

DOES THE ESTABLISHED CHURCH ACKNOWLEDGE CHRIST  
AS ITS HEAD?

**THIS QUESTION ANSWERED,**  
BY A REFERENCE TO THE  
OFFICIAL STATEMENTS  
OF THE  
JUDGES AND STATESMEN OF THE LAND,  
AND THE  
RECENT ACTS  
OF THE  
ESTABLISHED CHURCH.

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“The Church was created by the State—I say *created*; for it was devised, formed, moulded, instituted, and created, wholly and of new, by the State.”—J. HOPE (Lord Justice-Clerk).

“Our Church is the mere creature of statute.”—LORD MEADOWBANK.

“The call of the people is a mere form or ceremony.”—LORD BROUGHAM.

“I think it of the greatest importance that the spiritual authority of the Church should be restrained, as it is restrained, and made subordinate to Parliament.”—SIR R. PEEL (1844).

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DAVID BURNS, BRECHIN.  
MONTROSE, G. W. LAIRD; ARBROATH, JAMES ADAM; DUNDEE,  
W. MIDDLETON; EDINBURGH, JOHN JOHNSTONE.

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## P R E F A C E .

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THE Author has never been engaged in controversy before ; and he wishes never to engage in it again. Even now, he has avoided all *personal* controversy, as not fitted to lead to the discovery of truth. The circumstances which have constrained him to write this Pamphlet may be gathered from the following extract of a notice which he gave from the pulpit, when he understood that a sermon was to be preached against him. " By the line of conduct which I have pursued, I have given practical proof at once of my sincerity and straightforward integrity, and of the importance which I attach to the great doctrine of the Headship of Christ ; and all who have been sitting under my ministry will acknowledge that I have not given these topics an undue or an exclusive place in my preaching. But I think it proper, in the way of explanation, to mention that, while I may in time to come, as in time past, touch on these topics when the word of God invites and requires, I positively decline turning the Sabbath services into controversial scenes, in which one minister pitches himself against another. It might be easy for me to announce another sermon to the young, and answer what I had heard from second-hand of this sermon or of that sermon, and draw together a multitude of people who delighted in nothing so much as in seeing one minister and one pulpit set in array against another. But would I thereby be sanctifying the Sabbath? Would I thereby send you away with a hallowed feeling? Would you go to your homes better disposed to prayer and communion with God? I will proclaim what I believe to be the truth of God, whether men hear or whether they will forbear ; but I must decline entering into personal controversy from the pulpit on the Sabbath, and I am sure all rightly thinking persons will approve of my conduct, and disapprove of the opposite. If I deemed it expedient to enter into controversy, I would do so in some other way than from the pulpit ; and I would find little difficulty in proving two things,—first, that the judges and statesmen of this land do hold that the Established Church is bound to obey them in spiritual matters ; and second, that the Established Church has, *in its deeds* (whatever may be its professions in words), taken orders from the civil courts in the most sacred and spiritual matters, and given unto Cesar the things that are God's. It is easy for a Church to profess to regard Christ as its Head ; but does it so acknowledge him by its acts? is the question."

The Author has only farther to say, that he was not a minister at the time when the Veto Law was passed ; and he leaves those who supported it to cling to it or abandon it, as their principles or interest may incline them. Whatever may have been the excellencies or failings of the Non-intrusionists, the question is now a very clear and plain one, and should not be embarrassed by extraneous matter. It is, *has* the State left to the Established Church the liberty which every Church of Christ ought to have ?

## DOES THE ESTABLISHED CHURCH ACKNOWLEDGE CHRIST AS ITS HEAD?

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I am glad to find, that, while there are some of the more cautious of the ministers and members of the Establishment who are anxious to consign this question to oblivion as speedily as possible, as one that is rather troublesome, and fitted to make people think about religion when they would rather think about the world, there are others, bolder and more self-confident, who are not unwilling that it should be discussed. I should deplore, of all things, that the members of the Established Church, embracing so large a portion of the population, were allowed to sink into a state of indifference and apathy in regard to this question, which their forefathers understood so thoroughly—which for ages determined all the more important events in the history of our country—and which so connects itself with all that is holy, and spiritual, and living in religion. It is the real question at issue between the Free and Established Churches—it embraces all the true points of difference; and it is most desirable that the members of the Establishment should have their attention directed to it and kept to it, rather than those petty details—those idle stories and miserable jokes—which they have dwelt upon and propagated with as much eagerness and fondness as if they were fitted to settle the whole controversy, whereas they settle nothing but the frivolous or worldly character of those who retail them.

In answering this question, it will at once be admitted by all that there are members of the Establishment who, as private Christians, do hold by Christ as their Head. The controversy does not relate to the Christianity of private individuals, but to the right principles of the Church to which they belong; and it is reasonable to expect of all those who are united to Christ, that they do inquire whether the Church which they countenance does honour Christ as it ought; and if they should find that it does not, they are required by the allegiance which they owe to Christ instantly to abandon it. It is wrong not to make inquiry; and it is sinful, after having made the inquiry, and ascertained that the Established Church is endeavouring to serve two masters, to lend it countenance in its sinful course, by being enrolled among its members or attending on its ministrations.

