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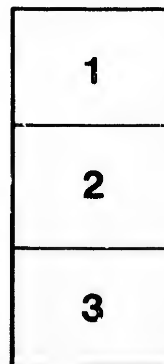

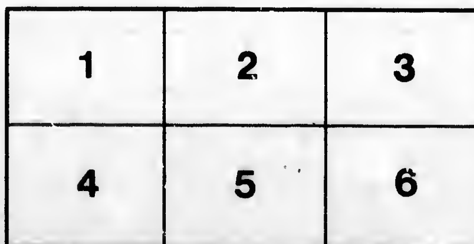

LETTERS

ON

Union with the Church of Scotland,

AND ON

CHURCH INDEPENDENCE.

BY

Rev. JAMES MIDDLEMISS,

MINISTER OF CHALMERS CHURCH, ELORA.

Reprinted, with notes, from the British American Presbyterian.

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PART I.

Letters on Union with the Church of Scotland.

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I.

(British American Presbyterian, Sept. 12, 1873.)

UNION WITH THE CHURCH OF SCOTLAND.

Editor British American Presbyterian.

My Dear Sir,—I trust you you will give me room in your paper for a statement of views on the subject of Union, which I entertain, in common with many of the office-bearers and members of the Canada Presbyterian Church. Many of my brethren are in great perplexity in reference to Union with the Church of Scotland in Canada—a union which, judging from the present aspect of things, they fear may shortly be formed, without any due regard to principle on the part of our own Church.

A great deal is said in favour of the proposed Union that has no bearing upon the great question that should occupy the mind of the Church in reference to it. It is not a question with any of us, whether Union among Christians is a desirable thing. However much may be said about the desirableness and advantages of Union, and the evils of dissension and separation, it need not be said, for nobody is disposed to dispute it. Neither is it a question with any of us, whether Union with the Church of Scotland in Canada would not be a desirable and happy thing, if circumstances were such as to justify the persuasion that it can be effected without any sacrifice of principle, and without any detriment to the interests of religion. But I must frankly say that looking at things as they are,—taking into consideration the past history and procedure, and the present state of the Church of Scotland in Canada, I do not think a Union with that Church is desirable at the present time. There are various things that weigh heavily on my mind in view of such a Union, and that make me dread and dislike it, because, in view of them, I am persuaded that it would be productive of no real good, but that, on the contrary, it would be injurious to the interests of

religion. I am fully convinced that it will be unspeakably better for the moral and religious interests of the country that we remain, in the meantime, as we are, leaving the Presbyterian Church of Canada in connection with the Church of Scotland to whatever course it may judge proper. My conviction is strengthened by the fact that it is shared by a large proportion of the religious people that I am in the way of associating with. I have no doubt that the experience of others may be different, and I know that many persons of the most decided piety are strongly in favour of Union. But such is my experience. So far as my own personal religious associations are concerned, I find that aversion to the proposed Union is most decided on the part of those whose piety is most unquestionable. Those who know me will not readily entertain the suspicion that such an experience is the result of any direct attempt on my part to influence the minds of others on the subject. I believe the experience of many others is similar to my own ; and I would ask those who seem to have a commanding influence in favor of Union, whether they have given, or are giving, anything like due consideration to the fact that no contemptible number of serious-minded people are averse to the proposed Union, and in great perplexity of mind as to their duty, in the event of the accomplishment of Union, on such terms as are at present before the Church. Is there not a disposition, to say the least, to presume on their unwillingness to separate from the majority? But even supposing that few or none should carry their opposition to such a length, it is surely no light thing that a course should be pursued that makes many pious people—ministers and members—consider whether separation may not be their duty, and that is likely to issue in a Union which they can only regard as a calamity.

Much as the considerations above referred to weigh with me, as they are of such a nature that one cannot well introduce them into discussion on the subject of Union, I shall only further say respecting them that, while in view of them, I would feel constrained to oppose the contemplated Union, I would probably not think of carrying my opposition beyond voting against it, were it not that I am persuaded that, setting aside all these considerations, the Church is on the road to Union at the expense of the sacrifice of a principle of vital importance. I hope I shall not be regarded as disrespectful to esteemed and honoured brethren from whom I differ on this subject, when I say that all along the negotiations seem to me to have been conducted on the principle, that Union being a most desirable thing, it ought to be effected speedily, and that with this view we must refrain from doing, saying, or asking anything that might stand in the way of it. It is, in my judgment, much to be regretted that the idea of drafting and submitting to the Church a basis of Union, before a careful and trustworthy statement was prepared clearly exhibiting the points of difference and agreement betwixt the two Churches, was not rejected, whoever suggested it. Such a statement ought to have been presented to the Church, and the question having been put, Do you consider that the difference of senti-

ment betwixt the two churches is such that a Union may be formed without any sacrifice of principle? and that question being answered in the affirmative, with some good degree of unanimity, by our Presbyteries, Sessions and congregations, then, but not till then, should an attempt have been made to draft a basis of Union. But as matters stand, however willing we may be to hope the best, we have no certainty of mind as to the sentiments of the other Church in relation to a principle of vital importance; and instead of anything being done to relieve our minds, a course is persistently followed, which we cannot but regard as fitted to confirm our suspicion that the great principle referred to is to be sacrificed for a Union which we can only contemplate as fraught with evil in relation to the interests of religion. Do we not sacrifice that great principle if it ceases to be a fundamental principle of the Church, as it is now; and not only fundamental, but a principle the assertion of which was the *raison d'etre* of the Presbyterian Church of Canada? Let me not be told that I am speaking as a Free Churchman. My answer to that is, that on entering into the Union of 1861, we did so, distinctly declaring the Canada Presbyterian Church to be identical with the Presbyterian Church of Canada.*

What we wish, and what we consider indispensable to Union, is that it shall not be consummated unless provision be made for a full, express, and authoritative exhibition of this great principle *as a fundamental principle of the United Church*, if not in the basis of Union, then in some other way equally satisfactory. In other words, let it be distinctly declared,—not assumed,—but distinctly and expressly declared that the United Church holds, as a fundamental principle, that Christ has appointed in His Church a government distinct from, and not subordinate to, that of the Civil Magistrate, and that the Civil Magistrate does not possess *jurisdiction* or *authoritative control* over the regulation of the affairs of the Church,—let this be done, and speaking for myself, though I have no expectation of good from Union, I shall submit to it, and do my best for the interests of the United Church. I do not wish to go back upon the past more than is necessary or unavoidable, and I am willing that nothing be said on what we conceive to be

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* *See* last Minute of the Synod of the Presbyterian Church of Canada, and of the Synod of the United Presbyterian Church in Canada. From these Minutes, it appears that it is not correct to say that the Canada Presbyterian Church is not the "Free Church," or that it is not the "United Presbyterian Church." It is *both the one and the other*. The Union of 1861, it is true, left both parties free to entertain their peculiar views; and for that very reason it would be most *ungenerous* in either party to drag the other, or a portion of it, by force of numbers, into a position which they feel to be inconsistent with their peculiar views. But in the present case, the minority (not *exclusively*, however *largely*, composed of *Free Churchmen*) are contending for the exhibition of a principle common to both parties, and embodied in their Basis of Union; so that to charge *Free Churchism* on the minority is manifestly *unreasonable*, if not *unjust*. Though the charge is, I believe, associated with respectable names, I am very unwilling to think that any considerable number of United Presbyterian brethren can allow themselves, on *such* a ground, to be parties to the forcing on of Union.

inconsistencies, if we can obtain anything like reasonable satisfaction as to the sentiments of those with whom it is proposed to unite. Knowing that we may greatly wrong brethren by charging them with holding an erroneous principle, because they hold what, in our judgment, involves it; or with not holding an important principle, because of their holding or doing what, in our judgment, is inconsistent with it, I am willing that the past should be forgotten, *as much as possible.*. I say as much as possible, for surely the past teaches lessons which it were folly to ignore; and great principles must be viewed in the light of the controversies that have arisen in connection with them. But I can conceive of brethren holding the great principle which is to me everything in these discussions on Union, while they may have been chargeable with what was, in my judgment, even grossly inconsistent with it.

Can nothing be done to relieve the minds of the many who are in the same perplexity as I am? Some of my brethren say, "Your suspicions are groundless; the brethren of the Church of Scotland in Canada are perfectly sound—just as sound as you are—in reference to the principle of which you speak; your dread of Erastianism has no better warrant than a child's fear of a ghost." I have little personal acquaintance with ministers of the Established Church of Scotland, so that I judge of their sentiments chiefly by the position which they occupy. But others, who have the means of knowing, assure me that I judge rightly in believing that they are *not* sound, and that, at least, *many* of them hold that in all cases the civil courts must be the courts *of last resort* against the possible wrongdoing of church courts.*

Well, whom am I to believe—my brethren who make a joke of my suspicions, and rally me perhaps on my Highland proclivities, or those who tell me that my suspicions are too well founded? And who are the parties to end my perplexity? Of course the brethren of the Church of Scotland. Let them speak out frankly and explicitly. Let them (still believing that the proceedings of the civil courts in connection with the non intrusion controversy did not warrant the course we took at the disruption) assure us by a distinct and authoritative utterance, not only that they believe the church courts have an exclusive jurisdiction in all *purely spiritual* cases, and that the civil courts have no right of review in things *purely spiritual*; but that they believe the civil courts have no right, under the plea of civil interests involved in

* This is the view maintained by "Presbyterian" in the letter that originated the discussion on Church Independence my letters on which are reprinted in this pamphlet. I have always supposed "Presbyterian" to be a minister or a member of the Church of Scotland, and thought that he presented in that letter the views of many in connection with that church. Though he *professes* to have changed *his* views and became an "Ultramonanist," that is no ground for believing *they* have changed *theirs*. And such a conversion is not to be desired. Erastianism is bad, very bad; but "Ultramontanism" is *much worse*. I am surprised to learn that some suppose "Presbyterian" to be a minister of our own Church. I cannot believe it. But, in justice to others, he should let the Church and the world know who he is.

the Church's procedure, to interfere, in the way of interdicting, suspending, or annulling the Church's acts, or of enjoining them, any more than they have a right to interfere with a man's government of his family, or his disposition of his property, if, for instance, he should turn his son out of doors because he believed he was corrupting the morals of the family, or should cut him off with a shilling. I am not blaming the brethren of the other Church for not giving a distinct and authoritative exhibition of their sentiments upon this point. I blame my own Church. It seems we must not ask this, because our doing so will *endanger the Union*. We are told we should be content with subscription to the Confession of Faith, and with the assurance given us by our committee that the brethren of the other Church hold as firmly as we do the doctrine of *Christ's Headship*. But do we not know what the value of subscribing articles of faith has come to be in another Church? And do we not see a tendency in other churches to move in the same direction? Do we not ignore one of the most important ends of a church organization, if we content ourselves with seeing that our articles are signed, and are not careful to know what sense those who sign our Confession attach to its statements? These are not days in which we can be satisfied with the general profession of the admission of great truths, when men everywhere, in all the Churches, are veiling their infidelity and their errors under the language of faith and orthodoxy. It is not conceivable that any man calling himself a Christian should deny the Headship of Christ over the Church. Even the dignitary who recently paraded his Erastianism with applause before a Scottish audience of high intelligence, admits it. But what is the admission worth, when it is made, as in his case, in connection with a complete oversight, if not total ignorance, of the fundamental idea of a church?

But it is said, you may know what the brethren of the Church of Scotland in Canada believe to be involved in the doctrine of Christ's Headship over the Church, by reading their own Declaration of Independence. I cannot but feel that brethren have committed a great mistake in referring to that Declaration, emitted, we believe, soon after the disruption in 1844. It is referred to for the purpose of showing that the Presbyterian Church of Canada in connection with the Church of Scotland holds, and has always held, views identical with our own. But we cannot view it except in the light of the time and the circumstances in which it was issued. And viewed in this light, my though s about it are such as I am *most unwilling* to express, because, as I said, I am willing to forget the past, and to submit to the wishes of the majority of my brethren, if I can get satisfaction in relation to my great difficulty. Let this Declaration be forgotten, and let it now be not only assumed, but distinctly declared on both sides in the consummation of Union, that it is a fundamental principle of the United Church that the civil magistrate does not possess authoritative control, under any plea or pretext whatever, over the regulation of the affairs of the Church, and then I, for one, shall perhaps not even dissent from a consumma-

tion which so many seem to have set their hearts on.

