

THE SCOTTISH CHURCH CASE.

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The 31st of October, 1900, was a red-letter day in Scotland, for then was accomplished the union, long laboured and prayed for, of the Free Church of Scotland and the United Presbyterian Church—the two great sections of non-established Presbyterianism in that country. The event was of national significance. The Free Church represented, in Lowlands and Highlands, about 300,000 communicants, and the United Presbyterians about 200,000—in all about half a million, or, with adherents, nearly a third of the total population. The union was hailed with acclamation by practically all Christendom as a signal triumph of Christian principle and right feeling in the subordination of minor differences and ecclesiastical prejudices to the great cause of unity in the Lord's work.

Few foresaw in what trouble this happy event was soon to land the United Church. On August 1st, 1904, a decision was given in the British House of Lords which had the effect of transferring the whole of the property of the Free Church section in this union—the entire invested funds, colleges, halls, offices, churches, mission premises throughout the world, of this vast organization of 300,000 members—to a small handful of people, chiefly in outlying Highland places, represented by some 27 ministers, who had protested against the union, and refused to enter into it. These, the Law Lords, who heard the case—seven in all—by a majority of five to two, declared to “lawfully represent the said Free Church of Scotland,” and to be “entitled to have the whole of the said lands, property, and funds applied according to the terms of the trusts upon which they are respectively held for behoof of themselves and those so adhering to and associated with them, and their successors, as constituting the true and lawful Free Church of Scotland;” while of the main body, it is declared that “the said United Free Church of Scotland has no right, title, or in-

terest in any part of the said lands, property, or funds.”

This astounding decision, based, as will be seen after, on the flimsiest of technical grounds, and on positive error as to facts—what bench of English judges ever *could* be expected to understand Scotch ecclesiastical questions?—came like a thunderbolt. It was, in its magnitude and ruthlessness, absolutely without precedent in Scotland, since the days of the persecutions of the Covenanters, and was so manifestly out of all relation with the actualities, not to say equities, of the case, that people could only stand aghast, or indignantly ejaculate “Monstrous!”

What made this decision the harder to bear was that it was the reversal of the judgment which had been come to unanimously by the highest Scottish legal tribunal—the Court of Sessions—and, further, that, in a *first* hearing in the House of Lords, the judges being equally divided, the decision would have been given, according to practice in such cases, in favor of the United Free Church, but for the lamented death of Lord Shand, which upset the balance, and led to the *second* hearing, with the result above noted. Of the twelve legal minds that, in the lower and higher courts, applied themselves to the case, seven (including the four Court of Session judges), gave a decision in favor of the United Free Church and five against it. The minority in the last hearing consisted of Lord Lindley and Lord MacNaghten, recognized as two of the ablest legal authorities on the bench. It is an unpleasant reflection that a church should be put in this absolute way (with respect to its total possessions), at the mercy of an accidentally composed group of men, when the slightest contingency might have led to an entirely different grouping and a different result.

What are the grounds on which this amazing judgment was based? Or how did it come about? To explain this, a little must be said first on the history of the churches entering into the union.

The Free Church of Scotland, it is well known, took its origin at the “Disruption” from the Established Church in 1843, as the result of conflicts with the civil courts on Patronage and Spiritual Independence. The Evangeli-

cal Revival had led to a great increase of life in the Established Church, and the Evangelical party, headed by Thomas Chalmers, had sought to nullify the worst effects of patronage and to popularize the constitution of the church by passing a "Veto Act," giving a right to heads of families to veto an unpopular presentee, and a Chapel Act, granting full status to ministers of *quoad sacra* parishes (new parishes created out of the old legal parishes). Collisions with the law courts ensued, and a series of decisions in the Scotch Court of Session, confirmed by the House of Lords, declared that the church had exceeded its powers in these acts, and had in fact no jurisdiction save what it derived from acts of Parliament—its actions being subject to review and reversal by the civil courts. All means of redress failing, some 451 ministers, with a large body of the Scottish people, left the State Church, and constituted themselves into the Free Church of Scotland. The Disruption Church had enormous difficulties to contend with, but, sustained by the consciousness of a great cause, it surmounted these, and built up the splendid heritage it took with it into the union.