It will also be acknowledged by all that the Establishment wishes its members to believe that it regards Christ as its Head. Some of the more honest and sincere ministers belonging to the Old Moderate party—persons who value the Church far more because it is established by law than because it has been established by Christ—do not, it is true, set much value on the doctrine of the Headship of Christ, and allude to it as seldom as decency will admit; but still they are not willing that their Church should lose the credit imparted to it among the great mass of the people, by its being thought to derive its functions from Christ. It is a well known characteristic of those ministers who know quite well that they are suspected by the public at large, and even by members of their own congregations, of having abandoned their principles when it was their temporal interest to do so, that they are fond of asserting that Christ is still the Head of the Church of Scotland, and of thus insinuating that they themselves have not been guilty of apostacy. All this is well known, and is just what we might expect. It is easy to understand how ministers who once held the doctrines of spiritual independence and non-intrusion, in the same sense as those ministers of the Free Church who consistently followed out their views, should be anxious to persuade their hearers

—and, were it possible, to persuade themselves—that they have been guilty of no dereliction of principle at a trying time in the history of the Church of Christ. Nor is it difficult to comprehend how, in consequence of the repeated asseverations of the ministers, made on all occasions, in sermons and in prayers, there are not a few of the people who believe, with a sincerity for which we give them credit, that, because the Established Church proclaims Christ to be its Head, it really and truly does so honour and acknowledge him. But the intelligent and inquiring mind will go deeper, and demand better authority than the mere professions, so easy to make, of one party, or the sincere though it may be unenlightened convictions of another party. I can conceive a person, determined to be at the bottom of this subject, resorting to two quarters for information. He might go to the statements of the judges and legislators of the land, who made the law what it is; or he might look to the acts of the Church itself, with the view of determining whether it was honouring Christ by obedience to his commands, as well as by professions of regard.

But before proceeding to these tests, decisive of the whole controversy, it is necessary to have a clear idea of the precise state of the question at issue. Lest I should be thought to misrepresent the doctrine, I will state it in the language of one who is still a minister of the Established Church (I am not bound to explain his consistency). I quote from a lecture of the Rev. Dr Bennie, delivered in 1840. “The Headship of Christ implies that he has appointed a government in the Church distinct from the civil, and therefore that this government is to be honoured and obeyed by its members. As the Saviour has long been removed from the world, he does not rule by personal presence, as earthly rulers do.” “But during his absence his spiritual kingdom is pervaded by order and distinguished by admirable institutions—laws for the maintenance of discipline and the advancement of the truth, and suitable sanctions to enforce these laws. The office-bearers are to be appointed in the Church and by the Church. The laws which they are to administer are contained in the Bible, and nowhere else.” “Let it be distinctly understood that the magistrate has no spiritual jurisdiction in the Church. He has no authority to promulgate laws, or to appoint office-bearers, or to determine causes, within that sacred enclosure. The Church is a province guarded by the Headship of Christ, into which he may not intrude. It is hallowed ground.” “Infringe upon the sovereignty involved in that Headship, by admitting others to share either in appointing the office-bearers or in interfering with the laws of his kingdom, and you virtually rob the Redeemer of a portion of the glory which he so dearly earned, and in reality violate the arrangement of the counsel of our peace.” Non-intrusion Lectures, lec. 1, p. 13, 17, 3.

This question may be made plain to the most obtuse mind, by the aid of one or two familiar illustrations. What is implied in honouring Christ as the Head of the Church? This question is exactly parallel to such questions as these:—What is implied in acknowledging the head of the family as the head of the family?—What is implied in honouring our gracious Queen as the Sovereign of these realms?

What is implied in acknowledging and honouring the party justly entitled to it as the head of the family? It is manifestly implied on the part of the members that they give him obedience and service, and that they do not acknowledge any other authority in the household. Suppose, then, that some friend or neighbour were to come into the household and give orders to the domestics—were, for instance, to prescribe a particular course of education to the children, or some special work to the servants—every one sees that here there would be an interference with the rights of the proper party; and if the children and servants obeyed, they would in the very act be acknowledging this stranger as the head of the house, and be setting aside the claims of the rightful father and master. Nor would the case be improved by the circumstance that the services required were proper enough in themselves; for the

offence consists in the act of giving obedience to the wrong party, and the head of the house would, or at least should, resist this interference, just because it was an interference. Nor would the matter be altered to the better by these domestics hinting that the master of the house sometimes did not act very prudently, or by their professing great regard for him, and declaring that he was still the head of the family. As long as they persisted to acknowledge another in their acts, he would feel as if these professions of attachment were only adding mockery and insult to rebellion.

Or, to vary our illustration, suppose that some foreign potentate—the Emperor of Russia or the King of France—were to issue certain orders to the subjects of our gracious Sovereign—were, for instance, to enjoin the revenue officers to raise certain taxes, or the soldiers to engage in some particular war. Here is a state of things in which the loyalty of our countrymen would at once be put to the test. If the subjects obeyed these orders, nobody would believe them when they spoke of giving allegiance to their sovereign, or boasted of their loyalty. They might allege that the foreign potentates whom they obeyed were rightful sovereigns over their own people, or they might continue to shout in honour of our Queen on great occasions; but every person of common shrewdness would perceive that these were mere cloaks or pretexts to conceal their cowardice, and they could prove their sincerity in no other way than by ceasing to connect themselves with those who had lawful authority, it may be, in their own dominions, but had no right to usurp any power in a country which was not under their sway.

The application of these illustrations will at once be perceived. I am not at present arguing with those persons (for there are such) who look on the doctrine of the Headship of Christ as the fond imagination of a pious or superstitious mind. If I had to deal with such, I would be constrained to take up a totally different line of argument, and to prove that there is a real and a living connection between Christ and every individual believer, and between Christ and every living and scriptural Church. But I am reasoning with those with whom we have this common ground to meet on, that they look upon Christ as the Head of a house or kingdom, not of this world, but in this world. I am arguing with persons who acknowledge that it would be as improper for the civil power to interfere with the spiritual concerns of Christ's Church, as for a stranger to come into a private dwelling and give orders to the servants, or for a foreign potentate to exact tribute from the free-born inhabitants of our island. In reasoning with persons who make these admissions, the question comes to be very much narrowed. Has the civil authority, which has rightful authority in its own place, over men's temporal affairs, not gone out of its place? Has it not given orders in Christ's house and kingdom, which is his Church? Has not the Established Church obeyed these orders? Has it not taken orders from the civil courts of the land in the most sacred and spiritual matters, such as the trial, admission, and deposition of ministers, and in regard to the time and place of preaching the gospel, and the persons to whom scriptural ordinances are to be given?

