

(The learned counsel here read a portion of Mr. Young's speech for the defence.)

Now, gentlemen, this language goes as far as it is possible for language to go, and claims an authority as powerful as authority could be. The learned counsel was mistaken in saying that he claimed no greater power for the Catholic Bishop, in administering the laws of his Church, than was vested in some portion of every religious body. I assert that no such power as the Bishop demands is laid claim to by any—there is no legal power exercised by any body of Christians which would justify them in expelling a party from their Church during service, even after he had been excommunicated. I really, gentlemen, could not help thinking that the learned counsel was unfortunate in some of his illustrations. That was certainly an extensive requirement which claimed for the Catholic Church an unbroken and magnificent line of succession from Bishop Walsh to our Saviour.—The learned counsel must have been mistaken in tracing that line up to so high an authority. It was not from the Saviour that such a power could spring—he was not troubled much by the care of temporalities or the troubles of secular affairs. Neither do we find from what took place in the upper chambers, where the early christians met, that they were sought for by them. No, no, they desired to be freed from all such care—they wished to be disengaged from all earthly trouble—they sought not all the power *and all the temporalities*; to me it seems as though the learned Counsel should have stopped at some respectful distance from the age of the Apostles, and the period of our Saviour's existence upon earth. The learned Counsel then asks:—"Does Samuel Carten think that he is going to shake this system;" he has no such idea, no such wish. Mr. Carten is seeking from this Court, justice for a wrong done him—reparation for an outrage perpetrated upon him. But he does not stop here, he goes on to ask:—"Who is Samuel Carten?" and then answering the question himself, he says—I believe he can just write his name. Whatever feelings dictated these remarks, or in whatever spirit they were made, I think, gentlemen, that you will agree with me that they might just as well have been spared. Mr. Ritchie in opening this case to you, said not one word which did not belong to it; and in that lies the distinction between a party who travels out of a case to wound the feelings of another, and he who deals fairly and justly with those subjects which come under his consideration. This is not the first time, however, in matters connected with the present action, that Mr. Carten has been reproached with the lowliness of his condition.

This reproach is *surely* not consistent with the principles of a Church, the glories of whose hierarchy extend back in one *brilliant and magnificent* line to the Apostles and the incarnate son of God; how can such a principle be contended for as held by one who was content to be upon earth a Carpenter's son—or of those who as Meehanics were content to minister to their respective wants, and who neither laid claim to *all the power*, nor *all the temporalities*. The learned Counsel was extremely kind to us, who did not bask in the sunshine of Episcopal knowledge, when he said, he hoped the Counsel for the Plaintiff were ignorant of the effects of excommunication. It is because we do know the effects, gentlemen, that we abhor the act; it is because we well understand its illegality that we oppose the principle. You, gentlemen, are not so well aware of the proceedings in a Court of Justice, as we who are engaged here on all occasions, and I doubt not but you were somewhat taken aback when the learned Counsel so sympathetically offered to spare the feelings of Mr. Carten the reading of the excommunication. What means all this sudden regard for the feelings of the plaintiff? Such was the question we asked ourselves, and we felt at once there was a screw loose somewhere; the result proved our surmise to be correct,—it was not admissable evidence—the document could not be adequately proved; and therefore the learned Counsel, not from any regard to Mr. Carten's feelings, wished to get the document quietly before you without any objection. But the learned Counsel is not content with all the power—he must also claim the victory for his clients in the newspaper controversy, in which he tells you that if there was point on one side, there was abundant insolence on the other. This, gentlemen, was what we might have expected; after having been told of the consummate ability of the Bishop—and ascertained that he wielded the sharper sword, we might suppose that he would cut the deeper.

Let me now turn your attention to Mr. Connolly's examination; he tells you that the Bishop received from the wardens and electors of St Mary's in 1842 the controlling power which they exercised over the temporalities of St. Mary's; and that since March, 1845, he has been the absolute and uncontrolled owner and possessor of the same; that Mr. Carten had been excommunicated, &c.; and that a monition and an excommunication sometimes went together. But mark this most singular fact, that when asked by Mr. Ritchie whether he could put his hand upon a single precedent confirming such a course, he stated that he could not. It was also stated by the learned Counsel that this was not the course pursued