The United Presbyterian Church—not to be confused with the excellent denomination of that name in the United States—was in its origin much older. It was formed in 1847 by the union of what were known as the Secession and the Relief Churches in Scotland—the former going back to 1733, when four brethren, with Ebenezer Erskine as chief, "seceded" from the Established Church in defence of evangelical principles and the rights of the Christian people, put in jeopardy by the prevailing party; the latter to 1752, when the Rev. Thomas Gillespie was deposed for refusal to take part in a forced settlement of a minister. The Secession Church, after a long split on the subject of a largess oath, had become re-united in 1820, and in both its sections had advanced to what are called "voluntary" views on the relations of church and state: that is, the prevailing sentiment had come to be that unions of church and state were not only inexpedient, but unscriptural. The Relief Church held the same views. The Free Church, on the other hand, had just come out from the Establishment and

the majority of its people had at first no objection to Establishment in itself, provided their liberties as a church could have been secured under it. This, however, had proved unattainable, and Establishment, in the opinion of most, had been left behind forever.

It was inevitable that two large churches of this kind, both outside the Establishment, existing side by side in the same country, holding the same standard of doctrine, one in government, doing the same work, seeking the same ends, in practice fraternizing and co-operating in a multitude of ways, should think of union. No duty seemed clearer, and negotiations for union were hopefully opened in 1863. These, however, enthusiastic in their commencement, had, after ten years, sorrowfully to be abandoned, owing to the persistent opposition of a minority in the Free Church, headed by Dr. Begg, who held that the "Establishment principle" was an essential part of the Free Church constitution, and opposed union with "Voluntaries." The dread of a serious split, with legal proceedings following, stayed the negotiations, and the fathers in both churches, who had thrown themselves heart and soul into the movement, "died in faith, not having received the promises, but having seen them, and greeted them from afar."

Thus matters stood till 1896, when, under pressure of practical needs, proposals for union were renewed, and the negotiations began which issued in the happy union of 1900. Meanwhile, both the United Presbyterian Church (1879) and the Free Church (1892) had passed "Declaratory Acts," giving explanations on various points in the Westminster Confession of Faith, and putting in the forefront of their testimony the love of God to the world, and gift of his Son for the salvation of mankind.

It has been stated that a minority of 27 ministers stood out against the union of 1900. The voting in the assembly in October 1900, was 643 for union and 27 against. The vote at the assembly (a representative body) includes elders. To this small fraction the opposition had reduced itself and it was not to be expected that the church would refrain from a great and manifest act of Christian duty because of the scruples of so few. But, though few, and

to our view, unreasonable, narrow and obstinate in their opposition, the minority were sufficiently determined, and, having constituted themselves the "Free Church of Scotland," within a few weeks commenced a process in law to have the whole property transferred to them. The United Church has been widely blamed by those who have taken their cue too readily from unfriendly newspapers, for their "harsh treatment" of the minority. We are persuaded it could be shown to any unprejudiced mind that there is no real ground for this accusation. We write with knowledge when we say that there was never the slightest desire to bear hardly on the minority, with some of whom, at least, the church parted with genuine regret. The United Church could not, of course, acquiesce in, or countenance in any way, the claim of this fraction to be the true and sole representatives of the Free Church of 1843, entitled to all its funds and properties; nor was it in its power, lawfully, even had it been willing, to divest itself of a portion of these (trust) funds and properties of the church, and hand them over to the minority who had left. It was well known that the programme of the leaders of the party was "all or nothing;" and, in truth, before anything could be done, the legal thunderbolt was launched. There was, however, we can say with assurance, the strongest desire, even then, to deal generously with the ministers of the minority as respects their personal interests; no one who had a congregation adhering to him would have been molested in church or manse; means would have been found to meet equitable claims; at the very outset directions were sent to all ministers in the Highlands to grant joint-occupation to dissentients, even where they were in a minority. It became necessary, after the action was raised, to test the powers of the church under what is called the Model Trust Deed, by taking a few cases under that Deed into court; but there was no actual disturbance of any one by the church authorities. It has been very different with the smaller body who, since their victory in the House of Lords, have ruthlessly used the weapon put into their hands, by interdicts and otherwise, to obtain sole possession of churches, manses, and buildings, even where the United Church is largely in

the majority.

