

According to our free constitution, when a party accused is at the bar, he has the right to challenge any jurymen he pleases, and until his challenge is disposed of, the case cannot go on to final decision. The objection of the accused may be ill founded, but still it is his right; and although were I the jurymen objected to, which might have been my predicament in such a case in Scotland, I might naturally feel hurt at being so objected to and challenged, yet still I conceive I am not entitled honestly, either in argument or in fact, to raise throughout the empire the cry of my independence, or that of the church, being interfered with or trampled on by the tyrannical exercise of authority on the part of the state or its civil courts. And, if the promulgation of Truth throughout Britain and her Colonies be the object of the Free Church leaders and their delegates, how comes it that no explanation, rational and intelligible, is given of the origin of the ecclesiastical and civil disorders which the last few years have witnessed? Whatever may be the motives which actuate them, and of these I presume not to judge, it is unquestionably obvious that the tendency of the misrepresentations and exaggerations of the inroads made on the church's independence, and the declamation about the protection by church courts and civil courts of thieves and drunkards, is to inflame the passions of our unsanctified nature; and whether such conduct be fitted to advance the interests of the kingdom of Christ, I leave every honest christian person to judge.

I have shown that in both the sets of cases of interference by the civil courts with the decisions of the church courts, the ground was, alleged interference by the courts of the church with secular interests. When the decision of the church courts bore only on sacred interests, there was either no interference attempted or persisted in. As a proof of this, I read the decision of one of the Judges in Scotland, in the case of an appeal made to him by a parishioner, for interference against his Parish Minister, who, as Moderator of the Session, had refused him admission to the ordinance of the communion, and also administration of baptism to his child. As of old, on similar applications to the civil authority, the Judge said that was a case with which he had nothing to do, and Lord Cunningham assigns the grounds of his judgment as follows:

"1st, The case as stated by the pursuer himself on the record is purely a spiritual case, and as such it is one in which the Church Courts have an exclusive jurisdiction. Even on the supposition that the pursuer has acted wrongfully and maliciously, the redress of the pursuer lies not with this Court, but with the defender's