

lative statement of Dr. Robert Buchanan. The report has now been published; and the speech of Dr. Buchanan, which has been extensively circulated, has already formed the subject of copious remark. The statement of the reverend Doctor, as a piece of special pleading, is doubtless exceedingly able, and if his premises were sound, his conclusion would be inevitable. But singularly enough he has discussed every point but the real point of the case, and while completely carrying his audience along with him in all the views which he propounded, he entirely failed to bring under their notice the sole question about which there is any substantial controversy. All that Dr. Buchanan contends for might be conceded, and yet the action at Mr. M'Millan's instance against the Free Church would be as far from a settlement as ever. No Civil Court disputes the competency of the Free Church, and of every other Church—whether established or voluntary—to exercise discipline among its own members. A Church without such a power would in fact be no Church at all. And so long as a Church keeps within its own province in exercising discipline, and adheres to its own constitution, no Civil Court will interfere. To that extent, then, every Church possesses an exclusive and independent jurisdiction. But Dr. Buchanan omitted to tell his audience that in all these propositions Mr. M'Millan goes cordially along with him. Nay more, he ought in fairness to have informed the Free Church Commission, that the main ground of that reverend gentleman's complaint is, *that the Free Church has violated its own constitution*, and in dealing with him has broken that contract on which he and every other minister and member were entitled to rely. Had the Free Church, in exercising discipline towards Mr. M'Millan, acted in the manner and according to the principles prescribed by its own standards, he could not have been listened to in the Civil Court—even although he might have been able to make out a strong case of hardship. But, then, he has judicially averred and offered to prove that he has not been tried according to the laws of the Free Church, or of any other Church; and having thereby suffered a grievous wrong in the loss of his status and emoluments as a minister, he has been compelled to seek redress—where alone redress can be obtained—from the civil tribunals of the country. He may be wrong in his allegations, and he may ultimately fail to satisfy the Civil Court that there is any case for its interference. That, however, is not the present question.

But Mr. Macmillan is met at the outset by the preliminary plea that the action is incompetent, in respect the Free Church possesses an exclusive jurisdiction over all its members, and is not bound to render an account of its doings to any. It is surprising to see a man of Dr. Buchanan's intelligence mystifying to such an extent the subject of "spiritual jurisdiction." He says that "the Free Church ren-

dered to the State all which it had as a Church received—the status and endowments of the civil establishment—contented to lose all these in order to conserve this one prerogative, that of administering the affairs of Christ's house *in submission to himself alone.*" Now, supposing it should be proved even to the satisfaction of Dr. Buchanan himself, that the rules which he and others laid down for "administering the affairs of Christ's house" had been broken through and disregarded, as is confidently alleged by the pursuer in the present case, his whole argument about "spiritual jurisdiction" falls to the ground. He will not venture to maintain that the Free Church Assembly is infallible, or that it can do no wrong. Well, assuming that it can be shown to have done wrong—not merely in its treatment of one of its office-bearers, but by a violation of its own constitution, will the reverend Doctor seriously maintain that for such a wrong there is no remedy—that a Church, after having adopted a constitution, and required every one of its office-bearers solemnly to attest their adherence to it—shall be at liberty, whenever it thinks proper, to set that constitution at defiance, to the grievous hurt and prejudice of one of its own members? Dr. Buchanan wishes to make out that the Free Church is the sole judge of its own jurisdiction. If so it is evidently a power independent of and superior to the State itself, for there is no body known in the country which possesses the power of doing what it likes, whether according to or against the law laid down by itself for its own government. All the cases quoted by Dr. Buchanan as having occurred in the Civil Courts merely go this length—that so long as Churches or religious bodies act within their own province, and according to their own constitution, they are not liable to be interfered with by the Courts of the State. Beyond this no decision of those courts has ever gone, and beyond this we venture to assert no decision ever will go; otherwise the liberty of the subject would be virtually left in the hands of an irresponsible body.

Dr. Buchanan tells the Commission of the Free Church that "it is the very same principle—the great principle on which the Disruption turned—the principle of the sole Headship of Christ, which the present litigation involves." Such a statement was evidently made with the view of exciting in the members of the Free Church whom he addressed a deeper interest in the Cardross case than they had previously felt. But the wisdom of such a representation of the case is questionable, because it involves as a necessary consequence, the conclusion that the members of the Free Church in professing to enjoy greater liberty outside of the Establishment than they possessed within it, have been making a profession which is found to be untenable, and that their pretended "spiritual independence" is a mere phantom. But, in truth, the "Headship of Christ" is not at all involved in the present question, and it was