If it be true, as I shall now show, that such orders have been issued—if it be true that these orders have been obeyed—I care not what be the professions of those parties who have given the obedience. I care not whether they call Christ the Head of their Church or not. I judge them, not by their professions, but by their deeds. "By their fruits shall ye know them;" and if by these fruits they show that they have been obeying other parties besides Christ, in Christ's own kingdom, I look upon all their outcry about their still honouring Christ as rather an aggravation of their offence. "Why call ye me Lord, Lord, and do not the things which I say?" Luke vi. 46.

I. Now, in determining this question, let us look, in the first instance, to the amount of authority over the Church which the civil government has claimed, and which it now holds. Do the judges and legislators of the land acknowledge in the Established Church any such liberty and independence as that

Church still professes to retain? Let us look to the orders which have been issued by the civil power, and the interpretation put on these orders by those who issued them. The persons from whom these orders came, must surely be the best judges of the import of their own commands. I now summon these parties to speak for themselves, and I pay much greater regard to their testimony than to that of persons who profess to speak for them, and who wish to conceal their own real or apparent inconsistencies.

1. The first witness we shall summon is Mr John Hope, formerly counsel for Mr Young in the Auchterarder Case, and now Lord Justice-Clerk, and acknowledged on all hands to be one of the most indefatigable of those parties who made the ecclesiastical law of the land what it now is. (I quote from the Authorized Report, by Robertson.) "The question I advert to," says he, "involves the claim of Divine right—of a power to legislate and regulate, *as bestowed on the Church by its great spiritual Head, and inalienable, as in a pre-eminent manner derived from the authority and accompanied by the blessing of God.* This, my Lords, is the most pernicious error by which the blessed truths of Christianity can be perverted, and its influence on the social system blighted and destroyed" (p. 184). Speaking of the Church of Scotland at the Reformation, he says it was created by the State. "I say *created*; for it was devised, formed, moulded, instituted, and created, wholly and of new, by the State" (p. 183). "When a particular religious persuasion or association is to be made a National Church, it depends wholly on the will of the State what authority it shall possess in any matter whatever (be it civil, or be it ecclesiastical—be it doctrinal or spiritual) on which the State chooses to give directions, or for which to make provisions" (p. 186). "The civil, being the tribunal of the Legislature specially for enforcing its statutes, is supreme." "Whether the body is ecclesiastical or not, the performance to the State of the duty imposed by a statute is a civil obligation, *no matter to what the duty relates*, and hence the obligation, being civil, may be enforced by the civil courts equally whether the body which owes the duty to the State is ecclesiastical or not" (p. 271, 288). "My Lords, I own I am always inclined to laugh at and treat with scorn all blustering declarations, by any party or body, that they will hold themselves independent of the civil court, and set at defiance the authority and the supremacy of the law" (p. 263). It is acknowledged on all hands that the law is now fixed, by decisions and acts of Parliament, exactly according to the views of the present Lord Justice-Clerk. Lord Chancellor Lyndhurst says, that "Lord Aberdeen's Bill had been revised by the Lord Justice-Clerk, and might be considered, in this respect, almost as his Bill." (Debate, House of Lords, July 3, 1843.) Let the reader now turn once more to Dr Bennie's views of the scriptural doctrine of the Headship, and then read a second time the view which Mr Hope presents of the law, and he will at once see that no man can in consistency hold both. Mr Hope goes on to point out the course to be followed by those who cannot submit in spiritual matters to the injunctions laid upon them. "Let such parties withdraw from the Church, with the statutory foundation of which they are dissatisfied." "Let them withdraw, and secede; this is the true result of scruples of conscience in such a case" (p. 324). What must the Lord Justice-Clerk think of the honesty of those who still cling to the Establishment, and yet hold that most pernicious error, that there is a power in the Church "derived from the authority and accompanied with the blessing of God?"

When we consider that Mr Hope ultimately succeeded in making the law to his mind, all persons of candour will acknowledge that his testimony is decisive. His testimony is responded to by those Judges who decided the various cases in the Court of Session and the House of Lords. The (late) President of the Court of Session uses words of precisely the same import as those employed by his son,—"That our Saviour is the Head of the Kirk of Scotland in any temporal or *legislative* or *judicial* sense, is a position which I can dignify by no other name than absurdity. The Parliament is the tem-

poral head of the Church, from whose acts, and from whose acts alone, it exists as the National Church, from which *alone it derives all its powers.*" If the Lord President had simply said that the Parliament has supreme power in temporal matters, no one had objected to his views; but he takes in a wider sweep, and declares it to be the head of the Church in *every legislative and judicial sense*, and in regard to *all its powers* (vol. 2, p. 10). In addressing the ministers who refused to intrude an unacceptable presentee into Lethendy, he says, "But considered as having been adopted by Parliament to be the Established Church, you neither have nor can have any power or privilege except what Parliament gave you, when it adopted you as the Established Church (Report, p. 6). Lord Gillies says, when speaking of the Church, "Thus its power is just that of making *bye-laws*, a privilege, properly speaking, of corporations. Every corporation has privileges. The power of making bye-laws is one of its privileges." Its laws are "good if ratified by Parliament, as are the bye-laws of the town of Edinburgh and other corporations" (p. 25, 26). Lord Meadowbank "cordially subscribed to all the views which had been presented by the Lord President and Lord Gillies" (p. 79). "The Established Church" must be regarded as an institution deriving its authority from statute alone; "and it cannot be argued that it possessed any other inherent right to any power or privilege except what the Legislature has conferred upon it" (p. 88). "The Church courts are of statutory creation. They have special powers conferred upon them;" and he goes on to say that he holds the "Church to be the creature of the law, and that every power which it possesses is derived from the law." He again and again, as in page 90, speaks of "our Church" as "the mere creature of statute."

