has been everything but complete victory, and it has been the most complete humiliation of every position assumed by the defendants.

Every principle of public importance has been settled against them. The Free Church was constrained, in the first instance, to satisfy production: in the second, their pleas on the incompetency of a civil court to reduce the sentence of ecclesiastical courts, and the purely spiritual character of the sentence and its consequences, were all set aside, and the courts of every dissenting communion, placed in the same position, in relation to the law, as that of any civil association. All these points have been decided, and the competency of the pursuer's pleas fully established. And one of the two judges who dismisses the case in its present bearing, states, that the defenders are chargeable with the mass of litigation which retarded the case coming up on its own merits—they, for years, struggled to preclude the court from entering upon the merits of their claims, on a strange misapprehension of the nature and object of the action." Besides not one of the judges has once hinted that the defender was likely to sustain a defeat.

The only triumph which the pursuers have really gained, is, that they have no legal footing in the civil courts, by itself as a Church, or when represented by its judicatories. Surely this is a very negative and truly humiliating one. The only point that has been decided against McMillan by his judges,—the third dissenting,—was, that he did not pursue the proper party—that instead of pursuing the General Assembly of the Free Church, through their office-bearers, moderator, and clerks, he ought to have pursued any member of the majority of the court, who voted for his suspension and deposition. The dissenting Judge discerns, that in as much as it would appear that the Free Church had adopted the whole constitution and practice of the Church of Scotland, including the rules for suing and being sued for, the action has been raised against the proper parties. But is not this seeming defeat a real victory? Does not the decision of all the judges clearly imply, that there was a party against whom it was competent for him to raise an action.

Space does not admit, nor do we desire, to enter at length into the merits of this case. We cannot, however, but express our conviction, that the conduct of the leaders in the Free Church, in this case, had been tyrannical in the outset—to an extent unknown in any Protestant association, and very undignified and inconsistent throughout the whole course of procedure. While the Pursuer's case is pending before the Church court, it is heard somewhere, that he appealed in self-defence to the civil tribunal—that he has taken a course which many of his ecclesiastical judges had done before the secession, and they have all done since in this case, and what an inspired apostle had done long before. For this imaginary crime, he is summoned before their bar. He is asked a simple question. He is debarred one word of explanation. And because he is honest enough to give a truthful answer, he is at once deprived of all ecclesiastical privileges, and consequently of civil rights. For this assumed crime, he is dealt with in greater severity than for acts of immorality.

What does the Pursuer complain of? His alleged grievance is, that he had not been tried by the compact or constitution of his own Church. And do not all conceivable equities justify his complaint? Had they unanimously regarded him as the most abject of characters, justice required that he should be judged by the laws of their mutual constitution. But he was defended by a considerable minority in the inferior courts. Surely, then, sympathy must be on his side until he is tried in the higher court by the rules of their own association. Had he been so tried, they might easily have unfolded the manner and grounds of their procedure. At the same time, to shun a fair scrutiny of the case is simply to imitate Papists everywhere. In the face of such oppression and over-bearing conduct, the civil court has a right to protect the civil and also the ecclesiastical rights of the oppressed, until ecclesiastical associations assume and assert a position of Quakerism, or of some more attenuated form of Spiritualism.

In some respects the features of this case resemble the troubles brought upon the Church before the late secession. Previous to this sad event, there had been repeated violations of an acknowledged compact with the State, in dealing with matters involving the civil losses of individuals. Had they avoided transgressing the defined laws of the constitution, all civil interference and consequent expenses would have been avoided; or, whenever the Church discovered that there had been a violation of the constitution by them, had they then admitted their error and retraced their steps, they would have escaped all the subsequent troubles and expenses, and consequent great schism. Had the Free Church, in the case of Mr. McMillan or any similar case, deposed him in accordance with the constitution of their Church, and in doing so deprived him of civil emoluments, it remains yet to be shown, whether, even then, they are not liable to be prosecuted for the recovery of damages. It does not appear to us, that a body not recognized by the State, can have that power to deal with its members, so as to inflict civil consequences, that a State Church actually possesses. At any rate, it does appear most preposterous and very unsafe, to allow any association—ecclesiastical or any other, to exercise the power of summoning an individual of their party into their presence, and inflict penal sentence on him, while neither chargeable with an act of violence nor encroachment on any person whatever, but merely for having adopted le-