

5. It interdicted a Presbytery from proceeding with a libel against a licentiate for gross immorality—it suspended Church censures, inflicted by Church judicatories—it interdicted the execution of a sentence of deposition from the office of the holy ministry; and,

*Lastly.* It assumed to judge of the right of individuals elected Members of the General Assembly to sit therein, and interdicted them from taking their seats.

These examples may serve to show to what an alarming extent the Civil Court had carried its invasion of the spiritual jurisdiction. The Church, indeed, was accused of aiming at a Popish supremacy, and the boundary line it was pretended, could not easily be drawn between things civil and things spiritual, but in all the cases which arose, there was not the shadow of a ground for charging the Church with confounding that which was spiritual with that which was secular, and, in point of fact, such an allegation had not once been made from any quarter whatever. Not a vestige, then, of our spiritual liberty remained. All was swept away by the powerful arm of the courts of law. What, then, remained to be done? It was in vain to appeal against these illegal and unconstitutional proceedings, to the House of Lords. The expenses incurred by former appeals were enormous; and, looking to the opinions which the law lords then pronounced, and to the principle and rule of law laid down in the second judgment in the Auchterarder case, the most sanguine could scarcely entertain any hope of redress.

In these circumstances, the first impulse on our mind was to leave the Establishment. It was impossible for us to act under the law as declared by the Civil Courts, without deeply wounding our consciences, and violating our ordination engagements; and it was nearly as impossible to withstand the coercion of the Civil Courts. We had long contemplated the possibility of such an issue. Many of us were fully prepared to adopt that last—that fearful resolution. But we were not at liberty to do so until we had used every expedient which our judgments suggested for averting the disraption, it might be, ultimately the overthrow of our National Church. Accordingly, as one of the last of these expedients, the General Assembly of 1842 adopted, and transmitted to Government a document, entitled, “The Church of Scotland’s Claim of Right,” in which after quoting calmly and dispassionately the various Treaties and Acts of Parliament by which the liberties of the Church of Scotland were ratified and secured, the General Assembly in an equally calm and dispassionate manner, proceeds to enumerate what it regarded as the infractions of these Laws and National Treaties by the Civil Courts, asks redress from their unconstitutional and illegal encroachments—declares that it cannot submit to these encroachments, and solemnly protests against them as void and null, and of no legal force or effect.

No answer was made to this communication, until, in the month of November following, a Memorial on the same subject was presented to Her Majesty’s Government, by the Commission of the