The grounds on which judgment was sought and obtained in the House of Lords—to come now to that vital point—were mainly two: 1. That the Free Church, in entering the union of 1900, had departed from the “Establishment principle,” held to be an essential part of its constitution, and 2. That in its statements in the Declaratory Act on the love of God to the world and responsibility of all men under the gospel, it had departed from the doctrine of the Confession, and had become “Arminian.” A wider issue, which we may call 3, was, whether the church has within itself power to alter its constitution or revise its doctrinal standards. On the first of the above points, the five Lords in the majority, were emphatic that the “Establishment principle” was an integral part of the constitution of the Free Church, which had been violated by the union; on the second, the Lord Chancellor took up an equally strong position, adverse to the church, and two other judges agreed with him, while another did not give an opinion and one was doubtful; on the third, all five judges were agreed that the church had not power to revise its doctrinal formularies. The two Lords in the minority declined to follow their colleagues in these views, which, as they saw, reduced the spiritual power of the church to a nullity. To Lord MacNaghton “the real and only question” was: “Was the Free Church, by the very condition of her existence, forced to cling to her subordinate standard with so desperate a grip that she had lost hold and touch of the supreme Standard of her faith? Was she from birth incapable of all growth and development? Was she, in a word, a dead branch, and not a living church?”

At the basis of the judgment of the House of Lords was the idea of the church as a Commercial Trust. The law, it was held, could take no cognizance of a thing called a “church;” it knew only of an “association,” constituted for trust purposes, and existing to administer property in terms of the articles of the original agreement. The theory was that there had been a trust formed in 1843 on the basis of a “prospectus” (found chiefly in the moderator’s address of Dr. Chalmers) in which the “Establishment principle” was put forth as

essential; and that on this basis the funds had been contributed which the church afterwards existed to administer. The Free Church, on the other hand, contended that it was not thus it had ever understood its own constitution; that to treat the Church as amere trust, ruled by the "dead hand," was to deny its character as a living church of Christ, with inherent powers to regulate its own affairs, confess its faith, and revise its formularies, under sole responsibility to him; it denied that the "Establishment principle" was ever regarded as an essential part of its constitution; and it warmly repudiated the Lord Chancellor's interpretation of its theology as an outrage on its actual belief! The trust of the church was its *work*, for the sake of which, as time went on, its funds had been contributed, and in the carrying on of which they had been faithfully applied.

It will be convenient to dispose of the doctrinal question first. The Westminster Confession affirms in terms which many who are Calvinistic at heart think objectionably strong, the doctrine of predestination; but, together with this, it affirms the natural freedom and responsibility of man, and the duty of men to repent and believe. Historically, the Free Church never swerved in its proclamation of a free and full gospel; no one preached such a gospel more energetically than Dr. Chalmers. On behalf of the minority, however, it was contended that the declaration of a free gospel to men, and of the responsibility of men under the gospel, contradicted the Confession, and the conclusion was drawn, not that the Confessions should be changed, but that the church should be disinherited for having included these statements in its Declaratory Acts. It is hardly credible that any one professing to represent the Free Church should take up this ground, but so it was.

The passage in the Declaratory Act specially objected to was the following: "This church most earnestly proclaims, as standing in the forefront of the revelation of grace, the love of God—Father, Son and Holy Spirit—to sinners of mankind, manifested especially in the Father's gift of the Son to offer himself a Propitiation for sin, and in the striving of the Holy Spirit with men to bring them to repentance. That this church also holds

that all who hear the gospel are warranted and required to believe to the saving of their souls; and that, in the case of such as do not believe, but perish in their sins, the issue is due to their own rejection of the gospel call. That this church does not teach, and does not regard the Confession as teaching, the foreordination of men to death irrespective of their own sin."