But why, it is said, insist on this, when the Synod is willing to terminate its connection with the Church of Scotland, and thus yield the very point on which the Canadian disruption turned? I answer, This amounts to no more than simply not asking us to unite with the Church of Scotland. But more must be said. In the first place, though the disruption hinged on that particular point, have we not been accustomed to look upon the disruption as having brought about a separation desirable in other respects? Were there not in the Church of Scotland previous to the disruption, two parties whose views and feelings were so different, that their separation was, as we believe, in the interest of true religion, although it actually hinged on one particular point? And were we not thankful for the separation on this account? Have these differences disappeared? Are they less than they were? And if less, is the assimilation owing to the one party being educated up, or to the other party being educated down? Such insinuations, it will be said, may apply to some extent to Scotland, but not to Canada. I wish I could think so. But let it be so. There is something more to be said on the matter now before us. Had the majority in 1844 consented to the proposal to cast off connection with the Scottish Establishment, which, as we believe. was then become hopelessly recreant in relation to great principles for which she had contended for generations, they would have been joined with their brethren in the privilege and honour of maintaining the Church's testimony unbroken. But instead of this they resolved to adhere to the Church that had fallen from her testimony, and for thirty years they have constanrly declared their preference for her, and their approbation of her principles *as at present constituted*, and are now as loud in their praises of her as ever? Does all this make no difference between 1844 and 1873? Does it not at least justify our being very careful in the business of this Union, and warrant our insisting upon something very definite in regard to the great principle which we regard as being of such vital importance? We wish no confession of wrong-doing. Let the brethren of the Church of Scotland live and die in the belief that they did right in adhering to the Scottish Establishment in 1844, and that they do right in separating from her thirty years after: but if there is to be a Union, let them not only tell us by word of mouth in committee, that their taking the position they did in 1844 does not imply in their judgment as it does in ours, any disregard of the great practical principle that we have ever been so ready to charge them with the disregard of; but, let them show their readiness to dispel the suspicions which we think we have good reason to entertain, by saying that they are willing that that great principle shall be declared, in the most express and unmistakeable terms, to be a fundamental principle of the United Church. I cannot see any ground for the charge of *discourtesy* in asking this. I feel quite sure that if we had given them any ground, *in their judgment*, to suspect our soundness upon any point, we would have been not only willing, but desirous, to give

them any satisfaction they could possibly require. It has been said, indeed, they might as well insist on our giving them explicit assurance that we believe schism to be a sin, inasmuch as they considered that our action in 1844 was schismatic; and we are asked what we would think, and how we would act, if the brethren of the Synod of the Church of Scotland were to make such a demand upon us. My answer is, that whatever I may think of them, I believe them to be incapable either of the *miserable sophistry* or the *gross impertinence* involved in such a demand. Is the guilt of schism determined by *arithmetic?* Is it only a *minority* that can be guilty of it? Who does not know that we charged on them the sin of schism, as strongly as they charged it on us; and, as we think, with far more reason? It would be a waste of words to prove that there is and can be no parallelism between the two cases.

I begin to fear that I may be regarded as a transgressor in respect of the space required for this communication; but let me ask leave, before concluding, to refer to another fallacy that has done service in the discussions on Union. It has been said: "Why should you make so much ado about Christ's kingly office, when the great controversies of our time have relation not so much to His kingly office, as to His prophetic and priestly offices?" To cut the matter short, let us suppose that a controversy had arisen affecting the prophetic office of Christ. Suppose some of the ministers of the Church had expressed themselves in such a way as to warrant the suspicion that they held the belief that the Scriptures are not God's revelation of Himself—of His character, His will, and His purposes, but only the expression of the thoughts of pious men respecting Him. Suppose a controversy to have arisen upon the subject, ending in a disruption; the one party charging the other with denying the inspiration of Scripture, as of course they well might, and the other party repudiating the charge, as they would no doubt do. And suppose further, that after the lapse of a number of years, the proposal of a re-union of the two parties should be made in connection with the idea, that possibly as some might think, probably as others might think, and certainly as perhaps others might think, the erring brethren had only expressed themselves rashly in exhibiting the *individuality* of the sacred writers. Who in such a case would not see the necessity of having the doctrine of the inspiration of the Scriptures expressed in the most definite terms? Would not the notion of being content with the terms of the Confession, and the proposal to ignore the whole controversy, justly awaken the suspicion that there was really something wrong after all? And would not our suspicions be confirmed by our being reminded that our brethren had emitted a declaration in the strongest terms expressive of their belief in the inspiration of Scriptures, and told that we would insult them if we insisted on anything different from the terms of the confession?

I might carry the parallel further, but I forbear, and will con-

clude with imploring those who seem to be set upon this Union, to give to their own brethren some of that consideration which hitherto they have been giving so exclusively to the brethren of the other Church. So far as I can see, the feelings of the brethren of the Church of Scotland are everything with them, while our views and feelings are nothing. It is unworthy of them to treat us as a helpless minority. Their doing so may be found the reverse of conducive to the realization of the great idea of one Presbyterian Church in the Dominion of Canada. I shrink from the very thought of disruption. I cannot look at it, till all means to obtain reasonable satisfaction have been tried in vain. I would, in the meantime, rather appeal to the better feeling of my brethren; and while we refrain from everything that looks like a threatening of separation, I would have them not to govern themselves by the notion, so often proved a mistaken one, that the spirit of the fathers is not inherited by the children.

JAMES MIDDLEMISS.

———o———

II

(British American Presbyterian, Dec. 12, 1873.)

UNION WITH THE CHURCH OF SCOTLAND.

Editor BRITISH AMERICAN PRESBYTERIAN.

MY DEAR SIR :—I shall not wait longer for Mr. McKay's further remarks upon my letter of September 12. With your leave, I now offer to your readers some defence of myself against his attack upon me in your paper of October 3, leaving him to wind up his observations leisurely or otherwise, as he may think best or find most convenient. My reasons for taking no particular notice of his *second* letter (Oct. 31) will, I trust, be readily understood and appreciated.*

Mr. McKay has entirely overlooked the fact that, in my letter, I deal not with the brethren of the Church of Scotland, but with brethren of my own Church, of whom I am entitled to assume, from the very po-

* The writer of the letters referred to is the Rev. Alex. McKay, of Eldon, who having written what he considered an *unanswerable* reply to my first letter, was reproved by "Presbyter Junior" (BRITISH AMERICAN PRESBYTERIAN, Oct. 17), and replied in a letter whose language is a nearer approach to *scurrility* than that of anything I have seen in the course of the present discussion. I hope he regrets deeply the part he has taken, as am sure his brethren must do.

sition they occupy, that their views of the Disruption controversy are in the main identical with my own,—the fact that I am not discussing the qustion, who was right and who was wrong at the Disruption? but the question, On what terms may we, assuming that we were right, and knowing at the same time that the brethren of the other Church believe that they were right, enter into union with them, without either party modifying their views in reference to the merits of the Disruption Controversy, and yet without any sacrifice of principle?

In reference to the earlier portion of my letter, I cannot see that I expressed myself in such a way as to warrant the use of the language applied to me by "Presbyter" (Sept. 26), and by Mr. McKay. I cannot but think that they are both of them open to censure for the impropriety of their language; and that Mr. McKay is unfair in the representation he gives of my views, and in the inferences he draws from them. Feeling as I do on the subject of Union, surely I was warranted, if not bound, to utter my mind to my brethren, avoiding offensive language. But as I have no design to oppose Union by urging the considerations referred to, I shall say no more here in relation to them, but shall pass on to the chief matter of controversy.

I expected that my views on this matter would not be allowed to pass without adverse criticism; but I could not have thought that my objections to the terms of Union would have been met with nothing more worthy of consideration than has been advanced by "Presbyter" and Mr. McKay. The letter of the former calls for no particular notice. Mr. McKay, however, regards his own letter as *unanswerable* both in "spirit" and "argument." As to the "spirit" of it, I think it best to say nothing; and as to "argument," I believe it can be shown to amount to nothing. He does not throw a particle of light upon the subject. He makes no attempt to relieve the perplexity of brethren, or to meet their difficulties. Statements, the insufficiency of which I endeavored to point out, are simply reiterated, without any apparent thought of its being proper to take notice of the arguments of the person whose views he professes to controvert.

That I have good reason to speak in this way of Mr. McKay's letter will, I hope, be evident enough in the sequel. Meantime, let me state briefly the position that I occupy in this discussion, and from which I cannot see how I can withdraw.

We have been accustomed to believe, and we do believe, that the position assumed by the brethren of the other Church in 1844, and occupied by them ever since, was inconsistent with the principle of the Church's distinct and independent jurisdiction, involved in the Presbyterian doctrine concerning the Visible Church and Christ's Headship over it: a principle not only contended for in the controversy that issued in the Disruption of 1843, but maintained by the Scottish

Church, *in all its branches*, up to that date. We differ among ourselves on the subject of Establishments, and some of us may be of opinion that the independence of the Church must be affected by alliance with the State.* But whatever difference of opinion may exist among us, on that point, the fact cannot be disputed that both the Established Church of Scotland, and those who sought relief from the oppression of a dominant Moderatism, maintained the great principle. And I may add, in reference to the Establishment, that it was thought, up to the time of the Non-Intrusion Controversy, *that the Church's claim to spiritual independence was allowed by the civil authorities, and that it was only by the decision of the civil courts, in connection with that controversy*, that it became apparent that they claimed, notwithstanding the strongest remonstrances of many eminent legal authorities, to have a supremacy in matters in which hitherto the Church judicatories had been supposed to possess a recognized power, supreme and irreversible. We have always held that in 1843 the Established Church of Scotland, by consenting to the encroachments of the civil authorities upon the jurisdiction of the Church, acted inconsistently with the Church's independence. On the other hand, the brethren with whom we are negotiating about Union maintain, or are understood or represented as maintaining, that we put an unwarrantable construction upon their action in 1844: that it did not involve, on their part, the sacrifice of the Church's independence, or anything inconsistent with it; and that they hold the principle as firmly as we do. Well, then, what we desire is this. Holding, as they say they do, as firmly as we do, the great principle, while we differ from them in this, that we hold that certain action of theirs was inconsistent with it, while they hold it was not, we are prepared, (that is, on the supposition that all existing relations are cancelled, so that there may be no offence to the feelings and convictions of either party),—we are prepared, I say, to consign to oblivion the matter of inconsistency, alleged on the one side and repudiated on the other, provided such a place be given by the United Church to the principle itself that no one can doubt that it is a fundamental principle of the Church.

Mr. McKay, in his letter, objects to this, in language which I venture to call unwarrantable, if not highly reprehensible, and for reasons which, the more I think of them, the more I am convinced, are without any weight. He speaks of me as making a "demand," using the word several times. I make no demand I stated, indeed, what I consi-

* To be more particular: Some of us believe that there *may* be an alliance between the Church and the State in which the former may enjoy the *privileges* of an Establishment in return for the *services* which she renders to the moral, and thereby to the material well-being of the latter, but in which all her essential powers and liberties shall be intact and inviolable; and some of us believe there *cannot* be such an alliance. But we are all agreed that it is *only such* an alliance, *if it be possible*, that the Church is at liberty to enter into. Such an alliance was thought to exist in Scotland, *until* the action of the State in connection with the Non-Intrusion controversy determined otherwise.

dered *indispensable* to Union. To describe such a statement as a *demand* is a misuse of language. Surely something is indispensable to Union, even in the judgment of those of my brethren whose views are farthest removed from mine,—we shall say the cessation of connection with the Church of Scotland. If they say such separation is indispensable to Union, is it proper to speak of them as *demanding* it? As little is it right for Mr. McKay to speak of me as demanding anything, insinuating, as such an expression does, an imperative and peremptory mode of asking what we think reasonable, that cannot justly be charged against me. There are other instances of Mr. McKay's misuse of language that will call for notice before I am done.

