

to a different communion, took upon himself, as a *Justice of the Peace*, to prohibit these men from performing any of the duties of the eldership! Are these things generally known? And can any man who is aware of them, shut his eyes to the fact, that prior to the disruption of the Church, the whole province of her jurisdiction had been violently invaded, and scarcely one function left to be performed by her Courts, free from interference and coercion?

The final and decisive blow to the liberties of the Church was given by the Decision of the House of Lords in the Auchterarder case, in August 1843. It was then declared, that the Church was bound, as by a *civil obligation*, to proceed in the matter of the ordination and admission of ministers, at the bidding of the Civil Courts and without regard to her own sacred principles. And further, it was decided, that the rejection of a presentee in respect of the dissent of the congregation, according to the fundamental principle and law of the Church, was not merely an act to which the Civil Courts might refuse to give Civil effect, but in itself a Civil wrong or offence, and to be dealt with accordingly in the Courts of Law, the members of Presbytery being held in any such case *individually liable in reparation and damages to both Patron and Presentee*, as for the perpetration of an ordinary *civil wrong*. This decision, —resting as it did on an *entirely new interpretation* of the condition on which the Church held its temporal advantages, an interpretation of the nature of the agreement between the Church and State, which was *never hinted at before, or that agreement would never have been made*—forced on the faithful Ministers of the Church the important question “Can we remain connected with an Establishment, whose constitution is de-