establishment, under condition of being subject, in any article of her spiritual government, to secular control, she has, by the very act of her establishment, obtained the most explicit recognition of her absolute spiritual freedom, and that her *religious* principle upon this head, recognized, *in that character of it*, by the State, has been secured to her, for ever, by the fundamental laws of the United Kingdom.

"But still farther, the Church has been *supported* in the view she has thus taken of her constitutional freedom, *by the decisions of the civil courts and the invariable practice of the law, from the period of the Revolution down to the present day*;—the law too having been declared and adhered to, during that period, by the civil courts, under circumstances calculated to prove the peculiar strength of the securities under which the Church possesses her exclusive spiritual authority."

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"Thus, so early as 1735, the Court of Session adjudged that '*right to the stipend* is a *civil* right; and *therefore*, that the Court *have* power to cognosce and determine *upon the legality of the admission of ministers, to this effect*,—whether the person admitted *shall have right to the stipend or not*.' And when, in 1749, the Court was asked to interdict a Presbytery from proceeding to admit, as minister of a parish, another person than the patron's presentee, they unanimously *refused*,—'*because* that was interfering *with the power of ordination, or internal policy of the Church, with which the Lords thought they had nothing to do*.' The same principle was invariably adhered to in numerous other cases; and Lord Kames, in a formal Treatise on the Jurisdiction of the Courts, lays it down as the unquestionable law, that Presbyteries and the Church Judicatories are *supreme* in the matter of the settlement of ministers,—'their sentence being *ultimate*, even where their proceedings are *illegal*,'—or contrary to the obligation expressed in relation to them in the Statute; the *only* 'check (as he states) *provided by law being*, that a minister, so settled illegally, *shall not be entitled to the stipend*,'—an arrangement which, he adds, 'happily reconciles two things commonly opposite,' viz., the necessary freedom of the Church, and a competent regard to the civil interests of patrons."

But it has been argued by some—an established Church cannot be thus independent of the civil power by which she was established, and the Church of Scotland gave up, to some extent, her independence when she received her existence, as an establishment, from the State. As an establishment, it is said she only exists by statute, and must be just what the State is pleased to make her. This was a favourite argument among the lawyers,—and we are sorry to add, among the voluntaries,—in Scotland, during the discussions which preceded the disruption there; and we have occasionally heard it broached even in Canada. The quotation we have given, proves that this, at least, was not the *theory* on which the Church of Scotland was established. It is utterly Erastian; and, if good for anything, would just go to prove, not that the Scottish establishment ought not now to be renounced as Erastian, but that it is a grievous mistake to suppose that her Erastianism only began at the disruption, and that she should have been renounced as Erastian long ago.