Before giving his reasons for refusing to accede to our proposal, Mr. McKay puts it in a form which I can only regard as equivalent to evading the point at issue. Referring to our desire to have a full, express, and authoritative exhibition of the principle as fundamental in the United Church, that Christ has appointed in His Church a government distinct from and not subordinate to that of the Civil Magistrate, and that the Civil Magistrate does not possess jurisdiction, etc., he represents this as being, "in fewer words," a desire on our part for "a declaration from the adherents of the Church of Scotland, that they believe in the Headship of Christ over His Church." He then proceeds to give reasons why he cannot consent to the making of such a declaration. Now, in point of fact, we do not want such a declaration. What we desire is of a much more definite and specific character. I do not charge an evasive design on Mr. McKay; but he has no right to put our proposal in this general form, without taking any notice of the fact, that instead of asking for such a declaration, I made no question of their believing in the "Headship of Christ over His Church," but pleaded the necessity of its being made apparent that a certain principle, which we regard as involved in the doctrine of the Headship, is considered fundamental in the United Church. I said: "It is not conceivable that any man calling himself a Christian should *deny* the Headship of Christ over the Church,"* and referred to the admission of it by a dignitary of the English Church, who has, since my first letter was written, told his northern friends that the Scotch doctrine respecting the

* While I am revising these letters, I see the in the *B. A. Presbyterian*, of March 27, that a writer, who is of a *syllogistical* turn of mind still imagines that he gravels my friend Mr. McTavish and *all Free-Churchmen*, by the following *reductio ad absurdum*: If a Church *denies* the Headship of Christ, it is not a Christian Church; but the (Established) Church of Scotland (according to Mr. McTavish and the *Free Church*) *denies* the Headship of Christ; therefore the (Established) Church of Scotland is not a Christian Church; *which is absurd*, the Church of Scotland being unquestionably a Christian Church; and herefore *it holds*, and *cannot but hold*, the Headship of Christ, Q.E.D. I have no right to blame the writer for not knowing what I had written on the subject; but I do blame him for not knowing the *state of the question*, in a controversy tha has been so prominently before the world for the last forty years. Let me advise him, in all his future attempts at reasoning, to attend mainly to his *premises*; which, if he does, he may leave a child to draw the conclusion, that being not much more difficult than to do a sum in simple addition.

visible Church, and Christ's Headship over it, belongs to the same category of error as the Romish doctrine of transubstantiation. He, too, would say with Mr. McKay, that he holds "this important truth as fully and broadly" as we do. Does he mean that he holds it as including the principle of the Church's independent administration of the law of her Head; or does he mean, in accordance with the current usage of the word *broad*, that he regards it as being fully and consistently held by those who will not admit that great principle?*

Mr. McKay Gives *three* reasons why the brethren of the Church of Scotland cannot in his judgment. accede to our proposal. The *first* is, That "Christ's Headship over His Church is expressed as clearly and satisfactorily in our confession of Faith" as we are capable of setting it forth in words. In reference to this, let me remind your readers that it is simply the reiteration of an objection to our proposal which I took up in my first letter, in which, besides referring to the duty of the Church to be careful, especially at the present time, to know what sense those who sign her Confession attach to its statements, I presented the true state of the case by supposing a controversy, ending in disruption, to have arisen on the subject of inspiration. There is no call to say anything more on this point, except that Mr. McKay's letter cannot reasonably be regarded as a reply to mine, when, instead of replying to what I plead in defence of my position, he simply reiterates what I plead against. As to his representation of our request as a proposal to tamper with the standards of the Church, I can only say it is another instance of his misuse of words. We do not wish to touch the standards; we simply wish the assurance, after a great controversy, that we are as one in relation to a great fundamental principle.

Mr. McKay says, *Secondly*, That "to accede to our request would be a practical acknowledgment that they had in some way denied this great truth." I cannot see this; and we certainly do not present our proposal with any such view. I have said that I was quite sure "that if we had given them any ground, *in their judgment*, to suspect our soundness upon any point, we would have been not only willing but desirous to give them any satisfaction they could possibly require." We ask no more from them. But let me call the attention of your readers to a distinction referred to in these words: "We may greatly wrong brethren by charging them with holding an erroneous principle, because they hold what, in our judgement, involves it; or with not holding an important principle, because of their doing

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* Mr. McKay, in a subsequent letter, (B. A. PRESBYTERIAN, Jan. 23) represents me as insinuating here that he understands the word "broad" in the same sense as the Romish Church! The mind of the Church of Rome, in relation to the meaning of that term, it has never occurred to me to inquire into. I ask if he uses it in its *current* acceptation. If he does, he admits the very thing we are afraid of. We are constrained to set our faces against *broad* views in relation to the royal office of Christ, as well as in relation to His priestly and prophetic offices.

what, in our judgment, is inconsistent with it." Surely this distinction will be admitted to be a sound one, and of great impc tance in controversy, mnch as it may be overlooked or disregarded. And I repeat that I can conceive of brethren holding the great principle which is the chief matter of our anxiety and perplexity, while they may have been chargeable with what was, in my judgment, inconsistent with it; and that we wish no acknowledgment of inconsistency or confession of wrong-doing, but simply such a recognition and exhibition of the principle as may remove doubts and fears which we think we have good reason to entertain. Even if Mr. McKay had thought that the distinction was not a sound one, or that it did not apply in the present case, and that I am inconsistent in saying that I wish no confession of wrong-doing while I ask that the principle in question shall be distinctly and expressly recognized as fundamental, it would have been well if he had refrained from the use of such words as "pitiable and fearfully dishonest." And what shall I say of the way in which, in his second letter, he misrepresents me in relation to the perplexity we are in? I had said that, while I judged of the sentiments of the brethren of the Church of Scotland chiefly by the position they occupied (a lawful thing surely), some of my brethren said one thing about them, while others said the reverse; and that this was a cause of perplexity. This perplexity, occasioned by conflicting testimony, he represents as a manifest openness on my part to receive any evil report and unwillingness to believe any thing favourable. Shall I say this is "pitiable" and fearfully dishonest?" Certainly not.

Mr. McKay says, *thirdly*, That to accede to our request would he conceives, help to confirm me in my belief that I am right in charging them with denying Christ's Headship. Now I am fully persuaded that the effect upon our minds would be quite different from what Mr. McKay conceives. Speaking definitely, the charge is not that they denied Christ's Headship, but that they acted inconsistently with a principle involved in it, viz., the Church's independent jurisdiction. In reference to this, my conviction is such, that I believe it is not likely to be affected in any way. But it is not to this that our difference has reference. We are not discussing who was right and who was wrong at the disruption. If *our* views of the old controversy are not likely to be altered, we do not ask *them* to modify theirs. But, I repeat, to charge with doing what we regard as inconsistent with a principle is one thing, and to charge with not holding that principle is another thing. In relation to the former, my conviction is not likely to be affected in any way. But in relation to the latter, *i. e.*, in relation to the question whether the brethren of the Church of Scotland hold as fundamental the great principle under consideration, my views must depend greatly on the issue of present negotiations. If our request be acceded to, our suspicions will be removed; if not, they can only be strengthened into conviction.

As Mr. McKay insists that I have as good *right* (so he expresses

himself) to make confession of schism, as he has to plead guilty to the sin of denying the Headship of Christ, let me say, that if I had been aware that the argument on that point had been put otherwise than hypothetically, I would not have used expressions regarding it that I have done. But it is certainly most fallacious, and I am surprised that any one can plead it. The simple fact that the sinfulness of schism never has been, and never can be questioned, makes the alleged call for its exhibition wanting in the first element of parallelism with the necessity for the exhibition of a great spiritual principle that has been in controversy for ages, is still in controversy, and will be in controversy so long as the Church is a distinct institution in the world. As to Mr. McKay's way of putting the argument, enough has already been said to show that neither directly nor by implication do we wish him, or any one else, to plead guilty to the sin of *denying* the Headship of Christ. No good cause can be benefitted by such an argument, and only a bad cause can be in need of it.

I trust I am done with Mr. McKay, who, like "Presbyter," does really nothing more than make a noise, if it be not to throw dust in people's eyes, though not, I am persuaded, enough to mar the vision of any considerate reader. And while neither of them contributes anything that is fitted to lighten any difficulty that presses on our minds, all that I see and hear is fitted to deepen our perplexity, and confirm our suspicions. As I am almost vilified for entertaining these suspicions, allow me to justify myself, which I believe I can do, in the judgment of every candid person. Brethren highly esteemed, and favorable to Union, say (I give, as nearly as I can, words I have heard used) they are aware that some are of the opinion, that while the Church's *legislative* power is not to be interfered with, she should be *held*, in her *administrative* capacity, to her own laws, *by the Civil Authorities*—the view presented by "Presbyterian," in his first letter (Oct. 3)—and they say, further, that this opinion may be a matter of forbearance on our part. If this information does not surprise me, it excites astonishment and apprehension that I should have to argue with any of my own brethren, that this opinion involves the *total surrender* of the Church's independence. To say nothing of the intrinsic absurdity of the opinion, are brethren losing sight of the elementary truth that the Church's ruling function is, strictly speaking, purely administrative; that Christ is the only legislator of His Church; that He has not delegated to Church officers a power to make laws for His Kingdom, or to modify them in any way, but has committed to them the administration of the laws He Himself has imposed; that it belongs not to Church officers to legislate (in any proper sense of the term), but only to declare and apply the law *of His Kingdom, as it is the function of the Civil Judge to declare and apply the law of the land?* Who will say that the information of these brethren is incorrect, and that I am bound not to believe them? Am I not, rather, bound to call upon the Church to awake from her apathy in relation to one of the most im-

portant and dtstinctive of all her principles, and to take heed lest she be juggled out of it, and awake some day to find that she has got, instead of it, the high sounding fiction of a legislative supremacy, which can be no other than a nullity without invasion, on her part, of the prerogative of the Lord Jesus Christ.

I am, yours truly,

JAMES MIDDLEMISS.

ELORA, December, 1 1873.

PART II.

Letters on Church Independence.

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I

(British American Presbyterian Oct. 7. 1873.)

CHURCH INDEPENDENCE AND THE "EXTREME CASE."

Editor BRITISH AMERICAN PRESBYTERIAN.

MY DEAR SIR,—In your issue of Oct. 3, a correspondent signing himself "A Presbyterian," presents what he calls "an extreme case," and expresses his desire to get light in regard to it in connection with the spiritual independence of the Church. As the subject of your correspondent's letter is intimately connected with the subject of Union, on which I ventured to write a short time ago, I crave space for some remarks upon it, trusting to be allowed to say something in defence of the views expressed in my former letter, in reply to the animadversions of other correspondents, as soon as they appear to be at an end.

The case that your correspondent states is certainly a very extreme one. He supposes the case of a minister, sound in the faith, it is assumed, and of irreproachable life, deposed by a Presbytery that has become *utterly lawless*, and making his appeal to the superior courts only to find they are equally lawless, and he asks if the advocates of spiritual independence hold that there is no redress for this unhappy man, but in the court of heaven, his own opinion being that he should seek redress by appealing to the civil courts. which are not, however, he says, " to review or revise the decision of the spiritual court," but, as I understand him, to insist that the case be dealt with in a proper manner, declaring that they intend to see that their

injunction is duly attended to. What he would have the civil courts to do in the event of the Church *refusing* to do anything further in the matter, he does not say.*

In reference to this case, I would remark at the outset, that, to say the least, the supposition of it has the aspect of great extravagance. Your correspondent is aware, that, among Presbyterians, the contention for the principle of spiritual independence is maintained in connection with an equally strenuous contention for what we believe to be Scriptural views respecting the *popular* constitution of the Church. That a case such as he supposes should occur in a Church constituted, as ours is, on Scriptural principles—a Church in which, in accordance with Scripture, Church power is lodged *essentially* in the Church *properly so called*, *i.e.*, the Christian people—seems to me nothing short of impossible. That it might occur, or has occurred, in a Church (so called) whose government is pure despotism, or in a Church constituted on principles very different from ours, does not in the smallest degree warrant the supposition of your correspondent. He certainly overlooks the difference of the constitution of the two Churches, if he thinks it possible that the rulers in our Church, its constitution being and continuing to be what it is, should ever act as men claiming for themselves the power arrogated by the priesthood of the Church of Rome.

But setting aside the impossibility, or the extreme unlikelihood of the occurrence of such a case as your correspondent presents, let me remind him of the danger of running counter to any great general principle, in our anxiety to prevent or remedy evil or wrong in particular cases. There are always occurring cases of individuals subjected to great hardship, which cannot be prevented or remedied otherwise than by such action as would involve in it the breach of some important general principle; and we are all agreed, that to prevent or remedy individual cases of hardship in such a way, would be productive of far greater evils than those which it is sought to remedy. Your correspondent seems to be aware, in some measure, of the danger of the remedy he suggests in his "extreme case," for he says, "It would surely not answer well if Church courts, at every turn in the administration of discipline, were threatened with civil pains and penalties as having trenched on character, or interfered with vested rights." Instead of using such mild language, I would speak of such a thing as a *tremendous evil;* and yet I do not see how he can refuse to the civil courts the right thus to interfere with the affairs of the Church, if the remedy in the "extreme case" is to be such as he thinks.

* "Revise" is probably a *misprint* for "reverse." How the Civil Court can insist upon the case being properly dealt with, and yet not "review" the decision, it is not easy to see. I suppose, however, the writer's meaning is, that inasmuch as Civil Judges cannot perform ecclesiastical functions, they are to exercise their peculiar powers to constrain those who can perform these functions to exercise them in the way which they (the Civil Judges) think proper; *i.e.*, ordering them to perform them in that way, and punishing them if they will not. See my *fourth* letter on this subject.