To these paragraphs the strongest objection was taken in the course of the debate. Counsel (Mr. Johnson) was asked, "Do you complain of this and say they had no right?" Reply: "I do." Asked: "This is one of the Acts you complain of?" Reply: "This is the Act I complain of." The Lord Chancellor insisted upon it that the Free Church was precluded by its Confession from admitting free-will, or preaching a free gospel. Here is one gem of theology from Lord James of Hereford. The Dean of Faculty had quoted the passages in the Confession on the duty of repentance, and its declaration that by repentance and faith the sinner may be saved. Lord James asks: "But may not that be applied to those who are not predestined?" his idea being that predestination dispenses with the necessity of repentance and faith.

This, then, is the extraordinary position in which the minority has been placed by the arguments of their own counsel, and by the decision of the Lord Chancellor and those concurring with him: They are bound forever unchangeably to the letter of the Confession; they are debarred from preaching a free gospel; they are forbidden to teach that men are responsible under the gospel; they are bound to hold that man has *not* free-will, and that men are foreordained to death irrespective of their sins. Individuals have been endeavoring ever since to show that they are not committed to these views, but what avails it, when this was their own plea, on the basis of which, in part, the decision was obtained? In other utterances, they admit the whole. One "leader," e. g., has been expounding that the real crime of the church is that it teaches that men incur condemnation by rejecting Christ. "Sinners," he declares, "are not condemned for rejecting Christ; but their rejection of Christ is the evidence and fruit of their being lost." For such sins the church is to be stripped of its worldly all!

The main leg of the House of Lords' decision, however, is undoubtedly the so-called "Establishment principle;" but on this point, also, it is easy to show that the English judges were entirely astray in their facts. It is the case—no one denies it—that the Disruption fathers did not separate from the state from any objections to Establishments *per se*. The Disruption documents—the "Claim of Right" and "Protest"—make this perfectly clear. They would at the time gladly have retained their Establishment status had it been secured on what they conceived to be right principle. But it is equally certain that once the decisive step had been taken of leaving the Establishment, they turned their backs forever—or the great majority of them did—on the idea of ever returning to it; it became to them, as they were wont to say, a mere "theoretical" opinion, applicable, perhaps, to the millennium, but of no present practical importance. They took pains to make it clear that they did not desire to bind their successors to this position—the new formula of 1846, e. g., expressly pledges office-bearers to the acceptance *only* of "the general principles" embodied in the claim and protest, "with respect to the spirituality and freedom of the church of Christ, and her subjection to him as her only Head, and to his word as her only standard"—and they turned their faces from the beginning towards union with their Dissenting brethren. The proof of this is overwhelming, and may be gathered from the utterances of Chalmers, Guthrie, Cunningham, Candlish, Buchanan and most who were, or came to be, regarded as leaders. We have only room for one or two specimens, but they will probably suffice. Addressing a great meeting in commemoration of the bi-centenary of the Westminster Assembly at Edinburgh, in July, 1843, (within two months of the Disruption) Dr. Chalmers took exception to a motto which some had fathered on himself—"Co-operation without incorporation" (i. e. with Dissenters,) and said:

"Therefore, without saying roundly and universally, 'co-operation without incorporation,' . . . I would substitute for these words, 'co-operation now, and this with the view, as soon as may be, to incorporation after-

wards.' " He asked why, in the name of common sense, two parties should suspend their duty, common to both, because they chose to differ in opinion respecting the duty of a third party (the State) who has no connection with either of them; and went on to say:

"We assuredly stand as hopelessly dissevered from the party in question, and have as little hope of being restored to a connection with them, as if there had sprung up betwixt us an immovable wall of brass 1,000 cubits high. . . . so that the question now resolves itself into this, will there, or will there not, be religious establishments in the days of the millennium? To me, at least, it seems the clear path both of wisdom and duty, just to leave that question for the millennium itself to settle when the millennium comes; and meanwhile, do all we can to speed forward those millennial days."

