

referred to in chapter 7, section 2, and said :

"It was neither the Presbytery nor the Kirk-Session, in the sense in which we now understand that word. It was not the Presbytery, because that Court contained a much greater number of elders than ministers. It was not the Kirk-Session, because it contained a large number of ministers, while the Kirk-Session, in the sense in which we use the word, now contains only one. This was the point from which they must start. A Kirk-Session, in the sense in which we understand it now, was positively discouraged in those days... The fundamental idea of our Reformers was, that it was not one congregation but several congregations that made a Church. The constituting of one congregation into a Church our Reformers would have denounced as congregationalism and independency... He held that the Presbytery was the Church which was legally invested with the same powers as were formerly held by what were called particular elderships. Therefore Dr. Pirie was right in saying that ecclesiastical arrangements should be under the cognizance and jurisdiction of Presbyteries. But what must they take along with that? They must abolish the Kirk-Sessions, for these Kirk-Sessions were acknowledged in the Act of 1592, and were recognized throughout the Church as *being entitled in individual congregations to initiate, at all events, and to arrange matters connected with individual congregations.*"

Decidedly the most clear, able, and powerful arguments adduced during the debate were those brought forward by the Procurator of the Church. In the introduction to his speech, he states very succinctly what appears to him to be the points in dispute between the two parties, which at the risk of lengthening out this article we give *in extenso* :

"Now I apprehend that the real question is, what is the principle of the Declaratory Act of last year, and of the Declaratory Act which we now wish to adopt? I take it to be this : that in the distribution of power and authority to ministers and the different judicatories of the Church which the laws of the country recognize, the light and duty of regulating all matters connected with the performance of public worship and administration of ordinances in particular Kirks has been given to Presbyteries and has not been given to Kirk-Sessions, and that, consequently, wherever the Presbytery finds that any body has deviated from what is right, or that any erroneous practice has sprung up in the Kirk-Session, whether that be complained of by any member of the Kirk-Session or not—without appeal or complaint of any kind it is competent for the Presbytery to set the matter right. On the other hand, I understand the principle for which my Rev. friend, Dr. Lee, contends, is this : he says that in the distribution which I refer to, that power and authority in question has been given in the first instance to Kirk-Sessions; and although I don't understand the Rev. Doctor to go the

length of authorizing congregational independency, although I don't understand him to go this length, that Kirk-Sessions have authority given to them in this matter by a statute law of the Church and of the country that, whatever practical usages they choose to adopt, if there be no complaint or appeal taken to the Presbytery, then the Presbytery has no right to interfere."

After stating more fully the argument of Dr. Lee and the ground which he takes in support of the principle laid down by him, which he believes to be erroneous, the learned Procurator goes on to say that

"He admitted that there was no distinction in the seventh chapter of the second Book of Discipline between Presbyteries and Kirk-Sessions, the two seemed to be slumped up together in the first kind of ecclesiastical assembly mentioned in that portion of the book."

Following this is a very closely-reasoned argument, going to show that these were in reality, however, Presbyteries and not Kirk-Sessions, and, if the premises be granted, then it would be impossible to refuse assent to the conclusion. But the moment he leaves the acknowledgment we have last quoted, we find, as the basis of his further argument, a *petitio principii* which vitiates the whole. The truth is to a great extent contained in our last quotation. After the Reformation, and before the Church order was fixed upon a settled foundation, there was a time of disturbance, dislocation, upheaval, a chaotic mingling of powers and no well-defined boundary between different Church Courts. As the disturbing forces began to moderate, the different orders of Church Courts stratified, to use a geological phrase, leaving however along the outlying borders debateable ground, the exact limits of which have not been clearly defined, as may be seen by the discussion now so hotly carried on. That Dr. Lee carries his views too far, and would introduce not only the germs, but also some of the fruits of congregational independency into the Church, is believed by many. His whole course during the discussion brought on by his adhering to innovations into the simplicity of our worship, is held to show this. But the assumption of Dr. Pirie of the nothingness of Kirk-Sessions is equally false and mischievous. It is absurd for Dr. Lee to maintain that Kirk-Sessions cannot be brought under the control of Presbyteries when they exceed their powers and infringe the laws of the Church. The inspection of their records at certain definite periods by the Presbytery