

John Skerry proved copy from the registry of the original deed of St. Mary's.

Thomas Power—I am a member of St. Mary's congregation. I was present in Church one Sunday this summer, when Carten came in. The bells were ringing—I had my face to the door. Mr. Carten was going in—Keefe put his hand on his breast and told him he could not go in, but his daughter could. Mr. Carten said he would go in—and did not think Keefe could keep him out. Keefe pushed him back out of the door, and said he had authority to keep him out. Carten said he would go into his pew, which he had occupied for thirty years—and said to send for one of the clergymen—but Keefe should not put him out. Carten resisted, forcing Keefe back—and Keefe then put him out. They had hold of each other by the arms. I am positive that Keefe did not strike Carten.

Edward Haley, sworn—I was in Chapel, I think, first Sunday in July last; Mr. Kandick and myself were coming down Spring Garden Road,—one of us said that must be Carten—I rushed in and went up to Carten and Keefe; I saw Mr. Carten about three feet from the door; Mr. Keefe said Mr. Carten was a disgrace to the Church and to all Irishmen. I said you know Carten what has been published from the Altar, and you ought not to come in. Miss Carten told me to mind my own business. I told her she was a hussy. I did not see any blows struck.

[Here the Judge remarked that the evidence of this witness, made for the Plaintiff, as it proved abuse.]

The Defendant rested here, and the Judge allowed the Jury to retire for refreshments. After their return Mr. Young asked leave to examine another witness. His Lordship granted leave, and Mr. Young called—

Patrick McGrath.—I was in St. Mary's Chapel on the Sunday when the excommunication was read by Mr. Hannan—leading into the Vestry is a passage with a curtain on each side—the curtains were open, and the Bishop was standing between them—he must have heard the excommunication read—Carten was there—I was among the congregation, and saw the Bishop distinctly—he was inside the Chapel.

The Defence here rested.

Hon. J. W. Johnston,—If your Lordship please—Gentlemen of the Jury,—If my learned friend who opened this case to you was justified in representing it as one of no ordinary import, you and all present must be convinced that its magnitude and importance has been enhanced by the course pursued by the defendants. I ask you, gentlemen, to give the calm-

est consideration to the investigation of the question at issue; it is one on which the most momentous results depend. The plaintiff is deeply interested—as deeply concerned as it is possible for a man to be in the result of a civil investigation. The decision to which you may arrive will extend far beyond my client; a large, a prominent portion of the population of Nova Scotia will be affected by it; nor will it rest here,—we may be told that the question touches only an individual religious body—but if the law contended for on behalf of the defendant be sound law, the whole community must be affected by it—and all the interests of society must be saved from the consequences of placing in the hands of one man a power irresponsible, tremendous, overbearing in its character—powerful upon the whole population of this country. If such be the case you will hesitate to confirm the claims made here for a power not sanctioned by the law—a power singularly revolting in its nature and effects. The learned Counsel for the defendants was pleased to say in addressing you the other day, that he saw that my whole nature was interested in this case—that, to use his very expression, I had entered into it *con-amore*. What he meant by that, I know not; for up to the period of the case at which he addressed you, I had taken no active part in conducting it; a trifling application to the Court and the examination of one or two witnesses, being all the part I had taken in it. But, gentlemen, the learned Counsel is correct—my whole heart and soul is engaged in this cause—if ever there was an occasion which could call forth the feelings and spirit of a man who possessed one spark of manhood, that occasion I feel has arrived. It is easy to sail down the smooth streams when all the gales are favorable; it was so with the learned Counsel with a Bishop for his client, for whom he was claiming unrestricted power, pleading for a powerful hierarchy, and cheered on by the plaudits of an excited and admiring audience, he seemed almost to forget that *that* client was a man. I wish, gentlemen, that whilst he thus rejoiced, he could have felt some little of the meltings of humanity—something of that generous feeling that ought to have taught him to spare the feelings of the man who sits beside me. I would have been glad had he spared those coarse and rude attacks by which he sought to draw down the insults of that audience upon him; but, gentlemen, there he is, with me for his advocate, awaiting your judgment, which, if it be against him, is to strip him of everything which renders life worth living for, and send him abroad into the world, desolate, deserted, execrated. It is not, gentlemen, when the rich and power-