I would further submit that your correspondent is not warranted either to assume that there can be no remedy in the case supposed otherwise than by appealing to civil courts; or to assume that, because no other remedy appears to be applicable, it would be *right* to seek a remedy in that way. There *are* other remedies supposable; and I am sure he will not lay it down as a general principle that a way to get out of difficulty or trouble is the *right* way simply because *we cannot see any other*. Dr. J. H. Newman says he can see no way in which the wild intellect of man can be kept under due restraint, except by its submission to the old man at Rome. But though all the world should see no other way, is it therefore the *right* way? Let us suppose a case, much more likely to occur than that supposed by your correspondent. Suppose the judges of the land from the lowest of them up to the supreme executive, have become as lawless as he supposes the the courts of the Church to have become, what remedy would he suggest? An appeal to the Church authorities with the Pope at their head? Certainly not, he would say. But why not, if there appears to be no other remedy outside of the court of heaven? So far as the mere reason of the thing is concerned, have not those who would take the one extreme case to the Church authorities as much reason on their side, as those who would take the other to the civil courts? But there is no good reason for such a course on either side, and the strongest reason against it. In the one case there is the right of *revolution*, an extreme remedy for an extreme case, but appropriate when rulers, forgetting that they have duties as well as powers, act inconsistently with the great design of their office and become a terror to them that do well instead of to evil-doers — a right to the exercise of which we owe our most valued privileges. And as to the other case, I think I may safely say that long before our Church rulers can have become so wicked and despotic as the "extreme case" supposes, the Church must have become ripe for revolution—an institution which a Christian man would consider it a dishonour to be connected with.

If it be asked, Do you say that in no case is an innocent man persecuted by despotic church rulers to ask the civil authorities to redress the wrong he may have sustained at the hands of his wicked co-religionists? I answer, That the spiritual independence claimed by Presbyterians does not imply that there can be no redress of any kind for a persecuted man in the extreme case supposed, or in a case much less extreme and less unlikely to occupy. It does not imply that Church rulers are not liable to punishment at the hand of the civil ruler, *when they break the law of the land, whether acting officialy* or in their private capacity. Let it be borne in mind that the office of the civil ruler is to administer *not the law of the Church but the law of the land*, and that actions are punishable by him *only as breaches of the civil law*—the only law of which he is administrator. No action of any man or of any body or number of men can rightly come under his cognizance, except as it is or involves a breach of the law of the land. It

may involve great hardship to individuals, or it may be morally wrong; but if it is not a breach of the law of the land, he cannot look at it in his official capacity. Now, it is quite possible that Church rulers may, in their administration of the affairs of the Church, break the law of the land; and if they do they ought to suffer the consequences, as others do who are not Church rulers. **Benefit of clergy* is not involved in the Presbyterian claim of Church Independence. Whether they break the law of the land in their official or private capacity, they are amenable as citizens to the law of their country. Well, would the case supposed involve a breach of the law of the land? I apprehend it would, and a very serious one. I believe a much less extreme case would do so. If a man's character is the best part of his estate, to damage it maliciously, or even recklessly, *should* bring down the penalty of civil law on the head of the offender, in *whatever* capacity or under *whatever* pretence he may have commited his offence, and any law is defective that does not provide a proper penalty in such a case. But breach of the *law of the land*—the malice or the recklessness which constitute the breach—must be distincly *averred* and *proved*. So far as I can see, such an averment would be quite warrantable in the "extreme case," and the proof of the averment could not be difficult. And the breach of the *law of the land* being proved, let such punishment be awarded to the offenders—not only the lawless "half-dozen" who may constitute the Presbytery, but the lawless Synod and General Assembly as well—let such punishment, I say, be awarded, as the law he administers warrants the civil magistrate to inflict on others who offend in the like way. But your correspondent would have something quite different from this. He would have the civil authorities to say, "We don't interfere with the laws you make, but we insist upon it that you will keep by the laws you have made, and we shall, in the last resort, be judges whether you have done so or not." In other words, he should have the administration of the laws of the Church to be conducted *under subjection* to the civil authorities,—a view which I hold to be utterly inconsistent with our Presbyterian views of the visible Church as the kingdom of Christ, the house and family of God, and of its *distinct* government as laid down in our Confession, chapters xxv and xxx. There are some, it appears, who cannot, in their view of the Church, rise above the idea of a number of people associating by mutual contract, the ful-

* *Benefit of clergy* (or *privilegium clericale*) originally and properly denoted the exemption of the *persons* of *clerics* from criminal process before secular courts. It was afterwards greatly extended. Though such a privilege could not but be attended with great abuses, it was not *entirely* abolished in England till the reign of George IV. The more I think of it, the more my conviction grows, that nothing but a great degree of improper feeling towards the "Highfliers" could have led any one, after denying the independent jurisdiction of the Church, to *pretend* to run to the opposite extreme, to defend anything that has even the *aspect* of a privilege *so detestable*, and to maintain that a man who, under pretext of being a faithful Church ruler, acts the part of a *bad citizen*, is not amenable to the law of his country. As to the *common* privilege justly due to Church rulers, see next letter.

filment of whose terms the civil magistrate has a right to look after, and even the slightest departure from which constitutes, *ipso facto*, a breach of the law of the land. But your correspondent has evidently a far higher view of the Church, and therefore I hope that a little consideration will make him see that what he asks for the civil authorities would not "answer well"—and that the right thing for them to say, is "We don't interfere with the laws you make, *neither do we interfere with the administration of the laws you have made*; only don't break the law of the land, for in that case your official character won't be a protection to you."

Suppose we take the case of a minister accused of heresy or immorality, and deposed. *In his judgment*, the Church courts have been guilty of some irregularity in their proceedings, but he cannot deny that they have acted conscientiously, and to the best of their judgment. According to the principle involved in the language put by your correspondent into the mouth of the civil authorities, this is a case for their interference. Yet I feel sure he believes it would not "answer well" for them to interfere in such a case.

Again, let us apply the principle in another direction, to a case neither extreme nor unlikely to occur. A minister is charged with heresy or immorality. His own people come to the Presbytery for relief and protection, but his brethren deal very leniently with him—in fact, *as the people think*, do not, as they ought to do, carry out the laws of the Church applicable to the case; and they find they can get no redress from the superior courts. But they go to the civil authorities, who, according to the principle we are now applying, have a right to say to these favourers of heresy and immorality, "We do not interfere with the laws you make, but we insist upon it that you keep by the laws you *have* made, and we shall, in the last resort, be judges whether you have done so or not. We know very well that you clerics too much given to favour those of your own order, but we will not let you forget that your laws are made not in the interest of ministers only, but as much and much more in the interests of the people. We will not allow you, in the interests of your own order, to *break your contract* with these good people; and we insist upon your carrying out its terms faithfully and rigidly, so as to secure that they shall have nothing but the sound and blameless minister that they bargained with you for." All will admit that this would not "answer well." And yet I do not see that those who hold the principle enunciated by your correspondent, could do any better than say with the lawyer in the old story, "The case being altered, that alters the case."

It being conceded, as I assume it will be, that men's actions are cognizable by the civil authorities only as they are breaches of the civil law which they administer, it must be held regarding the action of church rulers, in their administration of the laws of the Church, either,

(1,) That no irregularity or disregard of law that they may be guilty of is to be regarded as constituting a breach of the law of the land, or making them amenable to it; or, (2,) That *some* of these irregularities *may* be such as constitute a breach of the law of the land, while *others may not*; or, (3,) That *every* such irregularity or breach of Church law on the part of Church rulers constitutes, *ipso facto*, or necessarily a breach of the law of the land.* Now, it will be seen that we do not maintain the first of these positions. We have admitted that Church officers may act in such a way, in their administration, as to make themselves amenable to the law of the land, as transgressors of it; and we have indicated *when* they may warrantably be regarded as having done so. But your correspondent, while holding, we are persuaded, from various expressions he uses, the same view, has not only failed to indicate the principle according to which Church officers may be guilty of breaking the law of the land in one case of mal-administration and not in another, but allowed himself to lay down a principle that cannot be sustained, unless we adopt the *third* position, viz., that *every* act of mal-administiation on the part of Church rulers, including even the slightest departure from the regular order of Church, and *judged to be so by the civil authorities* constitutes a breach of the law of the land. This position I take to be so inconsistent with our Presbyterian principles, that I say not one word with the view of showing its untenableness, unless it shall be maintained in your columns; in which case I hope the writer will not fail to state the ground on which he maintains it, and present his views of the nature, constitution, and design of the visible Church, Christ's kingdom in the world.

I am, yours truly,

JAMES MIDDLEMISS.

ELORA, October 21, 1873.

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* My meaning in the first part of this paragraph is not well expressed, the word "irregularity" especially being unsuitable, owing to its being almost always used to denote what is contrary to rules, without being criminal or morally wrong. In accordance with the views maintained by me, in this and subsequent letters, I should have said, "Either, (1), That *whatever* be the character of the action of Church rulers, in their official capacity, it is in *no* case to be regarded as constituting a breach of the law of the land; or, (2,) That their action *may be* of such a character as to constitute a breach of the law of the land; or, (3,) That *every* irregularity," etc.

II.

(British American Presbyterian, November 21, 1872.)

CHURCH INDEPENDENCE.

Editor BRITISH AMERICAN PRESBYTERIAN.

MY DEAR SIR,—I trust I shall not be regarded as claiming too much from you, in requesting room in your columns for some remarks on the second letter of "Presbyterian," in your issue of October 31. I certainly did hope that my letter of October 13th would have been sufficient to remove his difficulty in relation to his "extreme case," and to lead to his taking right views on the subject of Church Independence; but, revealed as he is in his second letter, I have little hope of saying anything that will lead him to do justice either to the views which I contend for, or to those who hold them. He expresses himself with a flippancy and confidence that ill accord with his original presentation of himself as an inquirer seeking light. These qualities are not wanting in his *first* letter; but they are so conspicuous in the *second* as to justify the suspicion that he writes with another design than to get relief from a difficulty that perplexes him.

I have, however, a much more serious charge to make. I have to charge him with misrepresentation of the worst kind short of deliberate misrepresentation—misrepresentation both without a shadow of excuse, and in the face of strong and definite statements, in which I maintain the *very reverse* of what he ascribes to me. His entire reply being grounded on that misrepresentation, it is of course, no reply to me, of whatever use it may be in other respects. For one thing, it lets us know what his views were before his conversion, within the last fortnight, to what he calls "Presbyterian Ultramontanism,"—views which I suspect too many hold, and wish to hold under the shelter of the essentially defective Basis of Union now before the Church.

Your correspondent sets out with saying that Mr. Middlemiss "acknowledges that the civil authorities may in some cases intervene in Church disputes and ecclesiastical difficulties." He means, of course, not that I admit the *possibility* of their interfering, but that I acknowledge that they *have the right* to interfere. In reference to this statement, I say,—*First:* That with my whole heart, I disavow and detest what he says I acknowledge; and *Second:* That my letter of October 13th, not only gives him no warrant to ascribe such an acknowledgment to me, but makes him inexcusable in doing so. That the civil authori-

ties may interfere in any case with the proceedings of the Church in relation to her office-bearers and members, is *the one thing* that I do not admit; and I feel sure that no person of ordinary discernment and candour can fail to see from my letter as a whole, and from definite statements occurring throughout the course of it, that it is *the one thing* that I will not allow, but on the contrary, persistently contend against. Notwithstanding expressions dropped in the haste of a pretty long composition, or occasioned by the very extravagance of your correspondent's supposition, how could he but say that, even in reference to his "extreme case," I indicate repeatedly and distinctly my conviction that the remedy suggested by him, viz., an appeal to the civil courts, would be at once wrong and dangerous? He will say that I make an admission which he considers *equivalent* to the acknowledgment which he ascribes to me. If this be so, he ought to have said so. I may assume that, as a person interested in the discussion now proceeding in your paper, he has read my letter of Sept. 12, in which I say, "We may greatly wrong brethren by charging them with holding an erroneous principle, because they hold what, in our judgment, involves it." Now, it is just such wrong that your correspondent inflicts on me. Instead of saying that I acknowledge what, in point of fact, I contend against, he should, in fairness, have said that, while contending against the interference of the civil authorities in *any* case, I had made an admission that he regarded as inconsistent with that contention, and equivalent to an acknowledgment which he ascribes to me. Instead of this he assumes that the one is equivalent to the other; and in doing so displays a failure in discernment which may be sufficient to shield him from the imputation of disingenuousness. He does not discern between the matter of *privilege* and that of *jurisdiction*. My admission has respect to the *former*; the acknowledgment he ascribes to me has respect to the *latter*. *Privilege* is freely and justly accorded to persons acting in an official capacity, including civil rulers, and church officers. On the one hand, it is freely allowed by the civil authorities to church rulers; and on the other hand, it is freely accorded by church rulers to her members who are magistrates or judges, or who fill any other official position. In other words, it is admitted on all hands that persons acting in any official capacity are entitled to have it *presumed* that their proceedings in that capacity, even though they should, in point of fact, operate most injuriously to a man's reputation or other interests, are conducted in good faith, to the best of their judgment, with a view to the promotion of the interests committed to them.* But important as

* *Privilegium commune* or *common privilege* is expressed in the legal maxim which I quote from memory, having failed in sundry endeavours to assure myself of the precise words: *Quicquid fit solenniter presumitur rite fieri donec probetur in contrarium.* The following quotation is from *Broom's Legal Maxims*, (286); "Where an occasion exists, which if fairly acted upon, furnishes a legal protection to the party," "the *actual intention* of the party affords a boundary of legal liability. If he had that legitimate object in view which the occasion supplies, he is neither criminally nor civilly responsible; if, on the contrary, he used the occasion as a cloak for malicious acts, it can afford him no protection."

