

superiors, who, it must be presumed, will give such redress to the injured party, and inflict such punishment on the offending member, as is suitable to the case.

"2nd, There is no allegation on record to show that any civil interest or right has been injured by refusing to administer to the pursuer the religious ordinances to which the second and third issues relate. The refusal to administer religious rites communicated to the party himself, within the walls of the session-house, is not attended with any civil damage or forfeiture. It has not been so in Scotland, at least since the Revolution.

"But, however that may be, the refusal of religious ordinances in Scotland by any minister of any denomination, does not constitute a civil wrong. The Ministers of the Established church have an exclusive jurisdiction, by Statute, in all spiritual causes; and it seems equally clear that the ministers of other persuasions are equally protected at common law. They are all entitled to plead that they are amenable to their own superiors only, for any ministerial error or misfeasance which they commit, and that their constitution necessarily excludes any review of their official duty but by their own superiors.

"Should they refuse to redress, the injured party can get no remedy from the civil courts. In one view, the wrong is not estimable in money, while, in another, the civil courts have neither the right nor the means of reviewing the judgments of ecclesiastical tribunals, which may have proceeded on views and considerations that the civil courts are not competent nor qualified to enter into. If a party, therefore, can get no redress from the ecclesiastical superiors of a minister, by whom he has been refused ordinances (to whatever religious persuasion he may belong,) the matter is beyond the cognizance of the civil court. His only course is to leave a body which declines to admit him, and seek the communion of another sect.

"3d, The plea of the defender, in the present case, is greatly confirmed, and indeed rendered insuperable by the fact that the minister's refusal to administer the ordinances here was sanctioned and directed by the Kirk Session. No allegation is made that the defender gave any false information, or used any undue influence with the Kirk Session. This, therefore, rendered it the more incumbent on the pursuer to apply for redress on the matter of the ordinances refused, to the superior Church Courts, to which this Kirk Session is amenable."

"This being a true history of the origin of the 'collisions, contentions and litigations' of the Church of Scotland, I must have felt it my duty, had I been in Scotland, to regard that separation as unwarrantable, considering the real ultimate causes which produced it. Much more therefore do I regard Separation in Canada as unwarrantable, and fraught with evils of which parties in Scotland are not competent judges. I am here urged, because the Church of Scotland has sinned, in matters vital and fundamental, to come out from her and be separate. I am told that the Church of Scotland is a sinner,—and that therefore I must cut connexion with her. But to whom is this urgent entreaty