

the ecclesiastical courts. It was impossible that the Presbytery could come to a proper judgment in the matter, without having the latter before them. The meeting accordingly was held and the minutes—

Captain HORN DALRYMPLE wished to ask Mr. Dunlop for what date the requisitionists desired the meeting to be called?

Mr. DUNLOP said, he was not there to answer questions. He could not lay his hands at the moment upon the document, but it was either in August or September.

The MODERATOR called Captain Dalrymple to order.

Mr. DUNLOP continued. This meeting was summoned, and the Moderator was ready to lay the sentences of both Courts upon the table. They had required him to call a meeting to consider only the sentence of the civil court, and it appeared that they were unwilling to receive the sentences of the ecclesiastical courts. They refused to continue to meet, or to receive those documents, and refused farther to enter on their minutes their resolution refusing to do so. The dissent and complaint of the Moderator, they refused to enter on their minutes at all, so as to exclude him from obtaining redress by the ordinary channels of justice, according to the rules of the church. His only way was to appeal to the commission by complaint and petition. The commission had been instructed by the General Assembly to receive all complaints, appeals, and references in regard to the case of Marnoch; and this was decidedly connected with it. The complaint and petition having been presented to the meeting of Commission in December last, the Commission ordered it to be served, and ordered copies of their deliverance to be also served at the meeting of the Presbytery of Strathbogie on 4th December. They directed the Presbytery to transmit their minutes. The result was, that the Presbytery resolved, as follows: "Therefore, the Presbytery resolved and hereby do resolve to sustain the call in favour of the Reverend John Edwards, which was subscribed in presence of the Presbytery, at their meeting on the 25th October 1837. And farther the Presbytery resolved, and hereby do resolve to proceed in the settlement of the said Reverend John Edwards, as presentee to the church and parish of Marnoch." In the first place, the Presbytery sustained the call which they had formerly rejected, by the direction of the final judgment of the General Assembly of the Church in 1838. Instead of obeying the injunctions of the General Assembly of 1839, to report any change of circumstances to the Commission, that the Commission might determine thereon, they took it upon themselves, in defiance of that injunction, to determine on the change of circumstances which had occurred; and in respect of the judgment of the Court of Session, they resolved to proceed with the settlement of Mr. Edwards, hereby again violating

the express and authoritative injunction of the meeting of Commission in May, which ordered them not to proceed. Moreover the judgment of the Court of Session, was not a judgment ordering them to proceed at all. Unquestionably it would have been no defence whatever of their conduct, had such been the judgment of the Court; but it deserved remark, that that judgment only found in general terms that they were bound and astricted to admit Mr Edwards if they found him qualified, and contained no order to them to do so. It was simply a declaration of the law, as in the case of Auchterarder. They reported their proceedings in this matter to the Commission on their meeting of 12th November and stated in their report the following deliberate declaration of their intentions in regard to giving or refusing obedience to the sentence of the supreme ecclesiastical courts. "The Presbytery have farther, &c." He (Mr. Dunlop) would not go back upon the question that had been raised, as to whether that was a competent meeting of Commission or not. The house had already decided that it was competent, and at the same meeting another case had been decided (that of the minister of Strathfillan who was desposed from the holy ministry) and although the minister of Strathfillan's counsel was the same gentleman as the Presbytery of Strathbogie's counsel, it was not attempted to be challenged as an excess of power on the part of the Commission.—The Commission proceeded to take into consideration the circumstances in which they were placed: but first of all, being desirous to avoid the necessity of a severe sentence, they unanimously called upon the learned counsel for these parties, to say if their clients were willing to abide by the decision of the superior judicatories of the Church. Mr. Dunlop here read an extract from the minutes of the Commission to the above effect. The question then did not depend entirely on the complaint of the Moderator, which was confined to a particular point; but they took up the declaration of the parties themselves. And the supreme judicatory of the Church was told by these parties, after having full time for deliberation, "We will not alter the statement, we have given our report, which contains our resolution to act in defiance of the laws of the Church, and the special injunction of the Assembly." It had been said that the deliverance which they pronounced was severe. No doubt it was; but that sentence was absolutely necessary, not merely to maintain the authority of the Church, but necessary for the protection of those reverend gentlemen themselves. No one could anticipate, or did anticipate, that there was a Presbytery—that there were seven ministers in this Church, who, at their ordination, had solemnly vowed and sworn that they would obey the ecclesiastical judicatories—no one did anticipate that those parties, after suspension from the functions of the holy ministry by the only pow-