

the cemetery. I have seen him carry the money from the door into the Vicar General's room. Mr. Keefe does not keep the door—I should suppose he was altogether under the control of the Bishop—he has not charge of the building—Mr. Ryan has—I should call him a Sexton—the two in my opinion divide the duty—Keefe is not more under the control of the Bishop than Ryan.

Pierce Ryan, sworn. I act as Sacristan of St. Mary's Church. Mr. Keefe is Sexton—he stands at the door to collect pews—rents—I do not stand at the door, I am appointed by the Bishop and clergy—I do not know that Mr. Keefe violently excluded Mr. Carten from the Church—Mr. Keefe might exclude a person without the authority of the Bishop. I don't know who appoints Mr. Keefe—I don't know who it was told Keefe to keep Mr. Carten out of the Chapel. I heard Mr. Carten was excluded—but not until he was away from the Church—I heard it from a boy of my own, in the Vestry.

WEDNESDAY, 2nd Jan'y, 1850.

William Young, Esq., opened the case on behalf of the Defendants as follows:—May it please your Lordship—Gentlemen of the Jury, I listened to the address of the learned Counsel, who opened this case to you to day on behalf of the Plaintiff, with much surprise and some concern.—To me it seemed that many of the leading facts were entirely evaded; but gentlemen, I feel that they will be more clearly and fully developed to you before this case is closed. Some of the statements made by the learned Counsel have tended to strengthen a belief which I before entertained that he had been grossly misled by his clients. Think, you gentlemen, that the Catholic Bishop of this Diocese acting under the most sacred and solemn obligations—under the eye of the whole Catholic World—with a superior power to control him—and every Bishop holding the same rank as himself about to pass judgement on his conduct—would have come into this Court with a case which would not recommend itself to the good sense and right feeling of any Jury. We have to day before us the extraordinary and unseemly spectacle of a man calling himself a Catholic—who has made himself by

his own acts obnoxious to the head of his Church—who has been expelled from the bosom of that Church by every solemnity which it holds sacred—dragging the Pastor whom he should reverence and respect before such a tribunal as this—and doing all that in him lies to humiliate and degrade that faith to which he professes to be attached; and when I inform you that in the whole experience of the Mother Country or the adjoining Republic, I have been unable to discover one single case or precedent where a Catholic has dared to do that which Samuel Carten has attempted in Halifax, you will be enabled to understand the nature of the position which he has assumed. (The learned counsel was here interrupted by applause, from audience in the body of the court and gallery.)

Mr. Young proceeded. Perhaps his Lordship will permit me earnestly to entreat an uninterrupted attention on the part of all present here to day; it is desired by the Defendants—it is due to them. We will suppose for an instant that the Plaintiff is correct—that, notwithstanding the assertion of the Bishop of his Church to the contrary, he is a Catholic, a pew holder and a member of the congregation of St. Mary's, and that he claims the right of entering this chapel in opposition to his Bishop's express commands. If a Catholic can do this legally—where is the respect. Where the power attaching to the ecclesiastical Office? It is gone—vanished; and a civil tribunal, for the first time in Catholic history, even in the most exciting periods of Irish rebellion and English intolerance, attempts to divest that Church of its legal and reasonable power, and aims a mortal stab at Ecclesiastical independence. Do not imagine, gentlemen, that this question can be viewed in any narrow or contracted light; the principle at issue is by no means confined to the Catholic Church. I shall attempt to claim, for it, no higher power or more extended jurisdiction than belongs to the Church of England or the Church of Scotland. Do not suppose then, that *St. Mary's* alone will be affected by the result of your deliberations;—*St. Paul's* and *St. Andrew's*—every church in Halifax, nay all throughout this Province have an equal interest at stake. In times past dissensions and differences have convulsed the bosom of the Catholic Church.