

but on this occasion, I am happy to be enabled to inform you, that these contentions have vanished—that on *this* stand, upon principle, the Bishop is sustained by the unanimous voice of his clergy and congregation in this city, with the exception of five or six who may award to the plaintiff a tardy, almost unwilling, approbation of his acts. His Lordship has been dragged into this court by a turbulent and unworthy member of his own body, who has been punished and justly punished too, for the commission of an act at once unjustifiable and disgraceful; and I think I may venture to assert that it will require no little forensic skill on the part of the plaintiff's Counsel to conduct his case to a successful termination. Samuel Carten has been read out from the altar of his Church—he has been excluded from the pale of *that* Church by an authority which even he recognises—and why? because he refused that submission which he was again and again entitled to award; because he refused to do that which, as a man—as a Christian, he was bound to have done—and which would have prevented this unseemly spectacle; but rather than bend his stubborn heart, he sets the rules and principles of his Church at defiance, and forces his Bishop before a Protestant Judge and a Protestant jury to *defend* acts which were perfectly *justifiable*. It is a most significant fact, that in a jury moved for at the commencement of the term, out of so large a body of Catholics as exist in this city, only nine were drawn of the forty-eight; and it is equally surprising that the Counsel for the plaintiff should have taken such care to exclude every one of these nine; so that now not a single man of his own faith remains upon the jury. It seems as though the plaintiff were afraid to trust to a jury composed of men of his own Church to decide between himself and his Bishop. Let us now, gentlemen, examine the issues on this record—the plaintiff on the 26th day of July issued his writ, claiming damages from the defendants to the amount of £1000. You have it in proof that the single act upon which this action for trespass is grounded was committed on Sunday the 1st day of July. By the rule of law applicable to Nova Scotia, but which I am happy to say the good sense of the English Parliament has abolished, we were obliged to plead to the

same injury four several times, in consequence of the plaintiff having set out the injury in four counts in his declaration. Our pleas in answer to the declaration, I hesitate not to affirm, cost my brother and myself more time and labor than any similar paper which I have ever drawn since I came to this bar—because in the whole range of English or American practice no case of a similar nature can be found—no precedent upon which to found the grounds of defence. We have alleged that the Rt. Rev Dr. Walsh is the Bishop of this Diocese—that as such Bishop, he was lawfully possessed of and had full power over the Cathedral of St. Mary's—that Samuel Carten was not a Catholic, a pew holder, nor a member of the congregation—and that he had no right, such being the case, against the will of the Bishop, to attempt a forcible entrance into the Chapel of St. Mary's. To the second plea the plaintiff demurred on the ground of insufficiency. Now mark how the replication stands—to get in a portion of it the Defendant was obliged to make the following admission,—that the said William Walsh, before and at this time, was possessed of the same chapel, and held, used, and enjoyed it for the uses and purposes, and in the manner and form as in the said plea is stated, and by a rule of law it is not incumbent on the Defendant to adduce proof of any of the matters admitted on the record; the possession of the Bishop *has* been admitted, therefore, this difficulty is swept entirely out of the case.

You have the Catholic Bishop of this Diocese a Defendant—who holds his position by a principle which we Protestants, scarcely appreciate—but which a Catholic well knows. What says he on this record? You Samuel Carten on the first of July, 1849, had ceased to be, and was not, a Catholic, a pew holder, a member of the congregation. And it must have required no little courage on the part of the Plaintiff in defiance of this, to assert that he *was* all the Bishop declared he *was not*. But he goes even further than this and declares that he will enter the Church *in spite of the Bishop*.

I observed with pleasure the modest and unassuming manner in which the daughter of the Plaintiff gave her evidence; it was tranquilly and calmly given. She with-