

disputed. Such are the conflicting claims and arguments of the parties. I repeat that the question of regularity and formality of proceedings is what you are first to decide ; if every thing is correct there must be a verdict for the defendant,—but as that document asks us to give our sanction to a practice repugnant to our Laws, contrary to the spirit of our jurisprudence and other rules of evidence adopted by our courts, and the consequences are no less than denial of the rights of burial and Christian fellowship with his countrymen and coreligionists, you ought to be well assured that you are warranted in saying so ;—on the other hand, if Mr. Carten, in your opinion, has been irregularly (and illegally according to Roman Catholic views) expelled, the verdict must be in his favour, with large damages, for the injury sustained by him, as I have already stated, is very great. In the Church sense he may be said to be no Roman Catholic, but in common parlance it is an abuse of terms to say he is not one, in heart, in creed, in sympathy, in association, and in every feeling of a man.—He says he does not want to leave them—he will obey the authority of the Church, and submit himself to his clergy, but he will not submit to arbitrary expulsion.

Gentlemen—such are their respective positions, and such their claims and rights ; let there be no mistake as to my views. Even at the hazard of fatiguing you, I must say for the last time—if you shall view the Bishop's expulsion of the plaintiff regular, according to the rules and discipline of his Church, he must be acquitted—if not, he must pay damages accordingly. I have now done my duty, firmly,

plainly, and fearlessly, and I invite you to do the same. I have had the advantage, or disadvantage, as you may consider it, of trying this cause before a jury not one of whom I know—before a numerous bar, with not one of whom, much as I respect them, am I on terms of intimacy—and before an audience to whom I am, with some few solitary exceptions, a total stranger. It is necessary that you should be equally untrammelled, and to be so it is essential that you view with indifference what any person or bodies of men may think. To please others is a hopeless task.—We must seek our own self-approbation, and endeavour to satisfy our own consciences, and attempt no more. I have been on the bench, gentlemen, for upwards of twenty years, and, on a review of my judicial labors, I find I never have been, and I think I never shall be, a popular judge—for, in my opinion, popularity is wholly and totally irreconcilable with a firm and honest discharge of our duties. It is not in the nature of things, that a man who passes sentence, inflicts fines, decides between excited individuals, and powerful bodies of men, and, above all, who speaks plain and unpalatable truths, can be popular ; and if I were to find that I had had accidentally become so, I should pause and reconsider my conduct, and ask myself in what particular I had erred. I recommend the same stern performance of duty to you, irrespective of persons, parties, and popular opinions—and with this recommendation, I leave this cause, with great confidence, in your hands for your decision.