this privilege is, and large as it ought to be, and really is, it may be abused, and is not without limits. Cases may arise, both in civil courts and in church courts, in which it may be a question whether a man has abused his privilege or acted in such a way that his privilege cannot be a shelter to him; and each court must settle the question *for itself*. But the refusal of a court to allow a man the shelter of privilege which is freely and largely accorded to him, is a wholly different thing from a refusal to allow the distinct and independent jurisdiction of the court of which the man is a member, or from invading or usurping its jurisdiction. That no man, whatever be his official position, is to be allowed by the civil authorities to shelter wrong-doing, *which it belongs to them to take cognizance of*, under privilege freely accorded him, but which in their judgment he has abused, does not imply a liberty or right, on their part, to interfere with the church's administration, or to meddle in any way, or in any case, or under any plea, with her exclusive and independent jurisdiction. Reverse the position of the parties. A civil ruler is a member of a church, and is guilty of receiving bribes and perverting justice. *His* privilege in such a case does not shield him from the censures of the Church; but, however heavy and just may be the censure inflicted, no one will say that the Church's action implies her right to interfere in matters of civil administration, or to invade the exclusive and independent jurisdiction of the civil authorities. There is, and need be, no dispute about the matter of *privilege*, and certainly it was not the matter in discussion in the non-intrusion controversy. What was contended for, and what was thought to have been accorded to the Scottish Church, but what the civil authorities of last generation refused to accord, was not the privileged position of Church rulers, but the distinct and independent jurisdiction of the Church—a refusal which compelled those who could not acquiesce in it, to take up a position in which certain alleged grounds of that refusal could not be pleaded. We have since seen that other grounds can be pleaded; and such productions as those of your correspondent only increase our jealousy in relation to the great principle of Church Independence, and our fears that, unconnected with the State though we are, a conflict is not far off. If our own ministers and people, in spite of their professions of what your correspondent calls "Presbyterian Ultramontanism," assumed evidently for the purpose of raising a prejudice against us in reference to our consistency, contend for the supremacy of the civil authorities in spiritual matters, what may not the civil authorities themselves be expected to do?

Putting aside, then, the matter of *privilege*—leaving both civil and ecclesiastical rulers to determine for themselves whether or not an official person subject to them, as a citizen in the one case, or a member of the Church in the other,* has acted so as to place himself beyond the shelter

*I have reference here to the *reasoning* of "Presbyterian," that if the civil court has a right to determine *when* a Church Ruler, acting officially, has broken the law of the land, it has a supremacy in the administration of the law of the Church. The absurdity of this is sufficiently apparent from what is said above; but I may add that the

of his privilege,—we hold the Presbyterian doctrine, that the Church and the civil government have each its own proper sphere, and each its own distinct and independent jurisdiction; that, springing though they both do from the same source, the appointment of God, the one does not come through the channel of the other; and that neither is subordinate to the other, so that there can be no appeal from the one to the other. If any such appeal is made, it should be *instantly* dismissed, *without examination*, so soon as the terms of it are understood. This Presbyterian doctrine is equally a protest against Romish assumption on the one hand, and against Erastian supremacy on the other. "Presbyterian Ultramontanism" is a contradiction in terms, and equally so is "Presbyterian Erastianism." To excite a prejudice against us by speaking of us as "highflyers," and by charging us with Romish assumption, is nothing new. When men talk in this way, they only do as their fathers did thirty years ago. How differently they would speak if they knew the weight even of the Pope's little finger! In opposition to those who say this doctrine of co-ordinate jurisdiction may sound well as a theory, but it won't work in practice, we confidently say that no other doctrine can work anything but evil, and that the history of the past evinces the wisdom of God in appointing that the civil and the ecclesiastical jurisdiction should be entirely separate and mutually independent. Though it is to the clear apprehension and maintenance of this great principle by our fathers, that British liberty owes more than perhaps to anything else, yet, it would seem, it is so much a spiritual principle that men are unwilling to receive it, as they are in relation to the peculiar and simple gospel, which is equally remote both from legalism and antinomianism.

Allow me, before closing, to refer to a charge of inconsistency brought against us. I would not do so in this letter were it not that "Presbyterian" makes common cause with another correspondent (L. M. N.), who founds his charge on the fact that we resolved recently that, if the majority shall ask the Legislature to pass an act which, we believe, would alienate property from the purpose to which it was originally destined, we shall ask them not to do so. My references to this charge will be such as may throw some further light upom the subject of my letter. I shall suppose, what I have not the slightest fear of, another "extreme case." I shall suppose that at the General Assembly next June, the majority considering that we are no longer to be borne with in our opposition to Union, as they would say, or in our dissatisfaction with the terms of it, as we would say, and believing that the good of the Church requires it should summarily depose and excommunicate us all, present and absent alike without distinction: then whatever we might do, there is one thing we would not do. We would not appeal our case to the civil courts. Such appeal on *any* plea would be utterly inconsistent with our prin-

right to determine *finally for themselves*, WHEN the laws which they respectively administer are broken, is of the ESSENCE of the *independence* of both courts.

ciple, according to which, if any of us should make it, it should be instantly dismissed, without investigation, and without the introduction of any *quoad* whatever, which is only a pretext for the invasion by the civil authorities of a province that does not belong to them. Of course we would not be without our remedy. Believing that the sentence passed upon us was perfectly null and void in heaven, we would treat it as null and void. We would, without a thought of civil courts, submit to the sentence as severing our connection with an apostatising, if not apostate, body; but we would, at the same time, without paying the slightest respect to it, hold ourselves to be divinely appointed ministers of Jesus Christ, as much as before, but more honoured than before, as being persecuted for the truth's sake, and we would act accordingly. But suppose my congregation, having the same views as I have, possessing property which they contributed to the acquisition of for *one* purpose, are unwilling that it should be alienated to what they believe to be a different purpose, and decline, though they adhere to me, to be dispossessed of their property until the civil authorities, with whom rests the final and irreversible disposal of all property, shall pronounce they have lost their right to it. Can any man in his right senses say they are inconsistent, or say that I am inconsistent, because I do not insist upon their giving up their property till the civil authorities say it is no longer theirs? I do not dispute the superior *simplicity* of the American ruling on this subject. Your correspondent says, "The civil courts in the United States have ruled that they will *without investigation* give legal force in the disposal of Church property to the decision of a majority of the body by which it was held." It would be more satisfactory if all civil courts, whether British or American, were to rule that they would *without investigation* dismiss all references made to them respecting matters with which they have absolutely nothing to do, without divesting themselves of their right, or renouncing their obligation to do their best in determining in matters whose final determination belongs to them.

I trust you will excuse the length of this letter, which when I began it, I had no thought would be so long. I have no wish but to be helpful in the settlement one way or the other, of the great question now before the Church. But let me say that, if it is to be settled in the way of satisfactory Union, it will not be by the communications of those who deny the Church's independent jurisdiction, in *one* letter, and, in the *next*, plead for the civil magistrate divesting himself of *his* jurisdiction, and who make Erastianism to consist in the refusal of a minority to submit themselves in judgment, concience and estate to the majority. If such want to damage the cause of Union, let them persevere: if not, let them leave the matter to those who, like some of your correspondents on the other side, are capable of understanding the position of their opponents, and are incapable of misrepresenting either their utterances or their actions.

I am, yours truly,

Elora, Nov. 11, 1873. JAMES MIDDLEMISS.

III.

(*British American Presbyterian, Dec. 5th, 1873.*)

CHURCH INDEPENDENCE AND ULTRAMONTANISM.

Editor BRITISH AMERICAN PRESBYTERIAN.

MY DEAR SIR,—After having occupied so much of your space, it is not without hesitation that I ask further indulgence. But the subject of Church Independence is so important, and there is so much misapprehension in relation to it, that I believe you do good service to the Church in keeping your paper open to discussion on it. It is in this belief that I crave room for some remarks occasioned by the *third* letter of "Presbyterian," and the questions put to me by a new correspondent (X. Y. Z.) in your issue of November 28th.

While "Presbyterian" professes to have changed his sentiments from Erastianism to Ultramontanism, he has all through maintained the position that there is no ground tenable between these two extremes. In this I differ from him, believing that both these extremes are alike wrong, and both fraught with danger. In his first letter, he avows Erastianism, by supposing the case of a man whom, using his own words, his fellow-ministers, "under the cloak of church discipline, brand as infamous, though innocent, and blast all his hopes and prospects in life;" and saying that in such a case the civil authorities should, without interfering with the legislative power of the Church, exercise the *right* of "insisting" that her courts keep by the laws she has made, and of judging finally whether she has done so or not. At the same time he seemed to be aware that there was some danger in this, for he adds immediately, "Yet, on the other hand, it would not answer well if Church Courts, at every turn in the administration of discipline, were to be threatened with civil pains and penalties as having trenched on character or vested rights." To this I answered, that, while I would speak of it as a *tremendous evil*, I could not see that he could refuse to the civil courts the right thus to interfere, if the remedy in the extreme case was to be such as he suggested.

But while contending against the subjection of the Church, in her administration of her laws, to the civil authorities, I contend, with no less earnestness, that Church Rulers are amenable to the law of their country, and that whenever they break it, *in whatever capacity* they may be acting when they do so, they ought to be punished. I contend that the Church Ruler who, "under the cloak of administer-

ing discipline, brands a man as infamous, though innocent," etc., ought to be punished, and that *without any* "*alternative*," and with especial severity, because of the most peculiar heinousness of his crime. This is the whole amount of what your correspondent, in his *second* letter, represents, and, in his *third* letter, persists in representing, as my acknowledgment that the civil authorities have the right in some cases to interfere in Church difficulties and ecclesiastical disputes. Presuming upon the intelligence and candour of your correspondent and your readers, the necessity of expressing myself in very guarded language did not occur to me. But in looking over my *first* letter on the subject, I cannot see anything that would warrant any honest-minded person to ascribe anything to me, except the denial to ecclesiastical persons of the *privilegium clericale* or *benefit of clergy*, our detestation of which, in every form and degree of it, cannot be too strong, while we freely grant to them the privilege common to all official persons, and referred to in my *second* letter on this subject.

Your correspondent, however, will have it that my view on this point involves the right of *appeal* by the injured man to the civil courts; and from this, he says, it follows that the civil courts have the right of final disposal in the ecclesiastical case in which the crime originated. And inasmuch as I affirmed, that according to the Presbyterian doctrine, there can be no appeal from the court of the one jurisdiction to that of the other, he intimates, in the style of one who has no earnest convictions, that he is delighted with my "saying and unsaying the same thing." Now, in point of fact, his delight and self-complacency arise simply from his own confusion of thought,—from an inability to distinguish between things that differ, which more or less characterizes all his communications. In reference to the matter now before us, he overlooks the difference between two very distinct senses in which the word "appeal" is used, the one *popular* and the other *technical*. When a man resorts, in the first instance, to a court, civil or ecclesiastical, in the way of bringing before it any wrong-doing with which it is competent for it to deal, he is said to *appeal* to it; but this is not making an appeal in the technical sense of the term, which implies the removal of a cause that has been already tried, from the court in which it was tried to a court of higher jurisdiction. I need not occupy your space by illustrating a distinction the simple statement of which makes it sufficiently obvious. It is in this technical sense that I use the term, when I say "that there can be no appeal from the one court to the other." And I maintain that the fullest recognition of the utter incompetency of an appeal in this sense, on the ground of the difference of jurisdiction, is no way inconsistent with the possession of a right of resort to the civil authorities against an ecclesiastical person, who "under cloak" of acting in his official capacity, commits a crime, or is guilty of an offence which is, *in its own essential character*, such as to be cognizable by a civil court. If I am mistaken in supposing that the "extreme case," as your correspondent put it, involves such

a crime, that is a small matter. It is a *principle* I contend for. I said distincly that the *criminal character* of the action must be *averred* and *proved*. It is needful to add, that such criminality must be averred, not against the *court* in which the offenders were acting, but against the guilty individuals, whether one or more, or all of its members? Or is it needful to say that the criminal parties in the lower court, say the Session, may be brought before the civil court, *without waiting for the decision of the higher church courts*, and that even if they *reverse* the decision of the lower court, the criminals are *equally liable* to punishment? So different are the things which he confounds. So much for my "saying and unsaying the same thing;" or, rather, so much for the confusion of thought that ascribes it to me. This confusion pervades your correspondent's reasoning upon the subject. All throughout he assumes that the man's resort to the civil court is the same thing as the appeal of his case in the technical sense of the term. Had he attempted to prove that the competency of the latter follows by just and necessary consequence from the competency of the former, his reasoning might have been to the point, however unsuccessful his attempt would have been. But he makes no such attempt. Having no thought of the difference between the two things, he sets himself to the easier task of proving what *nobody denies*, and what *I assumed* from tha very first. that the competency of the appeal (properly so called) of an ecclesiastical cause to the civil courts in *any one* instance involves civil supremacy in the administration of the laws of the Kingdom ot Christ.