The next example will interest Americans. Dr. Wm. Cunningham was sent in 1843 to America to plead the cause of the Free Church, and expound its principles. Before extending help, however, the American churches desired to know the position of the Free Church on the connection of church and state. In answer Dr. Cunningham wrote that "the question of national establishments is, with the views and in the circumstances of the Free Church, a purely theoretical one," and declared that the improbability of re-establishment "was so great as practically to amount in our judgment, to an impossibility." On this express ground, as the American (New Jersey) minute shows, many thousands of pounds were contributed. On Dr. Cunningham's return he gave a report of his mission to the Assembly (1844), in which he said:

"I find a very general admission of the great scriptural principle for which we contend, that in virtue of the principles embodied in God's Word the obligation is laid on rulers and nations to have regard to the moral government of God as supreme and to the welfare of the Church of Christ. The general admission of this doctrine is all we care about."

Of course, *on this point* there was no divergence of view (as the later "Articles of Agreement" show) be-

tween the Free Church and the Voluntary United Presbyterian Church.

Only one other testimony may be given. The Claim of Right and Protest were drafted by Mr. Murray Dunlap. This gentleman has left his emphatic witness to the meaning of these documents. "That term ('establishment principle')," he said, "in no way described the principles for which this church contended."

"It was a result in certain circumstances which they thought lawful, that the State should endow a Church; but as to considering their principle as in any degree necessarily connected with the establishment of the Church, nothing could be further from their view, and nothing could give a more false notion of their principles than by so representing them."

The sheet-anchor of the judges in the House of Lords was the moderator's address of Dr. Chalmers at the Disruption assembly, in the course of which he declared, "We are not voluntaries" (which everybody knows). This address, it was held, being ordered to be printed and circulated, was an authoritative document on the constitution of the church—the "prospectus" of the Free Church. In point of fact, the address was printed only as part of the whole proceedings, just as was done in many succeeding years; but the Church in ordering a moderator's address to be printed never dreams of committing itself to every clause of it, or regards it as part of its constitution! In this particular case, Dr. Chalmers' remark gave not a little offence, and he publicly explained within 48 hours after that his meaning had been quite misapprehended. But to the English Lords, who, as their questions in the case showed, were in blissful ignorance of the most elementary facts as to the nature and procedure of a Scotch General Assembly, the order to print was sufficient to erect the address into a fundamental constitutional charter of the Free Church!

As respects the period subsequent to the Disruption, it could not be denied that the feeling against State Establishments constantly grew and strengthened in the Free Church—the strongest protests being year by year made against the continuance of the existing establish-

ment, and demands being formulated for full religious equality. The "Establishment principle," in short, had no more to do with the actual life and work of the Free Church from the hour of the Disruption, than if it had belonged to the politics of the moon! Yet the decision rests on the idea that the Church was a trust company, expressly constituted to float this particular "principle," and unalterably bound to it! It is safe to say that a greater travesty of facts, with more serious consequences, has never been known in history.

Another point on which the Lords went seriously astray was in the assumption that the funds and property of the Free Church had been created in 1843—at the commencement of the history of the Church—on the basis of this imaginary "prospectus." "The great majority of the property," said the Lord Chancellor, "I suppose, was settled at the time of the Disruption," and, when offered proof to the contrary: "Be it so; but do not let us waste time on what is really immaterial." Immaterial! A large part of the case for the Free Church is that by far the greater part of its funds and property are of comparatively recent creation, and are the product of the liberality of those who were in heartiest sympathy with the aims and policy of the union, and would utterly have repudiated the narrow and reactionary ideas of the minority. The Free Church, at the commencement, had no opportunity of accumulating funds; what it received perished in the using. By the time funds began to be accumulated, the spirit of union was in the air, and as the two churches grew closer, the funds still mounted up and up. Only a few figures can be given in illustration. Taking the eight principal funds of the church (by no means the whole) the progress is as follows: In 1853, total £14,999; in 1863, when union negotiations began, £83,545; in 1873, £181,953; in 1883, £397,754; in 1893, £710,844; in 1900 (the eve of union,) £824,344. These are the funds, the majority of which was supposed to be subscribed in 1843 on an Establishment "prospectus," and for that reason are now taken from the church that created them, and given to a company who contributed nothing to them, but were largely aided or supported out of them! Many of the donors are