I do not feel it needful to go farther. The majority of the Judges of the Court of Session hold precisely the same views as those embodied in these quotations, which no man can misunderstand. The language of the minority of the Judges, it is true, is totally different. Five of the Judges, among the most distinguished that ever adorned the bench, gave a beautiful exposition of the doctrine of the spiritual independence of the Church, which they declared to be sanctioned by the law and constitution of this land. But their views were overruled by the decision of the majority, a decision confirmed by the English Judges. The minority referred to, when other cases subsequently came before them, acknowledged that they were overborne, and that the principles which they previously held were no longer consistent with the law of the land, as now interpreted. Lord Cockburn remarked (in Lethendy Case), as the result of the decision in the Auchterarder Case, "that the Church, though free, like any other inferior civil court, to give its opinion in the first instance, is ultimately, like these courts, an instrument in the hand of the civil tribunals." He adds, with great *naivette*, "*This certainly leaves few traces of what I have hitherto been always accustomed to think the Church of Scotland.*" All the Judges of the Court of Session, majority and minority, now agree in holding that the law is settled, and that there is no other honest course left, for those who hold the Church to be independent in spiritual matters, than to leave it with all possible speed.

Every one knows what was the treatment which the Auchterarder Case received in the House of Lords. Lords Brougham and Cottenham at once assumed that the civil courts had all the wide jurisdiction which the Court of Session had claimed, and that the Church had none of those liberties which it imagined that it possessed. One memorable passage of Lord Brougham must not be allowed to pass into oblivion. It is better fitted than anything I know to arouse those good people who still linger within the pale of the Established Church. Speaking of the CALL, he remarks, that it is a "mere ceremony or form." "Now, I will take an analogous instance. Mr Attorney-General very properly alluded to the coronation. It is a decent and convenient solemnity, to present the sovereign to the people; and the people are supposed to take part in the choice—a part, however, so immaterial,

that if they were all with one voice to reject, the coronation would just be as good—would go on exactly in the same way, and the rejection or recalcitration of the assembled people would have no more weight than the recalcitration of the champion's horse in Westminster Hall, during the festival attending the great solemnity. It is an *obsolete right*, which has not within the time of known history ever been exercised by any people" (p. 36 of Report.) This is plain speaking, and somewhat different from the language of the clerical defenders of the Establishment. Yet this is all the direct power the people have; for no one maintains that Lord Aberdeen's Bill has given the call any more potency than the Law Lords decided that it had. Are the people of Scotland satisfied with this "form" without the reality—this "decent and convenient solemnity," very convenient, it may be, to patron and presentee, but surely a mockery of the members of Christ's Church? Is this all the privilege which the members of the Church got from their great Head, when it was announced to them, as their duty and privilege, that they were to "try the spirits," and to "take heed and beware of false prophets."

This may be the most suitable place for advertizing to a view which has indeed been supported by no judge or statesman that I know of, but has been put forth by some of those who formerly opposed patronage and voted for the Veto Law, and who now wish to cover their retreat from the advanced ground which they shewed their courage in occupying when the danger was not so pressing. (See "My Church Politics," and Sermons, *passim*.) It is, that, in entering into union, the Church and the State have given up each a portion of its liberty or privilege, for the sake of the advantages of the union. With the view of setting off this theory, it is hinted that they stand to each other as two partners in business, or as two independent countries forming a treaty, or as husband and wife, so far as husband and wife are equal. But the question arises, is the Church, "being espoused to one husband, and presented as a chaste virgin to Christ" (2 Cor. xi. 2), entitled to give up to the State any portion of that liberty wherewith Christ hath made his people free? If the Church, for the sake of temporal advantages—may give up any one principle or right, she may on the same ground give up every other principle that Christ has given her. No one will maintain that endowments are essential to a Church of Christ; but liberty is as essential to the prosperity of a Church as to the prosperity of a State. I hold that in every lawful union, as both were free before they entered into it, so both must be free after they enter it, each in its own sphere. But we need not enter on this question. Mr Hope and the Judges have exploded this theory of a compact between Church and State, entered into on a footing of equality. "Any such compact," says Mr Hope, "implies the existence of two independent bodies, with previous independent authority and right. But what rights had the Church of Scotland, before its establishment by Act of Parliament, to assert, or surrender, or concede" (p. 184)? "As to the alleged compact," says Lord Gillies, "between the Church and the State, I observe in passing that it is an improper term. There can be no compact, properly speaking, between the Legislature and any other body in the State. Parliament, the King, and the three estates of the realm, are omnipotent, and incapable of making a compact" (vol. 2, p. 32). We see that the ingenious fabric referred to fails, not only when brought to the test of Scripture, but when brought to the test of the law of the land. The present Lord Justice-Clerk has taken away the very foundation on which it rests.

The Established Church, it is true, has parted with a portion of its liberty; but the State has parted with no portion of *its* liberty. We know what the Church has given up—its freedom. But what has the State given up? Certainly no part of *its* power. But I acknowledge that the State has given something. It has given its wealth, as a bribe; and for this bribe the Church has sold its freedom. Whatever it may have been in former times, Hallam is now right in saying that its endowments are the chain which the



dog wears, the price of food and protection. Whatever it may have been before the late decisions, the union between State and Church does not now, in law or in fact, bear any resemblance to the union of two partners, or of two independent countries, or of husband and wife. When these parties enter into union, they do so on a footing of equality. Each has inherent power before the union, and each has power in his or her own sphere after the union. Both must be consulted in any matter in which both are interested. In the event of disputes arising between them, neither party is supreme. How different is this relation from that of the State and the Church, as settled by the judgment of the expounders of the law of the land! In all disputes between State and Church, we have seen that one of the parties, the State, is supreme. Will any of those who enter into the partnerships of business, or the alliance of states, or the marriage relation, submit to such supremacy on the side of one of the parties? Would not the party that submitted to such supremacy feel that from that very instant its independence is gone? The alliance between State and Church is now settled to be like the alliance between master and upper servant, and resembles nothing so much as that "protectorate," as it is called in soft language, which France has assumed over Tahiti and some other places, to which it gives the name of liberty, without the reality. The Church has not even the dignity of the wife in the marriage union. "The Church derives all its powers from the Parliament," says the Lord President. Does the wife derive all her powers from the husband? "The Church," says Lord Meadowbank, "has no inherent right to any power or privilege, except what the Legislature has conferred upon it." Can similar language be used of the wife, in reference to the husband? "Our Church is the creature of the law," says the Judge last quoted. Will any wife allow herself to be called the creature of her husband? The Church has now consented, for certain favours conferred, to become, not the partner, the ally, or the spouse of the State, honoured as an equal, cherished and free in her own sphere, but the servant, the slave of the State, free only so far as she does not resist the will of her master, and all the wealth lavished upon her nothing else than the price of the liberty and honour which she has sold.

