words "primary authority;" but it did not occur to him that it was a difficulty in the way of their Lordships judging in this case, or a difficulty to which their Lordships could listen. It was an anomalous thing to sanction two forms for the celebration of the same sacrament; but when that was done the Church must give its authority for the use of each. It was not necessary that the Church should declare her preference for the one or the other, but that might be done; and the very utmost that might be said of these words "primary authority" was that the Church declared a preference. If there was a difference between the two as to the way in which the prayers were expressed, there would be room for a preference. He did not know but that the word "primary" might here be used as meaning only first in time; nor did he know the exact meaning of the word "authority" as it was here used. It might mean estimation, character, weight, or credit. Now, what was the meaning of the declaration in the article quoted in the canons, that it was an inherent power of the Church to ordain or abolish ceremonies or rights, except that the ceremonies and rights which were proper and according to sound policy at one time, and in a certain condition of the Church and men's minds, might not be so at another; and therefore it was in the power of the authority who ordained them to change and abolish them? The one office might be abolished, not because it was bad, but because the Church liked the other better. What was to prevent them forming a different opinion in 1863? The interval was a very great one from 1811 to 1863; and the preference, which was just and right, and according to the best interests of the Church, might be very greatly reversed in 1863. He believed that the expression "primary authority" was introduced in 1804 or 1811 very much as a matter of mere courtesy to two very distinguished men, by whom it was understood the words were first employed — namely, Mr Addison and Bishop Horsley. The Church still sanctioned the use of both offices, but they dropt the expression, which meant a preference of the one over the other; and Mr Forbes said that that was a violation of his civil rights, and that he was entitled to have it reduced as being a civil injury done to him. Now, that was really so idle a proposition on the part of the pursuer that he should not refer to it farther. The difficulty had occurred with respect to new congregations, as to whether they might adopt the English office at first, or adopt the Scotch first, and then apply to the bishop to change it. The Church in 1863, taking the matter into anxious consideration, urged to it by such pamphlets as those proceeding from quarters entitled to weight, such as Dean Ramsay, Bishop Ewing, and others, addressed themselves to the consideration of this matter; and they allowed the use of either the one or the other, according to the opinion of the incumbent and the majority of the congregation. But Mr Forbes said he had a civil interest, not merely that he should be permitted to use that which, on the whole, he preferred, but that he had a civil interest that the whole Church should have a preference for that one also. But the Church, which had a preference in 1811 and 1838 for that form, had not that preference now. The pursuer said that he might be exposed to deposition by the existence of these canons. How? He was going to violate them. He was not going to adopt the Book of Common Prayer of the Church of England—the sealed book adopted by the Scottish Episcopal Church. He was not going to follow it in the baptismal service and some others, and he would thereby be going in the face of the Church which had ordained these things to be used. He might be visited by Church censure. Really, what strange talking this was! Was the Church in 1863 not to be at liberty to ordain any ceremonies and rights it pleased—to ordain ceremonies as recorded in the Book of Common Prayer of the Church of England, instead of preparing new ceremonies and rights for itself? Certainly it was. Their Lordships could not listen to the suggestion that Mr Forbes had it in view to fly in the face of his ecclesiastical superiors; they could not hear him when he ventured to suggest that in this matter of ceremonies and rights ordained by man's authority he would ask their Lordships to interfere for his protection whatsoever. This now left him only one matter to which it was in the least degree necessary to refer; and that was the damages which the pursuer sought in this action, because the bishop of the diocese to which he belonged had refused to license a curate. It was the strangest proposal he had heard in this Court, that the law of Scotland should give him a right to license a curate. It was perfectly lawful, no doubt, to have a curate—lawful in the same way that things in other departments were lawful. There were kindness, courtesy, hospitality, and a great many other things, that were very lawful, very laudable, and very important, which a man might benefit from having, and might suffer from being denied, but in regard to which a court of civil jurisdiction could give him no assistance at all. If the bishop of his diocese had good reasons or bad reasons for refusing to license a curate for him, what in the world had the law of Scotland to do with that? Their Lordships were administering the law of Scotland, and they could not award anything but what the law permitted. It might not be wisdom on the part of a bishop not to license a curate who had a beard, or who did not have a beard, or one who belonged to a temperance society, or who did not belong to a temperance society, or would not subscribe the canons; but with these matters of wisdom or good taste he supposed their Lordships had no concern. Their Lordships might, as members of the public, condemn such conduct; but in this, one of the established tribunals of the country, what had they to do with a curate at Burntisland or whether the Bishop of St Andrews licensed him or not? If it was the misfortune of Mr Forbes to differ so much from his brethren that he would not approve of the canons, what could their Lordships do? They might tell him that they were sorry that his views were not in harmony with those of his neighbours; but they could do nothing for him in a court of law. Their Lordships never could have any concern with the rules of any voluntary ecclesiastical body except when property came to be the question, a man's reputation, or civil rights of any kind. Where a question related to a house, that was a matter of title; if it related to money, that might be a matter of contract; and their Lordships would consider that in the usual way. He concluded by saying that there was no ground for the present action, and that it was quite unmaintainable.

The case was taken to avizandum.

Tuesday, Nov. 14.

SUSP.—PEARSON *v.* LOCKHART.

In this case, which is a suspension of a charge for payment of a sum of money said to be due under a decree of the Court of Session, the Court ordered an issue.

DONALDSON *v.* FINDLAY, BANNATYNE, AND CO.

This case was to-day, after a full argument, taken to avizandum.

FIRST DIVISION.

PETN.—AGNES ELLES AND OTHERS FOR REMOVAL OF A TRUSTEE.

Counsel for Petitioners—Mr Scott and Mr Rhind. Agent—Mr A. Guthrie, S.S.C.

Counsel for Respondent—Mr Burnet. Agent—Mr John Thomson, S.S.C.

This is an application for the removal of Alexander Campbell, Saltcoats, from the office of trustee