living persons, compelled to submit to the humiliation of seeing their property thus alienated. As one example: in the city of Glasgow, a few years before the union, the sum of £137,000 was raised for the building of extension churches; but of this sum it is ascertained that only *fifteen guineas* were subscribed by members of the minority, to whom the whole property of the Church, both general and congregational, has been handed over!

The judgment now described was a reeling blow to the Church, but the effect of it has been surprising. So far from weakening or destroying the Church of the union, as perhaps some secretly hoped, and others feared it would, it braced and united the Church as nothing else could have done. For one thing it proved the reality of the union. People had doubted whether the union was more than nominal, had ascribed it to ecclesiastical policy and intrigue; had predicted that it would fall to pieces at the first touch of trial. This blow of the House of Lords raised it at once in the eyes of the world to the rank of a splendid fact. With astonishing fortitude, the Church stood fast to its avowed principles, and declared itself ready to sacrifice everything for the sake of spiritual liberty, and its testimony to a free gospel. Hardly a minister, not a missionary, not a professor, not a student in the three colleges, only one probationer—and he a United Presbyterian—deserted the ranks. The congregations stood firm, with only units here and there breaking off. The Highland ministers and their people, on whom the brunt of the stroke fell, nobly bore the sacrifice imposed on them in having to leave churches and manse, forcibly seized or taken from them by decree of the law courts. A great convocation meeting held in Edinburgh attended by ministers and people from all parts of the country, displayed unbounded courage and hope. An Emergency Fund, which had been started to meet immediate needs—for all invested funds and endowments had been impounded—rapidly rose towards the sum aimed at, £100,000.* The membership of the Church increased. December 31st, 1900, the membership of the United Church stood at 502,972—in its

It was announced on March 1st that the emergency fund amounted to the large sum of £132,000 and was still in progress.

Free Church section at 301,685—*being actually 5,601 more than at December 31st, 1899*, the last return before the union. It is difficult to obtain reliable statistics of the minority, but it may number from 4,000 to 5,000 communicants, mostly in the Highlands. It boasts of some 60,000 adherents, but these figures, as the statistics of loss of the United Free Church show, are quite mythical. In many places where three or four churches are claimed, its adherents are only a few score persons—in some quarters it is hard to discover them at all.

The one thing obvious to everybody from the beginning was that, whatever, the law courts might decree, it was utterly impossible for the minority to administer more than the merest fraction of the vast trust committed to it. They could not fill the pulpits; they could not utilize the churches; they had not professors or students to occupy the colleges; they could do nothing to work the missions. The only chance of the work of the church going on was by the United Free Church continuing to do it. There was the strongest call, therefore, for some equitable arrangement which might redress, in part at least, the wrong that had been done, and secure that the work of the church would not suffer. This, however, was not to be. The only minds into which no glimmer of the inequity that had been perpetrated seemed to enter, were those of the victorious minority. The law had given them possession, and they meant to keep it, and part with nothing they could by any means hold. From first to last their position has been that defined in the words of their moderator—"Not a stick or a stone." If there is any part which they find, after years of trial, they cannot use, let it be disposed of as the state wills, but, if possible, let it *not* be given back to the United Free Church. After the decision, attempts were made to reach a reasonable basis of settlement with the minority by means of conferences. These, however, were wrecked by the uncompromising determination of the smaller body to yield nothing. Temporary possession of certain colleges, churches, etc., might be granted, on condition that nothing was taught or preached contrary to the "dogmatic teaching" of the trust, "as enunciated by the House of Lords!" In particular, demand was