But has the Church now no power whatever? I allow that it has a certain amount of authority *given it* by its master, the civil courts, which are supreme. It has the same liberty as a corporation, with powers granted by act of Parliament, and guarded and controlled by the Court of Session, or as the Board of Excise and the Customs, under the Court of Exchequer, or as a parish poor law board, under the Board in Edinburgh and the Lords of Session. It is on this principle that the note to Lord Cunningham's judgment in the Cambusnethan Case, pronounced the other day, proceeds. There are persons who may think that all this is right, and that the civil courts should be the ultimate judges or masters; but with these persons I am not arguing, for they cannot hold the doctrine of the sole and supreme Headship of Christ, in any sense which they can explain to themselves or others. Always *under them* the civil tribunals will allow the Church courts a considerable amount of authority. The master often commits a large extent of power to an upper servant; nay, the slave has often ruled with a high hand over those subjected to him. The master cook, for instance, in a great man's establishment (let not my friends in the Established Church be offended with what is but an illustration) must needs have a considerable extent of freedom. The master will acknowledge that this personage is supreme in his own province, and that it is as well in general not to meddle with him, though the master takes care in the mean while to retain all ultimate power in his own hands; and when he chooses to interfere, he cannot indeed cook the viands himself, but he can appoint the time and way of his servant's work. The civil courts take credit for admitting that they cannot ordain, baptize, or administer the Supper. "These offices," they say, "belong exclusively to the Church." The clerical supporters of the Establishment quote this language with feelings of

triumph. But when we inquire into what is actually meant, we find it amount to nothing more than the admission of the master in the case supposed, that he cannot himself perform the work which the highest official of the kitchen must do for him. And as the master cook does not cease to be a servant because of the power allowed him, so neither does the Church cease to be a servant because there are certain functions allotted to it. The Parliament and the civil courts cannot do spiritual work, they acknowledge; but they can issue such orders and inflict such penalties, as will infallibly secure that the work will be done at the time and in the way they desire.

2. But let us now refer to the opinions of the statesmen of the land, and it will appear that there is a remarkable resemblance between the language which they employ and that of the judges, and that neither the one nor the other recognises in the Church such liberty as I think it ought to have. In reading the speeches of our statesmen, it will be proper to bear in mind that it was not their policy to irritate those who wished to remain in the Establishment, by holding up the rod before them too offensively. Lord Aberdeen's purpose, in particular, was as much as possible to sweeten the pill which he thought it needful to administer, to heal the wounded consciences of those who were constrained by the principles which they had avowed to leave the Establishment, but were constrained by other and stronger considerations to remain within its pale. His language, like his character, is very fair and smooth, yet it is decisive. When Lord Campbell proposed (10th July, 1843) to insert into Lord Aberdeen's Bill some clauses giving a liberty of appeal from the Church to the civil courts, Lord Aberdeen said, "there could be no doubt whatever that any patron or presentee might, by action of declarator, bring his case before the Court of Session, and have it found whether or not the Presbytery had exceeded their powers in the particular case. Whether they had acted within their competency as a judicatory of the Church, or had not, there was no possible reason for introducing these words (of Lord Campbell's), as they would tend rather to narrow than to confirm this right." A still higher authority in law, the Lord Chancellor Lyndhurst, spoke as follows,—“If the Church courts did not conform to the Act, and exceeded the powers given to them, the civil courts had a right to interfere. It was quite unnecessary to enact anything of the kind. By so doing they would seem to throw a doubt on the subject; and if they did not take care to enact it in very full and ample terms, they would narrow the jurisdiction of the civil courts, instead of maintaining it untouched.”

This language was used, he it observed, when Lord Aberdeen's Bill was under discussion. We are thus enabled to meet the objections of those who hint rather than assert that Lord Aberdeen's Bill has done away with the prostrating decisions of the judges. The Bill was proposed by his Lordship as a bill to "remove doubts," and it was not fitted nor intended to reverse the decisions of the Court of Session and the House of Lords. His Lordship's own language is (debate, 3d July, 1843), "He had not the slightest intention of impugning the judgment in the Auchterarder Case. No such imagining had been entertained by any one—quite the reverse." Lord Chancellor Lyndhurst again and again declared that "there was nothing in the Auchterarder Case contrary to the bill now before their Lordships." As a proof of this, he mentions the fact that Lord Aberdeen's Bill had been laid before the Scottish Judges (whose views we have quoted), and received their sanction. All parties acknowledged, in full and explicit terms, that whatever the Church might determine, there was always a power of appeal to the supreme civil tribunals, which, as the master or head, was to inquire into its conduct, and determine whether or no it had done its duty, with power to restrain and inflict penalties, when the Church, in *their opinion*, had exceeded its powers. To revert to our illustrations: No head of a family would hold himself to be head of the family any longer, if such interference was allowed on the part of a stranger. Our Queen's authority in our country were gone, if the final decision of every case, or of any case, was left to any foreign potentate.

It was subsequently to Lord Aberdeen's Bill being passed into law that Sir Robert Peel declared that the claims of the Church of Scotland, prior to the Disruption, had been denied because it sought independence in spiritual matters. In June, 1844, he says, "I do not see that you can establish a Church, possessing all the emoluments of State endowments, without its submitting to stringent control on the part of the State. I consider the State should exercise an influence in the appointments of the Church, and that without such influence there would be great injury from investing any form of faith with the endowment of the Establishment. I think it of the greatest importance that the spiritual authority of the Church should be restrained, as it is restrained and made subordinate to Parliament."