In my last letter on the subject, I pointed out another important distinction, and gave an illustration, showing that the punishment by the civil power of an ecclesiastical person for an offence, committed in his official capacity, does not involve interference with the jurisdiction of the church. For some reason, or under some influence, which he leaves your readers and myself to conjecture, he takes no notice either of the distinction, or of the illustration, and simply reiterates his ascription to me of acknowledgments which I repudiate. On this account I refrain from further discussion of the subject, until he argues the matter in the light of the distinctions I have pointed out. I now ask him to maintain his position in view of these distinctions. We are now ageeed in relation to the independence of the Church. But we cannot, he says, hold with me on that point, without being an "Ultramontanist," and *that* he is, therefore, in the meantime. Is he then, as an Ultramontanist, prepared to assert and maintain that no resort to the civil power is competent in relation to *any* offence, *whatever be its essential character*, of an eclesiastical person acting in his official capacity,—that his privilege is of *such a nature* that he may, "under cloak" of discharging what is official duty, do what is essentially wrong or criminal according to the law of the civil community (presumed to be righteous), without being amenable to that law? And is he prepared to assert and maintain that the competency of such resort involves the competency of the

removal by appeal of ecclesiastical causes to the civil court; or, otherwise expressed, that the trial of such an offender by the civil court is inconsistent with the church's supremacy in the administration of the laws of Christ's Kingdom, and an invasion of her independent jurisdiction, such jurisdiction being supposed to belong to her? If he is prepared for this, let him proceed with his argument. Let him grapple with the subject, instead of clinging to a misstatement of his opponent, and proving from it what needs no proof,—to say nothing of his needless explanations about Erastianism, and his incorrect statement of the claims of the civil authorities in times past.

In reference to the matter of property, I have certain questions to propose for the consideration of your correspondent and his friends, L. M. N., and X. Y. Z., with a view to removal of the confusion of mind they are in upon the subject. It is plain to me that none of them has any perception of the line that marks off the jurisdiction of the church from that of the civil power. Without going into discussion in the meantime, let me only say in reference to "Presbyterian," that he indicates something like *total ignorance* of the principle on which the disposal of church property rests, when he says it hangs on settling the question whether the decision of the Ecclesiastical Court in the case supposed was a just one or not;* and that his remarks on the peculiarities of Presbyterian organization have no bearing whatever on the question at issue.

The questions I have to propose are the following: *First*, On the supposition that certain property is held in trust for the maintenance and promulgation of certain religious views, and that the church to which the property belongs, determines, by a majority, to change its principles, say from Orthodoxy to Socinianism, or from Socinianism to Orthodoxy, the minority protesting, separating, and appealing to the civil authorities as to the future use of the property, or *defendinq themselves against such appeal made by the majority;* does the civil court, in forming its own independent judgment on the conditions of the trust, and deciding acordingly, invade the jurisdiction of the church, or do anything inconsistent with its spiritual independenee? *Second*, Narrowing the case, by further supposing that the majority maintain there is no change of principle, as averred by the minority; does the civil court, in still forming its own independent judgment, and deciding accordingly, invade the jurisdiction of the Church? Let your correspondents consider these questions, looking at the matter to which they refer, in all its bearings, and taking care how they commit themselves. And until they are satisfactorily disposed of, let the charge of inconsistency remain in abeyance. I shall allow them, in the meantime, to pass over another question, that may afterwards be considered, viz.: Does an application to Parliament in relation to property, by a majo-

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* See note on page 35.

rity or by a minority, imply their recognition of the supremacy of the civil power in relation to matters within the Church's distinct and exclusive jurisdiction; or does it do so only on the part of the minority, and, if so, on what ground does it do so on the part of the one and not of the other?

While proposing the above questions to your correspondents, in discussing which it is their part to take the lead, as making a charge which depends upon a settlement of them, and which it is their part to sustain, let me say that I earnestly hope and pray that there may be no disruption; and that if there is, everything may be done that is necessary to prevent the scandal and other evils of litigation. I consider it little less than heartless in X. Y. Z. to seek to drag me into a discussion about what I would do in circumstances that I cannot think of without pain, and that I have no wish to speak of. I really do not know what I would do. There are elements in the determination of such questions as he puts, that he evidently has no idea of. And let me further say that it was not quite honourable in "Presbyterian," *while concealing his own name,* to take advantage of his knowledge of mine, to introduce new matter, and in no good spirit, into a discussion which he originated, and in which he might have been answered by a Unionist presenting substantially the same views as I did in my *first* letter on Church Independence. It is too much to ask him to make what amends he can, by reverting to the discussion of principles, and that over his proper signature?

I am, yours truly,
JAMES MIDDLEMISS.

Elora, Dec. 17, 1873.

IV

(British American Presbyterian, Jan 30, 1874.)

CHURCH INDEPENDENCE AND ULTRAMONTANISM.

Editor BRITISH AMERICAN PRESBYTERIAN.

MY DEAR SIR,—The last letter of your Ultramontanist correspondent is of such a character that I might be more than satisfied to let it close the discussion between us. But discriminating, as I do, betwen Church Independence and Ultramontanism; having the strongest conviction of the value and importance of the one, and an equally strong persnasion of the dangerous and detestable nature of the other;

and knowing that it is the invariable policy of Erastians to confound the two, and to charge the advocates of Church Iudependence with aiming at clerical domination, I trust you will permit me to endeavour still further to insist upon the essential difference betwixt the two things, in opposition to your correspondent's continued endeavour to confound them.

Referring to a distinction which I pointed out in my last letter, he says he never *dreamed* of arguing that an appeal, in the technical or proper sense of that term, either could be or had been made, that *no one ever thought* of such a thing being possible; and that in *no case* in the history of the church was the idea of such an appeal ever held or acted on. Let me remind your readers of his pleading in his first letter, which he wrote when his preference was in favour of Erastianism. His Presbytery being supposed to have deposed him in utter disregard of the laws of the church, he "like a good Presbyterian," appeals to the higher ecclesiastical court, and failing to get justice there he *appeals* to the highest. Failing to get justice there also, he pleads his right to *appeal* to *another* court—higher therefore in his estimation than the highest ecclesiastical court—and declares his belief that the civil Judge should have the right, "not to review and revise the decision of the spiritual court," but to insist upon its regarding the laws of the church, and to deter mine finally whether it has done so or not. This is not perfectly clear; but I believe I present his view fairly, when I put it thus: Failing to get justice by the *removal of his case.* first to the higher and then to the highest ecelesiastical court, he will *remove it* to the civil court, which on being satisfied that the ecclesiastical courts have not acted right in their professed administration of the law of the Kingdom of Christ, shall present to them the alternative of either reversing their sentence or paying damages, &c., or shall even "quash their proceedings *quoad* the temporalities, standing, and character of the appellant".* Let this view be acted on, then the removal of the case from the *ecclesiastical* to the *civil* court is an apeal *in the strictest and most proper* sense, just as much as the removal of it from the *lower* to the *higher* ecclesiastical court. That civil Judges are not ecclesitstical persons and cannot perform spiritual functions, but can only use the powers they possess to constrain and control others in the performance of of these functions, does not alter the *nature* of the act of submitting an ecclesiastical cause to them. The removal of the cause from an ecclesiastical to a civil court may not be made in the same form as its removal from one ecclesiastical court to another: but, inasmuch as it implies a competency on the part of the civil court to *prescribe their duty in spiritual matters* to ecclesiastical rourts, and to *enforce* the performance of that duty by its own peculiar arguments — damages fine, distraint, imprisonment,—it is essentialy *an appeal in the proper* sense of the term, or its *full equivalent.* But even if what your cor-

* Second letter of Presbyterian

respondent originally not only dreamed of but plead for, were not an appeal strictly so-called, it is not the less a thing radically and essentially different from the act of bringing before the civil court, men who, "under cloak" of acting in their official capacity, do what is, *in its own nature*, criminal in the eye of a righteous civil law. This is the whole of my much and persistently misrepresented acknowledgment. The difference between the two things, I have insisted on from the first; and in my last letter I asked your correspondent to assert and maintain that the competency of the one follows from the competency of the other. He finds, as I expected, that he cannot do so; but, instead of frankly admitting his inability, he covers it up in a statement, which contains the insinuation of his original misrepresentation, and which is besides a mass of misapprehension and fallacy made to sound like argument. His words are, "I said, and say, that *any* appeal even for protection from the consequences of an ecclesiastical decision, whether in the matter of Church property or anything else, involves substantially a recognition of the civil court's supremacy, for it repudiates the decision of the ecclesiastical courts, and seeks by the intervention of the civil, to have that decision practically though not technically, set aside."

In reference to this statement, let it be observed, first of all, that "Presbyterian" mixes up the two things that have hitherto been kept separate in the discussion betwixt us. In this way, he would divert the attention of readers from the fact that I maintained the competency of action in the civil court against ecclesiastical persons for criminal acts commited "under cloak" of discharging official duty; and from the fact that he has persistently misrepresented my contention on this point, as an acknowledgment of the right of the civil court to intefere in matters ecelesiastical, and of the competency of the appeal of an ecclesiastical cause to the civil court, on the plea of civil interests involved—a misrepresentation which regardles of all that is fair in controversy, he manifestly still persists in.

But apart from this controversal trick—for it looks like nothing else —under which he covers up his inability to sustain an Ultramontane position, his statement cannot stand examination. Let us look into it. By *appeal* of course, after explanations made, is meant *application*. That is, he means to say, "Any application &c., involves a recognition of the civil court's supremacy." Of course it does. But the question is, Supremacy in *what?* We maintain *two* supremacies, the supremacy of the civil power in things civil, and the supremacy of the ecclesiastical power in things spiritual; and the one we maintain as strenuously as the other. "Any application" to the civil court is a recognltion of its supremacy in things civil. If he says it is a recognition of its supremacy in things spiritual, he asserts what cannot be sustaiued. But he seems to argue the point. "Any application," he says, "is a recognition of the civil court's supremacy, for it repudiates the decision of the supreme

ecclesiastical court." Suppose it does, his argument betrays his usual want of discrimination. An authority may be recognized as supreme by the man who repudiates and disregards a *particular exercise* of it. The fathers of the Secession repudiated and disregarded an ecclesiastical decision, and they did so most righteously. Was their doing so a disavowal of the supremacy of the Church or a recognition of the supremacy of the civil courts in things spiritual? It will be said it was not. Then why put in such a clause at all, except for the *sound* of it? Its insertion, however, confirms me in the suspicion that your correspondent has the idea that Erastianism consists very much in not submitting to a majority, or in not "following the multitude," however they may lead. But he goes on to say, such application "seeks by the intervention of the civil courts to have the decision practically set aside." Now, what does he mean by "practically set aside?" Does it mean that the decision is disregarded, or that in a question of civil right before the court, which it is alleged to endanger, it is declared *not to affect that civil right?* If so, the argument is worthless. That involves no recognition of the supremacy of the civil court in things spiritual. Nay, it may involve or be accompanied by the *most distinct*, and even *the most express*, recognition of the proper supremacy of the ecclesiastical power. A Socinian Church, let us suppose, has by an immense majority, become orthodox. A trustee of a particular congregation, whose minister belongs to the majority or the minority, has been deposed or not deposed, or has been deposed righteously or unrighteously—for none of all these affect the question*—a trustee, I say, raises the question in a civil court as to the future use of the property of the congregation. The judges are all orthodox men, some of them members of the reforming church, and none of them disposed to say, as your correspondent lately wanted judges to say, "We insist upon your keeping to your principles" &c., but rejoicing in the reformation. But the trustee asks them to look into a legal document, and to declare that the civil right which it secures *shall not be affected* by the decision of the Church. The judges, though fully persuaded that the decision of the Church is right—what Christ would have it to be—have no option but to decide according to the legal

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* "Presbyterian says, in his *third* letter, "*It is plain* that the disposal of the property hangs on settling whether or not the decision of the ecclesiastical court," in deposing the minority (see my *second* letter), "has been a righteous one or not." I certainly did not anticipate such a justification of the terms of my question, "Can any man *in his right senses*," etc.

