

bly. The patron and presentee brought the case before the Court of Session, and after lengthened pleadings at the Bar and discussions on the Bench, a majority of the Court found that the Presbytery of Auchterarder had "acted to the hurt and prejudice" of the patron and his presentee, "illegally, and in violation of their duty, and contrary to the provisions of certain Statutes libelled on." This judgment was carried by appeal to the House of Lords, the Court of the last resort in Britain, and affirmed.

The Presbytery, acting in obedience to the injunctions of the General Assembly, offered no farther resistance to the claims of the patron and presentee to the emoluments of the benefice of Auchterarder; but, regarding admission to the spiritual charge as a right or duty with which the Civil Court was not in any case entitled to interfere, and convinced that they could not admit the presentee without a gross infringement of the fundamental principle above mentioned, they refused to take any farther steps towards his settlement; whereupon Lord Kinnoul and the presentee instituted an action for damages to the amount of £16,000. Here, also, the Presbytery was unsuccessful, both in the Court below, and in the House of Lords. Contrary to all former practice, to the *dicta* of the most eminent Judges in former times, and in opposition to the recorded opinions of six out of the thirteen Scottish Judges before whom the question was brought, the Civil Court found that it was competent for it to compel the Church Courts to discharge the spiritual functions, and to ordain to the ministry, men whom we could not admit to the pastoral charge without violating the great fundamental principles of the Church of Scotland.

The contest between the Church and the Civil Courts, which, at its commencement involved only or chiefly the Non-intrusion principle, thus became a contest for the spiritual jurisdiction, or, as it is sometimes called the Headship of Christ. As it is on account of the infringement of the Church's liberties in this most important article of her constitution, that we have been compelled to forfeit the advantages derived from our connection with the State, it seems to be essentially necessary that we should lay before you what was the doctrine of the Church before the Disruption, and the passing of an Act of Parliament, commonly called Lord Aberdeen's Act.

This is expressed with great clearness in the Westminster Confession of Faith, which you are all aware is the recognized Confession of our National Church, in the following terms:—

"There is no other head of the Church but the Lord Jesus Christ." C. xxv. s. 6.

"The Lord Jesus, as King and Head of his Church, hath therein appointed a Government, in the hand of Church officers, distinct from the Civil Magistrate. To these officers the keys of the kingdom of Heaven are committed." C. xxx. s. 1, 2.

"The Civil Magistrate may not assume to himself the adminis-