But it may be useful to attend a little to Lord Aberdeen's Bill. Its supporters, we have seen, declared that it was not inconsistent with the Auchterarder decision, but it did contain something additional. Let us inquire what it is. To the people it gave no substantial powers. They have the power neither of assent nor dissent. The veto is abolished, and the call has no efficacy. Though all the people were to dissent, and not a single individual were to sign the call, the presbytery might still settle the presentee. But then the people have the power of bringing objections, of which objections, however, another party, the Church courts, must judge. "The real status and condition of the people is to object; that is their whole concern, and privilege, and right—to make objections, if they have any to urge." (Debate, June 13, 1843). Lord Cottenham very happily spoke of the power now given to the people being simply the power of "grumbling." Lord Brougham spoke of Lord Aberdeen's measure as "taking the power entirely out of the hands of the people, and leaving it in the hands of the priests." Would the people of this land reckon that they had any power in political affairs, provided there was given to the landed proprietors a power of choosing a member of Parliament, and to the people merely the power of bringing objections, which objections were to be judged of by the persons elected by the landed proprietors? The people of this land would feel that on such a system they had no political power whatever, and yet the members of the Established Church seem contented with what is no better—to have pastors chosen by patrons, while the people have no power but to bring and to prove (it may be at a great expense) objections, to be set aside or sustained by the very men who have been elected by these patrons. The people of Scotland would spurn at such a mockery of political rights; and I have yet to learn that they care less for their religious than their political privileges.

But Lord Aberdeen's Bill has given, I acknowledge, certain powers to the clergy,—not a power to obey Christ, however, for they must obey the civil courts, but a power to lord it over the people, who are God's heritage. It makes the people dependent on the Church courts, and the Church courts dependent on the civil courts; and the Church will not be disposed to be better friends to those beneath them, from the circumstance that they have to bow, and cringe to, and consider the tastes of those above them. An upper servant is often found to be more insolent than his master; and the intervention of the Church courts, so far from protecting the liberties of the Christian people, makes their plight more degrading than if they had immediate access to the civil courts. This is certain, that the ultimate appeal in every disputed case (and if parties are inclined, they can make any case a disputed case), is not to the laws of Christ, as laid down in his word, but to the civil tribunals of the land, the true master and head of the Established Church.

Of what use, then, it may be asked, was Lord Aberdeen's measure? The true answer is, it was intended to break the fall of those who once held such high principles, and were anxious to abandon them without seeming to do so. This language may be thought uncharitable, but it is not so strong as that employed by Lord Cottenham; indeed, if any Free Church minister had used, regarding the Established Church, the language employed by judges and legislators, he had been denounced as a calumniator. I am always glad,

then, when I can quote the language of the expounders of the law of the land. "Why was this bill proposed?" asks the learned lord referred to. "Was it to gratify the Non-intrusionists? The Non-intrusionists were struggling for what they considered the rights of the people, and not to give exclusive powers to the Church. Those who supported patronage objected to it—then who supported it? It was not to please those who supported patronage; it was not to please the Non-intrusionists. No; but there were a *certain set of Non-intrusionists* who did not like to succumb to patronage, and who did not like to *give up their livings*. These persons said, we are Non-intrusionists, and if you pass this bill, we shall keep our livings." Lord Aberdeen has given them the bill, and they have kept their livings.

Even though Lord Aberdeen's Bill had given, which it does not, freedom to the Church, still, in order to receive its proffered benefits, the ministers of the Establishment had all to pass under the yoke—to acknowledge that the previous decisions were now law, and to submit to all the aggressions which had been made upon the liberties of the Church,—strange proceedings, even according to their own showing. They had to acknowledge their servitude in order to become free!! The sagacious observer will think it far more probable that they had to confess their servitude in order that it might be held as settled for ever that the Church was enslaved, and that the Government might never again be troubled by so much as the assertion of independence.

II. But this brings us, in the SECOND INSTANCE, to consider what the Church has submitted to, and to show that it has not in its recent acts acknowledged Christ as its Head. Having taken a view of the law of the land, as now settled by the law courts and Acts of Parliament, I am now to inquire how far the Church has acquiesced in that law. A man is not truly a slave till he has come to bow his neck to the yoke in all submission. Has the Church resisted or has it submitted to the invasion which has been made upon its sacred territory? It could be shown, if the subject required, that down till a recent date there were no such aggressions made upon the Church's rights. When spiritual matters were brought before the Court of Session last century, the Court refused to look at them, because that "was interfering with the powers of ordination or internal policy of the Church, with which the Lords thought that they had nothing to do." Case of Culross, 1748.

But our inquiry is not into the past but recent history of the Establishment. And here it must be admitted, that we can easily conceive of a state of things in which the State might lay claim to all the powers which it has assumed, and yet the Church be free; and that is, in the event of the Church refusing to submit to the unlawful authority which has been usurped. Such a state of things could not exist for any long period; but for a time, the Church, still in union with the State, might resist the encroachments made upon it. Such, in fact, was the position of the Established Church from the time that the Auchterarder decision was pronounced down to the period of the Disruption. But when the State, on being solemnly appealed to, refused to withdraw its offensive claim of absolute supremacy, those who valued the liberties of the Church had no other honest course left than "the difficult, painful, but honourable course of bursting their unjust fetters, and as a free daughter of free ancestors to quit her parental home, as it began to assume the form of a house of captivity."\* Those who remained in the Establishment did so on the express understanding that they were to submit to the supremacy of the civil law. Where is now the party in the Church protesting against the acts or the language of our statesmen and judges? There is no such party, and there can be no such party; for the law and constitution are

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\* Sydow, a learned German divine, and Chaplain to the King of Prussia. He was present at the Disruption, and was asked by Prince Albert to draw up an account of the Scottish Church Question, which he has done in an able work, in which he, an impartial judge, comes to the conclusion that the Free Protestant Church of Scotland is "legally as well as actually in the right."

now settled, and it is vain for persons to remain in any society and protest against its constitution. They may protest against its abuses, its constitution being reckoned as sound; and this is what the evangelical minority did during the latter half of the last century and down to 1843; but parties cannot remain in the Establishment and protest against its constitution, which is now helplessly and hopelessly Erastianized.