The question answered in the decision of the Church Court is altogether different from that answered in the decision of the civil court. In the one case the question is, "What is the *mind of Christ* in relation to certain religious views, or in relation to the standing of certain persons?" in the other it is, "What was the *mind of the persons* who acquired this property, or by whom this trust was constituted?" The one question is to be answered authoritatively by the Church alone, and in accordance with *its own judgment*, even although it cannot do so, without the fear or the certainty of the loss of its property; and the other is to be answered authoritatively by the civil court *alone*, and in accordance with *its own independent judgment*. The church may have an *opinion* in reference to this question, but *authority* it has none, and *cannot be allowed* to have. See my *fifth* letter.

document placed before them. This I believe is *British* law, and it is good and righteous law. I hope that the jealousy of the civil power in relation to Church property, more than warranted by the experience of a thousand years, will never go to sleep, or waver in refusing to the Church a supremacy which it is contrary to the will of God she should have. Such an application and such a decision as I have referred to, whatever inconvenience or expense it may entail, revolves no recognition or claim of the civil court's supremacy in things spiritual.

Again, let us take an historical and well known example. If the presentee to the parish of Auchterarder had not gone beyond his original application to the Court of Session, which asked to have it found that, in consequence of his presentation, he had a "just and legal right to the stipend, manse, and glebe," *notwithstanding* the refusal of the Presbytery to ordain and admit him; and if the court had decided in his favour, there would have been no recognition on his part, and no claim on the part of the court, of its supremacy in things spiritual; and the troubles that arose in connection with the Auchterarder case would never have arisen. I say nothing of the propriety of the application or of the correctness of the decision. These are different questions from that now before us.

I need not refer to other meanings that your correspondent might be supposed to attach to the expression "practically set aside." I think I have said enough to prove that the statement which I have analyzed is wholly unwarrantable, and to make it plain that an applicant's recognition of the supremacy of the civil court in things spiritual depends on *what* he asks the court to do, or on the *nature*, and not on the *fact* of his application, as "Presbyterian" asserts. I do not know what he may say; but to confound applications such as I have referred to with applications in which the civil court is asked *authoritatively* to set aside an ecclesiastical decision, or to bring its powers to bear upon the Church to *control and concuss* it in the discharge of its spiritual functions; or to say that the *former* includes all applications that *ever were made*, would show a want of discrimination and ignorance of history, or a power of assertion, almost incredible.

In reference to the two questions that I proposed on the subject of Church property, I think I may warrantably assume that "Presbyterian" finds himself unable to sustain an affirmative answer to them. If, instead of considering how he might best retreat with the claim of having obtained a victory, he had followed my suggestion to discuss principles, and given a steady and unprejudiced application of mind to my questions, he would, I doubt not, have come to see that the affirmative cannot be sustained by sound argument. That the civil court, in forming its own independent judgment on Church Trusts, and deciding accordingly, does not invade the jurisdiction of the Church, or claim a supremacy in matters spiritual, or do anything inconsistent with the proper independ-

ence of the Church, is a position impregnable to all assaults. As my suggestion has not been followed, I say no more on the subject, beyond remarking that, this principle being admitted, the charge of inconsistency is seen to be *baseless*. A man cannot be acting inconsistently with his recognition of the Church's supremacy, in asking the civil court to do what is not inconsistent with it.

There are other things which, but for the space already occupied, I would have referred to. In particular, there is a sentence which I am somewhat at a loss to know your correspondent's object in introducing. Conjecturing, however, that it is introduced for the sake of its first part, I would have liked to offer some remarks on the matter of *due subjection to a majority*, in regard to which, as already hinted, he appears to be under misapprehension.*

There is one thing that I can hardly leave out particular reference to. His last paragraph is perhaps the worst thing he has written in the course of this discussion. It is hard for me to believe that he is so admirably innocent, as to think that my complaint respecting his improper use of his knowledge of my name had reference to his *third* letter, and not to his *second*, in which he introduced the matter of Church property. And how can I characterize his insinuation that I entertain a doubt in reference to the warrantableness of an application to the civil court in relation to the disposal of Church property? *He knows from the questions I proposed*, and which he cannot venture to answer, that I have *no doubt* on that point. To speak of such an application as an appeal from the decision of the Assembly to the civil court, is another instance of his inability to discriminate betwixt things that are essentially different, and a begging of the question at issue. And any measure of good feeling, combined with the exercise of ordinary judgment, would have made him see that my avowed inability to say what I would do in certain circumstances, had no respect whatever to the cause which he insinuates.

In parting with "Presbyterian," as probably I now do, let me state an impression made on my mind by careful attention to what he has written. Having, as he says, been always suspicious that there was a deal of Erastianism in the "Highfliers," he cannot reasonably complain if one of them, founding exclusively upon a "conjunct view of his whole appearance," should express a suspicion of *him*. To be frank, I cannot vest my mind of the idea that he is *shamming* Ultramontanism, and has been doing controversial *hocus pocus* in your columns. I can no more believe that he is an Ultramontanist than I can believe him to be a Mohammedan; while the general strain of his references to Erastianism, and his low views of the Church, indicated, for instance, in his speaking of it as a "religious firm," almost convince me that he is Erastian to the core.

I am, yours truly,

Elora, Jan. 23, 1874. JAMES MIDDLEMISS.

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* See my next letter.

V

(British American Presbyterian, March 13, 1874).

CHURCH INDEPENDENCE.

Editor BRITISH AMERICAN PRESBYTERIAN.

MY DEAR SIR,—I would probably not have troubled you further on the subject of Church Independence, had I not been led to entertain the design of publishing, in another form, the letters which I have written for your paper. In view of this, I would add another, having especial reference to the unworthy attempt to subject to groundless reproach certain brethren of the Canada Presbyterian Church.

The additional remarks that I now ask your insertion of would not be necessary, were it not that there are so many who lend a ready ear to the misrepresentatons of disingenuousness or want of discernment, and so many others who are apt to be perplexed by them. For the sake of the latter, especially, I am willing to be at any pains, in exhibiting our sound Presbyterian doctrine in relation to the supremacy of the Church and the civil power—a doctrine of the utmost importance both in its assertion of the independence of the Church, in opposition to the Erastian claim of the civil powers; and in its assertion of the supremacy of the civil power, in opposition both to the teachings of Rome, and to the statements of parties who cannot or will not understand the doctrine of their own Church, or see that, like so many essential truths, it is the *juste milieu* between two most dangerous extremes.

A Church holding, as ours is understood to do, the doctrine of its own supremacy, subject only to Christ, in all matters spiritual, is supposed to contemplate a certain decision, which will, in the judgment of a minority, involve a departure from the principles of the Church, in which they may not be able conscientiously to concur. Whether the decision has respect to doctrine relating to the *prophetic*, the *priestly*, or the *kingly* office of Christ, does not affect the present argument. In view of this contemplated decision, the majority, in the name of the Church, apply to the legislature asking a modification of the law relating to their property or real estate, and the minority present a counter application. In reference to these applications, it may be held; *First*, That both imply an acknowledgement of the supremacy of the civil power in matters spiritual; or, *Second*, That *neither* implies such an acknowledgment; or, *Third*, That the application of the minority does, while that of the majority does not. I have no reason to think that the first position will be maintained by any minister or member of the Can-

ada Presbyterian Church, whatever may be the views of those outside of it. The present discussion is between those who maintain, as I do, that *neither* application implies anything inconsistent with the fullest persuasion of the Church's proper supremacy; and those who insist, as some of your correspondents do, that it is *only* the application of the *minority* that imples an acknowledgment of the right of civil power to supremacy in spiritual matters. It is evident that the *mere fact* of application implies the very same acknowledgment of the supremacy of the civil power by both parties. Both acknowledge the supremacy of the legislative branch of the civil power, in the making and modifying of all laws relating to the tenure of church property; and the supremacy of the judical branch of it, in the interpretation and application of these laws. And both parties being not "Presbyterian Ultramontanists," but simply intelligent Presbyterians, this supremacy is recognized by them both, as being not only an *actual*, but a *rightful* supremacy. If the *mere fact* of the application implies anything more than this on the part of the minority it must do so also on the part of the majority. But your correspondents do not see this. One of them while "standing aghast" at the inconsistency of the minority, ridicules the *incompetency* of the legislature, not perceiving that the minority recognise only the competency which the majority acknowledge—an *official* competency,—and that they may believe as firmly as he does, and with a much more pungent sorrow, that the legislature is wanting in the *intellectual* and *moral* competency which its members ought to possess to qualify them for the exercise of an acknowledged office-power and right. The same writer speaks of the minority's application as a submitting of certain documents to be judged by the legislature, not perceiving that the application of the majority involves the *very same thing*, the only difference being that the one says, "Look into the documents and you will see that they are the same," and the other says "Look into them and you will see they are different." Unless the legislature is to consider itself the mere tool of the majority, they must require good reasons for legislating, and act according to their own judgment on the reasons assigned.

And here let me say, that, if I had any object in view other than the exhibition of the right and the wrong in relation to a subject of growing interest throughout all Christendom, I might be disposed to remind "Presbyterian" that, according to his own admission, the application to the legislature by the majority as an attempt to secure for themselves a legal right to more than they have a *moral* claim to—an attempt to induce the legislature to give sanction to an *immoral* claim. But I let that pass.

The same want of discernment appears in the statement that the minority, in presenting their counter-application, are seeking to make the power of the legislature in relation to property to bear upon the majority so as to prevent union. For this application recognizes and

seeks the exercise of *no power* but that which the majority recognize and seek the exercise of. In *their* application they are seeking to make the power of the legislature in relation to property to bear upon the minority for the furtherance of union. The success of the application of either party may operate as a *temptation* to keep the other party from following what they may conceive to be the line of duty—in the one case Union, in the other separation. But that is a very different matter from the exercise of power claimed and put forth by the civil authorities, with the express design of controlling the action of the Church in her administration of the law of her only Head. The acknowledgment of *no such* supremacy is involved in the application of *either* party.

Again to speak of the application of the minority as an *appeal against an ecclesiastical decision* is to utter pure and undiluted nonsense* There is no decision to appeal against. The Church has decided nothing. The minority are simply counter-petitioners to the majority, in relation to a matter in which the Church's acknowledged place is that of subjection to another authority than her own.

If it be said that the application of the minority implies their *intention* to appeal to the judicial branch of the civil power against an ecclesiastical decision, I answer, it implies no such thing. The minority have no such intention. When the time comes (and I hope we shall all pray and labour incessantly that it may never come) for the minority to appeal against an ecclesiastical decision, their appeal will not be made to the civil power; and when the time comes for them to apply to the civil power, their application will not be an appeal against an ecclesiastical decision. When the Church, by her majority, has pronounced the decision which the minority cannot, with a good conscience, concur in or submit to, then the minority knowing that the Church is responsible only to Christ for the decision it has pronounced, knowing that He has committed to Church rulers the keys of the kingdom of heaven, and that they are subject only to Him in their use of them; but knowing, at the same time, that they may err, and greatly err, in their use of the keys, and believing that this particular decision has been pronounced *clave errante*, and is contrary to the mind of Christ, they will appeal to Him and to Him alone. In other words, they will separate, believing that the majority have, contrary to their solemn engagements, departed from the principles of the Church. I presume it will be admitted that this appeal involves the fullest acknowledgment of the Church's peculiar supremacy,—nay, that is the strongest expression and proof the minority can give of their recognition of the *supremacy* of the Church and the *due supremacy* of the majority, while they cannot allow the *infallibility* of either (see Confession of Faith chap. xxxi). I presume even our *sham* Ultramontanists will not require argument on this point,

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* Letters of Presbyterian, L. M. N. and X Y. Z. *everywhere*

There are now then two separate and distinct churches, each, let us suppose, claiming identity with the Church that has been broken up, and denying the other's identity with it. These two Churches are as distinct as any other two ecclesiastical organizations of the land. The one is *not subject* to the other and *owes it no allegiance.* As the majority are responsible only to Christ for the decision to which the minority cannot submit, so the minority are responsible only to Christ for their action in not submitting. The minority *may* be right, and must not be charged with inconsistency for acting on the presumption that they are. And further, they are equal, *perfectly equal*, in the eye of the law of the land, which cannot justly discriminate in favour of Churches according to their numerical strength.

