

ordination, or internal policy of the church, with which the Lords thought they had nothing to do." The same principle was invariably adhered to in numerous other cases ; and Lord Kaimes, in a formal Treatise on the Jurisdiction of the Courts, lays it down as the unquestionable law, that Presbyteries and the church judicatories are supreme in the matter of the settlement of ministers,—“ their sentence being ultimate, even where their proceedings are illegal,”—or contrary to the obligation expressed in relation to them in the statute ; the only “check (as he states) provided by law being, that a minister, so settled illegally, shall not be entitled to the stipend,”—an arrangement which, he adds “happily reconciles two things commonly opposite,” viz., the necessary freedom of the church, and a competent regard to the civil interests of patrons.”

Such (continued Mr Bayne) was the constitution of the Church of Scotland ; but what was it now ? The very opposite. It had given up its independence in things spiritual and ecclesiastic. It had given up to the State what Christ had committed to the Church alone, and thereby denied the sole Headship of Him from whom all her powers were immediately derived. To prove these positions it would be necessary to refer to the claims of the Civil Courts ; to the action of the Government on these claims ; and to the action of the Established Church in regard to the new powers claimed by the Courts of civil law, and sanctioned by the Imperial Legislature ; and if the charges were satisfactorily made out, the accusations against the Established church would then be admitted to be fully proved.

He would therefore attempt to prove—

1st. That the Civil Courts in Scotland had claimed and been permitted to exercise the right of ordering and punishing the Church Courts in regard to their functions in the ordination of Ministers.

2d. That these Civil Courts also claimed, and the claim had been admitted by the Kirk, the power of interdicting and setting aside sentences of *responsiam* and deposition pronounced by the Church.

3d. That they had claimed the right of conferring the power of performing spiritual functions on parties not recognized by the Church.

4th. That they had also claimed and exercised a right of altering the Composition of the Church Courts.

5th. That they claimed the right to interfere in preventing the Church from giving proper pastoral superintendence to her own people.