and separation, must be the inevitable consequence. This is the scriptural and straightforward course which the church is now pursuing, and surely no charge can be conceived more false than to charge this with rebellion.

The nature of our limits prevents us from following the writer through the full and able exposition he has given of the principles of the Church of Scotland, as an independent society, in alliance with the state. We quote the following passage wherein he shews that the right of ordination, (on which the present dispute turns) belongs to the church:—

Such then being the great fundamental principle upon which the legal establishment of the Church of Scotland rests, the church conceives it cannot admit of question, that the ordaining of an individual to the sacred office in one of its congregations, forms an essential part of its internal government, and has, therefore, as its prerogative, been assigned to it by the state itself. This matter is often perplexed by mixing it up with the matter of the benefice, which usually accompanies the sacred office of a parish minister; and the true bearing of that circumstance I shall advert to presently. But, looking at the matter, in the first instance, simply as it regards the constitution and the internal government of the church, how is it possible for one moment to doubt that the appointment of its ministers is in truth the *most* essential and necessary of all the spiritual functions which the church has to perform? The whole end of the church's government and existence consist in the feeding, guiding, and ruling of the various flocks which compose the church; and the pastors of the church at once feed the flocks, and form the highest office-bearers in the church's spiritual government; and how then can the appointment of these pastors and rulers be otherwise than the most essential and necessary part of the church's proper government? After the church has been solemnly recognised as a distinct community, or spiritual kingdom, founded not on any secular laws, but on the word of God, and having a constitution and government, for spiritual ends, appointed to it, by its sacred and only King and Head, in the hand of its own officers, distinct from the civil magistrate,—how can it yet be told that the appointment of these its spiritual officers, legislators and rulers, is, after all, in the hands of the secular magistrate, who, by its fundamental principles, is absolutely excluded? Any notion of the kind is self-contradictory and impossible. In setting apart the pastors of her congregations, and the rulers of her spiritual courts and assemblies, the church must be guided only by those principles and considerations which determine what is conducive to the edification of the body of Christ, and to the sound spiritual government of his church,—which have been committed by him into its hands, directly and exclusively, as its most sacred and inalienable trust.

While, therefore, the occasional severance of a benefice from a cure of souls is undoubtedly a loss to the church, and a loss also to the state, as interested in the welfare of the church, (and ought, therefore in future, to be prevented,) yet, if the same state which, by a variety of statutes, has conferred the benefices and other civil emoluments on the church, has also, by an act of peculiar solemnity, acknowledged and ratified as sacred and peculiar to the church, the whole of her spiritual and internal government: and if the appointment of her ministers forms the most essential part of that government,—the church expects that the state will protect her right, in that vital particular, from all illegal encroachment,—while she endeavors to execute her solemn duty,—and the trust reposed in her by the state, in the way which her own laws and the public good seem equally to require.

"Language has sometimes been employed in treating of this subject, which seems to impart, that while the act or ceremony of ordaining a man to the sacred office is spiritual, and is therefore peculiar to the church, yet that the right to judge in what circumstances this solemn act, peculiar to the church, ought by it to be performed, rests not at all with the church, but with the civil judicatories. According to this startling notion, the ceremonial belongs to the church, but the whole spiritual rule and power belongs to the court of session; and the office-bearers of the church, instead of exercising the government committed to their hands, as spiritual officers distinct from the civil magistrates, are reduced to be the mere instruments for executing the spiritual judgments of the civil court. It will not be expected that the church should entertain any such view of its established constitution; or that it can for a moment suppose that the spiritual rule which the state has committed to it, for wise and important public ends, is thus to be reduced to an empty shadow,—a rule in name,—but in fact a degrading bondage, as unprofitable to the state, as it would be unlawful and ignominious to the church itself."

Speaking of Queen Anne's Act, restoring patronage, we have the following sound and judicious observations:—

"If the state has assigned all civil matters to the authority and jurisdiction of the civil court, and if it has assigned all spiritual matters to the government and jurisdictions of the church and its courts; and if it has thereafter passed an enactment involving in it matter both civil and spiritual, it is competent for the civil court to enforce that enactment as to every thing civil; but as to every thing spiritual, that lies with the church and the spiritual courts; and if the spiritual courts fail in their duty regarding it, they are responsible to the state, but they are not responsible to the civil court, to which the state has given no jurisdiction in such matters. If the church were a mere civil corporation, (and the whole mistake lies in having treated it as such,)—if the church were a mere civil corporation—then, to be sure, the civil court would be entitled to intermeddle in all its affairs, and to construe, apply and enforce every statutary enactment which had the remotest bearing upon any of its proceedings. But as the church is not a civil corporation—nor indeed a corporation of any kind, (according to the Scotch meaning of that word,) but is a separate spiritual community, recognised by the state itself to have all spiritual matters subject exclusively to its own internal government, by officers distinct from the civil magistrate, it is not for the civil court to reach beyond its assigned sphere, and to enforce spiritual obligations—with which it has no concern—upon the church, to which the state has absolutely assigned all such matters, as its peculiar province. The civil matter involved in the above enactment, or in any proceedings under it, is the benefice; and the benefice the civil court may dispose of according to its construction of the civil law; but the spiritual matter involved in the enactment is the ordaining of a man to the holy ministry within the church; and the church maintains, with no small confidence, that if the court of session attempts, by means of the common executorials of the law, to enforce the performance of that spiritual function upon the church, it will be guilty of a flagrant perversion of the power intrusted to it by the state, and of illegally persecuting the church of God."