But there is *prope*[illegible] be disposed of, and the civil power alone can dispose of it. It is [illegible]ed that it has the exclusive right to dispose of it, and that the exercise of this right is in full consistency with the proper supremacy of the Church. But it is affirmed that, if the *minority* shall assert, or sanction the assertion of a legal right to the property or any portion of it, they will be acting inconsistently with their doctrine respecting the supremacy of the Church. That is to say, a Church, possessing all ecclesiastical powers, *not subject* to any other Church, having, it is admitted, a *moral* right to a portion of the property in question, and whose very action in separating from the majority implies its persuasion that it has a legal right to the whole, must, on the sole ground that it is numerically weaker than another Church which, it believes, has no legal right to the property, refrain from asserting its right and forbid all its congregations to do so; else it acts inconsistently with the spiritual independence of the Church. If this is not the *ne plus ultra* of absurdity, I do not know what is. The man who maintains it is not to be reasoned with. Your correspondents of course do not maintain it; but, like all false accusers of the brethren, they do their best to deceive themselves and mislead others by their *fallacious representations* of the state of the case. I have challenged them to say, whether, in the case before us, the civil courts, in determining according to their own independent judgment, invade the jurisdiction of the Church, or do anything inconsistent with its spiritual independence. That challenge they decline accepting. They know doubtless that they cannot answer the question otherwise than in the negative. That, it seems, they are unwilling to do, because they are unwilling to depart from a charge which is manifestly groundless, if the minority are asking the civil power to do nothing inconsistent with the proper supremacy of the Church. And accordingly they will, with too many others of the same spirit, persevere in their endeavours to mislead the prejudiced and the inconsiderate. I trust their success may be small. I believe that when the minority are represented as appealing to the civil power against an ecclesiastical decision, discerning and candid people will see that there is *no decision to appeal against*, and that their application to the civil power has respect to a matter in which the ma-

jority have *no right*, and *claim no right* to decide, and in relation to which their proper place is that of *subjection* equally with the minority; and that when their promise of due subjection to ecclesiastical authority is appealed to us barring them from the assertion of a moral and legal right, all such readers will see that the minority are *not bound to subjection* to a church, against whose decision they have appealed to Christ, on the ground that that decision is, in their judgment, to the prejudice and subversion of principles which they solemnly engaged to maintained whatever trouble or persecution might arise.

It is said that the attempt of the minority to sustain a legal right, in the only way in which it can be sustained, implies the right of civil judges to examine ecclesiastical documents and to decide in accordance with their own views of them, which may be contrary to the views of the Church. If there is anything wrong in this, I trust your readers will see that it is not the *minority* alone that are responsible for it. The majority are *equally responsible* for having their trusts so framed as to *necessitate* such examination on the part of the judges. All references to the incompetency of the judges are aside from the question. They alone have the right and the power of deciding in the matter; and not only have they the right, but they are bound to use all available means that are necessary to enable them to form an intelligent and independent judgment. And when they decide accordingly, they no more interfere with the spiritual independence of the Church, in deciding against the majority, than they do in deciding against the minority, whose Church possesses the same independence as the other. The decision simply involves the expense and inconvenience to the one party that the opposite decision would do to the other. If it be said, May not the dread of an adverse decision operate as a temptation to keep the majority from doing what they believe to be their duty? the reply is, The same thing is true of the minority. But to represent an action of the magistrate acting in his own sphere, which operates incidentally as a temptation, as being identical with the forth-putting of his power to control and concuss Church Courts, is an instance of confusion of thought which, I trust, not many besides your correspondents will be capable of.

"Presbyterian" having begun with ascribing to the civil power a right to invade the jurisdiction of the Church,—to *control* the administration of the law of Christ's kingdom,—now insists on civil judges making themselves the *tools* of the Church or of its majority. They alone can decide in questions of Church property; but they ought to decide as the majority requires them to decide. They are to ignore the law of the land in relation to Church property; they must not look at the Trust deeds; but when two Churches dispute about property they must give it to the *bigger* one. It is the *American* way.* It may have been so from the days of Walter Van Twiller, of whom the authentic Knickerbocker

* I do not believe it is, though Presbyterian says so.

records that, having decided according to the number of the leaves and the weight of the books of the parties in a suit, he thereby established his reputation as a magistrate, saved himself a world of trouble, and put an end to litigation all the rest of his days.

However unable "Presbyterian" may be to see the truth that lies between his alternative of the civil power being either the *invader* of the Church's province or her *tool*, he may be sure the fault is entirely his own; that it can be seen, and that many others see it. There are many who can conceive of civil judges seeing it clearly, and saying to a majority against whom they decide, "We are satisfied that you have departed materially from the principles referred to in this trust, as of course you have a perfect right to do to any extent. It appears also, that you have deposed and excommunicated your brethren, who profess that they cannot consent to the change you have made. This too you have an unquestionable power to do. It belongs to you to make and modify terms of Church office and membership, under a responsibiilty to Christ alone. These are matters with which we have nothing to do. Had your brethren applied to us to exercise our power in any way, with the view of influencing you in the slightest degree in your decisions in these matters, we would have dismissed their application *without investigation*, the instant we understood what they wished us to do. But they ask us to decide in a matter that belongs to *us*, and not to you any more than it does to them. It is true you plead that you have not departed from the principles referred to in the Trust. You are at perfect liberty to think so, but we differ from you; and you must be aware that, in a matter in which it belongs to us to decide, we must follow *our own* judgment and *not yours*." And we can even conceive they might add, "We are personally of the opinion that your principles are now more in accordance with Scripture than they were before, and we are glad you have resisted the temptation arising from the apprehension of our adverse decision. But unfortunately we differ from you in believing, after careful consideration of the Trust and other documents submitted by you and others, that you have departed from the principles referred to in the Trust, and that the other party in the suit adheres to them, so that we are obliged to decide against you." And if the majority were so foolish as to tell these judges that their decision was an interference with the spiritual independence of the Church, they would simply reply, "It is no more so, than our decision against the minority would be. We recognize the spiritual independence of you both, and of theirs equally with yours; but, at the same time, we shall maintain our own, and not determine our solemn judgments by counting the heads of the parties before us."

I shall, with your leave, analyse the contents of "Presbyterian's" *nutshsll* in your next issue.

I am, yours truly,

Elora, March 7, 1874. JAMES MIDDLEMISS.

VI

(British American Presbyterian, March 20, 1874.)

THE TWO SUPREMACIES.

Editor BRITISH AMERICAN PRESBYTERIAN.

MY DEAR SIR,—I proceed now to the examination of the contents of the "nutshell" which "Presbyterian" has presented to your readers, as his final contribution on behalf of "Presbyterian Ultramontanism," and which, I feel sure, he would not have ventured to present over his own signature.

I shall state his argument fairly, as I think all will admit, and, though more generally than he puts it, I hope not less clearly.

He represents me as "*allowing intervention* by the civil power in the administration ot the affairs of Christ's Church *only* when its rulers have under cloak of administering its affairs, committed a crime against the law of the land." From this he argues that, inasmuch as it is no crime for the majority to say that they have not departed from the principles of the Church even though they *have* done so, their error being one of jndgment, I am inconsistent in allowing the intervention of the civil power in the disposal of Church property. My inconsistency lies in this that I *allow* the intervention of the civil power *only* in one case and *also* in another.

I presume he does not mean to include in the expression, "affairs of the Church," everything that the Church is *interested in* or has need of as being *convenient* and *serviceable* to her, and to say that I hold that the civil power has *nothing to do* with anything that the Church is thus interested in. This would be saying what he knows to be untrue. And he knows besides that in the matter of property, which the Church is necessarily interested in, the civil power has *something* to do, the difference betwixt us being, that he would have it to exercise its acknowledged authority as being the *mere tool* of the majority, while I maintain its right and obligation to form an independent judgment. What, then, does he mean? Of course that I disallow the interference of the civil power that he pleaded for in his first letter,—an interference in the way of attempting to control the rulers of the church in the discharge of their peculiar function, the administration of the law of Christ's kingdom. I need not repeat the

language in which he pleaded for this interference. He knows that I disallowed, in the most decided way, the interference he pleaded for, and disallowed it even in the "extreme case," in which I supposed the guilty parties might have acted criminally. Yet he says I allow it in *one* case and *only* one. Surely he knows I do not allow such interference in *any* case. Surely he knows that, after his first letter, the Erastianism of which he professes to have renounced, the question betwixt us has been, not, *When* or *in what case* or cases may the judges of the land interfere to control Church Rulers in the discharge of their peculiar function? but, Does *certain action of civil judges in relation to ecclesiastical persons constitute* or involve such interference? I laid down the great and important principle that civil judges have the right, and are under obligation to regard ecclesiastical persons as standing in the same relation to the law of the land as other persons, and to regard and treat as criminal in *them* what they regard and treat as criminal in *others*; and I have maintained that in doing this, their bounden duty in their own sphere—they do not encroach upon the peculiar province of church rulers, or interfere in ecclesiastical administration. I have challenged "Presbyterian" to prove the contrary. He does not attempt to do so, for he knows he cannot. He knows that this action of civil judges, in taking cognizance of criminal conduct without distinction of persons, is *not interference* with the rule of the Church. And yet, though I have affirmed that it *is not*, and have challenged him to prove him that it *is*, he has the marvellous audacity (under a mask to be sure) to say that it is *a case of interference* which I *allow*. And thus the argument falls to the ground, being based upon what is, in point of fact, simply untrue.

In reference to what he says about the minority not bowing to the majority, and about their submitting ecclesiastical documents to be judged by the civil authorities, I need not say anything, as I would only be repeating what I said in my last letter on these points.

In a word, while I say that I allow *no* interference in *any* case, and that there two things which belong to the civil authorities, and which involve *no interference* on their part with the Church's distinct and exclusive administration, he represents me as saying that *I allow* interference in *two* cases, and that I contradict myself, having said also that I allow it in *only one*,—the word *only* being a *pure* invention, and his whole statement being a shameful misrepresentation.

I venture to express the hope that persons of discerning and candid minds, who previously had not thought much about the subject that has been under discussion have, in the course of the discussion, received some light in relation to the important principals which I have deavoured to exhibit and vindicate. I venture to hope that they will be satisfied in regard to the following things:

1. That, in opposition to the Erastian pleadings of "Presbyterian," Christ has commited to ecclesiastical rulers alone the administration of the law that He gives in the Bible for the guidance and rule of His Church; that He has commited to them alone the "Keys of the Kingdom of Heaven," (i. e. the Visible Church, His kingdom in the world,) and that they are responsible to Him alone for the use they make of these "Keys;" that their declaration of His mind in relation to doctrines to be believed and character to be manifested as qualifying for membership or office, and all their determinations in these matters whether they alter or modify their views of Christian doctrines, or alter or modify terms of communion, or whether they declare individuals qualified or disqualified for membership or office in the Church, are *final*, subject only to an appeal to Christ.

2. That in the matters now referred to the civil authorities have *no jurisdiction whatever*, and that, therefore, if any one applies to them averring that the Rulers of His Church have failed to observe the law of the Church, *i.e.*, the law of Christ, for these are the same both in his judgment and in theirs, and asking them (the civil authorities) to exercise their power with a view to control the Church Rulers in the exercise of their peculiar and exclusive function, his application ought to be *instantly dismissed, without investigation*, so soon as the terms of it are understood; and that if the Church, by a majority, pronounces a decision to which a minority, whether one or more, cannot conscientiously submit, their only course is to appeal to Christ, and, on their own responsibility to Him, to disregard the decision.

3. That the civil authorities in the exercise of their function as appointed by God, "for the punishment of evil-doers," are bound both in their legislation, and in their administration of their laws, to make *no distinction* between ecclesiastical "evil-doers" and other "evil-doers," but to put on trial and to punish *ecclesiastical persons* for the same things that they would put on trial and punish *others* for; that *in whatever capacity* or *under whatever pretence* an ecclesiastical person commits an offence cognizable by the civil power, whether it be the priest cursing at the altar and counselling sedition, or the presbyter, we shall suppose, taking a bribe to vote against a brother charged justly or unjustly with heresy or immorality, if in *any* case, "extreme" or otherwise, it is averred that such a person has done something which the civil authorities would try *any other person* for the doing of, they are *bound* to listen to the averment, and, on its being proved, to inflict due punishment—leaving of course the man's ecclesiastical superiors to deal with him as they please, or not to deal with him at all, if they please, for his conduct considered as a breach of the law given by Christ for the rule of His Church,—that being a matter with which the civil authorities have *nothing to do;* and that in acting on this principle they do not invade the jurisdiction of the church.

4. That the civil power has the *exclusive right* to determine in all

matters relating to the tenure of property—church property equally with other property,—and to decide authoritatively all questions that can arise as to the ownership of it; that the civil authorities are *in no case* to degrade their office by exercising their powers as the *tools* of any party in a suit *however numerous*, but in *every* case to decide in accordance with their own independent judgment; that if the trust is such as obliges them to examine ecclesiastical documents, and judge of their meaning, they *must* do so; that, if there is anything wrong in this, (*as there is not*,) the responsibility for it belongs to the *Church* in having her trusts so framed; and that in acting on this principle the civil authorities do nothing inconsistent with a full recognition on their part of the spiritual indepencence of the church.

I hope discerning and candid readers will be satisfied on these points. As for "Presbyterian" and many others, I have no hope that they will do other than prove the paradox,

> "Convince a man against his will,
> He's of the same opinion still."

If it be said that he *has* changed his opinion, I must be allowed to doubt it. He is certainly not an Ultramontanist, and he cannot see the *juste milieu* of Presbyterianism. If he is neither at the one end nor in the middle, he must be at the other end. That is, he must be an Erastian, unless indeed he is *no-where*, or, in other words, not able to understand and appreciate the principles involved in the discussion. And perhaps it is best to think this, on the ground that it is better to be charitable than complimentary.

I am, yours truly,
JAMES MIDDLEMISS.

Elora, March 14, 1874.

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