

If so, what estimate must we form of the view taken by Lord Cuninghame in his last note? The Church has never yet disputed that the *judicial* sentence of the civil court may legitimately effect a separation between HER *spiritualities* and the *temporalities* of the State; but this, she contends, is the utmost extent to which any such *legitimate* decision can affect her; and in proof of the doctrine, she appeals not only to the statutory enactments in which it is embodied, but also to the opinions on the subject of all the great Scotch lawyers and more eminent Judges of the last century,—men who lived under the direct influence of the immensely important events by which the Constitution of the country had been ultimately fixed at the Revolution and the Union. “There appears to be little doubt,” says his Lordship, in reply, “that at a certain period in the last century, when ecclesiastical questions first were the subject of discussion in our courts, an opinion *was* entertained by lawyers of learning and reputation, such as Lord Prestongrange, Mr Crosbie, and others, that such a separation was in certain cases legitimate and competent, and admitted of no remedy in this court. But, able as the persons were, *they had not the benefit of the anxious and elaborate arguments which the questions have undergone in modern times*, and which have thrown a light on cases of this nature that writers at no former period enjoyed.” Surely we may be permitted to exclaim, “O, unhappy lawyers of the last century!—hapless Henry Home, unlucky Duncan Forbes, unfortunate Monboddo, ill-fated Dreghorn!—O, ye Dundases, Cullens, Crosbies, and Prestongranges,—why were ye all born a hundred years too soon? Poor blind gropers in quest of truth,—men of deficient law and slender intellect,—why were you not fated to imbibe wisdom from the philosophic notes of my Lord Cuninghame, and to inhale at once wit and knowledge from the lucid and sparkling speeches of my Lord Justice-Clerk Hope? Thou, O Kames! hadst thou but lived