Nor is the condition of the Established Church at all improved by its friends alleging that the Non-intrusion party did not behave themselves with sufficient prudence, and pay becoming deference to parties in power. Let it be granted, for the sake of argument, that they did wrong in some things—let it be conceded, if you will, that they were reckless in everything—still you will not thereby better the condition of the existing Establishment. It has often happened, in the history of the kingdoms of the world, that the folly of certain parties in a state has been the pretext which tyrants used when they proceeded to take away the whole liberties of a nation. I am not disposed, except for argument's sake, to admit that the Non-intrusion party did commit any serious blunder; but, though we admitted that they did, what are those the better who have now to submit to all the encroachments of the statute law? "Even admitting," says Sydow, "that the Church has committed an error, this would not entitle the civil authority to a perfectly unwarrantable invasion into that province," nor does it lessen the sinfulness, or improve the condition, or brighten the prospects, of those who have submitted to that invasion.

I do not feel myself called on to enter minutely into the details of the cases litigated before the courts of law. This were a tedious work, and would lead us into much matter bearing little on the question immediately before us. If we can get hold of one particular thread, it will conduct us through all the intricacies of these tortuous cases. Let us fix our attention on what is, properly speaking, *spiritual*. It is not at all needful that we enter upon the question of the *expediency* of the Veto Law, or of the Act extending to *quoad sacra* ministers and elders the power of forming kirk-sessions and ruling in Christ's house, or of the positive refusal of the Church to force unacceptable presentees upon unwilling congregations, or of the suspension of those ministers who insisted upon intruding Mr Edwards into Marnoch. The end contemplated in all these acts was undoubtedly good. It was to give some privilege to the Christian people, to extend the means of grace in overgrown parishes, and to guard the discipline and protect the rights of the Church, including both office-bearers and other members. But whether *expedient* or not, these were most assuredly *the acts of the Church*. And how did the *General Assembly deal with these acts when the protesting party left them, in May, 1843?* Did they say, these acts are not very expedient; but as they are the acts of the Church, we will consider them as such, and obey them till we have time to repeal them? No; this was not their mode of procedure. Even though they had adopted it, most people would have been inclined to look upon it as a mere device, intended to preserve the appearance, when they had been stripped of the reality, of independence. But the Assembly did not retain so much as the semblance of independent authority. It hastened to fling itself in abject prostration at the feet of its master. It declared that because the civil courts said so, the Veto was no law, and never had been a law of the Church, and that the Strathbogie ministers had never been deposed. It made a kind of show of rescinding the Chapel Act, but all in implicit obedience to the civil authorities. In short, it was so anxious to bask in the smiles of the State, that it homologated (as we Scotchmen say) and submitted to all that the State had chosen to lay upon it. "Issachar is a strong ass, crouching between two burdens; and he saw that rest was good, and the land that it was pleasant, and bowed his shoulder to bear, and became a servant unto tribute."

Was the Church obeying Christ, or obeying the House of Lords, in intruding Mr Young into Auchterarder? We can point to the orders of the

House of Lords to this effect, but it is more difficult to point to the commandments of Christ in his word. Was it obeying Christ, or obeying the Court of Session, in holding out the right hand of fellowship to Mr Edwards of Marnoch and Mr Clark of Lethendy?

Was the Church obeying Christ, or obeying the courts of law, when it declared that between two and three hundred pastors of *quoad sacra* parishes, with their numerous elders, all elected according to Scripture, had no power to hold kirk-sessions, to admit communicants, to exercise discipline, or generally to rule in Christ's Church? We can point to many passages of God's word in which it is said to be the duty of ministers and elders to *rule* in conformity with Christ's laws; but I can find no passage in which it is said to be their duty not to rule. Where, then, I ask, was the Assembly's authority for declaring they should not rule? I know they can give us the authority of the Court of Session, and if they say that they were obeying that authority, I believe them; but I cannot hold at the same time that they were obeying Christ. If they say they were obeying Christ, I demand from them a passage in God's word in which there is a right given to any Church court to take away from persons acknowledged to be ministers and elders the power of ruling in Christ's house, which Christ himself has given them. Here we have a state of things in which the commands of Christ and those of the civil authorities were manifestly opposed, and the Assembly, by obeying the latter, declared, in the face of the whole world, that it acknowledged it to be the true master of the house and head of the kingdom.

When Mr Livingston, minister of Cambusnethan, was found guilty of theft, he appealed to the Court of Session, and an interdict was granted against pronouncing the sentence of deposition. From the Disruption to the present date, the Church has appointed no other minister to take charge of the parish. Lord Cunningham has now found that the Church acted *within its power as a corporation* when it deposed him. I suppose the time has *now come* when the Church will appoint another minister to Cambusnethan—that is, it acts not on Christ's authority, but it has waited till another master gives the authority, and now it acts when that master is pleased and gives the needful permission.

I can easily understand how there should be many persons who approve of these acts of the civil government of the land. I can comprehend how worldly statesmen, jealous of growing life and zeal in a Church of Christ, should wish to have it hemmed in and restrained, and made as dull and formal and lifeless and as little troublesome as possible. I can conceive how persons who have not too much religion themselves, and are greatly afraid lest others should have too much religion, should be anxious to put as many limitations as possible to the power of the Church of Christ. I have no difficulty in discovering how persons who have no sincere belief in the doctrine of the Headship of Christ (and to my knowledge there are many such among the laity of the Establishment), or who set no value upon the freedom of the Church, should, for the sake of temporal advantages, submit to the restrictions which have been laid upon the Established Church of Scotland. But I have greater difficulty in comprehending how persons professing to attach a high value to the liberty of the Church should submit to such acts of aggression. I am astonished beyond measure when, after having yielded to them all, they should still have the assurance to declare that their Church is free.

The conduct of those in the Church who, after having committed all these acts, do still profess to honour Christ as King, reminds me of those Saxon nobles who made their king a prisoner and took from him all real power, but meanwhile carried him round the country, and showed him on great occasions to the people, who were encouraged to call him king, and to pay him the highest honour. When I look to these *acts*, and then to the *professions* of those who still continue in words to pay respect to the Headship of Christ, I cannot but discover some resemblance between them and Charles the Fifth,

when he ordered prayers to be offered up throughout Spain in behalf of the Pope, but meanwhile had him carefully locked up as a prisoner in the Castle of St Angelo.

