be unjustly now possesseth. Assuredly some of us have wondered how men who profess godliness, could, of so long continuance, hear the threatnings of God against thieves and against their houses, and knowing themselves guilty of such things as were openly rebuked, and that they never had remorse of conscience, neither yet intended to restore anything of that which they had long stolen and reft."

(To be Continued.)

S. M. G.

THE MANSE, W. B. E. RIVER,
15th March 1864.

Who won the Cardross Case--McMillan or the Free Church?

THE INTEREST of the general public in the Cardross Case has long ago ceased. Very few ordinary readers of the public prints knew latterly how it stood, in what position the counsel and the judges were, or calculated when the Case would likely come to an end. The Cardross Case was certainly involved in the thick folds of Scottish Law, and only legal intellects were able to unwarp its foldings and shew whether there was a case o. the slightest interest within. Out of this state of oblivion and perfect indifference, the public are suddenly startled by the announcement that *the Cardross Case is at an end.* It is terminated by McMillan, the pursuer, voluntarily withdrawing from the field of legal contest; and the Free Church, the defendant, is left to glory in an apparent triumph. Over nearly five long years has the weary litigation run its course, and it is not surprising that the pursuer at length became anxious to withdraw from the litigious arena. It is said, and is generally credited, that McMillan is a very poor man, and his contending with an ecclesiastical body having unlimited credit and abundant means and resources, was certainly a most unequal contest. It is quite likely that the pursuer expresses his real motives of giving up his Case, when he protests his being wearied out in the struggle, and his earnest wish to live the remaining few years of his life in peace with all men; though the hint that has been thrown out as to an amicable arrangement having been effected between the pursuer and defendants, does not bear any improbability on the face of it. But accepting McMillan's statement *quantum valeat* the necessity imposed on him of withdrawing from this legal contest appears to be a grave blot on the Scottish system of administering justice. If it be in the power of a defendant in any civil action to drag out a Case through many long years, it is clearly evident that the sinews of war, and not the merits of a cause, will gain the day, in the protracted and tortuous windings of our Scottish Law Courts. None but the wealthiest are able to prolong a legal contest throughout a series of years; and in this way the poorer classes of litigants may be subjected to a grievous wrong. It is transparent to every one who has followed up the Cardross Case to its close, that the winners gained it simply because they were pecuniarily able, and McMillan, unable to prolong and carry on a litigation, at a great expense, in the Law Courts, through a series of years. Whatever the faults of the English system of litigation be, it is certainly in this respect greatly preferable to the Court of Session of Scotland. For, a far more important Case than that of the Cardross one—that of the Bishop of Salisbury against the Rev. Rowland Williams—has extended over little more than two years, and it is at present on the eve of a judicial settlement by the Privy Council. Had the Cardross Case, now that legal quibbles have been resorted to to protract its adjudication, been pursued to a settlement at the rate at which it was advancing, it might have gone on for a dozen of years, if not more. There is surely much room here for the efforts of Law Reformers.

The Free Church have gained the Cardross Case. Nominally and apparently they have, but virtually and in reality how much have they gained? Is this their gain?—They have abandoned, at the outset of the Case, their arrogant attempt to place themselves above the law of the land and without its jurisdiction, on the plea that their Church Courts were "spiritual courts," and their sentences "spiritual sentences." They moreover consented to plead as a mere voluntary association, and to produce their sentences, or the records of their proceedings, as any secular corporation would have done, if placed in similar circumstances. True, they abandoned their lofty "spiritual position and claims under protest," but in doing so, they put themselves in a practical dilemma, from which it were impossible for them to escape, in the event of gaining their case. Had the action gone against them, their protest and reservation of right would have enabled them to carry the Case to the House of Lords, where they would have fared badly, we fear, with their spiritual pleas, but, having nominally won, they cannot do that now. They have therefore triumphed by abandoning their spiritual position. They have gained by submitting their sentences and procedure to the Civil Courts of the country, and no amount of protesting can henceforth avail them now. The really important, nay, we would say, the only important matter to the general public, was yielded, when the *Free Church acknowledged herself amenable to the ordinary Courts of Law, and admitted the claims of Law to examine her contract and sentences, as those of any other corporate body would have been examined, if called upon by the Judicatories of the land.* It has now been settled, once and for all, that no Voluntary Church is recognisable as a Church in the eye of the law; and that all such churches