made for the possession of the fine group of buildings on the Mound, Edinburgh, the assembly hall, the college buildings, the magnificent library of the college, the church offices. The assembly hall had been recently enlarged and adapted for the purposes of a church of half a million members; but this "legal" church of some 30 ministers claimed its exclusive use—and, through decree of the law courts, which ground out remorselessly the music of the superior decision, *got* it, with the college, and all the other buildings. The United Free Church College was now dispossessed, but, happily, found temporary shelter within the hospitable walls of the University. The legal "Free Church" then set up its own institution—a college, with a staff of one professor, aided by lecturers got in to help, (a Reformed Presbyterian, a quondam Baptist minister, a professor from the "Original Seceders," a lecturer on Scotch Church History one day a week), and some 14 "students"—nine Scotch and five Irish. But of the Scotch students it is understood that not one has passed a university preliminary examination, or taken a university arts course, as required by the laws of the Church, and the continued allegiance of the Irish students is extremely doubtful. On these aspirants valuable bursaries and scholarships, without academic qualification, have been squandered; while those for whom these aids and rewards were designed are deprived of their use. This may seem an unrelieved picture of sordid unreasonableness to draw of the minority. It is only fair to say, however, that, while it is true to the letter of the leaders, and real dictators of the policy of the body, there are individuals in the "Free Church" camp of better spirit, who, if they had their way, would willingly come to a reasonable understanding. But their influence thus far in the counsels of the party has been absolutely null. In public, the attacks upon the United Free Church are directed chiefly against its alleged "mutilation" of the Bible—as to which the most outrageous statements are made. This subject was never mentioned in the case before the House of Lords.

Manwhile the force of public opinion, combined with the manifest inability of the legal church to administer

the trust, moved the government to take action, and, after consultation with both sides, but not with the free consent of the minority, steps were taken to appoint a royal commission—or rather two commissions; one, the main commission, consisting of Lord Elgin, (chairman) Lord Kinnear and Sir Ralph Anstruthe, to “inquire into all the facts of the case,” and frame proposals which may be a basis for legislation; the other, a “one-man” commission, consisting of Sir John Cheyne, to make temporary arrangements, by consent of parties, till such proposals are matured. The minority had in the interval lost no opportunity of “making hay” by pressing their claims in the law courts, which, working out the judgment of the higher court, gave them nearly all they asked. The commissions, too, are necessarily limited in their powers by the fact that the judgment of the House of Lords—inequitable as it is—is throughout assumed as settling the question of right. Indeed, on this ground, Lord Elgin’s commission ruled out at the commencement all evidence on the “intentions of donors,” though this is a vital part of the “facts” to be inquired into. Sir John Cheyne, in like manner, has awarded to the Free Church buildings to which, on no ground of equity, they have any right—this to the dispossession of the congregations which, in some cases, built the churches, and alone are able to utilize them. With experience of success, the claims of the minority have steadily increased, till now they actually claim over 300 churches, many of them, as said, in places where they have not a shadow of a real congregation. As these commissions have not yet completed their work, we refrain from further comment. The evidence that is being accumulated must ultimately open the eyes of the public to many points in the case on which most are even yet very imperfectly informed.

In fine, we do not hesitate to say that the recent judgment, in its grounds and its effects, is an outrage on all justice—a new persecution of the Church in these Realms such as could hardly have been believed possible under free institutions in the 20th century. That it will be overruled for good no one doubts, but the trial is severe. Doubtless the Church needed such purifying. But the

things for which it has been called to suffer are not its faults, but the things which are its glory—its aspirations after Christian union, its testimony for a free gospel of God's grace to mankind and for the inherent spirituality and freedom of the church, its refusal to let a mere figment of theoretical opinion like the so-called "Establishment principle," stand between it and the accomplishment of a great Christian duty. The United Free Church has gained vigor, elasticity, confidence in the future from its baptism of fire; if the legal "Free Church" is the heir to anything in the old Free Church, it is to its mistakes and prejudices.