

this opinion was gravely laid down. He had no intention to notice the poetic licence allowed to counsel at the bar, but it was extraordinary to find the sentiment he referred to coming from the bench itself, and which had done more real injury to the Church of Scotland than the combined energies of her enemies had effected for the last five or six years. It was their bounden duty to contradict and discountenance such Erastian opinions. It would appear from the statements of the high authority to which he had alluded that they thought the Church, by entering into conjunction with the State, had undergone a kind of mental psychosis more degrading than they read of in Oriental romance. He quoted the opinions of Principal Hill and Dr. Inglis, clearly defining and strongly vindicating the great principles of the Church's spiritual independence. He appealed to the Standards of the opinions of any man, but directly to the Standards of the Church; and the first authority he quoted was the Second Book of Discipline, chapters 23, 30, 31. Would the Confession of Faith, chapters 23, 30, 31. Would any man say in the face of these standards that the Church is the mere creature of an Act of Parliament? After distinguishing the relative positions of Church and State, he went on to consider the argument that the Second Book of Discipline was not ratified by Act of Parliament, and the Confession of Faith was explicit in its declarations of the Church's spiritual independence. But he maintained that the Act of 1592 did recognize and ratify the Second Book of Discipline, and stated his reasons at considerable length. He then adverted, in confirmation of his views, to the declarations of the Church against intrusive settlements, in the First and Second Books of Discipline, repeated in 1538, in the Directory of 1649, and long afterwards, even after the restoration of patronage, in 1736. Whatever the consequences might be, he hoped the Church would never abandon her own laws. Without entering into or anticipating difficulties that might never arise, he remarked that the Church was bound in present circumstances to vindicate her own independence of the State, and her fealty to her Great Head. The Rev. Gentleman concluded by a solemnizing appeal to the Assembly on the deep responsibility they were about to incur by their deliverance of this day. He moved a resolution in accordance with the principle of the Overtures.

Dr. Thomson of Perth seconded the motion. He repudiated the sentiments that had emanated from the influential quarter referred to. He denied that the Church was the creature of a State enactment—she was the creature of the Lord Jesus Christ, her only Head.

Dr. Cook agreed with the general principles of the resolution that had been proposed, although he dissented from the conclusion to which it came. He proceeded to discriminate between the ecclesiastical rights of the Church, and the civil rights of her presentees and ordained clergymen. To allow the former to infringe upon the latter, what was it but to go back upon the principle of the Roman Catholic Church, which, grasping at one civil privilege after another, at last sunk the nations for ages in spiritual and civil thralldom? He did not care to refer particularly to the opinions of the Court of Session, as they could not be expected to be so accurate in their statements of ecclesiastical questions as this Court; but he would not regard the civil opinions of the General Assembly as more valuable than the ecclesiastical opinions of the Court of Session. He did not believe, any more than his friends who had preceded him, that the Church was the creature of a State enactment. He held that as a Church of Christ they had no other Head but Christ, and that they would stand in that position although the connection between

the Church and the State were done away to-morrow. He regarded the object of the resolution they had heard as tending to that result; for it obviously went to compel disobedience to the civil law of the land.—He proceeded to consider the principle of the overtures and of the resolution, as setting the civil law at defiance, as inflicting punishments on their presentees for obeying the civil law, and as wholly irreconcilable with the idea of an Establishment. In support of these opinions he quoted largely from the standards and history of the Church. Probationers were, as the resolutions stated, bound to obey the laws of the Church, but only so far as the jurisdiction of the Church could go; and there was an antecedent obligation incumbent upon them to obey the laws of the land, and their oath of allegiance. There could not be two contrary obligations in force at once; and it was an axiom in politics that an *imperium in imperio* could not exist. It would blow the whole system into antihilation. Yet such was the state of things to which the resolution would lead them, by lording it over the civil power. They were now seeking, and justly seeking, endowments for their new churches; but would their present movement strengthen their position with any sane Government? He thought they would put the Establishment in danger by their present course. It would be admitted from their experience down till 1834, that the principle now contended for was not essential to the existence of an Establishment, and that great and good men had grown up within her pale. Why, then, endanger their position by pressing forward a principle, the tendency of which was to bring the State into collision with the Church, and which would embarrass any Government in their plans for the welfare of the Church? He also opposed the resolution as coming within the scope of the Barrier Act. He had no objection to a Christian Church; but the object of this resolution he looked upon as destructive of the good of the Church, which ere long, if persisted in, would scatter in the dust the towers and bulwarks of our Zion. He concluded by moving a counter resolution, affirming that the spiritual power of the Church is conferred upon her by the Lord Jesus Christ, her only Head; that nevertheless, it is incumbent on all classes of men to yield obedience to the existing laws, as declared by the supreme civil tribunals of the country; that on account of the prevailing differences of opinion in reference to the decision in the Auchterarder case, the question ought to be brought under the review of the House of Lords, and that the Assembly dismiss *in hoc statu* the overtures now on their table.

Mr. Pirie of Dyce, while he approved of Dr. Cook's motion, would go farther than the Rev. and Learned Doctor, in maintaining the independence of the Church. He regarded some of the conclusions come to in the Court of Session as subversive of that independence. He had the honour to be a member of the Assembly of 1834, which passed the Veto Law, and he then did what he could to oppose it; but after it was passed, as a son of the Church, he recognized its binding obligation, and he was now most desirous to ascertain in the House of Lords whether it was a competent law or no. While he went along entirely with the principles embraced in the debate was opened, with the principles embraced in the debate was opened, he must dissent altogether from the conclusion he had reached. That motion, if carried, would leave no reason why their connection with the State might not be dissolved to-morrow. The drift of the motion was not to preserve the independence of the Church, because that could be accomplished by giving up their connection with the State; the real object of it was