishop—as such you must view it, and in viewing it I ask you

to contrast the quiet demeanor of the man with the unchristian-like conduct of the Bishop;—I ask you to do my client nothing but justice—I seek no favor at your hands. With these remarks I leave this case to your judgment. Seldom have I felt the responsibility which weighs upon me as a counsel more than at present—but I feel that any deficiency of mine will be amply recompensed by the good sense and right feeling of the Jury I see before me.

Evidence.

Margaret Carten—Is a daughter of Samuel Carten—went with her father on or about the first of July last to Chapel. When he came to the door as usual, the Sexton said—You cannot come in here, —Michael Keefe is Sexton,—it was for eleven o'clock service—the people were assembling for worship. Father was just putting his foot on the step, when he was accosted by Keefe, who laid his hand upon his shoulder. My father asked him by whose authority he stopped him from going in? He said, "I wont tell you"—My father said he would go into his pew, unless any of the Clergymen should prohibit him. Keefe then said again, "You shan't come in." My father then tried to go in, and Keefe and a man by the name of Patrick Gowan laid their hands on his collar, and pushed him back violently a good distance from the door. There were a number of others who took him by the collar, and pushed him—some had him by the back of the coat, and others in front—pushing him backward and forward. My father was pushed back to the middle of the street, a considerable distance. He said that he would go into his pew—a pew he had held for 20 years—and asked by whose authority he was prevented. He attempted to go in, and was again hustled and pushed back. We then, my father and myself, left the door and went home. Father's clothes were all disordered, and his shirt torn behind—during all this time he was not told by whose order he was prevented from going into the Church—although he asked twice. I was there once, just inside, but did not stay any time. My two sisters went to the Chapel after this—my mother has never been there—I went to the Chapel on the 8th of July for the purpose of paying new rent. I offered the pew rent to the Sexton, but he