

fall are backing and applauding a Counsel, that he should exert all his powers—but when he feels that every influence is brought forward to depress, degrade, and trample to the earth, the humble and the weak I, gentlemen, in conducting this cause, have but one feeling regarding it—the consciousness of my utter inability to do justice to the Plaintiff's position—it will be for you, gentlemen, to supply those deficiencies. The action on the part of the plaintiff is a simple one of Assault and Battery;—Samuel Carten, the plaintiff, with his daughter, approaching the door of St. Mary's Cathedral, is informed that he cannot enter, by one of the defendants;—he asks the reason, and it is not given. I don't believe in the statement that a reason was given, and I will tell you why. It was distinctly sworn to by Miss Carten, that her father asked Keefe to send for one of the Priests, and let him say that he was excluded and he should be satisfied. This was a moderate and a rational request, but it was refused—and therefore, gentlemen, it is, that I doubt that statement. He did not attempt by force to obtain ingress to the building, but simply pressed forward as any other man would have done on a similar occasion, force is immediately used, and he is thrust headlong from the building. This you have, gentlemen, from the testimony of Miss Carten—the simple truthfulness of whose manner must have impressed every one of you in her favor—truth beamed forth in her whole manner, and carried its weight to every heart. Mr. Carten does not fill the position of an enemy to the Catholic faith—I can easily understand the strength of the hostility to him, and as easily how unmerited it is. He comes into a Court of Justice to inquire if there be not some boundaries to a power which is utterly inconsistent with the personal liberties of the British people. For this he should be lauded, not lacerated;—he comes here to ascertain by the law of the land whether any Priesthood is to be allowed to trample under foot every vestige of freedom of thought and action—not to deny to the Romish Church the same internal freedom of management which must of necessity belong to every religious body of Christians. Now, gentlemen, what is the nature of the justification attempted to be set up. After all that has been said touching the pleadings, it is not necessary that I should occupy much of your time in speaking of the particular issues. In answer to the plaintiff's declaration the defendant has put in four pleas—in each of which he has averred that the Bishop was possessed of St. Mary's Cathedral, that Mr. Carten was no Catholic, no pew holder, and had no right to enter that Cathedral—that he

did attempt to enter, and that by order of the Bishop two other defendants, Keefe and Gowan, excluded him, as they had a right to do. The replication in answer to these pleas admit the possession but denies everything else, and the defendants are therefore bound to shew that they had such a possession by clear testimony. We demurred to the second plea, and the defendants asked leave of the Court to amend—that leave was granted, and two additional pleas put in, to which it was impossible to demur, for they alleged that Dr. Walsh claimed possession of the chapel of St. Mary's upon the same title that any of you, gentlemen, hold your private dwellings. So much for the pleadings. I will now turn your attention to the speech of the learned counsel for the defence—it was one of a most singular character. He claimed for his client a position occupied by no man living under British laws and British institutions—a position conferring power without limit—beyond all controul. Had he stopped here perhaps all might have been well, but in that impassioned speech which lasted for some hours, and which was drank in by his admiring and excited hearers, he clothes his client with a degree of indefinable sacredness which one can feel but not express. Such a course places a counsel, situated as I am, in an awkward position. The learned counsel asks you if you believe that such a man as Bishop Walsh, a man of consummate ability, would bring a bad case into this Court? and asserts that Mr. Carten must be a bold man to deny the authority and impeach the power of the head of his Church. A bold man, gentlemen—did it require any boldness in Mr. Ritchie or myself to assert that Mr. Carten was a Catholic, a pew holder, and a member of St. Mary's, and require from the defendants proof that he was not? It is a pity, gentlemen, that the learned Counsel could not spare for the defenceless Samuel Carten a little of that feeling which he possessed to such a large degree for his own client. With me, gentlemen, just the weaker and more helpless a client is, if he be an honest and an upright man, so do I feel my duty to be more responsible—and did the opposite and more powerful party be the wearer of more mitres than Yorick ever imagined to be showered upon his luckless pate, that duty should be done only the more faithfully,—and if his Bishop has mistaken his authority—if the act which he has done has been contrary to law—is there any reason why he should not be made responsible for the infringement of Mr. Carten's civil rights,—and yet the learned counsel tells us that an inquiry of this kind inflicts a mortal wound in the ecclesiastical polity of the Catholic Church.