

gitimate means of defence. Forbid that we should have fallen on such times, that the British constitution could wink at such procedure. We should dread being associated with any body within the realm, were there even one precedent of such tyranny permissible.

The most prominent difference between the Church of Scotland, as established by law, and the Free Church, with regard to the civil power, may be briefly stated as follows:—the former has the most unfettered control over all spiritual matters, and also over all her ecclesiastical and civil rights and interests, so that appeal is utterly fruitless, while these rights are exercised within her recognized constitution. The latter may possibly exercise discipline, while they do not involve civil losses and civil consequences in their decisions; if so, there may be an appeal therefrom. The present case has so far unfolded their real position as to shew that they cannot avoid the review and scrutiny of the civil authorities. The closing up of this case will likely prove, whether the Free Church may, even when acting within their constitution, exercise jurisdiction incurring civil consequences without incurring civil penalties. Should the Free Church find that they are thus hampered, their only recourse will be, as was contemplated, we believe, since the case has been pending, to apply to the civil court for certain powers in self-defence. We cannot see why this should not be done by those who went to the civil courts before the secession, and declared that they would have been satisfied with alleged concessions. Nor can we discover any reason why this case has not been tried long ago, on its own merits, only lest their own weakness should be seen, and lest they must admit that they were fallible in their decisions.

The conclusions already arrived at are very important for voluntary and self-constituted associations. It shields individual members in the minority, from incurring responsibilities, whereas the hearings of the case indicate, that under the British crown, no individual need fear obtaining redress from the oppressive acts of anybody, whether civil or ecclesiastical—that no spiritual assumptions shall screen any combination, from the necessity of producing the grounds on which they proceed. This is important for all existing and future self-constituted bodies; and very necessary too, for an association may yet arise, with pretensions much more dangerous than the Free Church, and refuse to subject their decisions to review.

The Church of Scotland has no occasion to have her position defined, or to inquire, who are the proper parties from whom to seek redress. In this she has reason to rejoice. From this position she does not seek to retreat. She does not shun to show the grounds on which she proceeds or to afford open trial to all, even the humblest. Nor need the Church of Scotland fear to produce the re-

sults of her decisions, or a review of her deliberances. No human power can interfere with her decisions in Church matters, while she acts with due regard to her constitution. Whoever does not wilfully close his eyes to facts, may have learned the falsity of the oft-repeated assertion, that the civil court can exercise pressure or control over the decisions of our Church. No Church could act with greater safety to all concerned. The independence of our Church courts was clearly and fully admitted and declared by the five civil and supreme judges in the case of Dr. Lochart, of Fraserborough, the first case that came up after the late secession—when they declared, that there was no Church superior to the Church of Scotland in ecclesiastical matters, and they further declared that the Church of Scotland might err in judgment and deal with undue severity with one or more of her members, but they must notwithstanding submit. The civil court could not set aside, or reduce her sentence. This has been amply confirmed in practice since then.

Our matured conviction is, that the defenders in this case shall be necessitated yet,—as they have been constrained to satisfy production before the civil courts to go also for civil privileges as a Church, ere they can enjoy like freedom, much more, ere they can exercise like power and authority with the Church of Scotland.

## THE CHURCH IN NOVA SCOTIA.

ST. ANDREW'S CHURCH,  
Pictou, Sept. 3, 1862.

Which time and place the Presbytery of Pictou met according to adjournment, and was constituted. Sederunt—Rev. D. McCurdy, Moderator; Messrs. Herdman, Pollok, McKay, McGregor, McMillan, and Sinclair, ministers; Messrs. Holmes, McKay, Fraser, Grant, Sutherland, McKenzie, Ross, Fleming and McGregor, elders; and Mr. Christie, Clerk.

### *Inter Alia,*

The minutes of last ordinary meeting, and of meetings by leave of the Synod, and of meeting at the induction of Mr. Sinclair, were read, and, after corrections, sustained.

The Rev. George M. Grant, Missionary from P. E. Island, being present, was requested to sit and deliberate with the court.

The Rev. Simon McGregor was unanimously chosen Moderator for the current year, and the thanks of the Presbytery accorded to the Rev. Daniel McCurdy, the retiring Moderator, for his courteous conduct while in the chair.

Elders present produced their commissions, which were read and sustained, and their names ordered to be added to the roll.

It was moved by John McKay, Esq., se-