

that William Walsh had full right to St. Mary's Chapel, by the rules, canons, and discipline of the Roman Catholic Church. Such principles are unknown to me, gentlemen, as, I doubt not, they are unknown to you. I know not what evidence the defendant may be enabled to adduce on this point, but I feel convinced that you could not entertain for a moment principles so utterly at variance with the dictates of common sense and justice. Nor do I believe that even by the polity of the Catholic Church, will they be enabled to prove to us the existence of such rules, canons, or discipline, as will justify the commission of the act upon which the present action is grounded.

[The learned Counsel here read a portion of the defendant's pleas, averring that the plaintiff was neither a Roman Catholic, a pew-holder, nor a member of the congregation.]

Proof of this may be attempted, gentlemen, but it must fail. If there be such an impression abroad it is founded not upon the fact that it is so—but from an assertion by one of the defendants to that effect. At this moment he is a pew holder and a Roman Catholic—and it will rest upon the defendants to prove by testimony the most conclusive and convincing that such is not the case, before you will be entitled to believe it. Why, gentlemen, for thirty years has Samuel Carten regularly attended the Catholic Church; before a stone was laid in St. Mary's, was he a pew holder in the old Church, and it so happens that when St. Mary's Chapel was built he, was the very first man who took a pew within it. Again it is asserted that he was not a member of the congregation, and therefore had no right to enter the Church;—but this even if true should never have found its way into the Pleas, it is an inference made up of law and fact. But let us for a moment admit the truth of all the statements contained in the Pleas—I ask you, gentlemen, if, when St. Mary's, a public Chapel was opened for divine worship, the Bishop of this Diocese would be justified in attempting to prevent the admission of any man within its portals? I think not, and if my supposition be true how much less would he be justified in preventing the admission of a man like, Mr Carten, having rights and privileges to which a stranger could lay no claim. That the

Bishop has the sole, absolute, undisputed controul over a building erected by the Catholic community of Halifax, at their own charge, is a doctrine absolutely too monstrous to be entertained for a moment; and yet, the Pleas of the defendant assert this. What? has he the right to close it up? Yes! What! has he the power to turn it into a private dwelling house!—Yes! What! could he without the sanction of his congregation—nay, in opposition to their very wishes, rent it out as he would his own property? Yes! These, gentlemen, are the answers which would be given you, were you to direct such queries to the defendants in this action—and this the doctrine you are called upon to assert as just—this the principle which you are required to uphold. The defendants do not deny that a trespass has been committed, nor that Mr. Walsh as Bishop, commanded Mr. Carten forcibly to be ejected from the building. I will not veil the fact from you, gentlemen, that the defendant brought more prominently before you is Doctor Walsh—the two others, Keefe and Gowan, acting under his directions, and by his command, are not the parties aimed at; and I have yet to be convinced that, by the Rules, Canons, or discipline of the Catholic Church, any such power is conferred on him. Not only, gentlemen, is Samuel Carten a Catholic, but his family composed chiefly of females are Catholics also; imagine for a moment the position of that family—the father insulted, driven from the altar of himself and his forefathers—his innocent family deprived of that privilege which every christian values so highly—that of offering up according to the forms of the Church to which they belong—those supplications to the throne of mercy to which they had ever been accustomed. Now, gentlemen, what are the real facts of this case;—on the 29th July Mr. Carten, being a pew holder, a Catholic, and a member of the congregation of St. Mary's, went up to the chapel for the purpose of worshipping his God,—he was met at the door by two persons who resisted his entrance violently;—he did not return violence for violence—but asked by whose authority he was excluded and stated that if the Bishop or Priest should inform him that he could not obtain admittance he would not attempt it—but no satisfaction was given him. You are