I am aware that in present circumstances the Church has considerable license allowed to it; but it is a license allowed by an earthly master, who can take it away when he pleases. The chain is not broken—it is merely lengthened, and may be tightened at any time. We hear in some places of a popular election of a minister or elder in the Established Church, and the circumstance is as loudly proclaimed as if it proved that the Church which could have such a privilege were really free. I am reminded, when I hear all this boasting, of an incident recorded in ancient history. In a particular country a large portion of the slaves, labouring under intolerable oppression, rose in rebellion against their masters. Meanwhile a number of the slaves, more cowardly or peacefully inclined, were tempted to submit to all the burdens that were laid upon them. Now, it was observed that during the rebellion, and for some time after, those who hugged their chains and were contented to remain as bondsmen were treated with uncommon favour, and fed and clothed as they had never been before. But every one saw that this conduct on the part of the masters proceeded not from kindness, but from a far-sighted selfishness, which had specially in view the deluding of the slaves and the retention of the masters' property. When I hear of favours lavished by heritors on parish ministers, and privileges granted to the people in particular localities, I set no more value on them than upon the favours heaped by the masters referred to upon their slaves, as a device to keep them satisfied with their condition. It is the mere expedient of the earthly politician and patron, to retain the power which they have usurped. The question presses itself on us, should the Church of Christ be contented to receive as a great boon what it can claim as an inalienable right? Or is it at liberty to sell its birthright for the mess of pottage so dexterously and seasonably presented at its time of extremity? As long as the Established Church continues to be contented with its position, and rather pleased with its chains, which have been gilded and ornamented by Lord Aberdeen's Act, I believe the law courts will not interfere with it. Why should they interfere when it is obeying their will? Let the Church truly assert its liberty as it did prior to the great Disruption, and it will feel where the chain pinches. I anticipate no such result; for I believe that all those who might be inclined to stand up for the blood-bought liberties of the Church of Christ have already left the Establishment, or will yet leave it, as their eyes open by degrees to discover the awful state of bondage and degradation to which it has been reduced.

As there are persons constantly asserting that the Free Church left the Establishment without any satisfactory grounds to justify them, I have deemed it proper to state some of the reasons which induced us to part with our endowments rather than our principles; and I shall be sorry if in doing so I have allowed a single word to escape me fitted to give unnecessary pain to the members of the Establishment. My wish regarding them is that they may be brought to reconsider their position, and may God give them light to discover the right path, and courage to walk in it. I regret that the limits within which I am anxious to keep this tract do not admit of my dwelling on the points of difference between the Free and the Established Churches.

1. There is a difference of PRINCIPLE. Persons who cannot so much as understand what principle means, will not be able to comprehend wherein such a difference consists. They expect to *see with their eyes or hear with their ears* some sensible difference; and because the outward forms are the same, and the ministers of the two Churches are not distinguished from each other by any peculiar dress, such as the surplice, they conclude that there can be no difference. But every reflecting mind will acknowledge that a difference of principle, where it exists, is the most important of all differences. The ministers and members of the Free Church had not left the Establish-

ment on account of a mere difference of form or ceremony, such as comes before the senses. It was because they felt that the fundamental principles and the very constitution of the Establishment had been changed by the recent decisions, that so many were constrained to abandon it, by the highest of all compulsions, the compulsion of conscience and of duty.

2. There is a difference in PRACTICE. A difference of principle must soon lead to a difference of practice. The freedom which the one has preserved to the people, and which the other has sold, must necessarily issue in a great and ever-widening distinction between the operations of the two bodies, and the character and spirit and zeal of their office-bearers and members. If liberty be necessary in order to quicken the faculties of the individual which would otherwise lie dormant—if it be needful in order to call forth the resources of a nation which would otherwise be crippled and confined—it is still more essential to the Church of Christ, to develop its energies, activity, and life, and to make it go forth and fulfil its high end in a thousand walks of usefulness at home and abroad, in raising the tone and standard of piety in the Church, in separating it from a world lying in wickedness, in calling forth the liberality of the Christian people, in training a rising generation in the fear of God, and in sending the glorious gospel of Christ to the outcast and the heathen.

3. May we not expect that there will be a difference in the BLESSING bestowed. "We have good preaching in the Establishment, and why should we leave it?" is the remark commonly made by those who still cling to the institution which is declared to be the "creature of the law," more particularly when they happen to sit under what they consider to be a good ministry. When these persons have a true sense and knowledge of what religion is, I might address them in some such way as this. Are there sound, faithful, and spiritual ministers in all your parishes? And if they answer me that there are many who are notoriously far otherwise, I ask them what do they think of their institution, which leads the people of the parishes which are under these ministers to think they have the gospel when they have it not? I might farther hint that all preaching is not good preaching which is considered good preaching. There is a way of mixing the work of Christ and the work of man, which turns it "unto another gospel." The people ask for bread, and they give them a stone. Again, there are preachers who "prophecy smooth things, because the people love to have it so," and who do not seek to convince the sinner of sin, or to press on him the necessity of being born again. The people ask for food, and they give them a flower. But let it be freely admitted that there are ministers in the Establishment who preach all the doctrines of the word (except that of the kingly office, which they cannot preach in all its fulness) still we should remember that while "Paul may plant, and Apollos water, it is God that giveth the increase" Now, it was not in consequence of the energy of Paul, or the eloquence of Apollos, that the blessing was given, but rather because in all their labours they gave honour to Christ as the Head of the Church. Can those who do not honour Christ expect Christ to honour their ministrations? Or is there not a risk that, in a Church that does not so reverence its great Head, the sinners who are awakened and converted be few in number, nay, that the very idea of a conversion be a subject of ridicule on the part of many of its members, and that the Church, as a whole, instead of being separate from an ungodly world, be so like the world around it, that no man can point out the difference between them, and say here is the Church and there is the world?