

in which the difficulty of getting a sufficient number of capable men for the eldership, was evidently contemplated. But Dr. Pirie goes on to say :

“ The Presbyteries have, as well as the Synods and General Assemblies, their powers definitely and minutely ascribed to them. Their powers are left for the determination of the Church Courts. . . . Elders up to this time were never employed about anything but discipline. Certainly they had no authority ; for they never were a Court at all. . . . The Kirk-Sessions were a purely executive body. In any case of grave doubt, ‘ the matter was to be referred to the Presbytery for their direction and authority.’ ”

Most lame and impotent conclusion. By a parity of reasoning any inferior Court, Lay or Ecclesiastical, could be proved to be merely executive. For what is the power given to Presbyteries to come before Synods, and of Synods to come before the General Assembly, but authority in “ any case of grave doubt to refer the matter to ” Synods or General Assembly, as the case may be, “ for their direction or authority.”

While not agreeing in much that was said by Dr. Lee, who undertook to answer Dr. Pirie, we must yet confess that the balance of argument, supported by citations of the law on the subject, was in favour of the position he took up. His speech is very long, crowded with references. He contends in opposition to Dr. Pirie, that so far from Kirk-Sessions not being recognised by the Church from an early date, that it was the Presbyteries which were then unknown. He says :

“ To speak of the Kirk-Session being unknown at the time, and the Presbytery notoriously existing, is a mistake altogether in point of history . . . The Rev. Doctor thought he had got something very much to his purpose in the 12th chapter of the Book of Discipline. As my earnest desire is to know the truth, I just turn to the passage, and read it, and you will see how well it squares with what I have said :—‘ As for elders, there would be some to be censurers of the people, one or more in every congregation, but not an assembly of elders in every particular kirk, but only in towns and famous places, where resort of men of judgment and ability to that effect may be had, where the elders of the particular kirks about may convene together and have a common eldership and assembly placed among them, to treat of all things that concern the congregations of which they have the oversight.’ I say that is the description of the powers of Kirk-Sessions and not of Presbyteries, because there were no Presbyteries at that time. . . . We come now to the Act 1592. This is the state of matters up to the time of the second Book of Discipline. Till then I repeat there is (no?) evidence that the Presbytery

was an institution of this Church, and therefore the powers given in this particular Assembly or Church Court, or congregation could not be a description of the powers of Presbyteries. Now between 1581, when the second Book of Discipline was authorized, and the Act 1592, the Presbyteries had come into existence ; and very naturally the Act of Parliament gives a description of their powers, and it gives no description of the powers of the Kirk-Sessions, excepting in a most general way. What is the natural and obvious explanation of that ? Simply this, that the position and powers of the Kirk-Sessions were notorious, and did not need that kind of description ; whereas the Presbytery, being a new institution, it was necessary particularly to describe and define its powers, because they were not known and had not been determined. If you look at the language of the Act 1592 you will see that, while the Act gives these powers to Presbyteries it does not take away any of the powers which Kirk-Sessions had previously been in possession of . . . The Act 1592 speaks of particular congregations in contradistinction to Presbyteries. Therefore this could not have been the known and authorized expression by which Presbyteries had been described. ‘ Particular kirks gif they be lawfully ruled by sufficient ministers and sessions.’ Now you will observe that even the act speaks of sessions having ministers as well as elders. . . . I am quoting correctly from a recognized authority : ‘ They have power in their own congregation in matters ecclesiastical.’ And then you get the same powers bestowed upon the Presbytery which were understood to be in possession of the Kirk-Session, and which are here confirmed—that is to say, the powers of the Presbytery are nothing else but an extension of the powers which belonged to them, and belong to this day, to the Kirk-Session, the original and radical court, historically speaking, of the Church of Scotland.”

Dr. Lee then goes on to argue that the words in the Declaratory Act, “ according to which the power of regulating all such matters is vested in Presbyteries exclusively,” would not only destroy the Kirk-Sessions, but also deprive Synods and the General Assembly of all power to interfere in the matters to which the Declaratory Act refers. The further arguments of Dr. Lee, which extend to great length, we will not at present enter upon, as we must confine ourselves now to the single point of the powers of Kirk-Sessions, more especially as this really was the chief point brought forward during the whole debate. Professor Milligan agreed with previous speakers that it was of little use to go back to the first Book of Discipline, the circumstances of the Church being so different in those days from what they are now. Coming to the second Book of Discipline, he thought the grand point they had to determine was, What was the “ lowest Court ”