

rons, no step was taken without consulting the legal and political advisers of the crown in Scotland; and, independently of being supported by other legal advice of very high authority, the measure ultimately adopted by the church was introduced and carried through the assembly, with the full concurrence and sanction of these public functionaries.

"The matter having formed the subject of deliberation and discussion in the general assembly during the two previous years, and having been, in the meantime fully canvassed throughout the country, the Assembly did at length, in the year 1834, pass an enactment, by which it 'declares that it is a fundamental law of this church, that no pastor shall be intruded on any congregation contrary to the will of the people; and in order to carry this principle into full effect, the presbyteries of the church shall be instructed that, if, at the moderating in a call to a vacant pastoral charge, the major part of the male heads of families, members of the vacant congregation, and in full communion with the church, shall disapprove of the person in whose favour the call is proposed to be moderated in, such disapproval shall be deemed sufficient ground for the presbytery rejecting such person, and he shall be rejected accordingly.'

The well-known case of Auchterarder soon occurred. Mr. Robert Young being presented by Lord Kinnoul to that parish, was vetoed by the people; the congregation, we believe, consists of about 1300 communicants, and out of these only about two, who were connected with his own relatives voted in his favor. The Presbytery accordingly, in conformity with the veto law, rejected Mr. Young. This sentence of the Presbytery was brought under the review of the Court of Session, by Mr. Young and Lord Kinnoul, as affecting their civil rights; and this court appointed the Presbytery to proceed with his ordination, and on appeal to the House of Lords, their decision was confirmed on the 3rd of May last. The whole matter now came before the last General Assembly, when the following resolution was submitted to their consideration by Dr. Chalmers, and carried by a large majority:—

"The General Assembly having heard the report of the Procurator on the Auchterarder case, and considered the judgment of the House of Lords, affirming the decision of the Court of Session, and being satisfied that, by the said judgment, all questions of civil right, so far as the Presbytery of Auchterarder is concerned, are substantially decided, do now, in accordance with the uniform practice of this Church, and with the resolution of last General Assembly, ever to give and inculcate implicit obedience to the decisions of civil courts in regard to the civil rights and emoluments secured by law to the Church, instruct the said Presbytery to offer no farther resistance to the claims of Mr. Young, or the patron, to the emoluments of the benefice of Auchterarder, and to refrain from claiming the *jus devolutum*, or any other civil right or privilege connected with the said benefice.

"And whereas the principle of non-intrusion is one coeval with the Reformed Kirk of Scotland, and forms an integral part of its constitution, embodied in its standards, and declared in various Acts of Assembly, the General Assembly resolve that this principle cannot be abandoned, and that no presentee shall be for-

ced upon any parish contrary to the will of the congregation.

"And whereas, by the decision above referred to, it appears that when this principle is carried into effect in any parish, the legal provision for the sustentation of the ministry in that parish may be thereby suspended, the General Assembly being deeply impressed with the unhappy consequences which must arise from any collision between the civil and ecclesiastical authorities, and holding it to be their duty to use every means in their power, not involving any dereliction of the principles and fundamental laws of their constitution, to prevent any such unfortunate results, do therefore appoint a committee for the purpose of considering in what way the privileges of the National Establishment, and the harmony between Church and State may remain unimpaired, with instructions to confer with the Government of the country, if they shall see cause."

A clamor has been raised that the church is in rebellion against the law of the land, and this is often spoken by persons who give themselves little trouble as to its truth, and with the view of prejudicing the church in the estimation of the community. In the tract now before us we have a full and solid vindication of the church from this charge; but our limits prevent us from entering largely into the subject. It will be observed that Dr. Chalmers's motion gives up to the civil courts the things over which they take cognizance, we mean the temporalities of the benefice, and provides for that to which the power of the civil court does not extend, "the re-adjustment of the harmony between church and state," by a conference "with the government of the country." In strict language there can be no collision between the ecclesiastical and civil courts, inasmuch as the civil court takes cognizance of temporalities, and the ecclesiastical courts of the doctrine and discipline of the church, while the legislature stands in a common relation to them both. When the state entered into a union with the church, she took her, not as a mere corporation, but in her character as a society, whose sole and only head is Christ, and by whose laws, in every thing ecclesiastical, she would be ruled. Has the church, giving effect to her own testimony and articles, adopted a measure which seems as if it would separate the union. To whom is the church amenable? Is it to the civil courts?—She never stipulated with them on this matter, and they may not infringe upon matters of a purely spiritual kind—which ordination is.—She is amenable directly to the legislature of the country, between whom and the church the stipulations of the union were made. And if, consistently with her duty to Christ her only head, she can bring about "the re-adjustment of the harmony" between herself and the state—all is well. If not—then a mutual divorce