

would, at that solemn and impressive hour—forgetting the devotion which prostrated the whole people—have grinned at such a ceremony and in such a presence,—and this vile and unchristian act has Samuel Carten perpetrated, not once but fifty times. I shall prove to you that again and again the members of the congregation complained of Mr. Carten's demeanour during divine service—and that the officiating Priest has been obliged to keep his eye turned from him in order to prevent his being insulted—and yet in the face of all this, the learned Counsel attempted to make you believe that there were no grounds for excommunication. No grounds for excommunication, gentlemen! I for one am astonished at the long forbearance; let me tell him that were the same acts to be perpetrated by any member of the congregation of St. Andrew's, there is enough Scottish spirit there to cause him to be thrust headlong from the sacred building which he defiled and desecrated by his presence—just as the Irish spirit in St. Mary's thrust Samuel Carten from among them. Ah! gentlemen, if Samuel Carten thought that he was about to control the power of his Bishop by forcing him before a civil tribunal he has grossly miscalculated his power and authority. If he thinks he is about to force the Bishop of this Diocese to admit him without due reparation made for his crime, he is mistaken indeed. Why, gentlemen, the Priest who celebrates Mass in his presence becomes himself *ipso facto* excommunicated; the Bishop dares not, for his Episcopal office, celebrate the rites of his Church whilst he is within it! Mr. Carten must, then, either submit to the discipline of his Church or forswear the Catholic faith. The instant a man is declared excommunicated, he ceases to be a Catholic—and according to the Rules of the Church no man, not a Catholic can hold a pew. Mr. Carten has been excommunicated—he has ceased to be a Catholic, and therefore he has no right to hold a pew within the Cathedral of St. Mary's. But the possession of the Church being in the Bishop, he had no right to the pew except as a tenant at will. The Act of 1849, you will perceive, can have no legal effect on this action—as it was to take effect after the Queen had signified her assent to it—that assent was not given till within the last month, after this action was commenced, and therefore can not operate upon it.

If, gentlemen, Samuel Carten be what he professes, an upholder of the Catholic Faith—and if for the criminal gratification of his own passions, he has been cut off as a rotten branch, then indeed is he to be pitied. I am averse to produce this document which will be read and approved of by thousands of Catholics in Nova Scotia as coming from the

spiritual head in this Province—but the Plaintiff has forced it upon me and I must perform my duty to my clients.

(The learned Counsel here read a case which recently occurred in India—where a Catholic Bishop had refused to bury a soldier because he had neglected his spiritual duties. A formal complaint was made, and it was decided by that ——— Roman Catholics were bound to act up to the rules of their religion or abide by the consequences.)

And now, gentlemen, to conclude, I ask you to watch well the course which the learned Counsel will take in closing this case—be misled by no dubious clouds, no logical sophistries—clear as day must be the principles which are to give the Plaintiff a verdict. This case may at first seem doubtful—but as the mists which settle round the base of a mountain for a time cloud its beauty, till the light wind springs up, causing the mists to arise and unveil its splendour—so will all doubt vanish, and everything be made clear and plain to you by the application of sound principles. It is the earnest wish of the Bishop that the Plaintiff should not abandon the faith of his fathers—that he should not wander from the fold which his own feelings teach him is the fold for him. And when, gentlemen, Samuel Carten shall be stretched upon the couch of death, one of the chief sins with which he will have to reproach himself will be that of dragging his Bishop and his clergy needlessly to the bar of this court.

Mr. Young proceeds with the Defendant's case and calls—

Thomas Ring, sworn. Is a member of St. Mary's congregation—had charge of the monies arising from pew rents and burial ground—a change took place in 1842—before 1842 the affairs of the parish were managed by the Wardens and electors—in 1842 the Wardens and electors transferred all the power they held to his Lordship—Mr. Carten was one of the electors. There was an original book of record kept of all the proceedings of the Wardens and electors—that is it—it was in my possession. His Lordship has since then exercised all the power they previously had. He appoints all officers including the Sexton, &c. This is the record book—it is a very ancient book—that is my signature—I saw all the others including Mr. Carten sign the paper—all the Wardens and electors signed it with the exception of one who was absent from the city—the electors were a body elected from the pew holders to manage the temporalities of the Church.