

without regard to the presentation], in the settlement." It was on account of this understood liberty of the Church, that the Seceders were so careful to make it known that they did not secede from the Church, but from the Moderates; and it was on that ground, too, that men holding the same principles with the Seceders, felt that they could still remain in the Establishment.

Now, however, there is no such scruple about interfering with the internal policy of the Church. The Established Church, being a free Church antecedently to 1843, would not be coerced into the position of trampling upon the rights of the parishioners of Auchterarder, by settling Mr. Young as their pastor, upon the call of Peter Clark and Michael Tod, in the face of an expressed disapproval subscribed by 287 heads of families, heritors, elders and others, standing upon the roll of communicants. Rather than do this, she was not only willing to forego the stipend, which was all that the law of patronage as hitherto administered required, but she would pay the £10,000, which Mr. Young claimed in shape of damages, and which the new mode of interpreting the law put it in the power of a jury to award him. Determined to maintain her freedom, as the Free Church of Scotland separate from the Establishment, she did pay the sums that were awarded in that and in similar cases. But the body which is now upheld as the Ecclesiastical Establishment of Scotland is treated as the mere "creature of the state;" and it submits to be so dealt with. Even the decision of the House of Lords in the Auchterarder case seemed still to leave the matter involved in some degree of doubt. It was still possible that subsequent cases might bring those Acts of the Scottish Parliament which had been so strangely interpreted, before other judges who might look at them in a different light. Lord Aberdeen's Bill, therefore, with which Mr. Trotter is so much pleased, was introduced for the professed purpose of removing all doubts upon the subject; and it has so completely succeeded in its object, that no one now can doubt the fact, that the Establishment is not at liberty to follow out those principles which her subordinate standards declare to be of scriptural authority. That Bill having been passed into an Act, lays down rules to be observed by Presbyteries even in that matter of a Call which the old constitutional Judges of Scotland used to consider as of a character so sa-

cred that they had nothing to do with it. The principle is now established, that the will of the people is not an element to be considered by church courts, in proceeding to settle a pastor over them.—The church courts are not now left to the alternative, which formerly they might have chosen, of forfeiting the benefit of the stipend rather than force a man upon an unwilling people. They must go through with their slavish task, though it should be the settlement of a presbyter to "the bare walls" of a church: they must go through with it also in such circumstances that it is not now the mere doing of a majority of Moderates, carrying it with a high hand over the principles of the church. The Establishment as a corporation enjoys its temporalities on the distinct understanding, that the "statutory duty" which Parliament has prescribed in a way that admits of no misunderstanding, shall be faithfully performed. Both office-bearers and private individuals who choose to connect themselves with such a system, become part and parcel of it, and are necessarily involved in the guilt which it may contract in the prosecution of those courses to which it is bound, by the avowed terms on which the benefits of the Establishment are now enjoyed.

At the time of the Secession, and down to these Disruption decisions, it was recognised and established as a fundamental principle of the constitution of the kingdom, "that the jurisdiction of the church in matters of heresy, excommunication, collation, or deprivation of ministers, or any such like essential censures, grounded and having warrant of the word of God," was "given by God" to the office-bearers thereof, and was exclusive, and free from coercion by any tribunals holding power or authority from the state or supreme civil magistrate. By an Act of Parliament also which still retains its place in the statute book, it was recommended to the Lords of the Privy Council "to take some effectual course for stopping and hindering those ministers who are, or shall be hereafter deposed by the Judicatories of this present established church, from preaching or exercising any act of their ministerial function, which they cannot do after they are deposed, without a high contempt of the authority of the church, and of the laws of the Kingdom establishing the same."—Now, however, proceedings of the Court of Session supporting parties in what is thus described as a high contempt of the